

*Iowa Laws, Statutes, etc.*

State of Iowa  
1963

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

## Sixtieth General Assembly

OF THE

## STATE OF IOWA



CHARLES W. BARLOW  
CODE EDITOR

WAYNE A. FAUPEL  
DEPUTY CODE EDITOR

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Published by the  
STATE OF IOWA  
Des Moines





# CERTIFICATE

STATE OF IOWA  
Office of Code Editor

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



June, 1963.

Section 622.59 of the 1962 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."

## EDITOR'S NOTE

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

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

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

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## STATE ROSTER

List of elective state officers, judges of the supreme, district, superior and municipal courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of Session Laws for the Sixtieth General Assembly in accordance with the requirements of Code section 14.10 (3), 1962 Code of Iowa.

### OFFICERS, COMMISSIONS AND BOARDS

#### ELECTIVE OFFICERS

Name and Office	County from which originally chosen
<b>GOVERNOR</b>	
Harold E. Hughes.....	Ida
<b>LIEUTENANT GOVERNOR</b>	
W. L. Mooty.....	Grundy
<b>SECRETARY OF STATE</b>	
Melvin D. Synhorst.....	Sioux
<b>AUDITOR OF STATE</b>	
Chet B. Akers.....	Wapello
<b>TREASURER OF STATE</b>	
M. L. Abrahamson.....	Boone
<b>SECRETARY OF AGRICULTURE</b>	
L. B. Liddy.....	Van Buren
<b>ATTORNEY GENERAL</b>	
Evan Hultman.....	Black Hawk
Oscar Strauss, First Assistant.....	Polk
Wilbur N. Bump, Solicitor General.....	Polk
Frank D. Bianco, Assistant.....	Polk
John H. Allen, Assistant.....	Warren
Bruce M. Snell, Assistant.....	Polk
Brice C. Oakley, Assistant.....	Polk
William J. Yost, Assistant.....	Polk
George J. Knoke, Assistant.....	Pottawattamie
George W. Murray, Special Assistant.....	Polk
Theodor W. Rehmann, Jr., Special Assistant.....	Polk
C. J. Lyman, Special Assistant.....	Story

## APPOINTIVE OFFICERS

Name and Office	City or town from which originally chosen	Term Ending
<b>ACCOUNTANCY BOARD</b>		
Willard J. Hunzelman.....	Storm Lake .....	June 30, 1964
Waldo E. Brooks.....	Dubuque .....	June 30, 1966
Lloyd Bock.....	Des Moines .....	June 30, 1965

### ADJUTANT GENERAL

Major General Junior F. Miller.....	Des Moines .....	June 30, 1967
Col. Donald B. Johnson, Assistant .....	Des Moines .....	

### ADVISORY INVESTMENT BOARD

(Iowa Public Employees Retirement System)

William F. Poorman.....	Des Moines .....	June 30, 1965
George Foerstner.....	Amana .....	June 30, 1969
Dale K. DeKoster.....	Melbourne .....	June 30, 1967
Senator Howard Buck		
Representative A. L. Mensing		

### AERONAUTICS COMMISSION

Roy C. Smith .....	Columbus Junction .....	June 30, 1965
R. K. Belt .....	Red Oak .....	June 30, 1967
Ray Nyemaster.....	Des Moines .....	June 30, 1967
George O. Bryant.....	Emmetsburg .....	June 30, 1969
Norbert Baltes.....	Charles City .....	June 30, 1969
Frank Berlin, Director.....		

### APPEAL BOARD

(Public Contracts and Bonds)

Chet B. Akers.....	Auditor of State
M. L. Abrahamson.....	Treasurer of State
Marvin R. Selden, Jr.....	Comptroller

### APPEAL BOARD

(Education, Control and Fair Board Contracts)

Marvin R. Selden, Jr.....	Comptroller, Chairman	
Albert A. Augustine .....	Des Moines .....	June 30, 1967
Arthur L. Johnson .....	Ida Grove .....	June 30, 1965

### ARCHITECTURAL EXAMINERS

Charles V. Richardson.....	Davenport .....	June 30, 1966
Stanford Griffith .....	Fort Dodge .....	June 30, 1966
Harold F. Bianco .....	Mason City .....	June 30, 1966
Gerald I. Griffith.....	Des Moines .....	June 30, 1967
Oswald H. Thorson.....	Waterloo .....	June 30, 1967
Eugene O'Neil .....	Des Moines .....	June 30, 1967

### ARMORY BOARD

(Appointed by the Armory Advisory Council)

Lieutenant General Ray C. Fountain .....	Des Moines	Pleasure of the Governor All indefinite
Mr. Lumund Wilcox .....	Jefferson	
Mr. Robert L. Brice .....	Waterloo	
Major General Walter L. Anderson .....	Boone	
Brigadier General Roger W. Gilbert .....	Des Moines	
Colonel Fred W. Tinker .....	Sioux City	
Lieutenant Colonel Roger J. Harrison .....	Clinton	
Brigadier General Harry E. Stedman .....	Des Moines	
Major General Frank P. Williams .....	Cedar Falls	
Major General Junior F. Miller .....	Des Moines	
Chairman of the Board		

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>STATE BANKING BOARD</b>		
Clay W. Stafford .....	Ames .....	June 30, 1965
William A. Kneeland .....	Postville .....	June 30, 1965
Max Von Schrader .....	Ottumwa .....	June 30, 1965
Herbert Knuth .....	Holstein .....	June 30, 1965
Ralph McGee .....	Osceola .....	June 30, 1965
<b>BASIC SCIENCE</b>		
Dr. Leland P. Johnson .....	Des Moines .....	June 30, 1967
Dr. W. Bernard King .....	Ames .....	June 30, 1967
Rev. Warren E. Nye .....	Dubuque .....	June 30, 1965
George M. Robertson .....	Grinnell .....	June 30, 1965
Elmer W. Hertel .....	Waverly .....	June 30, 1969
John P. Hummel .....	Iowa City .....	June 30, 1969
<b>IOWA BONUS BOARD</b>		
R. J. Laird, Department Adjutant, American Legion, Chairman		
Chet Akers, State Auditor		
M. L. Abrahamson, State Treasurer		
Major General Junior Miller, Adjutant General		
<b>CAR DISPATCHER</b>		
H. E. Montgomery .....	Des Moines	At the pleasure of the Executive Council
<b>CIVIL DEFENSE ADMINISTRATION</b>		
J. Russell Steil .....	Mallard .....	June 30, 1967
Clifford Welch .....	Sioux City .....	June 30, 1967
Major General Frank P. Williams .....	Cedar Falls .....	June 30, 1967
Nicholas A. Scholtus .....	Cedar Rapids .....	June 30, 1967
Mrs. Paul E. Lefton .....	Des Moines .....	June 30, 1967
Richard C. Clark .....	Fayette .....	June 30, 1967
Ivan H. Goddard .....	Muscatine .....	June 30, 1967
Jack G. Silverman .....	Fairfield .....	June 30, 1967
Kenneth Thatcher .....	Des Moines .....	June 30, 1967
<b>CLERK OF THE SUPREME COURT</b>		
Helen Lyman .....	Des Moines	Dec. 31, 1966
<b>CODE EDITOR</b>		
Charles W. Barlow .....	Mason City	Dec. 31, 1966
Wayne A. Faupel, Deputy .....	Clear Lake	
<b>COMMERCE COMMISSION</b>		
Bernard J. Martin .....	Des Moines	June 30, 1969
Waldo Wheeler .....	Des Moines	June 30, 1967
Frank B. Means .....	Manilla	June 30, 1965
<b>COMMISSION FOR THE BLIND</b>		
Dr. A. R. Winter .....	Fredericksburg	June 30, 1964
William S. Wimer .....	Des Moines	June 30, 1965
Mrs. Alvin H. Kirsner .....	Des Moines	June 30, 1966
Kenneth Jernigan, Director .....	Des Moines	
<b>COMPTRROLLER</b>		
Marvin R. Selden, Jr. ....	Des Moines	At the pleasure of the Governor

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>CONSERVATION COMMISSION</b>		
Earl Jarvis .....	Wilton Junction .....	June 30, 1965
Sherry R. Fisher .....	Des Moines .....	June 30, 1965
Robert E. Beebe .....	Sioux City .....	June 30, 1967
Ed Weinheimer .....	Fontanelle .....	June 30, 1967
Mike F. Zack .....	Mason City .....	June 30, 1969
Rev. Laurence N. Nelson .....	Bellevue .....	June 30, 1969
Dr. N. K. Kinney .....	Ida Grove .....	June 30, 1969
....., Director .....		
<b>BOARD OF CONTROL</b>		
Jim O. Henry .....	Carson .....	June 30, 1965
Corbin Crawford .....	Ainsworth .....	Feb. 1965
Carroll Price .....	Knoxville .....	June 30, 1967
M. J. Brown, Administrative Assistant		
<b>EMPLOYMENT AGENCY COMMISSION</b>		
Melvin D. Synhorst .....	Secretary of State	
Harry W. Dahl .....	Industrial Commissioner	
Clarence D. Daily .....	Labor Commissioner	
<b>EMPLOYMENT SECURITY COMMISSION</b>		
Jerome W. Corbett .....	Sioux City .....	June 30, 1965
Henry E. Carter .....	Burlington .....	June 30, 1969
Ross M. Carrell .....	Des Moines .....	June 30, 1967
M. L. Abrahamson, Treasurer of State	Ex-officio	
<b>ENGINEERING EXAMINERS</b>		
Ralph H. Wallace .....	Mason City .....	June 30, 1967
Marvin O. Kruse .....	Spencer .....	June 30, 1967
L. M. Clauson .....	Ames .....	June 30, 1967
Herbert O. Ustrud .....	Ames .....	June 30, 1965
Joseph M. Dean .....	Des Moines .....	June 30, 1965
W. C. Wellman, Secretary		
<b>EXECUTIVE COUNCIL</b>		
Harold E. Hughes, Governor .....	Ida Grove .....	January, 1965
Melvin D. Synhorst, Secretary of State .....	Orange City .....	Jan. 2, 1965
Chet B. Akers, Auditor of State .....	Ottumwa .....	Jan. 2, 1965
M. L. Abrahamson, Treasurer of State .....	Boone .....	Jan. 2, 1965
L. B. Liddy, Secretary of Agriculture .....	Keosauqua .....	Jan. 2, 1965
W. C. Wellman, Secretary		
<b>FAIR BOARD</b>		
Lyle R. Higgins, President .....	Harlan	
H. M. Duncan, Vice President .....	Columbus Junction	
Kenneth R. Fulk, Secretary .....	Des Moines	
William J. Hitz, Treasurer .....	Polk City	
Howard Waters .....	Danville	
C. J. Matthiessen .....	Monticello	
George E. Janssen .....	Eldora	
C. C. Wagler .....	Bloomfield	
W. L. Yount .....	Altoona	
Jean M. Kleve .....	Humboldt	
G. W. Prince .....	Guthrie Center	
Harold E. Hughes, Governor of Iowa .....	Des Moines	
James H. Hilton, President, Iowa State University	Ames	
L. B. Liddy, Secretary of Agriculture .....	Des Moines	
<b>FIRE MARSHAL</b>		
R. J. Straup		

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>GEOLOGICAL BOARD</b>		
Harold E. Hughes, Governor		
Chet B. Akers, Auditor of State		
Virgil M. Hancher, President, State University of Iowa		
J. H. Hilton, President, Iowa State University		
James W. Kercheval, President, Iowa Academy of Science, State College of Iowa		

**GEOLOGIST**

Dr. H. Garland Hershey .....	Iowa City	At the pleasure of the Geological Board
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**BOARD OF HEALTH****Ex-officio Members:**

Harold E. Hughes, Governor  
 Melvin D. Synhorst, Secretary of State  
 Chet B. Akers, Auditor of State  
 M. L. Abrahamson, Treasurer of State  
 L. B. Liddy, Secretary of Agriculture

**Members:**

Dr. Donald C. Konzett .....	Dubuque .....	Jan. 10, 1965
Dr. Franklin H. Top .....	Iowa City .....	Jan. 10, 1965
John D. Caulfield, M. D. ....	New Hampton .....	Jan. 10, 1965
Dr. Paul D. Pederson .....	Council Bluffs .....	Jan. 10, 1965
Dr. Edmund F. Tierney .....	Sioux City .....	Jan. 10, 1965

**COMMISSIONER OF HEALTH**

Vacancy

**HEALTH DEPARTMENT****PRACTICE ACT EXAMINING BOARDS***Barber Examiners*

Aldin E. Morehouse .....	Cedar Rapids .....	June 30, 1964
Clarence E. Wright .....	Sioux City .....	June 30, 1966
Dennis D. Boldra .....	Shenandoah .....	June 30, 1965

*Chiropractic Examiners*

Dr. George T. Lammers .....	Iowa Falls .....	June 30, 1964
Dr. M. O. Hoogestraat .....	Parkersburg .....	June 30, 1965
Jack Droz .....	Wellman .....	June 30, 1966

*Cosmetology Examiners*

Lucille A. Rasmussen .....	Sioux City .....	June 30, 1966
Mrs. Lucille Nielsen .....	Mason City .....	June 30, 1964
Mary Henniges .....	Davenport .....	June 30, 1965

*Dental Examiners*

A. M. Idema, D.D.S. ....	Sheldon .....	June 30, 1964
Dr. A. J. Halb .....	Dubuque .....	June 30, 1968
Morris B. Katzoff, D.D.S. ....	Cedar Rapids .....	June 30, 1965
Dr. LeRoy Larson .....	Fort Dodge .....	June 30, 1966
Dr. Carl Ostrem .....	Des Moines .....	June 30, 1967

*Embalmer Examiners*

John A. Christensen .....	Ida Grove .....	June 30, 1966
James Vander Ploeg .....	Sheldon .....	June 30, 1964
Joseph M. Conley .....	West Des Moines .....	June 30, 1965

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<i>Medical Examiners</i>		
J. W. Billingsley, M.D. ....	Newton .....	June 30, 1964
Frank R. Peterson, M.D. ....	Cedar Rapids .....	June 30, 1966
George H. Scanlon, M.D. ....	Iowa City .....	June 30, 1965
F. C. Coleman, M.D. ....	Des Moines .....	June 30, 1967
Otto Glesne, M.D. ....	Fort Dodge .....	June 30, 1968
James L. Coffey, M.D. ....	Emmetsburg .....	June 30, 1969
Ronald K. Woods, D.O. ....	Des Moines .....	June 30, 1965
Roger B. Anderson, D.O. ....	Sioux City .....	June 30, 1965
<i>Nurse Examiners</i>		
Etta Rasmussen .....	Iowa City .....	June 30, 1964
E. Frances Stoney, R.N. ....	Burlington .....	June 30, 1968
Sister Mary Annetta (Moloney) .....	Iowa City .....	June 30, 1966
Hazel M. Buhrman .....	Knoxville .....	June 30, 1967
Sister Mary Paul (Meier) .....	Sioux City .....	June 30, 1967
<i>Optometry Examiners</i>		
Dr. Paul R. Sears .....	Fort Dodge .....	June 30, 1966
Dr. Alfred Klein .....	Spirit Lake .....	June 30, 1964
Dr. Paul W. Thielking .....	Des Moines .....	June 30, 1965
<i>Podiatry Examiners</i>		
Dr. Gerald L. Smith .....	Waterloo .....	June 30, 1966
Dr. E. S. Thompson .....	Davenport .....	June 30, 1964
Robert R. Carnes .....	Cedar Rapids .....	June 30, 1965

## IOWA HOSPITAL AND OTHER HEALTH FACILITIES

<i>Advisory Council</i>		
Benjamin F. Carter, Jr. ....	Forest City .....	June 30, 1965
Dr. John Schwartz, Sr. ....	Des Moines .....	June 30, 1965
Dr. Samuel Leinbach .....	Belmond .....	June 30, 1965
B. D. Fickess, R.N.B.A. ....	Nevada .....	June 30, 1965
Merrill E. Hunt .....	Des Moines .....	June 30, 1964
Mrs. Jay Tone, Jr. ....	Des Moines .....	June 30, 1964
James Anderson .....	Fort Dodge .....	June 30, 1964
C. N. Hyatt, Jr. ....	Corydon .....	June 30, 1964
Louis B. Blair .....	Cedar Rapids .....	June 30, 1967
Dr. H. B. Willard .....	Davenport .....	June 30, 1967
Dr. Richard J. Lynch .....	Des Moines .....	June 30, 1967
Dr. Jack B. Fickel .....	Red Oak .....	June 30, 1967
Mrs. Marjory O. Field .....	Waterloo .....	June 30, 1967
Leon Bondi .....	Davenport .....	June 30, 1966
Wendell Downing .....	Le Mars .....	June 30, 1966
Elmer Den Herder .....	Sioux Center .....	June 30, 1966
Marie E. Tener .....	Iowa City .....	June 30, 1966

## HIGHWAY COMMISSION

Everett Shockley .....	Council Bluffs .....	June 30, 1965
Harry J. Bradley, Jr. ....	Des Moines .....	June 30, 1965
John Falb, Jr. ....	Postville .....	June 30, 1967
Derby D. Thompson .....	Burlington .....	June 30, 1967
Robert C. Barry .....	Danbury .....	30 days after convening of the next G. A.

L. M. Clauson, Chief Engineer

## HISTORY AND ARCHIVES DEPARTMENT

Jack W. Musgrove, Curator .....	Des Moines
Suzanne Beisel, Editor of Annals .....	Des Moines



## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>HISTORICAL SOCIETY</b>		
Eugene Garbee .....	Fayette .....	June 28, 1964
Mrs. Margaret Hinderman .....	Washington .....	June 24, 1964
William Ferguson .....	Glidden .....	June 24, 1964
William Poinsett .....	Dubuque .....	June 24, 1964
William C. Jarnagin .....	Storm Lake .....	June 24, 1964
Helen Vanderburg .....	Shell Rock .....	June 24, 1964
Anna Lomas .....	Red Oak .....	June 24, 1964
Gregory Brunk .....	Des Moines .....	June 30, 1964
<b>INDUSTRIAL COMMISSIONER</b>		
Harry W. Dahl .....	Des Moines .....	June 30, 1967
<b>INSURANCE COMMISSIONER</b>		
William E. Timmons .....	Dubuque .....	June 30, 1967
<b>IOWA DEVELOPMENT COMMISSION</b>		
Paul Franzenburg, Jr. ....	Conrad .....	June 30, 1965
T. Joe Smith .....	Council Bluffs .....	June 30, 1967
Arthur Sanford .....	Sioux City .....	June 30, 1967
Hans Morgan .....	Clarinda .....	June 30, 1964
Richard O. Wilson .....	Clinton .....	June 30, 1964
Marvin Schmidt .....	Des Moines .....	June 30, 1966
James A. Flanagan .....	Boone .....	June 30, 1965
E. A. Hayes .....	Mount Pleasant .....	June 30, 1966
(Two members of each house of the 60th General Assembly to hold office until the convening of the next Legislative Session)		
Raymond Eveland		
Andrew G. Frommelt		
<b>JUDICIAL STATISTICIAN</b>		
Clarence A. Kading .....	Knoxville	At the pleasure of the Supreme Court
<b>LABOR COMMISSION</b>		
Dale Perkins .....	Urbandale .....	June 30, 1965
<b>LAW EXAMINERS</b>		
Evan Hultman, Attorney General, Chairman		
Lowell C. Kindig .....	Sioux City .....	June 30, 1964
Phillip H. Cless .....	Des Moines .....	June 30, 1964
David M. Elderkin .....	Cedar Rapids .....	June 30, 1965
Charles F. Swisher, Esq. ....	Waterloo .....	June 30, 1965
Jonathan B. Richards .....	Red Oak .....	June 30, 1964
<b>LIBRARY BOARD OF TRUSTEES</b>		
Harold E. Hughes, Governor		
T. G. Garfield, Supreme Court Justice		
Paul F. Johnston, Superintendent of Public Instruction		
Librarian, Law:		
Geraldine Dunham (Acting) .....		Des Moines
Librarian, Traveling:		
Ernestine Grafton .....		Des Moines
Librarian, Medical:		
Dr. Jeannette Dean-Throckmorton		
<b>LIBRARY</b>		
(Board of Trustees of State Traveling)		
Mrs. Jeanne Gee .....	Shenandoah .....	June 30, 1964
F. James Bradley .....	Cedar Rapids .....	June 30, 1968
Mrs. A. S. Wendel .....	Bronson .....	June 30, 1965
Mrs. J. H. Jones .....	Ainsworth .....	June 30, 1966
Mary Garvey .....	Boone .....	June 30, 1967

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>LIQUOR COMMISSION</b>		
Homer Adcock .....	Des Moines .....	June 30, 1965
Jay C. Colburn .....	Harlan .....	June 30, 1967
Walter E. Edelen .....	Garner .....	June 30, 1969
<b>MERIT SYSTEM COUNCIL</b>		
Ralph E. Kittinger .....	Des Moines .....	Dec. 31, 1963
Ben A. Henry .....	Des Moines .....	Dec. 31, 1964
Walter W. Moeller .....	Bettendorf .....	Dec. 31, 1965
<b>MINE INSPECTOR</b>		
W. Dean Aubrey .....	Ottumwa .....	June 30, 1967
<b>STATE MINING BOARD</b>		
Dr. H. L. Olin .....	Iowa City .....	June 30, 1964
A. Everette Erskine .....	Ottumwa .....	June 30, 1964
J. R. Hamm .....	Centerville .....	June 30, 1964
Nels G. Grandquist .....	Des Moines .....	June 30, 1964
Cecil Wilkinson .....	Knoxville .....	June 30, 1964
<b>MISSISSIPPI RIVER PARKWAY PLANNING COMMISSION</b>		
Charles H. Young .....	Muscatine .....	June 30, 1965
C. E. Dove .....	Dubuque .....	June 30, 1965
Mrs. Stanley Hart .....	Keokuk .....	June 30, 1965
Art Johnson .....	Waukon .....	June 30, 1965
James F. Lischer .....	Davenport .....	June 30, 1965
George C. Aschom .....	Lansing .....	June 30, 1965
<b>NATURAL RESOURCES COUNCIL</b>		
Stanley R. Haynes .....	Mason City .....	June 30, 1965
L. Guy Young .....	Bedford .....	June 30, 1965
J. R. Downing .....	Indianola .....	June 30, 1969
Clifford N. Naser .....	Fort Dodge .....	June 30, 1967
Dr. H. Garland Hershey .....	Iowa City .....	June 30, 1967
William G. Murray .....	Ames .....	June 30, 1965
Joseph W. Howe .....	Iowa City .....	June 30, 1967
Louis P. Culver .....	Dunlap .....	June 30, 1969
J. Justin Rogers .....	Spirit Lake .....	June 30, 1969
<b>PAROLE BOARD</b>		
Harold L. Martin .....	Hamburg .....	June 30, 1965
William W. Parker .....	Waterloo .....	June 30, 1967
Fred H. Moore .....	Spencer .....	June 30, 1969
R. W. Bobzin, Secretary .....		
(Appointed Administrator Interstate Parole and Probation Compact—January 12, 1961)		
<b>PERMIT BOARD</b>		
Melvin D. Synhorst, Secretary of State		
Chet B. Akers, Auditor of State		
X. T. Prentis, State Tax Commission		
<b>PERSONNEL DIRECTOR</b>		
Robert E. Conner .....	Des Moines .....	Indefinite
<b>PHARMACY EXAMINERS</b>		
Wilbert J. Boortz .....	Council Bluffs .....	June 30, 1964
Clarence B. Caldwell .....	Pella .....	June 30, 1966
Charles A. Hughes .....	Emmetsburg .....	June 30, 1965
R. A. Windrath, Secretary		

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>PRINTING BOARD</b>		
Melvin D. Synhorst, Secretary of State .....	Ex-officio	
Chet B. Akers, Auditor of State .....	Ex-officio	
Evan Hultman, Attorney General .....	Ex-officio	
LeRoy E. Vanderwicken .....	Grundy Center	June 30, 1965
Dwight Purcell, Jr. ....	Hampton	June 30, 1964
S. E. Tennant, Superintendent .....	Colfax	
Carl Ball, Ass't. Superintendent .....	Mystic	
<b>PUBLIC INSTRUCTION</b>		
Sherman W. Hirschler, 1st District .....	Fairfield	Jan. 2, 1968
C. W. Antes, 2nd District .....	West Union	Jan. 2, 1968
Harry Reed, 3rd District .....	Waterloo	Jan. 2, 1964
Sterling Martin, 4th District .....	Melrose	Jan. 2, 1964
Mrs. James Shanahan, 5th District .....	Des Moines	Jan. 2, 1966
C. D. Judd, 6th District .....	Thompson	Jan. 2, 1968
Delmar Busse, 7th District .....	Oakland	Jan. 2, 1966
Lester Menke, 8th District .....		Jan. 2, 1964
<b>SUPERINTENDENT OF PUBLIC INSTRUCTION</b>		
Paul F. Johnston .....	Des Moines	
Walter T. Edgren, Assistant Superintendent		
<b>COMMISSIONER OF PUBLIC SAFETY</b>		
William F. Sueppel .....	Iowa City	June 30, 1967
<b>REAL ESTATE COMMISSION</b>		
Melvin D. Synhorst, Secretary of State, Chairman		
Alton H. Sanders .....	Waterloo	June 30, 1965
George L. Towne .....	Des Moines	June 30, 1965
Stephen G. Darling .....	Iowa City	June 30, 1967
Gery M. Martin .....	Sioux City	June 30, 1967
Robert Eckman, Director		
<b>BOARD OF REGENTS</b>		
Maurice B. Crabbe .....	Eagle Grove	June 30, 1965
Mrs. Robert Valentine .....	Centerville	June 30, 1965
A. W. Noehren .....	Spencer	June 30, 1965
Mrs. Joseph Rosenfield .....	Des Moines	June 30, 1969
Wilbur C. Molison .....	Grinnell	June 30, 1967
John Chrystal .....	Coon Rapids	June 30, 1969
Melvin H. Wolf .....	Waterloo	June 30, 1969
Stanley F. Redeker .....	Boone	June 30, 1967
John C. Oberhausen .....	Dubuque	June 30, 1967
Finance Committee:		
Carl Gernetzky, Chairman .....	Des Moines	June 30, 1965
David A. Dancer, Secretary .....	Des Moines	June 30, 1965
<b>REPORTER OF SUPREME COURT</b>		
Charles W. Barlow, Reporter .....	Mason City	Dec. 31, 1966
Alice Foarde, Deputy .....	Des Moines	Dec. 31, 1966
<b>SOCIAL WELFARE BOARD</b>		
Marshall C. Jewell .....	Onawa	June 30, 1965
Mrs. Irene Mae Smith .....	Ottumwa	June 30, 1969
Lawrence Putney .....	Gladbrook	June 30, 1967
R. H. Whitlatch, Secretary		
Jacob B. Mincks, Advisory Member .....	Ottumwa	

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>SOIL CONSERVATION BOARD</b>		
Bryan Weberg .....	Kiron .....	June 30, 1969
M. Wayne Casey .....	Peterson .....	June 30, 1965
Wendell C. Pellett .....	Atlantic .....	June 30, 1967
Donald Johnson .....	Fairfield .....	June 30, 1965
Fred Cherry .....	Rowley .....	June 30, 1967
William H. Greiner, Executive Secretary Dean Floyd Andre, Iowa State University, Ames		
<b>SUPERINTENDENT OF BUILDINGS AND GROUNDS</b>		
Rex McMahill .....		At the pleasure of the Executive Council
<b>TAX COMMISSION</b>		
Andrew L. George .....	Waterloo .....	June 30, 1965
X. T. Prentis .....	Mount Ayr .....	June 30, 1967
Lynn Potter .....	Cresco .....	June 30, 1969
<b>UNIFORM STATE LAWS</b>		
Mason Ladd .....	Iowa City .....	June 30, 1964
Edward A. McDermott .....	Dubuque .....	June 30, 1964
Ingalls Swisher .....	Iowa City .....	June 30, 1964
<b>VOTING MACHINE COMMISSION</b>		
Edward S. McMillin .....	Ottumwa .....	Feb. 3, 1964
Joe H. Lane .....	Clinton .....	Feb. 3, 1964
Marvin Gould .....	Ames .....	Oct. 15, 1967
<b>WATCHMAKING EXAMINERS</b>		
Kenneth Waldruff .....	Griswold .....	June 30, 1966
Gerald Dougan .....	Waterloo .....	June 30, 1966
James R. Williams .....	Storm Lake .....	June 30, 1964
Lloyd A. Hambleton .....	Fort Dodge .....	June 30, 1965
Leo Langley .....	Williamsburg .....	June 30, 1965

## LEGISLATIVE INTERIM COMMITTEES

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 INTERIM COMMITTEES  
 60TH GENERAL ASSEMBLY

## BUDGET AND FINANCIAL CONTROL

*Senators*

C. Joseph Coleman, Clare  
 Robert R. Rigler, New Hampton  
 John D. Shoeman, Atlantic  
 Clifford Vance, Mount Pleasant  
 George E. O'Malley, Des Moines

*Representatives*

John Camp, Bryant  
 Keith Dunton, Thornburg  
 Marvin W. Smith, Paullina  
 Floyd P. Edgington, Sheffield  
 Casey Loss, Algona

## LEGISLATIVE RESEARCH

*Senators*

Jake B. Mincks, Ottumwa  
 Charles S. Van Eaton, Sioux City  
 Martin Wiley, Cedar Rapids

*Representatives*

William Scherle, Henderson  
 Chester Hougen, Cedar Falls  
 John Kibbie, Emmetsburg

## INTERSTATE CO-OPERATION

*Senators*

Peter F. Hansen, Manning  
 D. C. Nolan, Iowa City  
 Jack Schroeder, Bettendorf  
 David O. Shaff, Clinton  
 Edward A. Wearin, Red Oak  
*Appointed by the Governor:*  
 Jim O. Henry  
 Marvin R. Selden, Jr.

*Representatives*

Ray Cunningham, Ames  
 Joseph Knock, Creston  
 Max Kreager, Newton  
 Elmer Den Herder, Sioux Center  
 Ray Eveland, Kelley

John Chrystal

## CAPITOL PLANNING COMMISSION

*Senators*

John L. Campbell, Oskaloosa  
 J. Louis Fisher, Osceola  
*Appointed by the Governor:*  
 Mrs. Maurice Noun  
 Frank Bunker

*Representatives*

William Darrington, Persia  
 Charles Grassley, New Hartford  
 Amos Emery  
 Raymond Crites

## DAIRY STUDY COMMITTEE

*Senators*

J. T. Dykhouse, Rock Rapids  
 Eugene Hill, Newton  
 Irving D. Long, Manchester

*Representatives*

Elmer Lange, Sac City  
 Maurice Baringer, Oelwein  
 John Murray, Fort Dodge

## COMMERCIAL CODE STUDY COMMITTEE

*Senators*

Kenneth Benda, Hartwick  
 John J. Brown, Emmetsburg  
 Jacob Grimstead, Lake Mills

*Representatives*

John Mowry, Marshalltown  
 Charles Frazier, Keokuk  
 Scott Swisher, Iowa City

## COURT SYSTEM STUDY COMMITTEE

*Senators*

Donald G. Beneke, Laurens  
 Robert D. Fulton, Waterloo  
 Richard C. Turner, Council Bluffs

*Representatives*

Tom Riley, Cedar Rapids  
 Leonard Andersen, Sioux City  
 John Duffy, Dubuque

Henry TePaske, Orange City  
 Eugene Davis, Des Moines

*Bar Association Appointees*

Edward Eaton, Sr., Sidney

## DEPARTMENTAL RULES REVIEW COMMITTEE

*Senators*

A. V. Doran, Boone  
 Leo Elthon, Fertile  
 Adolph Elvers, Elkader

*Representatives*

Dewey Goode, Bloomfield  
 Floyd Millen, Farmington  
 Lorne Worthington, Lamoni

## JUDICIAL DEPARTMENT

## JUDICIAL DEPARTMENT

Name and Office	City or town from which originally chosen	Term Ending
<b>JUDGES OF THE SUPREME COURT</b>		
T. G. Garfield, Chief Justice .....	Ames .....	June 30, 1965
Norman R. Hays .....	Knoxville .....	June 30, 1965
G. K. Thompson .....	Cedar Rapids .....	June 30, 1965
Robert L. Larson .....	Iowa City .....	Dec. 31, 1966
Henry K. Peterson .....	Council Bluffs .....	Dec. 31, 1966
Bruce M. Snell .....	Ida Grove .....	Dec. 31, 1966
T. Eugene Thornton .....	Waterloo .....	June 30, 1965
C. Edwin Moore .....	Des Moines .....	June 30, 1965
William C. Stuart .....	Chariton .....	Dec. 31, 1964

## JUDGES OF THE DISTRICT COURT

## First Judicial District

J. R. Leary .....	Fort Madison .....	June 30, 1965
W. L. Huiskamp .....	Keokuk .....	June 30, 1965

## Second Judicial District

Elmer K. Daugherty .....	Ottumwa .....	June 30, 1965
Edward P. Powers .....	Centerville .....	Dec. 31, 1964
Harold V. Levis .....	Chariton .....	June 30, 1965
Charles N. Pettit .....	Bloomfield .....	June 30, 1965

## Third Judicial District

T. W. Miles .....	Corydon .....	June 30, 1965
Charles J. Lewis .....	Mount Ayr .....	June 30, 1965
H. J. Kittleman .....	Creston .....	June 30, 1965

## Fourth Judicial District

Ralph W. Crary .....	Sioux City .....	June 30, 1965
M. E. Rawlings .....	Sioux City .....	June 30, 1965
Lawrence W. McCormick .....	Sioux City .....	June 30, 1965
George M. Paradise .....	Sioux City .....	June 30, 1965

## Fifth Judicial District

S. E. Prall .....	Indianola .....	June 30, 1965
Phil R. Wilkinson .....	Winterset .....	June 30, 1965
Hobart E. Newton .....	Stuart .....	June 30, 1965

## Sixth Judicial District

R. G. Yoder .....	Sigourney .....	June 30, 1965
L. R. Carson .....	Oskaloosa .....	June 30, 1965
Harold J. Fleck .....	Oskaloosa .....	June 30, 1965

## Seventh Judicial District

Lowell D. Phelps .....	Davenport .....	Dec. 31, 1964
Matthew Westrate .....	Muscatine .....	June 30, 1965
Arthur F. Janssen .....	Maquoketa .....	June 30, 1965
Clay LeGrand .....	LeClaire .....	June 30, 1965
Nathan Grant .....	Davenport .....	June 30, 1965
M. L. Sutton .....	Clinton .....	June 30, 1965

## Eighth Judicial District

James P. Gaffney .....	Marengo .....	June 30, 1965
Clair E. Hamilton .....	Iowa City .....	June 30, 1965

## JUDICIAL DEPARTMENT—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>Ninth Judicial District</b>		
Tom K. Murrow .....	Des Moines .....	June 30, 1965
Gibson C. Holliday .....	Des Moines .....	June 30, 1965
Dring D. Needham .....	Des Moines .....	June 30, 1965
Ray C. Fountain .....	Des Moines .....	June 30, 1965
Don L. Tidrick .....	Des Moines .....	June 30, 1965
Wade Clarke .....	Des Moines .....	June 30, 1965
Robert D. Jackson .....	Des Moines .....	June 30, 1965
Ralph R. Randall .....	Des Moines .....	June 30, 1965
<b>Tenth Judicial District</b>		
George C. Heath .....	Waterloo .....	June 30, 1965
Blair C. Wood .....	Waterloo .....	June 30, 1965
Peter Van Metre .....	Waterloo .....	June 30, 1965
Carroll E. Engelkes .....	Grundy Center .....	June 30, 1965
<b>Eleventh Judicial District</b>		
John M. Schaupp .....	Fort Dodge .....	June 30, 1965
G. R. Hill .....	Clarion .....	June 30, 1965
Harvey Uhlenhopp .....	Hampton .....	June 30, 1965
Ed J. Kelley .....	Ames .....	June 30, 1965
<b>Twelfth Judicial District</b>		
T. A. Beardmore .....	Charles City .....	June 30, 1965
William P. Butler .....	Mason City .....	June 30, 1965
C. H. Wild .....	Waverly .....	June 30, 1965
L. E. Plummer .....	Northwood .....	June 30, 1965
<b>Thirteenth Judicial District</b>		
G. B. Richter .....	Waukon .....	June 30, 1965
W. H. Antes .....	West Union .....	June 30, 1965
E. B. Shaw .....	Oelwein .....	June 30, 1965
<b>Fourteenth Judicial District</b>		
Fred M. Hudson .....	Pocahontas .....	June 30, 1965
G. W. Stillman .....	Algona .....	June 30, 1965
Joseph P. Hand .....	Emmetsburg .....	June 30, 1965
Richard W. Cooper .....	Storm Lake .....	June 30, 1965
<b>Fifteenth Judicial District</b>		
Harold E. Davidson .....	Clarinda .....	June 30, 1965
R. Kent Martin .....	Atlantic .....	June 30, 1965
Bennett Cullison .....	Harlan .....	June 30, 1965
Folsom Everest .....	Council Bluffs .....	June 30, 1965
Leroy H. Johnson .....	Red Oak .....	June 30, 1965
<b>Sixteenth Judicial District</b>		
David Harris .....	Jefferson .....	Dec. 31, 1964
R. K. Brannon .....	Denison .....	June 30, 1965
A. J. Braginton .....	Manson .....	June 30, 1965
<b>Seventeenth Judicial District</b>		
M. C. Farber .....	Marshalltown .....	June 30, 1965
John W. Tobin .....	Vinton .....	June 30, 1965
<b>Eighteenth Judicial District</b>		
Donald P. Barnes .....	Cedar Rapids .....	June 30, 1965
Charles Penningroth .....	Cedar Rapids .....	June 30, 1965
B. J. Maxwell .....	Tipton .....	June 30, 1965
William R. Eads .....	Cedar Rapids .....	Dec. 31, 1964
<b>Nineteenth Judicial District</b>		
Eugene J. Kean .....	Dubuque .....	June 30, 1965
Frank D. Gilloon .....	Dubuque .....	June 30, 1965

## JUDICIAL DEPARTMENT—Continued.

Name and Office	City or town from which originally chosen	Term Ending
<b>Twentieth Judicial District</b>		
E. O. Newell .....	Burlington .....	June 30, 1965
George O. Van Allen .....	Mount Pleasant .....	June 30, 1965
<b>Twenty-first Judicial District</b>		
James P. Kelley .....	Le Mars .....	Dec. 31, 1964
A. R. Nelson .....	Cherokee .....	June 30, 1965
Vacancy		

## JUDGES OF THE MUNICIPAL AND SUPERIOR COURTS

<b>Municipal Courts</b>	
Ames .....	John L. McKinney
Burlington .....	Jesse L. Thomas (Alternate) John N. Calhoun
Cedar Falls .....	Forest E. Eastman
Cedar Rapids .....	Howard W. McLaughlin Loren M. Hullinger, Jr.
Clinton .....	W. A. McCullough (Alternate) Homer I. Smith
Council Bluffs .....	Andrew J. Nielsen Allan Ardell
Davenport .....	Bertram B. Metcalf Phillip T. Steffen, Jr.
Des Moines .....	Howard W. Brooks Luther T. Glanton, Jr. Harry B. Grund Ray Harrison
Dubuque .....	Frank D. Gilloon, Jr. Edward D. Failor
Marshalltown .....	R. M. O'Bryon
Ottumwa .....	Willard E. Dullard (Alternate) Arthur A. McGiverin
Sioux City .....	Berry J. Sisk John M. Fachman
Waterloo .....	George J. Sager Ben G. Howrey
<b>Superior Courts</b>	
Keokuk .....	Ralph B. Smith

## CONGRESSIONAL DIRECTORY

## United States Senators

Bourke B. Hickenlooper .....	Cedar Rapids .....	Dec. 31, 1968
Jack Miller .....	Sioux City .....	Dec. 31, 1966

## Representatives in Congress

1. Fred Schwengel .....	Davenport .....	Dec. 31, 1964
2. James E. Bromwell .....	Cedar Rapids .....	Dec. 31, 1964
3. H. R. Gross .....	Waterloo .....	Dec. 31, 1964
4. John Kyl .....	Bloomfield .....	Dec. 31, 1964
5. Neal E. Smith .....	Altoona .....	Dec. 31, 1964
6. Charles B. Hoeven .....	Alton .....	Dec. 31, 1964
7. Ben F. Jensen .....	Exira .....	Dec. 31, 1964



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

NAME	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Benda, Kenneth.....	Hartwick.....	44	Banker, Insurance, Real Estate, Farm Management.....	23	Poweshiek, Iowa.....	None
Beneke, Donald G.....	Laurens.....	46	Lawyer.....	37	Pocahontas, Buena Vista, Calhoun.....	59
**Brown, John J.....	Emmetsburg.....	50	Real Estate & Insurance.....	49†	Palo Alto, Emmet, Kossuth.....	58, 59
**Buck, Howard C.....	Melbourne.....	63	Farmer, Semiretired.....	28†	Marshall.....	53, 54, 55, 56, 57, 58, 59
Burrows, R. O.....	Belle Plaine.....	63	Newspaper Publisher.....	22	Benton, Tama.....	54, 55
†Campbell, John L.....	Oskaloosa.....	38	Builder.....	14†	Mahaska and *Keokuk.....	None
**Coleman, C. Joseph.....	Clare.....	40	Farmer.....	27†	Webster and *Humboldt.....	57, 58, 59
**Cowden, Harry L.....	Guthrie Center.....	62	Insurance Agent.....	17†	Guthrie and Dallas.....	59
**Curran, Leigh R.....	Mason City.....	57	Farming, Purebred Cattle Raising.....	43†	Cerro Gordo, Hancock and *Wright.....	59
Dodds, Robert R.....	Danville.....	38	Farming.....	7	Des Moines.....	57, 58, 59
†Doran, A. V.....	Boone.....	57	Lawyer.....	31	Boone, Story, *Greene.....	None
**Dykhouse, J. T.....	Rock Rapids.....	73	Retired.....	24†	Lyon, Sioux, Osceola.....	47, 48, 49, 50, 50X, 51, 52, 52X, 53, 54, 55, 56, 57, 58, 59
**Elijah, Earl.....	Clarence.....	75	Farmer, Banker.....	23†	Cedar, Jackson, Jones and *Muscatine.....	55, 56, 57, 58, 59
Elthon, Leo.....	Fertile.....	65	Businessman.....	45	Worth, Mitchell, Howard.....	45, 46, 47, 48, 49, 50, 50X, 51, 52, 52X, 53, 54, 55
**Elvers, Adolph W.....	Elkader.....	51	Farmer, Ins., Real Estate.....	36†	Clayton.....	59
**Fisher, J. Louis.....	Osceola.....	54	Retail.....	11†	Clarke, Warren.....	57, 58, 59
**Flatt, Joseph B.....	Winterset.....	41	Men's Wear Merchant.....	16†	Madison, Adair.....	58, 59
Frommelt, Andrew G.....	Dubuque.....	41	Insurance.....	32	Dubuque.....	55, 56, 57, 58, 59
Fulton, Robert D.....	Waterloo.....	34	Attorney.....	34	Black Hawk.....	58
**Getting, LeRoy.....	Sanborn.....	60	Farming and Livestock Feeding.....	47†	O'Brien, Clay, Dickinson.....	58, 59
Griffin, Charles F.....	Mapleton.....	52	Pharmacist.....	31	Monona, Harrison.....	None
**Grimstead, Jacob.....	Lake Mills.....	58	Farm Operator.....	41†	Winnebago.....	55, 56, 57, 58, 59
Hansen, Peter F.....	Manning.....	68	Investments & Insurance.....	30	Carroll, Crawford, Sac.....	58, 59
Hill, Eugene Marshall.....	Newton.....	49	Farmer.....	25	Jasper.....	58, 59
†Kyh, Vernon H.....	Parkersburg.....	54	Auto Dealer.....	39†	Butler, Bremer, Franklin, *Grundy.....	None
Lisle, Vern.....	Clarinda.....	56	Manufacturer.....	6	Page, Fremont, Mills.....	53, 54, 55, 56, 57, 58, 59
Lodwick, Seeley G.....	Wever.....	42	Farm Manager.....	1	Lee.....	None
**Long, Irving D.....	Manchester.....	68	Lawyer.....	33†	Buchanan, Delaware.....	49, 50, 50X, 51, 52, 52X, 57, 58, 59
**Lucken, J. Henry.....	Akron.....	67	Farmer, Retired.....	46†	Plymouth, Cherokee, Ida.....	52, 52X, 53, 54, 55, 56, 57, 58, 59
†Main, Franklin S.....	Lamoni.....	46	Farmer.....	5†	Decatur, Ringgold, Union.....	57, 58, 59
Mincks, Jake B.....	Ottumwa.....	49	Assembler, John Deere.....	9	Wapello.....	58, 59

SENATORS IN GENERAL ASSEMBLY—Continued

NAME	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
*Nolan, D. C.	Iowa City	60	Lawyer	25†	Johnson	55, 56, 57, 58, 59
O'Malley, George E.	Des Moines	57	Attorney	27	Polk	53, 54, 55, 56, 57, 58, 59
**Phelps, Dewey B.	Hillsboro	64	Farmer	2†	Van Buren	59
Rigler, Robert R.	New Hampton	40	Banker	44	Chickasaw, Floyd	56, 57, 58, 59
Schroeder, Jack	Bettendorf	37	Lawyer	17	Scott	54, 55, 56, 57, 58, 59
**Scott, George L.	West Union	75	Retired	40†	Fayette, Allamakee, *Winneshiek	46, 46X, 47, 48, 49, 50, 50X, 55, 56, 57, 58, 59
Shaff, David O.	Clinton	39	Lawyer	18	Clinton	55, 56, 57, 58, 59
‡Shivvers, Vera H.	Knoxville	65	Farm Homemaker	15†	Marion, Monroe	None
Shoeman, John D.	Atlantic	60	Veterinarian, Farmer	14	Cass, Audubon, Shelby	56, 57, 58, 59
Stephens, Richard L.	Ainsworth	58	Farmer, Livestock Producer	10	Washington, Louisa	57, 58, 59
**Turner, Richard C.	Council Bluffs	35	Lawyer	19†	Pottawattamie	59
Vance, Clifford M.	Mt. Pleasant	60	Lawyer	8	Henry, Jefferson	57, 58, 59
**Van Eaton, Chas. S.	Sioux City	73	Merchant	32†	Woodbury	51, 52, 52X, 53, 54, 55, 56, 59
‡Vincent, Howard	Russell	52	Farming	4†	Lucas, Wayne	None
Walker, John A.	Williams	50	Bank Cashier, Farmer	35	Hamilton, Hardin	52, 52X, 53, 54, 55, 56, 57, 58, 59
**Walter, Orval C.	Lenox	59	Farmer	6†	Adams, Taylor	59
**Wearin, Edward A.	Red Oak	45	Livestock Farmer	8†	Montgomery	59
**Wiley, Martin	Cedar Rapids	62	Fruit Grower	26†	Linn	59
**Wilson, Joe N.	Unionville	40	Farmer	3†	Appanoose, Davis	59

\*Attached to Old District for Sixtieth General Assembly only.

\*\*Holdover Senators in Sixtieth General Assembly.

‡Elected to fill vacancy.

†Old Districts before reorganization.

REPRESENTATIVES IN GENERAL ASSEMBLY

NAME	Address	Age	Occupation	County	Former Legislative Service
Andersen, Leonard C.	Sioux City	51	Insurance	Woodbury	59
Anderson, Quentin V.	Beaconsfield	30	Farmer and Contractor	Ringgold	None
Balloun, Charles F.	Toledo	58	Farmer and Warehouseman	Tama	59
Baringer, Maurice E.	Oelwein	41	Executive	Fayette	59
Bock, Lenabelle	Garner	58	Homemaker	Hancock	59
Breitbach, Alfred P., Sr.	Farley	65	Ret. Dairy Herd Improvement Assn. Supervisor	Dubuque	None
Briles, James E.	Corning	36	Auctioneer	Adams	56, 58, 59
Busch, Henry W.	Waverly	42	Farmer	Bremer	None
Camp, John	Bryant	47	Farm Management	Clinton	58, 59

GENERAL ASSEMBLY—Continued

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

NAME	Address	Age	Occupation	County	Former Legislative Service
Carnahan, Cleve L.	Ottumwa	67	Retired Railroad Switchman	Wapello	59
Carstensen, Lawrence D.	Clinton	32	Lawyer	Clinton	58, 59
Casey, Reed	Corydon	47	Farmer	Wayne	58, 59
Chalupa, LeRoy	Pleasant Plain	49	Farmer and Businessman	Jefferson	56, 57, 58, 59
Coffman, William J.	North English	44	General Insurance	Iowa	57, 58, 59
Crane, Everett	Vail	52	Farmer, Livestock Feeder	Crawford	59
Cunningham, Ray C.	Ames	69	YMCA Secy., Retired	Story	57, 58, 59
Darrington, William E.	Persia	58	Farmer	Harrison	54, 55, 56, 57, 58, 59
Den Herder, Elmer H.	Sioux Center	54	Farmer	Sioux	57, 58, 59
Denman, William F.	Des Moines	37	Lawyer	Polk	56, 59
Dietz, Riley	Walcott	57	Contractor	Scott	56, 57, 58, 59
Duffy, John L.	Dubuque	63	Lawyer	Dubuque	52, 52X, 53, 56, 57, 58, 59
Dunton, Keith H.	Thornburg	47	Farmer, Businessman	Keokuk	58, 59
Edgington, Floyd P.	Sheffield	63	Farmer	Franklin	55, 56, 57, 58, 59
Ely, John M., Jr.	Cedar Rapids	43	Ingredient Buyer	Linn	59
Eveland, Raymond	Ames	42	Farmer	Boone	57, 58, 59
Falvey, (Mrs.) Katherine M.	Albia	58	Banker	Monroe	58, 59
Fischer, Harold O.	Wellsburg	45	Insurance, Real Estate	Grundy	58, 59
Fisher, C. Raymond	Grand Junction	55	Farm Operator	Greene	58, 59
Frazier, Charles O.	Keokuk	38	Lawyer	Lee	None
Gittins, Harry R.	Council Bluffs	52	County Institutional Director	Pottawattamie	59
Goode, Dewey E.	Bloomfield	64	Farming, Retired Businessman	Davis	45, 45X, 46, 46X, 47, 48, 49, 50, 50X, 53, 54, 55, 56, 57, 59
Graham, J. W.	Ida Grove	60	Farm Manager	Ida	59
Grassley, Charles E.	New Hartford	29	Farmer	Butler	58, 59
Hagedorn, Merle W.	Royal	51	Farmer	Clay	56, 57, 58, 59
Hagen, Walter R.	Waterville	47	Farmer	Allamakee	59
Hagie, Raymond W.	Clarion	52	Farmer, Manufacturer, Seedsman	Wright	59
Hakes, (Mrs.) Frances G.	Laurens	64	Housewife	Pocahontas	59
Halling, Eugene	Orient	67	Farming	Adair	56, 57, 58, 59
Hanson, Arthur C.	Inwood	71	Retired Farmer	Lyon	45, 45X, 53, 54, 55, 56, 57, 58, 59
Hanson, Fred B.	Osage	74	Secy.-Mgr. County Fair, Semiretired	Mitchell	59
Hirsch, Carl	Indianola	60	Farming	Warren	57, 58, 59
Hougen, Chester O.	Cedar Falls	55	Lawyer—Merchant	Black Hawk	59
Jarvis, Fred M.	Alta	64	Farm Management, Real Estate	Buena Vista	57, 58, 59
Johnson, Harvey W.	Exira	58	Farmer, Stockman	Audubon	56, 58
Kibbie, John P.	Emmetsburg	33	Farmer	Palo Alto	59
Kluever, Lester L.	Atlantic	42	Lawyer	Cass	57, 58, 59
Knock, Joseph G.	Creston	46	Banker, Farmer	Union	59
Knowles, Paul W.	Davenport	38	Chartered Life Underwriter, Insurance Broker	Scott	59
Kreager, Max W.	Newton	46	Home Improvement Contractor	Jasper	59
Lange, Elmer F.	Sac City	45	Pres., Sac City Creamery Co.	Sac	59

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

NAME	Address	Age	Occupation	County	Former Legislative Service
Loss, Casey	Algona	58	Farmer	Kossuth	52, 52X, 53, 54, 56, 57, 58, 59
Lutz, Cecil V.	Osceola	61	Farmer	Clark	58, 59
Mahan, Bruce E.	Iowa City	72	Educator	Johnson	None
Maule, Elroy	Onawa	49	Farmer, Teacher	Monona	57, 58, 59
McElroy, Paul E.	Percival	55	Farmer, Lumberman	Fremont	59
Mensing, A. L.	Lowden	66	Retired	Cedar	54, 55, 56, 57, 58, 59
Messerly, Francis L.	Cedar Falls	48	Building Contractor	Black Hawk	59
Meyer, Alvin P.	Winterset	65	Farmer, Businessman	Madison	59
Millen, Floyd H.	Farmington	43	Pres., Valley Limestone and Gravel, Inc.	Van Buren	None
Miller, Charles P.	Burlington	44	Chiropractor	Des Moines	None
Miller, Leroy S.	Shenandoah	47	Machinery Dealer	Page	None
Miller, Roy A.	Monticello	59	Farmer, Implement Truck Dr.	Jones	None
Moffitt, Delmont	Mystic	50	Farmer	Appanoose	59
Mowry, John L.	Marshalltown	57	Lawyer	Marshall	57, 58, 59
Mueller, Harold	Manly	56	Farmer	Worth	58, 59
Murphy, Bernard J.	Carroll	36	Express Agent	Carroll	None
Murray, John J.	Fort Dodge	52	Lawyer	Webster	None
Naden, Robert W.	Webster City	41	Manufacturer	Hamilton	56, 57, 58, 59
Nelson, Henry C.	Forest City	61	Real Estate Broker	Winnebago	56, 57, 58, 59
Nielsen, Alfred	Defiance	60	Farmer	Shelby	None
Nielsen, Niels J.	Ringsted	66	Farmer	Emmet	57, 58, 59
Olson, Marion E.	Mason City	73	Retired Government Official	Cerro Gordo	59
Ossian, Conrad	Red Oak	62	Farmer, Merchant	Montgomery	57, 58, 59
Palas, Harley J.	Farmersburg	56	Implement Dealer	Clayton	None
Parker, Kenneth L.	Lamont	58	Farmer	Buchanan	59
Patton, James E.	Manchester	67	Retired	Delaware	58, 59
Paul, George L.	Brooklyn	59	Farmer	Poweshiek	52X, 53, 54, 55, 56, 57, 58, 59
Petersen, Leroy H.	Grimes	47	Farming, Insurance	Dallas	59
Peterson, Louis A.	Lawton	53	Farmer	Woodbury	59
Prine, Dan	Oskaloosa	41	Farmer	Mahaska	59
Reppert, Howard C., Jr.	Des Moines	44	Executive	Polk	56, 57, 58
Riley, Tom	Cedar Rapids	33	Lawyer	Linn	59
Robinson, Samuel E.	Guthrie Center	68	Farmer, Justice of the Peace	Guthrie	57, 58, 59
Scherle, William J.	Henderson	56	Farmer	Mills	59
Sersland, Hillman H.	Decorah	39	Merchant	Winneshiek	55, 56, 57, 58, 59
Shaw, Wayne	Charles City	64	Retired	Floyd	58, 59
Siglin, Marion D.	Lucas	52	Farmer	Lucas	None
Smith, Marvin W.	Paullina	61	Retired Farmer—Teacher	O'Brien	57, 58, 59
Smith, Roy J.	Spirit Lake	73	Farmer	Dickinson	53, 54, 55, 56, 59
Sokol, Howard N.	Sibley	50	Property Management and Security Sales	Osceola	None
Stanley, David	Muscatine	34	Lawyer	Muscatine	58, 59
Steele, Washburn W.	Cherokee	43	Farmer	Cherokee	None
Steffen, Vince	New Hampton	34	Harvestall Industries, Inc.	Chickasaw	None
Stevenson, M. Ross	Lime Springs	56	Farmer	Howard	59

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

NAME	Address	Age	Occupation	County	Former Legislative Service
Stokes, A. Gordon . . . . .	LeMars . . . . .	64	Farmer . . . . .	Plymouth . . . . .	. . . . . 59
Strothman, Charles F . . . . .	New London . . . . .	61	Farmer . . . . .	Henry . . . . .	. . . . . None
Swisher, Scott . . . . .	Iowa City . . . . .	43	Lawyer . . . . .	Johnson . . . . .	. . . . . 56, 57, 58, 59
Tabor, Howard . . . . .	Baldwin . . . . .	68	Farmer . . . . .	Jackson . . . . .	. . . . . 58, 59
Van Alstine, (Miss) Percie . . . . .	Gilmore City . . . . .	57	Retired Home Economist . . . . .	Humboldt . . . . .	. . . . . 59
Van Nostrand, Maurice . . . . .	Avoca . . . . .	37	Grain and Feed Dealer . . . . .	Pottawattamie . . . . .	. . . . . None
Vermeer, Elmer H . . . . .	Pella . . . . .	42	Nurseryman, Farmer . . . . .	Marion . . . . .	. . . . . 55, 56, 57, 59
Vetter, Keith L . . . . .	Washington . . . . .	44	Soft Water Service . . . . .	Washington . . . . .	. . . . . None
Walter, Paul M . . . . .	Union . . . . .	57	Farmer . . . . .	Hardin . . . . .	. . . . . 53, 54, 55, 56, 57, 58, 59
Wells, Ivan . . . . .	Bedford . . . . .	70	Auctioneer . . . . .	Taylor . . . . .	. . . . . 57, 58, 59
Wier, Fred E . . . . .	Letts . . . . .	70	Farmer, Salesman . . . . .	Louisa . . . . .	. . . . . 58, 59
Winkelman, William P . . . . .	Lohrville . . . . .	30	Farming, Ponies and Horses . . . . .	Calhoun . . . . .	. . . . . None
Worthington, Lorne R . . . . .	Lamoni . . . . .	24	Livestock Auction . . . . .	Decatur . . . . .	. . . . . None
Wright, Fred L . . . . .	Vinton . . . . .	55	Pharmacist . . . . .	Benton . . . . .	. . . . . None

## OFFICERS OF THE SIXTIETH GENERAL ASSEMBLY

### OFFICERS OF THE HOUSE

<i>Speaker of the House</i> —Robert W. Naden.....	Webster City
<i>Speaker Pro Tempore</i> —Marvin W. Smith.....	Paullina
<i>Majority Floor Leader</i> —John L. Mowry.....	Marshalltown
<i>Assistant Majority Floor Leader</i> —John Camp.....	Bryant
<i>Minority Floor Leader</i> —Raymond Eveland.....	Ames
<i>Chief Clerk</i> —William R. Kendrick.....	Des Moines
<i>Assistant Chief Clerk</i> —Burl B. Beam.....	Martensdale
<i>Legislative Counsel</i> —Lillian Leffert.....	Des Moines
<i>Engrossing Clerk</i> —Mary Newcomb.....	Des Moines
<i>Chief Journal Clerk</i> —Sue Reed.....	Des Moines
<i>Journal Clerk</i> —Rosamond Bliss.....	Des Moines
<i>Assistant Journal Clerk</i> —Dorothy Harris.....	Des Moines
<i>Secretary to Chief Clerk</i> —Charlotte E. Prichett.....	Des Moines
<i>Secretary to Chief Clerk</i> —Jacqueline Day.....	Des Moines
<i>Supervisor of Clerks</i> —Maxine Schweiker.....	Des Moines
<i>Chief Enrolling Clerk</i> —Nancy Morrison.....	Des Moines
<i>Assistant Enrolling Clerk</i> —Pauline Kephart.....	Des Moines
<i>Assistant Enrolling Clerk</i> —Jane Sperry.....	Des Moines
<i>General Clerk</i> —Jessie Augustine.....	Des Moines
<i>Secretary to Legislative Counsel</i> —Shirley Beeler.....	Des Moines
<i>Secretary to Speaker</i> —Hilda Rhodes.....	Des Moines
<i>Sergeant-at-Arms</i> —Ralph Lancaster.....	Des Moines
<i>Assistant Sergeant-at-Arms</i> — Clarence O. Anderson.....	Des Moines
<i>Bill Clerk</i> —Delmar W. Sparks.....	Des Moines
<i>File Clerk</i> —Daisy McAlister.....	Des Moines
<i>Supply Clerk</i> —Carrie Randle.....	Des Moines
<i>Supply Clerk</i> —Ann McCarty.....	Des Moines
<i>Chief Electrician</i> —Alexander W. Thompson.....	Des Moines
<i>Assistant Electrician</i> —Elmer Pennington.....	Des Moines
<i>Voting Machine Assistant</i> —Norman Grove.....	Des Moines
<i>Control Board Operator</i> —Doug Johnson.....	West Liberty
<i>Postmistress</i> —Laura J. Stokes.....	LeMars

### OFFICERS OF THE SENATE

<i>President</i> —William L. Mooty.....	Grundy Center
<i>President Pro Tempore</i> —Clifford M. Vance.....	Mt. Pleasant
<i>Majority Floor Leader</i> —Robert R. Rigler.....	New Hampton
<i>Minority Floor Leader</i> —Andrew G. Frommelt.....	Dubuque
<i>Secretary</i> —Carroll A. Lane.....	Milford
<i>Assistant Secretary and Journal Clerk</i> — Edna Gillespie.....	Des Moines
<i>Law Clerk</i> —Anthony M. Critelli.....	Des Moines
<i>Reading and Assistant Law Clerk</i> —Leo Oxberger.....	Des Moines
<i>Secretary's Secretary</i> —Ruth E. Fisher.....	Des Moines
<i>Lieutenant Governor's Secretary</i> —Ruth Mosher.....	Des Moines
<i>Assistant Journal Clerk</i> —Helen Wagner.....	Des Moines
<i>Secretary's Clerk</i> —Phyllis H. Hall.....	Des Moines
<i>Engrossing Clerk</i> —Maretta H. Blanchard.....	Des Moines
<i>Enrolling Clerk</i> —June Peterson.....	Des Moines
<i>Assistant Enrolling Clerk</i> —Vernice M. Wessels.....	Des Moines
<i>Assistant Enrolled Bills Clerk</i> —Margaret Schultz.....	Des Moines
<i>Assistant Enrolled Bills Clerk</i> —Marsella C. Elliott.....	Des Moines
<i>Payroll Clerk</i> —Billie Jean Walling.....	Des Moines
<i>Supply Clerk</i> —Dorothy Hohnbaum.....	Grimes
<i>Sergeant-at-Arms</i> —Fred A. Smith.....	Des Moines
<i>Assistant Sergeant-at-Arms</i> —Victor E. Lindquist.....	Chariton
<i>Assistant Sergeant-at-Arms</i> —John Nelson.....	Jewell
<i>Control Board Operator</i> —William Hill, Jr.....	Liscomb
<i>Chief Doorkeeper</i> —Albert Marshall.....	Northwood
<i>Bill Clerk</i> —Martha Swift.....	Des Moines
<i>File Clerk</i> —Doyle W. Darnall.....	Winterset
<i>Assistant File Clerk</i> —Rollin E. Nipper.....	Des Moines
<i>Postmistress</i> —Dora Dykhouse.....	Rock Rapids

# CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds  
For Each Year of the Biennial Period Ending June 30, 1962

Fiscal Year Ending June 30, 1961					
	Balance June 30, 1960	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1961
General Revenue .....	\$ 66,289,594.75	\$177,650,754.46	\$244,147,034.66	\$124,255,290.64	\$ 61,661,992.66
Transfers .....	—	206,685.45	—	58,229,751.36	—
Trust Funds .....	67,697,855.84	64,299,929.25	263,053,094.14	209,487,776.44	53,565,317.70
Transfers .....	—	131,055,309.05	—	—	—
Special Funds (Comptroller Warrants) ..	134,477,265.07	240,867,970.16	536,532,450.67	386,393,056.99	150,134,393.68
Transfers .....	—	161,187,215.44	—	—	—
Special Funds (Treasurer's Checks) ....	7,396,314.71	9,374,928.03	16,903,225.14	9,695,801.50	7,207,423.64
Transfers .....	—	181,982.40	—	—	—
<b>TOTAL</b> .....	<b>\$275,861,030.37</b>	<b>\$734,774,774.24</b>	<b>\$1,060,635,804.61</b>	<b>\$788,066,676.98</b>	<b>\$272,569,127.68</b>
Balance July 1, 1960 .....	\$ 275,861,030.37				
Receipts and Transfers .....	784,774,774.24				
Total .....	\$1,060,635,804.61				
Disbursements and Transfers .....	788,066,676.98				
Balance June 30, 1961 .....	\$ 272,569,127.68				

Fiscal Year Ending June 30, 1962					
	Balance June 30, 1961	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1962
General Revenue .....	\$ 61,661,992.66	\$187,023,838.21	\$249,134,238.94	\$135,225,334.44	\$ 55,485,391.30
Transfers .....	—	448,408.07	—	58,423,513.20	—
Trust Funds .....	53,565,317.70	59,247,554.94	251,583,951.81	186,318,153.54	65,265,798.27
Transfers .....	—	188,771,079.17	—	—	—
Special Funds (Comptroller Warrants) ..	150,134,393.68	245,429,141.54	465,432,633.15	300,300,608.75	165,132,024.40
Transfers .....	—	69,869,097.93	—	—	—
Special Funds (Treasurer's Checks) ....	7,207,423.64	8,349,445.69	15,667,493.82	7,442,965.99	8,224,371.58
Transfers .....	—	110,624.49	—	156.25	—
<b>TOTAL</b> .....	<b>\$272,569,127.68</b>	<b>\$709,249,190.04</b>	<b>\$981,818,317.72</b>	<b>\$687,710,732.17</b>	<b>\$294,107,585.55</b>
Balance July 1, 1961 .....	\$272,569,127.68				
Receipts and Transfers .....	709,249,190.04				
Total .....	\$981,818,317.72				
Disbursements and Transfers .....	687,710,732.17				
Balance June 30, 1962 .....	\$294,107,585.55				

## APPROPRIATIONS TO STATE DEPARTMENTS

The following table is inserted to facilitate reference  
to the state departmental appropriations in Chapter 1.

DEPARTMENT	SECTION	DEPARTMENT	SECTION
Agriculture Department .....	1, 2	Mine and Minerals .....	19
Attorney General .....	8	Mississippi River Parkway Commission .....	48
Auditor of State .....	4	National Guard and State Guard .....	49
Blind, Commission for .....	52	Natural Resources Council .....	20
Car Dispatcher .....	55	Parole, Board of .....	21
Civil Defense Administration .....	38	Pharmacy Examiners .....	22
Code Editor .....	34	Pioneer Lawmakers .....	23
Commerce Commission .....	5	Printing Board .....	24
Comptroller .....	6	Public Buildings and Grounds, Superintendent of .....	25
Conservation Commission .....	39	Public Instruction, Department of .....	26, 53
Control, Board of .....	7	Public Safety, Department of .....	51
Council of State Government .....	40	Real Estate Commission .....	27
Development Commission .....	41	Reciprocity Board .....	50
District Court Judges .....	42	Regents, Board of .....	28
Employment Security Commission .....	8	Secretary of State .....	29
Executive Council .....	9	Social Welfare Board .....	56
Fair Board .....	43	Soil Conservation .....	30
Geological Survey .....	10	Soldiers' Bonus Board .....	54
Governor .....	12	Spanish-American War Veterans .....	31
Health Department .....	13	Supreme Court .....	32
Historical Society .....	45	Supreme Court, Clerk of .....	33
History and Archives .....	14	Supreme Court, Reporter of .....	34
Hoover Birthplace Foundation .....	44	Tax Commission .....	35
Industrial Commissioner .....	15	Treasurer of State .....	36
Insurance Department .....	16	Uniform Laws, Commission on .....	37
Iowa Reciprocity Board .....	47	Vocational Education .....	26
Labor, Bureau of .....	17	Vocational Rehabilitation .....	53
Legislative Research Bureau .....	46	War Orphans' Aid .....	54
Libraries .....	18		
Lieutenant Governor .....	11		
Liquor Control Commission .....	47		



**LAWS**  
OF THE  
**Sixtieth General Assembly**  
OF THE  
**STATE OF IOWA**

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE  
CAPITAL OF THE STATE, BEGUN ON THE FOURTEENTH DAY OF JAN-  
UARY, AND ENDED ON THE EIGHTEENTH DAY OF MAY, A. D. 1963,  
IN THE ONE HUNDRED SEVENTEENTH YEAR OF THE STATE

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**APPROPRIATIONS**

For additional appropriations, see chapters  
266, 374, 375, 376

**CHAPTER 1**

**DEPARTMENTAL APPROPRIATIONS**

**H. F. 595**

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1963, and ending June 30, 1965, funds for various departments and various divisions thereof, of the state of Iowa, for the purposes provided by law, and relating to the judicial and peace officers' retirement systems, to salaries and allowances for state officers and employees and to amend various sections of the Code relating to departments receiving appropriations under this Act.

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

**AGRICULTURE, DEPARTMENT OF**

1 SECTION 1. For the department of agriculture there is hereby  
2 appropriated from the general fund of the state for each year of  
3 the biennium beginning July 1, 1963, and ending June 30, 1965,  
4 the sum of one hundred fourteen thousand fifty dollars (\$114,050.00),  
5 or so much thereof as may be necessary to be used for various  
6 services and state agricultural aids in the following manner:  
7 (1) AGRICULTURAL STATISTICS  
8 For state aid .....\$ 18,550.00  
9 (2) BEE INSPECTION  
10 For state aid ..... 13,750.00

11	(3) BEEF PRODUCERS' ASSOCIATION	
12	For state aid .....	\$ 15,200.00
13	(4) CROP IMPROVEMENT	
14	For state aid .....	3,000.00
15	(5) DAIRY ASSOCIATION	
16	For state aid .....	15,000.00
17	(6) DAIRY CALF CLUB	
18	For state aid .....	2,000.00
19	(7) HORTICULTURAL SOCIETIES	
20	For state aid .....	13,740.00
21	(8) IOWA SHEEP ASSOCIATION	
22	For state aid .....	12,840.00
23	(9) MARKET NEWS (Poultry)	
24	For state aid .....	4,600.00
25	(10) SWINE BREEDERS' ASSOCIATION	
26	For state aid .....	15,370.00

27 Grand total of all appropriations for all purposes for  
 28 each year of the biennium for the department of agricul-  
 29 ture or divisions thereof provided by this section (no  
 30 part of the appropriation provided by this section shall  
 31 be obligated or paid for any purpose without the express  
 32 approval of the secretary of agriculture).....\$ 114,050.00

1 SEC. 2. For the department of agriculture there is hereby appro-  
 2 priated from the general fund of the state for each year of the bi-  
 3 ennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of eight hundred fifty-four thousand seven hundred ninety  
 5 dollars (\$854,790.00), or so much thereof as may be necessary to be  
 6 used in the following manner:

7 (1) Main office, barberry eradication, crop pest, egg inspection,  
 8 poultry association-short courses and achievement shows, vegetable  
 9 growers association, weather bureau, dairy specialists and bacteriolo-  
 10 gists, entomology, hatchery inspection, restaurant and hotel in-  
 11 spection, disposal of dead animals, motor fuel chemists and fertilizer  
 12 law:

13	For salary of secretary of agriculture.....	\$ 12,000.00
14	For other salaries .....	379,810.00
15	For support, maintenance and miscellaneous purposes	121,550.00
16	Total .....	<u>\$ 513,360.00</u>

17	(2) ANIMAL HEALTH AND VETERINARY	
18	For salary of chief of animal health.....	\$ 9,500.00
19	For other salaries .....	166,080.00
20	For control or eradication of contagious and infec-	
21	tious livestock diseases, including Bang's Disease, trav-	
22	eling expenses, assistant state veterinarians (per diem	
23	and expenses), indemnities, veterinary examiners and	
24	miscellaneous purposes .....	57,850.00
25	For brucellosis program .....	55,000.00
26	Total for animal health and veterinary.....	\$ 288,430.00
27	(3) AGRICULTURE MARKETING DIVISION	
28	For salaries .....	\$ 10,950.00
29	For support, maintenance and miscellaneous pur-	
30	poses .....	\$ 42,050.00
31	Total for agricultural marketing division.....	\$ 53,000.00
32	Grand total of all appropriations for all purposes for	
33	each year of the biennium for the department of agri-	
34	culture or divisions thereof provided by this section (no	
35	part of the appropriation provided by this section shall	
36	be obligated or paid for any purpose without the express	
37	approval of the secretary of agriculture).....	\$ 854,790.00

## ATTORNEY GENERAL

1	SEC. 3. For the office of attorney general there is hereby appro-	
2	riated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the	
4	sum of two hundred eight thousand one hundred dollars (\$208,100.00),	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salary of attorney general.....	\$ 12,000.00
8	For other salaries (amplified by estimated reimburse-	
9	ments of \$45,000.00) .....	174,350.00
10	For support, maintenance and miscellaneous purposes .....	21,750.00
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the office of attorney	
13	general .....	\$ 208,100.00

## AUDITOR OF STATE

1	SEC. 4. 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, 1963, and ending June 30, 1965, the	
4	sum of three hundred eighty-two thousand two hundred ten dollars	
5	(\$382,210.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	For salary of state auditor.....	\$ 12,000.00
8	For other salaries (amplified by estimated reimburse-	
9	ments of \$20,000.00) .....	300,700.00

10	For support, maintenance and miscellaneous purposes	\$ 49,650.00
11	Total for general office.....	\$ 362,350.00
12	<b>BUILDING AND LOAN DIVISION</b>	
13	For salaries (amplified by estimated reimbursements	
14	of \$8,000.00) .....	\$ 14,550.00
15	For support, maintenance and miscellaneous purposes	5,310.00
16	Total for building and loan division.....	\$ 19,860.00
17	Grand total of all appropriations for all purposes for	
18	each year of the biennium for the office of auditor of	
19	state .....	\$ 382,210.00

**COMMERCE COMMISSION, IOWA STATE**

1	SEC. 5. For the department of the commerce commission there	
2	is hereby appropriated from the general fund of the state for each	
3	year of the biennium beginning July 1, 1963, and ending June 30,	
4	1965, the sum of six hundred one thousand three hundred thirty	
5	dollars (\$601,330.00), or so much thereof as may be necessary to be	
6	used in the following manner:	
7	<b>GENERAL ADMINISTRATION</b>	
8	For salaries of commissioners (3 at \$10,000.00 each) ..	\$ 30,000.00
9	For salary of secretary .....	6,500.00
10	For other salaries (amplified by estimated reimburse-	
11	ments of \$7,000.00) .....	119,660.00
12	For support, maintenance and miscellaneous purposes	25,850.00
13	Total for general administration of the commerce	
14	commission .....	\$ 182,010.00
15	<b>CLASS RATE CASES</b>	
16	For salaries, support, maintenance and miscellaneous	
17	purposes .....	\$ 1,000.00
18	<b>MOTOR TRANSPORTATION DIVISION</b>	
19	For salaries (amplified by estimated transfers of	
20	\$110,000.00) .....	\$ 26,300.00
21	For support, maintenance and miscellaneous purposes	
22	(amplified by estimated transfers of \$40,000.00).....	7,570.00
23	Total for motor transportation division.....	\$ 33,870.00
24	<b>WAREHOUSE DIVISION</b>	
25	For salaries .....	\$ 60,550.00
26	For support, maintenance and miscellaneous purposes	23,900.00
27	Total for warehouse division.....	\$ 84,450.00

## CH. 1] LAWS OF THE SIXTIETH GENERAL ASSEMBLY

28	UTILITIES	
29	For salaries, support, maintenance and miscellaneous	
30	purposes .....	\$ 300,000.00
<hr/>		
31	Grand total of all appropriations for all purposes for	
32	each year of the biennium for the department of the	
33	commerce commission .....	\$ 601,330.00

## COMPTROLLER, OFFICE OF STATE

1	SEC. 6. For the office of state comptroller there is hereby appro-	
2	priated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the	
4	sum of five hundred fourteen thousand four hundred forty dollars	
5	(\$514,440.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	GENERAL OFFICE	
8	For state comptroller's salary.....	\$ 14,000.00
9	For salary of director of personnel.....	9,600.00
10	For other salaries .....	137,960.00
11	For support, maintenance and miscellaneous purposes	15,570.00
<hr/>		
12	Total for general office.....	\$ 177,130.00
<hr/>		
13	DATA PROCESSING DIVISION	
14	For salaries (amplified by estimated reimbursements	
15	of \$99,000.00) .....	\$ 75,160.00
16	For support, maintenance and miscellaneous purposes	262,150.00
<hr/>		
17	Total for data processing division (including consoli-	
18	dation of key punch operators and off line equipment in	
19	other buildings) .....	\$ 337,310.00
<hr/>		
20	Grand total of all appropriations for all purposes for	
21	each year of the biennium for the office of state comp-	
22	troller .....	\$ 514,440.00

## CONTROL, BOARD OF

1	SEC. 7. For the board of control there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1963, and ending June 30, 1965, the sum of	
4	six hundred twenty-three thousand nine hundred fifty dollars	
5	(\$623,950.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	For salaries of board members (3 at \$9,250.00 each) ....	\$ 27,750.00
8	For other salaries .....	532,460.00
9	For support, maintenance and miscellaneous purposes	63,740.00
<hr/>		
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the central office of the	
12	board of control .....	\$ 623,950.00

## EMPLOYMENT SECURITY COMMISSION

1 SEC. 8. For the Iowa employment security commission for the  
 2 administration of chapters 97 and 97C and section 294.15, Code 1962,  
 3 there is hereby appropriated from the general fund of the state of  
 4 Iowa for each year of the biennium beginning July 1, 1963, and  
 5 ending June 30, 1965, the sum of eighty-four thousand one hundred  
 6 fifty dollars (\$84,150.00), or so much thereof as may be necessary  
 7 to be used in the following manner:

8 For salaries, support, maintenance and miscellaneous  
 9 purposes for the administration of chapters 97 and 97C  
 10 and section 294.15, Code 1962.....\$ 84,150.00

11 The salary for each member of the Iowa employment security  
 12 commission shall be ten thousand dollars (\$10,000.00) for each year  
 13 of the biennium beginning July 1, 1963, and ending June 30, 1965,  
 14 and of this amount one thousand dollars (\$1,000.00) shall be com-  
 15 pensation for administering chapter 97B of the Iowa statutes, and  
 16 such sums shall be in full compensation for all services, and pro-  
 17 visions made in any other Act or statutes for compensation of the  
 18 members of the Iowa employment security commission shall be in-  
 19 effective and void.

## EXECUTIVE COUNCIL

1 SEC. 9. For the office of the executive council there is hereby ap-  
 2 propriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of nine hundred fifteen thousand four hundred dollars (\$915,400.00),  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7 For salary of the secretary of executive council.....\$ 8,900.00  
 8 For other salaries ..... 115,340.00  
 9 For support, maintenance and miscellaneous purposes  
 10 (amplified by estimated reimbursements of \$150,000.00) 791,160.00

11 Grand total of all appropriations for all purposes for  
 12 each year of the biennium for the office of the executive  
 13 council .....\$ 915,400.00

## GEOLOGICAL SURVEY

1 SEC. 10. For the office of geological survey there is hereby appro-  
 2 priated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of three hundred four thousand six hundred dollars (\$304,600.00),  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7 GENERAL OFFICE  
 8 For salaries .....\$ 124,000.00  
 9 For support, maintenance and miscellaneous purposes 140,000.00

10 Total for general office .....\$ 264,000.00

## CH. 1] LAWS OF THE SIXTIETH GENERAL ASSEMBLY

11	STREAM GAUGING	
12	For salaries .....	\$ 19,800.00
13	For support, maintenance and miscellaneous purposes	
14	(amplified by estimated reimbursements of \$5,000.00)....	20,800.00
		<hr/>
15	Total for stream gauging.....	\$ 40,600.00
		<hr/>
16	Grand total of all appropriations for all purposes for	
17	each year of the biennium for geological survey.....	\$ 304,600.00

## LIEUTENANT GOVERNOR

1	SEC. 11. For the office of lieutenant governor there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of three thousand dollars (\$3,000.00), or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For the lieutenant governor's expenses incurred by him in con-	
7	nection with the duties of lieutenant governor including postage and	
8	secretarial or clerical assistance.....	\$ 3,000.00
		<hr/>
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of lieutenant	
11	governor .....	\$ 3,000.00

## GOVERNOR

1	SEC. 12. For the office of the governor there is hereby appro-	
2	priated from the general fund of the state for each year of the bi-	
3	ennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of ninety-five thousand dollars (\$95,000.00), or so much thereof as	
5	may be necessary to be used in the following manner:	
6	For salary of governor.....	\$ 18,500.00
7	For other salaries.....	62,780.00
8	For the governor's expenses incurred by him in con-	
9	nection with the duties of governor.....	5,000.00
10	For support, maintenance and miscellaneous purposes	8,720.00
		<hr/>
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the office of governor.....	\$ 95,000.00

## HEALTH, STATE DEPARTMENT OF

1	SEC. 13. For the department of health there is hereby appro-	
2	priated from the general fund of the state for each year of the bi-	
3	ennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of seven hundred ten thousand two hundred ninety-five dollars	
5	(\$710,295.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	GENERAL OFFICE (Central Administration)	
8	For salary of commissioner.....	\$ 12,000.00
9	For other salaries .....	50,900.00
10	For support, maintenance and miscellaneous purposes	
11	(amplified by estimated reimbursements \$600.00).....	11,800.00
		<hr/>

12	Total for general office.....	\$	74,700.00
13	(1) CANCER CONTROL		
14	For salaries .....	\$	2,830.00
15	For support, maintenance and miscellaneous purposes		570.00
16	Total for cancer control.....	\$	3,400.00
17	(2) DENTAL HYGIENE		
18	For salaries .....	\$	4,630.00
19	For support, maintenance and miscellaneous purposes		350.00
20	Total for dental hygiene.....	\$	4,980.00
21	(3) HOSPITAL SURVEY AND PLANNING		
22	For salaries .....	\$	74,800.00
23	For support, maintenance and miscellaneous purposes		9,360.00
24	Total for hospital survey and planning.....	\$	84,160.00
25	(4) MATERNAL AND CHILD HEALTH		
26	For salaries .....	\$	14,400.00
27	For support, maintenance and miscellaneous purposes		1,600.00
28	Total for maternal and child health.....	\$	16,000.00
29	(5) PREVENTABLE DISEASES		
30	For salaries .....	\$	29,020.00
31	For support, maintenance and miscellaneous purposes		3,700.00
32	Total for preventable diseases.....	\$	32,720.00
33	(6) PUBLIC HEALTH ENGINEERING AND		
34	INDUSTRIAL HYGIENE		
35	For salaries .....	\$	124,600.00
36	For support, maintenance and miscellaneous purposes		14,350.00
37	Total for public health engineering and industrial hy-		
38	giene .....	\$	138,950.00
39	(7) PUBLIC HEALTH NURSING		
40	For salaries .....	\$	9,710.00
41	For support, maintenance and miscellaneous purposes		1,180.00
42	Total for public health nursing.....	\$	10,890.00
43	(8) TUBERCULOSIS CONTROL		
44	For salaries .....	\$	33,250.00
45	For support and maintenance in the general tubercu-		
46	losis control program involving all methods of case		
47	finding .....		9,210.00



## CH. 1] LAWS OF THE SIXTIETH GENERAL ASSEMBLY

48	Total for tuberculosis control.....	\$ 42,460.00
49	(9) VENEREAL DISEASE CONTROL	
50	For salaries .....	\$ 26,120.00
51	For support, maintenance and miscellaneous purposes	9,000.00
52	Total for venereal disease control.....	\$ 35,120.00
53	(10) VITAL STATISTICS	
54	For salaries .....	\$ 125,100.00
55	For support, maintenance and miscellaneous purposes	
56	(amplified by estimated reimbursements \$1,500.00).....	24,200.00
57	Total for vital statistics.....	\$ 149,300.00
58	(11) BOARD OF EUGENICS	
59	For salaries .....	\$ 5,620.00
60	For support, maintenance and miscellaneous purposes	250.00
61	Total for board of eugenics.....	\$ 5,870.00
62	Sub-total for public health administration activities ....	\$ 598,550.00
63	(12) BARBERS' EXAMINING BOARD	
64	For salaries .....	\$ 27,300.00
65	For per diem, support, maintenance and miscellaneous	
66	purposes .....	10,417.00
67	Total for barbers' examining board.....	\$ 37,717.00
68	(13) PODIATRY EXAMINING BOARD	
69	For per diem, support, maintenance and miscellaneous	
70	purposes .....	\$ 875.00
71	(14) CHIROPRACTIC EXAMINING BOARD	
72	For salary of executive director.....	\$ 5,056.00
73	For per diem, support, maintenance and miscellaneous	
74	purposes .....	1,770.00
75	Total for chiropractic examining board.....	\$ 6,826.00
76	(15) COSMETOLOGY EXAMINING BOARD	
77	For salaries .....	\$ 25,020.00
78	For per diem, support, maintenance and miscellaneous	
79	purposes .....	18,780.00
80	Total for cosmetology examining board.....	\$ 43,800.00
81	(16) DENTAL EXAMINING BOARD	
82	For per diem, support, maintenance and miscellaneous	
83	purposes .....	\$ 4,807.00

84	(17) EMBALMERS' EXAMINING BOARD	
85	For per diem, support, maintenance and miscellaneous	
86	purposes .....	\$ 5,040.00
<hr/>		
87	(18) LICENSURE AND REGISTRATION	
88	(Central Administration)	
89	For salaries .....	\$ 10,450.00
90	For support, maintenance and miscellaneous purposes	280.00
<hr/>		
91	Total for licensure and registration.....	\$ 10,730.00
<hr/>		
92	(19) OPTOMETRY EXAMINING BOARD	
93	For per diem, support, maintenance and miscellaneous	
94	purposes .....	\$ 1,950.00
<hr/>		
95	Sub-total for division of licensure and registration....	\$ 111,745.00
<hr/>		
96	Grand total of all appropriations for all purposes	
97	for each year of the biennium for the department of	
98	health and the various divisions thereof.....	\$ 710,295.00

## HISTORY AND ARCHIVES, IOWA STATE

## DEPARTMENT OF

1	SEC. 14. For the department of history and archives there is	
2	hereby appropriated from the general fund of the state for each	
3	year of the biennium beginning July 1, 1963, and ending June 30,	
4	1965, the sum of one hundred fourteen thousand nine hundred twenty	
5	dollars (\$114,920.00), or so much thereof as may be necessary to be	
6	used in the following manner:	
7	For salary of curator.....	\$ 8,800.00
8	For other salaries .....	87,520.00
9	For support, maintenance and miscellaneous purposes	18,600.00
<hr/>		
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the department of history	
12	and archives .....	\$ 114,920.00

## INDUSTRIAL COMMISSIONER

1	SEC. 15. For the industrial commissioner there is hereby appro-	
2	priated from the general fund of the state for each year of the bi-	
3	ennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of seventy-one thousand two hundred dollars (\$71,200.00), or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of commissioner .....	\$ 9,500.00
7	For other salaries .....	57,020.00
8	For support, maintenance and miscellaneous purposes	4,680.00
<hr/>		
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the industrial commis-	
11	sioner .....	\$ 71,200.00

## INSURANCE DEPARTMENT OF IOWA

1 SEC. 16. 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, 1963, and ending June 30, 1965,  
 4 the sum of two hundred twenty-five thousand six hundred dollars  
 5 (\$225,600.00), or so much thereof as may be necessary to be used  
 6 in the following manner:

7	For salary of commissioner .....	\$ 12,000.00
8	For other salaries .....	189,700.00
9	For support, maintenance and miscellaneous purposes	23,900.00
<hr/>		
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the office of the insurance	
12	commission .....	\$ 225,600.00

## LABOR, BUREAU OF

1 SEC. 17. For the bureau of labor there is hereby appropriated  
 2 from the general fund of the state for each year of the biennium  
 3 beginning July 1, 1963, and ending June 30, 1965, the sum of one  
 4 hundred five thousand four hundred eighty dollars (\$105,480.00),  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	For salary of commissioner of bureau of labor.....	\$ 7,300.00
8	For other salaries .....	73,260.00
9	For support, maintenance and miscellaneous purposes	24,920.00
<hr/>		
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the bureau of labor.....	\$ 105,480.00

## LIBRARIES, IOWA STATE

1 SEC. 18. For the board of trustees there is hereby appropriated  
 2 from the general fund of the state for each year of the biennium  
 3 beginning July 1, 1963, and ending June 30, 1965, for state libraries,  
 4 the sum of one hundred seventy-nine thousand one hundred sixty  
 5 dollars (\$179,160.00), or so much thereof as may be necessary to be  
 6 used in the following manner:

7	(1) LAW DIVISION	
8	For salary of librarian.....	\$ 7,300.00
9	For other salaries .....	20,350.00
10	For support, maintenance and miscellaneous purposes	21,650.00
<hr/>		
11	Total for law division.....	\$ 49,300.00
<hr/>		
12	(2) MEDICAL DIVISION	
13	For salary of librarian.....	\$ 7,300.00
14	For other salaries .....	21,820.00
15	For support, maintenance and miscellaneous purposes	12,700.00
<hr/>		
16	Total for medical division.....	\$ 41,820.00

17	(3) TRAVELING DIVISION	
18	For salary of director.....	\$ 7,300.00
19	For other salaries .....	66,110.00
20	For support, maintenance and miscellaneous purposes	14,630.00
		<hr/>
21	Total for traveling library division.....	\$ 88,040.00
		<hr/>
22	Grand total of all appropriations for all purposes for	
23	each year of the biennium for the state libraries.....	\$ 179,160.00

## DEPARTMENT OF MINES AND MINERALS

1	SEC. 19. For the department of mines and minerals there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of seventeen thousand eight hundred forty dollars (\$17,840.00), or	
5	so much thereof as may be necessary to be used in the following	
6	manner:	
7	(1) STATE MINING BOARD	
8	For per diem and expenses.....	\$ 4,650.00
		<hr/>
9	(2) MINE INSPECTORS	
10	For the salary of one (1) mine inspector.....	\$ 7,300.00
11	For other salaries .....	3,544.00
12	For support, maintenance and miscellaneous purposes	2,346.00
		<hr/>
13	Total for mine inspectors.....	\$ 13,190.00
		<hr/>
14	Grand total of all appropriations for all purposes for	
15	each year of the biennium for the department of mines	
16	and minerals .....	\$ 17,840.00

## NATURAL RESOURCES COUNCIL, IOWA

1	SEC. 20. For the Iowa natural resources council there is hereby	
2	appropriated from the general fund of the state for each year of	
3	the biennium beginning July 1, 1963, and ending June 30, 1965, the	
4	sum of one hundred seventy-six thousand six hundred fifty dollars	
5	(\$176,650.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	For salaries .....	\$ 133,240.00
8	For support, maintenance and miscellaneous purposes	43,410.00
		<hr/>
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the Iowa natural resources	
11	council .....	\$ 176,650.00

## PAROLE, BOARD OF

1	SEC. 21. 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, 1963, and ending June 30, 1965, the sum	
4	of two hundred seventy-eight thousand two hundred eighty dollars	
5	(\$278,280.00), or so much thereof as may be necessary to be used in	
6	the following manner:	

7	For board members salaries (3 members at \$5,500.00	
8	each) .....	\$ 16,500.00
9	For salary of secretary and superintendent of parole	
10	agents .....	8,500.00
11	For other salaries .....	190,300.00
12	For support, maintenance and miscellaneous purposes	62,980.00
<hr/>		
13	Grand total of all appropriations for all purposes for	
14	each year of the biennium for the board of parole.....	\$ 278,280.00

PHARMACY EXAMINERS

1 SEC. 22. For the pharmacy examining board there is hereby ap-  
 2 propriated from the general fund of the state for each year of the bi-  
 3 ennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of ninety-five thousand thirty dollars (\$95,030.00), or so much thereof  
 5 as may be necessary to be used in the following manner:

6	GENERAL OFFICE	
7	For salary of secretary and narcotic supervisor.....	\$ 8,000.00
8	For other salaries .....	54,670.00
9	For support, maintenance and miscellaneous purposes	
10	for all duties of the board.....	32,360.00
<hr/>		
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the pharmacy examining	
13	board .....	\$ 95,030.00

PIONEER LAWMAKERS

1 SEC. 23. 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, 1963, and ending June 30, 1965, the sum of one  
 4 hundred fifty dollars (\$150.00), or so much thereof as may be neces-  
 5 sary to be used in the following manner:

6	For salary of secretary.....	\$ 50.00
7	For miscellaneous purposes.....	100.00
<hr/>		
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the pioneer lawmakers....	\$ 150.00

PRINTING BOARD, THE

1 SEC. 24. 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, 1963, and ending June 30, 1965, the sum of ninety-  
 4 nine thousand dollars (\$99,000.00), or so much thereof as may be  
 5 necessary to be used in the following manner:

6	GENERAL OFFICE	
7	For salary of superintendent .....	\$ 7,500.00
8	For other salaries .....	40,910.00
9	For support, maintenance and miscellaneous purposes	50,590.00
<hr/>		
10	Provided that funds appropriated for the general office by this	
11	section, in the discretion of the printing board, may be used to pay	

12 the cost of printing of the "Iowa Official Register", "Proceedings of  
13 the Iowa Academy of Science", "Iowa Welcomes You" booklet, and  
14 other miscellaneous items.

15 Grand total of all appropriations for all purposes for  
16 each year of the biennium for the state printing board  
17 provided by this section.....\$ 99,000.00

PUBLIC BUILDINGS AND GROUNDS,  
SUPERINTENDENT OF

1 SEC. 25. For the office of the superintendent of public buildings  
2 and grounds there is hereby appropriated from the general fund of  
3 the state for each year of the biennium beginning July 1, 1963, and  
4 ending June 30, 1965, the sum of six hundred seventy-eight thousand  
5 dollars (\$678,000.00), or so much thereof as may be necessary to  
6 be used in the following manner:

7 For salaries (amplified by estimated reimbursements	
8 of \$40,000.00) .....	\$ 569,800.00
9 For support, maintenance and miscellaneous purposes	23,200.00
10 For maintenance, repairs, replacements, alterations	
11 or equipment of public buildings and grounds of the	
12 state of Iowa, subject to approval of the executive coun-	
13 cil .....	85,000.00

14 Grand total of all appropriations for all purposes for  
15 each year of the biennium for the office of the super-  
16 intendent of public buildings and grounds.....\$ 678,000.00

PUBLIC INSTRUCTION, DEPARTMENT OF

1 SEC. 26. 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, 1963, and ending June 30, 1965, the sum  
4 of six hundred twelve thousand seven hundred twenty dollars  
5 (\$612,720.00), or so much thereof as may be necessary to be used in  
6 the following manner:

7 GENERAL OFFICE	
8 For salary of superintendent of public instruction.....\$	14,000.00
9 For other salaries (amplified by estimated reimburse-	
10 ments of \$75,000.00) .....	432,610.00
11 Total general office salaries.....\$	446,610.00
12 For support, maintenance and miscellaneous purposes	96,710.00
13 Total for general office .....	\$ 543,320.00

14 (1) VOCATIONAL EDUCATION

15 For salaries (amplified by estimated transfers from	
16 Geo. Barden fund of \$75,040.00).....\$	50,300.00
17 For support, maintenance and miscellaneous purposes	19,100.00
18 Total for vocational education.....\$	69,400.00

19 Grand total of all appropriations for all purposes for  
 20 each year of the biennium for the department of public  
 21 instruction and the various divisions thereof provided  
 22 by this section .....\$ 612,720.00

#### REAL ESTATE COMMISSION, IOWA

1 SEC. 27. For the Iowa real estate commission there is hereby  
 2 appropriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of twenty-eight thousand four hundred twenty dollars (\$28,420.00),  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	For salary of director .....	\$ 7,300.00
8	For other salaries .....	14,900.00
9	For support, maintenance and miscellaneous purposes .....	6,220.00

10 Grand total of all appropriations for all purposes for  
 11 each year of the biennium for the Iowa real estate com-  
 12 mission .....\$ 28,420.00

#### REGENTS, BOARD OF

1 SEC. 28. For the board of regents there is hereby appropriated  
 2 from the general fund of the state for each year of the biennium  
 3 beginning July 1, 1963, and ending June 30, 1965, the sum of ninety  
 4 thousand five hundred dollars (\$90,500.00), or so much thereof as  
 5 may be necessary to be used in the following manner:

6	For salary of secretary.....	\$ 10,750.00
7	For salary of chairman of finance committee.....	9,000.00
8	For salary of finance committee member.....	8,800.00
9	For salary of director of research and statistics.....	6,500.00
10	For other salaries .....	32,880.00
11	For support, maintenance and miscellaneous purposes	
12	(includes board members receiving a per diem of	
13	twenty dollars (\$20.00) per day not exceeding seven	
14	thousand two hundred dollars (\$7,200) per year for	
15	all members) .....	\$ 22,570.00

16 Grand total of all appropriations for all purposes for  
 17 each year of the biennium for the central office of the  
 18 board of regents .....\$ 90,500.00

#### SECRETARY OF STATE

1 SEC. 29. For the office of secretary of state there is hereby appro-  
 2 priated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of eighty-six thousand seven hundred dollars (\$86,700.00), or so  
 5 much thereof as may be necessary to be used in the following manner:

6	For salary of secretary of state.....	\$ 12,000.00
7	For other salaries .....	64,800.00
8	For support, maintenance and miscellaneous purposes .....	9,900.00

9 Grand total of all appropriations for all purposes for  
 10 each year of the biennium for the office of secretary  
 11 of state .....\$ 86,700.00

## SOIL CONSERVATION

1 SEC. 30. For soil conservation there is hereby appropriated from  
 2 the general fund of the state for each year of the biennium beginning  
 3 July 1, 1963, and ending June 30, 1965, the sum of sixty-two thousand  
 4 nine hundred fifty dollars (\$62,950.00), or so much thereof as may  
 5 be necessary to be used in the following manner:  
 6 For salaries .....\$ 43,700.00  
 7 For support, maintenance and miscellaneous purposes 19,250.00

8 Grand total of all appropriations for all purposes for  
 9 each year of the biennium for soil conservation.....\$ 62,950.00

## SPANISH-AMERICAN WAR VETERANS

1 SEC. 31. 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, 1963, and ending June 30, 1965, the sum  
 4 of three thousand four hundred ninety dollars (\$3,490.00), or so  
 5 much thereof as may be necessary to be used in the following manner:  
 6 For salaries .....\$ 2,765.00  
 7 For support, maintenance and miscellaneous purposes 725.00

8 Grand total of all appropriations for all purposes for  
 9 each year of the biennium for the Spanish-American  
 10 war veterans .....\$ 3,490.00

## SUPREME COURT

1 SEC. 32. 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, 1963, and ending June 30, 1965, the sum of two hundred five  
 4 thousand seven hundred fifty dollars (\$205,750.00), or so much  
 5 thereof as may be necessary to be used in the following manner:  
 6 For salaries of judges of the supreme court of Iowa,  
 7 and for the state's contribution, in the amount of three  
 8 per cent of such salaries to the judicial retirement sys-  
 9 tem provided for in Chapter 605A, Code 1962 and for  
 10 other salaries .....\$ 197,800.00  
 11 For support, maintenance and miscellaneous purposes 7,700.00  
 12 Rules of procedure ..... 250.00

13 Grand total of all appropriations for all purposes for  
 14 each year of the biennium for the supreme court.....\$ 205,750.00

## SUPREME COURT, CLERK OF

1 SEC. 33. For the office of clerk of supreme court there is hereby  
 2 appropriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum



4	of twenty thousand two hundred dollars (\$20,200.00), or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of chief clerk.....	\$ 6,800.00
7	For other salaries .....	12,450.00
8	For support, maintenance and miscellaneous purposes .....	950.00
		<hr/>
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of the clerk of	
11	supreme court .....	\$ 20,200.00

SUPREME COURT, REPORTER OF  
AND CODE EDITOR

1	SEC. 34. 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, 1963, and	
4	ending June 30, 1965, the sum of thirty-seven thousand five hundred	
5	thirty dollars (\$37,530.00), or so much thereof as may be necessary	
6	to be used in the following manner:	
7	For salary of code editor.....	\$ 8,300.00
8	For salary of deputy code editor.....	8,000.00
9	For other salaries .....	21,200.00
10	For support, maintenance and miscellaneous purposes .....	30.00
		<hr/>
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the department of re-	
13	porter of supreme court and code editor.....	\$ 37,530.00

TAX COMMISSION, STATE

1	SEC. 35. For the state tax commission there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1963, and ending June 30, 1965, the sum of two	
4	million five hundred ninety-nine thousand two hundred dollars	
5	(\$2,599,200.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	For salary of commissioners (3 commissioners at	
8	\$10,000.00 each) .....	\$ 30,000.00
9	For other salaries .....	2,173,600.00
10	For printing and binding .....	90,000.00
11	For support, maintenance and miscellaneous purposes .....	305,600.00
		<hr/>
12	Grand total of all appropriations for all purposes for	
13	each year of the biennium for the state tax commission....	\$2,599,200.00

TREASURER OF STATE

1	SEC. 36. 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, 1963, and ending June 30, 1965, the sum	
4	of eighty-three thousand nine hundred fifty dollars (\$83,950.00), or	
5	so much thereof as may be necessary to be used in the following	
6	manner:	

7	For salary of treasurer.....	\$ 12,000.00
8	For other salaries (amplified by estimated reimburse-	
9	ments of \$9,000.00) .....	68,050.00
10	For support, maintenance and miscellaneous purposes .....	3,900.00
		<hr/>
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the department of treas-	
13	urer of state .....	\$ 83,950.00

## UNIFORM LAWS, COMMISSION ON

1	SEC. 37. For the commission on uniform laws there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of two thousand fifty dollars (\$2,050.00), or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For support of the conference of commissioners on	
7	uniform state laws .....	\$ 850.00
8	For traveling expenses of members of the commis-	
9	sion on uniform laws .....	1,200.00
		<hr/>
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the commission on uni-	
12	form laws .....	\$ 2,050.00
		<hr/>
13	Total administrative departments .....	\$11,172,035.00

## MISCELLANEOUS SERVICES:

## CIVIL DEFENSE ADMINISTRATION

1	SEC. 38. For the civil defense administration there is hereby ap-	
2	propriated from the general fund of the state for each year of the bi-	
3	ennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of thirty-six thousand four hundred fifty dollars (\$36,450.00), or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of director of civilian defense.....	\$ 9,000.00
7	For other salaries (amplified by estimated reimburse-	
8	ments of \$36,450.00).....	7,350.00
9	For support, maintenance and miscellaneous purposes .....	20,100.00
		<hr/>
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the civil defense admin-	
12	istration .....	\$ 36,450.00

## CONSERVATION COMMISSION, STATE

1	SEC. 39. 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, 1963, and ending June 30, 1965, the	
4	sum of six hundred forty-two thousand three hundred fifty dollars	
5	(\$642,350.00), or so much thereof as may be necessary to be used	
6	in the following manner:	

7	For salaries (amplified by estimated reimbursements	
8	of \$206,100.00) .....	\$ 333,400.00
9	For support, maintenance and miscellaneous purposes	
10	of the office and maintenance of state parks, waters and	
11	forests, and for the construction and improvement	
12	of roads and highways under its control (amplified by	
13	estimated reimbursements of \$137,400.00) .....	208,950.00
14	For prison labor program (including \$62,500.00 for	
15	salaries) for utilization of prison inmates under the	
16	board of control .....	100,000.00
<hr/>		
17	The salary of the state conservation director shall be	
18	eleven thousand three hundred dollars (\$11,300.00) for	
19	each year of the biennium beginning July 1, 1963, and	
20	ending June 30, 1965.	
21	Grand total of all appropriations for all purposes for	
22	each year of the biennium for the conservation com-	
23	mission .....	\$ 642,350.00

## COUNCIL OF STATE GOVERNMENTS

1	SEC. 40. For the council of state governments there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of seven thousand five hundred dollars (\$7,500.00), or so much thereof	
5	as may be necessary to be used in the following manner:	
6	For support of the council of state governments.....	\$ 7,500.00
<hr/>		
7	Grand total of all appropriations for all purposes for	
8	each year of the biennium for the council of state gov-	
9	ernments .....	\$ 7,500.00

## DEVELOPMENT COMMISSION, THE IOWA

1	SEC. 41. For the Iowa development commission there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of four hundred fifty-five thousand three hundred fifty dollars	
5	(\$455,350.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	For salaries .....	\$ 125,700.00
8	For support, maintenance and miscellaneous purposes	192,150.00
9	For agricultural product utilization.....	100,000.00
10	For municipal planning assistance (any balance of	
11	the appropriation for municipal planning assistance	
12	remaining at the end of the ensuing biennium shall not	
13	revert to the general fund as provided by Chapter eight	
14	(8), Code 1962) .....	37,500.00
<hr/>		
15	Grand total of all appropriations for all purposes for	
16	each year of the biennium for the Iowa development	
17	commission .....	\$ 455,350.00

## DISTRICT COURT JUDGES

1	SEC. 42. For the district court judges there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1963, and ending June 30, 1965, the sum of one	
4	million one hundred fifty-two thousand five hundred fifty dollars	
5	(\$1,152,550.00), or so much thereof as may be necessary to be used	
6	in the following manner:	
7	For salaries of the judges of the district courts of	
8	Iowa and for the state's contribution, in the amount of	
9	three per cent of such salaries, to the judicial retire-	
10	ment system provided for in Chapter 605A, Code 1962.....	\$1,094,550.00
11	For traveling expenses of judges and court reporters	
12	in and out of districts .....	58,000.00
13	Grand total of all appropriations for all purposes for	
14	each year of the biennium for district court judges and	
15	reporters .....	\$1,152,550.00

## FAIR BOARD, IOWA STATE

1	SEC. 43. 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, 1963, and ending June 30, 1965, the sum of fifty-five	
4	thousand dollars (\$55,000.00), or so much thereof as may be neces-	
5	sary to be used in the following manner:	
6	The salary of the secretary of the state fair board shall be eight	
7	thousand five hundred dollars (\$8,500.00) per annum to be paid out	
8	of the fund of the state fair board.	
9	For maintenance, insurance and operating expenses....\$	45,000.00
10	For premiums .....	10,000.00
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the state fair board.....\$	55,000.00

## HERBERT HOOVER BIRTHPLACE FOUNDATION, INC.

1	SEC. 44. For the Herbert Hoover birthplace foundation, inc. there	
2	is hereby appropriated from the general fund of the state for each	
3	year of the biennium beginning July 1, 1963, and ending June 30,	
4	1965, the sum of six thousand dollars (\$6,000.00), or so much thereof	
5	as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 6,000.00
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the Herbert Hoover birth-	
10	place foundation, inc. ....	\$ 6,000.00

## HISTORICAL SOCIETY, THE STATE

1	SEC. 45. For the historical society at Iowa City there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	

4 of one hundred four thousand five hundred fifty dollars (\$104,550.00),  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:  
 7 For salaries .....\$ 42,550.00  
 8 For support, maintenance and miscellaneous purposes 62,000.00

9 Section eight point five (8.5) of the Code shall not apply to appro-  
 10 priations made by this section.  
 11 Grand total of all appropriations for all purposes for  
 12 each year of the biennium for the historical society at  
 13 Iowa City .....\$ 104,550.00

LEGISLATIVE RESEARCH BUREAU

1 SEC. 46. For the legislative research bureau there is hereby ap-  
 2 propriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of sixty thousand dollars (\$60,000.00), or so much thereof as may  
 5 be necessary to be used in the following manner:  
 6 For salaries, support, maintenance and miscellaneous  
 7 purposes .....\$ 60,000.00  
 8 Grand total of all appropriations for all purposes for  
 9 each year of the biennium for the legislative research  
 10 bureau .....\$ 60,000.00

LIQUOR CONTROL COMMISSION

1 SEC. 47. For the liquor control commission there is hereby ap-  
 2 propriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of three million nine hundred forty thousand nine hundred dollars  
 5 (\$3,940,900.00), or so much thereof as may be necessary to be used  
 6 in the following manner:  
 7 GENERAL OFFICE  
 8 For salaries of board members (3 at \$9,600.00 each)....\$ 28,800.00  
 9 For other salaries ..... 2,980,650.00  
 10 For support, maintenance and miscellaneous purposes  
 11 (amplified by estimated reimbursements of \$2,150.00).... 731,450.00  
 12 Total for general office.....\$3,740,900.00  
 13 LIQUOR ENFORCEMENT DIVISION  
 14 For salaries .....\$ 108,200.00  
 15 For support, maintenance and miscellaneous purposes 91,800.00  
 16 Total for liquor enforcement division.....\$ 200,000.00  
 17 Grand total of all appropriations for all purposes for  
 18 each year of the biennium for the liquor control com-  
 19 mission .....\$3,940,900.00  
 20 There is hereby transferred from the Iowa liquor control fund the  
 21 sum of twenty-five thousand dollars (\$25,000.00) for each year of the

22 ensuing biennium to the Iowa commission on alcoholism created by  
23 chapter one hundred twenty-three A (123A) of the Code for the  
24 purposes specified in said chapter.

#### MISSISSIPPI RIVER PARKWAY COMMISSION

1 SEC. 48. For the Mississippi river parkway commission there is  
2 hereby appropriated from the general fund of the state for each year  
3 of the biennium beginning July 1, 1963, and ending June 30, 1965, the  
4 sum of two thousand six hundred eighty dollars (\$2,680.00), or so  
5 much thereof as may be necessary to be used in the following manner:

6 For support, maintenance and miscellaneous purposes..\$ 2,680.00

7 Grand total of all appropriations for all purposes for  
8 each year of the biennium for the Mississippi river park-  
9 way commission .....\$ 2,680.00

#### NATIONAL GUARD AND STATE GUARD

1 SEC. 49. For the national guard and the state guard there is hereby  
2 appropriated from the general fund of the state for each year of the  
3 biennium beginning July 1, 1963, and ending June 30, 1965, the  
4 sum of nine hundred forty-three thousand six hundred dollars  
5 (\$943,000.00),\* or so much thereof as may be necessary to be used in  
6 the following manner:

7 For salaries .....\$ 378,640.00

8 For support, maintenance, armories and miscella-  
9 neous purposes (amplified by estimated reimbursements  
10 of \$220,000.00) ..... 564,960.00

11 Grand total of all appropriations for all purposes for  
12 each year of the biennium for the national guard and  
13 state guard .....\$ 943,600.00

#### RECIPROCITY BOARD, IOWA

1 SEC. 50. For the reciprocity board there is hereby appropriated  
2 from the general fund of the state for each year of the biennium  
3 beginning July 1, 1963, and ending June 30, 1965, the sum of sixty-  
4 two thousand seven hundred eighty dollars (\$62,780.00), or so much  
5 thereof as may be necessary to be used in the following manner:

6 For salary of executive secretary.....\$ 7,300.00

7 For other salaries ..... 41,000.00

8 For support, maintenance, pro-rata plates and stick-  
9 ers and miscellaneous purposes..... 14,480.00

10 Salaries for employees of said board, other than the executive  
11 secretary, shall be based on a table of organization and salary schedule  
12 adopted by said board subject to the approval of the executive council.

13 Grand total of all appropriations for all purposes for  
14 each year of the biennium for the reciprocity board.....\$ 62,780.00

15 Total miscellaneous services .....\$7,469,710.00

\*According to enrolled Act.

PUBLIC SAFETY:

PUBLIC SAFETY, DEPARTMENT OF

1 SEC. 51. For the department of public safety there is hereby  
 2 appropriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the sum  
 4 of five million ten thousand eight hundred ten dollars (\$5,010,810.00),  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	DIVISION OF ADMINISTRATION	
8	For salary of commissioner.....	\$ 11,500.00
9	For other salaries .....	50,980.00
10	For support, maintenance and miscellaneous purposes	10,010.00
11	Total for the division of administration.....	<u>\$ 72,490.00</u>
12	(1) DIVISION OF CRIMINAL INVESTIGATION	
13	For salaries .....	\$ 196,370.00
14	For support, maintenance and miscellaneous purposes	40,390.00
15	Total for the division of criminal investigation in-	
16	cluding the state's contribution to the peace officers'	
17	retirement, accident and disability system, provided in	
18	chapter 97A, Code of 1962, in the amount of sixteen per	
19	cent (16%) of the salaries of personnel included in	
20	the system .....	<u>\$ 236,760.00</u>
21	(2) DIVISION OF FIRE MARSHALL*	
22	For salaries, including salary of fire marshal* .....	\$ 65,480.00
23	For support, maintenance and miscellaneous purposes	24,150.00
24	Total for the division of fire marshal* .....	<u>\$ 89,630.00</u>
25	(3) DIVISION OF HIGHWAY PATROL	
26	For salaries .....	\$2,050,790.00
27	For support, maintenance and miscellaneous purposes..	1,040,450.00
28	Total for the division of highway patrol including	
29	the state's contribution to the peace officers' retirement,	
30	accident and disability system, provided in chapter 97A,	
31	Code 1962, in the amount of sixteen per cent (16%)	
32	of the salaries of personnel included in the system, and	
33	including liability insurance .....	<u>\$3,091,240.00</u>
34	(4) DIVISION OF MOTOR VEHICLE FINANCIAL	
35	AND SAFETY RESPONSIBILITY AND	
36	RECORDS	
37	For salaries (amplified by estimated certification fees	
38	of \$140,000.00) .....	<u>\$ 170,290.00</u>

\*According to enrolled Act.

39	For support, maintenance and miscellaneous purposes	\$ 64,340.00
40	Total for the division of motor vehicle financial and	
41	safety responsibility and records.....	\$ 234,630.00
42	(5) DIVISION OF MOTOR REGISTRATION	
43	For salaries .....	\$ 295,680.00
44	For support, maintenance and miscellaneous purposes	105,750.00
45	Total for the division of motor registration.....	\$ 401,430.00
46	(6) DIVISION OF OPERATORS' AND	
47	CHAUFFEURS' LICENSES	
48	For salaries .....	\$ 335,890.00
49	For support, maintenance and miscellaneous purposes	68,760.00
50	Total for the division of operators' and chauffeurs'	
51	licenses .....	\$ 404,650.00
52	(7) DIVISION OF RADIO COMMUNICATION	
53	For salaries .....	\$ 356,090.00
54	For support, maintenance and miscellaneous purposes	71,600.00
55	Total for the division of radio communication.....	\$ 427,690.00
56	(8) DIVISION OF SAFETY EDUCATION	
57	For salaries .....	\$ 34,900.00
58	For support, maintenance and miscellaneous purposes	17,390.00
59	Total for the division of safety education.....	\$ 52,290.00
60	Grand total of all appropriations for all purposes for	
61	each year of the biennium for the department of public	
62	safety and all divisions thereof.....	\$5,010,810.00

## DIRECT EDUCATIONAL AID:

## BLIND, IOWA COMMISSION FOR THE

1	SEC. 52. 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, 1963, and ending June 30, 1965,	
4	the sum of two hundred twelve thousand five hundred ten dollars	
5	(\$212,510.00), or so much thereof as may be necessary to be used in	
6	the following manner:	
7	For salary of director.....	\$ 8,500.00
8	For other salaries (amplified by estimated reimburse-	
9	ments of \$105,000.00) .....	117,680.00



10	For support, maintenance and miscellaneous purposes	
11	(amplified by estimated reimbursements of \$154,000.00)	\$ 86,330.00
<hr/>		
12	Grand total of all appropriations for all purposes for	
13	each year of the biennium for the office of the commis-	
14	sion for the blind.....	\$ 212,510.00

## PUBLIC INSTRUCTION, DEPARTMENT OF

1	SEC. 53. 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, 1963, and ending June 30, 1965, the sum	
4	of five hundred sixty thousand dollars (\$560,000.00), or so much	
5	thereof as may be necessary to be used in the following manner:	
6	VOCATIONAL REHABILITATION	
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	\$ 560,000.00
<hr/>		
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the department of public	
11	instruction provided by this section.....	\$ 560,000.00

## SOLDIERS' BONUS BOARD,

## WORLD WAR ORPHANS' EDUCATION AID

1	SEC. 54. For the Iowa soldiers' bonus board there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the sum	
4	of fifty thousand dollars (\$50,000.00), 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 the	
7	education of children of honorably discharged soliders,	
8	sailors, marines, nurses or other component part of the	
9	military forces of this state or nation as specified in	
10	section 35.9, Code of 1962 .....	\$ 50,000.00
<hr/>		
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for the soldiers' bonus board..	\$ 50,000.00
<hr/>		
13	Total direct educational aid.....	\$ 822,510.00

1 SEC. 55. The salary of the state car dispatcher shall be seven  
2 thousand dollars (\$7,000.00) for each year of the biennium beginning  
3 July 1, 1963, and ending June 30, 1965, to be paid from the car  
4 dispatcher funds.

1 SEC. 56. The salaries of the three (3) members of the board of  
2 social welfare shall be nine thousand two hundred fifty dollars  
3 (\$9,250.00) for each member for each year of the biennium beginning  
4 July 1, 1963, and ending June 30, 1965, to be paid from the funds of  
5 the department of social welfare.

1 SEC. 57. No department or commission of state located in the  
2 city of Des Moines shall expend any funds for the publication or  
3 distribution of books or pamphlets or reports unless the publication  
4 thereof be expressly required by law or approved by the budget and  
5 financial control committee and the state printing board. A violation  
6 of this section shall constitute misfeasance in office.

1 SEC. 58. All salaries provided for in this Act are in lieu of all  
2 existing statutory salaries, for the positions provided herein, and  
3 shall be payable in equal monthly or semi-monthly installments, and  
4 shall be in full compensation for all services except as otherwise ex-  
5 pressly provided and except further that expense allowances shall be  
6 authorized, any ruling of the Federal Internal Revenue Service with  
7 respect to the tax status thereof notwithstanding.

1 SEC. 59. Section eighty point eight (80.8), Code 1962, is amended  
2 by striking from the last line the word "home" and inserting in lieu  
3 thereof the words "the office to which he has been assigned".

1 SEC. 60. Section one hundred fifty-nine point twenty (159.20),  
2 Code 1962, is amended by striking from the end thereof the words  
3 "upon approval of such appointment by the agricultural marketing  
4 board".

1 SEC. 61. Section one hundred fifty-nine point twenty-two (159.22),  
2 Code 1962, is amended by inserting in line two (2) after the word  
3 "may" the words "with the approval of the secretary of agriculture".

1 SEC. 62. Section one hundred fifty-nine point twenty-six (159.26),  
2 Code 1962, is amended by striking all of subsections two (2), three  
3 (3) and four (4) and renumbering subsection five (5).

1 SEC. 63. Where any provisions of the law of this state are in con-  
2 flict with this Act the provisions of this Act shall govern for the  
3 biennium.

Approved May 24, 1963.

## CHAPTER 2

### BOARD OF CONTROL APPROPRIATIONS

S. F. 465

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1963, and ending June 30, 1965, to the board of control for salaries, support, maintenance, repairs, replacements, alterations or equipment of institutions under said board of control, and to provide that chapter eight (8), except section eight point five (8.5), Code 1962, shall apply to this Act.

*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 each year of the biennium beginning July 1,

3 1963, and ending June 30, 1965, for the board of control of state  
 4 institutions for all purposes including salaries, support, maintenance,  
 5 repairs, replacements, alterations or equipment and miscellaneous  
 6 purposes for all institutions, under the board of control, the sum of  
 7 twenty-two million five hundred twenty thousand two hundred fifty  
 8 dollars (\$22,520,250.00), or so much thereof as may be necessary,  
 9 to be used for the following purposes, to wit:

#### MENTAL HEALTH INSTITUTE

##### Cherokee

1 SEC. 2. For the Mental Health Institute at Cherokee, Iowa,  
 2 there is hereby appropriated from the general fund of the state for  
 3 each year of the biennium beginning July 1, 1963, and ending June  
 4 30, 1965, the sum of two million one hundred sixty-nine thousand  
 5 six hundred dollars (\$2,169,600.00), or so much thereof as may be  
 6 necessary, to be used in the following manner:

7	For salaries .....	\$1,627,300.00
8	For support and maintenance .....	452,300.00
9	For repairs, replacements or alterations .....	54,000.00
10	For equipment .....	36,000.00
		\$2,169,600.00
11	Total for Mental Health Institute, Cherokee .....	\$2,169,600.00

#### MENTAL HEALTH INSTITUTE

##### Clarinda

1 SEC. 3. For the Mental Health Institute 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, 1963, and ending June 30,  
 4 1965, the sum of two million two hundred twenty-three thousand  
 5 four hundred dollars (\$2,223,400.00), or so much thereof as may  
 6 be necessary, to be used in the following manner:

7	For salaries .....	\$1,663,400.00
8	For support and maintenance .....	470,000.00
9	For repairs, replacements or alterations .....	54,000.00
10	For equipment .....	36,000.00
		\$2,223,400.00
11	Total for Mental Health Institute, Clarinda .....	\$2,223,400.00

#### MENTAL HEALTH INSTITUTE

##### Independence

1 SEC. 4. For the Mental Health Institute 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, 1963, and ending June 30,  
 4 1965, the sum of two million three hundred ninety-two thousand  
 5 five hundred dollars (\$2,392,500.00), or so much thereof as may  
 6 be necessary, to be used in the following manner:

7	For salaries .....	\$1,865,700.00
8	For support and maintenance .....	436,800.00

9	For repairs, replacements or alterations .....	\$ 54,000.00
10	For equipment .....	36,000.00
11	Total for Mental Health Institute, Independence.....	\$2,392,500.00

MENTAL HEALTH INSTITUTE

Mount Pleasant

1 SEC. 5. For the Mental Health Institute at Mount Pleasant, Iowa,  
 2 there is hereby appropriated from the general fund of the state for  
 3 each year of the biennium beginning July 1, 1963, and ending June 30,  
 4 1965, the sum of two million one hundred ninety thousand five hundred  
 5 dollars (\$2,190,500.00), or so much thereof as may be necessary, to  
 6 be used in the following manner:

7	For salaries .....	\$1,636,500.00
8	For support and maintenance .....	464,000.00
9	For repairs, replacements or alterations .....	54,000.00
10	For equipment .....	36,000.00
11	Total for Mental Health Institute, Mount Pleasant.....	\$2,190,500.00

GLENWOOD STATE SCHOOL

Glenwood

1 SEC. 6. For the Glenwood State School at Glenwood, Iowa, there  
 2 is hereby appropriated from the general fund of the state for each  
 3 year of the biennium beginning July 1, 1963, and ending June 30,  
 4 1965, the sum of two million five hundred fifty-six thousand four  
 5 hundred dollars (\$2,556,400.00), or so much thereof as may be  
 6 necessary, to be used in the following manner:

7	For salaries .....	\$1,845,400.00
8	For support and maintenance .....	621,000.00
9	For repairs, replacements or alterations .....	54,000.00
10	For equipment .....	36,000.00
11	Total for Glenwood State School, Glenwood .....	\$2,556,400.00

STATE HOSPITAL AND SCHOOL

Woodward

1 SEC. 7. For the State Hospital and School at Woodward, Iowa,  
 2 there is hereby appropriated from the general fund of the state for  
 3 each year of the biennium beginning July 1, 1963, and ending June 30,  
 4 1965, the sum of two million four hundred seventy-six thousand four  
 5 hundred dollars (\$2,476,400.00), or so much thereof as may be  
 6 necessary, to be used in the following manner:

7	For salaries .....	\$1,781,400.00
8	For support and maintenance .....	606,000.00
9	For repairs, replacements or alterations.....	53,400.00
10	For equipment .....	35,600.00
11	Total for State Hospital and School, Woodward.....	\$2,476,400.00

## ANNIE WITTENMYER HOME, THE IOWA

## Davenport

1 SEC. 8. For The Iowa Annie Wittenmyer Home at Davenport,  
 2 Iowa, there is hereby appropriated from the general fund of the state  
 3 for each year of the biennium beginning July 1, 1963, and ending  
 4 June 30, 1965, the sum of nine hundred twenty thousand nine hundred  
 5 dollars (\$920,900.00), or so much thereof as may be necessary, to  
 6 be used in the following manner:

7	For salaries .....	\$ 582,500.00
8	For support and maintenance.....	284,000.00
9	For repairs, replacements or alterations.....	30,200.00
10	For equipment .....	24,200.00
		<hr/>
11	Total for The Iowa Annie Wittenmyer Home, Daven-	
12	port .....	\$ 920,900.00

## JUVENILE HOME, STATE

## Toledo

1 SEC. 9. For the State Juvenile Home at Toledo, Iowa, there is  
 2 hereby appropriated from the general fund of the state for each year  
 3 of the biennium beginning July 1, 1963, and ending June 30, 1965,  
 4 the sum of six hundred eighty-two thousand nine hundred dollars  
 5 (\$682,900.00), or so much thereof as may be necessary to be used  
 6 in the following manner:

7	For salaries .....	\$ 462,200.00
8	For support and maintenance.....	178,500.00
9	For repairs, replacements or alterations.....	30,200.00
10	For equipment .....	12,000.00
		<hr/>
11	Total for State Juvenile Home, Toledo.....	\$ 682,900.00

## SOLDIERS HOME, IOWA

## Marshalltown

1 SEC. 10. For the Iowa Soldiers Home at Marshalltown, Iowa,  
 2 there is hereby appropriated from the general fund of the state for  
 3 each year of the biennium beginning July 1, 1963, and ending June 30,  
 4 1965, the sum of eight hundred eighty-four thousand six hundred  
 5 dollars (\$884,600.00), or so much thereof as may be necessary, to  
 6 be used in the following manner:

7	For salaries .....	\$ 626,200.00
8	For support and maintenance.....	204,000.00
9	For repairs, replacements or alterations.....	30,200.00
10	For equipment .....	24,200.00
		<hr/>
11	Total for Iowa Soldiers Home, Marshalltown.....	\$ 884,600.00

## MEN'S REFORMATORY

## Anamosa

1 SEC. 11. For the Men's Reformatory at Anamosa, Iowa, there  
 2 is hereby appropriated from the general fund of the state for each

3	year of the biennium beginning July 1, 1963, and ending June 30,	
4	1965, the sum of one million seven hundred ninety-one thousand eight	
5	hundred dollars (\$1,791,800.00), or so much thereof as may be	
6	necessary, to be used in the following manner:	
7	For salaries .....	\$1,053,600.00
8	For support and maintenance.....	641,800.00
9	For repairs, replacements or alterations.....	72,200.00
10	For equipment .....	24,200.00
11	Total for Men's Reformatory, Anamosa.....	\$1,791,800.00

## PENITENTIARY, STATE

## Fort Madison

1	SEC. 12. For the State Penitentiary at Fort Madison, Iowa, there	
2	is hereby appropriated from the general fund of the state for each	
3	year of the biennium beginning July 1, 1963, and ending June 30,	
4	1965, the sum of two million one hundred sixty-one thousand eight	
5	hundred dollars (\$2,161,800.00), or so much thereof as may be	
6	necessary, to be used in the following manner:	
7	For salaries .....	\$1,265,200.00
8	For support and maintenance.....	800,200.00
9	For repairs, replacements or alterations.....	72,200.00
10	For equipment .....	24,200.00
11	Total for State Penitentiary, Fort Madison.....	\$2,161,800.00

## WOMEN'S REFORMATORY

## Rockwell City

1	SEC. 13. 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, 1963, and ending June 30,	
4	1965, the sum of two hundred seventy-nine thousand two hundred	
5	fifty dollars (\$279,250.00), or so much thereof as may be necessary,	
6	to be used in the following manner:	
7	For salaries .....	\$ 171,450.00
8	For support and maintenance.....	85,300.00
9	For repairs, replacements or alterations.....	12,500.00
10	For equipment .....	10,000.00
11	Total for Women's Reformatory, Rockwell City.....	\$ 279,250.00

## TRAINING SCHOOL FOR BOYS

## Eldora

1	SEC. 14. For the Training School for Boys at Eldora, Iowa,	
2	there is hereby appropriated from the general fund of the state for	
3	each year of the biennium beginning July 1, 1963, and ending June 30,	
4	1965, the sum of one million two hundred nineteen thousand eight	
5	hundred dollars (\$1,219,800.00), or so much thereof as may be	

6	necessary, to be used in the following manner:	
7	For salaries .....	\$ 872,400.00
8	For support and maintenance.....	293,000.00
9	For repairs, replacements or alterations.....	30,200.00
10	For equipment .....	24,200.00
11	Total for Training School for Boys, Eldora.....	\$1,219,800.00

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, 1963, and ending June 30,	
4	1965, the sum of three hundred sixty-three thousand seven hundred	
5	dollars (\$363,700.00), or so much thereof as may be necessary, to be	
6	used in the following manner:	
7	For salaries .....	\$ 222,900.00
8	For support and maintenance.....	116,300.00
9	For repairs, replacements or alterations.....	12,500.00
10	For equipment .....	12,000.00
11	Total for Training Schools for Girls, Mitchellville.....	\$ 363,700.00

BOARD OF CONTROL  
ADDITIONAL MENTAL HEALTH

1	SEC. 16. For the board of control of state institutions in addition	
2	to any other appropriation for mental health for such non-mental	
3	institution selected by said board, subject to the approval of the	
4	budget and financial control committee, there is hereby appropriated	
5	from the general fund of the state for each year of the biennium	
6	beginning July 1, 1963, and ending June 30, 1965, the sum of two	
7	hundred six thousand seven hundred dollars (\$206,700.00), or so much	
8	thereof as may be necessary, to be used in the following manner:	
9	For mental health services at the Training School for Boys, the	
10	Training School for Girls, the Juvenile Home, The Iowa Annie	
11	Wittenmyer Home, the Women's Reformatory, the Men's Reforma-	
12	tory, and the State Penitentiary .....	\$ 206,700.00
13	Total for additional mental health.....	\$ 206,700.00

1 SEC. 17. The budget of total expenditures for each institution  
2 under the control of the board of control, including state appropria-  
3 tions and such other receipts as may be available for the same  
4 purpose as the state appropriations, during the biennium shall not  
5 exceed the budget for each institution as hereinafter set forth,  
6 except the board of control may, in the event of an emergency  
7 or necessity, which may arise at any particular institution under  
8 its control, expend more than the amount budgeted for such insti-  
9 tution which expenditure shall be made out of increase in receipts  
10 of such institution, such increase in receipts meaning receipts in

11 excess of the estimation of receipts of the respective institutions  
 12 as set forth in the appropriations proposals submitted to the general  
 13 assembly, provided that thirty days prior to such proposed increased  
 14 expenditure the board shall report in writing to the budget and  
 15 financial control committee, to the governor and to the state comp-  
 16 troller the specific purpose of such additional expenditure and the  
 17 source and amount of funds available therefor, and further said  
 18 board shall receive the approval of both the budget and financial  
 19 control committee and the state comptroller before making such  
 20 additional expenditures. Any transfer of funds from one institu-  
 21 tion to another may be made by the board of control provided that  
 22 thirty days prior to such transfer the board shall report in writing  
 23 to the budget and financial control committee, to the governor and  
 24 to the state comptroller the specific purpose of such transfer and  
 25 the source of such transfer funds, and provided further said board  
 26 shall receive the approval of the budget and financial control com-  
 27 mittee as well as that of the governor and state comptroller.

28 No funds appropriated by this Act or receipts, which may be  
 29 used for the same purpose as said appropriations, may be used for  
 30 capital improvements.

31	Mental Health Institute, Cherokee.....	\$ 5,209,200.00
32	Mental Health Institute, Clarinda .....	4,935,800.00
33	Mental Health Institute, Independence .....	5,759,200.00
34	Mental Health Institute, Mount Pleasant .....	4,852,000.00
35	Glenwood State School, Glenwood.....	5,192,800.00
36	State Hospital and School, Woodward.....	5,108,200.00
37	The Iowa Annie Wittenmyer Home, Davepnot.....	1,853,800.00
38	State Juvenile Home, Toledo.....	1,370,800.00
39	Iowa Soldiers Home, Marshalltown.....	2,523,200.00
40	Men's Reformatory, Anamosa.....	3,833,600.00
41	State Penitentiary, Fort Madison.....	4,538,400.00
42	Women's Reformatory, Rockwell City.....	594,500.00
43	Training School For Boys, Eldora.....	2,519,600.00
44	Training School For Girls, Mitchellville.....	747,400.00
45	Additional Mental Health .....	413,400.00

46 Total budget for all institutions under the board  
 47 of control for the biennium beginning July 1, 1963, and  
 48 ending June 30, 1965.....\$49,451,900.00

1 SEC. 18. All salaries provided for in this Act shall be payable  
 2 in equal monthly or semi-monthly installments, and shall be in full  
 3 compensation for all services except as otherwise expressly provided  
 4 and except further that expense allowances shall be authorized,  
 5 any ruling of the Federal Internal Revenue Service with respect to  
 6 the tax status thereof notwithstanding.

1 SEC. 19. Chapter eight (8), Code 1962, shall apply to this Act,  
 2 except that employees whose salaries are appropriated herein shall  
 3 not come under the division of personnel under section eight point  
 4 five (8.5), Code 1962.

Approved May 22, 1963.



## CHAPTER 3

## BOARD OF CONTROL CAPITAL IMPROVEMENTS

S. F. 466

AN ACT to appropriate from the general fund of the state of Iowa for capital improvements for institutions under the board of control, including construction of new buildings, repairs, improvements, replacements, or alterations, and providing for the joint control for the expenditure thereof by the board of control and the budget and financial control committee.

*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 board of control the sum of four million seven  
3 hundred fifty thousand dollars (\$4,750,000.00) to be used in the fol-  
4 lowing manner, to wit:

5 To supplement any prior appropriations for capital improvement  
6 items for construction of new buildings, repairs, improvements, re-  
7 placements, or alterations, or for any other capital expenditures the  
8 board of control may deem necessary for the proper and necessary  
9 function of any institution under its jurisdiction.

1 SEC. 2. Before any of the funds herein appropriated shall be ex-  
2 pended, it shall be determined by the board of control, with the ap-  
3 proval of the budget and financial control committee, that the expend-  
4 iture shall be for the best interests of the state.

1 SEC. 3. Contracts, plans and specifications, or plan of operation  
2 for improvements for which funds are herein appropriated shall be  
3 submitted by the board of control to the budget and financial control  
4 committee for approval, except that items commonly known as change  
5 orders need not be submitted to the budget and financial control com-  
6 mittee for approval unless such change orders actually increase the  
7 total cost of that particular project.

1 SEC. 4. The board of control and the budget and financial control  
2 committee are hereby authorized to obtain federal grants to the state  
3 to be used in connection with the funds above appropriated.

1 SEC. 5. Any unencumbered balance remaining as of June 30, 1967,  
2 of the appropriation of this Act made by the Sixtieth General Assem-  
3 bly, shall revert to the general fund of the state as of June 30, 1967.

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 as  
3 provided by law, in The Northwood Anchor, a newspaper published at  
4 Northwood, Iowa, and in The Paullina Times, a newspaper published  
5 at Paullina, Iowa.

Approved May 15, 1963.

I hereby certify that the foregoing Act, Senate File 466, was published in The Northwood Anchor, Northwood, Iowa, May 23, 1963, and in The Paullina Times, Paullina, Iowa, May 23, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 4

BOARD OF REGENTS APPROPRIATIONS

S. F. 475

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1963, and ending June 30, 1965, to the state board of regents for the support, maintenance, equipment, repairs, replacements and alterations of institutions under said state board of regents.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state for each year of the biennium beginning July 1, 1963, and  
 3 ending June 30, 1965, for the support, maintenance, equipment, re-  
 4 pairs, replacements and alterations of all institutions under the  
 5 control of the state board of regents, the following sums or so much  
 6 thereof as may be necessary for the following purposes to wit:

STATE UNIVERSITY OF IOWA

Iowa City

1 SEC. 2. For the state university of Iowa there is hereby appro-  
 2 priated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 following sums or so much thereof as may be necessary to be used  
 5 in the following manner:  
 6 For salaries, support, maintenance, equipment and  
 7 miscellaneous purposes .....\$ 15,983,750.00  
 8 For repairs, replacements and alterations..... 350,000.00  
 9 For Lakeside laboratory, for repairs, replacements,  
 10 alterations and equipment ..... 4,400.00  
 11 Total for the state university of Iowa.....\$ 16,338,150.00

UNIVERSITY HOSPITAL

1 SEC. 3. For the purpose of carrying out the purpose of chapter  
 2 two hundred fifty-five (255), Code 1962, there is hereby appropriated  
 3 from the general fund of the state for each year of the biennium  
 4 beginning July 1, 1963, and ending June 30, 1965, the following sums  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:  
 7 For salaries, support, maintenance, equipment and  
 8 for medical surgical treatment of indigent patients at  
 9 the university hospital.....\$ 6,632,925.00  
 10 For repairs, replacements and alterations ..... 170,000.00  
 11 Total for the university hospital .....\$ 6,802,925.00

PSYCHOPATHIC HOSPITAL

1 SEC. 4. For the psychopathic hospital for the purpose of chapter  
 2 two hundred twenty-five (225), Code 1962, there is hereby appropri-  
 3 ated from the general fund of the state for each year of the biennium

4	beginning July 1, 1963, and ending June 30, 1965, the following sums	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salaries, support, maintenance, equipment, and	
8	for the care, treatment and maintenance of committed	
9	and voluntary public patients therein.....\$	1,409,700.00
10	For repairs, replacements and alterations.....	15,000.00
11	Total for the psychopathic hospital.....\$	1,424,700.00

## BACTERIOLOGICAL LABORATORY

1	SEC. 5. For the bacteriological laboratory there is hereby appro-	
2	priated from the general fund of the state for each year of the bi-	
3	ennium beginning July 1, 1963, and ending June 30, 1965, the fol-	
4	lowing sums or so much thereof as may be necessary to be used in	
5	the manner and under the authority provided in chapter two hundred	
6	sixty-three (263), Code 1962:	
7	For salaries, support, maintenance, equipment and	
8	miscellaneous purposes .....	\$ 431,975.00
9	Total for the bacteriological laboratory.....\$	431,975.00

## HOSPITAL SCHOOL

1	SEC. 6. For the hospital school there is hereby appropriated from	
2	the general fund of the state for each year of the biennium beginning	
3	July 1, 1963, and ending June 30, 1965, the following sums or so much	
4	thereof as may be necessary to be used in the manner and under the	
5	authority provided in chapter two hundred sixty-three (263), Code	
6	1962:	
7	For salaries, support, maintenance, equipment and	
8	miscellaneous purposes .....	\$ 824,800.00
9	For repairs, replacements and alterations.....	5,500.00
10	Total for the hospital school.....\$	830,300.00

## IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

## Ames

1	SEC. 7. For the Iowa state university of science and technology,	
2	including the Iowa agricultural experiment station and the coopera-	
3	tive extension service in agriculture and home economics, there is	
4	hereby appropriated from the general fund of the state for each year	
5	of the biennium beginning July 1, 1963, and ending June 30, 1965,	
6	the following sums or so much thereof as may be necessary to be used	
7	in the following manner:	
8	(1) GENERAL COLLEGE	
9	For salaries, support, maintenance, equipment and	
10	miscellaneous purposes .....	\$ 11,758,950.00
11	For repairs, replacements and alterations.....	460,000.00
12	Total for the general college.....\$	12,218,950.00

13	(2) IOWA AGRICULTURAL EXPERIMENT STATION	
14	For salaries, support, maintenance, equipment and	
15	miscellaneous purposes .....	\$ 2,625,000.00
16	Total for the Iowa agricultural experiment station....	\$ 2,625,000.00
17	(3) CO-OPERATIVE EXTENSION SERVICE	
18	IN AGRICULTURE AND HOME ECONOMICS	
19	For salaries, support, maintenance, equipment and	
20	miscellaneous purposes .....	\$ 1,850,000.00
21	Total for the co-operative extension service in agri-	
22	culture and home economics.....	\$ 1,850,000.00
23	Grand total of all appropriations for all purposes	
24	of the Iowa state university of science and technology,	
25	including the Iowa agricultural experiment station and	
26	the co-operative extension service in agriculture and	
27	home economics .....	\$ 16,693,950.00

## STATE COLLEGE OF IOWA

Cedar Falls

1	SEC. 8. For the state college of Iowa there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1963, and ending June 30, 1965, the following sums	
4	or so much thereof as may be necessary to be used in the following	
5	manner:	
6	For salaries, support, maintenance, equipment and	
7	miscellaneous purposes .....	\$ 4,660,000.00
8	For repairs, replacements and alterations.....	175,000.00
9	Total for the state college of Iowa.....	\$ 4,835,000.00

## IOWA BRAILLE AND SIGHT-SAVING SCHOOL

Vinton

1	SEC. 9. For the Iowa braille and sight-saving school there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1963, and ending June 30, 1965, the fol-	
4	lowing sums or so much thereof as may be necessary to be used in the	
5	following manner:	
6	For salaries, support, maintenance, equipment and	
7	miscellaneous purposes .....	\$ 493,400.00
8	For repairs, replacements and alterations.....	16,600.00
9	Total for the Iowa braille and sight-saving school....	\$ 510,000.00

## IOWA SCHOOL FOR THE DEAF

Council Bluffs

1	SEC. 10. For the Iowa school for the deaf there is hereby appro-	
2	priated from the general fund of the state for each year of the bi-	
3	ennium beginning July 1, 1963, and ending June 30, 1965, the follow-	
4	ing sums or so much thereof as may be necessary to be used in the	

5 following manner:

6	For salaries, support, maintenance, equipment and	
7	miscellaneous purposes .....	\$ 893,000.00
8	For repairs, replacements and alterations.....	17,700.00
		<hr/>
9	Total for the Iowa school for the deaf.....	\$ 910,700.00

#### 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, 1963, and ending June 30, 1965, the  
 4 following sums or so much thereof as may be necessary to be used  
 5 in the following manner:

6	For salaries, support, maintenance, equipment and	
7	miscellaneous purposes .....	\$ 1,187,000.00
8	For repairs, replacements and alterations.....	45,000.00
		<hr/>
9	Total for the state sanatorium, Oakdale, Iowa.....	\$ 1,232,000.00

10 Grand total of all appropriations to the state board  
 11 of regents for all purposes .....

		\$ 50,009,700.00
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1 SEC. 12. The budget of total expenditures for each institution  
 2 under the control of the state board of regents, including state appro-  
 3 priations and such other receipts as may be available for the same  
 4 purpose as the state appropriations, during the biennium shall not  
 5 exceed the budget for each institution as hereinafter set forth, ex-  
 6 cept the state board of regents may, in the event of an emergency  
 7 or necessity, which may arise at any particular institution under its  
 8 control, expend more than the amount budgeted for such institution  
 9 which expenditure shall be made out of increase in receipts of such  
 10 institution, such increase in receipts meaning receipts in excess of  
 11 the estimation of receipts of the respective institutions as set forth  
 12 in the appropriations proposals submitted to the general assembly,  
 13 provided that thirty days prior to such proposed increased expendi-  
 14 ture the board shall report in writing to the state comptroller the  
 15 specific purpose of such additional expenditure and the source and  
 16 amount of funds available therefor, and further said board shall set  
 17 out in its biennial report to the governor and the next general assem-  
 18 bly such increased expenditures, the purpose thereof, and the source  
 19 and amount of funds used therefor.

20 No funds appropriated by this Act or receipts, which may be used  
 21 for the same purpose as said appropriations, may be used for capital  
 22 improvements.

23	State University of Iowa.....	\$ 41,781,300.00
24	University hospital .....	22,948,411.00
25	Psychopathic hospital .....	3,128,360.00
26	Bacteriological laboratory .....	956,056.00
27	Hospital school .....	1,660,600.00

28	Iowa state university of science and technology	
29	General college .....	\$ 33,237,900.00
30	Agricultural experiment station .....	6,776,320.00
31	Co-operative extension service in agriculture and	
32	home economics .....	6,892,540.00
33	State college of Iowa.....	11,891,600.00
34	Iowa braille and sight-saving school .....	1,022,000.00
35	Iowa school for the deaf .....	1,813,800.00
36	State sanatorium .....	2,618,920.00
37	Total budget for all institutions under the state	
38	board of regents for the biennium beginning July 1,	
39	1963, and ending June 30, 1965.....	\$134,727,807.00

1     SEC. 13. All salaries provided for in this Act shall be payable in  
2 equal monthly or semi-monthly installments, and shall be in full com-  
3 pensation for all services except as otherwise expressly provided and  
4 except further that expense allowances shall be authorized, any ruling  
5 of the Federal Internal Revenue Service with respect to the tax status  
6 thereof notwithstanding.

1     SEC. 14. Any unencumbered balances remaining in the appro-  
2 priations made by the Fifty-ninth General Assembly to the state board  
3 of regents for the support, maintenance, equipment, repairs, replace-  
4 ments and alterations of institutions under said state board of regents,  
5 on June 30, 1963, shall revert to the general fund of the state, except  
6 that balances not to exceed the following specified amounts may be  
7 retained in each fund and used for necessary adjustments of salaries,  
8 support, maintenance and equipment with the approval of the state  
9 board of regents and the budget and financial control committee:

10	State university of Iowa—general.....	\$ 200,000.00
11	University hospital .....	75,000.00
12	Psychopathic hospital .....	15,000.00
13	Bacteriological laboratory .....	7,500.00
14	Hospital school .....	5,000.00
15	Iowa state university—general .....	200,000.00
16	Iowa agricultural experiment station.....	25,000.00
17	Co-operative extension service in agriculture and	
18	home economics .....	25,000.00
19	State college of Iowa.....	50,000.00
20	Iowa braille and sight-saving school.....	5,000.00
21	Iowa school for the deaf .....	10,000.00
22	State sanatorium .....	15,000.00

1     SEC. 15. Chapter eight (8), Code 1962, shall apply to this Act.

Approved May 24, 1963.

## CHAPTER 5

BOARD OF REGENTS CAPITAL IMPROVEMENTS  
AND CIGARETTE TAX

S. F. 474

AN ACT to appropriate from the general fund of the state of Iowa to the state board of regents for capital improvements; repairs, replacements, alterations and equipment and to increase the tax imposed on cigarettes.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state to the board of regents the sum of sixteen million (16,000,-  
3 000) dollars to be used in the following manner, to wit:

4 To supplement any appropriations for capital improvement items  
5 for construction of new buildings, repairs, improvements, replace-  
6 ments, or alterations, or for any other capital expenditures the board  
7 of regents may deem necessary for the proper and necessary function  
8 of any institution under its jurisdiction.

1 SEC. 2. Before any of the funds herein appropriated shall be ex-  
2 pended, it shall be determined by the board of regents, with the  
3 approval of the budget and financial control committee, that the ex-  
4 penditure shall be for the best interests of the state.

1 SEC. 3. Contracts, plans and specifications, or plan of operation  
2 for improvements for which funds are herein appropriated shall be  
3 submitted by the board of regents to the budget and financial control  
4 committee for approval, except that items commonly known as change  
5 orders need not be submitted to the budget and financial control com-  
6 mittee for approval unless such change orders actually increase the  
7 total cost of that particular project by three (3) percent or more.

1 SEC. 4. The board of regents and the budget and financial control  
2 committee are hereby authorized to accept federal grants to the state  
3 to be used in connection with the funds above appropriated.

1 SEC. 5. Any unencumbered balance remaining as of June 30, 1967,  
2 of the appropriation of this Act made by the 60th general assembly,  
3 shall revert to the general fund of the state as of June 30, 1967.

1 SEC. 6. Section ninety-eight point six (98.6), Code 1962, is hereby  
2 amended by striking from line seven (7) of subsection one (1) the  
3 word "two" and inserting in lieu thereof the words "two and one-half  
4 (2½)".

Approved May 24, 1963.

## CHAPTER 6

## REVERSION OF BOARD OF REGENTS FUNDS

S. F. 270

AN ACT to revert to the general fund of the state of Iowa the unexpended balances of the 58th General Assembly board of regents institution appropriations for support, maintenance, equipment, repairs, replacements and alterations retained by the institutions.

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

1 SECTION 1. Any unexpended balances remaining in the appropri-  
2 ations made by the Fifty-eighth (58th) General Assembly to the state  
3 board of regents for the support, maintenance, equipment, repairs, re-  
4 placements and alterations of the institutions under said board of  
5 regents, on June 30, 1963, shall revert to the general fund of the state.

Approved April 11, 1963.

## CHAPTER 7

## REVERSION OF CAPITAL IMPROVEMENTS FUNDS

S. F. 271

AN ACT relating to the reversion of appropriations for capital improvements to the general fund of the state.

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

1 SECTION 1. Any unencumbered balances remaining as of June 30,  
2 1965, in any appropriation, from the general fund of the state for  
3 capital improvements, to any board, commission, institution, or state  
4 department, made by the Fifty-ninth (59th) General Assembly, shall  
5 revert to the general fund of the state as of June 30, 1965.

Approved April 11, 1963.

## CHAPTER 8

## APPROPRIATIONS TO SOCIAL WELFARE DEPARTMENT

S. F. 453

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1963, and ending June 30, 1965, to the social welfare department for the purpose of aid to blind fund, aid to dependent children fund, child welfare fund, emergency relief fund, old-age assistance fund, aid to the disabled and support for Indians residing on a reservation.

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

1 SECTION 1. For the social welfare department there is hereby ap-  
2 propriated from the general fund of the state for each year of the bien-



3	niun beginning July 1, 1963, and ending June 30, 1965, the sum of	
4	seventeen million five hundred fifteen thousand dollars (\$17,515,-	
5	000.00) to be used in the following manner:	
6	For aid to blind fund .....	\$ 550,000.00
7	For aid to dependent children fund .....	4,250,000.00
8	For child welfare fund .....	400,000.00
9	For emergency relief fund .....	50,000.00
10	Old-age assistance fund .....	12,000,000.00
11	Aid to disabled fund .....	250,000.00
12	Support for Indians residing on a reservation .....	15,000.00
13	Grand total for all appropriations for all purposes	
14	for each year of the biennium for the social welfare	
15	department .....	\$17,515,000.00

1	SEC. 2. Any balance remaining in the funds, to which appropria-	
2	tions are made by this Act, at the end of the ensuing biennium shall	
3	revert to the general fund of the state except that balances not to	
4	exceed the following specified amounts may be retained in each fund:	
5	Aid to blind fund .....	\$ 80,000.00
6	Aid to dependent children fund.....	500,000.00
7	Emergency relief fund .....	75,000.00
8	Aid to the disabled fund .....	30,000.00

Approved May 24, 1963.

## CHAPTER 9

### MEDICAL ASSISTANCE FOR AGED APPROPRIATION

S. F. 411

AN ACT to make appropriations to the state department of social welfare to be used for medical assistance to the aged.

*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 from funds not otherwise appropriated to the  
3 state department of social welfare the sum of one million six hundred  
4 eighty thousand dollars (\$1,680,000) for each year of the biennium  
5 beginning July 1, 1963, and ending June 30, 1965, to be used for  
6 medical assistance to the aged as provided by chapter two hundred  
7 forty-nine A (249A), Code 1962.

1 SEC. 2. In making this appropriation, it is the intent and purpose  
2 of the general assembly (a) to provide medical assistance on behalf  
3 of eligible aged individuals whose health needs are not being met  
4 through existing programs and (b) to create a pilot program that  
5 will provide experience and information necessary to determine the  
6 number and health needs of such individuals and the feasibility of  
7 providing for their health care through insurance coverage. The

8 state board of social welfare shall contract with one or more private  
 9 organizations for the handling and processing of claims as set forth  
 10 in subsection one (1) of section two hundred forty-nine A point five  
 11 (249A.5), Code 1962, and no part of this appropriation shall be used to  
 12 pay for care in nursing homes for a period longer than one hundred  
 13 eighty (180) days and then only when such nursing home care im-  
 14 mediately follows hospitalization.

1 SEC. 3. The budget and financial control committee is hereby au-  
 2 thorized to supplement from their appropriation the sum of three  
 3 hundred twenty thousand (320,000) dollars for each year of the  
 4 biennium or so much thereof as may be necessary to supplement the  
 5 appropriation provided for in section one (1) of this Act.

Approved May 9, 1963.

## CHAPTER 10

### GENERAL SCHOOL AID

S. F. 482

AN ACT to appropriate thirty-nine million fifty-nine thousand five hundred sixty dol-  
 lars (\$39,059,560.00) from the general fund of the state of Iowa to the department  
 of public instruction for general state aid for school districts as provided by chap-  
 ter two hundred eighty-six A (286A), Code 1962.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state of Iowa to the department of public instruction for each year  
 3 of the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of nineteen million five hundred twenty-nine thousand seven hun-  
 5 dred eighty dollars (\$19,529,780.00), or so much thereof as may be  
 6 necessary, for general state aid to the school districts as provided by  
 7 chapter two hundred eighty-six A (286A) of the Code, provided, how-  
 8 ever, that no school district shall receive financial aid under the pro-  
 9 visions of said chapter of the Code in the event a school tax levy for  
 10 the general fund of at least fifteen (15) mills was not made in such  
 11 district for the preceding year.

1 SEC. 2. In the event that the funds appropriated herein exceed the  
 2 claims filed by the several school districts of the state, the state de-  
 3 partment of public instruction shall increase the amount certified to  
 4 the state comptroller for each school district by their proportionate  
 5 share of the excess funds. Said share of excess funds to be computed  
 6 by taking the ratio that their claim bears to the total claims filed.

Approved May 24, 1963.

CHAPTER 11

SCHOOL TRANSPORTATION AID

S. F. 484

AN ACT to appropriate from the general fund of the state of Iowa eight million dollars (\$8,000,000.00) to the department of public instruction for state aid for transportation as provided by chapter two hundred eighty-five (285), Code 1962.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state of Iowa to the department of public instruction for each year  
 3 of the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of four million dollars (\$4,000,000.00), or so much thereof as may  
 5 be necessary, for state aid for transportation as provided by chapter  
 6 two hundred eighty-five (285), Code 1962.

Approved May 24, 1963.

CHAPTER 12

PUBLIC INSTRUCTION SPECIFIED SCHOOL AID

S. F. 481

AN ACT to make an appropriation from the general fund of the state of Iowa to the department of public instruction for specified school aid.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state of Iowa to the department of public instruction for each year  
 3 of the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of two million twenty-one thousand five hundred dollars (\$2,-  
 5 021,500.00), or so much thereof as may be necessary, to be used in the  
 6 following manner:

7	Aid to handicapped children (special education as	
8	provided in chapter two hundred eighty-one (281),	
9	Code 1962) .....	\$ 1,500,000.00
10	Mining camp schools emergency fund .....	27,000.00
11	Mining camp schools state aid .....	45,000.00
12	Normal institute .....	49,500.00
13	Emergency aid for schools .....	200,000.00
14	(None of such aid shall be distributed to any school	
15	which the department estimates could maintain reason-	
16	able educational standards without levying a tax in	
17	excess of one hundred (100) mills).	
18	For vocational education aid .....	200,000.00

19 (In addition to the two hundred thousand (\$200,-  
 20 000.00) appropriated for this purpose under section  
 21 two hundred fifty-eight point eight (258.8), Code 1962)  
 22 Any unencumbered balance shall revert in the manner

23 provided by chapter eight (8), Code 1962.  
 24 Total .....\$ 2,021,500.00

Approved May 24, 1963.

CHAPTER 13

SUPPLEMENTAL SCHOOL AID

S. F. 483

AN ACT to appropriate from the general fund of the state of Iowa eight million dollars (\$8,000,000.00) to the department of public instruction for supplemental aid to certain school districts of the state, as provided by chapter two hundred eighty-six (286), Code 1962.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state of Iowa to the department of public instruction for each year  
 3 of the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of four million dollars (\$4,000,000.00), or so much thereof as  
 5 may be necessary, for supplemental aid to such school districts of the  
 6 state as qualify under provisions of chapter two hundred eighty-six  
 7 (286), Code 1962, provided, however, that no school district shall re-  
 8 ceive financial aid under the provisions of said chapter of the Code for  
 9 reimbursement for any year in which a school tax levy for the general  
 10 fund of at least fifteen (15) mills was not made in such district.

Approved May 24, 1963.

CHAPTER 14

DEFENSE EDUCATION APPROPRIATION

S. F. 489

AN ACT to accept the National Defense Education Act of 1958 and to make an appropriation from the general fund of the state of Iowa to the department of public instruction for participation in said Act.

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

1 SECTION 1. The provisions of the Act of Congress entitled "Na-  
 2 tional Defense Education Act of 1958", approved September 2, 1958,  
 3 (P.L. 864, 85th Congress) and all amendments thereto and the benefit  
 4 of all funds appropriated under said Act are accepted.

1 SEC. 2. There is hereby appropriated from the general fund of the  
 2 state of Iowa to the department of public instruction for each year of  
 3 the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of fifty-six thousand dollars (\$56,000.00), or so much thereof as  
 5 may be necessary, to be used in the following manner:

6 For the administration and extension of supervisory and related  
 7 services by the department of Title III, financial assistance for  
 8 strengthening science, mathematics and modern foreign language  
 9 instruction .....\$ 56,000.00

1 SEC. 3. There is hereby appropriated from the general fund of the  
 2 state of Iowa to the department of public instruction for each year of  
 3 the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of nineteen thousand dollars (\$19,000.00), or so much thereof as  
 5 may be necessary, to be used in the following manner:

6 For the administration by the department and for use by the sev-  
 7 eral school districts of the state for Title V, guidance, counseling, and  
 8 testing .....\$ 19,000.00

1 SEC. 4. There is hereby appropriated from the general fund of the  
 2 state of Iowa to the department of public instruction for each year of  
 3 the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of two hundred fifty thousand dollars (\$250,000.00), or so much  
 5 thereof as may be necessary, to be used in the following manner:

6 For the administration by the department and for use by the sev-  
 7 eral school districts of the state for Title VIII, area vocational pro-  
 8 grams .....\$250,000.00

1 SEC. 5. There is hereby appropriated from the general fund of the  
 2 state of Iowa to the department of public instruction for each year of  
 3 the biennium beginning July 1, 1963, and ending June 30, 1965, the  
 4 sum of sixty-five thousand dollars (\$65,000.00), or so much thereof  
 5 as may be necessary, to be used in the following manner:

6 For Title X, improvement expansion of statistical services of the  
 7 state department .....\$ 65,000.00

8 Total .....\$390,000.00

Approved May 24, 1963.

CHAPTER 15

IOWA DEVELOPMENT COMMISSION

S. F. 387

AN ACT to authorize the Iowa development commission to use money appropriated by chapter one (1), section forty-two (42), Acts of the Fifty-ninth General Assembly.

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

1 SECTION 1. The Iowa development commission is hereby author-  
 2 ized to extend to June 30, 1965, the appropriation in the amount of  
 3 seventy-five thousand dollars (\$75,000.00), or so much thereof as is  
 4 necessary, appropriated by chapter one (1), section forty-two (42),  
 5 Acts of the Fifty-ninth General Assembly, for the purpose of municipi-  
 6 pal planning assistance.

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 Red Oak Express, a newspaper published at Red Oak, Iowa, and  
 4 The Atlantic News-Telegraph, a newspaper published at Atlantic, Iowa.

Approved April 15, 1963.

I hereby certify that the foregoing Act, Senate File 387, was published in The Red Oak Express, Red Oak, Iowa, April 18, 1963, and in the Atlantic News-Telegraph, Atlantic, Iowa, April 17, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 16

### APPROPRIATION TO PUBLIC INSTRUCTION DEPARTMENT

#### S. F. 394

AN ACT to appropriate from the general fund of the state of Iowa to the department of public instruction ten thousand dollars (\$10,000.00) for use as a revolving fund for the veterans administration, and five thousand dollars (\$5,000.00) for the school lunch program and fifteen thousand dollars (\$15,000.00) for mentally retarded children and students who fail to complete their high school education and to make a study of mental retardation in Iowa.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state for the biennium beginning July 1, 1963, and ending June 30,  
 3 1965, to the department of public instruction the sum of ten thousand  
 4 dollars (\$10,000.00), or so much thereof as may be necessary for the  
 5 use of the veterans education program to be used as a revolving fund  
 6 to pay salaries and travel of personnel which will be reimbursed by the  
 7 veterans administration.  
 8 Total .....\$10,000.00

1 SEC. 2. There is hereby appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1963, and ending June 30,  
 3 1965, to the department of public instruction the sum of five thousand  
 4 dollars (\$5,000.00), or so much thereof as may be necessary to be used  
 5 as a revolving fund to cover warehousing, handling, and transportation  
 6 of direct distribution of federal surplus commodities which will be re-  
 7 imbursemented by charging pro rata costs of these items to receiving schools  
 8 and institutions.  
 9 Total .....\$ 5,000.00

1 SEC. 3. There is hereby appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1963, and ending June 30,  
 3 1965, to the department of public instruction the sum of fifteen thou-  
 4 sand dollars (\$15,000.00), or so much thereof as may be necessary to  
 5 be used as a revolving fund to pay salaries, travel and miscellaneous  
 6 expenses of research projects regarding mentally retarded children  
 7 and students who fail to complete their high school education, carried

8 on co-operatively with the United States office of education.  
 9 Total .....\$15,000.00

Approved April 17, 1963.

CHAPTER 17

HIGHWAY COMMISSION EXPENDITURES

S. F. 488

AN ACT authorizing expenditures by the state highway commission from the primary road fund, farm-to-market road fund and urban road fund for the biennium beginning July 1, 1963, and ending June 30, 1965, and relating to salaries of highway commission members.

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

1 SECTION 1. The state highway commission is hereby authorized  
 2 to expend from the primary road fund for each year of the biennium  
 3 beginning July 1, 1963, and ending June 30, 1965, not to exceed forty  
 4 million sixty-two thousand five hundred ten dollars (\$40,062,510.00),\*  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:  
 7 Commission expense:  
 8 Five commissioners @ \$7,000.00 each .....\$ 35,000.00  
 9 Salaries, support, maintenance and miscellaneous  
 10 purposes, including commissioners' actual local office  
 11 expenses up to \$500.00 each except the chairman,  
 12 which shall be \$750.00 ..... 14,710.00  
 13 Total commission expense .....\$ 49,710.00  
 14 Office of business administrator:  
 15 Salaries, support, maintenance and miscellaneous  
 16 purposes .....\$ 80,000.00  
 17 Legal department:  
 18 Salaries, support, maintenance and miscellaneous  
 19 purposes ..... 79,600.00  
 20 Office of chief engineer:  
 21 Salaries, support, maintenance and miscellaneous  
 22 purposes ..... 146,000.00  
 23 Director of services:  
 24 Salaries, support, maintenance and miscellaneous  
 25 purposes ..... 33,500.00  
 26 Computing center:  
 27 Salaries, support, maintenance and miscellaneous  
 28 purposes ..... 85,000.00  
 29 Accounting department:  
 30 Salaries, support, maintenance and miscellaneous  
 31 purposes ..... 276,000.00  
 32 Information:  
 33 Salaries, support, maintenance, telephone and tele-

\*Totals according to enrolled Act.

34	graph and miscellaneous purposes .....	\$ 91,000.00
35	Personnel:	
36	Salaries, support, maintenance and miscellaneous	
37	purposes .....	49,500.00
38	Special services:	
39	Salaries, support, maintenance and miscellaneous	
40	purposes .....	180,000.00
41	Total for administration .....	<u>\$ 1,070,310.00</u>
42	For engineering and testing materials, including the	
43	following:	
44	Director of planning:	
45	Salaries, support, maintenance and miscellaneous	
46	purposes .....	\$ 64,000.00
47	Traffic and highway planning:	
48	Salaries, support, maintenance and miscellaneous	
49	purposes .....	134,500.00
50	Secondary road department:	
51	Salaries, support, maintenance and miscellaneous	
52	purposes .....	55,000.00
53	Urban department:	
54	Salaries, support, maintenance and miscellaneous	
55	purposes .....	49,500.00
56	Research department:	
57	Salaries, support, maintenance and miscellaneous	
58	purposes .....	40,000.00
59	Director of engineering:	
60	Salaries, support, maintenance and miscellaneous	
61	purposes .....	130,200.00
62	Design department:	
63	Salaries, support, maintenance and miscellaneous	
64	purposes .....	2,230,000.00
65	Materials department:	
66	Salaries, support, maintenance and miscellaneous	
67	purposes .....	623,000.00
68	Right of way department:	
69	Salaries, support, maintenance and miscellaneous	
70	purposes .....	715,000.00
71	Construction department:	
72	Salaries, support, maintenance and miscellaneous	
73	purposes .....	111,000.00
74	Maintenance department:	
75	Salaries, support, maintenance and miscellaneous	
76	purposes .....	164,000.00
77	District offices:	
78	Salaries, support, maintenance and miscellaneous	
79	purposes .....	667,000.00
80	Inspection and testing materials for secondary road	
81	work .....	185,000.00
82	Total engineering .....	<u>\$ 5,168,200.00</u>



83	Total administration and engineering .....	\$ 6,158,510.00*
84	For maintenance of primary road system:	
85	85 Salaries, support, maintenance and miscellaneous	
86	86 purposes .....	\$17,080,000.00
87	87 For repair and improvement of highway commission	
88	88 buildings and grounds and the construction of main-	
89	89 tenance buildings:	
90	90 Salaries, support, maintenance, construction and	
91	91 miscellaneous purposes .....	\$ 1,692,000.00
92	92 For inspection service:	
93	93 Salaries, support, maintenance and miscellaneous	
94	94 purposes .....	\$ 6,350,000.00
95	95 For research:	
96	96 Research .....	\$ 350,000.00
97	97 For traffic weighing operations:	
98	98 Salaries, support, maintenance and miscellaneous	
99	99 purposes .....	\$ 475,000.00
100	100 For workmen's compensation, road signs, highway	
101	101 commission auditor, and miscellaneous purposes .....	\$ 317,000.00
102	102 For property and equipment; however, all charges to	
103	103 this appropriation should be billed to other divisions	
104	104 and the resulting credits should be made to the pri-	
105	105 mary road fund:	
106	106 Salaries, support, maintenance, equipment and mis-	
107	107 cellaneous purposes .....	\$ 6,540,000.00
108	108 For highway planning; however, federal reimburse-	
109	109 ments as the result of highway planning should be	
110	110 credited to the primary road fund, and/or farm-to-	
111	111 market road fund as determined by the federal proj-	
112	112 ect reimbursement:	
113	113 Salaries, support, maintenance and miscellaneous	
114	114 services .....	\$ 1,100,000.00

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, 1963, and ending June 30, 1965, not to exceed one hundred  
5 twenty-five thousand dollars (\$125,000.00), or so much thereof as  
6 may be necessary for the purpose of paying costs and expenses of  
7 litigation arising from or pertaining to primary roads or farm-to-  
8 market roads. Any balance unused during the first fiscal year of the  
9 biennium shall be carried over and augment the amount authorized

\*Totals according to enrolled Act.

10 for the second year of the biennium, and at the end of the biennium  
11 any balance shall revert to the primary road fund.

1 SEC. 3. Chapter eight (8), Code 1962, shall apply to this Act.

1 SEC. 4. Section three hundred twelve point two (312.2), Code  
2 1962, is hereby amended by adding after the word "expenses" in line  
3 eleven (11) of subsection five (5) thereof the following: ", includ-  
4 ing research,".

1 SEC. 5. Section three hundred ten point thirty-four (310.34),  
2 Code 1962, is hereby repealed.

Approved May 27, 1963.

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## CHAPTER 18

### WORKMEN'S COMPENSATION FOR HIGHWAY EMPLOYEES

S. F. 479

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

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

1 SECTION 1. There is hereby appropriated to the industrial commis-  
2 sioner from the primary road fund for each year of the biennium  
3 beginning July 1, 1963, and ending June 30, 1965, the sum of eighty  
4 thousand dollars (\$80,000.00), or so much thereof as may be neces-  
5 sary for the purpose of paying properly established claims of or on  
6 behalf of employees or dependents of employees of the state highway  
7 commission who are injured or killed while on duty as provided by  
8 chapter eighty-five (85), Code 1962.

Approved May 27, 1963.

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## CHAPTER 19

### HIGHWAY COMMISSION AUDITOR

S. F. 480

AN ACT to appropriate funds to the state comptroller from the primary road 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 primary road fund for each year of the biennium beginning  
3 July 1, 1963, and ending June 30, 1965, the sum of nine thousand dol-  
4 lars (\$9,000.00), or so much thereof as may be necessary for the pur-

5 pose of paying salary, travel, bond premium, and miscellaneous ex-  
6 penses of the auditor of the highway commission.

Approved May 27, 1963.

## CHAPTER 20

### NATIONAL GUARD CAPITAL IMPROVEMENTS

S. F. 487

AN ACT to appropriate from the general fund of the state of Iowa to the national guard and state guard for the purpose of various capital improvements, repairs, replacements, alterations, equipment and rehabilitation, and the purchase of an airplane to be utilized by the governor and other state officials.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state to the national guard and state guard the sum of three hun-  
3 dred eight thousand dollars (\$308,000.00) to be used in the following  
4 manner:

5 For the state's share of the armory construction pro- 6 gram made available to the states by the federal govern- 7 ment for the acquisition, construction, expansion, rehabili- 8 tation and converting facilities of the administration and 9 training units of the national guard and state guard .....	\$100,000.00
10 For repairs, replacements, alterations, equipment and 11 rehabilitation of armories in connection with which fed- 12 eral funds may be accepted .....	50,000.00
13 For repairs, replacements, alterations, equipment and 14 rehabilitation of grounds, buildings and roads at Camp 15 Dodge, Iowa .....	40,000.00
16 For range construction program .....	50,000.00
17 For the purchase of a twin engine aircraft to be assigned 18 to the military department for the support of administra- 19 tive flights of the governor and other state officials. The 20 authority to assign utilization of the aircraft shall be 21 vested in the executive council with the assessing of main- 22 tenance and operational costs on the basis of such utiliza- 23 tion vested in the adjutant general .....	68,000.00

1 SEC. 2. Before any of the funds herein appropriated shall be ex-  
2 pended, it shall be determined by the national guard and state guard,  
3 with the approval of the budget and financial control committee, that  
4 the expenditures shall be for the best interests of the state.

1 SEC. 3. Upon completion of any project as set forth in this Act,  
2 any unobligated balance remaining may be used to supplement any of  
3 the other appropriations herein provided except that this shall not  
4 apply to the provision herein which provides for the aircraft.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1967,  
2 of the appropriation of this Act made by the Sixtieth General Assem-  
3 bly, shall revert to the general fund of the state.

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 as  
3 provided by law, in The Boone News - Republican, a newspaper pub-  
4 lished at Boone, Iowa, and in The Winterset Madisonian, a newspaper  
5 published at Winterset, Iowa.

Approved May 24, 1963.

I hereby certify that the foregoing Act, Senate File 487, was published in The Boone News-Republican, Boone, Iowa, May 29, 1963, and in The Winterset Madisonian, Winterset, Iowa, June 5, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 21

### MOTOR VEHICLE FUEL TAX REFUNDS

S. F. 478

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

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

1 SECTION 1. There is hereby appropriated to the state comptroller  
2 from the motor vehicle fuel tax fund for each year of the biennium  
3 beginning July 1, 1963, and ending June 30, 1965, the sum of fifteen  
4 thousand dollars (\$15,000.00) 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 May 27, 1963.

## CHAPTER 22

### CONSERVATION COMMISSION APPROPRIATIONS

S. F. 459

AN ACT to appropriate funds from the general fund of the state of Iowa to the conservation commission for construction, replacement, repairs, acquisition of land, development, forestry, water area improvements, siltation, boundary surveys and dredging.

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

1 SECTION 1. There is hereby appropriated to the state conservation  
2 commission from the general fund of the state of Iowa the sum of one  
3 million five hundred one thousand six hundred dollars (\$1,501,600.00)  
4 for construction, replacement, repairs, development and alterations to  
5 state parks and reserves, state forests and state waters, for dredging,

6 artificial lake development, erosion control, stream and lake access,  
7 land acquisition, for siltation control and for boundary surveys.

1 SEC. 2. Said sum shall be allocated in the following amounts:

2	<b>STATE CONSERVATION COMMISSION</b>	
3	Shimek State Forest—development .....	\$ 9,000.00
4	Stephens State Forest—development .....	20,000.00
5	Yellow River Forest—development .....	25,000.00
6	Black Hawk Lake—development .....	40,000.00
7	Lake Anita—development .....	210,000.00
8	Storm Lake—dredging .....	70,000.00
9	Twin Lakes—dredging .....	200,000.00
10	Palisades-Kepler—land acquisition .....	27,000.00
11	State Forest land acquisition .....	50,000.00
12	Weed and algae control .....	35,000.00
13	Planning .....	50,000.00
14	Contingency .....	50,000.00
15	Equipment replacement and repair .....	100,000.00
16	Park repairs, painting, maintenance, etc. ....	315,600.00
	<b>Total .....</b>	<b>1,201,600.00</b>
17		
18	For beach, camp, parking and picnic area development—	
19	boat ramps, land acquisition, riprap, shelters and serv-	
20	ice buildings, and flood control .....	300,000.00
	<b>Grand Total .....</b>	<b>\$1,501,600.00</b>

1 SEC. 3. The funds appropriated and set aside by this Act shall not  
2 be expended until it shall be determined by the conservation commis-  
3 sion, with approval of the budget and financial control committee, that  
4 its expenditures shall be for the best interests of the state.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1967,  
2 of the appropriation of this Act made by the 60th General Assembly,  
3 shall revert to the general fund of the state as of June 30, 1967.

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

1 SEC. 7. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in

3 the Mason City Globe-Gazette, a newspaper published at Mason City,  
 4 Iowa, and in The Lake View Resort, a newspaper published at Lake  
 5 View, Iowa.

Approved May 24, 1963.

I hereby certify that the foregoing Act, Senate File 459, was published in the Mason City Globe-Gazette, Mason City, Iowa, June 1, 1963, and in The Lake View Resort, Lake View, Iowa, June 6, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 23

### SOIL CONSERVATION APPROPRIATION

S. F. 486

AN ACT to appropriate from the general fund of the state of Iowa to the state soil conservation committee the sum of one million one hundred fifty thousand dollars (\$1,150,000.00) to carry on soil conservation work in soil conservation districts.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state of Iowa to the state soil conservation committee the sum of  
 3 five hundred twenty-five thousand dollars (\$525,000.00) for each year  
 4 of the biennium beginning July 1, 1963, and ending June 30, 1965, or  
 5 so much thereof as may be necessary to carry on soil conservation  
 6 work in soil conservation districts organized under the soil conserva-  
 7 tion districts law of the state of Iowa. The fund shall be used as  
 8 follows:

9 1. Aid to soil conservation districts for district commissioners' ex-  
 10 penses, stationery, postage and other uses as they may be authorized  
 11 by the state soil conservation committee; five hundred dollars  
 12 (\$500.00) per district. Total fifty thousand dollars (\$50,000.00).

13 2. Personnel (technicians and clerical personnel), and their neces-  
 14 sary expenses including office rental, equipment and materials to be  
 15 assigned to the soil conservation districts by the state soil conserva-  
 16 tion committee on a need basis; four hundred seventy-five thousand  
 17 dollars (\$475,000.00).

1 SEC. 2. There is hereby appropriated from the general fund of the  
 2 state of Iowa to the state soil conservation committee the sum of fifty  
 3 thousand dollars (\$50,000.00) for each year of the biennium beginning  
 4 July 1, 1963, and ending June 30, 1965, or so much thereof as may be  
 5 necessary, to be used and expended in participation and conjunction  
 6 with the federal government or any of its agencies in joint operations  
 7 of watershed planning and development within the state of Iowa.

Approved May 24, 1963.

## CHAPTER 24

## MOTOR VEHICLE REGISTRATION PLATES FUNDS

## H. F. 107

AN ACT to make an additional transfer of fees, taxes, interest and penalties imposed under chapter four hundred twenty-two (422), Code 1962, to the division of motor vehicle registration of the department of public safety for the purpose of purchasing supplies and materials and for the cost of manufacture of motor vehicle registration plates at the prison industries.

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

1 SECTION 1. On the effective date of this Act the treasurer shall  
2 transfer one hundred seventy-five thousand (175,000) dollars to the  
3 division of motor vehicle registration of the department of public  
4 safety for the purpose of purchasing supplies and materials and for  
5 the cost of manufacture of motor vehicle registration plates at the  
6 prison industries as provided in section four hundred twenty-two point  
7 sixty-two (422.62), Code 1962. Any amount unexpended for this pur-  
8 pose on October 31, 1963, shall be credited to the road use-tax fund.

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 Lake View Resort, a newspaper published at Lake View, Iowa, and  
4 in the Eldora Herald-Ledger, a newspaper published at Eldora, Iowa.

Approved February 18, 1963.

I hereby certify that the foregoing Act, House File 107, was published in The Lake View Resort, Lake View, Iowa, February 21, 1963, and in the Eldora Herald-Ledger, Eldora, Iowa, February 28, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 25

## AGRICULTURE DEPARTMENT TRUCK

## H. F. 351

AN ACT to appropriate from the general fund of the state to the department of agriculture for the purchase and equipment of a special purpose truck.

*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 department of agriculture the sum of thirteen  
3 thousand eight hundred and sixty-one dollars and nine cents (\$13,-  
4 861.09) for the purchase and equipping of a special duty truck.

Approved May 16, 1963.

## CHAPTER 26

## CAPITOL BUILDINGS APPROPRIATIONS

S. F. 476

AN ACT to appropriate from the general fund of the state of Iowa for capital improvements for buildings and grounds under the superintendent of public buildings and grounds.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state to the superintendent of public buildings and grounds the  
3 sum of two hundred ninety-two thousand dollars (\$292,000.00), to be  
4 used in the following manner:

1 SEC. 2. Said sum shall be allocated in the following amounts:

2 PUBLIC BUILDINGS AND GROUNDS	
3 Capitol building exterior repairs and maintenance	
4 work .....	\$ 198,000.00
5 General tuckpointing, cleaning and	
6 waterproofing of masonry .....	\$ 90,000.00
7 Repair stonework in unsafe	
8 deteriorated areas .....	50,000.00
9 General metal roof gutter, downspout	
10 and flashing repairs .....	25,000.00
11 Repainting exterior woodwork as re-	
12 quired after cleaning of masonry ....	15,000.00
13 Contingencies for employing construc-	
14 tion inspector and nominal allowance	
15 for unanticipated work .....	18,000.00
16 Replacing draperies in house of representatives .....	\$ 4,500.00
17 Reseeding and replanting capitol grounds .....	12,000.00
18 Replace deteriorated water pipes .....	50,000.00
19 Kitchen equipment for governor's mansion	
20 (not exceeding) .....	2,000.00
21 Removing building at 1014 Des Moines Street,	
22 Des Moines, Iowa .....	500.00
23 Repair of the viaduct over Court Avenue on the capitol	
24 grounds and to repair and install a chain link fence	
25 on top of the viaduct .....	25,000.00

1 SEC. 3. Before any of the funds hereinabove appropriated shall be  
2 expended, it shall be determined by the superintendent of public build-  
3 ings and grounds, with the approval of the budget and financial con-  
4 trol committee, that the expenditure shall be for the best interests of  
5 the state.

1 SEC. 4. Upon the completion of any project as set forth in this  
2 Act, any unobligated balance remaining may be used to supplement  
3 any other project as set forth in this Act. Any unencumbered balance  
4 remaining as of June 30, 1967, of the appropriation of this Act made  
5 by the Sixtieth General Assembly, shall revert to the general fund of  
6 the state.



1 SEC. 5. If any part, clause, sentence or paragraph of this Act be  
 2 declared invalid, it shall not invalidate or impair the remainder of the  
 3 Act.

Approved May 24, 1963.

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## CHAPTER 27

### GOLD LEAF ON CAPITOL DOME

H. F. 402

AN ACT relating to the re-gilding of the domes of the state capitol and to make an appropriation therefor.

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

1 SECTION 1. The state executive council is hereby authorized to  
 2 re-gild the state capitol building domes and to enter into contracts to  
 3 effectuate that purpose. There is hereby appropriated to the state  
 4 executive council from the general fund of the state an amount not to  
 5 exceed eighty thousand dollars (\$80,000) to put new gold leaf on all  
 6 outside areas of the state capitol building domes presently having  
 7 gold leaf thereon. The above appropriation shall be limited to an  
 8 amount equal to the difference between the total amount received  
 9 through any gifts to the state accepted by the executive council to  
 10 be held in trust for the specific purpose of gilding the domes and the  
 11 total cost of completing the project but not to exceed eighty thousand  
 12 dollars (\$80,000). The amount of this appropriation shall be deter-  
 13 mined as soon after December 31, 1963, as is practicable. In the per-  
 14 formance of this authority the council shall follow as far as are  
 15 applicable the provisions of section nineteen point twenty (19.20),  
 16 Code 1962.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after publication in The Red Oak  
 3 Express, a newspaper published at Red Oak, Iowa, and in the Adams  
 4 County Free Press, a newspaper published at Corning, Iowa.

Approved May 15, 1963.

I hereby certify that the foregoing Act, House File 402, was published in The Red Oak Express, Red Oak, Iowa, May 20, 1963, and in the Adams County Free Press, Corning, Iowa, May 23, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

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## CHAPTER 28

### CAPITOL PLANNING COMMISSION APPROPRIATION

S. F. 471

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1963, and ending June 30, 1965, to the capitol planning commission the sum of twenty thousand (20,000) dollars.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state of Iowa for the biennium beginning July 1, 1963, and ending  
3 June 30, 1965, to the capitol planning commission the sum of twenty  
4 thousand (20,000) dollars, or so much thereof as may be necessary.  
5 Said appropriation shall be used to provide for the expense of secre-  
6 tarial help, for research, and for educational materials such as maps,  
7 sketches, diagrams, and photographs, for the purpose of planning  
8 future expansion and development of the statehouse grounds, and for  
9 the further purpose of preparing a report on such future expansion  
10 and development to be submitted to the sixty-first general assembly.

Approved May 27, 1963.

## CHAPTER 29

### HIGHWAY PATROL APPROPRIATIONS

S. F. 490

AN ACT to appropriate from the general fund of the state of Iowa to the department of public safety for capital improvements for highway patrol buildings and for radio equipment for the division of radio communications.

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

1 SECTION 1. There is hereby appropriated to the division of high-  
2 way patrol, department of public safety, from the general fund of the  
3 state the sum of one hundred five thousand dollars (\$105,000.00), to  
4 be used for the purpose of constructing district headquarters build-  
5 ings at Denison, Osceola, and Mason City, Iowa.

1 SEC. 2. Contracts, plans and specifications for the buildings for  
2 which funds are herein appropriated shall be of similar design and  
3 construction as those provided for by the Fifty-eighth General As-  
4 sembly and shall be submitted to the budget and financial control  
5 committee for approval, except that items commonly known as change  
6 orders need not be submitted to the budget and financial control com-  
7 mittee for approval unless such change orders actually increase the  
8 total cost of a particular building or buildings.

1 SEC. 3. There is hereby appropriated to the public safety depart-  
2 ment, division of radio communication, from the general fund of the  
3 state the sum of two hundred thousand dollars (\$200,000.00), to be  
4 used in purchasing radio equipment to replace the mobile units now  
5 in service. Replaced equipment shall first be offered to public schools  
6 at an amount equal to the trade-in allowance as accepted.

1 SEC. 4. Before any of the funds herein appropriated shall be ex-  
2 pended it shall be determined by the department of public safety, with

3 the approval of the budget and financial control committee, that the  
4 expenditure shall be for the best interest of the state.

1 SEC. 5. Any unencumbered balance remaining as of June 30, 1967,  
2 of the appropriations of this Act made by the Sixtieth General As-  
3 sembly, shall revert to the general fund of the state.

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 as  
3 provided by law, in the Glenwood Opinion-Tribune, a newspaper pub-  
4 lished at Glenwood, Iowa, and in The Madrid Register-News, a news-  
5 paper published at Madrid, Iowa.

Approved May 24, 1963.

I hereby certify that the foregoing Act, Senate File 490, was published in the Glenwood Opinion-Tribune, Glenwood, Iowa, June 6, 1963, and in The Madrid Register-News, Madrid, Iowa, June 6, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 30

### COMMERCE COMMISSION APPROPRIATION

S. F. 470

AN ACT to appropriate from the general fund of the state of Iowa to the Iowa state commerce commission for the purpose of providing immediate funds necessitated by passage of Senate File 11, Acts of the Sixtieth General Assembly.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state of Iowa to the Iowa state commerce commission for the bien-  
3 nium ending June 30, 1963, an additional amount as follows: For  
4 salaries, support, maintenance and miscellaneous services—public util-  
5 ity commission twenty-five thousand (\$25,000.00) dollars. The amount  
6 of this appropriation shall, during the ensuing biennium, be returned  
7 to the general fund by the state commerce commission from fees col-  
8 lected from the enforcement of said senate file eleven (11), Acts of  
9 the Sixtieth General Assembly.

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 Adair  
3 County Free Press, a newspaper published at Greenfield, Iowa and  
4 in The Atlantic News Telegraph, a newspaper published at Atlantic,  
5 Iowa.

Approved May 24, 1963.

I hereby certify that the foregoing Act, Senate File 470, was published in the Adair County Free Press, Greenfield, Iowa, May 29, 1963, and in The Atlantic News Telegraph, Atlantic, Iowa, May 28, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 31

## RETIREMENT SYSTEM ADVISORY BOARD APPROPRIATIONS

S. F. 452

AN ACT to make appropriations to ex-officio members of the advisory investment board of the Iowa public employees' retirement system, namely: Howard Buck and A. L. Mensing.

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

1 SECTION 1. There is hereby appropriated out of the Iowa public  
2 employees' retirement system fund of the state to the following named  
3 persons the amounts set opposite their respective names in full settle-  
4 ment of all claims which they may have against the state of Iowa on  
5 account of services rendered as members of the advisory investment  
6 board of the Iowa public employees' retirement system, to wit:

7	Howard Buck	\$270.00
8	A. L. Mensing	\$240.00

1 SEC. 2. The state comptroller is hereby authorized to issue his  
2 warrants to the above named parties in the amounts stated, and the  
3 treasurer of state is hereby directed to pay the same from the desig-  
4 nated funds or accounts of the state of Iowa.

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

Approved April 30, 1963.

## CHAPTER 32

## I.P.E.R.S. ADMINISTRATION

S. F. 398

AN ACT to appropriate from the Iowa public employees retirement system fund five hundred eighty thousand dollars (\$580,000.00) to the employment security commission for the costs of the administration of chapter ninety-seven B (97B), Code 1962.

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

1 SECTION 1. There is hereby appropriated from the Iowa public  
2 employees retirement system fund of the state to the employment  
3 security commission for each year of the biennium beginning July 1,  
4 1963, and ending June 30, 1965, the sum of two hundred ninety thou-  
5 sand dollars (\$290,000.00), or so much thereof as may be necessary to  
6 pay the costs of the administration of chapter ninety-seven B (97B),  
7 Code 1962.

Approved April 17, 1963.

## CHAPTER 33

## CLAIMS APPROPRIATIONS

## S. F. 464

AN ACT to make appropriations to certain named counties in settlement of claims made against the state of Iowa.

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

1	SECTION 1. There is hereby appropriated out of the general fund			
2	of the state of Iowa to the following named counties the amount set			
3	opposite their respective names in full settlement of all claims which			
4	they may have against the state of Iowa, to wit:			
5		Claim		
6	Claimant	No.	Nature of Claim	Amount
7	Adair County	264	Constitutional	
8	Greenfield, Iowa		election expense	\$ 787.60
9	Adams County	265	Constitutional	
10	Corning, Iowa		election expense	570.03
11	Allamakee County	266	Constitutional	
12	Waukon, Iowa		election expense	559.45
13	Appanoose County	267	Constitutional	
14	Centerville, Iowa		election expense	800.10
15	Audubon County	268	Constitutional	
16	Audubon, Iowa		election expense	156.90
17	Benton County	269	Constitutional	
18	Vinton, Iowa		election expense	754.39
19	Black Hawk County	270	Constitutional	
20	Waterloo, Iowa		election expense	1,540.05
21	Boone County	271	Constitutional	
22	Boone, Iowa		election expense	952.04
23	Bremer County	272	Constitutional	
24	Waverly, Iowa		election expense	545.16
25	Buchanan County	273	Constitutional	
26	Independence, Iowa		election expense	634.96
27	Buena Vista County	274	Constitutional	
28	Storm Lake, Iowa		election expense	447.40
29	Butler County	275	Constitutional	
30	Allison, Iowa		election expense	474.45
31	Calhoun County	276	Constitutional	
32	Rockwell City, Iowa		election expense	449.20
33	Carroll County	277	Constitutional	
34	Carroll, Iowa		election expense	1,054.94
35	Cass County	278	Constitutional	
36	Atlantic, Iowa		election expense	630.23
37	Cedar County	279	Constitutional	
38	Tipton, Iowa		election expense	469.51
39	Cerro Gordo County	280	Constitutional	
40	Mason City, Iowa		election expense	664.25
41	Cherokee County	281	Constitutional	
42	Cherokee, Iowa		election expense	580.97
43	Chickasaw County	282	Constitutional	
44	New Hampton, Iowa		election expense	419.42

	Claim		
Claimant	No.	Nature of Claim	Amount
45 Clarke County	283	Constitutional	
46 Osceola, Iowa		election expense	\$ 455.49
47 Clay County	284	Constitutional	
48 Spencer, Iowa		election expense	542.55
49 Clayton County	285	Constitutional	
50 Elkader, Iowa		election expense	753.76
51 Clinton County	286	Constitutional	
52 Clinton, Iowa		election expense	948.13
53 Crawford County	287	Constitutional	
54 Denison, Iowa		election expense	662.60
55 Dallas County	288	Constitutional	
56 Adel, Iowa		election expense	1,137.19
57 Davis County	289	Constitutional	
58 Bloomfield, Iowa		election expense	648.25
59 Decatur County	290	Constitutional	
60 Leon, Iowa		election expense	572.90
61 Delaware County	291	Constitutional	
62 Manchester, Iowa		election expense	562.05
63 Des Moines County	292	Constitutional	
64 Burlington, Iowa		election expense	1,306.06
65 Dickinson County	293	Constitutional	
66 Spirit Lake, Iowa		election expense	561.66
67 Dubuque County	294	Constitutional	
68 Dubuque, Iowa		election expense	734.52
69 Emmet County	295	Constitutional	
70 Estherville, Iowa		election expense	364.10
71 Fayette County	296	Constitutional	
72 West Union, Iowa		election expense	1,043.55
73 Floyd County	297	Constitutional	
74 Charles City, Iowa		election expense	536.05
75 Franklin County	298	Constitutional	
76 Hampton, Iowa		election expense	700.75
77 Fremont County	299	Constitutional	
78 Sidney, Iowa		election expense	465.16
79 Greene County	300	Constitutional	
80 Jefferson, Iowa		election expense	420.85
81 Grundy County	301	Constitutional	
82 Grundy Center, Iowa		election expense	689.11
83 Guthrie County	302	Constitutional	
84 Guthrie Center, Iowa		election expense	512.25
85 Hamilton County	303	Constitutional	
86 Webster City, Iowa		election expense	637.14
87 Hancock County	304	Constitutional	
88 Garner, Iowa		election expense	479.90
89 Hardin County	305	Constitutional	
90 Eldora, Iowa		election expense	193.49
91 Harrison County	306	Constitutional	
92 Logan, Iowa		election expense	801.05
93 Henry County	307	Constitutional	
94 Mt. Pleasant, Iowa		election expense	782.64

	Claimant	Claim No.	Nature of Claim	Amount
95	Howard County	308	Constitutional	
96	Cresco, Iowa		election expense	\$ 663.55
97	Humboldt County	309	Constitutional	
98	Dakota City, Iowa		election expense	367.68
99	Ida County	310	Constitutional	
100	Ida Grove, Iowa		election expense	473.60
101	Iowa County	311	Constitutional	
102	Marengo, Iowa		election expense	496.30
103	Jackson County	312	Constitutional	
104	Maquoketa, Iowa		election expense	530.39
105	Jasper County	313	Constitutional	
106	Newton, Iowa		election expense	758.15
107	Jefferson County	314	Constitutional	
108	Fairfield, Iowa		election expense	750.90
109	Johnson County	315	Constitutional	
110	Iowa City, Iowa		election expense	288.05
111	Jones County	316	Constitutional	
112	Anamosa, Iowa		election expense	701.90
113	Keokuk County	317	Constitutional	
114	Sigourney, Iowa		election expense	800.52
115	Kossuth County	318	Constitutional	
116	Algona, Iowa		election expense	830.35
117	Lee County	319	Constitutional	
118	Fort Madison, Iowa		election expense	845.25
119	Linn County	320	Constitutional	
120	Cedar Rapids, Iowa		election expense	1,522.39
121	Louisa County	321	Constitutional	
122	Wapello, Iowa		election expense	194.20
123	Lucas County	322	Constitutional	
124	Chariton, Iowa		election expense	394.62
125	Lyon County	323	Constitutional	
126	Rock Rapids, Iowa		election expense	754.77
127	Madison County	324	Constitutional	
128	Winterset, Iowa		election expense	773.17
129	Mahaska County	325	Constitutional	
130	Oskaloosa, Iowa		election expense	672.67
131	Marion County	326	Constitutional	
132	Knoxville, Iowa		election expense	698.12
133	Marshall County	327	Constitutional	
134	Marshalltown, Iowa		election expense	861.55
135	Mills County	328	Constitutional	
136	Glenwood, Iowa		election expense	642.19
137	Mitchell County	329	Constitutional	
138	Osage, Iowa		election expense	599.69
139	Monona County	330	Constitutional	
140	Onawa, Iowa		election expense	657.00
141	Monroe County	331	Constitutional	
142	Albia, Iowa		election expense	595.94
143	Montgomery County	332	Constitutional	
144	Red Oak, Iowa		election expense	391.04

	Claimant	Claim No.	Nature of Claim	Amount
145	Muscatine County	333	Constitutional election expense	\$ 534.65
146	Muscatine, Iowa			
147	O'Brien County	334	Constitutional election expense	636.33
148	Primghar, Iowa			
149	Osceola County	335	Constitutional election expense	640.55
150	Sibley, Iowa			
151	Page County	336	Constitutional election expense	813.32
152	Clarinda, Iowa			
153	Palo Alto County	337	Constitutional election expense	329.30
154	Emmetsburg, Iowa			
155	Plymouth County	338	Constitutional election expense	717.10
156	LeMars, Iowa			
157	Pocahontas County	339	Constitutional election expense	400.26
158	Pocahontas, Iowa			
159	Polk County	340	Constitutional election expense	2,535.10
160	Des Moines, Iowa			
161	Pottawattamie County	341	Constitutional election expense	1,272.62
162	Council Bluffs, Iowa			
163	Poweshiek County	342	Constitutional election expense	601.34
164	Montezuma, Iowa			
165	Ringgold County	343	Constitutional election expense	275.40
166	Mount Ayr, Iowa			
167	Sac County	344	Constitutional election expense	404.30
168	Sac City, Iowa			
169	Scott County	345	Constitutional election expense	1,475.33
170	Davenport, Iowa			
171	Shelby County	346	Constitutional election expense	614.95
172	Harlan, Iowa			
173	Sioux County	347	Constitutional election expense	829.30
174	Orange City, Iowa			
175	Story County	348	Constitutional election expense	733.97
176	Nevada, Iowa			
177	Tama County	349	Constitutional election expense	822.15
178	Toledo, Iowa			
179	Taylor County	350	Constitutional election expense	366.70
180	Bedford, Iowa			
181	Union County	351	Constitutional election expense	395.45
182	Creston, Iowa			
183	Van Buren County	352	Constitutional election expense	568.00
184	Keosauqua, Iowa			
185	Wapello County	353	Constitutional election expense	1,018.92
186	Ottumwa, Iowa			
187	Warren County	354	Constitutional election expense	678.84
188	Indianola, Iowa			
189	Washington County	355	Constitutional election expense	473.75
190	Washington, Iowa			
191	Wayne County	356	Constitutional election expense	615.25
192	Corydon, Iowa			
193	Webster County	357	Constitutional election expense	824.60
194	Fort Dodge, Iowa			



	Claimant	Claim No.	Nature of Claim	Amount
195	Winnebago County	358	Constitutional	
196	Forest City, Iowa		election expense	\$ 535.73
197	Winneshiek County	359	Constitutional	
198	Decorah, Iowa		election expense	427.75
199	Woodbury County	360	Constitutional	
200	Sioux City, Iowa		election expense	639.13
201	Worth County	361	Constitutional	
202	Northwood, Iowa		election expense	466.23
203	Wright County	362	Constitutional	
204	Clarion, Iowa		election expense	788.30

1 SEC. 2. The state comptroller is hereby authorized and directed  
2 to issue his warrants to the above named counties in the amounts set  
3 opposite their respective names.

1 SEC. 3. Receipt of said sums by said counties respectively shall  
2 be in full settlement of all claims they may hold against the state of  
3 Iowa on account of damages as above indicated, claims for which  
4 were presented to the joint claims committee of the Sixtieth General  
5 Assembly.

Approved May 27, 1963.

## CHAPTER 34

### CLAIMS APPROPRIATIONS

#### S. F. 423

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
2 of the state of Iowa to the following named persons and/or firms the  
3 amount set opposite their respective names in full settlement of all  
4 claims which they may have against the state of Iowa, to-wit:

	Claimant	Claim No.	Nature of Claim	Amount
5				
6	Miles Community School			
7	District	62	Tax-free land	
8	Miles, Iowa		reimbursement	\$4,001.15
9	Miles Community School			
10	District	63	Tax-free land	
11	Miles, Iowa		reimbursement	146.17
12	Miles Community School			
13	District	64	Tax-free land	
14	Miles, Iowa		reimbursement	124.48
15	Maquoketa Community School			
16	District	65	Tax-free land	
17	Maquoketa, Iowa		reimbursement	34.27
18				

	Claimant	Claim No.	Nature of Claim	Amount
19	Maquoketa Community School			
20	District	66	Tax-free land reimbursement	
21	Maquoketa, Iowa			\$ 109.17
22	Sabula Community School			
23	District	67	Tax-free land reimbursement	
24	Sabula, Iowa			4,937.34
25	Bellevue Community School			
26	District	68	Tax-free land reimbursement	
27	Bellevue, Iowa			91.62
28	Bellevue Community School			
29	District	69	Tax-free land reimbursement	
30	Bellevue, Iowa			7.77
31	Bellevue Community School			
32	District	70	Tax-free land reimbursement	
33	Bellevue, Iowa			42.17
34	Bellevue Community School			
35	District	71	Tax-free land reimbursement	
36	Bellevue, Iowa			645.46
37	Bellevue Community School			
38	District	72	Tax-free land reimbursement	
39	Bellevue, Iowa			54.86
40	Interstate 35			
41	Community School	156	Tax-free land reimbursement	
42	New Virginia, Iowa			94.58

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 respective names.

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 on account of damages as above indicated, claims for which were pre-  
 4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 2, 1963.

## CHAPTER 35

### CLAIMS APPROPRIATIONS

S. F. 469

AN ACT to make appropriations to certain named firm or persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the gas tax re-  
 2 fund of the state of Iowa to the following named firm or persons the

3 amount set opposite their names in full settlement of the claims which  
 4 they have against the state of Iowa, to wit:

5	Claim		
6 Claimant	No.	Nature of Claim	Amount
7 Albert Lindgren 8 Kingsley, Iowa	197	Gas tax refund	\$175.00
9 Edmund Ruff, Jr. 10 Emmetsburg, Iowa	230	Gas tax refund	30.00
11 F. B. Maloy 12 Mount Ayr, Iowa	376	Gas tax refund	33.78
13 Earl Wagner Sand & Gravel 14 Monroe, Iowa	377	Gas tax refund	246.96

1 SEC. 2. The state comptroller is hereby authorized and directed to  
 2 issue his warrant to the above named firm or persons in the amount  
 3 set opposite their names, and the treasurer of the state is hereby  
 4 authorized and directed to pay the same from the gas tax refund  
 5 account of the state of Iowa.

1 SEC. 3. Receipt of said sums by said firm or persons respectively  
 2 shall be in full settlement of all claims they may hold against the state  
 3 of Iowa on account of damages as above indicated, claims for which  
 4 were presented to the joint claims committee of the Sixtieth General  
 5 Assembly.

Approved May 27, 1963.

## CHAPTER 36

### CLAIMS APPROPRIATIONS

S. F. 418

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the gas tax refund  
 2 of the state of Iowa to the following named firms the amount set  
 3 opposite their names in full settlement of the claims which they have  
 4 against the state of Iowa, to-wit:

5	Claim		
6 Claimant	No.	Nature of Claim	Amount
7 John W. H. Van Wyhe 8 Ireton, Iowa	9	Gas tax refund	\$ 65.70
9 Raymond Van Wyhe 10 Hawarden, Iowa	10	Gas tax refund	40.38
11 O. J. Schunning 12 Hawarden, Iowa	11	Gas tax refund	12.00
13 Lloyd Johnson 14 Hawarden, Iowa	12	Gas tax refund	63.30

	Claimant	Claim No.	Nature of Claim	Amount
15	Emil Erickson	13	Gas tax refund	\$ 36.00
16	Chatsworth, Iowa			
17	Albert DeYager	14	Gas tax refund	89.28
18	Doon, Iowa			
19	John W. Dekkers	15	Gas tax refund	49.80
20	Hawarden, Iowa			
21	Edwin Meether	16	Gas tax refund	7.80
22	Akron, Iowa			
23	Arnold Block	77	Gas tax refund	83.10
24	Grand Mound, Iowa			
25	Des Moines Flying Service Inc.	102	Gas tax refund	143.99
26	Des Moines, Iowa			
27	Collins Radio Company	125	Gas tax refund	357.99
28	Dallas, Texas			

1 SEC. 2. The state comptroller is hereby authorized and directed to  
 2 issue his warrant to the above named firms in the amount set opposite  
 3 their names, and the treasurer of the state is hereby authorized and  
 4 directed to pay the same from the gas tax refund account of the state  
 5 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 on account of damages as above indicated, claims for which were pre-  
 4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved April 30, 1963.

## CHAPTER 37

### CLAIMS APPROPRIATIONS

#### S. F. 472

AN ACT to make appropriations to certain named persons, firms and/or political subdivisions in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
 2 of the state of Iowa to the following named persons, firms and/or  
 3 political subdivisions the amount set opposite their respective names  
 4 in full settlement of all claims which they may have against the state  
 5 of Iowa, to wit:

	Claimant	Claim No.	Nature of Claim	Amount
7	Dorothy Bramon	H-11	Unused vacation	\$ 401.61
8	Marshalltown, Iowa			
9	Minneapolis-Honeywell			
10	Regulator Co.	H-22	Car damage	388.62
11	Davenport, Iowa			
12				

	Claimant	Claim No.	Nature of Claim	Amount
13	Adron Carter	H-39	Medical expense	
14	Des Moines, Iowa		loss of wages	\$2,000.00
15	L. E. Copeland	M-48	Property damage	600.00
16	Sioux City, Iowa			
17	Dale E. Matteson	H-50	Personal injury	3,200.00
18	Marengo, Iowa			
19	Lee County	H-52	Grade crossing	
20	Ft. Madison, Iowa		light	6,987.82
21	Ida Johnson	H-53	Spray damage	9.40
22	Avoca, Iowa			
23	Town of Whittemore	H-55	Sewer assessment	906.40
24	Whittemore, Iowa			
25	Iowa Lutheran Hospital	46	Hospital bill	131.85
26	Des Moines, Iowa			
27	Salvador Chia	173	Personal injury	6,000.00
28	Des Moines, Iowa			
29	State Tax Commission	205	Military service	
30	Des Moines, Iowa		tax credit	322.71
31	James Wiley	207	Personal injury	750.00
32	Glenwood, Iowa			
33	G. H. Beardsley	221	Personal injury	175.00
34	Council Bluffs, Iowa			
35	David M. Davies	233	Unpaid salary	146.66
36	Spencer, Iowa			
37	Garfield Miller, M.D.	234	Doctor bill	70.00
38	Calmar, Iowa			
39	Glenn T. Schellhammer			
40	Funeral Home	244	Funeral expense	179.46
41	West Bend, Iowa			
42	Smith Memorial Hospital	248	Hospital bill	157.95
43	Decorah, Iowa			
44	Iowa Lutheran Hospital	250	Hospital bill	340.65
45	Des Moines, Iowa			
46	Mitchell County	251	State aid Sec. 227	72.00
47	Osage, Iowa			
48	Guthrie County	254	Illegal care	
49	Guthrie Center, Iowa		charges	4,851.66
50	Leonard Schwerdtfeger	258	Property damage	1,199.03
51	Parkersburg, Iowa			
52	Harry Detler Hagge	260	Salary increase	25.00
53	Cedar Falls, Iowa			
54	Woodbury County	262	Claim against	
55	Sioux City, Iowa		Board of Control	202.90
56	State Tax Commission	263	Military credit	73.79
57	Des Moines, Iowa			
58	Dahl Funeral Home	372	Funeral claim	223.00
59	Cedar Falls, Iowa			
60	Board of Control of			
61	State Institutions	378	Unpaid FICA	47.79
62	Des Moines, Iowa			

	Claimant	Claim No.	Nature of Claim	Amount
63	University of Iowa Hospital	385	Medical services	\$ 78.50
64	Iowa City, Iowa			
65	Dr. Carroll Larson	386	Medical services	25.00
66	University Hospital			
67	Iowa City, Iowa			

1 SEC. 2. The state comptroller is hereby authorized and directed to  
 2 issue his warrants to the above named persons, firms and/or political  
 3 subdivisions in the amounts set opposite their respective names.

1 SEC. 3. Receipt of said sums by said persons, firms and/or political  
 2 subdivisions respectively shall be in full settlement of all claims they  
 3 may hold against the state of Iowa on account of damages as above  
 4 indicated, claims for which were presented to the joint claims commit-  
 5 tee of the Sixtieth General Assembly.

Approved May 27, 1963.

## CHAPTER 38

### CLAIMS APPROPRIATIONS

#### S. F. 429

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
 2 of the state of Iowa to the following named persons and/or firms the  
 3 amount set opposite their respective names in full settlement of all  
 4 claims which they may have against the state of Iowa, to-wit:

	Claimant	Claim No.	Nature of Claim	Amount
6	Bert M. Leck			
7	Van Buren County Register	25	Delinquent bill	\$ 30.20
8	Keosauqua, Iowa			
9	Keosauqua Light and Power	54	Unpaid light bill	19.00
10	Keosauqua, Iowa			
11	Clinton Wire Cloth Company	57	Outdated warrant	133.16
12	Clinton, Iowa			
13	Fred M. Hudson, Judge of			
14	District Court	76	Judicial expenses	286.39
15	Pocahontas, Iowa			
16	International Business			
17	Machines Corporation	78	Service charge	19.00
18	Des Moines, Iowa			
19	Harold Levis	79	Judicial expenses	80.07
20	Chariton, Iowa			
21				

Claimant	Claim No.	Nature of Claim	Amount
22 John M. Schaupp			
23 District Judge	84	Judicial expenses	\$ 30.32
24 Fort Dodge, Iowa			
25 The Wright Line Div.			
26 Barry Wright Corporation	92	Outdated invoice	28.75
27 Worcester 6, Mass.			
28 United Telephone Company	104	Telephone expense	
29 Newton, Iowa		(public safety)	16.60
30 Hy-Vee Food Store	107	Display costs for	
31 Iowa City, Iowa		outdoor cooking	35.01
32 Georgia M. Cox, Estate	114	Travel expense	41.70
33 Van Wert, Iowa			
34 Philosophical Library	124	Book purchase	6.24
35 New York 16, New York			
36 Pocahontas County, Auditor	144	Care of patients	
37 Pocahontas, Iowa		in County Homes	261.86
38 Iowa Wesleyan College	153	Past due cost of	
39 Mt. Pleasant, Iowa		lunches for Iowa	
40		Development Comm.	48.75
41 Edward L. Simmons	159		
42 Centerville, Iowa		Outdated Claim	298.13
43 Storey-Kenworthy Company	192	Invoices dated July 10	
44 Des Moines, Iowa		and August 28	150.66
45 Pitney Bowes, Inc.	184	Invoices submitted	
46 Stanford, Connecticut		after time limit	285.12
47 Pitney Bowes, Inc.	185	Invoices submitted	
48 Stanford, Connecticut		after time limit	35.10

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 respective names.

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 on account of damages as above indicated, claims for which were pre-  
4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 2, 1963.

## CHAPTER 39

### CLAIMS APPROPRIATIONS

S. F. 435

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
2 of the state of Iowa to the following named persons and/or firms the

3 amount set opposite their respective names in full settlement of all				
4 claims which they may have against the state of Iowa, to-wit:				
5	Claim			
6	Claimant	No.	Nature of Claim	Amount
7	W. F. Brink	H-1	Property damage	\$ 35.00
8	N. Mankato, Minnesota			
9	Mrs. Rose Hrubes	H-3	Property damage	173.60
10	Duncan, Iowa			
11	Hobbs Implement			
12	and Excavating Co.	43	Refund license fee	18.75
13	Hampton, Iowa			
14	E. R. Lear, Sheriff	91	Extradition expenses	91.68
15	Hamilton County			
16	Webster City, Iowa			
17	Phillip Hageman	100	Permit refund	5.00
18	Ossian, Iowa			
19	Kenneth R. Kleihauer	101	License refund	7.25
20	Paullina, Iowa			
21	Schwerman Trucking Co.	108	Trailer permit refund	198.00
22	Des Moines 15, Iowa			
23	Feaster Trucking Service		Semi-trailer	
24	Incorporated	120	permit refund	6.00
25	Clafin, Kansas			
26	Ward Louis Adrian	123	License refund	22.50
27	Tipton, Iowa			
28	Paul Hastie	134	Property damage	375.00
29	Minburn, Iowa			
30	Arie Van Nyhwis	139	License refund	5.00
31	Sheldon, Iowa			
32	Donald William Rickels	166	Refund of truck	
33	Monticello, Iowa		license fee	150.00
34	The Travelers Insurance			
35	Company	169	Reimbursement for	
36	Des Moines, Iowa		Property damage	4,341.00
37	William H. Schuneman	172	Loss of animal	100.00
38	Eldora, Iowa			
39	David Lowell Olds	214	Personal injury	500.00
40	Penitentiary			
41	Fort Madison, Iowa			
42	Vinton Community			
43	School District	60	School tuition	1,865.78
44	Vinton, Iowa			
45	Vinton Community			
46	School District	133	School tuition	2,026.35
47	Vinton, Iowa			
48	William A. Sundrup	40	Overpayment on Truck	
49	Arcadia, Iowa		tractor License	120.00
50	Legreid Farm Service			
51	Company	162	Refund on truck	
52	Mason City, Iowa		Licenses	760.00



	Claimant	Claim No.	Nature of Claim	Amount
53	Roy Edwards	189	Refund of tractor	
54	Primghar, Iowa		Fees	\$ 15.00
55	Stanley Ziesmer	190	Refund of registration	
56	Garner, Iowa		permits	30.00
57	Marjorie Anna Leslie	200	Refund on license	3.00
58	Oxford Junction, Iowa			
59	Thomas Feed & Service	228	Overpayment of	
60	Corydon, Iowa		License fee	460.00

1 SEC. 2. The state comptroller is hereby authorized and directed to  
 2 issue his warrants to the above named persons in the amounts set  
 3 opposite their respective names.

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 on account of damages as above indicated, claims for which were pre-  
 4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 2, 1963.

## CHAPTER 40

### CLAIMS APPROPRIATIONS

S. F. 447

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
 2 of the state of Iowa to the following named persons and/or firms the  
 3 amount set opposite their respective names in full settlement of all  
 4 claims which they may have against the state of Iowa, to-wit:

	Claimant	Claim No.	Nature of Claim	Amount
5				
6	Claimant	No.	Nature of Claim	Amount
7	John C. Moore	H-6	Fence damage	\$ 25.00
8	Jefferson, Iowa			
9	Lee Ray Waite	H-9	Garden damage	150.00
10	Marion, Iowa			
11	Charles C. Anama	H-10	Car damage	18.50
12	Sioux City, Iowa			
13	Donald Simons	H-12	Highway damage	30.85
14	Marcus, Iowa			
15	Leonard Bessman	H-13	Tile line damage	126.79
16	Dumont, Iowa			
17	Joe Simpson	H-17	Auto damage	30.56
18	Lamoni, Iowa			
19	George Ernst	H-19	Crop damage	1,500.00
20	Sloan, Iowa			

	Claimant	Claim No.	Nature of Claim	Amount
21	Cherokee Concrete Products	H-20	Car damage	\$ 77.40
22	Cherokee, Iowa			
23	Henry Jelken, Jr.	H-21	Crop damage	50.00
24	LeMars, Iowa			
25	Western Casualty and			
26	Surety Company	H-24	Car damage	15.00
27	Davenport, Iowa			
28	John Gee	H-26	Crop damage	15.96
29	Farragut, Iowa			
30	Harold Phippin	H-27	Property damage	10.98
31	Spirit Lake, Iowa			
32	Dewey Shelby	H-28	Snow plow damage	40.00
33	Delta, Iowa			
34	Harvey Sieren	H-29	Fence damage	10.00
35	Hedrick, Iowa			
36	William C. Arn	H-30	Animal damage	60.00
37	Iowa City, Iowa			
38	Mrs. Marcella I. Farrell	H-31	Property damage	95.99
39	Whittemore, Iowa			
40	Everett Fetters	H-32	Crop damage	65.00
41	Humeston, Iowa			
42	Mrs. Lucy Godell	H-38	Weed spray damage	6.10
43	Hanlontown, Iowa			
44	Floyd R. Brown	H-41	Snow fence damage	62.50
45	Farragut, Iowa			
46	Mrs. Joe H. Loebach	H-42	Garden damage	50.00
47	Whittemore, Iowa			
48	Arnold Maass	H-46	Weed spray damage	70.85
49	Remsen, Iowa			
50	Kenneth H. Buck	H-47	Eye glass damage	29.48
51	Denison, Iowa			
52	Merle E. Elliott	H-49	Weed spray damage	230.00
53	Waterloo, Iowa			
54	Verne B. Schroder	111	Outdated warrants	78.60
55	Minden, Iowa			
56	Miles E. Foster, M.D.	138	Outdated warrant	80.00
57	Omaha, Nebraska			
58	Frank L. Vomacka	146	Outdated warrant	123.86
59	Toledo, Iowa			
60	John E. Martin, O.D.	158	Outdated warrant	124.30
61	Carroll, Iowa			
62	Carmar Studio	183	Outdated warrant	80.00
63	Creston, Iowa			
64	Joseph C. Hall and			
65	Mabel E. Hall	206	Outdated warrant	74.60
66	Sherman Oaks, California			
67	William J. Nugent	219	Homestead and	
68	Algona, Iowa		Veterans exemptions	105.73
69	Joe Dixon	222	Salary November 1952	275.00
70	Fort Dodge, Iowa			

	Claimant	Claim No.	Nature of Claim	Amount
71	Mrs. Etta Goodwin	224	Sidewalk accident	\$182.90
72	LaPorte City, Iowa			

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 respective names.

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 on account of damages as above indicated, claims for which were pre-  
 4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 20, 1963.

## CHAPTER 41

### CLAIMS APPROPRIATIONS

S. F. 462

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
 2 of the state of Iowa to the following named persons and/or firms the  
 3 amount set opposite their respective names in full settlement of all  
 4 claims which they may have against the state of Iowa, to wit:

	Claimant	Claim No.	Nature of Claim	Amount
6	Dale Dorr, guardian	H-45	Personal injury	\$ 1,881.00
7	Marcus, Iowa			
8	H. E. Sullivan, Treasurer	18	Drainage assessment	329.54
9	Wright County			
10	Clarion, Iowa			
11	Anton Schuver	31	Outdated warrant	59.82
12	Granville, Iowa			
13	C. Warren Heimbeck	38	Personal injury	236.50
14	Rock Island, Illinois			
15	Clem H. Ullrich	47	Outdated warrant	120.36
16	Denison, Iowa			
17	B. G. Patterson	94	Outdated invoice	531.85
18	West Des Moines, Iowa			
19	John H. Block	103	Outdated warrant	49.20
20	Riceville, Iowa			
21	Heilskov, Hoger & Ove	112	Outdated warrants	54.30
22	Hampton, Iowa			
23	Donald Eash	115	Outdated warrant	3.08
24	Parnell, Iowa			
25				

	Claimant	Claim No.	Nature of Claim	Amount
26	Peter Kuipers	151	Outdated warrant	\$ 27.00
27	Sheldon, Iowa			
28	Big Bill's Feed Store	161	Refund on truck licenses	1,345.00
29	Wyoming, Iowa			
30	Adrian Irvin	164	Outdated warrant	33.60
31	Riceville, Iowa			
32	Clara Mead	170	Outdated warrant	41.28
33	Ashton, Iowa			
34	Alfred M. Pabst	174	Outdated warrant	222.50
35	Administrator			
36	Albia, Iowa			
37	City of Ames	176	Unpaid special assessment	368.75
38	Ames, Iowa			
39	Hougen-Haugebak Fertilizer	186	Refund of license fees	697.50
40	Waterloo, Iowa			
41	B. H. Beckman	187	Outdated warrant	64.30
42	Hull, Iowa			
43	Pottawattamie County	204	Fees for survey	2,260.70
44	Council Bluffs, Iowa			
45	Bessie B. Buchanan	209	Outdated warrants	2,665.00
46	Des Moines, Iowa			
47	Janice Barrier	211	Personal injury	3,128.83
48	Ottumwa, Iowa			
49	Photostat Corporation	216	Delinquent bill	198.20
50	Rochester 3, New York			
51	J. T. Connor	235	Outdated warrant	33.42
52	Glenwood, Iowa			
53	Clyde Oren Wolford	236	Personal injury	
54	Council Bluffs, Iowa		inmate	150.00
55	Walter Marsh	239	Outdated warrants	29.80
56	Marble Rock, Iowa			
57	City of Sibley	240	Sales and use tax refund	485.97
58	Sibley, Iowa			
59	Norman E. Schoening	245	License refund	399.50
60	Greenfield, Iowa			
61	Ed Hrubes	246	Contract carrier permit refund	5.00
62	Britt, Iowa			
63	Franklin County Treasurer	249	Ag. land tax credit	92.32
64	Hampton, Iowa			
65	Harvey G. Goering	252	Outdated warrant	47.52
66	Walcott, Iowa			
67	Vernon G. Helgens	253	Compensation for death	10,000.00
68	Scotch Grove, Iowa			
69	Miss Kay Cullen	255	Unpaid salary	27.50
70	Mt. Etna, Iowa			
71	Grundy County	257	Sales and use tax refund	198.32
72	Grundy Center, Iowa			
73	Momsen Trucking Co.	363	License refund	714.25
74	Spencer, Iowa			

	Claimant	Claim No.	Nature of Claim	Amount
75	Lutheran Hospital	364	Hospital claim	\$ 901.70
76	Ft. Dodge, Iowa			
77	Rock Island Motor Transit	365	Motor carrier	
78	Des Moines, Iowa		fee refund	765.00
79	Ralph LeRoy Harley, Sr.	367	License refund	11.00
80	Des Moines, Iowa			
81	H & W Motor Express Co.	368	Motor carrier fee	
82	Dubuque, Iowa		refunds	335.00
83	Elliott Flying Service	370	Use tax refund	1,994.71
84	Davenport, Iowa			
85	Woodbine Community			
86	School District No. 2	373	Use tax refund	4,539.75
87	Woodbine, Iowa			
88	Ruth or Daniel Beary	379	License refund	13.00
89	Lovilia, Iowa			
90	Town of Buffalo	380	Use tax refund	739.77
91	Buffalo, Iowa			
92	Franklin Huber	382	Outdated warrant	14.82
93	Blakesburg, Iowa			
94	Elizabeth M. Hill	383	Outdated warrant	150.00
95	Ft. Dodge, Iowa			
96	Senator J. T. Dykhouse	384	Refund of advance	28.19
97	Rock Rapids, Iowa			

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 respective names.

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 on account of damages as above indicated, claims for which were pre-  
4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 27, 1963.

## CHAPTER 42

### CLAIMS APPROPRIATIONS

S. F. 421

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund  
2 of the state of Iowa to the following named persons and/or firms the  
3 amount set opposite their respective names in full settlement of all  
4 claims which they may have against the state of Iowa, to-wit:

	Claim		
	No.	Nature of Claim	Amount
5			
6		Claimant	
7	27	Justin B. Thompson	Ag. land tax credit \$ 53.47
8		Tingley, Iowa	
9	48	Appanoose County Treasurer	Ag. land tax credit 7.69
10		Centerville, Iowa	
11	96	Montgomery County	Ag. land tax credit 11.76
12		Red Oak, Iowa	
13	154	Sac County Auditor	Ag. land tax credit 1,847.49
14		Sac City, Iowa	
15	165	Linn County Treasurer	Ag. land tax credit 1,607.81
16		Cedar Rapids, Iowa	
17	168	Plymouth County	Ag. land tax credit 500.97
18		LeMars, Iowa	
19	175	Adams County	Ag. land tax credit 50.35
20		Corning, Iowa	
21	191	Linn County Treasurer	Ag. land tax credit 211.77
22		Cedar Rapids, Iowa	
23	203	Adams County	Ag. land tax credit 303.58
24		Corning, Iowa	
25	220	Cherokee County	Ag. land tax credit 31.88
26		Cherokee, Iowa	
27	237	Tama County	Ag. land tax credit 76.07
28		Toledo, Iowa	
29	2	R. L. McIntyre	Tractor permit refund 30.00
30		Des Moines, Iowa	
31		Ellen Millard DBA	
32	8	Millard Transfer	Tractor permit refund 5.00
33		Ottumwa, Iowa	
34	19	Thomas Stewart	Tractor permit refund 10.00
35		Atalissa, Iowa	
36	32	Marvin Sandven	License Refund 12.50
37		Humboldt, Iowa	
38	24	Philip J. Groetken	Tractor permit refund 40.00
39		LeMars, Iowa	
40		James L. Carolan DBA	
41	34	C & R Milling Co.	License Refund 27.50
42		Lawler, Iowa	
43	121	Donald Samuel Young	License Refund 8.00
44		Mechanicsville, Iowa	
45	167	Rev. Walter D. Wigger	License Refund 6.00
46		Anamosa, Iowa	

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 respective names.

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 on account of damages as above indicated, claims for which were pre-  
4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 2, 1963.

## CHAPTER 43

### CLAIMS APPROPRIATIONS

S. F. 420

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1	SECTION 1. There is hereby appropriated out of the general fund			
2	of the state of Iowa to the following named persons and/or firms the			
3	amount set opposite their respective names in full settlement of all			
4	claims which they may have against the state of Iowa, to-wit:			
5		Claim		
6	Claimant	No.	Nature of Claim	Amount
7	Shelby County	1	Sales and use tax	\$1,391.75
8	Harlan, Iowa			
9	Muscatine Levee Improvement	4	Sales and use tax	193.13
10	Comm., City Hall, Muscatine			
11	Lutheran Children's Home	17	Sales and use tax	77.63
12	Society, Waverly, Iowa			
13	Elliott Consolidated School	20	Sales and use tax	1,401.39
14	District, Elliott, Iowa			
15	Anthon-Oto Community School	23	Sales and use tax	172.23
16	District, Anthon, Iowa			
17	Community School District	33	Sales and use tax	178.51
18	Treynor, Iowa			
19	Independent School District	35	Sales and use tax	249.38
20	No. 1, Buffalo, Iowa			
21	Convalescent Home for	41	Sales tax refund	10.60
22	Children, Des Moines, Iowa			
23	City of Marshalltown	50	Sales and use tax	384.79
24	Municipal Building			
25	Marshalltown, Iowa			
26	City of Marshalltown	51	Sales and use tax	846.03
27	Marshalltown, Iowa			
28	Polk County	52	Sales and use tax	32.84
29	Des Moines, Iowa			
30	Polk County	53	Sales and use tax	90.94
31	Des Moines, Iowa			
32	Polk County	55	Sales and use tax	150.49
33	Des Moines, Iowa			
34	Polk County	59	Sales and use tax	48.35
35	Des Moines, Iowa			
36	City of Mason City	73	Sales and use tax	59.03
37	Mason City, Iowa			

	Claimant	Claim No.	Nature of Claim	Amount
38	City of Mason City	74	Sales and use tax	\$ 52.82
39	Mason City, Iowa			
40	City of Evansdale	80	Sales and use tax	82.58
41	Evansdale, Iowa			
42	Hancock County Secondary	83	Sales and use tax	298.88
43	Road Fund, Garner, Iowa			
44	Albert City-Truesdale	85	Sales and use tax	497.86
45	Community School,			
46	Albert City, Iowa			
47	Washington County Court	87	Sales and use tax	267.87
48	House, Washington, Iowa			
49	Brown Brothers, Inc.,	95	Sales tax refund	2,629.87
50	Electrical Contractors			
51	Des Moines, Iowa			
52	Franklin County Court House	97	Sales and use tax	507.38
53	Hampton, Iowa			
54	Community School of Laurens	106	Sales and use tax	746.96
55	Laurens, Iowa			
56	Polk County	117	Sales tax refund	38.37
57	Des Moines, Iowa			
58	Clarke Community School	119	Sales and use tax	802.25
59	District, Osceola, Iowa			
60	City of Coralville	137	Sales tax refund	573.30
61	Coralville, Iowa			
62	City of Sioux Center	143	Sales and use tax	595.51
63	Sioux Center, Iowa			
64	Blakesburg Community School	152	Sales and use tax	495.30
65	District, Blakesburg, Iowa			
66	Belle Plaine Community School	155	Sales and use tax	101.01
67	New Virginia, Iowa			
68	City of Dubuque	177	Sales and use tax	649.50
69	Dubuque, Iowa			
70	Webster County	178	Sales and use tax	364.39
71	Fort Dodge, Iowa			
72	Town of Adair	198	Sales and use tax	957.77
73	Adair, Iowa			
74	City of Estherville	199	Sales and use tax	598.44
75	Estherville, Iowa			
76	Jesup Community School	201	Sales and use tax	128.51
77	District, Jesup, Iowa			
78	Winterset Community School	208	Sales tax refund	309.58
79	District, Winterset, Iowa			
80	Washington County	212	Sales tax refund	25.68
81	Washington, Iowa			
82	City of Spencer	215	Sales tax refund	261.66
83	Spencer, Iowa			
84	Marion Municipal Water	217	Sales tax refund	149.29
85	Department, Marion, Iowa			
86	Town of Calmar	225	Sales and use tax	1,083.86
87	Calmar, Iowa			



	Claimant	Claim No.	Nature of Claim	Amount
88	City of Keokuk	232	Use tax refund	\$375.32
89	Keokuk, Iowa			

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 respective names.

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 on account of damages as above indicated, claims for which were pre-  
 4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved May 2, 1963.

## CHAPTER 44

### CLAIMS APPROPRIATIONS

S. F. 422

AN ACT to make appropriations to certain named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the old age assist-  
 2 ance fund of the state of Iowa to the following named persons and/or  
 3 firms the amounts set opposite their respective names in full settlement  
 4 of all claims which they may have against the state of Iowa, to-wit:

	Claimant	Claim No.	Nature of Claim	Amount
6	Roland's Home for Funerals	93	Funeral claim	\$175.00
7	Atlantic, Iowa			
8	C. P. Pierce and Son	98	Funeral claim	168.00
9	Morning Sun, Iowa			
10	John C. Stewart	109	Funeral claim	175.00
11	Leon, Iowa			
12	Estes & Son Funeral Home	126	Funeral claim	48.50
13	Des Moines, Iowa			
14	Estes & Son Funeral Home	127	Funeral claim	45.00
15	Des Moines, Iowa			
16	Estes & Son Funeral Home	128	Funeral claim	45.00
17	Des Moines, Iowa			
18	Estes & Son Funeral Home	130	Funeral claim	213.74
19	Des Moines, Iowa			
20	Estes & Son Funeral Home	131	Funeral claim	106.00
21	Des Moines, Iowa			
22	Burke Funeral Service	145	Funeral claim	25.00
23	Lansing, Iowa			

	Claimant	Claim No.	Nature of Claim	Amount
25	W. Harry Christy Funeral	231	Funeral claim	\$205.00
26	Sioux City, Iowa			
27	W. Harry Christy Funeral	238	Funeral claim	175.00
28	Sioux City, Iowa			

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 respective name.\*

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 on account of damages as above indicated, claims for which were pre-  
 4 sented to the joint claims committee of the Sixtieth General Assembly.

Approved April 30, 1963.

## CHAPTER 45

### INTERSTATE COOPERATION COMMITTEE APPROPRIATION

#### S. F. 412

AN ACT to make appropriations to members and representatives of the committee on interstate cooperation, namely: W. L. Mooty, Jack Schroeder, Harold O. Fischer, D. C. Nolan, Robert R. Rigler, David O. Shaff, Ray C. Cunningham, Elmer H. Den Herder, Raymond Eveland, Robert W. Naden, Charles F. Eppers, Maurice B. Crabbe, C. Edwin Gilmour, Mrs. John Gray, and Paul W. Knowles.

*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 in full settlement of all claims which	
4	they may have against the state of Iowa on account of services ren-	
5	dered as a member or representative of the committee on interstate	
6	cooperation:	
7	W. L. Mooty .....	\$ 854.17
8	Jack Schroeder .....	607.85
9	Harold O. Fischer .....	854.78
10	D. C. Nolan .....	581.50
11	Robert R. Rigler .....	872.93
12	David O. Shaff .....	854.87
13	Ray C. Cunningham .....	647.01
14	Elmer H. Den Herder .....	1,665.07
15	Raymond Eveland .....	822.68
16	Robert W. Naden .....	832.63
17	Charles F. Eppers .....	180.00
18	Maurice B. Crabbe .....	245.86

\*According to enrolled Act.

19	C. Edwin Gilmour (representative) .....	\$ 485.46
20	Mrs. John Gray .....	180.00
21	Paul W. Knowles (representative) .....	187.70

1 SEC. 2. The state comptroller is hereby authorized to issue his  
2 warrants to the above named parties in the amounts stated, and the  
3 treasurer is hereby directed to pay the same from the funds herein  
4 appropriated.

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

1 SEC. 4. This Act being deemed of immediate importance shall take  
2 effect and be in full force from and after its publication in The Mount  
3 Pleasant News, a newspaper published in Mount Pleasant, Iowa, and  
4 The Atlantic News-Telegraph, a newspaper published in Atlantic, Iowa.

Approved April 15, 1963.

I hereby certify that the foregoing Act, Senate File 412, was published in The Mount Pleasant News, Mount Pleasant, Iowa, April 17, 1963, and in The Atlantic News-Telegraph, Atlantic, Iowa, April 17, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 46

### RESEARCH COMMITTEE APPROPRIATIONS

S. F. 449

AN ACT to make appropriations to members of the legislative research committee and legislative advisory committees.

*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 in full settlement of all claims which  
4 they may have against the state of Iowa on account of services ren-  
5 dered as a member of the legislative research committee or a legisla-  
6 tive advisory committee established by the legislative research com-  
7 mittee by the authority of sections two point fifty-five (2.55) and two  
8 point fifty-six (2.56), Code 1962.

9 Members of the legislative research committee:

10	Clifford M. Vance .....	\$240.00
11	Richard L. Stephens .....	540.00
12	C. Joseph Coleman .....	180.00
13	Richard C. Turner .....	240.00
14	John A. Walker .....	300.00
15	John M. Ely, Jr. ....	600.00
16	Carl Hirsch .....	270.00

17	Members of the dairy industry advisory committee:	
18	C. Joseph Coleman .....	\$330.00
19	Dewey E. Goode .....	330.00
20	Adolph Elvers .....	300.00
21	Mrs. John Gray, widow of John Gray, deceased .....	150.00
22	Clifford N. Nystrom (estate) .....	120.00
23	Joe N. Wilson .....	330.00
24	W. J. Johannes .....	180.00
25	William J. Scherle .....	300.00
26	Members of the state revenue advisory committee:	
27	Richard L. Stephens .....	\$330.00
28	Arthur C. Hanson .....	330.00
29	Irving D. Long .....	300.00
30	Charles S. Van Eaton .....	360.00
31	Orval C. Walter .....	420.00
32	Keith H. Dunton .....	330.00
33	Chester O. Hougen .....	510.00

1     SEC. 2. The state comptroller is hereby authorized to issue his  
2 warrants to the above-named parties in the amounts stated, and the  
3 treasurer is hereby directed to pay the same from the designated funds  
4 or accounts of the state of Iowa.

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

1     SEC. 4. This Act being deemed of immediate importance shall take  
2 effect and be in full force from and after its publication in The Wash-  
3 ington Evening Journal, a newspaper published at Washington, Iowa,  
4 and The West Des Moines Express, a newspaper published at West Des  
5 Moines, Iowa.

Approved April 30, 1963.

I hereby certify that the foregoing Act, Senate File 449, was published in The Wash-  
ington Evening Journal, Washington, Iowa, May 3, 1963, and in The West Des Moines  
Express, West Des Moines, Iowa, May 9, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 47

### ADVISORY COMMITTEES APPROPRIATIONS

#### S. F. 451

AN ACT to make appropriations to members of legislative advisory committees.

*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 in full settlement of all claims which  
4 they may have against the state of Iowa on account of services ren-

5 dered as a member of a legislative advisory committee established by  
 6 the legislative research committee by the authority of sections two  
 7 point fifty-five (2.55) and two point fifty-six (2.56), Code 1962.  
 8 Members of the administrative rules advisory committee:

9	W. C. Stuart .....	\$ 60.00
10	John L. Mowry .....	180.00
11	Melvin H. Wolf .....	150.00
12	Irving D. Long .....	60.00
13	D. C. Nolan .....	150.00
14	John A. Walker .....	60.00
15	Lawrence D. Carstensen .....	180.00
16	John L. Duffy .....	30.00
17	Members of the labor agencies advisory committee:	
18	Frank Hoxie .....	\$150.00
19	Charles E. Grassley .....	60.00
20	Leigh R. Curran .....	90.00
21	Mrs. John Gray, widow of John Gray, deceased .....	60.00
22	Jake B. Mincks .....	150.00
23	John A. Walker .....	60.00
24	Max W. Kreager .....	150.00
25	Members of the state aid to schools advisory committee:	
26	Leroy H. Petersen .....	\$510.00
27	Edward A. Wearin .....	270.00
28	C. Joseph Coleman .....	90.00
29	Robert R. Rigler .....	210.00
30	Clifford M. Vance .....	120.00
31	Melvin H. Wolf .....	300.00
32	Merle W. Hagedorn .....	360.00
33	Harvey W. Ware .....	360.00

1 SEC. 2. The state comptroller is hereby authorized to issue his  
 2 warrants to the above-named parties in the amounts stated, and the  
 3 treasurer is hereby directed to pay the same from the designated funds  
 4 or accounts of the state of Iowa.

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

1 SEC. 4. This Act being deemed of immediate importance shall take  
 2 effect and be in full force from and after its publication in The Atlantic  
 3 News-Telegraph, a newspaper published at Atlantic, Iowa and the  
 4 Hampton Chronicle, a newspaper published at Hampton, Iowa.

Approved April 30, 1963.

I hereby certify that the foregoing Act, Senate File 451, was published in The Atlantic News-Telegraph, Atlantic, Iowa, May 4, 1963, and in the Hampton Chronicle, Hampton, Iowa, May 9, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 48

## ADVISORY COMMITTEES APPROPRIATIONS

S. F. 450

AN ACT to make appropriations to members of legislative advisory committees.

*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 in full settlement of all claims which	
4	they may have against the state of Iowa on account of services rendered	
5	as a member of a legislative advisory committee established by	
6	the legislative research committee by the authority of sections two	
7	point fifty-five (2.55) and two point fifty-six (2.56), Code 1962.	
8	Members of the capital improvement financing advisory committee:	
9	Verne Lisle .....	\$ 60.00
10	Richard C. Turner .....	60.00
11	Joseph B. Flatt .....	60.00
12	George E. O'Malley .....	30.00
13	Edward A. Wearin .....	30.00
14	Maurice E. Baringer .....	60.00
15	Members of the children's code advisory committee:	
16	A. L. Mensing .....	\$420.00
17	Howard C. Buck .....	396.32
18	Earl Elijah .....	270.00
19	George E. O'Malley .....	270.00
20	Carl Hirsch .....	360.00
21	Max W. Kreager .....	450.00
22	Elroy Maule .....	480.00
23	Members of the mental retardation advisory committee:	
24	John M. Ely, Jr. ....	\$390.00
25	Robert G. Moore .....	360.00
26	Harry L. Cowden .....	240.00
27	Dewey B. Phelps .....	360.00
28	Ray C. Cunningham .....	180.00
29	Harry R. Gittins .....	390.00
30	Niels J. Nielsen .....	420.00
31	Members of the state accounting funds advisory committee:	
32	Richard L. Stephens .....	\$ 30.00
33	Earl Elijah .....	150.00
34	Dewey B. Phelps .....	180.00
35	Lynn Potter .....	30.00
36	Raymond W. Hagie .....	150.00
37	Franklin S. Main .....	120.00
38	Elmer H. Vermeer .....	150.00

1 SEC. 2. The state comptroller is hereby authorized to issue his  
2 warrants to the above-named parties in the amounts stated, and the  
3 treasurer is hereby directed to pay the same from the designated funds  
4 or accounts of the state of Iowa.

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

1 SEC. 4. This Act being deemed of immediate importance shall take  
2 effect and be in full force from and after its publication in The Atlantic  
3 News-Telegraph, a newspaper published at Atlantic, Iowa and the  
4 Iowegian & Citizen, a newspaper published at Centerville, Iowa.

Approved May 2, 1963.

I hereby certify that the foregoing Act, Senate File 450, was published in The Atlantic News-Telegraph, Atlantic, Iowa, May 9, 1963, and in the Iowegian & Citizen, Centerville, Iowa, May 10, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 49

### HIGHWAY STUDY COMMITTEE APPROPRIATIONS

#### S. F. 431

AN ACT to make appropriations to members of the committee on highway study, namely: Martin Wiley, Merle W. Hagedorn, John J. Brown, J. Louis Fisher, Russell L. Eldred (deceased), Harold O. Fischer, Dewey E. Goode, J. F. Arthurs, Jr., Charles F. Iles, Robert Keir, Kenneth Robinson, and Miles Sutera.

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

1 SECTION 1. There is hereby appropriated out of the road use tax  
2 fund of the state of Iowa, as provided in chapter three hundred twelve  
3 (312), Code 1962, to the following persons the amounts set opposite  
4 their respective names in full settlement of all claims which they may  
5 have against the state of Iowa on account of services rendered as a  
6 member of the committee on highway study:

7	Martin Wiley .....	\$808.10
8	Merle W. Hagedorn .....	780.00
9	John J. Brown .....	510.00
10	J. Louis Fisher .....	660.00
11	Russell L. Eldred (deceased) .....	210.00
12	Harold O. Fischer .....	561.98
13	Dewey E. Goode .....	720.00
14	J. F. Arthurs, Jr. ....	660.00
15	Charles F. Iles .....	630.00
16	Robert Keir .....	42.42
17	Kenneth Robinson .....	735.60
18	Miles Sutera .....	420.00

1 SEC. 2. The state comptroller is hereby authorized to issue his  
2 warrants to the above named parties in the amounts stated, and the  
3 treasurer is hereby directed to pay the same from the funds herein  
4 appropriated.

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

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 Charles City  
3 Press, a newspaper published at Charles City, Iowa, and in the New  
4 Hampton Tribune, a newspaper published at New Hampton, Iowa.

Approved April 30, 1963.

I hereby certify that the foregoing Act, Senate File 431, was published in the Charles City Press, Charles City, Iowa, May 3, 1963, and in the New Hampton Tribune, New Hampton, Iowa, May 9, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 50

### INAUGURAL APPROPRIATION

S. F. 399

AN ACT to appropriate funds to defray expenses 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 funds of the state  
2 treasury not otherwise appropriated the sum of six thousand seven  
3 hundred one dollars and ninety-six cents (\$6,701.96), or so much  
4 thereof as may be necessary, to pay the expenses incurred on account  
5 of the inaugural ceremonies and reception.

6 Warrants shall be drawn upon the treasury for the sum herein ap-  
7 propriated in favor of the adjutant general upon the filing of vouchers  
8 therefor with the state comptroller.

9 There is hereby further appropriated out of the funds of the state  
10 treasury not otherwise appropriated the sum of four hundred five  
11 dollars and sixty cents (\$405.60) to Harold E. Hughes, Governor, to  
12 recompensate him for moneys paid by him in connection with the  
13 inaugural ceremonies. A warrant for this amount shall be drawn upon  
14 the treasury for said sum in favor of Harold E. Hughes, Governor,  
15 upon the filing of voucher therefor with the state comptroller.

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

Approved April 30, 1963.

I hereby certify that the foregoing Act, Senate File 399, was published in The Atlantic News-Telegraph, Atlantic, Iowa, May 4, 1963, and in The Mount Pleasant News, Mount Pleasant, Iowa, May 3, 1963.

MELVIN D. SYNHORST, *Secretary of State.*



CHAPTER 51

PRINTING BOARD APPROPRIATION

S. F. 396

AN ACT to appropriate from the general fund of the state of Iowa to the state printing board for printing and binding.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state to the state printing board for the biennium beginning July  
3 1, 1963, and ending June 30, 1965, the sum of one hundred ten thou-  
4 sand dollars (\$110,000.00), or so much thereof as may be necessary to  
5 be used for necessary printing and binding.

1 SEC. 2. Funds appropriated for printing and binding by this Act,  
2 in the discretion of the printing board, may be used in supplying paper  
3 stock, multigraph or mimeograph work, and original payment of print-  
4 ing and binding claim for any of the state departments, bureaus, asso-  
5 ciations and institutions, any sum so used shall be reimbursed to the  
6 printing board and returned to the credit of the appropriation made  
7 for printing and binding. These payments shall be made to the print-  
8 ing board in the same manner as other claims against such depart-  
9 ments are paid.

Approved April 15, 1963.

CHAPTER 52

STATE AID FOR FAIRS

S. F. 395

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1963, and ending June 30, 1965, to the state fair board for the purpose of state aid to agricultural societies.

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

1 SECTION 1. For the state fair board for the purpose of state aid to  
2 agricultural societies there is hereby appropriated from the general  
3 fund of the state for each year of the biennium beginning July 1, 1963,  
4 and ending June 30, 1965, the sum of two hundred ten thousand dollars  
5 (\$210,000.00), or so much thereof as may be necessary to be used in  
6 the following manner:

7 For state aid to agricultural societies .....\$210,000.00

8 The foregoing appropriation for state aid to agricultural societies  
9 shall be deemed conditional on full compliance with all other statutes  
10 which regulate and prescribe the conditions under which such aid is  
11 payable. In no case shall any county receive more than two thousand  
12 one hundred dollars (\$2,100.00) except that in a county where there  
13 are two definitely separate county extension offices, each such society  
14 shall receive state aid in such amount as it would be entitled to if it

15 were the only society in the county. In counties having more than one  
 16 fair entitled to state aid, the state aid available for the county shall be  
 17 prorated to said fairs on the basis of cash premiums paid by said fairs.

Approved April 15, 1963.

CHAPTER 53

STATE FAIR CAPITAL IMPROVEMENTS

S. F. 477

AN ACT to appropriate from the general fund of the state of Iowa for capital improvements to the fair board.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
 2 the state to the fair board the sum of one hundred eighty-six thousand  
 3 four hundred dollars (\$186,400.00), to be used in the following man-  
 4 ner:  
 5 New electric plant and building to house.....\$136,400.00  
 6 Recondition buildings (gutter, roofing, spouting, sheet-  
 7 ing, painting and miscellaneous repairs)..... 50,000.00

1 SEC. 2. Before any of the funds hereinabove appropriated shall be  
 2 expended it shall be determined by the state fair board, with the  
 3 approval of the budget and financial control committee, that the ex-  
 4 penditures shall be for the best interests of the state.

1 SEC. 3. Should any legislative action of the Sixtieth General As-  
 2 sembly result in a lack of necessity of the emergency fund created  
 3 under section eight point thirty-two (8.32) of the Code such fund is  
 4 hereby appropriated to supplement the reconditioning of buildings as  
 5 provided for in this Act.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1967,  
 2 of the appropriation of this Act made by the Sixtieth General Assem-  
 3 bly, shall revert to the general fund of the state.

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 as  
 3 provided by law, in the Ames Daily Tribune, a newspaper published  
 4 at Ames, Iowa, and in The Atlantic News-Telegraph, a newspaper  
 5 published at Atlantic, Iowa.

Approved May 24, 1963.

I hereby certify that the foregoing Act, Senate File 477, was published in the Ames Daily Tribune, Ames, Iowa, May 29, 1963, and in The Atlantic News-Telegraph, Atlantic, Iowa, May 31, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 54

## OMNIBUS APPROPRIATIONS

S. F. 491

AN ACT making appropriations for payment of miscellaneous expense incurred or authorized by the Sixtieth General Assembly.

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

1	SECTION 1. There is hereby appropriated out of any funds in the	
2	state treasury not otherwise appropriated the following sums, or so	
3	much thereof as may be necessary, in payment of miscellaneous ex-	
4	penses incurred or authorized by the Sixtieth General Assembly:	
5	Des Moines Rubber Stamp Co., stamps and supplies (House)..\$	13.03
6	Northwestern Bell Telephone Co., service (House) .....	40.00
7	Executive Council, telephone installation and service (House)	442.80
8	Executive Council, postage and supplies (House) .....	2,091.76
9	Wharff and Owens Florists, memorial service supply (House)	49.67
10	Hatfield Duplicating Machine and Supply, paper and supplies	
11	(House) .....	112.94
12	Charles F. Balloun, expense account for Governors Interstate	
13	Indian Conference (House) .....	208.80
14	E. Wayne Shaw, expense account for seminar at LaCrosse	
15	(House) .....	62.62
16	William R. Kendrick, expense account for Area Emergency	
17	Planning Conference (House) .....	99.18
18	Ahern-Pershing Co., eyeletter repair (Senate) .....	17.33
19	Storey Kenworthy, equipment (House) .....	4.20
20	Storey Kenworthy, photo copy supplies (House and Senate)..	145.90
21	Des Moines Rubber Stamp Co., stamps and supplies (Senate)	15.60
22	Executive Council, telephone installation and service (Senate)	321.07
23	Executive Council, postage and supplies (Senate) .....	1,369.50
24	Northwestern Bell Telephone Co., service (Senate) .....	57.06
25	C. A. Lane, notary seal (Senate).....	13.00
26	Radio Trade Supply Co., sound equipment service (Senate)....	10.43
27	Koch Brothers, office supplies (Senate).....	10.35
28	Executive council for legislative photographs, telephone, tele-	
29	graph, supplies, postage and miscellaneous expenses in-	
30	curring during the Sixtieth General Assembly and subse-	
31	quent to its adjournment and during the session of the	
32	Sixty-first General Assembly. The amount herein appro-	
33	priated shall be used only for the payment of bills actually	
34	authorized by the General Assembly and for supplies	
35	requisitioned under the signatures of the Secretary of the	
36	Senate and the Chief Clerk of the House .....	8,500.00

1 SEC. 2. There is hereby appropriated out of the general fund a sum  
 2 sufficient to pay the compensation made necessary by Senate Concur-  
 3 rent Resolution 27 for services required of officers and employees of  
 4 the Sixtieth General Assembly after final adjournment, and prior to  
 5 the convening of the Sixty-first General Assembly, including any  
 6 special session called during such period.

1 SEC. 3. There is hereby appropriated out of the general fund to  
2 the executive council an amount sufficient to cover the cost of replac-  
3 ing the carpet in Senate Rooms 24 and 24A and the floor covering in  
4 the Lieutenant Governor's washroom.

1 SEC. 4. There is hereby appropriated out of the general fund to  
2 Wayne A. Faupel the sum of six hundred and twenty-five dollars  
3 (\$625.00), for each year of the biennium, for extra services.

1 SEC. 5. The state comptroller is hereby authorized to make avail-  
2 able any unexpended balance of the appropriation of eight thousand  
3 five hundred dollars (\$8,500.00) made to the executive council in  
4 chapter fifty, Acts of the Fifty-ninth General Assembly, for legis-  
5 lative expenses in order that such balance may be applied to the pay-  
6 ment of legislative expenses of the Sixtieth General Assembly.

1 SEC. 6. 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 New Hampton Tribune, a newspaper published in New Hamp-  
4 ton, Iowa, and in The Atlantic News-Telegraph, a newspaper pub-  
5 lished in Atlantic, Iowa.

Approved May 27, 1963.

I hereby certify that the foregoing Act, Senate File 491, was published in the New Hampton Tribune, New Hampton, Iowa, June 6, 1963, and in The Atlantic News-Telegraph, Atlantic, Iowa, June 1, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 55

### GENERAL CONTINGENT FUND

S. F. 460

AN ACT creating the general contingent fund of the state for the biennium beginning July 1, 1963, and appropriating thereto the sum of two million dollars (\$2,000,000.00) from the general fund of the state, specifying the purposes for which the appropriation may be used, and providing for a report of the dispositions made of the fund.

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

1 SECTION 1. The general contingent fund of the state for the bien-  
2 nium beginning July 1, 1963, and ending June 30, 1965, is hereby  
3 created and said fund shall consist of the sum of two million dollars  
4 (\$2,000,000.00) hereby appropriated thereto from the general fund  
5 of the state. Said contingent fund shall be administered by the budget  
6 and financial control committee and allocation therefrom may be made  
7 only for contingencies arising during the biennium which are legally  
8 payable from the funds of the state. Allocations may be made for  
9 compensation and expense of members of the budget and financial  
10 control committee, authorized by section two point forty-five (2.45),

11 Code 1962, and for the payment of obligations incurred under the  
12 provisions of subsection six (6) of section two point forty-four (2.44),  
13 Code 1962, and section two point forty-six (2.46), Code 1962. The  
14 budget and financial control committee shall not allocate any funds  
15 for any purpose or project which was presented to the general as-  
16 sembly by way of a bill and which failed to become enacted into law.  
17 A report of the dispositions made of the fund during the first eighteen  
18 months of the biennium shall be made by the budget and financial  
19 control committee to the state comptroller prior to the convening of  
20 the Sixty-first General Assembly and by him included in the printed  
21 budget. Any balance in said contingent fund as of June 30, 1965, shall  
22 revert to the general fund of the state.

1 SEC. 2. Section two point sixty-two (2.62), Code 1962, is hereby  
2 amended by striking the sentence beginning with the word "All" in  
3 line five (5).

Approved June 17, 1963.



**GENERAL LAWS**





## GENERAL LAWS

### CHAPTER 56

#### INTERIM APPOINTMENTS BY GOVERNOR

S. F. 484

AN ACT relating to the confirmation of appointments by the senate and the eligibility of rejected nominees to interim appointments.

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

- 1 SECTION 1. Section two point forty (2.40), Code 1962, is amended
- 2 by adding the following:
- 3 "When a nomination has been so considered by the senate and
- 4 approval has been refused, the nominee shall not be eligible for an
- 5 interim appointment, prior to the convening of the general assembly
- 6 in the next regular session, to any position requiring confirmation by
- 7 the senate."

This bill, having been returned by the Governor, with his objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this second day of May, 1963.

W. L. MOORY,  
*President of the Senate.*

ROBERT W. NADEN,  
*Speaker of the House.*

### CHAPTER 57

#### COMPTROLLER'S RULES AND REGULATIONS

S. F. 246

AN ACT requiring the submission of the social security number and/or tax number by those persons or corporations registered or licensed by the state.

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

- 1 SECTION 1. Amend section eight point six (8.6), subsection sixteen
- 2 (16), Code of Iowa, 1962, by adding thereto the following paragraph:
- 3 "The comptroller may, with the approval of the executive council,
- 4 require any state official, agency, department or commission, to require
- 5 any applicant, registrant, filer, permit holder or license holder, whether
- 6 individual, partnership, trust or corporation, to submit to said official,
- 7 agency, department or commission, the social security and/or the tax
- 8 number so assigned to said individual, partnership, trust or corpora-
- 9 tion.

Approved April 11, 1963.

## CHAPTER 58

## ISSUANCE OF STATE WARRANTS

S. F. 276

AN ACT to amend section eight point sixteen (8.16), Code 1962, relating to the office of the state comptroller.

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

1 SECTION 1. Section eight point sixteen (8.16), Code 1962, is  
 2 amended by striking the entire section and inserting in lieu thereof  
 3 the following:  
 4 "Each warrant shall bear on the face thereof the signature or a  
 5 facsimile thereof of the comptroller, or the signature or a facsimile  
 6 thereof of an assistant comptroller in case of the vacancy in the office  
 7 of the comptroller; a proper number, date, amount, name of payee, a  
 8 reference to the law under which it is drawn, whether for salaries or  
 9 wages, services or supplies, and what kind of supplies, and from what  
 10 office or department, or for any other general or special purposes what-  
 11 soever, or in lieu thereof, a coding system may be used, which particu-  
 12 lars shall be entered in a warrant register kept for that purpose in the  
 13 order of issuance; and, as soon as practicable after issuing such war-  
 14 rant register, the comptroller shall certify a duplicate thereof to the  
 15 treasurer."

Approved April 26, 1963.

## CHAPTER 59

## AUDIT OF COUNTY AND MEMORIAL HOSPITALS

S. F. 167

AN ACT to authorize examinations of the financial condition and transactions of county and memorial hospitals by certified or registered public accountants in lieu of examinations by the auditor of state.

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

1 SECTION 1. Section eleven point six (11.6), Code 1962, is hereby  
 2 amended by adding thereto the following:  
 3 "Provided however that, in lieu of an examination by state account-  
 4 ants the local governing body of county hospitals organized under  
 5 chapters three hundred forty-seven (347) and three hundred forty-  
 6 seven A (347A) of the Code and memorial hospitals organized under  
 7 chapter thirty-seven (37) of the Code, in case it elects to do so, may  
 8 contract with or employ, but not more than four (4) years in succes-  
 9 sion, certified or registered public accountants, certified and registered  
 10 in the state of Iowa, and pay for the same from the proper public  
 11 funds; in the same manner and under the same conditions as provided  
 12 in sections eleven point eighteen (11.18) and eleven point nineteen  
 13 (11.19) of the Code for cities and school districts. The report of such  
 14 examination of a county or memorial hospital filed by the accountant

15 employed with the auditor of state, as required by section eleven point  
 16 nineteen (11.19) of the Code, shall be in the form prescribed by the  
 17 auditor of state."

Approved March 15, 1963.

## CHAPTER 60

### STATE AUDITORS

S. F. 42

AN ACT to change the title of county, municipal and school examiner to auditor and to amend certain sections of the Code to conform to the change.

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

- 1 SECTION 1. Section eleven point seven (11.7), Code 1962, is hereby  
 2 amended as follows:  
 3 1. By striking from lines two (2) and three (3) the words "examin-  
 4 ers of accounts" and inserting in lieu thereof the word "auditors".  
 5 2. By striking from line four (4) the word "examiners" and insert-  
 6 ing in lieu thereof the word "auditors".  
 7 3. By striking from line eight (8) the word "examiner" and insert-  
 8 ing in lieu thereof the word "auditor".  
 9 4. By striking from line twelve (12) the word "examiners" and in-  
 10 sserting in lieu thereof the word "auditors".
- 1 SEC. 2. Section eleven point eight (11.8), Code 1962, is hereby  
 2 amended by striking from lines two (2) and three (3) the word  
 3 "examiners" and inserting in lieu thereof the word "auditors".
- 1 SEC. 3. Section eleven point ten (11.10), Code 1962, is hereby  
 2 amended by striking from line one (1) the word "examiners" and in-  
 3 sserting in lieu thereof the word "auditors".
- 1 SEC. 4. Section eleven point twelve (11.12), Code 1962, is hereby  
 2 amended as follows:  
 3 1. By striking from line two (2) the word "examiners" and insert-  
 4 ing in lieu thereof the word "auditors".  
 5 2. By striking from line nine (9) the word "examiner" and insert-  
 6 ing in lieu thereof the word "auditor".
- 1 SEC. 5. Section eleven point thirteen (11.13), Code 1962, is hereby  
 2 amended by striking from line seven (7) the words "the examiner"  
 3 and inserting in lieu thereof the words "his auditor".
- 1 SEC. 6. Section eleven point seventeen (11.17), Code 1962, is here-  
 2 by amended by striking from lines one (1) and two (2) the word  
 3 "examiner" and inserting in lieu thereof the word "auditor".

1 SEC. 7. Section eleven point nineteen (11.19), Code 1962, is hereby  
2 amended as follows:

3 1. By striking from line four (4) the word "examiner" and inserting  
4 in lieu thereof the word "auditor".

5 2. By striking from line seven (7) the word "examiners" and insert-  
6 ing in lieu thereof the word "auditors".

7 3. By striking from line twelve (12) the word "examiner" and in-  
8 sserting in lieu thereof the word "auditor".

1 SEC. 8. Section eleven point twenty-three (11.23), Code 1962, is  
2 hereby amended by striking from line five (5) the words "examiners  
3 of accounts" and inserting in lieu thereof the word "auditors".

1 SEC. 9. Section eleven point nine (11.9), Code 1962, is hereby  
2 amended by striking from lines one (1) and two (2) the word "exam-  
3 iners" and inserting in lieu thereof the word "auditors".

Approved April 5, 1963.

## CHAPTER 61

### AUDITORS SALARIES

S. F. 35

AN ACT to amend chapter eleven (11), Code 1962, relating to county, municipal and school examiners' and their assistants' salaries.

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

1 SECTION 1. Section eleven point nine (11.9), Code 1962, is hereby  
2 repealed and the following enacted in lieu thereof:

3 "County, municipal and school auditors' salaries. County, municipal  
4 and school auditors and their assistants shall, in addition to salary, be  
5 reimbursed for their actual and necessary expenses. Salary payments  
6 pertaining to vacation or sick leave shall be paid from the appropria-  
7 tion made to the auditor's office. All other payments shall be paid from  
8 funds in the state treasury upon certification of the auditor of state,  
9 and the general fund shall be reimbursed as provided in sections eleven  
10 point twenty (11.20) and eleven point twenty-one (11.21) of the Code."

1 SEC. 2. Section eleven point twenty (11.20), Code 1962, is hereby  
2 repealed and the following enacted in lieu thereof:

3 "Bills—audit and payment. Where the examination is made by the  
4 state auditor under the provisions of this chapter, each auditor shall  
5 file with the auditor of state an itemized, certified and sworn voucher  
6 of his expense for the time such auditor is actually engaged in such  
7 examination. On the fifteenth and last days of each month each audi-  
8 tor shall file in triplicate with the auditor of state a certified statement  
9 of the actual days engaged in each such examination. The salaries  
10 shall be included in a semimonthly payroll. Upon approval of the  
11 auditor of state the state comptroller is hereby authorized to issue  
12 warrants for the payment of said vouchers and salary payments, other

13 than vacation or sick leave, from any unappropriated funds in the  
 14 state treasury. Repayment to the state shall be made as provided by  
 15 section eleven point twenty-one (11.21) of the Code."

1 SEC. 3. Section eleven point twenty-one (11.21), Code 1962, is  
 2 hereby repealed and the following enacted in lieu thereof:

3 "Repayment—objections. Upon payment by the state of the salary  
 4 and expenses, the auditor of state shall file with the warrant-issuing  
 5 officer of the county, municipality or school, whose offices were exam-  
 6 ined, a sworn statement consisting of the itemized expenses paid and  
 7 prorated salary costs paid under section eleven point twenty (11.20)  
 8 of the Code. Upon audit and approval by the board of supervisors,  
 9 city, county or school board, the said warrant-issuing officer shall draw  
 10 his warrant for said amount on the general fund of the county, munic-  
 11 ipality or school in favor of the auditor of state, which warrant shall  
 12 be placed to the credit of the general fund of the state. In the event  
 13 of the disapproval of any items of said statement by the county, munic-  
 14 ipality, or school authorities, written objections shall be filed with the  
 15 auditor of state within thirty days from the filing thereof. Disap-  
 16 proved items of said statement shall be paid the auditor of state upon  
 17 receiving final decisions emanating from public hearing established by  
 18 the auditor of state.

19 "Whenever the county board of supervisors, the school board, or the  
 20 council shall file written objections on the question of compensation  
 21 and expenses with the auditor of state, he or his representative shall  
 22 hold a public hearing in the city where the examination was made and  
 23 shall give the complaining board notice of the time and place of hear-  
 24 ing. After such hearing he shall have the power to reduce the com-  
 25 pensation and expenses of the auditor whose bills have been questioned.  
 26 Any auditor who shall be found guilty of falsifying his expense vouch-  
 27 ers or engagement report shall be immediately discharged by the  
 28 auditor of state and shall not be eligible for re-employment. Such  
 29 auditor must thereupon reimburse the auditor of state for all such com-  
 30 pensation and expenses so found to have been overpaid to him and in  
 31 the event of his failure to do so, the auditor of state may collect the  
 32 same amount from the auditor's bondsman by suit, if necessary."

Approved April 5, 1963.

## CHAPTER 62

### BIDDERS FOR PUBLIC PRINTING

S. F. 219

AN ACT relating to deposits to be made by bidders for public printing contracts.

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

1 SECTION 1. Section fifteen point sixteen (15.16), Code 1962, is  
 2 amended by inserting in line seven (7) after the word "bid" the words  
 3 ", or in lieu of such checks the bidder may, if he so elects, furnish a

4 yearly bond in an amount to be established by the state printing  
5 board”.

Approved April 11, 1963.

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## CHAPTER 63

### PRINTING CONTRACTS

S. F. 180

AN ACT relating to the state printing board.

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

1 SECTION 1. Section fifteen point twenty-nine (15.29), Code 1962,  
2 is hereby amended by striking from lines ten (10) and eleven (11) the  
3 words, “seven hundred fifty” and inserting in lieu thereof the words,  
4 “one thousand (1,000)”.

Approved May 3, 1963.

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## CHAPTER 64

### DISTRIBUTION OF CODES

H. F. 287

AN ACT to permit the legislative research bureau to obtain copies of the code and code annotations without charge.

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

1 SECTION 1. Section sixteen point twenty-four (16.24), Code 1962,  
2 is hereby amended by inserting in line thirty-three (33) after the word  
3 “general” the words “, to the office of the legislative research bureau,”.

1 SEC. 2. Section sixteen point twenty-five (16.25), Code 1962, is  
2 hereby amended by adding the following subsection:  
3 “To the office of the legislative research bureau.....1 copy”.

Approved April 26, 1963.

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## CHAPTER 65

### INDEXING BILLS IN GENERAL ASSEMBLY

S. F. 277

AN ACT to amend section sixteen point thirty-one (16.31), Code 1962, relating to the indexing of bills.

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

1 SECTION 1. Section sixteen point thirty-one (16.31), Code 1962, is  
2 hereby amended by striking from lines one (1) and two (2), the words

3 "The superintendent of printing" and inserting in lieu thereof the  
 4 following: "The secretary of the senate and the chief clerk of the  
 5 house".

Approved April 11, 1963.

## CHAPTER 66

### ADMINISTRATIVE RULES

#### H. F. 17

AN ACT relating to rules of administrative agencies.

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

1 Chapter seventeen A (17A), Code 1962, is hereby repealed and sec-  
 2 tions one (1) through fifteen (15) of this Act are enacted in lieu  
 3 thereof:

1 SECTION 1. As used in this Act:

2 1. "Administrative agency" or "agency" means any state board,  
 3 commission, bureau, division, officer, or department which has state-  
 4 wide jurisdiction, except those in the legislative or judicial depart-  
 5 ments.

6 2. "Person" includes individuals, associations, partnerships, and  
 7 corporations.

8 3. "Rule" means any rule, regulation, order, or standard, of general  
 9 application or the amendment, supplement, or revision of any rule,  
 10 regulation, order, or standard of general application, and rules of  
 11 administrative procedure issued by any agency under authority of  
 12 law.

13 "Rule" does not include rules or regulations relating solely to the  
 14 internal operation of the agency nor rules adopted relating to the  
 15 management, discipline or release of any person committed to any  
 16 state institution, nor rules of an agency which may be necessary dur-  
 17 ing emergencies such as floods, epidemics, invasion, or other disasters.

18 4. "Temporary rule" means a rule which has a duration of no longer  
 19 than six months.

1 SEC. 2. There is hereby created a bipartisan legislative committee  
 2 of six (6) members which shall be designated the departmental rules  
 3 review committee. The committee shall be composed of three (3)  
 4 members of the senate to be appointed by the president of the senate  
 5 and three (3) members of the house to be appointed by the speaker  
 6 of the house. Members shall be appointed prior to the adjournment  
 7 of each regular biennial session and shall serve for two-year terms  
 8 beginning May 1 after the convening of the general assembly in  
 9 regular session; provided, however, that members shall serve until  
 10 their successors are appointed. Vacancies on the committee shall be  
 11 filled by the original appointing authority. A vacancy shall exist

12 whenever a committee member ceases to be a member of the general  
13 assembly.

1 SEC. 3. The committee shall choose a chairman from its members  
2 and prescribe its rules of procedure. Regular meetings of the commit-  
3 tee shall be held at the seat of government on the second Tuesday in  
4 July and on the second Tuesday of each second month thereafter  
5 during the interim between regular sessions to review all proposed  
6 departmental rules and make recommendations to the department pro-  
7 posing each such rule. The chairman may call special meetings at any  
8 time and at any place in the state and cause notice thereof to be pub-  
9 lished in a newspaper of general circulation in the area affected by  
10 the rule. All said meetings, regular or special, shall be open to the  
11 public and any interested person may be heard and present evidence.  
12 If any agency shall conduct a public hearing in regard to any rule such  
13 agency shall notify the members of the departmental rules review  
14 committee ten (10) days prior to such hearing.

1 SEC. 4. Members of the committee shall receive a per diem of  
2 thirty (30) dollars per day for each day in attendance and shall be  
3 reimbursed for the actual necessary expenses incurred by them in the  
4 discharge of their duties. All such expenses and expense of publica-  
5 tion shall be provided for by the budget and financial control commit-  
6 tee from the contingent fund provided for the budget and financial  
7 control committee.

1 SEC. 5. Any agency empowered by law to make rules shall submit  
2 a copy of each proposed rule, in the style and form prescribed by the  
3 code editor, to the attorney general, and shall submit six (6) copies  
4 of such proposed rule to the chairman of the departmental rules  
5 review committee.

1 SEC. 6. Within sixty (60) days after receiving such copy of a  
2 proposed rule, the attorney general shall give to the agency in writing  
3 his advisory opinion on the form and legality of the proposed rule.  
4 If the attorney general fails to render an opinion within sixty (60)  
5 days after receiving such copy, the agency may proceed as if an  
6 opinion had been given.

1 SEC. 7. If the departmental rules review committee finds objection  
2 to a proposed rule, it shall report such finding to the agency proposing  
3 the rule together with its recommendations on how the objectionable  
4 part may be corrected. If the committee finds no objection to a pro-  
5 posed rule, it may at any time report such finding to the agency, but  
6 shall not be required to do so. If the committee does not report any  
7 finding to the agency within sixty (60) days after receiving such  
8 copies, the agency may proceed as if a finding had been reported.

1 SEC. 8. Four (4) copies of all proposed rules shall be filed with the  
2 secretary of state. There shall be attached to each such copy of any  
3 proposed rule, (a) a copy of the attorney general's opinion rendered  
4 pursuant to this Act or a statement that the proposed rule was sub-



5 mitted to the attorney general on a stated date and that the attorney  
6 general did not render an opinion thereon within sixty (60) days after  
7 such date, and (b) a copy of the finding of the departmental rules  
8 review committee rendered pursuant to this Act or a statement that  
9 six (6) copies of the proposed rule were submitted to the chairman of  
10 the departmental rules review committee on a stated date and that the  
11 committee did not report any finding to the agency within sixty (60)  
12 days after receiving such copies. Temporary rules shall become effective  
13 upon filing. Other rules, unless otherwise provided for, shall not  
14 become effective until thirty (30) days after such filing, but a later  
15 effective date may be specified in the rule. The secretary of state shall  
16 endorse upon the copies of rules so filed the date of filing and the date  
17 of the attorney general's opinion and index one (1) copy in the files of  
18 his office, transmit one (1) copy to the code editor, and transmit two  
19 (2) copies to the chairman of the departmental rules review committee.  
20

1 SEC. 9. If any agency amends, supplements, or revises a proposed  
2 rule at the request of or pursuant to the recommendation of the attorney  
3 general or the departmental rules review committee, such amendment,  
4 supplement, or revision shall be part of the proposed rule but  
5 shall be clearly described in an attachment to the proposed rule as  
6 filed with the secretary of state. Any other amendment, supplement,  
7 or modification of a proposed rule shall be regarded as a new proposed  
8 rule and shall be subject to the procedure provided in this Act.

1 SEC. 10. All rules hereafter filed as provided in section eight (8)  
2 of this Act shall be referred by the chairman of the departmental  
3 rules review committee to the speaker of the house and the president  
4 of the senate of the next regular session of the general assembly, who  
5 shall refer rules to the appropriate committees of the general assembly.  
6  
7 If the committee to which a departmental rule has been referred,  
8 finds objection to such rule, it may report such finding to the general  
9 assembly together with its suggestion for the general assembly to  
10 proceed by law to overcome the objection. Any committee of the  
11 general assembly may at any time consider any departmental rule previously  
12 filed and, if it finds such rule objectionable, proceed as above.

1 SEC. 11. Nothing contained in this Act shall adversely affect the  
2 substantive rights of any person arising out of or affected by any  
3 rules adopted by any agency, including the right to review by the  
4 courts. Reporting, referral, and filing of rules pursuant to this Act,  
5 any action or inaction by the departmental rules review committee on  
6 any rule, and any inaction by the general assembly on any rule, shall  
7 not be construed as approval or enactment of any rule by the general  
8 assembly.

1 SEC. 12. Each agency shall, within ten (10) days of filing with the  
2 secretary of state, mail a copy of each rule filed to the office of the  
3 clerk of the supreme court and to the office of the clerk of each district  
4 court. The agency shall mail a copy of such rule to any person

5 requesting same, within ten (10) days after receipt of such request.  
6 Failure to comply with this section shall not affect the validity of any  
7 rule unless such failure shall have been willful.

1 SEC. 13. Any person substantially interested in or affected in his  
2 person or property by a rule adopted by an agency may petition for a  
3 reconsideration of such rule or for an amendment or modification  
4 thereof by filing two (2) copies of a petition with the attorney gen-  
5 eral. Such petition shall set forth a clear, concise description of the  
6 facts and the grounds upon which such action is sought. Upon filing  
7 of such petition, the attorney general shall forthwith transmit one (1)  
8 copy of the petition to the agency which shall grant to the petitioners  
9 a public hearing within sixty (60) days. The agency shall give the  
10 petitioners twenty (20) days notice by certified mail of the time and  
11 place of such hearing.

1 SEC. 14. Each agency promulgating professional and regulatory  
2 examining and licensing rules or rules of limited application shall  
3 cause the same to be published in pamphlet form.

1 SEC. 15. Nothing in this chapter shall be construed as giving any  
2 additional power to any agency to make rules.

1 SEC. 16. Section fourteen point three (14.3), Code 1962, is hereby  
2 amended by adding the following subsection:

3 "Prescribe a uniform style in which administrative rules shall be  
4 prepared, and a standard form to be used in filing rules pursuant to  
5 chapter seventeen A (17A) of the Code. Such form shall contain a  
6 provision for a reference to be made by the agency for each rule pro-  
7 posed by it to the line, sentence, section or paragraph of the statute  
8 which the rule is intended to implement."

1 SEC. 17. Section fourteen point thirteen (14.13), Code 1962, is  
2 hereby amended by inserting in line two (2) after the word "Code"  
3 the words "and the Iowa departmental rules".

1 SEC. 18. Chapter fourteen (14), Code 1962, is hereby amended by  
2 adding the following section:

3 "The volume of rules and regulations published by the code editor  
4 shall be sold and distributed by the superintendent of printing in the  
5 same manner as Codes and session laws."

1 SEC. 19. Section eighty-nine point four (89.4), Code 1962, is here-  
2 by amended by striking from line eight (8) the words "and regula-  
3 tions".

1 SEC. 20. Section ninety-six point eleven (96.11), Code 1962, is  
2 hereby amended as follows:

3 1. Amend subsection one (1) by striking from lines ten (10),  
4 eleven (11) and twelve (12) the words "publication in the manner,  
5 not inconsistent with the provisions of this chapter, which the com-

- 6 mission shall prescribe" and inserting in lieu thereof "compliance  
7 with chapter seventeen A (17A) of the Code".
- 8 2. Amend subsection two (2) as follows:
- 9 a. By striking from lines five (5), six (6), seven (7) and eight (8)  
10 the words "General rules shall become effective ten (10) days after  
11 filing with the secretary of state and publication in one or more news-  
12 papers of general circulation in this state."
- 13 b. By striking from lines thirteen (13), fourteen (14), and fifteen  
14 (15) the words "and shall become effective in the manner and at the  
15 time prescribed by the commission".
- 1 SEC. 21. Section one hundred point one (100.1), subsection five  
2 (5), Code 1962, is hereby amended by striking from lines seven (7)  
3 and (8) the words "and approval thereof by the attorney general".
- 1 SEC. 22. Section one hundred seven point twenty-five (107.25),  
2 Code 1962, is hereby amended by striking all after the word "con-  
3 cerned" in line three (3) and inserting in lieu thereof a period (.).
- 1 SEC. 23. Section one hundred thirty-five point eleven (135.11),  
2 subsection eight (8), Code 1962, is hereby amended by striking all  
3 after the period (.) in line five (5).
- 1 SEC. 24. Sections one hundred thirty-five point thirty (135.30)  
2 and one hundred thirty-five point thirty-one (135.31), Code 1962, are  
3 hereby repealed.
- 1 SEC. 25. Sections one hundred fifty-nine point seven (159.7) and  
2 one hundred fifty-nine point eight (159.8), Code 1962, are hereby  
3 repealed.
- 1 SEC. 26. Section one hundred sixty-three point six (163.6), Code  
2 1962, is hereby repealed.
- 1 SEC. 27. Section one hundred seventy point thirty-eight (170.38),  
2 Code 1962, is hereby amended by striking from lines seven (7) and  
3 eight (8) the words "and approval thereof by the attorney general".
- 1 SEC. 28. Section two hundred three A point fifteen (203A.15),  
2 subsection three (3), Code 1962, is hereby amended by striking all  
3 after the period (.) in line six (6).
- 1 SEC. 29. Section three hundred twenty-two point thirteen  
2 (322.13), Code 1962, is hereby amended by striking from lines thir-  
3 teen (13) and fourteen (14) the words ", and published in an Iowa  
4 newspaper having a general circulation in this state".
- 1 SEC. 30. Section three hundred twenty-eight point twelve  
2 (328.12), subsection three (3), Code 1962, is hereby amended by  
3 striking the last sentence.

1 SEC. 31. Section four hundred thirty-four point eleven (434.11),  
2 Code 1962, is hereby amended as follows:

3 1. In lines six (6) and seven (7), strike the words "from the time  
4 they are so communicated" and insert in lieu thereof the following:  
5 "as provided in chapter seventeen A (17A) of the Code".

6 2. Strike all of said section after line ten (10) and insert in lieu  
7 thereof the following: "in the manner prescribed by chapter seven-  
8 teen A (17A) of the Code."

1 SEC. 32. Section four hundred thirty-eight point ten (438.10),  
2 Code 1962, is hereby amended as follows:

3 1. In line seven (7), strike the words "from the time they are so  
4 communicated" and insert in lieu thereof the following: "as provided  
5 in chapter seventeen A (17A) of the Code".

6 2. Strike all of said section after the word "requirements" in line  
7 ten (10) and insert in lieu thereof the words "in the manner pre-  
8 scribed by chapter seventeen A (17A) of the Code."

1 SEC. 33. The code editor may notify any agency whose rules are  
2 not in the proper style and form as prescribed by him. Six (6) months  
3 after an agency receives such notification, the rules of that agency  
4 shall be of no further force and effect unless redrafted in the pre-  
5 scribed style and form and filed with the secretary of state and the  
6 code editor.

1 SEC. 34. In all cases where any administrative agency has re-  
2 ported or filed any rule, regulation, or amendment pursuant to sec-  
3 tions seventeen A point two (17A.2) or seventeen A point three  
4 (17A.3), Code 1962, such reporting or filing and any inaction by the  
5 general assembly shall not be construed as approval or enactment of  
6 any rule, regulation, or amendment by the general assembly, anything  
7 in section seventeen A point two (17A.2), Code 1962, to the contrary  
8 notwithstanding.

1 SEC. 35. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in *The Mus-*  
3 *catine Journal*, a newspaper published in Muscatine, Iowa, and in *The*  
4 *Mount Pleasant News*, a newspaper published in Mount Pleasant,  
5 Iowa.

Approved May 16, 1963.

I hereby certify that the foregoing Act, House File 17, was published in *The Mus-*  
*catine Journal*, Muscatine, Iowa, May 22, 1963, and in *The Mount Pleasant News*, Mount  
Pleasant, Iowa, May 20, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 67

## SUPPLIES TO STATE DEPARTMENTS

S. F. 159

AN ACT to amend chapter nineteen (19), Code 1962, relating to the executive council furnishing supplies to various state departments.

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

1 SECTION 1. Amend section nineteen point twenty-five (19.25), Code  
2 1962, by adding at the end thereof the following:

3 "1. Commencing as of July 1, 1965, all officers and departments  
4 listed herein and as referred to in the above paragraph shall be billed  
5 by the council as provided in section nineteen point twenty-eight  
6 (19.28), Code 1962.

7 "2. Where any provisions of the law of this state are in conflict with  
8 this Act the provisions of this Act shall govern."

1 SEC. 2. Amend section nineteen point twenty-eight (19.28), Code  
2 1962, by adding at the end thereof the following:

3 "1. At the end of each month commencing with July, 1965, the  
4 council shall render a statement to each official, board, department,  
5 commission or agency of the state for the actual cost of such supplies  
6 drawn during such month. Such expense shall be paid by the official,  
7 board, department, commission or agency in the same manner as other  
8 expenses are paid from their appropriation.

9 "2. Each official, board, department, commission or agency of the  
10 state shall file as part of its budget its estimate of expenditures for  
11 such articles and supplies commencing for the biennium beginning  
12 July 1, 1965, and each ensuing biennium."

Approved April 17, 1963.

## CHAPTER 68

## PUBLIC CONTRACTS AND BONDS

S. F. 454

AN ACT relating to public contracts and bonds and to amend chapter twenty-three (23), Code 1962, relating thereto.

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

1 SECTION 1. Section twenty-three point four (23.4), Code 1962, is  
2 amended as follows:

3 1. By striking in lines two (2) and three (3) the words "one-fourth  
4 of".

5 2. By striking in line six (6) the word "ten" and inserting in lieu  
6 thereof the word "twenty-five (25)".

1 SEC. 2. Section twenty-three point twelve (23.12), Code 1962, is  
2 amended by inserting, immediately following the word "indebtedness"  
3 in line four (4), the words "payable from taxation,".

1 SEC. 3. Section twenty-three point thirteen (23.13), Code 1962, is  
 2 amended by striking in lines three (3) and four (4) the words "five or  
 3 more taxpayers" and inserting in lieu thereof the following:  
 4 "interested objectors in any municipality equal in number to one  
 5 (1) percent of those voting for the office of governor at the last gen-  
 6 eral election in said municipality, but in no event less than twenty-  
 7 five (25),".

Approved June 4, 1963.

## CHAPTER 69

### CLAIMS AGAINST STATE

#### H. F. 588

AN ACT allowing the state appeal board and special assistant attorney general power to approve or reject claims against the state.

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

1 SECTION 1. Section twenty-five point two (25.2), Code 1962, is  
 2 hereby amended by striking all after the word "board" in line two (2)  
 3 and inserting in lieu thereof the following:  
 4 "with the recommendation of the special assistant attorney general  
 5 for claims may approve or reject claims against the state of less than  
 6 ten (10) years covering the following: outdated warrants; outdated  
 7 sales and use tax refunds; license refunds; additional agricultural  
 8 land tax credits; outdated invoices; fuel and gas tax refunds; out-  
 9 dated homestead and veterans' exemptions; outdated funeral service  
 10 claims; tractor fees; registration permits; outdated bills for merchan-  
 11 dise; services furnished to the state; and refunds of fees collected by  
 12 the state. Payments authorized by the state appeal board shall be  
 13 paid from the appropriation or fund of original certification of the  
 14 claim, except, that if such appropriation or fund has since reverted  
 15 under section eight point thirty-three (8.33) of the Code, then such  
 16 payment authorized by the state appeal board shall be out of any  
 17 money in the state treasury not otherwise appropriated."

1 SEC. 2. Section twenty-five point three (25.3), Code 1962, is here-  
 2 by amended by inserting in line five (5) after the word "senate" the  
 3 words "a list of all claims rejected by the state appeal board together  
 4 with".

Approved May 20, 1963.

## CHAPTER 70

## IOWA DEVELOPMENT COMMISSION

S. F. 457

AN ACT relating to compensation of members of the Iowa development commission.

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

1 SECTION 1. Section twenty-eight point two (28.2), Code 1962, is  
 2 amended by striking from lines two (2) and three (3) the words  
 3 "serve without compensation, except that" and inserting in lieu  
 4 thereof the words "receive such compensation as may be allowed by  
 5 the general assembly and".

Approved June 4, 1963.

## CHAPTER 71

## IOWA DEVELOPMENT CORPORATION

S. F. 252

AN ACT authorizing the Iowa development commission to form a nonprofit corporation and to accept grants from the federal government and gifts from other sources.

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

1 SECTION 1. The Iowa development commission is hereby author-  
 2 ized to form a corporation under the provisions of chapter five hundred  
 3 four (504) of the Code, for the purpose of evaluating the commercial  
 4 possibilities of scientific developments, ideas or inventions in all of the  
 5 sciences, arts and technologies useful to the public, received from  
 6 applicants residing in Iowa, and to aid in the financing and promotion  
 7 for manufacture in the state of Iowa of said developments, ideas or  
 8 inventions; and where appropriate to provide assistance to applicants  
 9 in arranging for the production and marketing of their developments,  
 10 ideas or inventions.

1 SEC. 2. The corporation is without authority to require the licens-  
 2 ing, assignment or sale to the corporation of any legal interest what-  
 3 soever in said developments, ideas or inventions.

1 SEC. 3.

2 1. The corporation shall not involve itself in any way with the ac-  
 3 quisition by applicants of letters patent in the carrying out of the  
 4 provisions of this Act; provided, however, that the corporation shall  
 5 not be prohibited, in its discretion, from loaning funds to any applicant  
 6 for the acquisition of letters patent on his own behalf.

7 2. The corporation, prior to any commitments made by applicants  
 8 to it, shall fully inform applicants in writing that the submission of  
 9 their developments, ideas or inventions does not create nor afford any  
 10 legal protection therefor under the United States patent laws, and that

11 the acquisition of such protection is the sole responsibility of appli-  
12 cants.

1 SEC. 4. The incorporators of the corporation formed under this Act  
2 shall be:

3 1. The chairman of the Iowa development commission.

4 2. The director of the Iowa development commission.

5 3. A member of the Iowa development commission selected by the  
6 chairman.

1 SEC. 5. The board of directors of the corporation formed under this  
2 Act shall be the members of the Iowa development commission or their  
3 successors in office.

1 SEC. 6. The corporation formed under this Act is hereby author-  
2 ized to accept grants of money or property from the federal govern-  
3 ment or any other source and may upon its own order use its money,  
4 property or other resources for any of the purposes herein.

1 SEC. 7. This Act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Oelwein Daily  
3 Register, a newspaper published at Oelwein, Iowa, and the Lohrville  
4 Enterprise & The Farnhamville Index, a newspaper published at Lohr-  
5 ville, Iowa.

Approved April 5, 1963.

I hereby certify that the foregoing Act, Senate File 252, was published in the Oelwein Daily Register, Oelwein, Iowa, April 10, 1963, and in the Lohrville Enterprise & The Farnhamville Index, Lohrville, Iowa, April 18, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 72

### CIVIL DEFENSE

#### H. F. 417

AN ACT to amend chapter twenty-eight A (28A), Code 1962, commonly known as the "Civil Defense Act", and relating to the establishment of joint county-municipal civil defense administrations, their powers and duties, and the establishment of a joint civil defense fund for payment of expenses in connection therewith.

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

1 SECTION 1. Section twenty-eight A point seven (28A.7), Code  
2 1962, is hereby amended by striking from line five (5) from and after  
3 the word "may" all the rest of the section and inserting in lieu thereof  
4 the following:

5 "form a joint county-municipal civil defense administration, herein-  
6 after referred to as the joint administration. Such joint administra-  
7 tion shall be composed of a member of the county board of supervisors  
8 and the mayor or his representative of the city or town governments



9 within the county. One member of the joint administration shall be  
10 designated as chairman and one as vice-chairman. The joint admin-  
11 istration shall appoint a director who shall be responsible to the joint  
12 administration for the administration and coordination of all civil  
13 defense matters throughout the county, subject to the direction and  
14 control of the joint administration. Each county and city or town  
15 located therein, is authorized to appropriate money out of its own  
16 general fund for the purpose of paying expenses relating to civil de-  
17 fense matters of such joint administration, and to establish a joint  
18 county-municipal civil defense fund in the office of the county treasurer,  
19 and the cities and towns located in that county may deposit moneys  
20 in such fund, which fund shall be for the purpose of paying expenses  
21 relating to civil defense matters of such joint administration. Any  
22 reimbursement, matching funds, or moneys received from sale of  
23 property obtained through the surplus property program, or moneys  
24 obtained from any source whatever in connection with the civil de-  
25 fense program, shall be deposited in the joint civil defense fund,  
26 herein established and used for civil defense purposes. Withdrawals  
27 from this fund shall be made on warrants drawn by the county audi-  
28 tor of the county wherein the fund is located on vouchers signed by  
29 the chairman or vice-chairman of the joint administration and the  
30 director of the joint administration.

31 Not later than March 15 of each year the joint county-municipal  
32 civil defense director and the joint administration shall prepare a pro-  
33 posed budget of all expenses for the ensuing fiscal year, July 1 to  
34 June 30. The proposed budget shall include estimated expenses that  
35 might be incurred in the event of a natural disaster, including, but  
36 not limited to, hurricanes, tornadoes, windstorms or floods, and the  
37 necessary training, warning, protection facilities, and equipment nec-  
38 essary to minimize the loss of life in the event of a nuclear attack.

39 The budget shall contain an itemized list of the proposed salaries  
40 of civil defense personnel and other personnel, their number and their  
41 compensation, the estimated amount needed for personnel benefits,  
42 travel and transportation, transportation of things, rent, communica-  
43 tions and utilities, printing and reproduction, supplies and material,  
44 equipment, and other services needed.

45 Each year the chairman of the joint administration shall, by writ-  
46 ten notice, call a meeting of the joint administration to consider such  
47 proposed budget and shall fix and adopt a budget for the ensuing  
48 federal fiscal year not later than May 15.

49 At such meeting, the joint administration shall authorize:

50 1. The number of personnel for civil defense activities, full- and  
51 part-time employment.

52 2. The salaries and compensation of civil defense employees. Those  
53 employees coming under the merit system will include salary sched-  
54 ules for various classes in which the salary of a class is adjusted to  
55 the responsibility and difficulty of the work.

56 3. Fix the operating expenses as contained in the proposed budget.

57 All expenditures provided for herein shall be subject to the provi-  
58 sions of chapter twenty-four (24) of the Code, and the chairman or  
59 vice-chairman of the joint administration are hereby declared to be  
60 the certifying officials.

61 The joint administration shall be responsible for the direction, ad-

62 ministration, and coordination of civil defense matters in the county.  
 63 The joint administration shall direct its services in the event of man-  
 64 made disaster or in the event of natural disasters including, but not  
 65 limited to, hurricanes, tornadoes, windstorms, or floods.  
 66 The director may, with the approval of the joint administration,  
 67 employ such technical, clerical and administrative personnel as may  
 68 be required and necessary to carry out the purposes of this Act.  
 69 The joint administration shall fix the compensation of such persons  
 70 so employed to be paid out of the civil defense fund created by this  
 71 chapter.  
 72 Each city or town council shall appoint a director of civil defense  
 73 for that city or town who shall, upon his appointment, serve as the  
 74 director of civil defense for that city or town and shall also serve as  
 75 an operation's officer for the joint administration.

Approved May 20, 1963.

## CHAPTER 73

### STATE MILITARY FORCES

#### S. F. 147

AN ACT relating to the state military forces.

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

1 SECTION 1. Section twenty-nine point one (29.1), Code 1962, is  
 2 hereby amended by striking all of subsection eleven (11) and inserting  
 3 in lieu thereof the following:

4 "11. 'Advisory Council' shall mean a board of officers composed of  
 5 the eleven (11) senior commanding officers of the Iowa national guard  
 6 of whom eight (8) shall be officers of the Iowa army national guard  
 7 and three (3) shall be officers of the Iowa air national guard."

1 SEC. 2. Section twenty-nine point two (29.2), Code 1962, is hereby  
 2 amended as follows:

3 1. By striking lines one (1) and two (2) and inserting in lieu thereof  
 4 the following:

5 "There is hereby created the Iowa national guard to consist of the  
 6 Iowa army national guard and the Iowa air national guard."

7 2. By inserting in line three (3) after the word "Iowa" the word  
 8 "army".

1 SEC. 3. Section twenty-nine point eleven (29.11), Code 1962, is  
 2 amended by inserting in line twenty (20) following the word "court-  
 3 martial" the following:

4 "or upon termination of his federal recognition".

1 SEC. 4. Amend chapter twenty-nine (29), Code 1962, by striking  
 2 section twenty-nine point fifty-four (29.54) and inserting in lieu there-  
 3 of the following:

4 "Each federally recognized general officer of the Iowa army national  
5 guard and the Iowa air national guard shall receive an annual expense  
6 allowance in the sum of four hundred and fifty dollars (\$450.00), pay-  
7 able during each calendar year, in such sums and at such times as  
8 requested by the said general officers, provided however, that no pay-  
9 ment shall be made during such time as such general officers are in  
10 federal service. The adjutant general of Iowa shall have custodial and  
11 administrative responsibility of such funds."

1 SEC. 5. Section twenty-nine point twelve (29.12), Code 1962, is  
2 hereby amended by inserting in line eleven (11) after the word "pur-  
3 poses." the following:

4 "The adjutant general may by order entered of record commission  
5 one (1) or more of the employees of the military department as special  
6 police. Such special police shall on the premises of any state military  
7 reservation or other state military property have and exercise the  
8 powers of regular peace officers."

1 SEC. 6. Section twenty-nine point sixteen (29.16), Code 1962, is  
2 hereby amended by inserting in line fifteen (15) after the word "cap-  
3 tain." the following:

4 "He shall be removed upon termination of his federal recognition."

1 SEC. 7. Section twenty-nine point twenty-seven (29.27), Code 1962,  
2 is hereby amended by adding after line forty-one (41) the following  
3 paragraphs:

4 "Where the provisions of this section may be applicable or at such  
5 other times as he may consider it necessary, the adjutant general shall  
6 appoint a board of officers, one of whom shall be a medical officer, upon  
7 the occurrence of each instance of an accident or incident resulting in  
8 the injury, illness, disease, or death of a member of the military forces  
9 of the state. The board of officers shall be appointed for the purpose  
10 of determining eligibility of individuals designated in this section for  
11 benefits authorized therein. The adjutant general shall appoint such a  
12 board at least once each year for the purpose of determining the con-  
13 tinuation of eligibility of all recipients of such benefits. The boards  
14 provided herein shall be in addition to the board authorized for ap-  
15 pointment by the governor for the purpose of determining entitlement  
16 to partial pay and allowances for partial disability as heretofore pro-  
17 vided.

18 Any party aggrieved by any decision of a board provided in this  
19 section shall have the right of appeal to the district court of the state  
20 of Iowa in and for the county of his legal residence within a period of  
21 thirty (30) days from date of mailing by the adjutant general by cer-  
22 tified mail of notice of such decision. The appeal shall be perfected by  
23 filing in the office of the adjutant general a written notice of appeal  
24 setting forth the order or finding from which appealed and the grounds  
25 of the appeal. Within thirty (30) days after the filing of such notice  
26 of appeal, the adjutant general shall make, certify, and file in the office  
27 of the clerk of the district court to which the appeal is taken a full and  
28 complete transcript of all documents in the proceeding. The transcript  
29 shall include the notice of appeal, any depositions, and a transcript or

30 certification of the evidence, if reported. The clerk shall forthwith  
 31 docket such appeal. The appeal shall be heard in such district court  
 32 as in equity de novo. Appeal may be taken to the supreme court from  
 33 any final order or judgment or decree of the district court. The attor-  
 34 ney general of Iowa, upon the request of the adjutant general, shall  
 35 represent the board appointed by the adjutant general against whom  
 36 any such appeal has been instituted.

37 The provisions herein provided shall apply to all individuals receiving  
 38 benefits under this section or who subsequently may become entitled  
 39 to such benefits.

1 SEC. 8. Section twenty-nine point fifty-eight (29.58), Code 1962, is  
 2 hereby amended by inserting in line three (3) after the word "pur-  
 3 poses" the following:  
 4 "and other training of the national guard".

1 SEC. 9. This Act being deemed of immediate importance shall take  
 2 effect and be in force from and after its publication in The Winterset  
 3 Madisonian, a newspaper published in the city of Winterset, Iowa, and  
 4 in The Earlham Echo, a newspaper printed in Earlham, Iowa.

Approved April 26, 1963.

I hereby certify that the foregoing Act, Senate File 147, was published in The Winterset Madisonian, Winterset, Iowa, May 8, 1963, and in The Earlham Echo, Earlham, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 74

### BONUS BOARD

S. F. 409

AN ACT to consolidate the functions of the boards paying bonuses for federal military service.

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

1 SECTION 1. Section thirty-five A point seven (35A.7), Code 1962,  
 2 is hereby amended as follows:

3 1. By striking from line two (2) the words "state auditor" and  
 4 inserting in lieu thereof the words "bonus board created by section  
 5 thirty-five point one (35.1) of the Code".

6 2. By striking from line seven (7) the words "state auditor" and  
 7 inserting in lieu thereof the words "bonus board".

8 3. By striking from lines thirteen (13) and fourteen (14) the words  
 9 "state auditor" and inserting in lieu thereof the words "bonus board".

10 4. By striking from line eighteen (18) the words "state auditor"  
 11 and inserting in lieu thereof the words "bonus board".

12 5. By striking from line thirty (30) the words "state auditor" and  
 13 inserting in lieu thereof the words "bonus board".

14 6. By striking from line thirty-three (33) the words "state auditor"  
15 and inserting in lieu thereof the words "bonus board".

16 7. By striking from lines forty (40) and forty-one (41) the words  
17 "state auditor" and inserting in lieu thereof the words "bonus board".

18 8. By striking from line forty-eight (48) the words "state auditor"  
19 and inserting in lieu thereof the words "bonus board".

20 9. By striking from line fifty (50) the words "state auditor" and  
21 inserting in lieu thereof the words "bonus board".

22 10. By striking from lines fifty-two (52) and fifty-three (53) the  
23 words "state auditor" and inserting in lieu thereof the words "bonus  
24 board".

1 SEC. 2. Section thirty-five A point eight (35A.8), Code 1962, is  
2 hereby amended as follows:

3 1. By striking from line four (4) the words "state auditor" and  
4 inserting in lieu thereof the words "bonus board".

5 2. By striking from line five (5) the words "state auditor" and  
6 inserting in lieu thereof the words "bonus board".

1 SEC. 3. Section thirty-five A point thirteen (35A.13), Code 1962,  
2 is hereby amended as follows:

3 1. By striking from line one (1) of subsection five (5) of such sec-  
4 tion the words "auditor of state" and inserting in lieu thereof the  
5 words "bonus board".

6 2. By striking from line ten (10) of subsection six (6) of such sec-  
7 tion the words "auditor of state" and inserting in lieu thereof the  
8 words "bonus board".

1 SEC. 4. Section thirty-five B point six (35B.6), Code 1962, is hereby  
2 repealed and the following enacted in lieu thereof:

3 "The administration of the service compensation fund shall be under  
4 the control of the bonus board created by section thirty-five point one  
5 (35.1) of the Code."

1 SEC. 5. Section thirty-five B point eight (35B.8), Code 1962, is  
2 hereby amended by striking from line four (4) the words "service  
3 compensation".

Approved April 29, 1963.

## CHAPTER 75

### KOREAN BONUS APPLICATIONS

#### S. F. 342

AN ACT relating to an extension of time for filing application for Korean veterans' bonus.

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

1 SECTION 1. Section thirty-five B point eight (35B.8), Code 1962, is  
2 hereby amended by striking the word and figures "December 31, 1960"

3 in line seven (7) and inserting in lieu thereof the following: "July 4,  
4 1963".

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 Iowegian and Citizen, a newspaper published at Centerville, Iowa, and  
4 in The Brooklyn Chronicle, a newspaper published at Brooklyn, Iowa.

Approved April 30, 1963.

I hereby certify that the foregoing Act, Senate File 342, was published in the Iowegian and Citizen, Centerville, Iowa, May 2, 1963, and in The Brooklyn Chronicle, Brooklyn, Iowa, May 9, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 76

### MEMORIAL COMMISSIONS

H. F. 286

AN ACT relating to memorial commissions and the composition thereof.

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

1 SECTION 1. Section thirty-seven point two (37.2), Code 1962, is  
2 hereby amended by inserting after the comma in line eleven (11) the  
3 words "Veterans of World War I,".

1 SEC. 2. Section thirty-seven point ten (37.10), Code 1962, is here-  
2 by amended by inserting after the comma in line seven (7) the words  
3 "Veterans of World War I,".

1 SEC. 3. This Act shall not apply to cities having a population of  
2 over one hundred fifty thousand (150,000) persons.

Approved May 9, 1963.

## CHAPTER 77

### TERMS OF COUNTY AND TOWNSHIP OFFICERS

H. F. 386

AN ACT relating to the term of office of county supervisors and township trustees.

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

1 SECTION 1. Section thirty-nine point eighteen (39.18), Code 1962,  
2 is hereby amended by striking from line four (4) thereof the word  
3 "three" and inserting in lieu thereof the word "four"; and by striking  
4 from line eight (8) thereof the word "three" and inserting in lieu  
5 thereof the word "four".

1 SEC. 2. Section three hundred thirty-one point one (331.1), Code  
2 1962, is hereby amended by striking from line eight (8) thereof the  
3 word "three" and inserting in lieu thereof the word "four".

1 SEC. 3. Section three hundred thirty-one point two (331.2), Code  
2 1962, is hereby amended by striking from line nineteen (19) thereof  
3 the word "three" and inserting in lieu thereof the word "four".

1 SEC. 4. The term of any county supervisor or trustee taking office  
2 in January, 1963, shall in 1964 be refilled by election to a succeeding  
3 three-year term and thereafter members shall be elected to four-year  
4 terms.

Approved May 6, 1963.

## CHAPTER 78

### POLITICAL PARTY PRECINCT CAUCUSES

H. F. 587

AN ACT to provide for political party precinct caucuses and the election of delegates to county conventions at such caucuses.

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

1 SECTION 1. Delegates to county conventions of political parties  
2 shall be elected at precinct caucuses held not later than the second  
3 Monday in May of each election year. The state central committee of  
4 each political party shall set the date for said caucuses. In accordance  
5 therewith, the county central committee of each political party shall  
6 issue the call for said caucuses.

1 SEC. 2. There shall be selected among those present at a precinct  
2 caucus a chairman and a secretary who shall forthwith certify to the  
3 county central committee the names of those elected as delegates to  
4 the county convention.

1 SEC. 3. The central committee of each political party shall notify  
2 the delegates so elected and certified of their election and of the time  
3 and place of holding the county convention.

1 SEC. 4. Section forty-three point four (43.4), Code 1962, is hereby  
2 amended by striking from lines one (1) and two (2) the words "Dele-  
3 gates to the county convention of political parties and" and inserting  
4 in lieu thereof the word "Political".

1 SEC. 5. Section forty-three point twenty-six (43.26), Code 1962, is  
2 hereby amended by striking the following:

3 "For DELEGATES TO COUNTY  
4 CONVENTION

5 (\*  
6 (vote for .....)  
7 \* .....  
8 .....  
9 .....  
10 .....  
11 .....

1 SEC. 6. Section forty-three point fifty-nine (43.59), Code 1962, is  
2 hereby amended by striking from line four (4) the words "delegates  
3 and".

1 SEC. 7. Section forty-three point ninety (43.90), Code 1962, is  
2 hereby amended by striking from line three (3) the words "primary  
3 election" and inserting in lieu thereof the words "precinct caucus".

1 SEC. 8. Section forty-three point ninety-one (43.91), Code 1962, is  
2 hereby repealed.

1 SEC. 9. Section forty-three point ninety-two (43.92), Code 1962, is  
2 hereby amended by striking from lines two (2) and six (6) the words  
3 "delegates and".

1 SEC. 10. Section forty-three point ninety-three (43.93), Code 1962,  
2 is hereby amended by striking from line four (4) the words "delegates  
3 and".

1 SEC. 11. Section forty-three point ninety-four (43.94), Code 1962,  
2 is hereby amended by striking from lines two (2), three (3), and four  
3 (4) the words "such delegates shall begin on the day following the  
4 final canvass of the votes by the board of supervisors", and inserting  
5 in lieu thereof the words "delegates to the county convention shall  
6 begin on the day following their election at the precinct caucus".

Approved May 6, 1963.

CHAPTER 79

COMPENSATION OF ELECTION BOARDS

S. F. 57

AN ACT relating to the compensation of members of election boards and counting judges and clerks.

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

1 SECTION 1. Section forty-three point thirty-two (43.32), Code  
2 1962, is hereby amended as follows:

\*According to enrolled Act.



3 1. By striking from line five (5) the words, "seventy-five cents"  
4 and by inserting in lieu thereof the words, "one (1) dollar".

1 SEC. 2. Section forty-nine point twenty (49.20), Code 1962, is  
2 hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "seventy-  
4 five cents" and inserting in lieu thereof the words "one (1) dollar".

5 2. By inserting in line four (4) after the word "duties" the words  
6 "and seven (7) cents per mile for actual and necessary travel".

1 SEC. 3. Section fifty-one point fourteen (51.14), Code 1962, is  
2 hereby amended by striking from line three (3) of such section the  
3 word, "now".

Approved April 18, 1963.

## CHAPTER 80

### JUDGES OF COURTS OF RECORD

#### S. F. 402

AN ACT relating to judicial nominating commissions, terms of office, judicial elections, mandatory retirement, and temporary service by retired judges.

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

1 SECTION 1. Appointment of state judicial nominating commission-  
2 ers. Within fifteen (15) days after the effective date of this Act, the  
3 governor shall appoint, subject to confirmation by the senate in execu-  
4 tive session, one elector of each congressional district to the state  
5 judicial nominating commission for a term commencing July 1, 1963.  
6 He shall appoint three such commissioners to serve until June 30, 1965,  
7 two to serve until June 30, 1967, and two to serve until June 30, 1969.  
8 Within thirty (30) days after the convening of the general assembly  
9 immediately preceding expiration of each of those terms and every six  
10 years thereafter, the governor shall so appoint state judicial nominat-  
11 ing commissioners for six-year terms commencing July 1, following.

1 SEC. 2. Election of state judicial nominating commissioners. In  
2 June, 1963, the resident members of the bar of each congressional  
3 district shall elect one elector of such district to the state judicial  
4 nominating commission for a term commencing July 1, 1963. Such  
5 elective commissioners shall serve until June 30, 1969, from the three  
6 congressional districts where the first appointive commissioners serve  
7 until June 30, 1965; until June 30, 1967, from the two congressional  
8 districts where the first appointive commissioners serve until June 30,  
9 1969; and until June 30, 1965, from the two congressional districts  
10 where the first appointive commissioners serve until June 30, 1967.  
11 In January immediately preceding expiration of each of those elective  
12 terms and every six years thereafter, such members of the bar of the  
13 respective congressional districts shall so elect state judicial nominat-  
14 ing commissioners for six-year terms commencing July 1 following.

1     **SEC. 3.** Appointment of district judicial nominating commissioners.  
2 In June, 1963, the governor shall appoint five electors of each judicial  
3 district to the district judicial nominating commission for terms com-  
4 mencing July 1, 1963. He shall appoint two such commissioners to  
5 serve until June 30, 1965, two to serve until June 30, 1967, and one to  
6 serve until June 30, 1969. Upon the expiration of each of those terms  
7 and every six years thereafter, the governor shall so appoint district  
8 judicial nominating commissioners for six-year terms.

1     **SEC. 4.** Election of district judicial nominating commissioners. In  
2 June, 1963, the resident members of the bar of each judicial district  
3 shall elect five electors of the district to the district judicial nominat-  
4 ing commission for terms commencing July 1, 1963. One of such com-  
5 missioners shall serve until June 30, 1965, two until June 30, 1967, and  
6 two until June 30, 1969, as determined by lot by such commissioners.  
7 In January next before expiration of each of those terms and every six  
8 years thereafter, such members of the bar of the respective judicial  
9 districts shall so elect district judicial nominating commissioners for  
10 six-year terms commencing July 1 following.

1     **SEC. 5.** Vacancies. Vacancies in the office of judicial nominating  
2 commissioner occurring during a term shall be filled by appointment  
3 or election as the case may be for the unexpired portion of the term,  
4 provided that no vacancy shall be filled where the term has less than  
5 ninety (90) days to run. The appointment or election shall be made  
6 or held within sixty (60) days after occurrence of the vacancy.  
7     The term of state judicial nominating commissioners so appointed  
8 shall commence upon appointment pending confirmation by the senate  
9 at the then session of the general assembly or at its next session if it  
10 is not then in session. The term of district judicial nominating com-  
11 missioners so appointed shall commence upon appointment. The term  
12 of judicial nominating commissioners so elected shall commence ten  
13 (10) days after election.  
14     If there shall be a vacancy in the office of chairman of a commission,  
15 or in his absence, the members of the commission shall select a tem-  
16 porary chairman from their own number.

1     **SEC. 6.** Equal seniority. If the judges of longest service (other  
2 than the chief justice) of the supreme court or of the district court  
3 in a district are of equal service, the eldest of such judges shall be  
4 chairman of the particular judicial nominating commission.

1     **SEC. 7.** Eligibility to vote. To be eligible to vote in elections of  
2 judicial nominating commissioners, a member of the bar must have  
3 registered in writing with the clerk of the district court of the county  
4 of his residence at the last bar registration preceding such election.  
5 A judge who has been admitted to the bar of the state of Iowa shall  
6 be considered a member of the bar.

1     **SEC. 8.** Bar registration. A book known as the bar register shall  
2 be maintained in each county in the office of the clerk of the district  
3 court. Where there are two county seats in a county, the bar register

4 shall be maintained at the more populous county seat. In the first  
 5 week of May, 1963, and every two years thereafter, the clerk of the  
 6 supreme court shall by mail direct each clerk of the district court  
 7 maintaining a bar register to publish and post the notice hereafter  
 8 prescribed, but failure of such a clerk of the district court to give the  
 9 notice shall not invalidate an election of judicial nominating commis-  
 10 sioners thereafter held. In May, 1963, and every two years thereafter,  
 11 each such clerk of the district court shall post in his office and publish  
 12 once in an official newspaper in his county a notice substantially as  
 13 follows:

NOTICE TO THE BAR

..... County, Iowa

16 Each member of the bar of the State of Iowa residing in this county  
 17 is notified to register in writing his name, address, and year of admis-  
 18 sion to the Iowa bar, in the office of the undersigned in May, 19.....,  
 19 (specifying 1963 the first year) to be eligible to vote in elections of  
 20 judicial nominating commissioners.

(Name of Clerk)

Clerk of District Court

23 On June 1, 1963, and every two years thereafter, each such clerk of the  
 24 district court shall certify to the clerk of the supreme court the names,  
 25 addresses, and years of admission of the members of the bar who  
 26 registered during the preceding month. The clerk of the supreme  
 27 court shall promptly ascertain from his record of admissions whether  
 28 the individuals so certified are members of the bar of the state of Iowa  
 29 and shall delete from the certified list any who are not.

1 SEC. 9. Conduct of elections. When an election of judicial nominat-  
 2 ing commissioners is to be held, the clerk of the supreme court shall  
 3 cause ballots to be mailed in accordance with the current certified list  
 4 of resident members of the bar to such members of the proper dis-  
 5 tricts, substantially as follows:

Iowa State (or Iowa ..... Judicial District)

Judicial Nominating Commission

BALLOT

9 To be cast by the resident members of the bar of the ..... Con-  
 10 gressional (or Judicial) District of Iowa.

11 Vote for (state number) for Iowa State (or Iowa ..... Judicial  
 12 District) judicial nominating commissioner(s) for term commencing

- 13 .....
- 14  JOHN DOE
  - 15  RICHARD ROE
  - 16  .....
  - 17  .....

18 To be counted, this ballot must be completed and mailed or delivered  
 19 to Clerk of the Supreme Court of Iowa, Des Moines, Iowa, not later  
 20 than January 31, 19..... (specifying June 30, 1963, the first year, or  
 21 the appropriate date under section five (5) in case of an election to  
 22 fill a vacancy).

DESTROY BALLOT IF NOT USED

24 The elector receiving the most votes shall be elected. When more  
 25 than one commissioner is to be elected, the electors receiving the most  
 26 votes shall be elected, in the same number as the offices to be filled.

27 The ballot must be completed and mailed or delivered to the clerk  
28 of the supreme court prior to expiration of the period within which  
29 the election must be held.

30 The ballots shall be counted under the direction of the clerk of the  
31 supreme court.

1 SEC. 10. Nomination of elective nominating commissioners. In  
2 order to have his name printed on the ballot for state or district  
3 judicial nominating commissioner, an elector must file in the office of  
4 the clerk of the supreme court at least thirty (30) days prior to ex-  
5 piration of the period within which the election must be held a nomi-  
6 nating petition signed by at least fifty (50) resident members of the  
7 bar of the congressional district in case of a candidate for state judicial  
8 nominating commissioner, or at least ten (10) resident members of the  
9 bar of the judicial district in case of a candidate for district judicial  
10 nominating commissioner. No member of the bar may sign more  
11 nominating petitions for state or district judicial nominating commis-  
12 sioner than there are such commissioners to be elected.

13 Ballots for state and district judicial nominating commissioners  
14 shall contain blank lines equal to the number of such commissioners  
15 to be elected, where names may be written in.

1 SEC. 11. Certification of commissioners. The governor and the  
2 clerk of the supreme court respectively shall promptly certify the  
3 names and addresses of appointive and elective judicial nominating  
4 commissioners to the secretary of state and the chairmen of the re-  
5 spective nominating commissions.

1 SEC. 12. Notification of vacancy. When a vacancy occurs or will  
2 occur within sixty (60) days in the supreme court or district court,  
3 the secretary of state shall forthwith so notify the chairman of the  
4 proper judicial nominating commission. The chairman shall call a  
5 meeting of the commission within ten days after such notice; if he  
6 fails to do so, the chief justice shall call such meeting.

1 SEC. 13. Notice of meetings. The chairman of each judicial nomi-  
2 nating commission shall give the members of the commission at least  
3 five days' written notice by mail of the time and place of every meet-  
4 ing, except as to members who execute written waivers of notice at or  
5 before the meeting or unless the commission at its next previous meet-  
6 ing designated the time and place of the meeting.

1 SEC. 14. Nomination. Each judicial nominating commission shall  
2 carefully consider the individuals available for judge, and within sixty  
3 (60) days after receiving notice of a vacancy shall certify to the gov-  
4 ernor and the chief justice the proper number of nominees, in alpha-  
5 betical order. Such nominees shall be chosen by the affirmative vote  
6 of a majority of the full statutory number of commissioners upon the  
7 basis of their qualifications and without regard to political affiliation.  
8 Nominees shall be members of the bar of Iowa, shall be residents of  
9 the state or district of the court to which they are nominated, and

10 shall be of such age that they will be able to serve an initial and one  
11 regular term of office to which they are nominated before reaching the  
12 age of seventy-two (72) years. No person shall be eligible for nomi-  
13 nation by a commission as judge during the term for which he was  
14 elected or appointed to that commission. Absence of a commissioner  
15 or vacancy upon the commission shall not invalidate a nomination.

1 SEC. 15. Effective date as to appointments. After June 30, 1963,  
2 all appointments to the supreme court and district court shall be made  
3 from the nominees of the respective judicial nominating commissions.

1 SEC. 16. Terms of judges. Subject to the provisions of section  
2 twenty-six (26) hereof and to removal for cause:

3 1. The initial term of office of judges of the supreme court elected  
4 in 1960 shall be until January 1, 1967;

5 2. The initial term of office of all judges of the supreme court and  
6 district court elected or appointed prior to the official canvass of the  
7 votes on the ratification of the judicial amendment to the Constitution  
8 of the State of Iowa of 1962, shall be until July 1, 1965;

9 3. The initial term of office of all other judges of the supreme court  
10 and district court in office on June 30, 1963, shall be until January 1,  
11 1965;

12 4. The initial term of office of judges of the supreme court and dis-  
13 trict court appointed after June 30, 1963, shall be for one year after  
14 appointment and until January 1 following the next judicial election  
15 after expiration of such year; and

16 5. The regular term of office of judges of the supreme court retained  
17 at a judicial election shall be eight years, and of judges of the district  
18 court so retained shall be six years, from the expiration of their initial  
19 or previous regular term as the case may be.

1 SEC. 17. Time of judicial election. Judicial elections shall be held  
2 at the time of the general election.

1 SEC. 18. Eligibility of voters. Electors entitled to vote at the gen-  
2 eral election shall be entitled to vote at the judicial election. All voting  
3 procedures provided by chapter fifty-three (53), Code 1962, for absent  
4 voting by armed forces in general elections shall be applicable to  
5 judicial elections.

1 SEC. 19. Poll books. The poll books used for the general election  
2 shall also constitute the poll books for the judicial election.

1 SEC. 20. Declaration of candidacy. At least ninety (90) days prior  
2 to the judicial election preceding expiration of his initial or regular  
3 term of office, a judge of the supreme court or district court may file  
4 a declaration of candidacy with the secretary of state, whereupon such  
5 judge shall stand for retention or rejection at that election. If a judge  
6 fails to file such declaration, his office shall be vacant at the end of his  
7 term.

1 SEC. 21. Conduct of election. At least fifty-five (55) days prior to  
 2 each judicial election, the secretary of state shall certify to the county  
 3 auditor of each county a list of the judges of the supreme court and  
 4 district court to be voted on in such county at that election. The  
 5 auditor shall place the names upon the ballot in the order in which  
 6 they appear in the certificate, unless only one county is voting thereon.  
 7 The secretary of state shall rotate the names in the certificate by  
 8 county, or the auditor shall rotate them upon the ballot by precinct if  
 9 only one county is voting thereon. The names of all judges to be voted  
 10 on shall be placed upon one ballot, which shall be in substantially the  
 11 following form:

12 STATE OF IOWA  
 13 JUDICIAL BALLOT

14 (Date)

15 VOTE ON ALL NAMES BY PLACING AN X IN THE APPRO-  
 16 PRIATE BOX AFTER EACH NAME.

17 SUPREME COURT

18 Shall the following judges of the Supreme Court be retained in  
 19 office?

20 JOHN DOE YES  NO   
 21 RICHARD ROE YES  NO

22 DISTRICT COURT

23 Shall the following judge of the District Court be retained in  
 24 office?

25 JOHN SMITH YES  NO

1 SEC. 22. Voting. Voting at judicial elections shall be by separate  
 2 paper ballot or by voting machine in the space provided for public  
 3 measures. If paper ballots are used the election judges shall offer a  
 4 ballot to each voter. Separate ballot boxes for the general election  
 5 ballots and the judicial election ballots shall not be required. The gen-  
 6 eral election ballot and the judicial election ballot may be voted in the  
 7 same voting booth.

1 SEC. 23. General election and absent voter laws. So far as appli-  
 2 cable general election and absent voter laws shall apply to judicial  
 3 elections. An application for an absent voter ballot for a general elec-  
 4 tion shall also constitute an application for an absent voter ballot for  
 5 a judicial election to be held at the same time, and the ballots shall be  
 6 mailed or delivered to the voter together. The sealed envelope trans-  
 7 mitted by the absent voter to the auditor containing the absent voter  
 8 general election ballot may also contain the judicial election ballot.

1 SEC. 24. Results of election. A judge of the supreme court or dis-  
 2 trict court must receive more affirmative than negative votes to be  
 3 retained in office. When the poll is closed, the election judges shall  
 4 publicly canvass the vote forthwith. The board of supervisors shall  
 5 canvass the returns at its meeting on Monday after the election, and  
 6 shall promptly certify the number of affirmative and negative votes  
 7 on each judge to the secretary of state.

8 The state board of canvassers shall, at the time of canvassing the  
 9 vote cast at a general election, open and canvass all of the returns for  
 10 the judicial election. Each judge of the supreme court or district court

11 who has received more affirmative than negative votes shall receive  
12 from the state board of canvassers an appropriate certificate so stating.

1 SEC. 25. Section six hundred five A point three (605A.3), Code  
2 1962, is amended by adding at the end thereof the following:  
3 “; except that any judge who was a member of the supreme or dis-  
4 trict courts on July 1, 1962, may, in any event, give such notice on or  
5 before July 1, 1964.”

1 SEC. 26. Chapter six hundred five (605), Code 1962, is amended by  
2 adding the following new sections:

3 A. “Mandatory retirement. All judges of the supreme court or dis-  
4 trict court who shall have reached the mandatory retirement age, shall  
5 cease to hold office. The mandatory retirement age shall be seventy-  
6 five (75) years for all judges of the supreme court or district court  
7 holding office on the effective date of this Act. The mandatory retire-  
8 ment age shall be seventy-two (72) years for all judges of the supreme  
9 court or district court appointed to office after the effective date of this  
10 Act. This section shall not be effective until July 1, 1965.”

11 B. “Temporary service by retired judges. Judges of the supreme  
12 court and district court who are hereafter retired by reason of age,  
13 or who are drawing benefits under section six hundred five A point six  
14 (605A.6) of the Code, may with their consent be assigned by the  
15 supreme court to temporary judicial duties on any court in the state  
16 other than the supreme court. No such judge shall engage in the prac-  
17 tice of law unless he shall file with the clerk of the supreme court an  
18 election to practice law, in which event he shall thereafter be ineligible  
19 for assignment to temporary judicial duties at any time. While serv-  
20 ing under temporary assignment as herein provided, a retired judge  
21 shall receive the compensation and actual expense provided by law for  
22 judges on the court to which he is assigned, but shall not receive any  
23 annuity payments to which he may be entitled under the judicial re-  
24 tirement system. He may be authorized in the order of assignment  
25 to appoint a temporary reporter, who shall receive the compensation  
26 and actual expense provided by law for a regular reporter in the court  
27 to which the judge is assigned. The order of assignment shall be filed  
28 in the offices of the clerks of court at the places where the judge is to  
29 serve.”

1 SEC. 27. Office of supreme court judges. All judges of the supreme  
2 court shall, after January 1, 1968, be required to be in attendance and  
3 maintain offices at the seat of government. The executive council shall  
4 provide suitable offices at the seat of government for such judges.

1 SEC. 28. Severability clause. If any provision of this Act or the  
2 application thereof to any person or circumstances is held invalid, the  
3 invalidity shall not affect other provisions or applications of the Act  
4 which can be given effect without the invalid provision or application,  
5 and to this end the provisions of this Act are severable.

1 SEC. 29. Publication clause. This Act being deemed of immediate  
2 importance shall be in full force and effect from and after its publica-

3 cation in the Iowa City Press-Citizen, a newspaper published at Iowa  
4 City, Iowa, and in The North English Record, a newspaper published  
5 at North English, Iowa.

Approved April 23, 1963.

I hereby certify that the foregoing Act, Senate File 402, was published in the Iowa City Press-Citizen, Iowa City, Iowa, April 30, 1963, and in The North English Record, North English, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 81

### MARKING OF BALLOTS

H. F. 114

AN ACT relating to the marking of ballots.

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

1 SECTION 1. Section forty-nine point forty-four (49.44), Code 1962,  
2 is hereby amended by inserting in line ten (10) after the word "cross"  
3 the words "or check".

1 SEC. 2. Section forty-nine point forty-six (49.46), Code 1962, is  
2 hereby amended by striking all after "X" in line three (3) and sub-  
3 stituting in lieu thereof the following:  
4 "or a check mark, thus, "✓", placed in the proper square."

1 SEC. 3. Section forty-nine point forty-seven, (49.47), Code 1962,  
2 is hereby amended by inserting in line six (6) after the word "mark"  
3 the words "or check (✓)".

1 SEC. 4. Section forty-nine point ninety-two (49.92), Code 1962, is  
2 hereby amended by inserting in line two (2) after the word "cross"  
3 the words "or check".

1 SEC. 5. Section forty-nine point ninety-four (49.94), Code 1962, is  
2 hereby amended as follows:  
3 1. By inserting in line one (1) of subsection one (1) after the word  
4 "cross" the words "or check".  
5 2. By inserting in line two (2) of subsection one (1) after the word  
6 "cross" the words "or check".  
7 3. By inserting in line one (1) of subsection two (2) after the word  
8 "cross" the words "or check".  
9 4. By inserting in line three (3) of subsection two (2) after the  
10 word "cross" the words "or check".  
11 5. By inserting in line one (1) of subsection three (3) after the word  
12 "cross" the words "or check".  
13 6. By inserting in line two (2) of subsection three (3) after the  
14 word "cross" the words "or check".



1 SEC. 6. Section forty-nine point ninety-five (49.95), Code 1962, is  
2 hereby amended as follows:

3 1. By inserting in line six (6) after the word "cross" the words "or  
4 check".

5 2. By inserting in line eight (8) after the word "cross" the words  
6 "or check".

1 SEC. 7. Section forty-nine point ninety-six (49.96), Code 1962, is  
2 hereby amended as follows:

3 1. By inserting in line six (6) after the word "cross" the words "or  
4 check".

5 2. By inserting in line eleven (11) after the word "cross" the words  
6 "or check".

7 3. By inserting in line thirteen (13) after the word "cross" the  
8 words "or check".

1 SEC. 8. Section forty-nine point ninety-seven (49.97), Code 1962, is  
2 hereby amended as follows:

3 1. By inserting in line one (1) of subsection one (1) after the word  
4 "cross" the words "or check".

5 2. By inserting in line four (4) of subsection one (1) after the word  
6 "cross" the words "or check".

7 3. By inserting in line one (1) of subsection two (2) after the word  
8 "cross" the words "or check".

9 4. By inserting in line three (3) of subsection two (2) after the word  
10 "cross" the words "or check".

1 SEC. 9. Section forty-nine point ninety-eight (49.98), Code 1962, is  
2 hereby amended as follows:

3 1. By inserting in line nine (9) after the word "cross" the words "or  
4 check".

5 2. By inserting in line ten (10) after the word "cross" the words "or  
6 check".

7 3. By inserting in line eleven (11) after the word "cross" the words  
8 "or check".

9 4. By inserting in line twelve (12) after the word "cross" the words  
10 "or check".

1 SEC. 10. Section forty-nine point ninety-nine (49.99), Code 1962, is  
2 hereby amended as follows:

3 1. By inserting in line four (4) after the word "cross" the words "or  
4 check".

5 2. By inserting in line six (6) after the word "cross" the words "or  
6 check".

7 3. By inserting in line seven (7) after the word "cross" the words  
8 "or check".

Approved April 17, 1963.

## CHAPTER 82

## BOND ISSUE ELECTIONS

S. F. 191

AN ACT relating to elections on bond issue proposals.

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

1 SECTION 1. Section seventy-five point one (75.1), Code 1962, is  
 2 hereby amended by adding thereto the following new paragraph:  
 3 "When a proposition to authorize an issuance of bonds has been  
 4 submitted to the electors under this section and the proposal fails to  
 5 gain approval by the required percentage of votes, such proposal, or  
 6 any proposal which incorporates any portion of the defeated proposal,  
 7 shall not be submitted to the electors for a period of six (6) months  
 8 from the date of such regular or special election."

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 Iowa City  
 3 Press-Citizen, a newspaper published in Iowa City, Iowa, and the Fort  
 4 Dodge Messenger & Chronicle, a newspaper published at Fort Dodge,  
 5 Iowa.

Approved May 2, 1963.

I hereby certify that the foregoing Act, Senate File 191, was published in the Iowa City Press-Citizen, Iowa City, Iowa, May 9, 1963, and in the Fort Dodge Messenger & Chronicle, Fort Dodge, Iowa, May 9, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 83

## DENOMINATIONS OF PUBLIC BONDS

H. F. 250

AN ACT to amend chapter seventy-five (75), sections three hundred forty-six point one (346.1) and four hundred eight point two (408.2), Code 1962, relating to the denominations of public bonds issued by counties, cities, towns and school districts.

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

1 SECTION 1. Chapter seventy-five (75), Code 1962, is hereby  
 2 amended by adding thereto the following section:  
 3 "Notwithstanding any other provisions in the statutes to the con-  
 4 trary, issues of public bonds of every kind and character by counties,  
 5 cities, towns and school districts shall be issued in amounts of one  
 6 hundred dollars (\$100.00) or multiples thereof not to exceed ten  
 7 thousand dollars (\$10,000.00). This provision shall not apply to  
 8 bonds, the interest or principal, or both, of which are payable out of  
 9 special assessments against benefited properties."

1 SEC. 2. Section three hundred forty-six point one (346.1), Code  
2 1962, is amended by striking in line nine (9) the word "one" and  
3 inserting in lieu thereof the word "ten".

1 SEC. 3. Section four hundred eight point two (408.2), Code 1962,  
2 is amended by striking in line three (3) the word "one" and inserting  
3 in lieu thereof the word "ten".

Approved May 9, 1963.

## CHAPTER 84

### NATURAL GAS AND OIL

S. F. 430

AN ACT relating to the exploration for and the development, conservation, production, transportation and storage of natural gas and oil.

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

1 SECTION 1. Sections eighty-four point one (84.1) through eighty-  
2 four point five (84.5), inclusive, and eighty-four point ten (84.10),  
3 Code 1962, are hereby repealed and the following enacted in lieu  
4 thereof:

5 "Section 1. Declaration of policy. It is hereby declared to be in  
6 the public interest to foster, to encourage, and to promote the develop-  
7 ment, production, and utilization of natural resources of oil and gas  
8 in the state in such a manner as will prevent waste; to authorize and  
9 to provide for the operation and development of oil and gas properties  
10 in such a manner that a greater ultimate recovery of oil and gas be  
11 had and that the correlative rights of all owners be fully protected;  
12 and to encourage and to authorize such measures as will result in the  
13 greatest possible economic recovery of oil and gas within the state  
14 to the end that the land owners, the royalty owners, the producers,  
15 and the general public realize and enjoy the greatest possible good  
16 from these vital natural resources. It is hereby further declared that  
17 the general welfare of the people requires that the underground and  
18 surface water of the state be protected from pollution and conserved  
19 in the best interests of the people of the state.

1 SEC. 2. Definitions. As used in this chapter, unless the context  
2 otherwise requires:

3 1. "Waste" means and includes:  
4 a. Physical waste, as that term is generally understood in the oil  
5 and gas industry,  
6 b. The inefficient, excessive, or improper use of, or the unnecessary  
7 dissipation of reservoir energy.  
8 c. The location, spacing, drilling, equipping, operating, or producing  
9 of any oil or gas well or wells in a manner which causes, or tends to  
10 cause, reduction in the quantity of oil or gas ultimately recoverable  
11 from a pool under prudent and proper operations, or which causes or

12 tends to cause unnecessary or excessive surface loss or destruction of  
13 oil or gas,

14 d. The inefficient storing of oil, and

15 e. The production of oil or gas in excess of transportation or mar-  
16 keting facilities or in excess of reasonable market demand.

17 2. "Person" means and includes any natural person, corporation,  
18 association, partnership, receiver, trustee, executor, administrator,  
19 guardian, fiduciary or other representative of any kind, and includes  
20 any department, agency, or instrumentality of the state or of any  
21 governmental subdivision thereof; the masculine gender, in referring  
22 to a person, includes the feminine and the neuter genders.

23 3. "Oil" means and includes crude petroleum oil and other hydro-  
24 carbons regardless of gravity which are produced at the wellhead in  
25 liquid form and the liquid hydrocarbons known as distillate or con-  
26 densate recovered or extracted from gas, other than gas produced in  
27 association with oil and commonly known as casinghead gas.

28 4. "Gas" means and includes all natural gas and all other fluid  
29 hydrocarbons which are produced at the wellhead and not hereinabove  
30 defined as oil.

31 5. "Pool" means an underground reservoir containing a common  
32 accumulation of oil or gas or both; each zone of a structure which is  
33 completely separated from any other zone in the same structure is a  
34 pool, as that term is used in this chapter.

35 6. "Field" means the general area underlaid by one or more pools.

36 7. "Owner" means the person who has the right to drill into and  
37 produce from a pool and to appropriate the oil or gas he produces  
38 therefrom either for himself or others or for himself and others.

39 8. "Producer" means the owner of a well or wells capable of produc-  
40 ing oil or gas or both.

41 9. "Product" means any commodity made from oil or gas and in-  
42 cludes refined crude oil, crude tops, topped crude, processed crude,  
43 processed crude petroleum, residue from crude petroleum, cracking  
44 stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil,  
45 casinghead gasoline, natural-gas gasoline, kerosene, benzine, wash oil,  
46 waste oil, blended gasoline, lubricating oil, blends or mixtures of oil  
47 with one or more liquid products or by-products derived from oil or  
48 gas, and blends or mixtures of two or more liquid products or by-  
49 products derived from oil or gas, whether hereinabove enumerated or  
50 not.

51 10. "Reasonable market demand" means the demand for oil or gas  
52 for reasonable current requirements for consumption and use within  
53 and without the state, together with such quantities as are reasonably  
54 necessary for building up or maintaining reasonable working stocks  
55 and reasonable reserves of oil or gas or product.

56 11. "Illegal oil" means oil which has been produced from any well  
57 within the state in excess of the quantity permitted by any rule, regu-  
58 lation, or order of the council.

59 12. "Illegal gas" means gas which has been produced from any well  
60 within this state in excess of the quantity permitted by any rule, regu-  
61 lation, or order of the council.

62 13. "Illegal product" means any product derived in whole or in part  
63 from illegal oil or illegal gas.

64 14. "Certificate of clearance" means a permit prescribed by the  
65 council for the transportation or the delivery of oil or gas or product  
66 and issued or registered in accordance with the rule, regulation, or  
67 order requiring such permit.

68 15. The word "and" includes the word "or" and the use of the word  
69 "or" includes the word "and". The use of the plural includes the  
70 singular and the use of the singular includes the plural.

71 16. Council means Iowa Natural Resources Council as defined in  
72 chapter four hundred fifty-five A (455A), Code 1962.

1 SEC. 3. Waste prohibited. Waste of oil and gas is prohibited.

1 SEC. 4. Jurisdiction of council. The council has the duty of ad-  
2 ministering the provisions of this chapter. The state geologist shall  
3 act as administrator with the duty and responsibility of enforcing the  
4 regulations and orders of the council applicable to the crude petroleum  
5 oil and natural gas resources of this state and the provisions of this  
6 chapter. The council has the duty and authority to make such inves-  
7 tigations as it deems proper to determine whether waste exists or is  
8 imminent or whether other facts exist which justify action. The  
9 council acting through the office of the state geologist has the au-  
10 thority:

11 1. To require:

12 a. Identification of ownership of oil or gas wells, producing leases,  
13 tanks, plants, structures, and facilities for the refining or intra-state  
14 transportation of oil and gas;

15 b. The making and filing of all mechanical well logs and the filing  
16 of directional surveys if taken, and the filing of reports on well loca-  
17 tion, drilling and production, and the filing free of charge of samples  
18 and core chips and of complete cores less tested sections when re-  
19 quested in the office of the state geologist within six months after the  
20 completion or abandonment of the well;

21 c. The drilling, casing, operation, and plugging of wells in such  
22 manner as to prevent the escape of oil or gas out of one stratum into  
23 another, the intrusion of water into oil or gas stratum, the pollution  
24 of fresh water supplies by oil, gas, or highly mineralized water, to  
25 prevent blowouts, cavings, seepages, and fires, and to prevent the  
26 escape of oil, gas, or water into workable coal or other mineral de-  
27 posits;

28 d. The furnishing of a reasonable bond with good and sufficient  
29 surety, conditioned upon the full compliance with the provisions of  
30 this chapter, and the rules and regulations of the council prescribed  
31 to govern the production of oil and gas on state and private lands  
32 within the state of Iowa;

33 e. That the production from wells be separated into gaseous and  
34 liquid hydrocarbons, and that each be accurately measured by such  
35 means and upon such standards as may be prescribed by the council;

36 f. The operation of wells with efficient gas-oil and water-oil ratios,  
37 and to fix these ratios;

38 g. Certificates of clearance in connection with the transportation  
39 or delivery of any native and indigenous Iowa produced crude oil, gas,  
40 or any product;

41 h. Metering or other measuring of any native and indigenous Iowa

42 produced crude oil, gas, or product in pipelines, gathering systems,  
43 barge terminals, loading racks, refineries, or other places; and

44 i. That every person who produces, sells, purchases, acquires, stores,  
45 transports, refines, or processes native and indigenous Iowa produced  
46 crude oil or gas in this state shall keep and maintain within this state  
47 complete and accurate records of the quantities thereof, which records  
48 shall be available for examination by the council or its agents at all  
49 reasonable times, and that every such person file with the council such  
50 reports as it may prescribe with respect to such oil or gas or the  
51 products thereof.

52 2. To regulate:

53 a. The drilling, producing, and plugging of wells, and all other oper-  
54 ations for the production of oil or gas:

55 b. The shooting and chemical treatment of wells;

56 c. The spacing of wells;

57 d. Operations to increase ultimate recovery such as cycling of gas,  
58 the maintenance of pressure, and the introduction of gas, water, or  
59 other substances into producing formations; and

60 e. Disposal of highly mineralized water and oil field wastes.

61 3. To limit and to allocate the production of oil and gas from any  
62 field, pool, or area.

63 4. To classify wells as oil or gas wells for purposes material to the  
64 interpretation or enforcement of this chapter.

65 5. To promulgate and to enforce rules, regulations, and orders to  
66 effectuate the purposes and the intent of this chapter.

67 6. To make rules, regulations, or orders for the classification of  
68 wells as oil wells or dry natural gas wells; or wells drilled, or to be  
69 drilled, for geological information, or as wells for secondary recovery  
70 projects, or wells for the disposal of highly mineralized water, brine,  
71 or other oil field wastes, or wells for the storage of dry natural gas,  
72 or casinghead gas, or wells for the development of reservoirs for the  
73 storage of liquid petroleum gas.

1 **SEC. 5. Drilling permit required.** It shall be unlawful to commence  
2 operations for the drilling of a well for oil or gas or commence opera-  
3 tions to deepen any well to a different geological formation without  
4 first giving the state geologist notice of intention to drill, or without  
5 first obtaining a permit from the state geologist, under such rules and  
6 regulations as may be prescribed by the council and paying to the  
7 council a fee of fifty dollars for such well. Such fee shall be used by  
8 the council for administering this chapter, including the payment of  
9 expenses incurred in publishing legal notice.

1 **SEC. 6. Council shall determine market demand and regulate the**  
2 **amount of production.** The council shall determine market demand  
3 for each marketing district and regulate the amount of production as  
4 follows:

5 1. The council shall limit the production of oil and gas within each  
6 marketing district to that amount which can be produced without  
7 waste, and which does not exceed the reasonable market demand.

8 2. Whenever the council limits the total amount of oil or gas which  
9 may be produced in the state or a marketing district, the council shall

10 allocate or distribute the allowable production among the pools therein  
11 on a reasonable basis, giving, where reasonable under the circum-  
12 stances to each pool with small wells of settled production, an allow-  
13 able production which prevents the general premature abandonment  
14 of such wells in the pool.

15 3. Whenever the council limits the total amount of oil or gas which  
16 may be produced in any pool in this state to an amount less than that  
17 amount which the pool could produce if no restriction was imposed,  
18 which limitation is imposed either incidental to, or without, a limita-  
19 tion of the total amount of oil or gas produced in the marketing dis-  
20 trict wherein the pool is located, the council shall allocate or distribute  
21 the allowable production among the several wells or producing prop-  
22 erties in the pool on a reasonable basis, preventing or minimizing  
23 reasonable avoidable drainage, so that each property will have the  
24 opportunity to produce or to receive its just and equitable share,  
25 subject to the reasonable necessities for the prevention of waste.

26 4. In allocating the market demand for gas as between pools within  
27 marketing districts, the council shall give due regard to the fact that  
28 gas produced from oil pools is to be regulated in a manner as will  
29 protect the reasonable use of its energy for oil production.

30 5. The council shall not be required to determine the reasonable  
31 market demand applicable to any single pool, except in relation to all  
32 other pools within the same marketing district, and in relation to the  
33 demand applicable to the marketing district. In allocating allowables  
34 to pools, the council may consider, but shall not be bound by nomina-  
35 tions of purchasers to purchase from particular fields, pools, or por-  
36 tions thereof. The council shall allocate the total allowable for the  
37 state in such manner as prevents undue discrimination between mar-  
38 keting districts, fields, pools, or portions thereof resulting from selec-  
39 tive buying or nomination by purchasers.

1 SEC. 7. Council shall set spacing units. The council shall set spac-  
2 ing units as follows:

3 1. When necessary to prevent waste, to avoid the drilling of un-  
4 necessary wells, or to protect correlative rights, the council shall estab-  
5 lish spacing units for a pool. Spacing units when established shall be  
6 of uniform size and shape for the entire pool, except that when found  
7 to be necessary for any of the purposes above mentioned, the council  
8 is authorized to divide any pool into zones and establish spacing units  
9 for each zone, which units may differ in size and shape from those  
10 established in any other zone.

11 2. The size and shape of spacing units are to be such as will result  
12 in the efficient and economical development of the pool as a whole.

13 3. An order establishing spacing units for a pool shall specify the  
14 size and shape of each unit and the location of the permitted well  
15 thereon in accordance with a reasonably uniform spacing plan. Upon  
16 application, if the state geologist finds that a well drilled at the pre-  
17 scribed location would not produce in paying quantities, or that surface  
18 conditions would substantially add to the burden or hazard of drilling  
19 such well, the state geologist is authorized to enter an order permit-  
20 ting the well to be drilled at a location other than that prescribed by  
21 such spacing order; however, the state geologist shall include in the  
22 order suitable provisions to prevent the production from the spacing

23 unit of more than its just and equitable share of the oil and gas in  
24 the pool.

25 4. An order establishing units for a pool shall cover all lands deter-  
26 mined or believed to be underlaid by such pool, and may be modified  
27 by the state geologist from time to time to include additional areas  
28 determined to be underlaid by such pool. When found necessary for  
29 the prevention of waste, or to avoid the drilling of unnecessary wells  
30 or to protect correlative rights, an order establishing spacing units  
31 in a pool may be modified by the state geologist to increase the size  
32 of spacing units in the pool or any zone thereof, or to permit the  
33 drilling of additional wells on a reasonable uniform plan in the pool,  
34 or any zone thereof. Orders of the state geologist may be appealed to  
35 the council within thirty (30) days.

1 **SEC. 8. Integration of fractional tracts.**

2 1. When two or more separately owned tracts are embraced within  
3 a spacing unit, or when there are separately owned interests in all or  
4 a part of the spacing unit, then the owners and royalty owners thereof  
5 may pool their interests for the development and operation of the  
6 spacing unit. In the absence of voluntary pooling the council upon  
7 the application of any interested person, shall enter an order pooling  
8 all interests in the spacing unit for the development and operations  
9 thereof. Each such pooling order shall be made after notice and hear-  
10 ing, and shall be upon terms and conditions that are just and reason-  
11 able, and that afford to the owner of each tract or interest in the  
12 spacing unit the opportunity to recover or receive, without unneces-  
13 sary expense, his just and equitable share. Operations incident to the  
14 drilling of a well upon any portion of a spacing unit covered by a  
15 pooling order shall be deemed for all purposes, the conduct of such  
16 operations upon each separately owned tract in the drilling unit by  
17 the several owners thereof. That portion of the production allocated  
18 to each tract included in a spacing unit covered by a pooling order  
19 shall, when produced, be deemed for all purposes to have been pro-  
20 duced from such tract by a well drilled thereon.

21 2. Each such pooling order shall make provision for the drilling and  
22 operation of a well on the spacing unit, and for the payment of the  
23 reasonable actual cost thereof by the owners of interests in the spac-  
24 ing unit, plus a reasonable charge for supervision. In the event of any  
25 dispute as to such costs the council shall determine the proper costs.  
26 If one or more of the owners shall drill and operate, or pay the ex-  
27 penses of drilling and operating the well for the benefit of others,  
28 then, the owner or owners so drilling or operating shall, upon comply-  
29 ing with the terms of section 10, have a lien on the share of produc-  
30 tion from the spacing unit accruing to the interest of each of the  
31 other owners for the payment of his proportionate share of such  
32 expenses. All the oil and gas subject to the lien shall be marketed  
33 and sold and the proceeds applied in payment of the expenses secured  
34 by such lien as provided for in section 10.

1 **SEC. 9. Voluntary agreements for unit operation valid.** An agree-  
2 ment for the unit or co-operative development and operation of a field  
3 or pool, in connection with the conduct of a repressuring or pressure



4 maintenance operations, cycling or recycling operations, including the  
5 extraction and separation of liquid hydrocarbons from natural gas in  
6 connection therewith, or any other method of operation, including  
7 water floods, is authorized and may be performed and shall not be  
8 held or construed to violate any of the statutes of this state relating  
9 to trusts, monopolies, or contracts and combinations in restraint of  
10 trade, if the agreement is approved by the council as being in the  
11 public interest, protective of correlative rights, and reasonably neces-  
12 sary to increase ultimate recovery or to prevent waste of oil or gas.  
13 Such agreements bind only the persons who execute them, and their  
14 heirs, successors, assigns, and legal representatives.

1 **SEC. 10. Development and operating costs of integrated fractional**  
2 **tracts.** A person to whom another is indebted for expenses incurred  
3 in drilling and operating a well on a drilling unit required to be  
4 formed as provided for in section 8, may, in order to secure payment  
5 of the amount due, fix a lien upon the interest of the debtor in the  
6 production from the drilling unit or the unit area, as the case may be,  
7 by filing for record, with the recorder of the county where property  
8 involved, or any part thereof, is located, an affidavit setting forth the  
9 amount due and the interest of the debtor in such production. The  
10 person to whom the amount is payable may, at the expense of the  
11 debtor, store all or any part of the production upon which the lien  
12 exists until the total amount due, including reasonable storage  
13 charges, is paid or the commodity is sold at foreclosure sale and  
14 delivery is made to the purchaser. The lien may be foreclosed as  
15 provided for with respect to foreclosure of a lien on chattels.

1 **SEC. 11. Rules covering practice before council.**

2 1. The council shall prescribe rules and regulations governing the  
3 practice and procedure before it.

4 2. No order, or amendment thereof, except in an emergency, shall  
5 be made by the council without a public hearing upon at least ten days  
6 notice. The public hearing shall be held at such time and place as may  
7 be prescribed by the council, and any interested person shall be en-  
8 titled to be heard.

9 3. When an emergency requiring immediate action is found to exist  
10 the council is authorized to issue an emergency order without notice  
11 of hearing, which shall be effective upon promulgation. No emergency  
12 order shall remain effective for more than fifteen days.

13 4. Any notice required by this chapter shall be given at the election  
14 of the council either by personal service or by letter to the last re-  
15 corded address and one publication in a newspaper of general circula-  
16 tion in the state capitol\* city and in a newspaper of general circulation  
17 in the county where the land affected, or some part thereof, is situ-  
18 ated. The notice shall issue in the name of the state, shall be signed  
19 by the state geologist, shall specify the style and number of the  
20 proceeding, the time and place of the hearing, and shall briefly state  
21 the purpose of the proceeding. Should the council elect to give notice  
22 by personal service, such service may be made by any officer author-  
23 ized to serve process, or by any agent of the council, in the same  
24 manner as is provided by law for the service of original notices in civil

\*According to enrolled Act.

25 actions in the district court of the state. Proof of the service by such  
26 agent shall be by the affidavit of the person making personal service.

27 5. All orders issued by the council shall be in writing, shall be en-  
28 tered in full and indexed in books to be kept by the state geologist  
29 for that purpose, and shall be public records open for inspection at  
30 all times during reasonable office hours. A copy of any rule, regula-  
31 tion, or order certified by the state geologist or any officer of the  
32 council shall be received in evidence in all courts of this state with  
33 the same effect as the original.

34 6. The council may act upon its own motion, or upon the petition  
35 of any interested person. On the filing of a petition concerning any  
36 matter within the jurisdiction of the council, the council shall  
37 promptly fix a date for a hearing thereon, and shall cause notice of  
38 the hearing to be given. The hearing shall be held without undue  
39 delay after the filing of the petition. The council shall enter its order  
40 within thirty days after the hearing.

1 SEC. 12. Council shall have power to summon witnesses, admin-  
2 ister oaths, require production of records, and to appoint hearing  
3 examiners.

4 1. The council shall have the power to summon witnesses, to admin-  
5 ister oaths, and require the production of records, books, and docu-  
6 ments for examination at any hearing or investigation conducted.  
7 No person shall be excused from attending and testifying, or from  
8 producing books, papers, and records before the council or a court,  
9 or from obedience to the subpoena of the council or a court, on the  
10 ground or for the reason that the testimony or evidence, documentary  
11 or otherwise, required of him may tend to incriminate him or subject  
12 him to a penalty or forfeiture; provided, that nothing herein con-  
13 tained shall be construed as requiring any person to produce any  
14 books, papers, or records, or to testify in response to any inquiry not  
15 pertinent to some question lawfully before such council or court for  
16 determination. No natural person shall be subjected to criminal pros-  
17 ecution or to any penalty or forfeiture for or on account of any trans-  
18 action, matter, or thing concerning which, in spite of his objections,  
19 he may be required to testify or produce evidence, documentary or  
20 otherwise, before the council or court, or in obedience to subpoena;  
21 provided, that no person testifying shall be exempted from prosecu-  
22 tion and punishment for perjury committed in so testifying.

23 2. In case of failure or refusal on the part of any person to comply  
24 with the subpoena issued by the council, or in case of the refusal of  
25 any witness to testify as to any matter regarding which he may be  
26 interrogated, any court in the state, upon the application of the coun-  
27 cil, may in term time or vacation issue an attachment for such person  
28 and compel him to comply with such subpoena, and to attend before  
29 the council and produce such records, books, and documents, for  
30 examination, and to give his testimony. Such courts shall have the  
31 power to punish for contempt as in the case of disobedience to a like  
32 subpoena issued by the court, or for refusal to testify therein.

33 3. The council may appoint a hearing examiner or examiners to  
34 conduct hearings required by this Act. When so appointed, such  
35 hearing examiner or examiners shall have and exercise all of the  
36 powers delegated to the council by this section.

1     **SEC. 13. Person adversely affected may apply for rehearing.** Any  
2 person adversely affected by any order of the council may within  
3 thirty days after its effective date apply to the council in writing for  
4 a rehearing. The application for rehearing shall be acted upon within  
5 fifteen days after its filing, and if granted, the rehearing shall be held  
6 without undue delay.

1     **SEC. 14. Person adversely affected may appeal to district court-**  
2 **procedure of appeal.**

3     1. Any person adversely affected by an order entered by the coun-  
4 cil, may appeal from such order to the district court at the seat of  
5 government or the district court of any county in which the property  
6 affected or some portion thereof is located or to the court of last  
7 appeal. Notice of appeal must be filed by such person with the council  
8 within thirty days after the entry of the order complained of, or  
9 within thirty days after the entry of the order overruling a motion  
10 for rehearing or sustaining the original order in the event a motion  
11 for rehearing has been filed. The notice of appeal must identify the  
12 order and the grounds of appeal, and reasonably specify that portion  
13 of the record which the appellant desires included in the transcript  
14 upon appeal. Immediately upon the filing of the notice of appeal the  
15 council shall certify to the appellant the estimated cost of preparing  
16 the transcript of appeal of the proceedings upon which the order  
17 complained of was entered. The amount of the estimated cost must  
18 be deposited with the council within ten days after the mailing of the  
19 certification of the costs to the appellant. Upon the deposit of the  
20 costs the council shall prepare and certify the transcript. The tran-  
21 script shall be delivered to the appellant, or his designated attorney,  
22 within sixty days after the filing of the notice of appeal.

23     2. Within ninety days after the filing of the notice of appeal, the  
24 appellant must file in the district court the transcript of the proceed-  
25 ings before the council, together with a petition for review which  
26 states briefly the grounds for the appeal. An appeal shall be perfected  
27 by filing the notice of appeal within the specified thirty day period.  
28 The appeal may be dismissed by the district court for failure of the  
29 appellant to make the required cost deposit or to file the transcript  
30 and petition for review within the time specified, unless for good cause  
31 shown the time is extended by order of the district court. If the dis-  
32 trict court deems the transcript insufficient, the court may dismiss  
33 the appeal or return the transcript to the appellant for proper addi-  
34 tions, and thereafter assess such further costs against the appellant  
35 as the court in its discretion deems sufficient.

36     3. At the time of filing of the notice of appeal, if an application for  
37 the suspension of the order is filed, the council shall enter an order  
38 fixing the amount of the supersedeas bond. Within ten days after the  
39 entry of an order by the council which fixes the amount of the bond,  
40 the appellant must file with the council a supersedeas bond in the  
41 required amount and with proper surety; upon approval of the bond,  
42 the council shall suspend the order complained of until its final dis-  
43 position upon appeal. The bond shall run in favor of the state of Iowa  
44 for the use and benefit of any person who may suffer damage by  
45 reason of the suspension of the order in the event the same is affirmed  
46 by the district court. If the order of the council is not superseded, it

47 shall continue in force and effect as if no appeal was pending.  
48 4. The district court shall, insofar as is practicable, give precedence  
49 to appeals from orders of the council. Upon the appeal of such an  
50 order the district court shall review the proceedings before the council  
51 as disclosed by the transcript upon appeal, and thereafter enter its  
52 judgment affirming or reversing the order appealed. Orders of the  
53 council shall be sustained if the council has regularly pursued its  
54 authority and its findings and conclusions are sustained by the law  
55 and by substantial and credible evidence.

1 **SEC. 15. Acquisition and handling illegal oil and gas prohibited—**  
2 **seizure of illegal oil and gas and sale thereof.**

3 1. The sale, purchase, acquisition, transportation, refining, process-  
4 ing, or handling of illegal oil, illegal gas, or illegal product is hereby  
5 prohibited. However, no penalty by way of fine shall be imposed upon  
6 a person who sells, purchases, acquires, transports, refines, processes,  
7 or handles illegal oil, illegal gas, or illegal product unless

8 a. Such person knows, or is put on notice, of facts indicating that  
9 illegal oil, illegal gas, or illegal product is involved, or

10 b. Such person fails to obtain a certificate of clearance with respect  
11 to such oil, gas, or product where prescribed by order of the council,  
12 or fails to follow any other method prescribed by an order of the council  
13 for the identification of such oil, gas or product.

14 2. Illegal oil, illegal gas, and illegal product are declared to be con-  
15 traband and are subject to seizure and sale as herein provided; seizure  
16 and sale to be in addition to any and all other remedies and penalties  
17 provided in this chapter for violations relating to illegal oil, illegal  
18 gas, or illegal product. Whenever the council believes that any oil,  
19 gas or product is illegal, the council acting by the attorney general,  
20 shall bring a civil action in rem in the district court of the county  
21 where such oil, gas, or product is found, to seize and sell the same,  
22 or the council may include such an action in rem for the seizure and  
23 sale of illegal oil, illegal gas, or illegal product in any suit brought  
24 for an injunction or penalty involving illegal oil, illegal gas, or illegal  
25 product. Any person claiming an interest in oil, gas, or product  
26 affected by any such action shall have the right to intervene as an  
27 interested party in such action.

28 3. Actions for the seizure and sale of illegal oil, illegal gas, or illegal  
29 product shall be strictly in rem, and shall proceed in the name of the  
30 state as plaintiff against the illegal oil, illegal gas, or illegal products  
31 as defendant. No bond or similar undertaking shall be required of the  
32 plaintiff. Upon the filing of the petition for seizure and sale, the at-  
33 torney general shall issue a notice, with a copy of the complaint  
34 attached thereto, which shall be served in the manner provided for  
35 service of original notices in civil actions, upon any and all persons  
36 having or claiming any interest in the illegal oil, illegal gas, or illegal  
37 products described in the petition. Service shall be completed by the  
38 filing of an affidavit by the person making the service, stating the  
39 time and manner of making such service. Any person who fails to  
40 appear and answer within the period of thirty days shall be forever  
41 barred by the judgment based on such service. If the court, on a  
42 properly verified petition, or affidavits, or oral testimony, finds that  
43 grounds for seizure and for sale exist, the court shall issue an im-

44 mediate order of seizure, describing the oil, gas, or product to be  
45 seized and directing the sheriff of the county to take such oil, gas, or  
46 product into his custody, actual or constructive, and to hold the same  
47 subject to the further order of the court. The court, in such order of  
48 seizure, may direct the sheriff to deliver the oil, gas, or product seized  
49 by him under the order to an agent appointed by the court as the  
50 agent of the court; such agent to give bond in an amount and with  
51 such surety as the court may direct, conditioned upon his compliance  
52 with the orders of the court concerning the custody and disposition  
53 of such oil, gas, or product.

54 4. Any person having an interest in oil, gas, or product described  
55 in an order of seizure and contesting the right of the state to the  
56 seizure and sale thereof may, prior to the sale thereof as herein pro-  
57 vided, obtain the release thereof, upon furnishing bond to the sheriff  
58 approved by the court, in an amount equal to one hundred fifty per-  
59 cent of the market value of the oil, gas, or product to be released, and  
60 conditioned as the court may direct upon redelivery to the sheriff of  
61 such product released or upon payment to the sheriff of the market  
62 value thereof as the court may direct, if and when ordered by the court,  
63 and upon full compliance with the further orders of the court.

64 5. If the court, after a hearing upon a petition for the seizure and  
65 sale of oil, gas, or product, finds that such oil, gas, or product is con-  
66 traband, the court shall order the sale thereof by the sheriff in the  
67 same manner and upon the same notice of sale as provided by law for  
68 the sale of personal property on execution of judgment entered in a  
69 civil action except that the court may order that the illegal oil, illegal  
70 gas, or illegal product be sold in specified lots or portions and at speci-  
71 fied intervals. Upon such sale, title to the oil, gas, or product sold  
72 shall vest in the purchaser free of the claims of any and all persons  
73 having any title thereto or interest therein at or prior to the seizure  
74 thereof, and the same shall be legal oil, legal gas, or legal product,  
75 as the case may be, in the hands of the purchaser.

76 6. All proceeds derived from the sale of illegal oil, illegal gas, or  
77 illegal product, as above provided, after payment of costs of suit and  
78 expenses incident to the sale and all amounts paid as penalties pro-  
79 vided for by this chapter shall be paid to the state treasurer and  
80 credited to the general fund.

#### 1 SEC. 16. Penalties.

2 1. Any person who violates any provision of this chapter, or any  
3 rule, regulation, or order of the council shall be subject to a penalty  
4 of not more than one thousand dollars for each act of violation and for  
5 each day that such violation continues, unless the penalty for such  
6 violation is otherwise specifically provided for and made exclusive in  
7 this chapter.

8 2. If any person, for the purpose of evading this chapter, or any  
9 rule, regulation, or order of the council, shall make or cause to be  
10 made any false entry or statement in a report required by this chap-  
11 ter or by any such rule, regulation, or order, or shall make or cause  
12 to be made any false entry in any record, account, or memorandum  
13 required by this chapter, or by any such rule, regulation, or order, or  
14 shall omit, or cause to be omitted, from any such record, account, or  
15 memorandum, full, true, and correct entries as required by this chap-

16 ter, or by any such rule, regulation, or order, or shall remove from  
17 this state or destroy, mutilate, alter or falsify any such record, ac-  
18 count, or memorandum, such person shall be guilty of a misdemeanor  
19 and, upon conviction, shall be subject to a fine of not more than five  
20 thousand dollars or imprisonment in a county jail for a term not  
21 exceeding six months, or to both such fine and imprisonment.

22 3. Any person knowingly aiding or abetting any other person in the  
23 violation of any provision of this chapter, or any rule, regulation, or  
24 order of the council shall be subject to the same penalty as that pre-  
25 scribed by this chapter for the violation by such other person.

26 4. The penalties provided in this section shall be recoverable by  
27 suit filed by the attorney general in the name and on behalf of the  
28 council, in the district court of the county in which the defendant  
29 resides, or in which any defendant resides, if there be more than one  
30 defendant, or in the district court of any county in which the violation  
31 occurred. The payment of any such penalty shall not operate to legal-  
32 ize any illegal oil, illegal gas, or illegal product involved in the viola-  
33 tion for which the penalty is imposed, or to relieve a person on whom  
34 the penalty is imposed from liability to any other person for damages  
35 arising out of such violation.

1 **SEC. 17. Action to restrain violation or threatened violation.**

2 1. Whenever it appears that any person is violating or threatening  
3 to violate any provision of this chapter, or any rule, regulation, or  
4 order of the council, the council shall bring suit against such person  
5 in the district court of any county where the violation occurs or is  
6 threatened, to restrain such person from continuing such violation or  
7 from carrying out the threat of violation. In any such suit, the court  
8 shall have jurisdiction to grant to the council, without bond or other  
9 undertaking, such prohibitory and mandatory injunctions as the facts  
10 may warrant, including temporary restraining orders, preliminary  
11 injunctions, temporary, preliminary, or final orders restraining the  
12 movement or disposition of any illegal oil, illegal gas, or illegal prod-  
13 uct, any of which the court may order to be impounded or placed in  
14 the custody of an agent appointed by the court.

15 2. If the council shall fail to bring suit to enjoin a violation or  
16 threatened violation of any provision of this chapter, or any rule,  
17 regulation, or order of the council, within ten days after receipt of  
18 written request to do so by any person who is or will be adversely  
19 affected by such violation, the person making such request may bring  
20 suit in his own behalf to restrain such violation or threatened viola-  
21 tion in any court in which the council might have brought suit. The  
22 council shall be made a party defendant in such suit in addition to the  
23 person violating or threatening to violate a provision of this chapter,  
24 or a rule, regulation, or order of the council, and the action shall pro-  
25 ceed and injunctive relief may be granted to the council or the peti-  
26 tioner without bond in the same manner as if suit had been brought  
27 by the council.

1 **SEC. 18. All rights and interests in or to oil, gas or other minerals**  
2 **underlying land, whether created by or arising under deed, lease,**  
3 **reservation of rights, or otherwise, which rights or interests are**

4 owned by any person other than the owner of the land, shall be as-  
5 sessed and taxed separately to the owner of such rights or interests  
6 in the same manner as other real estate. The taxes on such rights or  
7 interests which are not owned by the owner of the land shall not be a  
8 lien on the land.

1 SEC. 19. In order to pay the costs of assessment and collection and  
2 provide a reasonable minimum standard of taxation, the taxes on any  
3 such rights or interests not owned by the owner of the land, shall be  
4 not less than five (5) cents per acre.

1 SEC. 20. When any such rights or interests not owned by the  
2 owner of the land are sold at tax sale, and when the owner of such  
3 rights or interests does not redeem under the provisions of chapter  
4 four hundred forty-seven (447) of the Code within ninety (90) days  
5 after such tax sale, the owner of the land shall thereafter have the  
6 same right of redemption as the owner of such rights or interests has,  
7 and redemption by the owner of the land shall terminate all right of  
8 redemption of the owner of such rights or interests.

1 SEC. 21. **Saving clause.** If any provision of this chapter or the  
2 application of such provision to any person or circumstance shall be  
3 held invalid, the remainder of this chapter or the application of such  
4 provision to persons or circumstances other than those to which it is  
5 held invalid, shall not be affected thereby.

1 SEC. 22. The state, counties, cities and towns and other political  
2 subdivisions are hereby authorized to lease publicly-owned lands under  
3 their respective jurisdictions for the purpose of oil or gas exploration  
4 and production. Any such leases shall be entered into on behalf of the  
5 state by the executive council, on behalf of counties by the board of  
6 supervisors, on behalf of cities and towns by the council thereof and  
7 on behalf of other political subdivisions by the governing body there-  
8 of. Such leases shall be upon such terms and conditions as may be  
9 agreed upon.  
10 Revenues derived from the leasing of state-owned lands shall be  
11 paid into the general fund of the state. Revenues derived from the  
12 leasing of other public lands shall be paid into the general fund of the  
13 respective lessor political subdivision.

Approved June 4, 1963.

## CHAPTER 85

WORKMEN'S COMPENSATION APPLICABILITY  
TO COUNTY BOARD OF EDUCATION

H. F. 252

AN ACT to amend chapter eighty-five (85), Code 1962, in reference to workmen's compensation.

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

1 SECTION 1. Amend section eighty-five point two (85.2), Code 1962,  
2 by adding to line two (2) the following: "county board of education,".

1 SEC. 2. Amend section eighty-five point sixty-one (85.61), Code  
2 1962, by adding to line three (3) of subsection one (1) the following:  
3 "county board of education,". Also amend section eighty-five point  
4 sixty-one (85.61), Code 1962, by adding to line ten (10) of subsection  
5 three (3) the following: "county boards of education,".

Approved April 19, 1963.

## CHAPTER 86

## COMPROMISE OF WORKMEN'S COMPENSATION CASES

S. F. 182

AN ACT to amend section eighty-five point twenty-two (85.22), subsection three (3), Code 1962, granting authority to the industrial commissioner to compromise and settle workman's compensation cases on behalf of the state of Iowa.

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

1 SECTION 1. Section eighty-five point twenty-two (85.22), subsec-  
2 tion three (3), Code 1962, is hereby amended by adding the following  
3 after the word, "commissioner." in line eleven (11):  
4 "The industrial commissioner may compromise and settle on behalf  
5 of the state of Iowa any workman's compensation cases of doubtful  
6 liability."

Approved April 12, 1963.

## CHAPTER 87

## WORKMEN'S COMPENSATION

H. F. 54

AN ACT to amend chapter eighty-five (85), Code 1962, relating to workmen's compensation so as to liberalize certain benefits, to provide for certain credits, and the administration thereof.

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

1 SECTION 1. Section eighty-five point twenty-seven (85.27), Code  
2 1962, is amended by striking all thereof following the period (.) in



3 line nine (9), and substituting in lieu thereof the following:

4 "The total amount which may be allowed for medical, surgical, and  
5 hospital services and supplies, services of special nurses, one set of  
6 prosthetic devices, and ambulance charges, shall be unlimited. How-  
7 ever, if the aggregate thereof exceeds seventy-five hundred dollars  
8 (\$7,500.00), application for the allowance of such additional amounts  
9 shall be made to the commissioner by the claimant, and the commis-  
10 sioner may, upon reasonable proof being furnished of real necessity  
11 therefor, allow and order payment for additional surgical, medical,  
12 osteopathic, chiropractic, podiatric and hospital services and supplies,  
13 and no statutory period of limitation shall be applicable thereto.

14 Charges believed to be excessive or unnecessary may be referred to  
15 the industrial commissioner for determination, and the commissioner  
16 may, in connection therewith, utilize the procedures provided in sec-  
17 tions eighty-six point thirty-eight (86.38) and eighty-six point thirty-  
18 nine (86.39), Code 1962."

1 SEC. 2. Section eighty-five point twenty-eight (85.28), Code 1962,  
2 is amended by striking from line four (4) thereof the word "three",  
3 and substituting in lieu thereof the word "five".

1 SEC. 3. Chapter eighty-five (85), Code 1962, is amended by insert-  
2 ing immediately after section eighty-five point twenty-six (85.26), a  
3 new section as follows:

4 "85.26a. No claim or proceedings for benefits shall be maintained  
5 by any person other than the injured employee, his dependent or his  
6 legal representative, if entitled to benefits."

1 SEC. 4. Chapter eighty-five (85), Code 1962, is hereby amended by  
2 adding thereto a new section as follows:

3 "Credit for benefits paid under group plans. In the event the dis-  
4 abled employee shall receive any benefits, including medical, surgical  
5 or hospital benefits, under any group plan covering nonoccupational  
6 disabilities contributed to wholly or partially by the employer, which  
7 benefits should not have been paid or payable if any rights of recovery  
8 existed under this chapter or chapter eighty-five A (85A), then such  
9 amounts so paid to said employee from any such group plan shall be  
10 credited to or against any compensation payments, including medical,  
11 surgical or hospital, made or to be made under this chapter or chapter  
12 eighty-five A (85A). Such amounts so credited shall be deducted from  
13 the payments made under these chapters. Any nonoccupational plan  
14 shall be reimbursed in the amount so deducted. This section shall not  
15 apply to payments made under any group plan which would have been  
16 payable even though there was an injury under this chapter or an  
17 occupational disease under chapter eighty-five A (85A). Any employer  
18 receiving such credit shall keep such employee safe and harmless from  
19 any and all claims or liabilities that may be made against them by  
20 reason of having received such payments only to the extent of such  
21 credit."

1 SEC. 5. Section eighty-five point thirty-seven (85.37), Code 1962,  
2 is amended by striking therefrom all of lines nine (9) to seventeen

3 (17), and all of line eighteen (18) to the semi-colon (;) therein and  
 4 substituting in lieu thereof the following:  
 5 "Fifty dollars per week for an employee who has four or more chil-  
 6 dren;  
 7 Forty-six dollars per week for an employee who has three children;  
 8 Forty-two dollars per week for an employee who has two children;  
 9 Thirty-eight dollars per week for an employee who has one child;  
 10 Thirty-four dollars per week for an employee who has no children;".

Approved March 28, 1963.

## CHAPTER 88

### WORKMEN'S COMPENSATION TO MINORS

#### H. F. 36

AN ACT relating to workmen's compensation benefits payable to a minor employee.

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

1 SECTION 1. Section eighty-five point forty-nine (85.49), Code 1962,  
 2 is hereby amended as follows:

3 1. By striking in lines one (1) and two (2) following the word  
 4 "when" the words "an injured minor employee, or".

5 2. By striking in lines twenty-two (22) and twenty-three (23) fol-  
 6 lowing the word "such" the words "injured minor employee or".

1 SEC. 2. Section eighty-five point forty-five (85.45), Code 1962, is  
 2 amended by adding thereto the following subsection:

3 "When the recipient of commuted benefits is a minor employee, the  
 4 industrial commissioner may order that such benefits be paid to a trustee  
 5 as provided in section eighty-five point forty-nine (85.49) of the  
 6 Code."

1 SEC. 3. This Act being deemed of immediate importance shall be in  
 2 full force and effect from and after its passage and publication in The  
 3 Sentinel, a newspaper published at Marion, Iowa, and The Mount  
 4 Vernon Hawkeye-Record & The Lisbon Herald, a newspaper published  
 5 at Mount Vernon, Iowa.

Approved March 14, 1963.

I hereby certify that the foregoing Act, House File 36, was published in The Sentinel,  
 Marion, Iowa, March 20, 1963, and in The Mount Vernon Hawkeye-Record & The Lisbon  
 Herald, Mount Vernon, Iowa, March 21, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 89

## WORKMEN'S COMPENSATION

S. F. 426

AN ACT relating to workmen's compensation for occupational diseases.

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

- 1 SECTION 1. Section eighty-five A point twelve (85A.12), Code  
 2 1962, is amended by striking all of lines twenty-eight (28) through  
 3 thirty-five (35), inclusive, and inserting in lieu thereof the following:  
 4 "claim is filed within ninety days after disablement or death or  
 5 after the employee had knowledge or in the exercise of reasonable  
 6 diligence should have known his disablement was caused by over-  
 7 exposure to ionizing".

Approved June 4, 1963.

## CHAPTER 90

## DEPUTY INDUSTRIAL COMMISSIONERS

S. F. 183

AN ACT to amend section eighty-six point two (86.2), Code 1962, increasing the number of deputies from three (3) to four (4) that the industrial commissioner may hire.

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

- 1 SECTION 1. Section eighty-six point two (86.2), Code 1962, is  
 2 amended by striking the word "three" in line two (2) and inserting  
 3 in lieu thereof the following: "four (4)".

Approved May 27, 1963.

## CHAPTER 91

## WORKMEN'S COMPENSATION HEARINGS

S. F. 184

AN ACT to amend section eighty-six point nineteen (86.19), Code 1962, by granting the industrial commissioner authority to require a shorthand reporter to report proceedings of any hearing before the commissioner or one of his deputies, or board of arbitration.

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

- 1 SECTION 1. Section eighty-six point nineteen (86.19), Code 1962,  
 2 is amended by striking all of lines one (1) through ten (10) and in-  
 3 serting in lieu thereof the following:  
 4 "The industrial commissioner, or one of his deputies, may appoint a

5 shorthand reporter to report the proceedings of any hearing before the  
 6 commissioner, or one of his deputies, or board of arbitration, and fix  
 7 the reasonable amount of compensaton for such service, which amount  
 8 shall be taxed as other costs."

Approved May 3, 1963.

## CHAPTER 92

### INSPECTION OF BOILERS

#### H. F. 29

AN ACT to amend chapter eighty-nine (89), Code 1962, relating to boiler inspections, to permit biennial inspections of certain boilers.

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

1 SECTION 1. Section eighty-nine point two (89.2), Code 1962, is  
 2 amended by inserting after the word "months," in line four (4) the  
 3 following: "except as otherwise provided in this section," and by  
 4 adding to said section the following subsection:

5 On and after July 4, 1963, each fired steam boiler of one hundred  
 6 thousand pounds per hour or more capacity, used or proposed to be  
 7 used within this state, which has internal continuous water treatment  
 8 under the direct supervision of a graduate engineer or chemist, or one  
 9 having equivalent experience in the treatment of boiler water where  
 10 the said water treatment is for the purpose of controlling and limiting  
 11 serious corrosion and other deteriorating factors, and with respect to  
 12 which boiler the state boiler inspector has determined that the owner  
 13 or user has complied with the record-keeping requirements hereafter  
 14 prescribed, shall be inspected at least once every two years internally  
 15 and externally while not under pressure, by the state boiler inspector  
 16 or by one of the deputy inspectors as to its construction, installation,  
 17 condition and operation. If at any time a hydrostatic test shall be  
 18 deemed necessary to determine the safety of a boiler, the same shall  
 19 be made, under the supervision of the inspector, by the owner or user  
 20 thereof.

21 Not more than twenty-four months shall elapse between internal  
 22 inspections, and external inspections while under pressure shall also  
 23 be made at no greater intervals.

24 The owner or user of such boiler shall keep available for examination  
 25 by the state boiler inspector or by any of the deputy inspectors accu-  
 26 rate records showing the date and actual time such boiler is out of  
 27 service and the reason or reasons therefor, and such chemical physical  
 28 laboratory analyses of samples of the boiler water taken at regular  
 29 intervals of not more than forty-eight hours of operation as will ade-  
 30 quately show the condition of such water and any elements or char-  
 31 acteristics thereof which are capable of producing corrosion or other  
 32 deterioration of the boiler or its parts.

1 SEC. 2. Section eighty-nine point seven (89.7), Code 1962, is  
 2 amended by striking the word "annual" from line one (1), and by

3 striking the word "made" in line two (2) and inserting in lieu thereof  
4 the word "inspected".

Approved April 5, 1963.

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## CHAPTER 93

### BOILER INSPECTION

#### S. F. 386

AN ACT to amend section eighty-nine point seven (89.7), Code 1962, relating to fabricating shop and special inspections.

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

1 SECTION 1. Section eighty-nine point seven (89.7), Code 1962, is  
2 hereby amended by adding the following new subsection:  
3 "Inspections made at the request of a boiler or tank manufacturer  
4 by the chief inspector or any deputy inspector, shall be charged for at  
5 the rate currently charged by the various insurance companies for  
6 performing a similar service. This charge shall not void the regular  
7 fee for inspection or certificate when the boiler or tank is installed."

1 SEC. 2. Section eighty-nine point two (89.2), Code 1962, is amend-  
2 ed by adding a new subsection as follows:  
3 "5. The boiler inspector is hereby empowered to inspect boilers and  
4 tanks for other than steam pressure, manufactured in Iowa, when re-  
5 quested by the manufacturer."

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 Sioux City  
3 Journal, a newspaper published at Sioux City, Iowa, and in The Cor-  
4 rectionville News, a newspaper published at Correctionville, Iowa.

Approved April 15, 1963.

I hereby certify that the foregoing Act, Senate File 386, was published in the Sioux City Journal, Sioux City, Iowa, April 17, 1963, and in The Correctionville News, Correctionville, Iowa, April 25, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

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## CHAPTER 94

### COMMISSION FOR THE BLIND

#### H. F. 3

AN ACT relating to the Iowa commission for the blind.

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

1 SECTION 1. Section ninety-three point one (93.1), Code 1962, is  
2 hereby amended by striking everything after the word "consist" in

3 line three (3) thereof and by inserting in lieu thereof the following:  
 4 "of three (3) members to be appointed by the governor with the ap-  
 5 proval of two-thirds of the members of the senate in executive session."

1 SEC. 2. Section ninety-three point two (93.2), Code 1962, is hereby  
 2 amended by striking everything after the comma (,) in line one (1)  
 3 and by inserting in lieu thereof the following: "commencing with  
 4 1963, the governor shall appoint a member of said board to succeed  
 5 the member whose term of office expires on said date. All such ap-  
 6 pointees shall serve for a period of three (3) years from July 1 of the  
 7 year of appointment, except that the terms of the members first ap-  
 8 pointed after the date of enactment of this chapter shall expire, as  
 9 designated by the governor at the time of appointment, one member  
 10 on June 30, 1964, and one member on June 30, 1965, and one member  
 11 on June 30, 1966. No more than two members shall be from the same  
 12 political party."

1 SEC. 3. Section ninety-three point six (93.6), paragraph nine (9),  
 2 Code 1962, is hereby amended by adding after the period (.) in line  
 3 three (3) the following sentence: "Training in such centers shall be  
 4 limited to persons who are sixteen (16) years of age or older, and the  
 5 commission shall not provide or cause to be provided any academic  
 6 education or training to children under the age of sixteen (16) except  
 7 that the commission may provide library services to such children."

1 SEC. 4. This Act being deemed of immediate importance shall be in  
 2 full force and effect from and after its passage and publication in The  
 3 Davis County Republican, a newspaper published at Bloomfield, Iowa  
 4 and in the State Center Enterprise, a newspaper published at State  
 5 Center, Iowa.

Approved April 29, 1963.

I hereby certify that the foregoing Act, House File 3, was published in The Davis  
 County Republican, Bloomfield, Iowa, May 7, 1963, and in the State Center Enterprise,  
 State Center, Iowa, May 9, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 95

### I.P.E.R.S. FUND INVESTMENT

#### H. F. 310

AN ACT relating to the investment and reinvestment of the Iowa public employees  
 retirement fund.

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

1 SECTION 1. Section ninety-seven B point seven (97B.7), Code 1962,  
 2 is amended by adding to subsection two (2) the following new para-  
 3 graphs:  
 4 To sell any securities or other property in the trust fund and re-  
 5 invest the proceeds in accordance with the direction of the commission

6 when such action may be deemed advisable by the commission for the  
7 protection of the trust fund or the preservation of the value of the  
8 investment. Such sales of securities or other property of the trust  
9 fund shall only be made after advice from the advisory board in the  
10 manner and to the extent provided in this chapter in regard to the  
11 purchase of investments.

12 To subscribe, in accordance with the direction of the commission,  
13 for the purchase of securities for future delivery in anticipation of  
14 future income. Such securities shall be paid for by such anticipated  
15 income or from funds from the sale of securities or other property  
16 held by the fund.

17 To pay for securities directed to be purchased by the commission on  
18 the receipt of the purchasing bank's paid statement or paid confirma-  
19 tion of purchase.

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 Lowden News,  
3 a newspaper published at Lowden, Iowa, and in the Marshalltown  
4 Times-Republican, a newspaper published at Marshalltown, Iowa.

Approved April 22, 1963.

I hereby certify that the foregoing Act, House File 310, was published in The Lowden News, Lowden, Iowa, May 1, 1963, and in the Marshalltown Times-Republican, Marshalltown, Iowa, April 27, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 96

### PUBLIC EMPLOYEES RETIREMENT SYSTEM

S. F. 70

AN ACT to amend chapter ninety-seven B (97B), Code 1962, relating to the Iowa Public Employees Retirement System.

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

1 SECTION 1. Section ninety-seven B point forty-one (97B.41),  
2 Code 1962, is hereby amended by striking from subsection one (1)  
3 all of lines thirteen (13) to nineteen (19), inclusive, and inserting in  
4 lieu thereof the following:

5 "a. For each calendar year up to January 1, 1964, that part of the  
6 remuneration for employment which exceeds four thousand dollars  
7 (\$4,000.00) in each such calendar year.

8 b. For the calendar year beginning on January 1, 1964 and each  
9 calendar year thereafter, that part of the remuneration for employ-  
10 ment which exceeds forty-eight hundred dollars (\$4,800.00) in each  
11 such calendar year."

1 SEC. 2. Section ninety-seven B point forty-nine (97B.49), Code  
2 1962, is hereby amended by adding thereto, immediately following  
3 subsection two (2) the following:

4 "Effective as of January 1, 1964, an additional monthly retirement  
5 allowance shall be provided to members as determined by subsections  
6 three (3) and four (4) following:

7 3. Each member who has qualified for prior service credit in ac-  
8 cordance with the first paragraph of section ninety-seven B point  
9 forty-three (97B.43) of the Code shall be entitled to an additional  
10 monthly prior service retirement allowance of an amount equal to  
11 the monthly prior service retirement allowance such member is en-  
12 titled to under subsection two (2) of this section.

13 4. Each member who is credited with retirement dividends and  
14 interest dividends in accordance with section seven (7) of this Act  
15 shall be entitled to an additional monthly retirement allowance of an  
16 amount equal to the actuarial equivalent of the total under this chap-  
17 ter of the retirement dividends and interest dividends so credited to  
18 such member.

19 The additional monthly retirement allowance shall commence on  
20 January 1, 1964 for those members who began receiving retirement  
21 allowance payments under subsections one (1) and two (2) of this  
22 section prior to January 1, 1964. For members who retire on or after  
23 January 1, 1964, the additional monthly retirement allowance shall  
24 commence on the same date as the retirement allowance provided for  
25 by subsections one (1) and two (2) of this section."

1 SEC. 3. Section ninety-seven B point fifty (97B.50), Code 1962,  
2 is hereby amended by striking the word and number "subsection 2"  
3 in lines twelve (12) and thirteen (13) and inserting in lieu thereof:  
4 "subsections two (2) and three (3)".

5 Said section is hereby further amended by striking the entire third  
6 paragraph.

1 SEC. 4. Section ninety-seven B point fifty-one (97B.51), Code  
2 1962, is hereby amended by inserting in line four (4) the words "one  
3 of" immediately following the word "under" and changing the word  
4 "option" to "options" in line four (4).

5 Said section is hereby further amended by adding thereto the fol-  
6 lowing subsections:

7 "4. A member may elect to receive an increased retirement allow-  
8 ance during his lifetime with no death benefit after his retirement  
9 date.

10 5. A member may elect to receive an increased retirement allow-  
11 ance during his lifetime with a death benefit after his retirement date  
12 equal to the excess, if any, of the accumulated contributions by the  
13 member as of said date, over the total monthly retirement allowances  
14 received by him under the retirement system. Such death benefit  
15 shall be paid to his beneficiary."

1 SEC. 5. Section ninety-seven B point fifty-two (97B.52), subsec-  
2 tion one (1), Code 1962, is hereby amended by inserting the words  
3 "and employer" in line four (4) immediately following the word  
4 "member".

5 Said section is hereby further amended by inserting the words



6 "and employer" in line four (4) of subsection two (2) immediately  
7 following the word "member".

8 Said section is hereby further amended by inserting in line nine  
9 (9) of subsection two (2) immediately following the number "1" the  
10 following ", four (4) or five (5)".

1 SEC. 6. Section ninety-seven B point fifty-three (97B.53), Code  
2 1962, is hereby amended by inserting the words and number "and  
3 subsection six (6)" in line thirteen (13) immediately following the  
4 number "5".

5 Said section is hereby further amended by striking from subsection  
6 two (2) all following the word "applicable" in line twenty-five (25).

7 Said section is hereby further amended by adding thereto the fol-  
8 lowing subsection:

9 "6. Any member who terminates employment before he is entitled  
10 to the benefits of subsection two (2) of this section or the right of  
11 election under subsection five (5) of this section and who does not  
12 claim and receive a refund of his accumulated contributions within  
13 five (5) years of his date of termination shall, in event he makes  
14 claim for such refund more than five (5) years after his date of ter-  
15 mination, be required to submit proof satisfactory to the commission  
16 of his entitlement to such refund. The commission shall be under no  
17 obligation to maintain the accumulated contribution accounts of such  
18 former members for more than five (5) years after their dates of  
19 termination. The amounts released by cancellation of the accumu-  
20 lated contribution accounts of such former members shall be made a  
21 part of the retirement dividends to be allocated to members in ac-  
22 cordance with section seven (7) of this Act.

23 Any person who made contributions to the abolished system who is  
24 entitled to a refund in accordance with section ninety-seven point  
25 fifty-one (97.51) subsection four (4) of the Code, and who has not  
26 claimed and received such refund prior to January 1, 1964 shall, in  
27 event he makes a claim for such refund after January 1, 1964, be  
28 required to submit proof satisfactory to the commission of his en-  
29 titlement to such refund. The commission shall be under no obli-  
30 gation to maintain the contribution accounts of such persons after  
31 January 1, 1964. The amounts released by cancellation of the con-  
32 tribution accounts of such persons shall be made a part of the retire-  
33 ment dividends to be allocated to members in accordance with section  
34 seven (7) of this Act."

1 SEC. 7. Chapter ninety-seven B (97B), Code 1962, is hereby  
2 amended by adding thereto the following section:

3 "The commission shall declare certain dividends to members of the  
4 system. The method of determining the amount of such dividends  
5 and the methods of crediting or paying such dividends to members  
6 shall be as follows:

7 1. *Dividends to active members.*

8 a. *Interest dividends.* Within sixty days after the end of each cal-  
9 endar year, the advisory investment board shall determine the aver-  
10 age annual net rate of interest earned on the retirement fund for the  
11 calendar year just ended. The amount of interest dividend for each

12 active member for such calendar year shall be equal to the product  
13 of (1) the excess annual rate of interest for such year, times (2)  
14 such member's accumulated contributions as of January 1 of such  
15 year. The excess annual rate of interest for such year shall be deter-  
16 mined by the commission upon recommendation of the advisory in-  
17 vestment board, but in no event shall such rate exceed the excess, if  
18 any of (3) the average annual net rate of interest earned on the  
19 retirement fund for such year, over (4) the annual rate of interest  
20 credited to each member's accumulated contributions under subsection  
21 nine (9) of section ninety-seven B point forty-one (97B.41) plus  
22 .0025. The average annual net rate of interest and the excess annual  
23 rate of interest shall each be calculated, in decimal form, to the near-  
24 est ten thousandths—i.e. four decimal places.

25 The amount of interest dividend for each active member, deter-  
26 mined as provided in this paragraph "a", shall be credited to and  
27 made a part of such member's accumulated contributions as of De-  
28 cember 31 of the year for which such dividend is computed. In the  
29 annual statements of accumulated credit as required by section  
30 ninety-seven B point eighteen (97B.18) of the Code such dividend  
31 may either be shown separately and labeled "interest dividend" or  
32 it may be included with the regular interest credited to the member  
33 in accordance with subsection nine (9) of section ninety-seven B  
34 point forty-one (97B.41) of the Code.

35 Interest dividends shall also be credited to employers' contribu-  
36 tions at the same rate as provided in this paragraph "a" for mem-  
37 bers' contributions.

38 "Active member" means a member who is not receiving benefit  
39 payments from the system and who made contributions to the sys-  
40 tem at any time during the calendar year for which dividends are  
41 being computed, and who had not received or applied for a refund of  
42 his accumulated contributions prior to December 31 of such year.

43 *b. Retirement dividends.* The contributions, and interest thereon,  
44 made by employers on behalf of active members who terminate em-  
45 ployment and receive a refund of their contributions after December  
46 31, 1962 shall be credited as retirement dividends each year to active  
47 members who remain in employment, after first deducting from such  
48 contributions the annual accrued liability contribution computed in  
49 accordance with section ninety-seven B point fifty-four (97B.54) of  
50 the Code for such year and the administration expenses of the sys-  
51 tem allocated to the active members' future service account. Such  
52 retirement dividends shall be used to provide retirement allowances  
53 computed in accordance with section ninety-seven B point forty-nine  
54 (97B.49) of the Code, subsection four (4), as amended by section  
55 two (2) of this Act. Retirement dividends, including interest and  
56 interest dividends credited thereto, credited to active members who  
57 terminate employment and receive a refund of their accumulated  
58 contributions prior to retirement under this chapter shall be can-  
59 celed upon such receipt of refund and shall be reapportioned to the  
60 active members who remain in employment. The amount of retire-  
61 ment dividend to be credited each year to each active member shall  
62 be determined as follows:

63 As of December 31, 1963, and as of each December 31 thereafter,  
64 the commission shall cause to be determined

65 (1) The total amount of contributions, and interest thereon, made  
66 by employers on behalf of active members who receive a refund of  
67 their contributions during the year ending on such December 31;  
68 plus the total amount of retirement dividend credits canceled during  
69 the year ending on such December 31 with respect to members who  
70 receive a refund of their contributions during the year ending on  
71 such December 31; minus the annual accrued liability contribution  
72 payable on the next June 30, computed in accordance with section  
73 ninety-seven B point fifty-four (97B.54) of the Code; also minus the  
74 administration expenses of the system allocated to the active mem-  
75 bers' future service account.

76 (2) The total amount of contributions from all active members  
77 received by the system during the year ending on such December 31.

78 The amount of retirement dividend to be credited to each active  
79 member on each December 31 shall equal the ratio of subparagraph  
80 "1" over subparagraph "2" of this paragraph "b" as of such Decem-  
81 ber 31, multiplied by each such active member's contributions re-  
82 ceived by the system during the year ending on such December 31.

83 Retirement dividends shall be credited with interest and interest  
84 dividends each year at the same rates and in the same manner as  
85 provided for with respect to the members' accumulated contributions.

86 The commission shall cause the retirement dividends, as computed  
87 in accordance with this paragraph "b", to be credited to each active  
88 member not later than the June 30 next following the December 31  
89 as of which the retirement dividends are computed.

90 2. *Dividends to retired members and beneficiaries.* As of July 1,  
91 1964, and as of July 1 at the end of each five-year period thereafter,  
92 the actuary shall calculate, on the basis of the results of the actuarial  
93 valuation made as of such July 1, the ration\* of (a) the portion of the  
94 retirement fund designated on the retirement fund records as  
95 "Future Service—Retired Members", to (b) the present value of all  
96 future service retirement allowances then being paid to retired mem-  
97 bers and beneficiaries in accordance with subsections one (1) and  
98 four (4) of section ninety-seven B point forty-nine (97B.49) of the  
99 Code, as amended by section two (2) of this Act, or the equivalent  
100 thereof in accordance with section ninety-seven B point fifty  
101 (97B.50) or section ninety-seven B point fifty-one (97B.51) of the  
102 Code as amended by sections three (3) and four (4) of this Act.  
103 Such portion of the retirement fund as of any July 1 shall be calcu-  
104 lated as the accumulation from July 1, 1953 to such July 1 of (c)  
105 all accumulated contributions of members and employers and all  
106 retirement dividends that have been applied to provide retirement  
107 allowances under subsections one (1) and four (4) of section ninety-  
108 seven B point forty-nine (97B.49) of the Code as amended by section  
109 two (2) of this Act, from July 1, 1953 to such July 1, minus (d) all  
110 future service retirement allowance payments made from July 1,  
111 1953 to such July 1, minus (e) refunds of excess, if any, of retired  
112 member's accumulated contributions, excluding prior service con-  
113 tributions, over his future service retirement allowance payments,  
114 minus (f) all administrative expenses allocated to retired members'  
115 future service retirement allowances from July 1, 1953 to such July

\*According to enrolled Act.

116 1, plus (g) all investment income that is allocated to the balance of  
117 items "c" minus "d" minus "e" minus "f" from time to time during  
118 the period from July 1, 1953 to such July 1.

119 The ratio computed in accordance with the first paragraph of this  
120 subsection shall be rounded, in decimal form, to the nearest one  
121 thousandth—i.e. three (3) decimal places. The fraction by which  
122 such ratio exceeds 1.010 shall be known as the dividend rate percent  
123 for retired members' future service retirement allowances, such rate  
124 to be effective for the five-year period beginning on the January 1  
125 next following the July 1 as of which such dividend rate percent is  
126 computed.

127 The commission shall declare dividends be paid with respect to  
128 retired members' future service retirement allowances. Such divi-  
129 dends shall be in the form of an addition to the retired member's or  
130 beneficiary's regular periodic retirement allowance. The amount of  
131 such dividend to be so added shall be equal to the product of (g)  
132 dividend rate percent for retired members' future service retirement  
133 allowances or such portion thereof as the commission may declare,  
134 times (h) the retired member's or beneficiary's regular periodic  
135 future service retirement allowance. Such dividend shall be paid at  
136 the same time as the retired member's or beneficiary's regular peri-  
137 odic retirement allowance beginning on the January 1 as of which  
138 such dividend rate percent is effective and ending on the December 31  
139 five years thereafter or on the date the retired member's or benefi-  
140 ciary's regular periodic retirement allowance ceases, if earlier. Divi-  
141 dend payments shall be identified as such to the retired members and  
142 beneficiaries.

143 At such time as the prior service portion of the retirement fund  
144 becomes at least equal in value to the present value of all prior serv-  
145 ice retirement allowances, with respect to both active and retired  
146 members, as reflected in the actuarial valuation as of a July 1, divi-  
147 dend payments may then be declared with respect to such prior serv-  
148 ice retirement allowances. The procedure for determining any such  
149 dividend payments shall be similar to, and may be combined with, the  
150 procedure set forth in this subsection for determination of dividend  
151 payments with respect to future service retirement allowances.

152 3. *Retirement dividends up to January 1, 1963.* The contributions,  
153 and interest thereon, made by employers on behalf of active members  
154 who terminated employment and received a refund of their contribu-  
155 tions during the years from July 4, 1953 to December 31, 1962 and  
156 the excess investment earnings on the retirement fund during those  
157 years, excluding the amount of such contributions previously allo-  
158 cated to the funding of prior service benefits and payment of admin-  
159 istration expenses of the system and excluding excess investment  
160 earnings previously allocated to the prior service account, shall be  
161 allocated as retirement dividends among all members who are (a) in  
162 active employment on January 1, 1963, or (b) retired and receiving  
163 a retirement allowance under section ninety-seven B point forty-nine  
164 (97B.49) of the Code, subsection one (1) on January 1, 1963. Excess  
165 investment earnings means the investment earnings each year in  
166 excess of two percent interest on the retirement fund for such year.

167 The allocation shall be made separately for each year from 1953  
168 through 1962 as follows:

169 (c) The contributions, and interest thereon, made by employers  
 170 on behalf of active members who terminated employment and re-  
 171 ceived a refund of their contributions during the calendar year 1953  
 172 and the excess investment earnings on the retirement fund for calen-  
 173 dar year 1953, excluding the prior service account, shall be allocated  
 174 among the members who were in active employment in 1953 and who  
 175 are in the group of members defined in items "a" and "b" of the first  
 176 paragraph of this subsection. Such allocation shall be made in direct  
 177 proportion to the members' accumulated contribution accounts on  
 178 January 1, 1963, for active members, or on the date of retirement for  
 179 retired members.

180 (d) Allocations for each of the calendar years 1954 through 1962,  
 181 inclusive, shall be made by the same procedure as provided in para-  
 182 graph "c" for the year 1953. The amount to be allocated each year  
 183 shall exclude the amount, if any, that was allocated to the funding of  
 184 prior service benefits and administration expenses for each such year.

185 (e) The sum of the allocations made to each member pursuant to  
 186 paragraphs "c" and "d" shall be credited to each such member as a  
 187 retirement dividend to be applied to provide him with additional  
 188 retirement allowance in accordance with section ninety-seven B point  
 189 forty-nine (97B.49), subsection four (4), of the Code as amended by  
 190 section two (2) of this Act.

191 (f) Retirement dividends so credited to active members who ter-  
 192 minate employment and receive a refund of their accumulated con-  
 193 tributions prior to retirement under this chapter shall be canceled  
 194 upon such receipt of refund and shall be reapportioned to the active  
 195 members who remain in employment."

1 SEC. 8. Section ninety-seven B point fifty-four (97B.54), Code  
 2 1962, is amended by striking all of said section after the word and  
 3 period "made." in line twenty-four (24) and inserting in lieu thereof  
 4 the following: "No obligation shall inure to this system from the  
 5 general fund of the state of Iowa under this section."

1 SEC. 9. Section ninety-seven B point fifty-five (97B.55), Code  
 2 1962, is hereby repealed.

1 SEC. 10. Section ninety-seven B point nine (97B.9), Code 1962,  
 2 is hereby amended by adding to subsection two (2) thereof the fol-  
 3 lowing: "; provided however, the tax shall be paid from the same  
 4 fund as the employee salary."

5 Further amend said section by striking the period in line four (4)  
 6 of subsection three (3) thereof and adding the following: "if any  
 7 tax is needed."

1 SEC. 11. There is hereby appropriated out of the Iowa Public  
 2 Employees Retirement System Fund, the sum of one million dollars  
 3 to the general fund of the state of Iowa to replace a like amount  
 4 which was advanced to Iowa Public Employees Retirement System  
 5 Fund under Section 54, Chapter 72, Acts of the Fifty-fifth General  
 6 Assembly.

1 SEC. 12. Chapter ninety-seven B (97B), Code 1962, is amended  
 2 by adding a new section as follows: A claim may be filed by any

3 employee for repayment of any taxes withheld over the first forty-  
 4 eight hundred dollars in earnings in any one year, by one or more  
 5 employers. The commission shall if a claim is allowed to the em-  
 6 ployee, also mail a refund check for the taxes paid by the employer  
 7 for the employee on which the employee is allowed a refund. The  
 8 commission shall have power and authority to require the filing of a  
 9 proper application by the employee before the claim shall be allowed.  
 10 Any claim for such refund shall be made within three years of date  
 11 of payment and not thereafter. For lack of time and cause, adjust-  
 12 ments, compromises or refunds may be made by the commission on  
 13 its own initiative.

Approved March 13, 1963.

## CHAPTER 97

### CIGARETTE MACHINES

#### S. F. 126

AN ACT relating to the use of vending machines in the sale of cigarettes and providing for the licensing of such machines.

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

1 SECTION 1. Section ninety-eight point one (98.1), Code 1962, is  
 2 hereby amended by adding thereto the following new subsections:  
 3 "1. 'Cigarette vending machine' means any self-service device of-  
 4 fered for public use which, upon insertion of a coin, coins, paper cur-  
 5 rency, or by other means, dispenses cigarettes without the necessity  
 6 of replenishing the device between each vending operation.  
 7 "2. 'Cigarette vendor' means any person who by contract, agree-  
 8 ment, or ownership takes responsibility for furnishing, installing,  
 9 servicing, operating, or maintaining one or more cigarette vending  
 10 machines for the purpose of selling cigarettes at retail."

1 SEC. 2. Section ninety-eight point thirty-six (98.36), Code 1962,  
 2 is hereby amended as follows:  
 3 1. By striking subsection six (6) of such section.  
 4 2. By adding thereto the following new subsection:  
 5 "Any sales of cigarettes made through a cigarette vending machine  
 6 shall be subject to rules, regulations, and penalties relative to retail  
 7 sales of cigarettes provided for in this chapter. No cigarettes shall be  
 8 sold through any cigarette vending machine unless such cigarettes  
 9 shall have been properly stamped or metered as provided by this chap-  
 10 ter, and in case of violation of this provision, the permit of the dealer  
 11 authorizing retail sales of cigarettes shall be cancelled. Payment of  
 12 the license fee as provided in section ninety-eight point thirteen  
 13 (98.13) of the Code, shall authorize a cigarette vendor to sell cigar-  
 14 ettes through a vending machine or vending machines, provided that  
 15 the machine or machines are located in a place or places where the  
 16 machine or machines are under the supervision of a responsible person  
 17 of legal age who will be responsible for prevention of purchase by

18 minors from such machine or machines and the location where the  
 19 machine or machines are placed is covered by a local retail permit.  
 20 Nothing herein shall require a retail licensee to buy a cigarette ven-  
 21 dor's permit if the retail licensee is in fact the owner of the cigarette  
 22 vending machine or machines and the machine or machines are oper-  
 23 ated in the location described in the retail permit."

1 SEC. 3. Section ninety-eight point thirteen (98.13), Code 1962, is  
 2 hereby amended as follows:

3 1. By inserting in line two (2) of subsection one (1) of such section  
 4 after the word "wholesaler," the words "cigarette vendor,".

5 2. By inserting in line seven (7) of subsection one (1) of such sec-  
 6 tion after the word "wholesaler," the words "cigarette vendor,".

7 3. By inserting in line two (2) of subsection two (2) of such section  
 8 after the word "wholesalers," the words "cigarette vendors,".

9 4. By inserting in line nine (9) of subsection three (3) of such sec-  
 10 tion after the word "distributor" the words ", cigarette vendor,".

11 5. By inserting in line two (2) of subsection six (6) of such section  
 12 after the word "wholesaler," the words "cigarette vendor,".

Approved May 16, 1963.

## CHAPTER 98

### MOTORBOAT REGISTRATION

#### S. F. 190

AN ACT to amend chapter one hundred six (106), Code 1962, relating to registration period for motorboats to be used in Iowa waters.

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

1 SECTION 1. Section one hundred six point five (106.5), subsection  
 2 seven (7), Code 1962, is hereby amended by inserting in line five (5)  
 3 after "chapter." the following:

4 On or after the first day of March in odd-numbered years any un-  
 5 registered vessels and renewals of registrations may be so registered  
 6 for the subsequent biennium beginning July 4. On or after the first  
 7 day of March in even-numbered years any unregistered vessels may  
 8 be registered for the remainder of the current biennium and such  
 9 registration shall be at the rate of two dollars (\$2.00). All registra-  
 10 tions shall expire as hereinabove stated.

1 SEC. 2. The provisions of this Act shall be retroactive to March 1,  
 2 1963.

1 SEC. 3. This Act being deemed of immediate importance shall take  
 2 effect upon immediate publication and be in full force and effect from  
 3 and after its passage and publication in The Newton Daily News, a

4 newspaper published at Newton, Iowa, and in The Lyon County Re-  
5 porter, a newspaper published in Rock Rapids, Iowa, all without ex-  
6 pense to the state of Iowa.

Approved March 15, 1963.

I hereby certify that the foregoing Act, Senate File 190, was published in The Newton Daily News, Newton, Iowa, March 23, 1963, and in The Lyon County Reporter, Rock Rapids, Iowa, March 25, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 99

### FIRE EXTINGUISHERS ON BOATS

S. F. 150

AN ACT relating to the elimination of the necessity of fire extinguishers for certain boats.

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

1 SECTION 1. Section one hundred six point nine (106.9), subsection  
2 seven (7), Code 1962, is hereby amended by adding the following after  
3 the word, "accessible." in line nine (9):

4 "Vessels powered by outboard motors of ten (10) horsepower or less,  
5 need not carry the extinguishers as provided herein."

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its passage and publication  
3 in The Clear Lake Mirror-Reporter, Clear Lake, Iowa, a newspaper published at Clear  
4 Lake, Iowa, and in The Spirit Lake Beacon, a newspaper published at  
5 Spirit Lake, Iowa.

Approved April 5, 1963.

I hereby certify that the foregoing Act, Senate File 150, was published in The Clear Lake Mirror-Reporter, Clear Lake, Iowa, April 10, 1963, and in The Spirit Lake Beacon, Spirit Lake, Iowa, April 11, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 100

### CONSERVATION OFFICERS SALARIES

H. F. 325

AN ACT to amend section one hundred seven point thirteen (107.13), Code 1962, relating to salaries of state conservation officers.

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

1 SECTION 1. Section one hundred seven point thirteen (107.13),  
2 Code 1962, is hereby amended as follows:



- 3 1. By striking from lines fifteen (15) and sixteen (16) the words  
 4 "thirty-seven hundred eighty" and inserting in lieu thereof the words  
 5 "forty-two hundred eighty".  
 6 2. By striking from lines twenty (20) and twenty-one (21) the  
 7 words "forty-six hundred eighty" and inserting in lieu thereof the  
 8 words "fifty-one hundred eighty".

Approved April 23, 1963.

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## CHAPTER 101

### CONSERVATION COMMISSION AIRCRAFT

H. F. 539

AN ACT to amend section one hundred seven point twenty-four (107.24), Code 1962, relating to the purchase and operation of such aircraft as required by the conservation commission in the performance of its duties.

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

- 1 SECTION 1. Section one hundred seven point twenty-four (107.24),  
 2 Code 1962, is hereby amended by adding thereto the following new  
 3 subsection:  
 4 "Purchase, equip and operate such aircraft as the commission  
 5 deems necessary for use in law enforcement, surveys, censusing, and  
 6 other work for which the commission is responsible by law."

Approved May 16, 1963.

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## CHAPTER 102

### FEDERAL AID FOR RECREATIONAL AREAS

H. F. 424

AN ACT to authorize and empower the state conservation commission to cooperate with the United States government and to accept federal funds for planning, acquisition and development of outdoor recreational areas.

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

- 1 SECTION 1. The state conservation commission is hereby author-  
 2 ized and empowered to perform such acts as may be necessary to the  
 3 conduct and establishment of cooperative outdoor recreational and  
 4 watershed projects as may be defined by the congress of the United  
 5 States and by rules and regulations of the appropriate federal agency  
 6 and may accept federal funds and assistance for the purpose of plan-  
 7 ning, acquisition and development of outdoor recreational and water-  
 8 shed projects.

Approved April 26, 1963.

## CHAPTER 103

## REGULATIONS ON MIGRATORY BIRDS

## H. F. 564

AN ACT to amend section one hundred nine point forty-eight (109.48), Code 1962, relating to the granting of permission to the state conservation commission to incorporate into state regulations by administrative order the regulations under the Federal Migratory Bird Treaty Act and the Migratory Bird Hunting Stamp Act.

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

1 SECTION 1. Section one hundred nine point forty-eight (109.48),  
 2 Code 1962, is hereby amended by adding the following paragraph:  
 3 Subject to annual approval by the state conservation commission  
 4 by administrative order, it shall be unlawful to take, possess, trans-  
 5 port or use migratory game birds except during such periods of time  
 6 and in such manner and numbers as may be provided pursuant to the  
 7 federal "Migratory Bird Treaty Act" and the "Migratory Bird Hunt-  
 8 ing Stamp Act".

Approved May 9, 1963.

## CHAPTER 104

## TRAPPING LICENSES

## H. F. 423

AN ACT to amend sections one hundred nine point ninety-two (109.92) and one hundred ten point one (110.1), Code 1962, relating to requirements for tags to be used in conjunction with traps and license fees.

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

1 SECTION 1. Section one hundred nine point ninety-two (109.92),  
 2 Code 1962, is hereby amended by striking all of lines twelve (12)  
 3 through and including line twenty (20) and inserting in lieu thereof  
 4 the following: "All licensed traps shall have a metal tag attached  
 5 plainly labeled with the owner's name and address. Conservation  
 6 officers shall have authority to confiscate such traps when found in  
 7 use that are not properly labeled."

1 SEC. 2. Section one hundred ten point one (110.1), Code 1962, is  
 2 hereby amended by striking line sixty-five (65) through and including  
 3 line seventy (70), and inserting in lieu thereof the following:

4 "Trapping license for legal resident of state under sixteen (16)  
 5 years of age.....\$1.00.

6 Trapping license for legal resident of state sixteen (16) years of  
 7 age and older.....\$3.00."

Approved April 26, 1963.

## CHAPTER 105

## MUNICIPAL MANAGEMENT OF STATE LANDS

S. F. 238

AN ACT to amend section one hundred eleven point twenty-seven (111.27), Code 1962, relating to management of state-owned areas by municipalities.

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

1 SECTION 1. Section one hundred eleven point twenty-seven (111.27),  
2 Code 1962, is hereby amended by striking from line eight (8) the words  
3 "state park" and inserting in lieu thereof the words "lands under the  
4 jurisdiction of the commission".

1 SEC. 2. Section one hundred eleven point twenty-seven (111.27),  
2 Code 1962, is further amended by striking from line nine (9) the word  
3 "parks" and inserting in lieu thereof the word "lands".

Approved April 26, 1963.

## CHAPTER 106

## WATER RECREATIONAL AREAS

S. F. 19

AN ACT to provide for establishment of water recreational areas and facilities normally associated therewith.

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

1 Chapter one hundred eleven (111), Code 1962, is amended by add-  
2 ing the following sections:

## WATER RECREATIONAL AREAS

1 SECTION 1. Powers in municipalities. Municipalities or corpora-  
2 tions organized for that purpose only, acting separately or in conjunc-  
3 tion with each other in counties not having a county conservation  
4 board, may establish water recreational areas and when established  
5 without the support of public funds of the state of Iowa, the munici-  
6 palities or corporations establishing the same, as the case may be,  
7 shall have control thereof independently of the executive council.

1 SEC. 2. Application for permit. Any municipality or corporation  
2 seeking to establish a water recreational area without public funds of  
3 the state of Iowa shall file with the state conservation commission a  
4 verified petition asking for a permit to establish a water recreational  
5 area.

1 SEC. 3. Petition. Said petition shall state:  
2 1. The name of the municipality or corporation.  
3 2. The applicants principal office and place of business.

4 3. A legal description of the lands to be included within said water  
5 recreational area, a showing that seventy-five (75) percent of the area  
6 is either owned or under option for purchase by the applicant, to-  
7 gether with a map thereof.

8 4. A general description of the public and private highways,  
9 grounds and real estate, streams and private lands of any kind within  
10 said area.

11 5. The tentative locations, types of dams to be constructed for any  
12 artificial lakes to be established, the proposed area to be inundated by  
13 the waters to be impounded by said dams, and a map showing the  
14 location of said dams and areas to be inundated.

15 6. A map showing the location of proposed roads, fixtures, utilities  
16 and other facilities necessary in the operation of said water recre-  
17 ational area.

18 7. The proposed plan of operation and regulations for the use of  
19 said facilities by the public.

1 SEC. 4. A copy of the petition and such applications, plans, and  
2 specifications as are required under the provisions of chapter four  
3 hundred fifty-five A (455A) of the Code shall be filed with the Iowa  
4 natural resources council and any approval or permit required there-  
5 under shall be obtained prior to the establishment of said water recre-  
6 ational area or the granting of a permit therefor by the state conser-  
7 vation commission.

1 SEC. 5. **Hearing—notice.** On the filing of said petition the state  
2 conservation commission shall fix a date for hearing thereon and shall  
3 cause notice thereof to be published in some newspaper of general  
4 circulation in each county in which said proposed water recreational  
5 area will be established, said notice to be published for two consecu-  
6 tive weeks.

1 SEC. 6. **Time and place.** Said hearing shall not be less than ten  
2 (10) days nor more than thirty (30) days from the date of the last  
3 publication and shall be held in the office of the state conservation  
4 commission or such place as the commission shall decide.

1 SEC. 7. **Objections.** Any person, corporation, company, levee or  
2 drainage district, city or town whose rights or interests may be  
3 affected by said proposed water recreational area may file written  
4 objections to said proposed water recreational area or to the granting  
5 of said permit.

1 SEC. 8. **Filing.** All such objections shall be on file in the office of  
2 said state conservation commission not less than five (5) days before  
3 the date of hearing on said application but said state conservation  
4 commission may permit the filing of said objections later than five (5)  
5 days before said hearing in which event the applicant must be granted  
6 a reasonable time to meet said objections.

1 SEC. 9. **Examination—testimony.** The state conservation commis-  
2 sion may examine the proposed water recreational area or may cause

3 such examination to be made by an engineer or such other persons as  
4 it desires to be selected by it, who shall report the results of said  
5 examination to the commission. At said hearing the state conserva-  
6 tion commission shall consider the petition and any objections filed  
7 thereto and may at its discretion hear such testimony as may aid it  
8 in determining the propriety of granting such permit.

1 **SEC. 10. Final order—condition.** It may grant such permit in  
2 whole or in part upon such terms, conditions and restrictions as may  
3 be determined by it to be just and proper and in the public interest,  
4 provided that before any permit shall be granted to any such municipi-  
5 pality or corporation the commission shall, after public hearing as  
6 provided hereby, determine whether the water recreational area will  
7 be in the interests of the public health and welfare and an affirmative  
8 finding to such effect shall be a condition precedent to the granting  
9 of such permit.

1 **SEC. 11. Costs and fees.** Applicant shall pay all costs and expenses  
2 of the hearing and necessary preliminary investigation in connection  
3 therewith, including the cost of publishing notice of hearing.

1 **SEC. 12. Permit.** The state conservation commission shall cause  
2 to be prepared a uniform blank form of permit which shall provide a  
3 space for a general description of the area authorized to be included  
4 in any water recreational area to be established hereunder, the name  
5 and address of the municipality or corporation to whom said permit is  
6 granted and the terms and conditions upon which it is granted. Said  
7 permit shall be signed by the chairman and all other members of the  
8 state conservation commission and the official seal of said commission  
9 shall be attached thereto.

1 **SEC. 13. Public access and use.** Any lake in the water recreational  
2 area, together with at least twenty-five (25) percent of the water  
3 frontage of the water recreational area and all land which adjoins and  
4 lies within one hundred (100) yards from any point of such twenty-  
5 five (25) percent of the water frontage, shall be permanently subject  
6 to and available for free public access and use. The municipality or  
7 corporation shall grant to the state of Iowa a perpetual easement for  
8 such public access and use, and such easement shall not be impaired  
9 or destroyed in whole or in part by nonuse. Before a permit is granted  
10 as provided in section 12 of this Act, the state conservation commis-  
11 sion and the municipality or corporation shall agree on the location  
12 and description of such water frontage and land to be permanently  
13 subject to and available for free public access and use, and such loca-  
14 tion and description shall be stated in the permit. However, in lieu  
15 of the foregoing procedure, the state conservation commission and  
16 the municipality or corporation may agree that the state conservation  
17 commission may select such water frontage and land after the permit  
18 is granted, and the permit shall so state. At any time the state con-  
19 servation commission, with the written consent of the municipality  
20 or corporation, may designate any additional land within the water  
21 recreational area to be permanently subject to and available for free

22 public access and use; and the municipality or corporation shall grant  
23 to the state of Iowa a perpetual easement for such public access and  
24 use, which easement shall not be impaired or destroyed in whole or  
25 in part by nonuse. However, the state conservation commission may  
26 enter into agreements from time to time with one or more municipal-  
27 ities or corporations for the management, development, improvement,  
28 care and maintenance of such lake, water frontage and land.

1     **SEC. 14. Sale of permit.** No permit shall be sold until the sale is  
2 approved by the commission.

1     **SEC. 15. Records.** The state conservation commission shall keep a  
2 record of all permits granted and issued by it showing when and to  
3 whom issued and the location of the area of the proposed water recre-  
4 ational area covered thereby.

1     **SEC. 16. Extension of permit.** Any municipality or corporation  
2 owning a permit granted hereby desiring to acquire an extension of  
3 said permit may petition the commission in the same manner provided  
4 for the granting of such permit and the same proceeding shall be had  
5 as on an original application.

1     **SEC. 17.** Whenever a permit has been granted as provided in sec-  
2 tion 12 of this Act and the state conservation commission finds that  
3 the municipality or corporation owning such permit cannot acquire at  
4 a reasonable cost any necessary land or interest therein, the state  
5 conservation commission, with the approval of the executive council,  
6 may condemn such land or interest therein as provided in chapter  
7 four hundred seventy-two (472) of the Code. However, such condem-  
8 nation shall be limited to land and interests therein which will be  
9 permanently subject to and available for free public access and use, as  
10 provided in section 14 of this Act, or which will be required for a dam  
11 or other facilities necessary for the water recreational area. All costs  
12 of such condemnation, including all costs occasioned by appeal as set  
13 out in section four hundred seventy-two point thirty-three (472.33)  
14 of the Code, and including the award and compensation for such land  
15 or interest therein, shall be paid by such municipality or corporation.  
16 The state conservation commission may permit such municipality or  
17 corporation to use such land or interest therein for the purposes of  
18 this Act, upon such terms, conditions and restrictions as the state  
19 conservation commission shall determine to be just and proper and  
20 for free public access and use. Title to such land or interest therein  
21 shall remain in the state of Iowa.

1     **SEC. 18.** Anything in chapter four hundred fifty-five (455) of the  
2 Code to the contrary, county boards of supervisors and trustees hav-  
3 ing control of any levee or drainage district established thereunder,  
4 including joint levee or drainage districts, may enter into contracts  
5 and agreements with municipalities or corporations authorized to  
6 establish water recreational areas under the provisions of this Act.  
7 Such contracts or agreements shall be in writing and may be made  
8 prior to or after the establishment of a water recreational area. If

9 made prior to the establishment of a water recreational area they  
10 may be made conditional upon the final establishment of such area  
11 and if conditional upon such final establishment may be entered into  
12 prior to the hearing provided for in section five (5) of this Act.

13 Such contracts or agreements may embrace any of the following  
14 subjects:

15 1. For the impoundment of drainage waters to create artificial lakes  
16 or ponds.

17 2. For compensation to drainage districts for drainage improve-  
18 ments destroyed or rendered useless by the establishment of water  
19 recreational areas and the structures, waters or works thereof.

20 3. For the diversion of waters from established drainage ditches or  
21 tile drains to other channels.

22 4. For sanitary measures and precautions.

23 5. For the control of water levels in lakes, ponds or impoundments  
24 of water to avoid damage to or malfunction of drainage facilities.

25 6. For the construction of additional drainage facilities promoting  
26 the interests of either or both of the contracting parties.

27 7. For the granting of easements or licenses by one party to the  
28 other.

29 8. For the payment of money by one contracting party to the other  
30 in consideration of acts or performance of the other party required by  
31 such contract or agreement.

32 When any expenditure of levee or drainage district funds is pro-  
33 posed by the authority contained in this section and where the esti-  
34 mated expenditure will exceed fifty (50) percent of the original total  
35 cost of the district and subsequent improvements therein as defined  
36 by section four hundred fifty-five point one hundred thirty-five  
37 (455.135) of the Code, the same procedure respecting notice and  
38 hearing shall be followed as is provided in said section four hundred  
39 fifty-five point one hundred thirty-five (455.135) of the Code, for  
40 repair proposals where the estimated cost of the repair exceeds fifty  
41 (50) percent of the original total cost of the district and subsequent  
42 improvements therein.

1 SEC. 19. In order to reduce the possibility of affecting conserva-  
2 tion measures to flood control projects which may be in progress in  
3 other states, water recreational areas shall not be established here-  
4 under within seventy (70) miles of the border of any other state.

1 SEC. 20. This Act shall not be the exclusive method for establish-  
2 ing a water recreational area.

1 SEC. 21. The sections and provisions of this law are hereby de-  
2 clared to be severable and if any section or provision hereof is declared  
3 by a court of competent jurisdiction to be invalid the other provisions  
4 and sections of this law shall not be affected thereby and shall con-  
5 tinue in force.

Approved May 20, 1963.

## CHAPTER 107

## DEVELOPMENT OF RECREATIONAL RESOURCES

## H. F. 14

AN ACT relating to county conservation boards and the powers of boards of supervisors and trustees of certain drainage districts.

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

1 SECTION 1. Section one hundred eleven A point four (111A.4),  
 2 subsection two (2), Code 1962, is hereby amended by striking the  
 3 period in line eight (8) of said subsection and inserting the following:  
 4 "and for participation in watershed, drainage and flood control pro-  
 5 grams for the purpose of increasing the recreational resources of the  
 6 county."

1 SEC. 2. Section one hundred eleven A point four (111A.4), Code  
 2 1962, is further amended by adding a new subsection as follows:  
 3 "To participate in watershed projects of soil conservation districts  
 4 and the federal government and in projects of drainage districts or-  
 5 ganized under the provisions of chapters four hundred fifty-five (455),  
 6 four hundred fifty-seven (457), four hundred sixty-one (461), four  
 7 hundred sixty-six (466) and four hundred sixty-seven C (467C) of the  
 8 Code for the purpose of increasing the recreational resources of the  
 9 county."

10 "Any agreement for such participation by or with a board of super-  
 11 visors or trustees concerning drainage districts shall be in writing,  
 12 shall be duly adopted by a resolution of the board of supervisors or  
 13 trustees and shall be spread in its entirety upon the permanent rec-  
 14 ords of the drainage district or districts affected."

1 SEC. 3. Section four hundred fifty-five point one hundred fifty-  
 2 seven (455.157), Code 1962, is hereby amended by adding to said sec-  
 3 tion the following:  
 4 "Provided, however, that no drainage district or districts shall be  
 5 charged or assessed any of the cost for land or work done unless pre-  
 6 viously agreed to by the board of supervisors or trustees of all of the  
 7 drainage districts which will be assessed."

Approved February 18, 1963.



## CHAPTER 108

## COUNTY CONSERVATION BOARDS

H. F. 566

AN ACT to amend section one hundred eleven A point six (111A.6), Code 1962, relating to county conservation boards.

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

- 1 SECTION 1. Amend Section one hundred eleven A point six
- 2 (111A.6), Code 1962, by striking from line ten (10) thereof the words
- 3 "less than one-fourth mill or".

Approved May 6, 1963.

## CHAPTER 109

## COUNTY CONSERVATION BOARDS

H. F. 43

AN ACT relating to reimbursement for use by county conservation boards of county-owned real estate, materials, equipment, or operators.

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

- 1 SECTION 1. Section one hundred eleven A point seven (111A.7),
- 2 Code 1962, is hereby amended as follows:
- 3 1. By inserting in line twenty-nine (29) after the word "materials"
- 4 the words "or real estate".
- 5 2. By inserting in line thirty (30) after the word "advisable" the
- 6 following:
- 7 "and may be reimbursed to the credit of the proper fund from
- 8 county conservation funds for actual expense of operation, supplies,
- 9 and materials or for the reasonable value for the use of real estate".

Approved March 18, 1963.

## CHAPTER 110

## METROPOLITAN PLANNING COMMISSIONS

H. F. 77

AN ACT to authorize the governing bodies of the cities and counties of Iowa and adjoining states to create regional or metropolitan planning commissions, and for school districts and other such bodies to participate in such commissions.

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

- 1 SECTION 1. The governing bodies of two or more adjoining cities,
- 2 independently or together with the governing body or bodies of the
- 3 county or counties within which such cities are located, or the govern-

4 ing bodies of two or more adjoining counties, or a county and its major  
5 city or cities, or the governing bodies of one or more counties together  
6 with the governing bodies of one or more cities adjoining such county  
7 or counties, or any of the above together with a school district, bene-  
8 fited water district, benefited fire district, sanitary district or any  
9 other similar district which may be formed under an act of the legis-  
10 lature, may cooperate in the creation of a joint planning commission  
11 which may be designated to be a regional or metropolitan planning  
12 commission, as agreed among the governing bodies. The governing  
13 bodies of cities, counties, school districts or other governmental units  
14 may cooperate with the governing bodies of the cities and counties or  
15 other authorized governing bodies of any adjoining state or states in  
16 the creation of such a joint planning commission where such coopera-  
17 tion has been authorized by law by the adjoining state or states.

1 SEC. 2. The commission shall have not less than five members, ap-  
2 pointed by the governing bodies of the area served by the commission.  
3 A majority of the members of the commission shall be citizens who  
4 hold no other public office or position except appointive membership  
5 on a city plan commission or other planning commission, board or  
6 agency. Citizen members shall be appointed for overlapping terms of  
7 not less than three nor more than five years or thereafter until their  
8 successors are appointed. The appointing governing bodies shall deter-  
9 mine the amount of compensation, if any, to be paid to the members  
10 of a commission. Any vacancy in the membership of a commission  
11 shall be filled for the unexpired term in the same manner as the initial  
12 appointment. The governing bodies shall have authority to remove  
13 any member for cause stated in writing and after a public hearing.

1 SEC. 3. The joint planning commission shall elect one of its ap-  
2 pointive members as chairman who shall serve for one year or until  
3 he is re-elected or his successor is elected. The commission shall ap-  
4 point a secretary who may be an officer or an employee of a governing  
5 body or of the commission. The members of the commission shall meet  
6 not less than four times a year at the call of the chairman and at such  
7 other times as the chairman or the members of the commission shall  
8 determine, shall adopt rules for the transaction of business, and shall  
9 keep a record of their resolutions, transactions, findings and determi-  
10 nations, which record shall be a public record. The commission may  
11 employ such employees and staff as it may deem necessary for its  
12 work, including a director of planning and consultants. In the per-  
13 formance of its duties, the commission may cooperate with, contract  
14 with, and accept and expend funds from federal, state, or local agen-  
15 cies, public or semipublic agencies, or private individuals or corpora-  
16 tions, and may carry out such cooperative undertakings and contract.  
17 It may enter into other contracts and make expenditures for the pur-  
18 chase of required equipment and supplies, and exercise all other  
19 powers necessary to carry out the purposes of this Act. The expendi-  
20 tures of the commission, exclusive of gifts or grants to the commission  
21 or its contract receipts, shall be within the amounts appropriated or  
22 provided to the commission by the governing bodies of the area served  
23 by the commission, who are empowered to determine, agree upon, and

24 appropriate funds for the payment of the expenses of the commission  
25 of their respective shares thereof. The governing bodies of the area  
26 served by the commission shall cooperate with the commission and  
27 may aid the commission by furnishing staff, services and property.

1     SEC. 4. The commission shall have the power and duty to make  
2 comprehensive studies and plans for the development of the area it  
3 serves which will guide the unified development of the area and which  
4 will eliminate planning duplication and promote economy and efficiency  
5 in the coordinated development of the area and the general welfare,  
6 convenience, safety, and prosperity of its people. The plan or plans  
7 collectively shall be known as the regional or metropolitan develop-  
8 ment plan. The plans for the development of the area may include,  
9 but shall not be limited to, recommendations with respect to existing  
10 and proposed highways, bridges, airports, streets, parks and recre-  
11 ational areas, schools and public institutions and public utilities, public  
12 open spaces, and sites for public buildings and structures; districts  
13 for residence, business, industry, recreation, agriculture, and forestry;  
14 water supply, sanitation, drainage, protection against floods and other  
15 disasters; areas for housing developments, slum clearance and urban  
16 renewal and redevelopment; location of private and public utilities,  
17 including but not limited to sewerage and water supply systems; and  
18 such other recommendations concerning current and impending prob-  
19 lems as may affect the area served by the commission. Time and  
20 priority schedules and cost estimates for the accomplishment of the  
21 recommendations may also be included in the plans. The plans shall  
22 be based upon and include appropriate studies of the location and  
23 extent of present and anticipated populations; social, physical, and  
24 economic resources, problems and trends; and governmental conditions  
25 and trends. The commission is also authorized to make surveys, land-  
26 use studies, and urban renewal plans, provide technical services and  
27 other planning work for the area it serves and for cities, counties, and  
28 other political subdivisions in the area. A plan or plans of the com-  
29 mission may be adopted, added to, and changed from time to time by  
30 a majority vote of the planning commission. The plan or plans may  
31 in whole or in part be adopted by the governing bodies of the cooper-  
32 ating cities and counties as the general plans of such cities and coun-  
33 ties. The commission may also assist the governing bodies and other  
34 public authorities or agencies within the area it serves in carrying  
35 out any regional plan or plans, and assist any planning commission,  
36 board or agency of the cities and counties and political subdivisions  
37 in the preparation or effectuation of local plans and planning consistent  
38 with the program of the commission. The commission may cooperate  
39 and confer, as far as possible, with planning agencies of other states  
40 or of regional groups of states adjoining its area.

1     SEC. 5. Copies of the plan or plans and amendments or revisions  
2 of a plan or plans prepared by a commission may be transmitted by  
3 the commission to the chief administrative officers, the legislative  
4 bodies, the planning commissions, boards or agencies of the counties  
5 and cities within its area, and to regional or metropolitan planning  
6 commissions established for adjoining areas. A commission may make

7 copies of its plan or plans or parts of plans available for general dis-  
8 tribution or sale, and may advise and supply information, as far as  
9 available, to persons and organizations who may request such advice  
10 and information and who are concerned with the area's development  
11 problems. It may also provide information to state and local agencies  
12 and to the public at large, in order to foster public awareness and  
13 understanding of the objectives of regional or metropolitan planning,  
14 and in order to stimulate public interest and participation in the order-  
15 ly, integrated development of the area served by the commission.

1 SEC. 6. To facilitate effective and harmonious planning of the  
2 region or metropolitan area, all governing bodies in the area served  
3 by a commission, and all county and city planning commissions, boards  
4 or agencies in the area may file with the commission, for its informa-  
5 tion, all county or city plans, zoning ordinances, official maps, building  
6 codes, subdivision regulations, or amendments or revisions of them,  
7 as well as copies of their regular and special reports dealing in whole  
8 or in part with planning matters. County or city governing bodies,  
9 or county or city local planning commissions, boards or agencies may  
10 also submit proposals to a commission for such plans, ordinances,  
11 maps, codes, regulations, amendments or revisions prior to their  
12 adoption, in order to afford an opportunity to the commission to study  
13 such proposals and to render advice thereon.

1 SEC. 7. Nothing in this chapter shall be construed to remove or  
2 limit the powers of the cooperating cities, counties, school districts,  
3 benefited water districts, benefited fire districts, sanitary districts, or  
4 similar districts as provided by state law. All legislative power with  
5 respect to zoning and other planning legislation shall remain with the  
6 governing body of the cooperative cities and counties. Each partici-  
7 pating city or county may continue to have its own planning commis-  
8 sion or board but may under the joint agreement and in the interest  
9 of economy and efficiency and in the interest of uniform standards and  
10 procedures, request the metropolitan or regional planning commission  
11 to assume duties and functions of local planning agencies in whole or  
12 in part. The metropolitan or regional planning commission shall have  
13 the duty and function of promoting public interest and understanding  
14 of the economic and social necessity for long-term coordinated plan-  
15 ning for the metropolitan or regional area, but its official recommen-  
16 dations shall be made to the governing bodies of the cooperating cities,  
17 counties, school districts, benefited water districts, benefited fire dis-  
18 tricts, sanitary districts, or similar districts.

1 SEC. 8. If any provision of this Act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not  
3 affect other provisions or application of the Act which can be given  
4 effect without the invalid provisions or application, and to this end the  
5 provisions of this Act are declared to be severable.

Approved April 18, 1963.

## CHAPTER 111

## FENCES

H. F. 85

AN ACT relating to erecting, rebuilding or repairing of fences.

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

1 SECTION 1. Section one hundred thirteen point six (113.6), Code  
2 1962, is hereby amended as follows:

3 1. By striking from lines four (4) and five (5) the words "the ad-  
4 joining owner may do or complete the same" and inserting in lieu  
5 thereof the words "the board of township trustees acting as fence  
6 viewers shall cause the fence to be erected, rebuilt and repaired".

7 2. By striking from lines nine (9), ten (10) and eleven (11) the  
8 words "landowner so erecting, rebuilding, trimming or cutting back or  
9 repairing such fence" and inserting in lieu thereof the words "county  
10 treasurer".

11 3. By striking all after the word "taxes" in line twenty-six (26) of  
12 such section and inserting in lieu thereof a period (.).

1 SEC. 2. Section one hundred thirteen point four (113.4), Code 1962,  
2 is hereby amended by adding thereto the following:

3 "If the fence is not erected, rebuilt, or repaired within the time pre-  
4 scribed in the order, the fence viewers shall require the complaining  
5 landowner to deposit with the fence viewers a sum of money sufficient  
6 to pay for the erecting, rebuilding, trimming, cutting back or repairing  
7 such fence together with the fees of the fence viewers and costs. Such  
8 complaining landowner shall be reimbursed as soon as the taxes are  
9 collected as provided in section one hundred thirteen point six (113.6)  
10 of the Code."

Approved April 17, 1963.

## CHAPTER 112

## PRACTICE OF ACCOUNTANCY

S. F. 257

AN ACT relating to the practice of accountancy.

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

1 SECTION 1. Section one hundred sixteen point nineteen (116.19),  
2 Code 1962, is hereby amended by striking from line eight (8) of sub-  
3 section one (1) the following: "and with the auditor of state,".

Approved April 26, 1963.

## CHAPTER 113

## REAL ESTATE BROKERS' LICENSES

H. F. 59

AN ACT relating to real estate brokers' licenses.

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

- 1 SECTION 1. Section one hundred seventeen point fifteen (117.15),  
 2 Code 1962, is amended by adding at the end thereof the following:  
 3 "Every applicant for a license as a real estate broker shall have been  
 4 a licensed real estate salesman for a period of at least twelve (12)  
 5 months preceding the date of application; or he shall have had ex-  
 6 perience substantially equal to that which a licensed real estate sales-  
 7 man would ordinarily receive during a period of twelve (12) months,  
 8 whether as a former broker or salesman, a manager of real estate, or  
 9 otherwise. Notwithstanding the foregoing provisions, if the commis-  
 10 sion shall find that any applicant could not acquire employment as a  
 11 licensed real estate salesman because of conditions existing in the area  
 12 where he resides, then, the foregoing provisions shall be waived by the  
 13 commission.  
 14 "The foregoing paragraph shall not apply to persons licensed to  
 15 practice law in the state of Iowa."

Approved April 5, 1963.

## CHAPTER 114

Amended by ch. 115

## LIQUOR CONTROL, SALE AND USE

S. F. 437

AN ACT relating to the control, sale, and use of alcoholic beverages and law enforcement with respect to alcoholic beverages.

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

- 1 SECTION 1. Section one hundred twenty-three point one (123.1),  
 2 Code 1962, is hereby amended by striking all after the word "this"  
 3 in line thirteen (13) and inserting in lieu thereof the following:  
 4 "chapter."
- 1 SEC. 2. Section one hundred twenty-three point five (123.5),  
 2 Code 1962, is hereby amended by inserting after the words "Alco-  
 3 holic liquor" in line one (1) of subsection five (5) the words "or  
 4 'alcoholic beverage'";\* also by inserting after the word "License"  
 5 in line one (1) of subsection nine (9) the words "'or liquor control  
 6 license'"; also by adding the following subsections:  
 7 1. "'Air common carrier' means a person engaged in transporting  
 8 passengers for hire in interstate or foreign commerce by aircraft and  
 9 operating regularly scheduled flights under a certificate of public

\*Amended by ch. 115, sec. 1.

10 convenience issued by the civil aeronautics board."

11 2. "'Club' means a corporation or association of individuals, in-  
12 corporated or unincorporated, but not including corporations organ-  
13 ized for pecuniary profit, which is the owner, lessee, or occupant of a  
14 permanent building or part thereof, membership in which entails the  
15 prepayment of regular dues and is not operated for a profit other  
16 than such profits as would accrue to the entire membership. The  
17 licensing authority shall determine whether or not such club shall  
18 be entitled to a liquor control license.

19 3. "'Commercial establishment' means a place of business which  
20 is at all times equipped with sufficient tables and seats to accommo-  
21 date twenty-five (25) persons at one time, and the licensed premises  
22 of which conform to the standards and specifications of the commis-  
23 sion."

24 4. "'Licensed premises' or 'premises' means all rooms or enclos-  
25 ures where alcoholic beverages are sold or consumed under authority  
26 of a liquor control license."

27 5. "'Hotel' or 'motel' means a premise or structure licensed by the  
28 state department of agriculture and regularly or seasonably kept  
29 open in a bona fide manner for the lodging of transient guests, where  
30 there is in the same premise or structure an establishment where  
31 food is regularly prepared and served and where thirty-five (35) or  
32 more sleeping rooms are provided for guests."

1 SEC. 3. Section one hundred twenty-three point sixteen (123.16),  
2 Code 1962, is hereby amended by inserting after the word "permits"  
3 in line one (1) of subsection seven (7), the words ", liquor control  
4 licenses and other"; also by striking the word "and" before the word  
5 "licenses" in said line one (1); also by adding the following subsec-  
6 tion:

7 "To hear appeals from any order denying an application for a  
8 liquor control license."

1 SEC. 4. Section one hundred twenty-three point sixteen (123.16),  
2 Code 1962, is further amended by striking all of subsection eight (8)  
3 after the word "chapter" in line three (3) of subsection eight (8)  
4 and inserting in lieu thereof a period (.); also by adding to subsection  
5 nine (9) of such section the following:

6 "The commission shall create an enforcement division and shall  
7 appoint a director, who shall be an attorney licensed to practice in  
8 the state of Iowa, and five (5) assistant directors, at least two (2)  
9 of whom shall be accountants. The director of the enforcement  
10 division shall employ needed clerical help, and such other assistants  
11 and agents as are necessary to carry out the enforcement of the  
12 laws on liquor control. The enforcement division may enforce the  
13 provisions of title six (VI) of the Code in the name of the state of  
14 Iowa in proceedings before any court."

15 Section one hundred twenty-three point sixteen (123.16), Code  
16 1962, is further amended by striking lines seven (7), eight (8) and  
17 nine (9) of subsection eleven (11).

1 SEC. 5. Section one hundred twenty-three point seventeen  
2 (123.17), Code 1962, is hereby amended by striking from paragraph

3 "f" of subsection two (2) of such section all after the word "chap-  
 4 ter" in line four (4) and inserting in lieu thereof the words "by the  
 5 commission. Each licensee holding a liquor control license and dis-  
 6 pensing liquors at retail shall establish prices based on serving one  
 7 (1) ounce of intoxicating liquor per sale. Such price lists shall be  
 8 filed with the commission and are subject to change by the licensee  
 9 upon filing a new price list with the commission."

1 SEC. 6. Section one hundred twenty-three point twenty-two  
 2 (123.22), Code 1962, is hereby amended by inserting after the words  
 3 "holder of a permit" in line four (4) of subsection one (1) the words  
 4 "or liquor control license"; also by striking the words "under such  
 5 permit" in lines five (5) and six (6) of subsection one (1); further  
 6 by striking the word "person" in line two (2) of subsection two (2)  
 7 and inserting in lieu thereof the words "permit holder"; also by add-  
 8 ing the following subsection:  
 9 "Every holder of a liquor control license shall keep a daily record  
 10 of the gross receipts of his business and shall include in such record  
 11 the number, brand and type of bottles emptied, during the course of  
 12 the day's business. Each bottle emptied, except beer bottles, shall  
 13 be broken immediately by the licensee or his agent into a container  
 14 provided for that purpose. The records herein required and the  
 15 premises of the licensee shall be open to the agents of the enforce-  
 16 ment division of the Iowa liquor control commission during normal  
 17 business hours of the licensee."

1 SEC. 7. Section one hundred twenty-three point twenty-four  
 2 (123.24), Code 1962, is hereby amended by inserting after the word  
 3 "sold" in line one (1) the words "by the commission".

1 SEC. 8. Section one hundred twenty-three point twenty-six  
 2 (123.26), Code 1962, is hereby amended by inserting after the word  
 3 "permit" in line twenty-five (25) the words "or liquor control  
 4 license".

1 SEC. 9. Section one hundred twenty-three point twenty-seven  
 2 (123.27), Code 1962, is hereby amended by adding at the end of sub-  
 3 section two (2), paragraph "a", the following:

4 "However, no individual permit shall be required for the purchase  
 5 of alcoholic liquor for consumption on premises covered by a liquor  
 6 control license."

1 SEC. 10. Section one hundred twenty-three point twenty-seven  
 2 (123.27), Code 1962, is further amended by adding the following:  
 3 "4. Upon posting bond in the penal sum of five thousand (5,000)  
 4 dollars with surety and conditions prescribed by the commission,  
 5 which bond shall be conditioned upon the payment of all taxes pay-  
 6 able to the state under the provisions of this chapter and compliance  
 7 with all provisions of this title, liquor control licenses may be issued  
 8 to any person who (or whose officers and stockholders, in the case of a  
 9 club or corporation, or whose partners, in the case of a partnership)  
 10 is of good moral character, is the holder of a retail beer permit as



11 defined in chapter one hundred twenty-four (124) of the Code, has  
12 not been convicted of a felony, does not possess a federal gambling  
13 stamp, is a citizen of the United States and a resident of the state  
14 of Iowa for the past two (2) years or licensed to do business in the  
15 case of a corporation in the state of Iowa for the last two (2) years,  
16 is not chargeable directly or indirectly with the administration or  
17 enforcement of the alcoholic beverages laws of the state of Iowa,  
18 and is, in the judgment of the commission, of such financial stand-  
19 ing and good reputation as will satisfy the commission that the  
20 licensee will comply with the law and the regulations of the commis-  
21 sion. As a further condition for issuance of a liquor control license,  
22 the licensee must give consent for members of the fire, police and  
23 health departments and the building inspector of cities and towns;  
24 the county sheriff, deputy sheriff and state agents, and county health  
25 officer to enter upon the premises without a warrant to inspect for  
26 violations of the provisions of this chapter as amended, the provi-  
27 sions of title six (VI) of the Code, or the provisions of ordinances  
28 and regulations that cities and towns and boards of supervisors may  
29 adopt.

30 "5. No liquor control license shall be issued for premises which  
31 do not conform to all laws, ordinances and resolutions, health and  
32 fire regulations applicable thereto, or, except in the case of a hotel  
33 or motel, have any interior access to residential or sleeping quarters;  
34 nor shall any class 'C' liquor control license be issued for premises  
35 which are not wholly within the corporate limits of a city or town,  
36 or in platted villages.\*

37 "6. Liquor control licenses issued under this chapter shall be of  
38 the following classes:

39 *a.* Class 'A'. A class 'A' liquor control license may be issued to a  
40 club and shall authorize the holder thereof to purchase spirits and  
41 wine from the commission only, and to sell alcoholic beverages so  
42 purchased to bona fide members and their guests by the individual  
43 drink for consumption on the premises only.

44 *b.* Class 'B'. A class 'B' liquor control license may be issued to a  
45 hotel or motel as herein defined and shall authorize the holder  
46 thereof to purchase spirits and wine from the commission only, and  
47 to sell alcoholic beverages so purchased to patrons by the individual  
48 drink for consumption on the premises only. Each such license shall  
49 be effective throughout the premises described in the application  
50 therefor, but a duplicate of such license shall be posted in each room  
51 wherein such beverages are dispensed.

52 *c.* Class 'C'. A class 'C' liquor control license may be issued to a  
53 commercial establishment but must be issued in the name of the  
54 individual or individuals who actually own the entire business and  
55 shall authorize the holder or holders thereof to purchase spirits and  
56 wine from the commission only, and to sell alcoholic beverages so  
57 purchased to patrons by the individual drink for consumption on the  
58 premises only.

59 *d.* Class 'D'. A class 'D' liquor control license may be issued to a  
60 railway corporation, to an air common carrier, and to passenger-  
61 carrying boats or ships for hire with a capacity of twenty-five (25)

\*Amended by ch. 115, sec. 2.

62 persons or more operating in inland or boundary waters, and shall  
63 authorize the holder thereof to sell or furnish alcoholic beverages  
64 to passengers for consumption only on trains, watercraft as described  
65 herein, or aircraft, respectively. Each such license shall be good  
66 throughout the state as a state license. Only one (1) such license  
67 shall be required for all trains or aircraft operated in the state by  
68 the licensee, but a duplicate of such license issued shall be posted in  
69 each railroad car or aircraft in which such beverages are sold. Such  
70 licensee shall keep a record of all alcoholic beverages sold or fur-  
71 nished in the state of Iowa, and on or before the last day of each  
72 month shall render a report to the commission showing the quan-  
73 tities of the various kinds of alcoholic beverages so sold or furnished  
74 during the preceding month, which report shall be accompanied by  
75 payment of appropriate taxes owing.

76 "7. An application for a class 'A', class 'B', or class 'C' liquor  
77 control license, accompanied by the required fee and bond, shall be  
78 filed with the appropriate city or town council if the premises pro-  
79 posed to be licensed are located within the corporate limits of a city  
80 or town, or with the board of supervisors if the premises proposed  
81 to be licensed are located outside the corporate limits of a city or  
82 town. Application for a class 'D' liquor control license, accompanied  
83 by the required fee and bond, shall be filed with the commission,  
84 which shall proceed in the same manner as in the case of an appli-  
85 cation approved by local authorities.

86 *a. Action by local authorities.* If the city or town council, or  
87 county board of supervisors, as the case may be, approves the issu-  
88 ance of a license, it shall endorse its approval on the application and  
89 forward same along with the fee and bond to the commission; or  
90 if it disapproves issuance of a license, it shall endorse its disapproval  
91 on the application and forward same along with the fee and bond  
92 to the commission. Upon the initial issuance of or denial of liquor  
93 control licenses, the fact that local authorities determine that no  
94 liquor control licenses shall be issued under this chapter as amended  
95 shall not be held to be arbitrary, capricious or without reasonable  
96 cause.

97 Before the issuance, renewal, or denial of liquor control licenses  
98 by local authorities, the board or council may conduct a referendum  
99 on the question of whether liquor control licenses shall be approved  
100 for the city, town, or county in question. Said referendum shall be  
101 conducted in the same manner that special elections are conducted.  
102 The purpose of such referendum shall be solely to assist the board  
103 or council members in determining public sentiment toward liquor  
104 by the drink sales, and shall not be binding on the council or board  
105 members in determining whether or not to approve the issuance or  
106 renewal of liquor control licenses.

107 *b. Action by the commission.* Upon receipt of an application hav-  
108 ing been disapproved, the commission shall disapprove the applica-  
109 tion and so notify the applicant by registered mail. Upon receipt of  
110 an application having been approved, the commission shall make  
111 such investigation as it deems necessary and it may require the  
112 applicant to appear before it and be examined under oath regarding  
113 any matters pertinent to the application, in which case a record shall  
114 be made of all testimony or evidence and the same shall become a

115 part of the application. If the application is approved, an appropri-  
116 ate liquor control license shall be issued. If the application is dis-  
117 approved, the applicant and the appropriate city or town council, or  
118 county board of supervisors, shall be so notified in writing, and the  
119 fee and bond shall be returned to the applicant.

120 **c. Appeal to commission.** Any applicant for a liquor control license  
121 may appeal to the commission from its disapproval of an applica-  
122 tion for a license; or, in lieu of such appeal, the commission may  
123 afford the applicant a hearing through issuance of a notice to the  
124 applicant of contemplated disapproval of a license. If, upon such  
125 appeal or hearing, the commission shall determine that the city or  
126 town council, or county board of supervisors, acted arbitrarily,  
127 capriciously, or without reasonable cause in disapproving the appli-  
128 cation, or that (where the city or town council, or county board of  
129 supervisors approved the application) the commission's own dis-  
130 approval or contemplated disapproval should be reversed, it may  
131 issue a license.

132 **d. Appeal to courts.** Any applicant who feels aggrieved by a deci-  
133 sion of the commission or issuing authority disapproving, suspend-  
134 ing, or revoking issuance of a license may, provided he has exercised  
135 his rights of appeal to the commission as hereinabove provided,  
136 appeal from said decision within ten (10) days to the district court  
137 of the county wherein the premises covered by the applications are  
138 situated.

139 Where the commission on an appeal by an applicant finds that a  
140 city or town council or county board of supervisors acted arbitrar-  
141 ily, capriciously, or without reasonable cause in disapproving an appli-  
142 cation and the commission issues a license, the council or board may  
143 appeal from such decision of the commission within ten (10) days  
144 to the district court of the county wherein the premises covered by  
145 the application are situated.

146 **e.** If a petition shall be signed by the electors of any county in  
147 such number as shall equal twenty-five percent of the votes cast in  
148 such county for governor at the last general election, which shall  
149 request that the question of licensing the sale of alcoholic beverages  
150 (exceeding four percent by weight) by the drink be submitted to  
151 the electors thereof at a special election to be called for that pur-  
152 pose, as hereinafter provided, and shall be filed with the board of  
153 supervisors, the board shall cause such election to be held and shall  
154 cause to be published once each week for four (4) weeks in succes-  
155 sion in a newspaper\* of general circulation in such county a notice of  
156 such special election to be held not less than fifteen (15) nor more  
157 than thirty (30) days from the date of the last publication. The  
158 notice shall state the proposition to be submitted to the electors at  
159 such special election. Each sheet of the petition shall contain not  
160 more than thirty (30) names of electors with their personal signa-  
161 tures, addresses, and the date of signing. If residing within a city  
162 or town where the electors are required to be registered, the signa-  
163 ture shall be the same as it appears upon the registration records.  
164 At the top of each sheet shall be stated the proposition to be sub-  
165 mitted. No signature on such petition shall be valid unless appended

\*Amended by ch. 115, sec. 10.

166 to the petition within the last ninety (90) days prior to the date of  
 167 filing the petition. At the bottom of each sheet of such petition shall  
 168 be the affidavit of the person who circulated same, stating that the  
 169 signatures on the petition were made in his presence, that he has  
 170 reasonable cause to believe that they are qualified electors of the  
 171 particular county, and that they are the persons they represent  
 172 themselves to be. Whoever signs any such petition, knowing that  
 173 he is not a qualified elector in the county where such petition is  
 174 made, or who aids or abets any other person in doing any of the acts  
 175 mentioned, or whoever bribes, gives or pays any money or thing of  
 176 value to any person directly or indirectly, to induce him to sign such  
 177 petition, shall upon conviction thereof be punished by a fine of not  
 178 exceeding three hundred dollars (\$300.00) or by imprisonment in  
 179 the county jail not exceeding ninety (90) days or by both such fine  
 180 and imprisonment, in the discretion of the court.

181 Upon the ballot the proposition shall be stated as follows:

182 "Shall the retail sale of alcoholic beverages (exceeding four per-  
 183 cent by weight) by the drink be prohibited in (here insert the name  
 184 of the county)?"

185  YES  
 186  NO

187 The provisions of the statutes of this state relating to election of  
 188 officers, voting places, election apparatus and blanks, preparation and  
 189 form of ballots, information to voters, delivery of ballots, calling of  
 190 elections, conduct of elections, manner of voting, counting of votes,  
 191 records and certificates of election, and recount of votes, so far as  
 192 applicable, shall apply to voting on the proposition under the pro-  
 193 visions of this Act. If a majority of the ballots cast are "YES", the  
 194 board shall not issue any new licenses. However, if at the time of  
 195 such election there are liquor control licenses in effect in the county,  
 196 they shall not be revoked except for cause for a period of three (3)  
 197 years. No new election shall be held for a period of four (4) years.  
 198 This election shall not be held within thirty (30) days of any gen-  
 199 eral election.\*

200 "8. Verified applications for the original issuance or the renewal  
 201 of liquor control licenses shall be filed at such time and in such num-  
 202 ber of copies as the commission shall by regulations prescribe, on  
 203 forms prescribed by the commission, and shall set forth under oath  
 204 the following information:

205 a. The name and address of the applicant.

206 b. The precise location of the premises for which a license is  
 207 sought.

208 c. The names and addresses of all persons (in the case of a cor-  
 209 poration, the officers, directors, and persons owning or controlling  
 210 ten (10) percent or more of the capital stock thereof) having a  
 211 financial interest, by way of loan, ownership, or otherwise, in the  
 212 business or the profits thereof.

213 d. When required by the commission, a sketch or drawing of the  
 214 premises proposed to be licensed and in such form and containing  
 215 such information as the commission may require.

216 e. A statement whether any person specified in (c) above has ever

\*Amended by ch. 115, sec. 3.

217 been convicted of any offense against the laws of the United States,  
218 or any state or territory thereof, or any political subdivision of any  
219 such state or territory.

220 A statement whether the applicant or any person specified in para-  
221 graph (c) of subsection eight (8) possesses a federal gambling stamp.

222 f. Such other information as the commission shall require.

223 "9. There shall be no limit upon the number of liquor control  
224 licenses which may be issued by a city or town council or board of  
225 supervisors, except that not more than one\* license may be issued to  
226 each qualified applicant.

227 "10. All liquor control licenses issued as provided for herein, un-  
228 less sooner revoked, shall expire on the anniversary date of each  
229 year.

230 "11. Every permit holder licensed under this chapter shall fill out  
231 in duplicate, on forms furnished by the commission, the amount and  
232 kinds of liquors purchased, and shall retain one (1) copy in his  
233 establishment for a period of two (2) years, and the manager of the  
234 state liquor store at which the purchase was made shall monthly  
235 forward the other copy to the commission.

236 "12. It shall be unlawful for any law-enforcement officer or other  
237 official to accept or solicit donations, gratuities, advertising, gifts or  
238 other favors, directly or indirectly, from any licensee hereunder.  
239 Anyone violating this section shall be guilty of a misdemeanor and  
240 shall be subject to a fine of not less than one hundred (100) dollars  
241 nor more than one thousand (1,000) dollars, or shall be subject to a  
242 jail term of not less than thirty (30) days, nor more than six (6)  
243 months, or to both such fine and imprisonment."

1 SEC. 11. Section one hundred twenty-three point twenty-eight  
2 (123.28), Code 1962, is hereby amended by adding the following  
3 paragraphs:

4 "There shall be paid annually to the commission for a liquor con-  
5 trol license the following fees:

6 1. Class 'A' liquor control licenses, the sum of five hundred (500)  
7 dollars), except that for class 'A' permits\* in towns of less than two  
8 thousand (2,000) population, and for clubs of less than two hundred  
9 fifty (250) members, the license fee shall be three hundred (300) dol-  
10 lars; provided, however, that the fee shall be one hundred (100) dol-  
11 lars for any club which is a post, branch, or chapter of a veterans'  
12 organization chartered by the Congress of the United States, if such  
13 club does not sell or permit the consumption of alcoholic beverages  
14 on the premises more than one day in any week, and if the applica-  
15 tion for a license states that such club does not and will not sell or  
16 permit the consumption of alcoholic beverages on the premises more  
17 than one day in any week;

18 2. Class 'B' liquor control licenses, the sum as follows:

19 a. Hotels or motels located within the corporate limits of cities of  
20 ten thousand (10,000) population and over, one thousand (1,000)  
21 dollars;

22 b. Hotels and motels located within the corporate limits of cities

\*Amended by ch. 115, sec. 3.

\*Amended by ch. 115, sec. 4.

23 of over three thousand (3,000) and less than ten thousand (10,000)  
 24 population, seven hundred and fifty (750) dollars;  
 25 c. Hotels and motels located within the corporate limits of towns\*  
 26 of three thousand (3,000) population and less, five hundred (500)  
 27 dollars;  
 28 d. Hotels and motels located outside the corporate limits of any  
 29 city or town, one thousand (1,000) dollars.  
 30 3. Class 'C' liquor control licenses, the sum of one thousand  
 31 (1,000) dollars.\*  
 32 4. Class 'D' liquor control licenses, the sum of two hundred fifty  
 33 (250) dollars.  
 34 "The commission shall credit all fees to the liquor control act fund  
 35 and shall remit to the respective city or town council, or county  
 36 board of supervisors, as the case may be, a sum equal to fifty (50)  
 37 percent of the fees collected for each class 'A', class 'B', or class 'C'  
 38 license covering premises located within their respective jurisdic-  
 39 tion."

1 SEC. 12. Section one hundred twenty-three point twenty-nine  
 2 (123.29), Code 1962, is hereby amended by inserting after the word  
 3 "permit" in line one (1) the words "or liquor control license"; also  
 4 by striking the period (.) in line eight (8) and inserting in lieu  
 5 thereof the words "or licensee.";\* also by adding the following para-  
 6 graph:  
 7 "Any liquor control licensee or his executor, administrator or any  
 8 person duly appointed by the court to take charge of and administer  
 9 the property or assets of such permittee for the benefit of his  
 10 creditors, may voluntarily surrender any permit, issued under this  
 11 chapter, to the issuing authority and when so surrendered the issu-  
 12 ing authority shall refund to the person so surrendering the permit  
 13 a proportionate amount of the permit fee paid for such permit as  
 14 follows: if surrendered during the first three (3) months of the  
 15 period for which said permit was issued the refund shall be three-  
 16 fourths ( $\frac{3}{4}$ ) of the amount of the permit fee; if surrendered more  
 17 than three (3) months but not more than six (6) months after  
 18 issuance the refund shall be one-half ( $\frac{1}{2}$ ) of the amount of the  
 19 permit fee; if surrendered more than six (6) months but not more  
 20 than nine (9) months after issuance the refund shall be one-fourth  
 21 ( $\frac{1}{4}$ ) of the amount of the permit fee. No refund shall be made,  
 22 however, for any permit surrendered more than nine (9) months  
 23 after issuance. No refund shall be made to any permit holder, upon  
 24 the surrender of his permit, if there is at the time of said surrender  
 25 a complaint filed with the board or council charging him with a vio-  
 26 lation of the provisions of this chapter. If upon hearing on any such  
 27 complaint, so filed, his permit be not revoked, then said permit  
 28 holder shall be eligible, upon surrender of his license, to receive a  
 29 refund as herein provided. But in event his license is revoked upon  
 30 such hearing then he shall not be eligible for the refund of any por-  
 31 tion of his permit fee.

\*Amended by ch. 115, sec. 4.

\*Amended by ch. 115, sec. 5.

\*Amended by ch. 115, sec. 6.

32 The issuing authority may in its discretion authorize a licensee to  
 33 remove the license from one location to another within the same in-  
 34 corporated city or town, or within a county outside the corporate  
 35 limits of a city or town, provided that the premises to which the  
 36 transfer is to be made would have been eligible for a license in the  
 37 first instance and such transfer will not result in any violation of  
 38 any provision of law.

1 SEC. 13. Section one hundred twenty-three point thirty-two  
 2 (123.32), Code 1962, is hereby amended by adding the following  
 3 paragraph:

4 "Any liquor control license issued under this chapter may, after  
 5 notice in writing to the license holder and reasonable opportunity  
 6 for hearing, be suspended or canceled by the issuing authority or the  
 7 commission for any of the following causes:

8 a. Misrepresentation of any material fact in the application for  
 9 such license, or

10 b. Violation of any of the provisions of this chapter as amended  
 11 or regulations of the commission, or

12 c. Any change in the ownership or interest in the business oper-  
 13 ated under a class 'A', class 'B', or class 'C' license, which change  
 14 was not previously reported to the commission and approved by it, or

15 d. An event which would have resulted in disqualification from  
 16 receiving such license when originally issued, or

17 e. Any sale, hypothecation, or transfer of such license.

18 f. Any liquor control licensee whose license is revoked or canceled  
 19 for cause shall not thereafter be permitted to hold a liquor control  
 20 license in the state of Iowa. The spouse and business associates of  
 21 a person whose license has been canceled or revoked for cause shall  
 22 not be issued a liquor control license, and no liquor control license  
 23 shall be issued which covers any business in which such person has  
 24 a financial interest. In the event a license is revoked for cause the  
 25 premises covered by a revoked license shall not be relicensed for one  
 26 (1) year."

1 SEC. 14. Section one hundred twenty-three point forty (123.40),  
 2 Code 1962, is hereby amended by adding at the end thereof the fol-  
 3 lowing:

4 "No person engaged in the business of manufacturing, bottling, or  
 5 wholesaling any alcoholic beverages nor any jobber nor any agent of  
 6 such person shall directly or indirectly supply, furnish, give or pay  
 7 for any furnishings, fixtures or equipment used in the storage, han-  
 8 dling, serving, or dispensing of any alcoholic beverages or food  
 9 within the place of business of another permittee\* authorized under  
 10 the provisions of this chapter to sell at retail; nor shall he directly  
 11 or indirectly extend any credit for any alcoholic beverages or pay  
 12 for any such permit,\* nor directly or indirectly be interested in the  
 13 ownership, conduct or operation of the business of another permittee\*  
 14 authorized under the provisions of this chapter to sell at retail.  
 15 Any permittee\* who shall permit or assent or be a party in any way  
 16 to any such violation or infringement of the provisions of this chap-

\*Amended by ch. 115, sec. 7.

17 ter shall be deemed guilty of a violation of the provisions of this  
18 chapter."

1 SEC. 15. Section one hundred twenty-three point forty-two  
2 (123.42), Code 1962, is hereby amended by inserting after the comma  
3 (,) in line four (4) thereof the following: "except premises covered  
4 by a liquor control license,".

1 SEC. 16. Section one hundred twenty-three point forty-six  
2 (123.46), Code 1962, is hereby amended by adding at the end thereof  
3 the following:

4 "4. No person or club holding a liquor control license under this  
5 chapter, his agents or employees, shall:

6 a. Knowingly permit any gaming, gambling, solicitation for im-  
7 moral purposes, immoral or disorderly conduct on the licensed prem-  
8 ises, or

9 b. Sell or dispense any alcoholic beverage on the licensed premises  
10 or permit the consumption thereon between the hours of one (1)  
11 a.m. and seven (7) a.m. on any week day, and between the hours of  
12 twelve (12) o'clock midnight on Saturday and seven (7) a.m. on the  
13 following Monday, or on any general, special or primary election day  
14 during the hours that polls are open, or during such other periods  
15 or days as may be designated by the commission, or

16 c. Sell alcoholic beverages to any person on credit, except that this  
17 provision shall not apply to sales by a club to its members nor to  
18 sales by a hotel or motel to bona fide registered guests, or with a  
19 bona fide credit card, or

20 d. Keep on the licensed premises any spirits or wine in any con-  
21 tainer except the original package purchased from the commission,  
22 except mixed drinks or cocktails mixed on the premises for immedi-  
23 ate consumption, provided that this shall not apply to common car-  
24 riers holding a class 'D' liquor control license, or

25 e. Reuse for the packaging of any spirits or wine any bottle or  
26 other container which has been used for the packaging of alcoholic  
27 beverages or possess any such bottle or container, or in any manner  
28 alter or increase, by the addition thereto of any substance, any por-  
29 tion of the original contents remaining in such bottle or container  
30 in which any portion of the original contents has been so altered or  
31 increased, or

32 f. Employ any person under the age of twenty-one (21) years in  
33 the handling of liquor on the premises where such liquor is sold, or

34 g. Allow any person other than the license holder or his employ-  
35 ees to use or keep on the licensed premises any spirits or wine in any  
36 bottle or other container which is designed for the transporting of  
37 alcoholic beverages, provided that this shall not apply to the lodg-  
38 ing quarters of a class 'B' liquor control licensee, or to common car-  
39 riers holding a class 'D' liquor control license.

40 h. Knowingly sell, give, or otherwise supply any alcoholic bever-  
41 age or beer to any person under the age of twenty-one (21) years,  
42 or knowingly permit any person under the age of twenty-one (21)  
43 years to consume any alcoholic beverage or beer.

44 "5. No person under the age of twenty-one (21) years shall mis-  
45 represent his or her age for the purpose of purchasing or attempting



46 to purchase any alcoholic beverage from any licensee. If any person  
 47 under the age of twenty-one (21) years shall misrepresent his or her  
 48 age, and the licensee having established that he made reasonable  
 49 inquiry to determine whether such prospective purchaser is over the  
 50 age of twenty-one (21) years, such licensee shall not be guilty of  
 51 selling liquor to minors.

52 "Whoever violates any of the provisions of this section shall be  
 53 subject to a fine of not to exceed one hundred (100) dollars or to  
 54 imprisonment for not more than thirty (30) days in the county jail  
 55 or to both such fine and imprisonment.

56 "The conviction of any liquor control license holder for the viola-  
 57 tion of any of the provisions of this section shall be grounds for the  
 58 suspension or revocation of the license by the commission or the  
 59 issuing authority.

60 "However, if any liquor control license holder shall be convicted  
 61 of any violation of paragraphs (a), (d), (e), or (h) of subsection four  
 62 (4) of this section, the liquor control license shall automatically be re-  
 63 voked and shall immediately be surrendered by the holder, and the  
 64 bond of the license holder shall be forfeited to the commission."

1 SEC. 17. Notwithstanding the provisions of section one hundred  
 2 twenty-four point thirty-one (124.31) of the Code, a person who is  
 3 the holder of a liquor control license may keep, sell, and allow alco-  
 4 holic liquor to be consumed on the premises covered by the liquor  
 5 control license.

1 SEC. 18. Section one hundred twenty-three point fifty-three  
 2 (123.53), Code 1962, is hereby amended by inserting after subsec-  
 3 tion nine (9) the following:

4 "10. The number of liquor control licenses issued, by class, and the  
 5 number in effect on the last day included in the report.

6 "11. Amount of fees paid to the commission from said liquor control  
 7 licenses, in gross, and the amount returned to local subdivisions  
 8 of government as provided under this chapter."

1 SEC. 19. Section one hundred twenty-three point fifty-seven  
 2 (123.57), Code 1962, is hereby amended by striking from lines one  
 3 (1) and two (2) the words "auditor of state" and inserting in lieu  
 4 thereof the words "enforcement division of the Iowa liquor control  
 5 commission".

1 SEC. 20. Section one hundred twenty-three point fifty-nine  
 2 (123.59), Code 1962, is hereby amended by inserting after the words  
 3 "by gift or otherwise" in line eight (8) the words "in violation of  
 4 law" and by striking the words "this chapter" in lines twelve (12)  
 5 and thirteen (13), and substituting therefor the word "law".

1 SEC. 21. Section one hundred twenty-three point sixty (123.60),  
 2 Code 1962, is hereby amended by striking the words "this chapter"  
 3 in line eight (8), and inserting in lieu thereof the word "law".

1     **SEC. 22.** Section one hundred twenty-three point ninety-three  
2     (123.93), Code 1962, is hereby amended as follows:  
3     1. By striking from line one (1) the words "county attorney" and  
4     inserting in lieu thereof the words "enforcement division".  
5     2. By inserting in line four (4) after the word "safety" the words  
6     ", county attorney".  
7     3. By striking from line nine (9) the words "county attorney" and  
8     inserting in lieu thereof the words "enforcement division".  
9     4. By adding at the end of said section the following:  
10    "Nothing in this section shall be construed to remove or lessen the  
11    duties or responsibilities of any county attorney or peace officer with  
12    respect to law enforcement."

1     **SEC. 23.** Section one hundred twenty-four point five (124.5),  
2     Code 1962, is amended by striking from lines fourteen (14) and fif-  
3     teen (15) the words and figures "in villages platted prior to January  
4     1, 1934,".

1     **SEC. 24.** Section one hundred twenty-four point sixteen (124.16),  
2     Code 1962, is hereby amended by striking all of subsection six (6).

1     **SEC. 25.** Section one hundred twenty-four point thirty-one  
2     (124.31), Code 1962, is hereby amended by striking from lines eigh-  
3     teen (18) through twenty-four (24) the following:  
4     "to the private premises of any bona fide private club or association  
5     for which a class 'B' permit has been issued, having a select and dis-  
6     criminate membership and owned and operated by and for the bene-  
7     fit of the members which is under the exclusive control of the  
8     membership or,".

1     **SEC. 26.** Section one hundred twenty-five point seven (125.7),  
2     Code 1962, is hereby amended by inserting after the words "by gift  
3     or otherwise" in line eight (8), the words "in violation of law".

1     **SEC. 27.** Section one hundred twenty-five point thirteen (125.13),  
2     Code 1962, is hereby amended by adding thereto the following:  
3     "Provided, however, that this section shall not apply to the holder  
4     of a liquor control license authorizing the sale of alcoholic liquors  
5     for consumption on the premises where sold, his agents, servants or  
6     employees for the performance on the licensed premises of the acts  
7     herein prohibited."

1     **SEC. 28.** Section one hundred twenty-five point seventeen  
2     (125.17), Code 1962, is hereby amended by inserting after the word  
3     "car" in line eight (8), the words "in violation of law".

1     **SEC. 29.** Chapter one hundred twenty-three (123), Code 1962, is  
2     amended by adding thereto the following:  
3     Every husband, wife, child, parent, guardian, employer or other  
4     person who shall be injured in person or property or means of sup-  
5     port by any intoxicated person or resulting from the intoxication of

6 any such person, shall have a right of action, severally or jointly  
 7 against any\* person, firm, or corporation who shall, by selling or  
 8 giving beer or intoxicating liquor to such person, have caused the  
 9 intoxication, in whole or in part of such person for all damages  
 10 actually sustained, as well as exemplary damages. Every liquor con-  
 11 trol licensee shall furnish proof of financial responsibility either by  
 12 the existence of a liability insurance policy or by posting bond in  
 13 such amount as determined by the commission.

1 SEC. 30. Chapter one hundred twenty-three (123), Code 1962, is  
 2 amended by adding thereto the following:

3 It is unlawful for any person, firm, corporation, partnership, or  
 4 association to allow the dispensing or consumption of intoxicating  
 5 liquor or intoxicating beverages except sacramental wines and beer,  
 6 in any establishment unless such establishments are licensed under  
 7 this title.

8 Provided, however, the provisions of this section shall not apply  
 9 to bona fide conventions or meetings where mixed drinks are served  
 10 to delegates or guests without cost. All other provisions of this  
 11 chapter shall be applicable to such rooms. The provisions of this  
 12 section shall have no application to occasional private social gather-  
 13 ings of friends or relatives in a private home or place.

1 SEC. 31. Chapter one hundred twenty-three (123), Code 1962, is  
 2 amended by adding thereto the following:

3 There is hereby imposed on every individual, partnership, corpo-  
 4 ration, association or club licensed to sell alcoholic beverages for  
 5 consumption on the premises where sold, an occupational tax to be  
 6 computed on all alcoholic beverages sold, as follows:

7 An amount equivalent to ten (10) percent upon the gross receipts  
 8 of any licensee from all sales of alcoholic beverages in the state of  
 9 Iowa. This occupational tax on gross receipts shall be in lieu of  
 10 sales tax thereon.

1 SEC. 32. Chapter one hundred twenty-three (123), Code 1962, is  
 2 amended by adding thereto the following:

3 On or before the fifteenth day of each month every such licensee  
 4 shall render to the commission a report sworn to by an officer or  
 5 agent in the case of corporations, and by the owner or agent in the  
 6 case of an individual licensee, showing the amount of receipts from  
 7 sales of such alcoholic beverages in the state of Iowa during the  
 8 preceding calendar month and such other information as the com-  
 9 mission may require, such reports to be on forms to be provided by  
 10 the commission. Such reports shall be accompanied by payment of  
 11 ten (10) percent of the gross receipts received during the calendar  
 12 month covered by such report.

1 SEC. 33. Chapter one hundred twenty-three (123), Code 1962, is  
 2 amended by adding thereto the following:

3 A penalty of five (5) percent per month of the amount of the tax

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\*Amended by ch. 115, sec. 8.

4 shall be added thereto if the report is not filed and the tax paid to  
5 the commission by said fifteenth day of the calendar month.

1 SEC. 34. Chapter one hundred twenty-three (123), Code 1962, is  
2 amended by adding thereto the following:

3 "Gross receipts" as used in this chapter as amended, means the  
4 amount received in money, credits, property or other moneys worth  
5 in consideration of sales of such alcoholic beverages within this  
6 state, without any deduction on account of the cost of the property  
7 sold, the costs of the materials used, the cost of labor or services,  
8 purchases, amounts paid for interest or discount, or any other ex-  
9 penses whatsoever. No deductions shall be allowed for losses of any  
10 nature.

1 SEC. 35. Chapter one hundred twenty-three (123), Code 1962, is  
2 amended by adding thereto the following:

3 All revenues, except the portion of license fees remitted to the  
4 local authorities, arising under the operation of the provisions of this  
5 chapter as amended shall become part of the state general fund.

1 SEC. 36. Chapter one hundred twenty-three (123), Code 1962, is  
2 amended by adding thereto the following:

3 The failure or refusal on the part of any licensee to render any  
4 report or remit any taxes to the commission under this chapter as  
5 amended when due shall be grounds for suspension or revocation of  
6 the liquor control license.

1 SEC. 37. The general assembly hereby determines and declares  
2 that the provisions of sections thirty-seven (37) through fifty (50)  
3 of this Act are necessary in order to control alcoholic beverages and  
4 aid the enforcement of laws prohibiting operation of a motor vehicle  
5 while in an intoxicated condition.

1 SEC. 38. As used in sections thirty-seven (37) through fifty (50)  
2 of this Act the words "peace officer" mean:

- 3 1. Members of the highway patrol.
- 4 2. Police officers under civil service as provided in chapter three  
5 hundred sixty-five (365) of the Code.
- 6 3. Sheriffs.
- 7 4. Regular deputy sheriffs who have had formal police training.

1 SEC. 39. Any person who operates a motor vehicle in this state  
2 upon a public highway, under such circumstances as to give reason-  
3 able grounds to believe the person to have been operating a motor  
4 vehicle while in an intoxicated condition, shall be deemed to have  
5 given consent to the withdrawal from his body of specimens of his  
6 blood, breath, saliva, or urine, and to a chemical test or tests  
7 thereof, for the purpose of determining the alcoholic content of his  
8 blood, subject to the provisions hereinafter set out. The withdrawal  
9 of such body substances, and the test or tests thereof, shall be ad-  
10 ministered at the written request of a peace officer having reasonable  
11 grounds to believe the person to have been operating a motor vehicle

12 upon a public highway of this state while in an intoxicated condi-  
 13 tion, and only after the peace officer has placed such person under  
 14 arrest for the offense of operating a motor vehicle while in an intox-  
 15 icated condition. If such person requests that a specimen of his  
 16 blood not be withdrawn, then a specimen of his breath, saliva, or  
 17 urine shall be withdrawn at the written request of such peace officer ;  
 18 provided, however, that if such person refuses to submit to any  
 19 chemical testing, no test shall be given, and the provisions of section  
 20 forty-three (43) of this Act shall apply. However, if such peace  
 21 officer fails to provide such test within two (2) hours after such  
 22 arrest, no test shall be required, and there shall be no revocation  
 23 under the provisions of section forty-three (43) of this Act.

1 SEC. 40. Only a licensed physician, or a medical technologist or  
 2 registered nurse designated by a licensed physician as his represent-  
 3 ative, acting at the written request of a peace officer may withdraw  
 4 such body substances for the purpose of determining the alcoholic  
 5 content of the person's blood. Only new, -originally factory wrapped,  
 6 disposable syringes and needles, kept under strictly sanitary and  
 7 sterile conditions shall be used for drawing blood. Such person may  
 8 have an independent chemical test or tests administered in addition  
 9 to any administered at the direction of a peace officer. The failure  
 10 or inability of the person to obtain an independent chemical test or  
 11 tests shall not preclude the admission in evidence of the results of  
 12 the test or tests taken at the direction of the peace officer. Upon the  
 13 request of the person who is tested, the results of the test or tests  
 14 taken at the direction of the peace officer shall be made available to  
 15 him.

1 SEC. 41. Any person who is dead, unconscious or who is other-  
 2 wise in a condition rendering him incapable of consent or refusal  
 3 shall be deemed not to have withdrawn the consent provided by sec-  
 4 tion thirty-nine (39) of this Act, and the tests may be given ; provided  
 5 that a licensed physician shall certify in advance of such test that  
 6 such person is dead, unconscious or otherwise in a condition render-  
 7 ing him incapable of consent or refusal. In such case such condition  
 8 shall obviate the requirements of arrest and advice pursuant to sec-  
 9 tion forty-two (42) of this Act.

1 SEC. 42. A peace officer shall advise any person who is requested  
 2 to take any chemical test that a refusal to submit to such test will  
 3 result in revocation of the person's license or privilege to operate a  
 4 motor vehicle ; provided, however, that this requirement shall not  
 5 apply in the case of any person referred to in section forty-one (41).

1 SEC. 43. If a person under arrest refuses to submit to the chem-  
 2 ical testing, no test shall be given, but the commissioner\*, upon the  
 3 receipt of a sworn report of the peace officer that he had reasonable  
 4 grounds to believe the arrested person to have been operating a  
 5 motor vehicle upon a public highway of this state while in an intoxi-  
 6 cated condition, that he had placed such person under arrest for the

\*Amended by ch. 115, sec. 9.

7 offense of operating a motor vehicle while in an intoxicated condition  
8 and that the person had refused to submit to the chemical testing,  
9 shall revoke his license or permit to drive and any nonresident oper-  
10 ating privilege for a period of not less than one hundred twenty  
11 (120) days nor more than one (1) year; or if the person is a resident  
12 without a license or permit to operate a motor vehicle in this state,  
13 the commissioner shall deny to the person the issuance of a license or  
14 permit within one year from the date of the alleged violation, sub-  
15 ject to review as hereinafter provided. The effective date of any  
16 such revocation shall be twenty (20) days after the commissioner  
17 has mailed notice of such revocation to such person by registered or  
18 certified mail.

1 SEC. 44. Upon the written request of a person whose privilege  
2 to drive has been revoked or denied, the commissioner\* shall grant the  
3 person an opportunity to be heard within ten days after the receipt  
4 of the request, but the request must be made within thirty days  
5 after the effective date of revocation or denial. The hearing shall  
6 be before the commissioner or his authorized agent, in the county  
7 wherein the alleged events occurred for which the person was ar-  
8 rested, unless the commissioner or his authorized agent and the  
9 person agree that the hearing may be held in some other county.  
10 The hearing shall be recorded and its scope shall cover the issues of  
11 whether a peace officer had reasonable grounds to believe the person  
12 to have been operating a motor vehicle upon a public highway of this  
13 state while in an intoxicated condition, whether the person was  
14 placed under arrest and whether he refused to submit to the test or  
15 tests. The commissioner or his authorized agent shall order that the  
16 revocation or denial be either rescinded or sustained.

1 SEC. 45. If the revocation or denial is sustained the person whose  
2 license, permit to drive, or nonresident operating privilege has been  
3 revoked or denied, may file a petition within thirty days after the  
4 determination by the commissioner\* or his authorized agent for a  
5 hearing of the matter in the district court in the county wherein the  
6 alleged events occurred for which he was arrested or in the county  
7 in which the administrative hearing was held. It shall be the duty  
8 of the court to set the matter for hearing, and the petitioner shall  
9 give twenty days notice thereof to the commissioner. Within fifteen  
10 days after receipt of the notice, the commissioner shall file in the  
11 office of the clerk of the district court to which the appeal is taken  
12 a certified transcript of the testimony and all other proceedings. It  
13 shall constitute the record on which the commissioner made his  
14 determination. The court thereafter shall hear the matter de novo  
15 and shall affirm or vacate the decision of the commissioner or his  
16 authorized agent. The person or the commissioner may appeal to  
17 the supreme court in accordance with the Iowa Rules of Civil Pro-  
18 cedure.

\*Amended by ch. 115, sec. 9.

1 SEC. 46. Upon the trial of any civil or criminal action or proceed-  
 2 ing arising out of acts alleged to have been committed by any person  
 3 while operating a motor vehicle upon a public highway of this state  
 4 while in an intoxicated condition, evidence of the amount of alcohol  
 5 in the person's blood at the time of the act alleged as shown by a  
 6 chemical analysis of his blood, breath, saliva or urine is admissible.

1 SEC. 47. If the person under arrest refuses to submit to the test  
 2 or tests, proof of refusal shall be admissible in any civil or criminal  
 3 action or proceeding arising out of acts alleged to have been com-  
 4 mitted while the person was operating a motor vehicle upon a public  
 5 highway of this state while in an intoxicated condition.

1 SEC. 48. The provisions of this Act shall not be construed as  
 2 limiting the introduction of any other competent evidence bearing on  
 3 the question of whether the person was in an intoxicated condition.

1 SEC. 49. When it has been finally determined under the proce-  
 2 dures of this Act that a nonresident's privilege to operate a motor  
 3 vehicle in this state has been revoked or denied, the department of  
 4 public safety shall give information in writing of the action taken  
 5 to the official in charge of traffic control or public safety of the state  
 6 of the person's residence and of any state in which he has a license.

1 SEC. 50. Sections thirty-seven (37) through fifty (50) of this  
 2 Act may be cited as the "Uniform Chemical Test for Intoxication  
 3 Act".

1 SEC. 51. It is hereby declared to be the legislative intent that if  
 2 this Act cannot take effect in its entirety because of the decision of  
 3 any court holding unconstitutional any part, sentence or clause  
 4 thereof, the remaining provisions of the Act shall be given full force  
 5 and effect as completely as if the part held unconstitutional had not  
 6 been included herein.

Approved May 14, 1963.

## CHAPTER 115

### LIQUOR CONTROL ACT AMENDMENTS

S. F. 485

AN ACT to amend the liquor control Act, Senate File four hundred thirty-seven (437)\* of the Sixtieth General Assembly, relating to the control, sale and use of alcoholic beverages.

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

1 SECTION 1. Section two (2), of senate file four hundred thirty-  
 2 seven (437), Acts of the Sixtieth General Assembly, is amended by

\*Chapter 114.

3 inserting in line four (4) before the word "also" the following:  
4 "also by inserting after the word 'defined' in line two (2) of sub-  
5 section five (5) the following: 'except beer as defined in chapter 124  
6 of the Code;'"

1 SEC. 2. Section ten (10), of senate file four hundred thirty-seven  
2 (437), Acts of the Sixtieth General Assembly, is hereby amended by  
3 striking from subsection five (5) all after the word "quarters" and  
4 inserting a period.

1 SEC. 3. Amend section ten (10) of senate file four hundred thirty-  
2 seven (437), Acts of the Sixtieth General Assembly, by inserting  
3 after the word "one" in subsection nine (9) the words, "class 'C'  
4 liquor control".

5 Further amend said section 10 by adding at the end of paragraph  
6 e. of subsection seven (7) the following:

7 "Except for filing of the petition and the conduct of elections, when-  
8 ever the word 'board' appears in this paragraph it shall include the  
9 county board of supervisors and city and town councils."

1 SEC. 4. Section eleven (11), of senate file four hundred thirty-  
2 seven (437), Acts of the Sixtieth General Assembly, is hereby  
3 amended by striking from the first sentence the word "permits" and  
4 inserting in lieu thereof the word "licenses".

5 Further amend said section by inserting in paragraph "c" of sub-  
6 section two (2) before the word "towns" the words "cities or".

1 SEC. 5. Section eleven (11), of senate file four hundred thirty-  
2 seven (437), Acts of the Sixtieth General Assembly, is hereby  
3 amended by striking all of subsection three (3) and inserting in lieu  
4 thereof the following:

5 "3. Class 'C' liquor control licenses, the sum as follows:

6 "a. Commercial establishments located within the corporate limits  
7 of cities of ten thousand (10,000) population and over, one thousand  
8 (1,000) dollars;

9 "b. Commercial establishments located within the corporate limits  
10 of cities or towns of over fifteen hundred (1,500) and less than ten  
11 thousand (10,000) population, seven hundred fifty (750) dollars;

12 "c. Commercial establishments located within the corporate limits  
13 of towns of fifteen hundred (1,500) population or less, five hundred  
14 (500) dollars;

15 "d. Commercial establishments located outside the corporate limits  
16 of any city or town, one thousand (1,000) dollars."

1 SEC. 6. Section twelve (12) of senate file four hundred thirty-  
2 seven (437), Acts of the Sixtieth General Assembly, is hereby  
3 amended by inserting after the first semicolon the following:

4 "also by striking from line three (3) the word and figures 'June 30'  
5 and inserting in lieu thereof the words 'the anniversary date;'"

1 SEC. 7. Section fourteen (14), of senate file four hundred thirty-  
2 seven (437), Acts of the Sixtieth General Assembly, is hereby



3 amended by striking the word "permittee" each time it appears and  
4 inserting in lieu thereof the word "licensee".

5 Further amend said section by striking from the first sentence the  
6 word "permit" and inserting in lieu thereof the word "license".

1 SEC. 8. Section twenty-nine (29) of senate file four hundred thir-  
2 ty-seven (437), Acts of the Sixtieth General Assembly is hereby  
3 amended by striking all of the first sentence after the words "against  
4 any" and inserting in lieu thereof the following:

5 "licensee or permittee who shall sell or give any beer or intoxicating  
6 liquor to any such person while he is intoxicated, or serve any such  
7 person to a point where such person is intoxicated for all damages  
8 actually sustained."

1 SEC. 9. Sections forty-three (43), forty-four (44) and forty-five  
2 (45) of senate file four hundred thirty-seven (437), Acts of the Six-  
3 tieth General Assembly, are amended by inserting after the word  
4 "commissioner" the first time it appears in each of said sections the  
5 words "of public safety".

1 SEC. 10. Section ten (10), of senate file four hundred thirty-seven  
2 (437), Acts of the Sixtieth General Assembly, is hereby amended by  
3 striking all of lines one hundred sixty-two (162) and one hundred  
4 sixty-three (163) and inserting in lieu thereof the following: "each  
5 week for four (4) weeks in succession in the official newspapers in  
6 such county a notice of such special".

Approved May 28, 1963.

## CHAPTER 116

### LIQUOR PERMITS ABOLISHED

S. F. 179

AN ACT to abolish individual liquor permits.

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

1 SECTION 1. Section one hundred twenty-three point five (123.5),  
2 Code 1962, is hereby amended as follows:

3 1. By striking subsection fourteen (14).

4 2. By striking subsection twenty (20).

1 SEC. 2. Section one hundred twenty-three point seventeen  
2 (123.17), Code 1962, is hereby amended as follows:

3 1. By striking all of paragraph *e* of subsection two (2) of such sec-  
4 tion after the word "furnished" in line two (2) and inserting in lieu  
5 thereof "under section thirteen (13) subsection one (1) of this Act."

6 2. By striking from line three (3) of paragraph *h* of subsection two  
7 (2) of such section the words "under any permits".

8 3. By striking paragraph *k* of subsection two (2) of such section

9 and inserting in lieu thereof the following:  
10 "Prescribing, subject to this chapter, the records of sales to holders  
11 of special permits and licenses and for the report of same to the com-  
12 mission."

1 SEC. 3. Section one hundred twenty-three point twenty-two  
2 (123.22), subsection one (1), Code 1962, is hereby amended by adding  
3 after the words "nor may any person" in line two (2) the words  
4 "required by law to have a permit,".

5 Section one hundred twenty-three point twenty-two (123.22), sub-  
6 section two (2), Code 1962, is hereby amended by striking paragraphs  
7 "a" and "b".

1 SEC. 4. Section one hundred twenty-three point twenty-seven  
2 (123.27), Code 1962, is hereby amended by striking all of lines one  
3 (1), two (2), three (3) and four (4) and inserting in lieu thereof the  
4 words "Special permits shall be issued as herein provided."

5 Section one hundred twenty-three point twenty-seven (123.27),  
6 Code 1962, is further amended by striking all of paragraph "a" of  
7 subsection two (2).

1 SEC. 5. Sections one hundred twenty-three point thirty (123.30),  
2 one hundred twenty-three point thirty-one (123.31), one hundred  
3 twenty-three point thirty-two (123.32), one hundred twenty-three  
4 point thirty-three (123.33), one hundred twenty-three point thirty-  
5 four (123.34), and one hundred twenty-three point thirty-five  
6 (123.35), Code 1962, are hereby repealed.

1 SEC. 6. Section one hundred twenty-three point twenty-eight  
2 (123.28), Code 1962, is hereby amended by striking therefrom the  
3 first sentence.

1 SEC. 7. Section one hundred twenty-three point forty-one  
2 (123.41), Code 1962, is hereby amended by striking from lines three  
3 (3) and four (4) the words "individual permit holder" and inserting  
4 in lieu thereof the word "person".

1 SEC. 8. Section one hundred twenty-three point forty-five  
2 (123.45), Code 1962, is hereby repealed.

1 SEC. 9. Section one hundred twenty-three point forty-six  
2 (123.46), Code 1962, is amended by striking subsections one (1) and  
3 two (2).

1 SEC. 10. Sections one hundred twenty-three point forty-nine  
2 (123.49), and one hundred twenty-three point fifty-one (123.51),  
3 Code 1962, are hereby repealed.

1 SEC. 11. Chapter one hundred twenty-three (123), Code 1962, is  
2 hereby amended by adding thereto the following new sections:

3 "1. Upon attempt to purchase alcoholic liquor in any state liquor

4 store or from any special distributor by any person who appears to  
5 the vendor or special distributor to be under twenty-one (21) years  
6 of age, such vendor or special distributor shall demand and the pro-  
7 spective purchaser upon such demand shall display satisfactory evi-  
8 dence that such purchaser is twenty-one (21) years of age or over.  
9 "2. Any person who presents to any vendor or special distributor  
10 falsified evidence of age as provided in subsection one (1) of this  
11 section shall be guilty of a misdemeanor and upon conviction shall be  
12 punished by a fine of not less than one hundred (100) dollars and not  
13 more than three hundred (300) dollars or imprisoned in the county  
14 jail for not more than thirty (30) days or by both such fine and  
15 imprisonment."

1 SEC. 12. Section three hundred twenty-one point two hundred  
2 eighty-one (321.281), Code 1962, is hereby amended by striking all  
3 of lines thirty-eight (38) through fifty-two (52) and by inserting in  
4 lieu thereof the following:

5 "The court shall after pronouncing sentence cause the clerk to cer-  
6 tify a true copy of the judgment to the Iowa liquor control commis-  
7 sion. Said commission upon receipt of such copy shall cause notice of  
8 such conviction and judgment to be sent to the manager of each liquor  
9 store in the state which notice shall be posted therein."

1 SEC. 13. Section three hundred twenty-eight point forty-one  
2 (328.41), Code 1962, is hereby amended by striking all of such section  
3 after the period in line thirty-one (31) and by inserting in lieu thereof  
4 the following:

5 "The court shall after pronouncing sentence cause the clerk to cer-  
6 tify a true copy of the judgment to the Iowa liquor control commis-  
7 sion. Said commission upon receipt of such copy shall cause notice of  
8 such conviction and judgment to be sent to the manager of each liquor  
9 store in the state which notice shall be posted therein."

1 SEC. 14. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Sioux City  
3 Journal, a newspaper published at Sioux City, Iowa, and in the Fort  
4 Dodge Messenger and Chronicle, a newspaper published at Fort  
5 Dodge, Iowa.

Approved May 14, 1963.

I hereby certify that the foregoing Act, Senate File 179, was published in the Sioux City Journal, Sioux City, Iowa, May 16, 1963, and in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, May 16, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 117

## CREDIT ON BEER PURCHASES

S. F. 96

AN ACT to prevent subsidizing retail beer permittees by the extension of credit on beer from class "A" permit holders.

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

1 SECTION 1. Amend section one hundred twenty-four point twenty-  
2 two (124.22), Code 1962, by inserting after the word "indirectly" in  
3 line eleven (11) the following: "extend credit to any permittee for  
4 beer or".

Approved February 27, 1963.

## CHAPTER 118

## TRAVEL TRAILERS AND MOBILE HOMES

S. F. 461

AN ACT relating to the regulation and taxation of travel trailers and mobile homes.

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

1 Sections one hundred thirty-five D point nine (135D.9), one hundred  
2 thirty-five D point ten (135D.10) and one hundred thirty-five D point  
3 twenty-one (135D.21), Code 1962, are hereby repealed and sections  
4 one (1) to five (5), inclusive, hereof enacted in lieu thereof.

1 SECTION 1. The owner of each mobile home shall pay to the county  
2 treasurer a semiannual tax as herein provided. However, when the  
3 owner is any educational institution and the mobile home is used solely  
4 for student housing or when the owner is the state of Iowa or a sub-  
5 division thereof, the owner shall be exempt from the tax provided  
6 herein. The semiannual tax shall be computed as follows:

7 1. Multiply the number of square feet of floor space each mobile  
8 home contains when parked and in use by seven and one-half cents.  
9 In computing floor space the exterior measurements of the mobile  
10 home shall be used as shown on the certificate of registration and title,  
11 but not including any area occupied by any hitching device.

12 2. The amount thus computed shall be the semiannual tax for all  
13 mobile homes for the first five years after the year of manufacture.

14 3. For the sixth through ninth years after the year of manufacture  
15 the semiannual tax shall be ninety percent of the tax computed ac-  
16 cording to subsection one (1) of this section.

17 4. For all mobile homes ten or more years after the year of manu-  
18 facture the semiannual tax shall be eighty percent of the tax com-  
19 puted according to subsection one (1) of this section.

20 5. The semiannual tax shall be figured to the nearest whole dollar.

1 SEC. 2. There shall be exempted from the semiannual tax the  
2 manufacturer's and dealer's inventory of mobile homes not in use as  
3 a place of human habitation. All travel trailers shall be exempt from  
4 this tax. Mobile homes and travel trailers in the inventory of manu-  
5 facturers and dealers shall be exempt from personal property tax.  
6 Mobile homes coming into Iowa from out of state shall be liable for  
7 the tax computed pro rata to the nearest whole month, for the time  
8 such mobile home is actually situated in Iowa.

1 SEC. 3. The semiannual tax provided herein shall be due and pay-  
2 able to the county treasurer semiannually on January 1 and July 1 in  
3 each year; and shall be delinquent February 1 and August 1 in each  
4 year, after which a penalty of five percent shall be added each month  
5 until paid. A mobile home parked and put to use at any time after  
6 January 1 or July 1 shall be immediately subject to the said taxes  
7 prorated for the remaining months or days of the tax period. Said  
8 tax shall be due and payable immediately, and delinquent thirty days  
9 after said parking and subject to the same penalties herein set out.

10 Each mobile home park licensee is hereby required to keep an ac-  
11 curate and complete record of the number of units of mobile homes  
12 harbored in his park, listing the owner's name, year and make of the  
13 unit and whether there is a current registration plate, and to report  
14 such information on or before the tenth day of each month to the  
15 county treasurer. The records of such licensee shall be open to in-  
16 spection by a duly authorized representative of any law-enforcement  
17 agency. Any property owner, manager or tenant shall report to the  
18 assessor any and all mobile homes parked upon any property owned,  
19 managed, or rented by him.

20 The county treasurer shall report the name of any owner of a  
21 mobile home and the year, make, and serial number of each unit on  
22 which there is no current registration plate to the Iowa department  
23 of public safety. The motor vehicle registration division shall be the  
24 enforcement agency for enforcement of registration provisions.

25 The tax and registration fee shall be a lien on the vehicle senior to  
26 any other lien there may be upon it. The mobile home and automobile  
27 bearing current registration plates issued by any other state than the  
28 state of Iowa and remaining within this state for an accumulated  
29 period not to exceed ninety days in any twelve-month period shall not  
30 be subject to Iowa tax. However, when one or more persons occupy-  
31 ing a mobile home bearing a foreign registration are employed, there  
32 shall be no exemption from Iowa registration and tax herein provided.  
33 This tax shall be in lieu of all other taxes general or local.

1 SEC. 4. The tax and any penalties provided by section three (3)  
2 herein shall be allocated to the school fund of the district wherein the  
3 mobile home is located.

1 SEC. 5. No mobile home shall be assessed for property tax nor be  
2 eligible for homestead tax credit or military service tax credit unless:

3 1. The mobile home owner intends to convert his mobile home to  
4 real estate and does so by:

5 a. Attaching his unencumbered mobile home to a permanent foun-

6 dation on real estate owned by him. Encumbered mobile homes shall  
7 not be converted to real property.

8 b. Destruction or modification of the vehicular frame rendering it  
9 impossible to reconvert the real property thus created to a mobile  
10 home.

11 2. After converting a mobile home to real estate, the owner shall  
12 notify the assessor who shall inspect the new premises for compliance  
13 with the provisions of this section and if the mobile home is properly  
14 converted, the assessor shall then collect the mobile home vehicle title,  
15 registration, and license plates from the owner and enter the property  
16 upon the tax rolls.

1 SEC. 6. Section one hundred thirty-five D point one (135D.1), Code  
2 1962, is amended by striking subsection one (1) and inserting in lieu  
3 thereof the following:

4 1. "Mobile home" means any vehicle without motive power used or  
5 so manufactured or constructed as to permit its being used as a con-  
6 veyance upon the public streets and highways and so designed, con-  
7 structed, or reconstructed as will permit the vehicle to be used as a  
8 place for human habitation by one or more persons; but shall also  
9 include any such vehicle with motive power not registered as a motor  
10 vehicle in Iowa.

1 SEC. 7. Section four hundred forty-one point seventeen (441.17),  
2 Code 1962, is hereby amended by adding thereto the following new  
3 subsection:

4 Measure the exterior length and exterior width of all mobile homes  
5 except those for which said measurements are contained in the manu-  
6 facturer's and importer's certificate of origin, and report said infor-  
7 mation to the county treasurer. In the calendar year 1963, said duty  
8 shall be performed between September 1 and November 30. Check all  
9 mobile homes and travel trailers for violations of registration and for  
10 inaccuracy or measurements as necessary or upon written request of  
11 the county treasurer and report such findings immediately to the  
12 county treasurer. If a mobile home has been converted to real estate  
13 the registration certificate, registration plates, and title shall be col-  
14 lected and returned to the county treasurer for cancellation. If the  
15 registration fees and any taxes due for prior years have not been paid,  
16 the assessor shall collect the unpaid registration fees and taxes due as  
17 a condition of conversion. It shall be the further duty of the assessor  
18 to make sufficiently frequent inspections and checks within his entire  
19 jurisdiction of all mobile homes and mobile home parks and travel  
20 trailers and make all the required and needed reports to carry out the  
21 intents and purposes of this section.

1 SEC. 8. Section three hundred twenty-one point one (321.1), Code  
2 1962, is amended by striking subsection sixty-eight (68) and insert-  
3 ing in lieu thereof the following:

4 "Mobile home" means any vehicle without motive power used or so  
5 manufactured or constructed as to permit its being used as a convey-  
6 ance upon the public streets and highways and so designed, con-  
7 structed, or reconstructed as will permit the vehicle to be used as a

8 place for human habitation by one or more persons.

9 "Travel trailer" or "camping trailer" means a vehicle without  
10 motive power used or so manufactured or constructed as to permit  
11 its being used as a conveyance upon the public streets and highways  
12 and so designed to permit the vehicle to be used as a place of human  
13 habitation by one or more persons. Said vehicle may be up to eight  
14 feet in width and any length provided its gross weight does not exceed  
15 forty-five hundred pounds which shall be the manufacturer's shipping  
16 or the actual weight of the vehicle fully equipped, or any weight pro-  
17 vided its overall length does not exceed twenty-eight feet. Such  
18 vehicle shall be customarily or ordinarily used for vacation or recre-  
19 ational purposes and not used as a place of permanent habitation. If  
20 any such vehicle is used in this state as a place of human habitation  
21 for more than ninety days in any twelve-month period it shall be  
22 classed as a mobile home regardless of the size and weight limitations  
23 herein provided.

1 SEC. 9. Section three hundred twenty-one point one hundred  
2 twenty-three (321.123), Code 1962, is amended by striking subsection  
3 three (3) and inserting in lieu thereof the following:

4 3. Mobile homes, regardless of whether or not they are used on the  
5 highways, except those in a dealer's or a manufacturer's stock not  
6 used as a place for human habitation, a semiannual fee of two and  
7 one-half dollars which shall not be prorated or refunded. The semi-  
8 annual tax provided in chapter one hundred thirty-five D (135D) of  
9 the Code shall be paid at the same time that the registration fee is  
10 paid and the issuance of the registration certificate and plate herein  
11 provided shall be subject thereto. However, when the owner is any  
12 educational institution and the mobile home is used solely for student  
13 housing or when the owner is the state of Iowa or a subdivision  
14 thereof, the owner shall be exempt from the provisions of this chap-  
15 ter.

16 Travel trailers and camping trailers, regardless of whether or not  
17 they are used on the highways, except those in manufacturer's or  
18 dealer's stock, an annual fee of fifteen cents per square foot of floor  
19 space computed on the exterior measurements, but excluding any area  
20 occupied by any trailer hitch as provided by and certified to by the  
21 owner, which amount shall not be prorated or refunded; except the  
22 annual fee for travel trailers or camping trailers, when registered in  
23 Iowa for the first time, shall be prorated on a monthly basis. The  
24 registrant of a travel trailer or camping trailer shall be issued a  
25 "travel trailer" plate. It is further provided the annual fee thus com-  
26 puted shall be limited to seventy-five percent of the full fee after the  
27 sixth registration.

28 If a mobile home, travel trailer or camping trailer, shall have been  
29 registered under the provisions of this chapter at any time during a  
30 calendar year, said mobile home, travel trailer or camping trailer,  
31 shall not be subject to a personal property tax for said year.

1 SEC. 10. Section three hundred twenty-one point forty-five  
2 (321.45), subsection one (1), Code 1962, is hereby amended by adding  
3 thereto the following:

4 For each new mobile home, travel trailer and camping trailer said

5 manufacturer's or importer's certificate shall also contain thereon the  
6 exterior length and exterior width of said vehicle not including any  
7 area occupied by any hitching device, and the manufacturer's ship-  
8 ping weight.

1 SEC. 11. Sections one (1) to six (6), inclusive, and sections eight  
2 (8) and nine (9) of this Act shall become effective as of January 1,  
3 1964.

Approved June 10, 1963.

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## CHAPTER 119

### DEATH CERTIFICATES

S. F. 54

AN ACT requiring that the cause of death and attending physicians name be type-written on all death certificates.

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

1 SECTION 1. Amend section one hundred forty-one point four  
2 (141.4), Code 1962, subsection eighteen (18) by adding the following  
3 paragraph thereto:  
4 "All information required on the death certificate shall be typed."

1 SEC. 2. Amend section one hundred forty-one point four (141.4),  
2 subsection twenty (20), Code 1962, by adding the following sentence  
3 thereto: "In addition to written signatures, the signatures of attend-  
4 ing physicians shall also be typed on such death certificates."

Approved March 22, 1963.

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## CHAPTER 120

### PUBLIC HEALTH NURSES

H. F. 83

AN ACT relating to public health nurses.

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

1 SECTION 1. Section one hundred forty-three point one (143.1),  
2 Code 1962, is hereby amended by inserting in line six (6) after the  
3 word "advisable," the following new sentence:  
4 "The board of supervisors of any county, the council of any city or  
5 town, or the school board of any school district, or any of them acting  
6 in co-operation, may contract with any non-profit nurses' association  
7 for public health nursing service."

Approved April 4, 1963.



## CHAPTER 121

## MORBIDITY AND MORTALITY STUDY

S. F. 340

AN ACT relating to the confidential character of research studies for the purpose of reducing morbidity or mortality.

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

1 SECTION 1. Any person, hospital, sanitorium, nursing or rest home  
2 or other organization may provide information, interviews, reports,  
3 statements, memoranda, or other data relating to the condition and  
4 treatment of any person to the state department of health, the Iowa  
5 medical society or any of its allied medical societies or the Iowa  
6 society of osteopathic physicians and surgeons or any in-hospital staff  
7 committee, to be used in the course of any study for the purpose of  
8 reducing morbidity or mortality, and no liability of any kind or char-  
9 acter for damages or other relief shall arise or be enforced against  
10 any person or organization by reason of having provided such infor-  
11 mation or material, or by reason of having released or published the  
12 findings and conclusions of such groups to advance medical research  
13 and medical education, or by reason of having released or published  
14 generally a summary of such studies.

1 SEC. 2. The state department of health, the Iowa medical society  
2 or any of its allied medical societies or the Iowa society of osteopathic  
3 physicians and surgeons or any in-hospital staff committee shall use  
4 or publish said material only for the purpose of advancing medical  
5 research or medical education in the interest of reducing morbidity  
6 or mortality, except that a summary of such studies may be released  
7 by any such group for general publication. In all events the identity  
8 of any person whose condition or treatment has been studied shall be  
9 confidential and shall not be revealed under any circumstances. A  
10 violation of this section shall constitute a misdemeanor and be punish-  
11 able as such.

1 SEC. 3. All information, interviews, reports, statements, memo-  
2 randa, or other data furnished in accordance with this Act and any  
3 findings or conclusions resulting from such studies shall not be used  
4 or offered or received in evidence in any legal proceedings of any kind  
5 or character, but nothing contained herein shall be construed as af-  
6 fecting the admissibility as evidence of the primary medical or hos-  
7 pital records pertaining to the patient or of any other writing, record  
8 or reproduction thereof not contemplated by this Act.

Approved June 4, 1963.

## CHAPTER 122

## BOARD OF MEDICAL EXAMINERS

H. F. 378

AN ACT relating to the creation of a single examining and licensing board for physicians and surgeons, osteopaths, and osteopathic physicians and surgeons and matters relating thereto.

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

1 SECTION 1. Section one hundred forty-seven point one (147.1),  
2 Code 1962, is amended by striking from lines two (2) and three (3)  
3 of subsection two (2) the words "osteopath, osteopath and surgeon,"  
4 and inserting in lieu thereof the words "osteopath, osteopathic physi-  
5 cian and surgeon,".

6 Further amend said section by striking from lines two (2) and three  
7 (3) of subsection three (3) the words "osteopathy, osteopathy and  
8 surgery" and inserting in lieu thereof the words "osteopathy, osteo-  
9 pathic medicine and surgery".

1 SEC. 2. Section one hundred forty-seven point two (147.2), Code  
2 1962, is amended by striking from line three (3) the word "osteopathy"  
3 preceding the word "and" and inserting in lieu thereof the words  
4 "osteopathic medicine".

1 SEC. 3. Section one hundred forty-seven point thirteen (147.13),  
2 Code 1962, is amended by inserting in line four (4) after the word  
3 "surgery" appearing in lines three (3) and four (4) the words "and  
4 osteopathy, and osteopathic medicine and surgery".

5 Further amend said section by striking from lines five (5) and six  
6 (6) the following:

7 "for osteopathy and osteopathy and surgery, osteopathic examin-  
8 ers;".

1 SEC. 4. Section one hundred forty-seven point fourteen (147.14),  
2 Code 1962, is amended by striking from line three (3) the words  
3 ", medical examiners".

4 Further amend said section by adding at the end thereof the words  
5 "and the medical examiners which shall consist of eight members".

1 SEC. 5. Section one hundred forty-seven point fifteen (147.15),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:  
3 "Every dental, podiatry, chiropractic, nurse, optometry, pharmacy,  
4 cosmetology, barbering, and funeral director and embalmer examiner  
5 shall be a person licensed to practice the profession for which the  
6 board, of which he is a member, conducts examinations for licenses to  
7 practice such profession. The medical examiners shall consist of eight  
8 persons, six of whom shall be licensed to practice medicine and surgery  
9 and two of whom shall be licensed to practice osteopathic medicine and  
10 surgery."

1 SEC. 6. Section one hundred forty-seven point seventeen (147.17),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:

3 "In addition to the preceding requirements, each of the six medical  
4 members of the board of medical examiners shall be a graduate of some  
5 reputable school of medicine and each osteopathic physician and sur-  
6 geon member shall be a graduate of some reputable school of oste-  
7 opathy or osteopathic medicine and surgery."

1 SEC. 7. Section one hundred forty-seven point nineteen (147.19),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:  
3 "The members of each examining board shall be appointed for a  
4 term of three years, except the dental and nurse examiners who shall  
5 be appointed for a term of five years and except the medical examiners,  
6 the medical members of which shall be appointed for a term of five  
7 years and the osteopathic physician and surgeon members of which  
8 shall be appointed for a term of three years. No nurse examiner shall  
9 be appointed to more than two consecutive terms. The term of each  
10 examiner shall commence on July 1 in the year of appointment and  
11 the terms of the members of each board shall be rotated in such a  
12 manner that one examiner shall retire each year except the board of  
13 medical examiners in which two examiners shall retire in years when  
14 the three-year term of an osteopathic physician and surgeon member  
15 expires. Nothing contained in this Act shall affect the terms of present  
16 members of any examining board except the osteopathic members.  
17 The additional medical member of the board provided by this Act  
18 shall serve for six years from July 1, 1963. After the expiration of the  
19 terms of the present medical members, terms of their successors shall  
20 be for six years. The terms of the first osteopathic physician and sur-  
21 geon members of the board appointed under this Act shall be, one for  
22 two years and one for three years beginning July 1, 1963. Their suc-  
23 cessors shall be appointed for terms of three years."

1 SEC. 8. Section one hundred forty-seven point twenty (147.20),  
2 Code 1962, is amended by adding at the end thereof the following:  
3 "The names of the osteopathic nominees for the appointment to the  
4 board of medical examiners shall be submitted to the governor, as  
5 herein provided in any year prior to expiration of the term of any such  
6 member, the first list shall be submitted for the term beginning July 1,  
7 1963."

1 SEC. 9. Section one hundred forty-seven point twenty-four  
2 (147.24), Code 1962, is amended by striking from line three (3) the  
3 word "ten" and inserting in lieu thereof the word "twenty-five".

1 SEC. 10. Section one hundred forty-seven point thirty-nine  
2 (147.39), Code 1962, is amended by striking from line ten (10) the  
3 word "railroad" and inserting in lieu thereof the word "travel".

1 SEC. 11. Section one hundred forty-seven point forty-nine (147.49),  
2 Code 1962, is amended by adding at the end thereof the following:  
3 "The department of health may, upon the recommendation of the  
4 medical examiners, accept in lieu of the examination prescribed in  
5 section one hundred forty-eight point three (148.3), of the Code, or  
6 division 'C' of section twenty-nine (29) of this Act, a license to prac-

7 tice medicine and surgery or osteopathic medicine and surgery, issued  
 8 by the duly constituted authority of another state, territory or foreign  
 9 country. Endorsement may be accepted by the department of health  
 10 in lieu of further written examination without regard to the existence  
 11 or nonexistence of a reciprocal agreement, but shall not be in lieu of  
 12 the standards and qualifications prescribed by section one hundred  
 13 forty-eight point three (148.3) of the Code or division 'C' of section  
 14 twenty-nine (29) of this Act."

1 SEC. 12. Section one hundred forty-seven point seventy-four  
 2 (147.74), Code 1962, is amended by inserting in line one (1) of the  
 3 third paragraph after the word "osteopathic" the words "physician  
 4 and".

5 Further amend said section by inserting in line five (5) of said para-  
 6 graph after the word "Osteopathic" the words "Physician and".

1 SEC. 13. Section one hundred forty-seven point eighty (147.80),  
 2 Code 1962, is hereby amended by striking all of subsections one (1)  
 3 and two (2) and inserting in lieu thereof:

4 "1. For a license to practice dentistry or pharmacy, issued upon the  
 5 basis of an examination given by the dental examiners or board of  
 6 pharmacy examiners, twenty-five dollars or, issued under a reciprocal  
 7 agreement, fifty dollars.

8 2. For a license to practice medicine and surgery or osteopathic  
 9 medicine and surgery, issued upon the basis of an examination given  
 10 by the medical examiners, fifty dollars. For a license to practice medi-  
 11 cine and surgery, osteopathic medicine and surgery or osteopathy,  
 12 issued by endorsement or under a reciprocal agreement, one hundred  
 13 dollars."

14 Further amend said section, subsection three (3), lines one (1) and  
 15 two (2), by striking the word "osteopathy".

16 Further amend said section one hundred forty-seven point eighty  
 17 (147.80), subsection seven (7), by striking the word "or" in line five  
 18 (5) and inserting in lieu thereof the following "osteopathic medicine  
 19 and surgery, or osteopathy shall be five dollars, and except the renewal  
 20 fee to practice".

21 Further amend said section by adding a new subsection as follows:  
 22 "The department may issue a duplicate license, which shall be so desig-  
 23 nated on its face, upon satisfactory proof the original license issued by  
 24 the department has been destroyed or lost, upon payment of a fee of  
 25 five dollars."

1 SEC. 14. Section one hundred forty-seven point one hundred two  
 2 (147.102), Code 1962, is amended by striking from line four (4) the  
 3 word "osteopathy" following the word "or" and inserting in lieu  
 4 thereof the words "osteopathic medicine".

1 SEC. 15. Section one hundred forty-seven point one hundred three  
 2 (147.103), Code 1962, is hereby repealed and the following enacted in  
 3 lieu thereof:

4 "Subject to the approval of the executive council, the chiropractic  
 5 examining board may employ such clerical assistance as may be nec-

6 essary to said board to perform the duties imposed upon it by law.  
7 Payment for such assistance shall be made out of the appropriation  
8 provided for said examining board in the biennial departmental ap-  
9 propriations. The executive council shall also furnish said board with  
10 the necessary quarters and all articles and supplies required for public  
11 use, and the provisions of section one hundred forty-seven point  
12 twenty-six (147.26) of the Code shall not apply to said board.

13 All fees paid to the department by practitioners of medicine and  
14 surgery, osteopathic medicine and surgery and osteopathy, shall be  
15 transmitted by the department to the treasurer of state who shall  
16 receipt therefor and who shall keep such fees in a separate fund to be  
17 known as the 'state board of medical examiners fund', to be used by  
18 the medical examiners to assist in administering and enforcing the  
19 laws relating to the practice of medicine and surgery, osteopathic  
20 medicine and surgery and osteopathy. Such fund shall be continued  
21 from year to year and the treasurer shall keep a separate account  
22 thereof showing receipts and disbursements and any remainder in said  
23 fund in excess of twenty-five thousand dollars at the end of each cal-  
24 endar year shall be paid into the general fund of the state. Said fund  
25 shall be subject at all times to the warrant of the state comptroller  
26 drawn upon written requisition of the chairman of the medical exam-  
27 iners and attested by the secretary, for the payment of all salaries,  
28 per diem expense, and other expenses necessary to administer and aid  
29 in the enforcement of the provisions of law relating to the practice of  
30 medicine and surgery, osteopathic medicine and surgery and oste-  
31 opathy, but in no event shall the total expenses therefor exceed the  
32 total fees collected and deposited to the credit of said fund.

33 The medical examiners may appoint an inspector, who shall not be  
34 a member of the examining board, to properly administer and aid in  
35 the enforcement of the provisions of the law relating to those licensed  
36 to practice medicine and surgery, osteopathic medicine and surgery  
37 and osteopathy, by said board. The amount of compensation for such  
38 inspector shall be approved by the executive council and paid from the  
39 'state board of medical examiners fund'."

1 SEC. 16. Upon the effective date of this Act, the terms of the  
2 members of the board of osteopathic examiners only shall expire, and  
3 the secretary of said board shall deliver to the secretary of the board  
4 of medical examiners all records of the osteopathic board. Until June  
5 30, 1963, the chairman of the board of osteopathic examiners shall be  
6 a member of the board of medical examiners.

1 SEC. 17. Section one hundred forty-eight point two (148.2), Code  
2 1962, subsection four (4), is amended by striking from lines one (1)  
3 and two (2) the words "osteopaths and surgeons" and inserting in lieu  
4 thereof the words "osteopathic physicians and surgeons".

1 SEC. 18. Section one hundred forty-eight point three (148.3), Code  
2 1962, is amended by striking the period (.) in line two (2) of subsec-  
3 tion one (1) and inserting in lieu thereof the following: ", or present  
4 other evidence of equivalent medical education approved by the medical  
5 examiners."

6 Further amend said section by striking subsection two (2) and in-  
7 serting in lieu thereof the following:

8 "Pass an examination prescribed by the medical examiners which  
9 shall include the subjects of anatomy, chemistry, physiology, materia  
10 medica and therapeutics, obstetrics, pathology, medicine, public health  
11 and hygiene and surgery. The board of medical examiners may require  
12 written, oral, and practical examinations of the applicant."

1 SEC. 19. Section one hundred forty-eight point six (148.6), Code  
2 1962, is amended by inserting in line eight (8) after the word "sur-  
3 gery" the words ", osteopathic medicine and surgery, or osteopathy".

1 SEC. 20. Section one hundred forty-eight point seven (148.7), Code  
2 1962, is amended by inserting in line three (3) after the word "sur-  
3 gery" the following: ", osteopathic medicine and surgery, or osteo-  
4 paty".

1 SEC. 21. Chapter one hundred forty-eight (148), Code 1962, is  
2 amended by adding the following new section:

3 "The medical examiners may, in their discretion, issue a temporary  
4 certificate authorizing the licensee to practice medicine and surgery or  
5 osteopathic medicine and surgery whenever, in the opinion of the  
6 medical examiners, a need exists therefor and the person possesses  
7 the qualifications prescribed by the medical examiners for such license,  
8 which shall be substantially equivalent to those required for licensure  
9 under chapter one hundred forty-eight (148) of the Code or section  
10 twenty-nine (29) of this Act, as the case may be. The medical exam-  
11 iners shall determine in each instance those eligible for this license,  
12 whether or not examinations shall be given, and the type of examina-  
13 tions. No requirements of the law pertaining to regular permanent  
14 licensure shall be mandatory for this temporary license except as  
15 specifically designated by the medical examiners. The granting of a  
16 temporary license does not in any way indicate that the person so  
17 licensed is necessarily eligible for regular licensure, nor are the medical  
18 examiners in any way obligated to so license such person.

19 The fee for such license shall be twenty-five dollars. The license  
20 shall be valid for a period not to exceed one year from the date of  
21 issuance thereof and shall not be renewable. The medical examiners  
22 may cancel a temporary certificate at any time, without a hearing, for  
23 reasons deemed sufficient to the medical examiners.

24 When the medical examiners cancel a temporary certificate they  
25 shall promptly notify the licensee by registered United States mail, at  
26 his last named address, as reflected by the files of the medical exam-  
27 iners, and the temporary certificate shall become terminated and of  
28 no further force and effect three days after the giving of said notice  
29 to the licensee."

1 SEC. 22. Section one hundred fifty point one (150.1), Code 1962, is  
2 amended by striking from the last two (2) lines the words "and is not  
3 subject to the provisions of said chapter" and by inserting in lieu  
4 thereof the following: "nor the practice of osteopathic medicine and  
5 surgery within the meaning of section twenty-nine (29) of this Act,

6 and is not subject to the provisions of chapter one hundred forty-eight  
7 (148) of the Code or section twenty-nine (29) of this Act, except sec-  
8 tions one hundred forty-eight point six (148.6) to one hundred forty-  
9 eight point nine (148.9), inclusive”.

1 SEC. 23. Section one hundred fifty point two (150.2), Code 1962, is  
2 amended by striking subsection two (2).

1 SEC. 24. Section one hundred fifty point three (150.3), Code 1962,  
2 subsection one (1), is amended by inserting in line two (2) after the  
3 word “surgery,” the words “osteopathic medicine and surgery,”.

4 Further amend said section, subsection two (2), by striking from  
5 lines four (4) and five (5) the words “or osteopathic physicians and  
6 surgeons”; also by striking from line eight (8) the words “or osteo-  
7 pathic physician and surgeon,”.

8 Further amend said section by striking all of subsection three (3).

1 SEC. 25. Sections one hundred fifty point four (150.4), one hundred  
2 fifty point five (150.5) and one hundred fifty point six (150.6), Code  
3 1962, are hereby repealed.

1 SEC. 26. Section one hundred fifty point seven (150.7), Code 1962,  
2 is amended by striking from said section all after the word “surgery.”  
3 in line four (4).

1 SEC. 27. Section one hundred fifty point eight (150.8), Code 1962,  
2 is hereby repealed and the following enacted in lieu thereof:

3 “A license to practice osteopathy shall not authorize the licensee to  
4 engage in major operative surgery, but shall authorize the licensee to  
5 prescribe or give drugs and medicines whether or not prescribed or  
6 given preliminary to, preparatory to or in connection with manual  
7 treatment.”

1 SEC. 28. Chapter one hundred fifty (150), Code 1962, is amended  
2 by adding the following new section:

3 “After the effective date of this Act, no license to practice osteo-  
4 opathy shall be issued, provided that the department of health shall  
5 issue renewal licenses to practice osteopathy as provided in chapter  
6 one hundred forty-seven (147) of the Code and the department, upon  
7 recommendation of the medical examiners, may grant a license to prac-  
8 tice osteopathy by reciprocity or endorsement if the applicant holds a  
9 valid license to practice osteopathy or osteopathic medicine and surgery  
10 issued by another state prior to the effective date of this Act.”

1 SEC. 29. Title Eight (VIII), Code 1962, is amended by adding the  
2 following as a new chapter:

3 A. For the purpose of this title, the following classes of persons  
4 shall be deemed to be engaged in the practice of osteopathic medicine  
5 and surgery:

6 1. Persons who publicly profess to be osteopathic physicians and  
7 surgeons, or who publicly profess to assume the duties incident to the  
8 practice of osteopathic medicine and surgery.

9 2. Persons who prescribe, or prescribe and furnish medicine for

10 human ailments or treat the same by surgery.

11 3. Persons who act as representatives of any person in doing any of  
12 the things mentioned in this section.

13 B. Division "A" hereof shall not be construed to include the follow-  
14 ing classes of persons:

15 1. Persons who advertise or sell patent or proprietary medicines.

16 2. Persons who advertise, sell, or prescribe natural mineral waters  
17 flowing from wells or springs.

18 3. Students of medicine or surgery or osteopathic medicine and sur-  
19 gery, who have completed at least two years study in a medical school  
20 or college of osteopathic medicine and surgery approved by the med-  
21 ical examiners, and who prescribe medicine under the supervision of a  
22 licensed physician and surgeon or osteopathic physician and surgeon,  
23 or who render gratuitous service to persons in case of emergency.

24 4. Licensed physicians and surgeons, podiatrists, osteopaths, chiro-  
25 practors, nurses, dentists, optometrists, and pharmacists who are ex-  
26 clusively engaged in the practice of their respective professions.

27 5. Physicians and surgeons of the United States army, navy or  
28 public health service when acting in the line of duty in this state, or  
29 physicians and surgeons, or osteopathic physicians and surgeons, li-  
30 censed in another state, when incidentally called into this state in con-  
31 sultation with a physician or surgeon, or osteopathic physician and  
32 surgeon, licensed in this state.

33 C. Each applicant for a license to practice osteopathic medicine and  
34 surgery shall:

35 1. Either comply with all of the following:

36 a. Present a diploma issued, after the effective date of this Act, by  
37 a college of osteopathic medicine and surgery approved by the medical  
38 examiners or present other evidence of equivalent medical education  
39 approved by the medical examiners.

40 b. Pass an examination prescribed by the medical examiners in sub-  
41 jects including anatomy, chemistry, physiology, materia medica and  
42 therapeutics, obstetrics, pathology, medicine, public health and hygiene  
43 and surgery. The board of medical examiners may require written,  
44 oral and practical examinations of the applicant.

45 c. Present to the state department of health satisfactory evidence  
46 that the applicant has completed one year of internship in a hospital  
47 approved by the medical examiners. No hospital shall be approved  
48 which does not provide the internship without expense to the intern.  
49 Until July 1, 1968, any osteopathic hospital which has been approved  
50 by the American Osteopathic Association for internship training shall,  
51 by virtue thereof, stand as provisionally approved by the medical  
52 examiners unless the medical examiners, by majority action, including  
53 the osteopathic physician and surgeon member, shall disapprove.

54 d. Be a citizen of the United States or have legally declared his in-  
55 tention of becoming a citizen.

56 2. Or comply with the following:

57 a. Present a valid license to practice osteopathy in this state to-  
58 gether with satisfactory evidence that he has completed either: (1) a  
59 two-year postgraduate course, of nine months each, in an accredited  
60 college of osteopathy, osteopathic medicine and surgery or medicine  
61 approved by the board of medical examiners of Iowa, involving a  
62 thorough and intensive study of the subject of surgery as prescribed



63 by such medical examiners, or (2) a one-year postgraduate course of  
64 nine months in such accredited college, and in addition thereto, has  
65 completed a one-year course of training as a surgical assistant in a  
66 hospital having at least twenty-five beds for patients and equipped for  
67 doing surgical work.

68 b. Pass an examination as prescribed by the medical examiners in  
69 the subject of surgery, which shall be of such character as to thor-  
70 oughly test the qualifications of the applicant as a practitioner of  
71 major surgery.

72 D. Any college of osteopathic medicine and surgery which does not  
73 permit the medical examiners to make such reasonable annual inspec-  
74 tion as they desire shall not be approved by the medical examiners.  
75 Until July 1, 1968, any college of osteopathic medicine and surgery  
76 which is accredited by the American Osteopathic Association shall,  
77 by virtue thereof, stand as provisionally approved by the medical  
78 examiners unless the medical examiners, by majority action including  
79 the osteopathic physician and surgeon member, shall disapprove.

80 E. The board of supervisors of any county may enter into contract  
81 with one licensed hereunder for the care and treatment of its indigent  
82 sick.

83 F. One licensed hereunder shall have the right to examine appli-  
84 cants, recommend admissions and make reports in connection with the  
85 admission of patients to all state-owned institutions.

86 G. The state department of health may, with the approval of the  
87 medical examiners, accept in lieu of the examination prescribed in  
88 section "C" a certificate of examination issued by the National Board  
89 of Osteopathic Examiners of the United States of America, but every  
90 applicant for a license upon the basis of such certificate shall be re-  
91 quired to pay the fee prescribed for license issued under reciprocal  
92 agreements.

93 H. On the effective date of this Act, all persons licensed under the  
94 provisions of chapter one hundred fifty (150) of the Code to practice  
95 osteopathy and surgery, shall be deemed to be licensed as osteopathic  
96 physicians and surgeons under this Act.

1 SEC. 30. 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 Hampton Chronicle, a newspaper published at Hampton, Iowa, and  
4 The Atlantic News Telegraph, a newspaper published at Atlantic, Iowa.

Approved April 29, 1963.

I hereby certify that the foregoing Act, House File 378, was published in the Hampton Chronicle, Hampton, Iowa, May 9, 1963, and in The Atlantic News Telegraph, Atlantic, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 123

## ITINERANT PRACTITIONERS OF THE HEALING ARTS

H. F. 258

AN ACT relating to the licensing of itinerant practitioners.

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

1 SECTION 1. Sections one hundred forty-seven point seventy-five  
 2 (147.75), one hundred forty-seven point seventy-six (147.76), one  
 3 hundred forty-seven point seventy-seven (147.77), one hundred forty-  
 4 seven point seventy-eight (147.78), one hundred forty-seven point  
 5 seventy-nine (147.79), Code 1962, are hereby repealed and the follow-  
 6 ing enacted in lieu thereof:

7 "Any person holding an itinerant practitioner's license on the effec-  
 8 tive date of this Act is hereby granted continuation of the rights and  
 9 privileges granted under such license for as long as his regular license  
 10 is maintained."

1 SEC. 2. Section one hundred forty-seven point eighty (147.80),  
 2 Code 1962, is hereby amended by striking all of subsections eight (8)  
 3 and twelve (12).

Approved April 5, 1963.

## CHAPTER 124

## PHARMACY LICENSE FEES

S. F. 28

AN ACT to amend section one hundred forty-seven point eighty (147.80), Code 1962, relating to pharmacy license fees.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),  
 2 Code 1962, is amended as follows:

3 1. By striking from lines two (2) and three (3) of subsection one  
 4 (1) the words "and dentistry," and by inserting in lieu thereof the  
 5 words "dentistry and pharmacy,"

6 2. By striking from line two (2) of subsection five (5) the follow-  
 7 ing: "pharmacy,"

8 3. By striking from line seven (7) of subsection seven (7) the word  
 9 "two" and by inserting in lieu thereof the word "seven".

10 4. By inserting after the word "cents," in line eight (8) of subsec-  
 11 tion seven (7) the following: "except the renewal fee for a license to  
 12 practice pharmacy of a person who is not a resident of the state of  
 13 Iowa and who does not practice pharmacy in the state of Iowa shall  
 14 be two dollars and fifty cents,"

15 5. By striking the period following the word "dollars" in line two  
 16 (2) of subsection nine (9) and by inserting the following: ", except

17 that the fee for a certified statement that a licensee is licensed to prac-  
 18 tice pharmacy in this state shall be ten dollars.”  
 19 This Act being deemed of immediate importance shall take effect  
 20 and be in full force from and after its passage and publication in The  
 21 Belle Plaine Union, a newspaper published at Belle Plaine, Iowa, and  
 22 in the Cedar Valley Daily Times, a newspaper published at Vinton,  
 23 Iowa.

Approved March 4, 1963.

I hereby certify that the foregoing Act, Senate File 28, was published in The Belle Plaine Union, Belle Plaine, Iowa, March 13, 1963, and in the Cedar Valley Daily Times, Vinton, Iowa, March 7, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 125

### NURSES

H. F. 554

AN ACT to provide for the regulation of the practice of nursing.

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

1 SECTION 1. Section one hundred fifty-two point five (152.5), Code  
 2 1962, is hereby amended by striking from line eighteen (18) the  
 3 words “with or”.

1 SEC. 2. Section one hundred fifty-two point one (152.1), Code  
 2 1962, is hereby amended by striking from line twenty-one (21) the  
 3 word “direct”.

1 SEC. 3. Section one hundred fifty-two point two (152.2), Code  
 2 1962, is hereby amended as follows:

3 1. By striking the word “nonprofessional” from lines one (1) and  
 4 two (2) of subsection five (5) and inserting in lieu thereof the word  
 5 “employed”.

6 2. By striking the word “direct” from line three (3), subsection  
 7 five (5) .

1 SEC. 4. Section one hundred fifty-two point three (152.3), Code  
 2 1962, is hereby amended as follows:

3 1. By striking all of lines eleven (11) through thirteen (13).

4 2. By striking all of line thirty (30) through line thirty-two (32).

5 3. By inserting after the word “school” in line fourteen (14) the  
 6 words “or the equivalent”.

7 4. By striking lines thirty-three (33) and thirty-four (34) and  
 8 through the word “schools” in line thirty-five (35), and inserting in  
 9 lieu thereof the following: “Be a graduate of an accredited high  
 10 school or the equivalent”.

11 5. By striking the semicolon from line forty-two (42) and inserting  
 12 the following: “and have completed all clinical training as is required

13 for a licensed practical nurse;”.

14 6. By striking the word “twenty” from line nine (9) and inserting  
15 in lieu thereof the word “eighteen”.

16 7. By striking the word “nineteen” from line twenty-eight (28) and  
17 inserting in lieu thereof the word “eighteen”.

18 8. By striking the words “, character and citizenship” from lines  
19 fifty-two (52) and fifty-three (53) and inserting in lieu thereof the  
20 words “and character”.

1 SEC. 5. Section one hundred fifty-two point four (152.4), Code  
2 1962, is hereby amended by striking from line seven (7) the word  
3 “three” and inserting in lieu thereof the word “two”.

1 SEC. 6. Section one hundred forty-seven point eighty (147.80),  
2 subsection seven (7), Code 1962, is hereby amended by striking from  
3 line nine (9) the word “two” and inserting in lieu thereof the word  
4 “four”.

1 SEC. 7. Section one hundred forty-seven point eighty (147.80),  
2 Code 1962, is hereby amended by adding the following new subsec-  
3 tions:

4 1. An applicant for a license to practice as a professional nurse,  
5 upon the basis of an examination, shall pay a fee of thirty (30.00)  
6 dollars to the board of nursing. An additional fee of twenty (20.00)  
7 dollars shall be paid for each re-examination.

8 2. An applicant for a license to practice as a licensed practical  
9 nurse, upon the basis of examination, shall pay a fee of twenty  
10 (20.00) dollars to the board of nursing. An additional fee of ten  
11 (10.00) dollars shall be paid for each re-examination.

12 3. The penalty for late payment of the renewal fee for the practice  
13 of professional nursing is two (2.00) dollars.

14 4. A nurse who does not engage in nursing during the year succeed-  
15 ing the annual expiration of the license shall notify the board to place  
16 the nurse upon the inactive list and the nurse shall not be required to  
17 pay the renewal fee so long as he or she remains inactive and so noti-  
18 fies the board. To resume nursing the nurse shall notify the board and  
19 remit the renewal fee for the current annual period.

1 SEC. 8. Section one hundred fifty-two point two (152.2), Code  
2 1962, is hereby amended by adding a new subsection:

3 “The practice of a nursing student enrolled in a school approved by  
4 the board of nursing, employed to assist a registered professional  
5 nurse, in a licensed hospital.”

1 SEC. 9. Section one hundred forty-seven point thirteen (147.13),  
2 Code 1962, is hereby amended by striking from line eight (8) the  
3 words “nurse examiners” and inserting in lieu thereof “board of  
4 nursing”.

1 SEC. 10. Section one hundred forty-seven point one hundred six  
2 (147.106), Code 1962, is hereby amended as follows:

3 1. By striking from line three (3) the word “secretary” and in-

4 serting in lieu thereof the words "executive director".

5 2. By striking from lines four (4) and five (5) the words "board of  
6 nurse examiners" and inserting in lieu thereof the words "board of  
7 nursing".

1 SEC. 11. Section one hundred forty-seven point one hundred five  
2 (147.105), Code 1962, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words "The board  
4 of nurse examiners" and inserting in lieu thereof the words "The  
5 board of nursing".

6 2. By striking from line three (3) the word "secretary" and insert-  
7 ing in lieu thereof the words "executive director".

1 SEC. 12. Chapter one hundred forty-seven (147), Code 1962, is  
2 hereby amended by adding a new section thereto:

3 "A work permit may be issued by the board of nursing to persons  
4 who have completed requirements and applied for licensure either by  
5 examination or by endorsement. Tenure of the work permit for the  
6 person applying for license by examination shall not exceed the time  
7 between the application and the time of the next issuance of licenses."

1 SEC. 13. Chapter one hundred fifty-two (152), Code 1962, is here-  
2 by amended by adding a new section thereto as follows:

3 "Any person holding a license or certificate of registration to prac-  
4 tice nursing as a registered nurse previously issued by the board of  
5 nurse examiners pursuant to law which is valid and effective under  
6 the law as of the date of its issuance shall be determined to be licensed  
7 as a registered nurse under the provisions of this Act. Any person  
8 upon application within six (6) months of the effective date of this  
9 Act, who is of good moral character and has practiced professional  
10 nursing in this state for two years preceding the effective date of this  
11 Act, and who has completed a professional nursing program in any  
12 state, territory or foreign country, which is acceptable to the board,  
13 and who holds a diploma or degree as evidence of this fact at least  
14 five years prior to the effective date of this Act, or who has met all of  
15 the foregoing requirements except having been within six months  
16 of completion of a professional nursing program in the state of Iowa,  
17 which is acceptable to the board, and can pass a written examination  
18 in such subjects necessary and related to the practice of nursing as  
19 the board of nursing may determine, which written examination may  
20 be supplemented by an oral examination, shall be thereafter deemed  
21 to be licensed as a registered nurse under the provisions of this Act.

1 SEC. 14. Chapter one hundred forty-seven (147), Code 1962, is  
2 hereby amended by adding a new section thereto as follows:

3 "The board of nursing may issue a license to practice professional  
4 nursing as a registered nurse by endorsement to an applicant who has  
5 been licensed as a registered nurse under the laws of another state,  
6 territory or foreign country, if the applicant meets the qualifications  
7 required of a registered nurse in this state.

8 "The board may issue a license to practice as a licensed practical  
9 nurse by endorsement to any applicant who has been duly licensed or

10 registered as a licensed practical nurse or a person entitled to perform  
 11 similar services under a title under the laws of another state, terri-  
 12 tory or foreign country if the applicant meets the requirements for  
 13 licensed practical nurse in this state."

1 SEC. 15. Section one hundred forty-seven point eighty (147.80),  
 2 Code 1962, is hereby amended as follows:

3 1. By striking the word "nursing" from line one (1) of subsection  
 4 five (5).

5 2. By striking the period in line five (5) of subsection six (6) and  
 6 adding the following: "or for a license to practice nursing based on an  
 7 endorsement from another state, territory or foreign country, the fee  
 8 shall be ten (10.00) dollars".

Approved May 27, 1963.

## CHAPTER 126

### LICENSED PHARMACIST TO FILL PRESCRIPTION

H. F. 26

AN ACT to amend sections one hundred fifty-five point two (155.2) and one hundred  
 fifty-five point six (155.6), Code 1962, regarding the right of unlicensed persons to  
 fill prescriptions.

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

1 SECTION 1. Section one hundred fifty-five point two (155.2), Code  
 2 1962, is hereby amended by striking all of subsection one (1) and by  
 3 renumbering the remaining subsections.

1 SEC. 2. Section one hundred fifty-five point six (155.6), Code 1962,  
 2 is hereby repealed and the following inserted in lieu thereof:

3 "No unlicensed person or licensed pharmacist shall allow anyone who  
 4 is not a licensed pharmacist to fill the prescriptions of licensed physi-  
 5 cians, dentists or veterinarians, except a person who is registered with  
 6 the board of pharmacy examiners pursuant to the practical experience  
 7 requirements of this chapter and unless the same be done under the  
 8 immediate personal supervision of a licensed pharmacist. All drugs  
 9 and medicines requiring a prescription which are sold, exposed or  
 10 offered for sale shall be under the immediate personal supervision of  
 11 a licensed pharmacist at all times except for temporary absences.  
 12 However, during a period of temporary absence of a licensed pharma-  
 13 cist no drugs or medicines requiring a prescription shall be sold or  
 14 offered for sale in the pharmacy except proprietary medicines or do-  
 15 mestic remedies."

Approved March 28, 1963.

## CHAPTER 127

## DRUG WHOLESALERS

S. F. 153

AN ACT relating to the use of the term "drug" and related terms.

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

- 1 SECTION 1. Section one hundred fifty-five point eight (155.8), Code  
2 1962, is amended by inserting in line six (6) after the word "phar-  
3 macy" the words "or licensed drug wholesaler".

Approved March 22, 1963.

## CHAPTER 128

## BARBERS

H. F. 73

AN ACT relating to the practice of barbering.

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

- 1 SECTION 1. Section one hundred fifty-eight point two (158.2), Code  
2 1962, is amended by adding at the end thereof the following new para-  
3 graph:  
4 "Any person not within one of the hereinabove specified exceptions  
5 who performs or holds himself out as willing to perform any barber  
6 service to the general public without having first obtained a license to  
7 practice barbering or at a place not licensed as a barber shop or in-  
8 spected by the state department of health, with or without compen-  
9 sation, shall be guilty of a misdemeanor. Nothing herein shall prevent  
10 a barber from performing an isolated service in a home or hospital."

- 1 SEC. 2. Section one hundred fifty-eight point four (158.4), Code  
2 1962, is amended by striking from line two (2) the word "six" and  
3 inserting in lieu thereof the word "nine".

- 1 SEC. 3. Section one hundred fifty-eight point three (158.3), Code  
2 1962, is amended by striking from line two (2) of subsection two (2)  
3 the word "eighth" and inserting in lieu thereof the word "tenth".

- 1 SEC. 4. Section one hundred fifty-eight point three (158.3), sub-  
2 section two (2), Code 1962, is hereby amended by adding thereto the  
3 following: "The provisions of this subsection shall not apply to train-  
4 ees from the barber schools maintained at any institution under the  
5 board of control."

Approved April 29, 1963.

## CHAPTER 129

## ANIMAL DISEASES

S. F. 87

AN ACT relating to infectious and contagious diseases among animals.

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

1 SECTION 1. Section one hundred sixty-three point two (163.2),  
 2 Code 1962, is hereby amended by inserting in line seven (7) after the  
 3 comma (,) following the word "rinderpest" the words "ovine foot rot,".

1 SEC. 2. Section one hundred sixty-three point two (163.2), Code  
 2 1962, is further amended by striking all of said section after the word  
 3 "department" in line nine (9), and by inserting in lieu thereof a period  
 4 (.).

Approved April 12, 1963.

## CHAPTER 130

## BRUCELLOSIS IN SWINE

H. F. 275

AN ACT relating to brucellosis control in swine.

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

1 SECTION 1. Section one hundred sixty-three A point two (163A.2),  
 2 Code 1962, is hereby amended by striking from line three (3) after the  
 3 word "any" the word "boar" and inserting in lieu thereof the words  
 4 "breeding swine".

1 SEC. 2. Section one hundred sixty-three A point three (163A.3),  
 2 Code 1962, is hereby amended as follows:

3 1. By striking from line three (3) after the word "any" the word  
 4 "boar" and inserting in lieu thereof the words "breeding swine".

5 2. By striking from line four (4) the word "boar" and inserting in  
 6 lieu thereof the words "breeding swine".

7 3. By striking from line five (5) after the word "the" the word  
 8 "boar" and inserting in lieu thereof the words "breeding swine".

1 SEC. 3. Section one hundred sixty-three A point four (163A.4),  
 2 Code 1962, is hereby amended by striking from line two (2) after the  
 3 word "of" the word "boars" and inserting in lieu thereof the words  
 4 "breeding swine".

1 SEC. 4. Section one hundred sixty-three A point seven (163A.7),  
 2 Code 1962, is hereby amended by striking from line one (1) after the  
 3 word "Any" the word "boar" and inserting in lieu thereof the words  
 4 "breeding swine".

Approved April 8, 1963.



## CHAPTER 131

## BOVINE BRUCELLOSIS

S. F. 94

AN ACT relating to the eradication of bovine brucellosis.

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

1 Chapter one hundred sixty-four (164), Code 1962, is hereby repealed  
2 and the following enacted in lieu thereof:

1 SECTION 1. As used in this Act:

2 1. "Department" means the department of agriculture of the state  
3 of Iowa.

4 2. "Condemned" or "reactor" applies to cattle reacting to a test  
5 applied for brucellosis.

6 3. "Quarantine" means the entire herd must be confined to the  
7 premise if any reactor is disclosed.

8 4. "Official test" for brucellosis includes all tests under the super-  
9 vision of, or the authorization from, the department.

10 5. "Owner" includes any person, persons, firm copartnership, asso-  
11 ciation or corporation owning or leasing livestock from another owner.

12 6. "Registered purebred" shall include cattle with a certificate from  
13 herdbooks where registered.

14 7. "Official calthood vaccination" shall mean the vaccination of any  
15 calf between the ages of four (4) months and eight (8) months with  
16 brucella abortus vaccine strain number nineteen (19) or such other  
17 vaccine as may hereafter be approved by U.S. department of agricul-  
18 ture, which calf shall have been vaccinated by a licensed accredited  
19 veterinarian according to the rules and regulations established by the  
20 department. The officially vaccinated animal shall be identified by a  
21 vaccination tattoo mark, and ear tag or owners purebred identification.  
22 Such tattoo mark, ear tag or owners purebred identification shall be  
23 described in a certificate furnished by the attending veterinarian.

24 Within thirty (30) days following such vaccination, the attending  
25 veterinarian shall supply the owner with a certificate of vaccination.  
26 The veterinarian shall retain a copy of same and forward a copy to the  
27 local office of the U.S. department of agriculture or a copy to the Iowa  
28 department of agriculture. The veterinarian certificate covering the  
29 official vaccination shall entitle the vaccinated animal to be consigned  
30 to sales and exhibited at shows within the state at any time until said  
31 animal is thirty (30) months of age.

32 8. "Modified certified brucellosis area" means an area of less than  
33 one (1) percent brucellosis infection, as determined by official test, in  
34 all breeding cattle over eight (8) months of age, and official vaccinates  
35 over thirty (30) months of age, and all infected cattle are restricted  
36 to not more than five (5) percent of the herds in the area.

1 SEC. 2. The state of Iowa is hereby declared to be an eradication  
2 area. It shall be compulsory that every owner of dairy or breeding  
3 cattle within the area shall permit his cattle to be tested when so  
4 ordered by the department or a representative of the department. The  
5 owner shall confine and restrain his cattle in a suitable place so that a  
6 test can be applied. If he refuses to confine and restrain his cattle,

7 after reasonable time the department may employ sufficient help to  
8 properly confine and restrain them and the expense of such help shall  
9 be paid by the owner.

1 SEC. 3. All female cattle born after July 1, 1963, sold or otherwise  
2 disposed of, or moved to comingle\* with cattle of another owner for  
3 dairy or breeding purposes, after reaching the age of nine (9) months  
4 must have been officially vaccinated for brucellosis according to the  
5 method approved by the United States Department of Agriculture.  
6 In a hardship case the department may issue a permit for the move-  
7 ment of such animals providing it is warranted. This section does not  
8 apply to animals sold for movement direct to slaughter.  
9 The expense of such compulsory vaccination shall be borne in the  
10 same manner as set forth in section five (5) of this Act.

1 SEC. 4. The department may adopt rules and regulations respect-  
2 ing the official testing of cattle, the disposal by segregation and quar-  
3 antine or slaughter of condemned livestock, the disinfection of the  
4 premises, the introduction into the herd of other cattle, the control  
5 and eradication of brucellosis, the prevention of the spread thereof to  
6 the cattle of this state, and the proper enforcement of this Act.

1 SEC. 5. Whenever the owner of cattle shall request the department  
2 to make an inspection of his cattle for brucellosis, the department may  
3 designate a veterinarian to make an inspection and, if authorized by  
4 the department, conduct a plate or tube agglutination test by the  
5 method or methods adopted and approved by the department.

1 SEC. 6. If the owner shall agree to comply with and carry out the  
2 rules and regulations made by the department under section four (4)  
3 of this Act, the expense of such inspection and test shall be borne by  
4 the United States department of agriculture, or by the department, or  
5 county brucellosis eradication fund or any combination thereof.

1 SEC. 7. Whenever an official test of any cattle is made by an ac-  
2 credited veterinarian authorized by the department, and such cattle  
3 are found to be free from brucellosis, a certificate, setting forth this  
4 fact, shall be issued by said veterinarian or the department, providing  
5 all rules and regulations under the plan adopted by the department  
6 for the control and eradication of brucellosis in cattle have been com-  
7 plied with. Official vaccinates shall not be considered reactors unless  
8 reacting in dilutions of one to two hundred (200) or more.

1 SEC. 8. Cattle purchased at an auction market regardless of breed  
2 or classification may be tested for brucellosis on the auction market  
3 premises, in the new owner's name at owner's request. This test must  
4 be made within twenty-four (24) hours from the time of sale. If such  
5 test discloses reactors, the herd of origin shall be placed under quaran-  
6 tine.

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\*According to enrolled Act.

1 SEC. 9. The department may order a retest of any breeding cattle  
2 at any time, when in their opinion, it is necessary. In case of reactors,  
3 one retest shall be granted the owner of the cattle by the department  
4 upon the request of the owner or owner's veterinarian, such retest of  
5 reactors shall be at the owner's expense.

1 SEC. 10. A report of such tests shall be made in writing to the  
2 chief of the division of animal industry within seven (7) days im-  
3 mediately following the completion of the tests, upon blanks furnished  
4 by the department and signed by the director of the laboratory or the  
5 person making the test.

1 SEC. 11. All cattle subjected to an official test under the depart-  
2 ment shall be plainly and permanently marked for identification in a  
3 manner authorized by the department. All native grade cattle carry-  
4 ing the calfhood vaccination and all calves vaccinated after importa-  
5 tion from other states shall be tattooed in the ear. All purebred reg-  
6 istered cattle must be tattooed in the ear either with a vaccination  
7 tattoo or the purebred identification tattoo and the same shall be evi-  
8 denced on the official certificate of vaccination.

1 SEC. 12. All cattle condemned as a result of a test for brucellosis  
2 shall be plainly and permanently marked for identification by any qual-  
3 ified veterinarian making test in a manner authorized by the depart-  
4 ment.

1 SEC. 13. It shall be unlawful for any owner to sell or transfer own-  
2 ership of any bovine animal or allow comingling\* of cattle belonging to  
3 two or more owners, or the comingling\* of dairy or breeding cattle with  
4 cattle under feeder quarantine as feeding or grazing animals, unless  
5 they are accompanied by a negative brucellosis test report issued by an  
6 accredited veterinarian, conducted within thirty (30) days. The pro-  
7 visions of this section do not apply to the following:  
8 1. Calves under eight (8) months of age, spayed heifers, and steers.  
9 2. Official vaccinates under thirty (30) months of age if accompa-  
10 nied by official calfhood vaccination certificates.  
11 3. Animals consigned directly to slaughter.  
12 4. Animals moved for exhibition purposes.  
13 a. when under thirty (30) months of age and accompanied by an  
14 official vaccination certificate.  
15 b. animals of any age when accompanied by a report of a negative  
16 brucellosis test conducted within seventy-five (75) days.  
17 5. Animals from a herd certified to be free of brucellosis or animals  
18 from a herd not under quarantine located in a modified certified brucel-  
19 losis area.  
20 6. Native female cattle of recognized beef type under twenty-one  
21 (21) months of age, not under quarantine. Such cattle may be sold or  
22 transferred between owners for feeding purposes only, but they shall  
23 be subject to the same provisions as for imported feeder cattle. It  
24 shall be the responsibility of the seller or owner to furnish evidence

\*According to enrolled Act.

25 of the sale or transfer to the Iowa division of animal industry within  
26 seventy-two (72) hours.

1 SEC. 14. The following requirements apply to cattle imported into  
2 the state for feeding or grazing purposes:

3 1. Female cattle of recognized beef type under twenty-one (21)  
4 months of age may enter the state for feeding or grazing purposes  
5 under quarantine for a period not to exceed twelve (12) months. An  
6 owner may upon written request receive an extension of quarantine  
7 not to exceed one hundred twenty (120) days.

8 2. Female calves under eight (8) months of age imported for feed-  
9 ing purposes may be released from feeder quarantine for brucellosis  
10 if vaccinated in accordance with the provisions of this Act. Vaccina-  
11 tion shall be indicated by metal ear tag numbers and tattoo.

12 3. All female cattle over twenty-one (21) months of age, entering  
13 the state for feeding and grazing purposes, must meet all dairy and  
14 breeding cattle requirements unless they are consigned to a state-  
15 federal approved market.

1 SEC. 15. No cattle shall be brought in contact with any condemned  
2 cattle held in quarantine. If any cattle are added to the quarantined  
3 lot, said cattle shall become a part of the lot and held subject to the  
4 same rules and regulations.

1 SEC. 16. No condemned cattle shall be slaughtered, have their loca-  
2 tion changed, or be moved from quarantine except by official written  
3 permit by the department or by a licensed veterinarian authorized by  
4 the department.

1 SEC. 17. When a written order has been issued by the department  
2 or its authorized representative for the removal of condemned cattle  
3 to slaughter, such cattle within thirty (30) days shall be moved and  
4 slaughtered under the direct supervision of a duly authorized agent  
5 or representative of the United States department of agriculture at a  
6 time and place designated by the department. Any animal condemned  
7 because of brucellosis shall be disposed of by its owner within a period  
8 not to exceed forty-five (45) days from the date on which blood samples  
9 were drawn disclosing it as a reactor.

1 SEC. 18. No person shall sell, offer for sale, or purchase any cattle  
2 condemned as a result of an official test, except under regulations is-  
3 sued by the department.

1 SEC. 19. The department may issue any quarantine orders deemed  
2 necessary for the control and eradication of brucellosis and the proper  
3 enforcement of this Act. Any lot or group of cattle in which reactors  
4 have been disclosed shall be under quarantine along with any cattle  
5 from which the lot or group originated or comingled.\* Such cattle may  
6 be sold for slaughter under permit, or returned to their place of origin,  
7 or may be sold under quarantine subject to a brucellosis test in not

\*According to enrolled Act.

8 less than thirty (30) or more than sixty (60) days. Public announce-  
 9 ment shall be made prior to sale, stating health status of the herd,  
 10 group or animal, and all quarantine restrictions shall be announced  
 11 prior to sale. In hardship cases the department may upon investiga-  
 12 tion of the case alter any quarantine orders deemed necessary to  
 13 alleviate the hardship and protect the industry and prospective pur-  
 14 chasers.

1 SEC. 20. Before being slaughtered, condemned cattle shall be ap-  
 2 praised at their cash value for dairy and breeding purposes by the  
 3 owner and a representative of the state department of agriculture, or  
 4 a representative of the United States department of agriculture, or  
 5 by the owner and both of such representatives. If these parties can-  
 6 not agree as to the amount of the appraisal, there shall be appointed  
 7 three (3) competent and disinterested persons, one (1) by the state  
 8 department of agriculture, one (1) by the owner, and one (1) by the  
 9 first two (2) appointed, to appraise such animals, which appraisal  
 10 shall be final.

1 SEC. 21. The department shall certify the claim of the owner for  
 2 each animal slaughtered in accordance with this Act for not more than  
 3 one-third ( $\frac{1}{3}$ ) of the difference between the appraised value of such  
 4 animal and the net salvage value thereof, but in no case more than  
 5 twelve (12) dollars and fifty (50) cents for a grade animal or not more  
 6 than twenty-five (25) dollars for a registered purebred animal, but in  
 7 no case shall the department pay indemnity on cattle not receiving a  
 8 like amount from the United States department of agriculture.

9 No indemnity shall be paid:

10 1. Whenever the owner or agent in possession of said animal has not  
 11 complied with the rules and regulations of the department.

12 2. When the condemned animals are not destroyed within forty-five  
 13 (45) days after the blood samples are drawn.

14 3. On animals owned by the state of Iowa.

1 SEC. 22. All funds appropriated by the state for carrying out the  
 2 provisions of this chapter shall be administered by the department for  
 3 the payment of indemnity, salaries, and other necessary expenses.

1 SEC. 23. In each county in the state, the board of supervisors shall  
 2 each year, when it makes the levy for taxes, levy a tax sufficient to  
 3 provide a fund to pay the indemnity, as set out in section twenty-one  
 4 (21) of this Act, and other expenses provided in this Act, and such  
 5 levy shall not exceed one-half ( $\frac{1}{2}$ ) mill in any year upon the taxable  
 6 value of all the property in the county.

1 SEC. 24. Such levy shall be placed upon the tax list by the county  
 2 auditor and collected by the county treasurer in the same manner and  
 3 at the same time as other taxes of the county. The money derived  
 4 from such levy shall be placed in a fund to be known as the "County  
 5 Brucellosis Eradication Fund", and shall be used only for the payment  
 6 of claims as provided in this Act.

1 SEC. 25. The county auditor of each county shall, not later than  
2 July 15 of each year, certify to the secretary of agriculture a report  
3 showing the amount in the brucellosis eradication fund on July 1 of  
4 each year.

1 SEC. 26. Should it appear to the secretary of agriculture that the  
2 balance in such fund is sufficient, with the county's allotment of state  
3 and federal funds available, to carry on the work in such county for  
4 the ensuing year, he shall so certify to the county auditor, and, when  
5 such certification has been made, the board of supervisors shall make  
6 no levy for such brucellosis eradication fund for such year.

1 SEC. 27. Whenever the balance of such fund becomes less than  
2 twenty-five hundred (2500) dollars, the county auditor shall notify the  
3 department in writing of such fact, and no expense shall be incurred  
4 on such account in excess of the cash available in such fund.

1 SEC. 28. All claims presented under authority of this Act shall be  
2 certified by the department and filed with the county auditor, who shall  
3 present them to the board of supervisors, and such board shall allow  
4 and pay the same as other claims against the county.

1 SEC. 29. The secretary of agriculture of the state of Iowa is hereby  
2 authorized and directed to enter into reciprocal agreements with other  
3 states to the end that cattle which are covered by certificates of vac-  
4 cination in the state of Iowa and other states may be transported and  
5 sold in interstate commerce between the state of Iowa and such other  
6 states which enter into reciprocal agreements.

1 SEC. 30. Any person found guilty of violating the provisions of  
2 this Act shall be deemed guilty of a misdemeanor and punished by a  
3 fine not to exceed one hundred (100) dollars on first offense, two hun-  
4 dred (200) dollars on second offense, and three hundred (300) dollars  
5 on the third and all subsequent offenses.

1 SEC. 31. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 The Daily Freeman-Journal, a newspaper published in Webster City,  
4 Iowa, and in The Maquoketa Community Press, a newspaper published  
5 in Maquoketa, Iowa.

Approved April 1, 1963.

I hereby certify that the foregoing Act, Senate File 94, was published in The Daily Freeman-Journal, Webster City, Iowa, April 5, 1963, and in The Maquoketa Community Press, Maquoketa, Iowa, April 8, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 132

## SCABIES CONTROL IN SHEEP

S. F. 86

AN ACT relating to scabies control in sheep and eradication with penalty provision.

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

1 SECTION 1. Definitions.

2 1. "Department" means the department of agriculture of the state  
3 of Iowa.

4 2. "Division" means the animal disease eradication division of the  
5 agricultural research service of the United States department of agri-  
6 culture.

7 3. "Scabies" means a communicable skin disease caused by infes-  
8 tation with mites of the species psoroptes, sarcoptes, chorioptes or  
9 psorergates.

10 4. "Infected animal" means an animal of the ovine species which  
11 shows clinical evidence of scabies or in which the presence of the  
12 scabies mite is demonstrated.

13 5. "Approved stockyard or livestock market" means any place where  
14 sheep are assembled for public auction, private sale, or on a commission  
15 basis which is under state or federal supervision.

16 6. "Dealer" means any person who is engaged in the business of  
17 buying for resale, selling, or exchanging sheep as a principal or agent  
18 or who holds himself out as so engaged but does not include employ-  
19 ees of a dealer doing business in the name of such dealer or the owner  
20 or operator of a farm who exchanges only sheep which have been kept  
21 by him solely for feeding or breeding purposes and does not hold him-  
22 self out as so engaged, or as a livestock auction market acting strictly  
23 on a consignment basis.

24 7. "Accredited veterinarian" means a veterinarian who is licensed  
25 by the state in which he practices, is approved by the department of  
26 agriculture or the livestock sanitary authority of that state, and is  
27 accredited by the United States department of agriculture.

28 8. "Official health certificate" means a legal record covering the  
29 requirement of the state of Iowa and approved by the proper livestock  
30 sanitary official of the state of origin and issued by an accredited  
31 veterinarian.

32 9. "Certified scabies free area" means an area in which all sheep  
33 have been inspected by a representative of the Iowa department of  
34 agriculture or of the animal disease eradication division of the United  
35 States department of agriculture and are found to be free of any evi-  
36 dence of scabies and such fact is certified to by both agencies.

37 10. "Area" means one or more counties or portions thereof.

1 SEC. 2. Any person engaged as a dealer shall be required to obtain  
2 a license from the department. The fee for such license shall be five  
3 dollars (\$5.00) per year and all licenses shall expire on the first day of  
4 July following date of issue. Licenses shall be numbered and the dealer  
5 shall retain his number from year to year.

6 Applications for licenses shall be made upon blanks furnished by the  
7 department.

8 For good and sufficient grounds the department may refuse to grant  
9 a license to any applicant, and it may also revoke a license to any  
10 applicant for a violation of any provision of this Act, or for the refusal  
11 or failure of any licensee to obey the lawful directions of the depart-  
12 ment.

1 SEC. 3. Any person engaging in, or holding himself out to be in,  
2 the business of a dealer without obtaining a license may be restrained  
3 by injunction, and shall pay all costs made necessary by such pro-  
4 cedure.

1 SEC. 4. All breeding and feeding sheep offered for sale or exchange  
2 or otherwise moved or released from any premises, vehicle or convey-  
3 ance, shall, within ten (10) days prior to exchange, release, or move-  
4 ment, be dipped in an approved dip under the supervision of the Iowa  
5 department of agriculture or of the animal disease eradication division  
6 of the United States department of agriculture; provided, that when  
7 sheep are moved within or from a certified scabies free area in the  
8 state accompanied by an official health certificate, dipping shall not be  
9 required prior to such movement; and provided further, that sheep  
10 may be moved from premises to an approved facility for the purpose  
11 of dipping under such conditions as may be required by the rules of  
12 the department, and also sheep moved to a livestock auction market  
13 need not be dipped until after sale, nor if consigned directly for  
14 slaughter.

1 SEC. 5. All sheep so dipped shall be accompanied by a certificate  
2 showing that the sheep were dipped under supervision.

1 SEC. 6. Market operators and dealers in sheep shall use satisfac-  
2 tory dipping facilities approved by the department and shall maintain  
3 records which show the true origin of the sheep including name and  
4 address of the seller or consignor, number, date of receipt, date of dip-  
5 ping, and including all certificates, permits, waybills, bills of lading for  
6 each consignment of sheep consigned to and leaving the market or  
7 dealer's premises. All records shall be retained for a period of one (1)  
8 year and made available upon demand by a representative of the de-  
9 partment.

1 SEC. 7. Animals may be sold for slaughter without dipping. Sheep  
2 when inspected at the market or dealer's premises and found free of  
3 scabies or no known exposure thereto, may be sold for slaughter pur-  
4 poses without dipping if consigned directly and immediately on a  
5 slaughter affidavit to a slaughtering establishment operating under  
6 federal, state or municipal meat inspection service. Such sheep shall  
7 be identified with the letter "K" in red branding paint at least four  
8 (4) inches high on their back except those consigned to such slaugh-  
9 tering establishment by the original owner.

1 SEC. 8. Sheep found to be infected with or exposed to scabies shall  
2 be immediately dipped, as directed by and under the supervision of the  
3 department, at owner's expense. Such sheep shall remain under quar-



4 antine until released by the department, except that sheep infected  
5 with or exposed to scabies may be moved, without dipping, directly to  
6 a slaughter establishment under federal inspection, under permit from  
7 the department. No sheep shall be moved into or within the state of  
8 Iowa for any purpose except as provided in this chapter and the regu-  
9 lations of the department, provided sheep may be moved without dip-  
10 ping between properties owned or rented by the owner of said sheep,  
11 if not moved from a noncertified scabies free area to a certified scabies  
12 free area.

13 Any person may sell or exchange sheep on the farm between Novem-  
14 ber 1 and April 1 without dipping if accompanied by a certificate from  
15 a licensed veterinarian that they are free from scabies issued within  
16 ten (10) days prior to such sale or exchange until such time as the  
17 county is declared a scabies free area.

1 SEC. 9. When all flocks of sheep within a county have been in-  
2 spected by a representative of the department and are found to be free  
3 of scabies, the department may certify the county as a "scabies free  
4 area".

1 SEC. 10. Sheep from noncertified scabies free areas within Iowa  
2 shall not enter certified scabies free areas unless they have been dipped  
3 in an approved dip under supervision within ten (10) days preceding  
4 movement and satisfactory evidence of dipping accompanies the ship-  
5 ment, except such sheep may move into certified scabies free areas if  
6 consigned directly to a stockyard market, auction market or slaughter  
7 establishment, under federal inspection, provided the sheep are accom-  
8 panied by a certificate stating number, description, consignor and con-  
9 signee.

1 SEC. 11. All sheep entering the state for breeding or feeding pur-  
2 poses shall be accompanied by a permit and by a health certificate  
3 stating the sheep are from a certified scabies free area or if not from  
4 a certified scabies free area that they have been dipped in an approved  
5 dip within ten (10) days prior to movement. All livestock markets,  
6 dealers and individuals shall retain all incoming waybills, permits and  
7 health certificates for a period of one (1) year, same to be made avail-  
8 able upon demand by the department.

1 SEC. 12. All persons engaged in the shearing of sheep shall immedi-  
2 ately report any suspicion of or evidence of scabies to the department.

1 SEC. 13. The department is empowered to make and promulgate  
2 rules and regulations necessary for carrying out the provisions of this  
3 Act.

1 SEC. 14. Any person, firm or partnership or corporation violating  
2 the provisions of this chapter shall upon conviction thereof be fined  
3 not less than one hundred dollars (\$100.00) and not to exceed five  
4 hundred dollars (\$500.00).

Approved April 29, 1963.

## CHAPTER 133

## VETERINARY MEDICINE AND SURGERY

## S. F. 23

AN ACT to amend chapter one hundred sixty-nine (169), Code 1962, relating to veterinary medicine and surgery.

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

1 SECTION 1. Section one hundred sixty-nine point fifteen (169.15),  
2 Code 1962, is hereby amended by adding thereto the following:  
3 "Such board shall be known as the board of veterinary medical ex-  
4 aminers. Each examiner shall be actively engaged in veterinary medi-  
5 cine and shall have been so engaged in this state for a period of five  
6 (5) years just preceding his appointment. No member of the board  
7 shall be employed by any wholesale or jobbing house dealing in sup-  
8 plies, equipment or instruments used or useful in the practice of  
9 veterinary medicine. The chief of the division of animal industry of  
10 the department shall serve as secretary to the board of veterinary  
11 medical examiners."

1 SEC. 2. Section one hundred sixty-nine point sixteen (169.16),  
2 Code 1962, is hereby amended by adding thereto the following:  
3 "The regular state veterinary medical association or society or its  
4 managing board may submit each year to the department of agricul-  
5 ture a list of six (6) persons of recognized ability in the veterinary  
6 medical profession, who have the qualifications prescribed for exam-  
7 iners. If such list is submitted, the department of agriculture in mak-  
8 ing an appointment to the board of examiners shall select one of the  
9 persons so named."

1 SEC. 3. Section one hundred sixty-nine point eighteen (169.18),  
2 Code 1962, is hereby amended by striking all of said section and sub-  
3 stituting in lieu thereof the following:  
4 "Each member of the examining board shall, in addition to neces-  
5 sary traveling and hotel expenses, receive ten dollars (\$10.00) per day  
6 for each day actually engaged in the discharge of his duties including  
7 compensation for the time spent traveling to and from the place of  
8 conducting the examination and for a reasonable number of days for  
9 the preparation of examination and the reading of papers, in addition  
10 to the time actually spent in conducting examinations.

1 SEC. 4. Section one hundred sixty-nine point twenty-three (169.23),  
2 Code 1962, is hereby amended by striking from line eleven (11) thereof  
3 the word "department" and substituting in lieu thereof the words  
4 "examining board".

1 SEC. 5. Chapter one hundred sixty-nine (169), Code 1962, is fur-  
2 ther amended by adding thereto the following new sections:  
3 "The examining board is authorized to employ an inspector, who  
4 shall not be a member of the examining board, at such per diem com-  
5 pensation as shall be fixed by the executive council and payable from

6 a special fund in the office of the treasurer of the state known as the  
 7 state board of veterinary examiners fund.”  
 8 “The department shall annually add four dollars (\$4.00) to the re-  
 9 newal fee provided in this chapter for a person licensed to practice  
 10 veterinary medicine. Such additional amount shall be considered as a  
 11 part of the regular renewal fee and payment of same by a licensee  
 12 shall be a prerequisite to the renewal of his license. The funds derived  
 13 from the additional renewal fee collected under this section shall be  
 14 placed in a special fund by the treasurer of the state and the state  
 15 comptroller to be known as the ‘State Board of Veterinary Examiners  
 16 Fund’, to be used by the examining board to assist in administering  
 17 and enforcing the laws relating to the practice of veterinary medicine,  
 18 and no part of such expense shall be paid out of the state treasury.  
 19 Any remainder in said fund at the end of each fiscal year shall be paid  
 20 into the general fund of the state. Said fund shall be subject at all  
 21 times to the warrant of the state comptroller, drawn upon written  
 22 requisition of the chairman of the examining board and attested by  
 23 the secretary, for the payment of all salaries, per diem expense, and  
 24 other expenses necessary to administer and aid in the enforcement of  
 25 the provisions of law relating to the practice of veterinary medicine,  
 26 but in no event shall the total expenses therefore exceed the total fees  
 27 collected and deposited to the credit of said fund.”

Approved March 29, 1963.

## CHAPTER 134

### COUNTY EQUIPMENT USED ON FAIRGROUNDS

H. F. 454

AN ACT relating to the use of maintenance equipment of the county for care and maintenance of county fairgrounds.

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

1 SECTION 1. Chapter one hundred seventy-four (174), Code 1962,  
 2 is hereby amended by adding the following section.  
 3 “The board of supervisors may permit the use of maintenance equip-  
 4 ment under their control for care and maintenance of the county fair-  
 5 grounds.”

Approved April 29, 1963.

## CHAPTER 135

## COUNTY AGRICULTURAL EXTENSION COUNCIL

## H. F. 280

AN ACT relating to the place of holding election meetings to elect members of the county agricultural extension council.

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

1 SECTION 1. Section one hundred seventy-six A point eight  
2 (176A.8), Code 1962, is amended by adding at the end of subsection  
3 four (4) the following:  
4 "The township election meeting to elect a member of the extension  
5 council from the township may, by designation of the extension coun-  
6 cil, be held in another township of that county, provided that the  
7 extension council may not designate that over four (4) such township  
8 elections may be combined into one (1) election. All the provisions of  
9 this chapter referring to township election meetings in the townships  
10 shall apply equally to the election meetings held at such other place  
11 in the county."

Approved May 15, 1963.

## CHAPTER 136

## BULK TANKS ON FARMS FOR MILK

## S. F. 7

AN ACT to establish requirements for installation of bulk tanks on farms for milk produced for manufacturing purposes.

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

1 SECTION 1. Any producer using a bulk tank for cooling and storage  
2 of milk to be used for manufacturing purposes shall have an enclosed  
3 milk room which shall conform to the standards provided by this Act.  
4 The floor shall be constructed of concrete or other impervious material,  
5 maintained in good repair, and graded to provide proper drainage. The  
6 walls and ceilings of the room shall be sealed and constructed of smooth  
7 easily cleaned material. All windows shall be screened and doors shall  
8 be self-closing. It shall be well ventilated and must meet the following  
9 requirements:  
10 1. The bulk tank shall not be located over a drain or under a ven-  
11 tilator.  
12 2. The hose port shall be located in an exterior wall and fitted with  
13 a tight self-closing door.  
14 3. A two hundred twenty (220) volt lock type electrical connection  
15 with ground and weatherproof type receptacle and switchbox shall be  
16 provided near the hose port.  
17 4. Each milk room shall have an adequate supply of water readily  
18 accessible with facilities for heating the water, to insure the cleaning  
19 and sanitizing of the bulk tank, utensils and equipment and the keeping

20 of the milk room clean.

21 5. No lights shall be placed directly over the bulk tank.

22 6. The bulk tank shall be properly located in the milk room for easy  
23 access to all areas for cleaning and servicing.

24 7. This Act shall become effective July 4, 1963, for all subsequent  
25 installations of bulk tanks for milk produced for manufacturing pur-  
26 poses.

27 8. On and after July 1, 1965, all bulk tank installations existing  
28 prior to July 4, 1963, must comply with the provisions of this Act.

29 9. The enforcement of this Act shall be administered by the Iowa  
30 department of agriculture.

31 10. Any person violating any provisions of this Act shall be pun-  
32 ished by a fine of not more than fifty dollars (\$50.00).

Approved May 2, 1963.

## CHAPTER 137

### COMMERCIAL FEED

S. F. 385

AN ACT to regulate the distribution of commercial feeds and customer-formula feeds in the state of Iowa.

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

1 Chapter one hundred ninety-eight (198), Code 1962, is hereby re-  
2 pealed and the following enacted in lieu thereof:

1 SECTION 1. This Act shall be known as the "Iowa Commercial Feed  
2 Law of 1964".

1 SEC. 2. This Act shall be administered by the secretary of agricul-  
2 ture hereinafter referred to as the "secretary".

1 SEC. 3. When used in this Act:

2 1. The term "person" includes individual, partnership, corporation  
3 and association.

4 2. The term "distribute" means to offer for sale, sell or barter, com-  
5 mercial feed or customer-formula feed; or to supply, furnish or other-  
6 wise provide commercial feed or customer-formula feed to a contract  
7 feeder.

8 The term "distributor" means any person who distributes.

9 3. The term "sell" or "sale" includes exchange.

10 4. The term "commercial feed" means all materials singly or in com-  
11 bination which are distributed for use as feed or for mixing in feed,  
12 for animals other than man, except:

13 a. Unmixed whole or unmixed ground, rolled, crimped or flaked  
14 whole seeds.

15 b. Unground hay, straw, stover, silage, cobs, husks and hulls when  
16 not mixed with other materials.

17 c. Individual chemical compounds when not mixed with other mate-

18 rials.

19 5. The term "feed ingredient" means each of the constituent mate-  
20 rials making up a commercial feed.

21 6. The term "customer-formula feed" means a mixture of commer-  
22 cial feeds and materials each batch of which mixture is mixed accord-  
23 ing to the specific instructions of the final purchaser, or contract  
24 feeder.

25 7. The term "stock tonic" means a class of commercial feed for live-  
26 stock and poultry such as remedies for the cure and mitigation of dis-  
27 eases and other nonnutritional conditions. They shall include only  
28 those articles and products for oral administration and shall not in-  
29 clude medicated livestock and poultry feeds.

30 8. The term "brand name" means any word, name, symbol or device  
31 or any combination thereof, identifying the commercial feed or a dis-  
32 tributor and distinguishing it from that of others.

33 9. The term "product name" means the name of the commercial feed  
34 which identifies it as to kind, class or specific use.

35 10. The term "label" means a display of written, printed or graphic  
36 matter upon or affixed to the container in which a commercial feed is  
37 distributed, or on the invoice or delivery slip with which a commercial  
38 feed or customer-formula feed is distributed.

39 11. The term "ton" means a net weight of two thousand pounds  
40 avoirdupois.

41 12. The terms "percent" or "percentage" means percentage by  
42 weight.

43 13. The term "official sample" means any sample of feed taken by  
44 the secretary or his agent and designated as "official" by the secretary.

45 14. The term "contract feeder" means a person who, as an inde-  
46 pendent contractor, feeds commercial feed to animals pursuant to a  
47 contract whereby such commercial feed is supplied, furnished or other-  
48 wise provided to such a person and whereby such person's remunera-  
49 tion is determined all or in part by feed consumption, mortality,  
50 profits, or amount or quality of product.

1 SEC. 4.

2 1. Any person who manufactures, mixes or mixes to customer order  
3 any commercial feeds, or customer-formula feeds, or stock tonic, of-  
4 fered for sale, sold or distributed in the state of Iowa must first obtain  
5 a license from the secretary, said license to expire on December 31 of  
6 each year and be renewed annually.

7 2. The application for license shall be submitted on forms furnished  
8 by the secretary providing current name and address of applicant.

9 3. Each license application shall be accompanied by the annual li-  
10 cense fee of two dollars per license. License fees so collected shall  
11 become a part of the fund stipulated in section seven (7), subsection  
12 three (3) of this Act.

1 SEC. 5.

2 1. Each commercial feed and stock tonic shall be registered before  
3 being distributed in this state; provided, however, that customer-  
4 formula feeds are exempt from registration. The application for regis-  
5 tration shall be submitted on forms furnished by the secretary and, if

6 the secretary so requests, shall also be accompanied by a label or other  
7 printed matter describing the product. Upon approval by the secretary  
8 a duplicate copy of the registration shall be furnished to the applicant.  
9 All registrations shall expire on December 31 of each year. Registra-  
10 tions to be renewed with no changes in label guarantee may be reregis-  
11 tered by forwarding a list showing product name and brand name and  
12 department of agriculture registration number to the secretary. For  
13 any commercial feed on which the label guarantee has been changed or  
14 altered or for a new commercial feed, a new registration application  
15 must be filed. The application shall include the information required  
16 by paragraphs "b", "c", "d" and "e" of subsection one (1) of section  
17 six (6). The secretary may by regulation permit on the registration  
18 the alternative listing of ingredients of comparable feeding value,  
19 provided that the label for each package shall state the specific in-  
20 gredients which are in such package.

21 2. A distributor shall not be required to register any brand of com-  
22 mercial feed which is already registered under this Act by another  
23 person.

24 3. The secretary is empowered to refuse registration of any appli-  
25 cation not in compliance with the provisions of this Act, and to cancel  
26 any registration subsequently found not to be in compliance with any  
27 provisions of this Act; provided, however, that no registration shall be  
28 refused or canceled until the registrant shall have been given oppor-  
29 tunity to be heard before the secretary, and to amend his application  
30 in order to comply with the requirements of this Act.

31 4. All articles subject to the registration requirements of this Act  
32 shall be exempt from any provisions of chapter two hundred three  
33 (203) of the Code.

1 SEC. 6.

2 1. Any commercial feed distributed in this state shall be accom-  
3 panied by a legible label bearing the following information.

4 a. The net weight.

5 b. The product name and brand name, if any, under which the com-  
6 mercial feed is distributed.

7 c. The guaranteed analysis of the commercial feed, listing the mini-  
8 mum percentage of crude protein, minimum percentage of crude fat,  
9 and maximum percentage of crude fiber. For mineral feeds, the list  
10 shall include the following if added:

11 Minimum and maximum percentages of calcium (Ca), minimum per-  
12 centage of phosphorus (P), minimum percentage of iodine (I), and  
13 minimum and maximum percentages of salt (NaCl). Other substances  
14 or elements, determinable by laboratory methods, may be guaranteed  
15 by permission of the secretary. When any items are guaranteed, they  
16 shall be subject to inspection and analysis in accordance with the  
17 methods and regulations that may be prescribed by the secretary.  
18 Products distributed solely as mineral or vitamin supplements and  
19 guaranteed as specified in this section need not show guarantee for  
20 protein, fat and fiber.

21 d. The common or usual name of each ingredient used in the manu-  
22 facture of the commercial feed, except as the secretary may, by regu-  
23 lation, permit the use of a collective term for a group of ingredients

24 all of which perform the same function. An ingredient statement is  
25 not required for single standardized ingredients feeds which are offi-  
26 cially defined.

27 *e.* The name and principal address of the person responsible for  
28 distributing the commercial feed.

29 2. When a commercial feed is distributed in this state in bags or  
30 other containers, the label shall be placed on or affixed to the contain-  
31 er; when a commercial feed is distributed in bulk the label shall accom-  
32 pany delivery and be furnished to the purchaser at time of delivery.

33 3. A customer-formula feed shall be labeled by invoice. The invoice,  
34 which shall accompany delivery and be supplied to the purchaser at  
35 the time of delivery, shall bear the following information.

36 *a.* Name and address of the mixer.

37 *b.* Name and address of the purchaser.

38 *c.* Date of sale.

39 *d.* The product name and brand name, if any, and number of pounds  
40 of each registered commercial feed used in the mixture and the name  
41 and number of pounds of each other feed ingredient added.

42 4. If a commercial feed or a customer-formula feed contains a non-  
43 nutritive substance which is intended for use in the diagnosis, cure,  
44 mitigation, treatment or prevention of disease or which is intended to  
45 affect the structure or any function of the animal body, the secretary  
46 may require the label to show the amount present, directions for use,  
47 and warnings against misuse of the feed.

48 5. Stock tonics shall be labeled in accordance with the rules and  
49 regulations prescribed by the United States food and drug administra-  
50 tion, a division of the department of health, education and welfare;  
51 and the label must include the name and percentage of the active drug  
52 ingredients, list all other ingredients, and present directions for use  
53 and warnings against misuse, and state the quantity of contents of  
54 the package in which sold or distributed.

#### 1 SEC. 7.

2 1. There shall be paid by the first distributor of a commercial feed  
3 in this state to the secretary for all commercial feeds distributed in  
4 this state an inspection fee of ten cents per ton; provided, however,  
5 that the following are hereby exempted:

6 *a.* Feed ingredients if they are distributed in this state but are sub-  
7 sequently shipped out of this state, either as received or as compon-  
8 ents of mixed feeds.

9 *b.* Customer-formula feeds if the inspection fee is paid on the reg-  
10 istered commercial feeds which they contain.

11 *c.* Commercial feeds distributed to manufacturers if the commercial  
12 feeds so distributed are used solely in feeds which are to be registered.

13 *d.* Persons, firms or corporations who purchase commercial feeds on  
14 which the tonnage inspection fee has been paid or has been pledged to  
15 be paid.

16 2. In lieu of the tonnage inspection fee on stock tonic there shall be  
17 paid a registration fee of six dollars annually.

18 3. Fees so collected shall constitute a fund for the payment of only  
19 the costs of inspection, sampling, analysis and administrative expenses  
20 necessary for the enforcement of this Act. The secretary shall prepare



21 a detailed annual report by July 31 of each year of the moneys dis-  
 22 bursed from this fund during the preceding year, and this report shall  
 23 be distributed to all registrants immediately after compilation. When  
 24 it is unanimously agreed by the governor, secretary of agriculture and  
 25 the comptroller that there are sufficient funds to carry out the man-  
 26 dates of this Act for at least twelve months, they may direct that any  
 27 excess funds be returned to the general fund.

28 4. Every person, except as hereinafter provided, who distributes  
 29 commercial feed in this state shall:

30 a. File, not later than the last day of January and July of each year,  
 31 a semiannual statement setting forth the number of net tons of  
 32 commercial feeds distributed in this state during the preceding six  
 33 months of the calendar year, and upon filing such statement shall pay  
 34 the inspection fee at the rate stated in subsection one (1) of this sec-  
 35 tion. When more than one person is involved in the distribution of a  
 36 commercial feed, the person who first distributes the commercial feed  
 37 in the state is responsible for reporting the tonnage and paying the  
 38 inspection fee unless he is specifically exempted by subsection one (1)  
 39 of this section. If the tonnage report is not filed and the payment of  
 40 inspection fees is not made within ten days after the due date, a pen-  
 41 alty amounting to ten percent of the amount due shall be assessed  
 42 against the licensee and the amount of fees due plus penalty shall con-  
 43 stitute a debt and become the basis of a judgment against the licensee.

44 b. Keep such records as may be necessary to indicate accurately the  
 45 tonnage of commercial feed distributed in this state, and the secretary  
 46 shall have the right to examine such records to verify statements of  
 47 tonnage.

48 Failure to make an accurate statement of tonnage or to pay the  
 49 inspection fee or comply with the provisions herein shall constitute  
 50 sufficient cause for the cancellation of all registrations on file for the  
 51 distributor.

1 SEC. 8. No person shall distribute an adulterated feed. A commer-  
 2 cial feed or customer-formula feed shall be deemed to be adulterated:

3 1. If any poisonous, deleterious or nonnutritive ingredient has been  
 4 added in sufficient amount to render it injurious to health when fed in  
 5 accordance with directions for use on the label.

6 2. If any valuable constituent has been in whole or in part omitted  
 7 or abstracted therefrom or any less valuable substance substituted  
 8 therefor.

9 3. If its composition or quality falls below or differs from that which  
 10 it is purported or is represented to possess by its labeling.

11 4. If it contains added hulls, screenings, straw, cobs, or other high  
 12 fiber material unless the name of each such material is stated on the  
 13 label.

14 5. If it contains viable weed seeds in amounts exceeding the limits  
 15 which the secretary shall establish by rule or regulation.

1 SEC. 9. No person shall distribute misbranded feed. A commercial  
 2 feed or customer-formula feed shall be deemed to be misbranded:

3 1. If its labeling is false or misleading in any particular.

4 2. If it is distributed under the name of another feed.

5 3. If it is not labeled as required in section six (6) of this Act and in  
6 regulations prescribed under this Act.

7 4. If it purports to be or is represented as a feed ingredient, or if it  
8 purports to contain or is represented as containing a feed ingredient,  
9 unless such feed ingredient conforms to the definition of identity, if  
10 any, prescribed by regulation of the secretary. In the adoption of such  
11 regulations the secretary shall give due regard to commonly accepted  
12 definitions such as those issued by the association of American feed  
13 control officials.

14 5. If any word, statement, or other information required by or under  
15 authority of this Act to appear on the label or labeling is not promi-  
16 nently placed thereon with such conspicuousness (as compared with  
17 other words, statements, designs, or devices in the labeling) and in  
18 such terms as to render it likely to be read and understood by the  
19 ordinary individual under ordinary conditions of purchase and use.

1 SEC. 10.

2 1. It shall be the duty of the secretary, who may act through his  
3 authorized agent, to sample, inspect, make analyses of, and test com-  
4 mercial feeds and customer-formula feeds distributed within this state  
5 at such time and place and to such an extent as he may deem necessary  
6 to determine whether such feeds are in compliance with the provisions  
7 of this Act. The secretary, individually or through his agent, is au-  
8 thorized to enter upon any public or private premises including any  
9 vehicle of transport during regular business hours in order to have  
10 access to commercial feeds and customer-formula feeds and to records  
11 relating to their distribution.

12 2. The methods of sampling and analysis shall be those adopted by  
13 the secretary from sources such as the journal of the Association of  
14 Official Agricultural Chemists.

15 3. The secretary, in determining for administrative purposes  
16 whether a commercial feed is deficient in any component, shall be  
17 guided solely by the official sample as defined in subsection thirteen  
18 (13) of section three (3) and obtained and analyzed as provided for  
19 in subsection two (2) of section ten (10).

20 4. When the inspection and analysis of an official sample indicates  
21 a commercial feed has been adulterated or misbranded, the results of  
22 analysis shall be forwarded by the secretary to the distributor and the  
23 purchaser. Upon request, and notwithstanding any other requirements  
24 of Title X of the Code, within thirty (30) days after the distributor  
25 has been notified of the adulteration or misbranding, the secretary  
26 shall furnish to the distributor a portion of the sample concerned.

1 SEC. 11. The secretary is hereby charged with the enforcement of  
2 this Act, and after due publicity and due public hearing, is empowered  
3 to promulgate and adopt such reasonable rules and regulations as may  
4 be necessary in order to secure the efficient administration of this Act.  
5 Publicity concerning the public hearing shall be reasonably calculated  
6 to give interested parties adequate notice and adequate opportunity  
7 to be heard.

1     **SEC. 12.**

2     1. When the secretary or his authorized agent has reasonable cause  
3 to believe any lot of commercial feed is being distributed in violation  
4 of any of the provisions of this Act, or of any of the prescribed regu-  
5 lations under this Act, he may issue and enforce a written or printed  
6 "withdrawal from distribution" order warning the distributor not to  
7 dispose of the lot of feed in any manner until written permission is  
8 given by the secretary or the court. The secretary shall release the lot  
9 of commercial feed so withdrawn when said provisions and regulations  
10 have been complied with by said distributor. If compliance is not ob-  
11 tained within thirty days, the secretary may begin, or upon request of  
12 the distributor shall begin, proceedings for condemnation.

13     2. Any lot of commercial feed not in compliance with said provisions  
14 and regulations shall be subject to seizure on complaint of the secre-  
15 tary to a court of competent jurisdiction in the area in which said  
16 commercial feed is located. In the event the court finds the said com-  
17 mercial feed to be in violation of this Act and orders the condemnation  
18 of said commercial feed, it shall be disposed of in any manner con-  
19 sistent with the quality of the commercial feed and the laws of the  
20 state; provided, that in no instance shall the disposition of said com-  
21 mercial feed be ordered by the court without first giving the claimant  
22 an opportunity to apply to the court for release of said commercial  
23 feed or for permission to process or relabel said commercial feed to  
24 bring it into compliance with this Act.

1     **SEC. 13.**

2     1. Any person convicted of violating any of the provisions of this  
3 Act or the rules and regulations issued thereunder or who shall impede,  
4 obstruct, hinder, or otherwise prevent or attempt to prevent said sec-  
5 retary or his duly authorized agent in performance of his duty in  
6 connection with the provisions of this Act, shall be adjudged guilty  
7 of a misdemeanor and shall be fined not less than twenty-five dollars  
8 or more than one hundred fifty dollars for the first violation, and not  
9 less than fifty dollars or more than three hundred dollars for a subse-  
10 quent violation. In all prosecutions under this Act involving the com-  
11 position of a lot of commercial feed, a certified copy of the official  
12 analysis signed by the secretary shall be accepted as prima facie evi-  
13 dence of the composition.

14     2. Nothing in this Act shall be construed as requiring the secretary  
15 or his representative to report for prosecution or for the institution of  
16 seizure proceedings as a result of minor violations of the Act when he  
17 believes that the public interest will be best served by a suitable  
18 written notice of warning.

19     3. It shall be the duty of each county attorney to whom any violation  
20 is reported to cause appropriate proceedings to be instituted and prose-  
21 cuted in a court of competent jurisdiction without delay. Before the  
22 secretary reports a violation for such prosecution, an opportunity shall  
23 be given the distributor to present his view to the secretary.

24     4. The secretary is hereby authorized to apply for and the court to  
25 grant a temporary or permanent injunction restraining any person  
26 from violating or continuing to violate any of the provisions of this Act  
27 or any rule or regulation promulgated under this Act notwithstanding

28 the existence of other remedies at law, said injunction to be issued  
29 without bond.

30 5. Any person adversely affected by an act, order or ruling made  
31 pursuant to the provisions of this Act may within forty-five days  
32 thereafter bring action in the district court in and for Polk county for  
33 new trial of the issues bearing upon such act, order or ruling, and upon  
34 such trial the court may issue and enforce such orders, judgments or  
35 decrees as the court may deem proper, just and equitable.

1 SEC. 14. The secretary shall publish at least annually, in such form  
2 as determined after a public hearing to which all Iowa feed registrants  
3 and other interested parties are invited, a resume of the analytical  
4 results obtained including information concerning the sales of com-  
5 mercial feeds, together with such data on their production and use as  
6 he may consider advisable, and a resume of the results of the  
7 analyses of official samples of commercial feeds sold within the state  
8 as compared with the analyses guaranteed in the registration and on  
9 the label; provided, however, that the information concerning produc-  
10 tion and use of commercial feeds shall not disclose the operation of any  
11 person.

1 SEC. 15. If any clause, sentence, paragraph, or part of this Act  
2 shall for any reason be judged invalid by any court of competent juris-  
3 diction, such judgment shall not affect, impair or invalidate the re-  
4 mainder thereof but shall be confined in its operation to the clause,  
5 sentence, paragraph or part thereof directly involved in the contro-  
6 versy in which such judgment shall have been rendered.

1 SEC. 16. All other laws and parts of laws in conflict with or incon-  
2 sistent with the provisions of this Act are hereby superseded by the  
3 provisions of this Act for the purpose of this Act.

1 SEC. 17. This Act shall take effect and be in force from and after  
2 the first day of January, 1964.

Approved May 2, 1963.

## CHAPTER 138

### AGRICULTURAL SEEDS

#### H. F. 317

AN ACT to amend chapter one hundred ninety-nine (199), Code 1962, relating to agri-  
cultural seeds.

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

1 SECTION 1. Section one hundred ninety-nine point one (199.1),  
2 Code 1962, is amended by striking all of subsection two (2) and insert-  
3 ing in lieu thereof the following:  
4 "The term 'agricultural seeds' shall mean the seeds of grass, forage,

5 cereal and fiber crops and any other kinds of seeds commonly recog-  
 6 nized within this state as agricultural seeds, lawn seeds and mixtures  
 7 of such seeds, and may include any additional seeds the secretary of  
 8 agriculture may list in the rules and regulations provided for in this  
 9 chapter."

10 Further amend said section by striking from subsection four (4),  
 11 paragraph "b", subparagraph six (6), the words "Brassica species"  
 12 and inserting in lieu thereof the following:

13 "Brassica juncea, B. kaber and B. nigra".

14 Further amend said section by striking all of subsection five (5) and  
 15 inserting in lieu thereof the following:

16 "Purity' shall mean the pure seed percentage by weight, exclusive  
 17 of inert matter and of other agricultural or weed seeds which are dis-  
 18 tinguishable by their appearance from the crop seed in question."

19 Further amend said section by adding the following new subsec-  
 20 tions:

21 1. "A 'permit holder' is a person who has obtained a permit number  
 22 from the Iowa department of agriculture as required under sections  
 23 one hundred ninety-nine point fifteen (199.15) and one hundred ninety-  
 24 nine point sixteen (199.16) of the Code."

25 2. "A 'registered seed technologist' is a seed technologist who has  
 26 attained registered membership in the Society of Commercial Seed  
 27 Technologists through qualifying tests and experience as required by  
 28 this society."

29 3. "The 'state botanist' is the head of the botany and plant pathol-  
 30 ogy section of the Iowa agricultural experiment station."

1 SEC. 2. Section one hundred ninety-nine point three (199.3), Code  
 2 1962, is amended by striking from line one (1) the words "Agricultural  
 3 seeds" and inserting in lieu thereof the words "All agricultural seeds  
 4 for sale in Iowa".

5 Further amend said section by striking all of subsection two (2) and  
 6 inserting in lieu thereof the following:

7 "The label for seed mixtures for lawn or turf purposes or both shall  
 8 bear thereon:

9 "a. The word 'mixed' or 'mixture'.

10 "b. The headings 'Fine-textured Grasses' and 'Coarse Kinds' in  
 11 eight-point or larger type on a contrasting background. Thereunder  
 12 in tabular form in uniform-size type no larger than the heading nor  
 13 smaller than eight point:

14 "(1) The commonly accepted name, in order of its predominance,  
 15 of the kind or kind and variety of each agricultural seed present in  
 16 excess of five percent of the whole and determined to be 'Fine-textured  
 17 Grass' or a 'Coarse Kind' in accordance with the rules and regulations  
 18 provided for in this chapter.

19 "(2) The word 'None' shall be printed under the appropriate head-  
 20 ing, 'Fine-textured Grasses' or 'Coarse Kinds' when no kind or kind  
 21 and variety is listed under either of these headings.

22 "(3) For each agricultural seed named: The percentage by weight  
 23 of pure seed; the percentage of germination, exclusive of hard seed;  
 24 the percentage of hard seed, if present; and the calendar month and  
 25 year the germination test was completed to determine such percentage.

26 One date of test may be given to represent all kinds or kinds and vari-  
 27 eties, provided, all kinds or kinds and varieties were tested on or after  
 28 the date given. Such information shall clearly indicate that it is appli-  
 29 cable to all of the kinds or kinds and varieties listed.

30 "c. The heading 'Other Ingredients' and thereunder in conspicuous  
 31 type no larger than the heading:

32 "(1) The percentage by weight of all weed seeds.

33 "(2) The percentage by weight of all agricultural seed other than  
 34 those listed on the label as 'Fine-textured Grasses' or 'Coarse Kinds'.

35 "(3) The percentage by weight of inert matter.

36 "d. The lot number or other identification.

37 "e. The name and rate of occurrence per ounce or per pound of each  
 38 kind of secondary noxious weed seed present.

39 "f. The name and address of the person who labeled said seed, or  
 40 who sells, offers or exposes said seed for sale within the state."

41 Further amend said section by adding a new subsection as follows:

42 "Seeds sold on or from the farm, which are exempt from the permit  
 43 requirement by section one hundred ninety-nine point fifteen (199.15),  
 44 of the Code, shall be labeled on the basis of tests performed by the  
 45 Iowa state university seed laboratory, Iowa department of agriculture  
 46 seed laboratory, or a commercial seed laboratory personally supervised  
 47 by a registered seed technologist. Tests for labeling shall be as pro-  
 48 vided in section one hundred ninety-nine point ten (199.10) of the  
 49 Code."

1 SEC. 3. Section one hundred ninety-nine point four (199.4), Code  
 2 1962, is amended by striking all of the last paragraph.

1 SEC. 4. Section one hundred ninety-nine point eight (199.8), Code  
 2 1962, is amended by striking from subsection one (1), paragraph "d",  
 3 all of lines five (5) to sixteen (16), inclusive and inserting in lieu  
 4 thereof the following:

5 "Determination of freedom from primary noxious weed seeds shall  
 6 be based on an examination of not less than the amounts specified in  
 7 the rules and regulations provided for in this chapter."

1 SEC. 5. Section one hundred ninety-nine point nine (199.9), Code  
 2 1962, is amended by inserting in line one (1) of subsection one (1),  
 3 paragraph "b" after the words "consigned to," the words "or for sale  
 4 to,".

1 SEC. 6. Section one hundred ninety-nine point ten (199.10), Code  
 2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "1. Testing methods when seed is for sale. Seed lots of all kinds of  
 4 agricultural seed, except seed corn, intended for sale in this state shall  
 5 be tested in accordance with the Association of Official Seed Analysts  
 6 rules for testing seed or the rules and regulations under the federal  
 7 seed Act. The tests required shall be:

8 "a. Purity analysis.

9 "b. Noxious weed examination.

10 "c. Germination.

11 "2. Testing methods when seed is not for sale.

12 "a. Guidance tests employing nonofficial testing methods may be  
13 used.

14 "b. All individuals or organizations making guidance tests shall:

15 "(1) Issue special report forms for guidance tests. These forms  
16 shall carry a statement in bold-face type at the top of the report:  
17 'This report not valid for the sale of seed.'

18 "(2) Report the name and address of the seed sender and submit  
19 copies of all guidance tests reports to the Iowa department of agri-  
20 culture.

21 "3. Charges for seed testing by the Iowa state university or depart-  
22 ment of agriculture seed laboratory shall be determined by the Iowa  
23 state university laboratory. Separate fee schedules shall be published  
24 for:

25 "a. Guidance tests for farmers who do not plan to sell seed.

26 "b. Tests for seedsmen, permit holders and farmers who plan to sell  
27 seed.

28 "c. Tests for out-of-state persons.

29 "4. Co-operation between the Iowa state university and the state  
30 department of agriculture. To furnish farmers and seedsmen with  
31 information as to seed quality and guide them in the proper labeling  
32 of seed for sale, these organizations shall:

33 "a. Integrate seed testing so as to avoid unnecessary duplication of  
34 personnel and equipment. The state department of agriculture seed  
35 laboratory shall be primarily concerned with seed testing for seed law  
36 enforcement purposes. The Iowa state university seed laboratory shall  
37 promote seed education and research and shall conduct service testing  
38 for farmers and seedsmen.

39 "b. Exchange information which will be mutually beneficial to both  
40 agencies in matters pertaining to agricultural seed.

41 "c. Guide seed testing by all individuals, organizations or seedsmen  
42 so as to promote uniformity of seed testing in Iowa."

1 SEC. 7. Section one hundred ninety-nine point fifteen (199.15),  
2 Code 1962, is amended by adding after the first sentence the following:

3 "Permit numbers shall be listed on the label or container in such  
4 manner that they do not obscure or confuse the other label informa-  
5 tion."

Approved April 5, 1963.

## CHAPTER 139

## PESTICIDES

S. F. 237

AN ACT relating to the distribution, sale, transportation and use of pesticides and devices and to provide for registration and examination of such materials and regulation of their use.

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

1 Chapter two hundred six (206), Code 1962, is hereby repealed and  
2 the following enacted in lieu thereof:

1 SECTION 1. This Act shall be known and may be cited as the  
2 "Pesticide Act of Iowa".

1 SEC. 2. When used in this Act:

2 1. The term "pesticide" shall mean (a) any substance or mixture  
3 of substances intended for preventing, destroying, repelling, or miti-  
4 gating directly or indirectly any insects, rodents, nematodes, fungi,  
5 weeds, and other forms of plant or animal life or viruses, except  
6 viruses on or in living man, which the secretary shall declare to be a  
7 pest, and (b) any substances intended for use as a plant growth  
8 regulator, defoliant or desiccant.

9 2. The term "device" means any instrument or contrivance in-  
10 tended for trapping, destroying, repelling, or mitigating insects,  
11 birds, or rodents or destroying, repelling, or mitigating fungi, nema-  
12 todes, weeds or such other pests as may be designated by the secre-  
13 tary, but not including equipment used for the application of pesti-  
14 cides when sold separately therefrom.

15 3. The term "plant growth regulator" means any substance or  
16 mixture of substances intended, through physiological action, for  
17 accelerating or retarding the rate of growth or rate of maturation,  
18 or for otherwise altering the behavior of ornamental or crop plants  
19 or the produce thereof, but shall not include substances to the extent  
20 that they are intended as plant nutrients, trace elements, nutritional  
21 chemicals, plant inoculants, and soil amendments.

22 4. The term "ingredient statement" means either:

23 a. A statement of the name and percentage by weight of each pes-  
24 ticide ingredient, together with the total percentage of the inert  
25 ingredients, in the pesticide.

26 b. With respect to pesticides for household uses, not highly toxic  
27 to man, a statement of the name of each active ingredient in de-  
28 scending order of predominance and total percent of inert ingredi-  
29 ents.

30 c. In case the pesticide contains arsenic in any form, a statement  
31 of the percentages by weight of total and water soluble arsenic, each  
32 calculated as elemental arsenic.

33 5. The term "active ingredient" means:

34 a. In the case of a pesticide other than a plant growth regulator,  
35 defoliant or desiccant, an ingredient which will prevent, destroy,  
36 repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other  
37 pests.

38 b. In the case of a plant growth regulator, an ingredient which,  
39 through physiological action, will accelerate or retard the rate of



40 growth or rate of maturation or otherwise alter the behavior of  
41 ornamental or crop plants or the produce thereof.

42 c. In the case of a defoliant, an ingredient which will cause the  
43 leaves or foliage to drop from a plant.

44 d. In the case of a desiccant, an ingredient which will artificially  
45 accelerate the drying of plant tissue.

46 6. The term "inert ingredient" means an ingredient which is not  
47 an active ingredient.

48 7. The term "antidote" means the most practical immediate treat-  
49 ment in case of poisoning and includes first aid treatment.

50 8. The term "person" means any individual, partnership, associ-  
51 ation, corporation, or organized group of persons whether incorpo-  
52 rated or not.

53 9. The term "department" shall mean the Iowa department of  
54 agriculture.

55 10. The term "secretary" means the secretary of the Iowa depart-  
56 ment of agriculture.

57 11. The term "registrant" means the person registering any pes-  
58 ticide or device or who has obtained a certificate of license from the  
59 department pursuant to the provisions of this Act.

60 12. The term "commercial applicator" shall mean any person or  
61 corporation who enters into a contract or an agreement for the sake  
62 of monetary payment and agrees to perform a service by applying  
63 any pesticide or servicing any device but shall not include a farmer  
64 trading work with another.

65 13. The term "label" means the written, printed, or graphic mat-  
66 ter on, or attached to, the pesticide or device, or the immediate con-  
67 tainer thereof, and the outside container or wrapper of the retail  
68 package, if any there be, of the pesticide or device.

69 14. The term "labeling" means all labels and other written, printed  
70 or graphic matter:

71 a. Upon the pesticide or device or any of its containers or wrap-  
72 pers.

73 b. Accompanying the pesticide or device at any time.

74 c. To which reference is made on the label or in literature accom-  
75 panying the pesticide or device, except when accurate, nonmisleading  
76 reference is made to current official publications of the United States  
77 department of agriculture or interior, the United States public health  
78 service, the state agricultural experiment stations, the Iowa state  
79 university, the Iowa department of public health, the state conser-  
80 vation commission, or other similar federal institutions or official  
81 agencies of this state or other states authorized by law to conduct  
82 research in the field of pesticides.

83 15. The term "adulterated" shall apply to any pesticide if its  
84 strength or purity falls below the professed standard or quality as  
85 expressed on labeling or under which it is sold, or if any substance  
86 has been substituted wholly or in part for the article, or if any valu-  
87 able constituent of the article has been wholly or in part abstracted.

88 16. The term "misbranded" shall apply:

89 a. To any pesticide or device if its labeling bears any statement,  
90 design or graphic representation relative thereto or to its ingredi-  
91 ents which is false or misleading in any particular.

92 b. To any pesticide:

- 93 (1) If it is an imitation of or is offered for sale under the name of  
94 another pesticide.
- 95 (2) If its labeling bears any reference to registration under this  
96 Act, when not so registered.
- 97 (3) If the labeling accompanying it does not contain directions  
98 for use which are necessary and if complied with adequate for the  
99 protection of the public.
- 100 (4) If the label does not contain a warning or caution statement  
101 which may be necessary and if complied with adequate to prevent  
102 injury to living man and other vertebrate animals.
- 103 (5) If the label does not bear an ingredient statement on that part  
104 of the immediate container and on the outside container or wrapper,  
105 if there is to be one, through which the ingredient statement on  
106 the immediate container cannot be clearly read, of the retail pack-  
107 age which is presented or displayed under customary conditions of  
108 purchase.
- 109 (6) If any word, statement, or other information required by or  
110 under authority of this Act to appear on the label or labeling is not  
111 prominently placed thereon with such conspicuousness as compared  
112 with other words, statements, designs, or graphic matter in the  
113 labeling and in such terms as to render it likely to be read and under-  
114 stood by the ordinary individual under customary conditions of pur-  
115 chase and use.
- 116 (7) If in the case of an insecticide, nematocide, fungicide, or her-  
117 bicide when used as directed or in accordance with commonly recog-  
118 nized practice it shall be injurious to living man or other vertebrate  
119 animals, or vegetation, except weeds, to which it is applied, or to  
120 the person applying such pesticide.
- 121 (8) If in the case of a plant growth regulator, defoliant, or desic-  
122 cant when used as directed it shall be injurious to living man or  
123 other vertebrate animals, or vegetation to which it is applied, or to  
124 the person applying such pesticide; provided, that physical or physi-  
125 ological effects on plants or parts thereof shall not be deemed to be  
126 injury, when this is the purpose for which the plant growth regu-  
127 lator, defoliant, or desiccant was applied, in accordance with the  
128 label claims and recommendations.

- 1 SEC. 3. 1. It shall be unlawful for any person to distribute, give,  
2 sell, or offer for sale within this state or deliver for transportation  
3 or transport in intrastate commerce or between points within this  
4 state through any point outside this state any of the following:
- 5 a. Any pesticide which has not been registered pursuant to the  
6 provisions of section four (4) of this Act.
- 7 b. Any pesticide, if any of the claims made for it, or if any of the  
8 directions for its use, differ in substance from the representations  
9 made in connection with its registration.
- 10 c. Any pesticide if the composition thereof differs from its com-  
11 position as represented in connection with its registration, unless  
12 within the discretion of the secretary, or his authorized representa-  
13 tive, a change in the labeling or formula of a pesticide within a regis-  
14 tration period, has been authorized, without requiring a re-registra-  
15 tion of the product.

16 *d.* Any pesticide, unless it is in the registrant's or the manufac-  
17 turer's unbroken immediate container, and there is affixed to such  
18 container, and to the outside container or wrapper of the retail  
19 package, if there be one through which the required information on  
20 the immediate container cannot be clearly read, a label bearing the  
21 following:

22 (1) The name and address of the manufacturer, registrant, or  
23 person for whom manufactured.

24 (2) The name, brand, or trade mark of said article.

25 (3) The net weight or measure of the contents subject, however,  
26 to such reasonable variations as the secretary may permit.

27 (4) An ingredient statement as required in section four (4) of  
28 this Act.

29 (5) A confidential code number or designation approved by the  
30 secretary which shows the date of manufacture of products which  
31 the secretary finds after public hearing are subject to deterioration.  
32 Except in official proceedings pursuant to section 10 of this Act, it  
33 shall be unlawful for the secretary or any representative of the  
34 department to disclose the translation or decipherment of any code  
35 number or designation shown on a container pursuant to this re-  
36 quirement.

37 *e.* Any pesticide which contains any substance or substances in  
38 quantities highly toxic to man; determined as provided in section  
39 six (6) of this Act, unless the label shall bear, in addition to any  
40 other matter required by this Act:

41 (1) The skull and cross-bones.

42 (2) The word "poison" prominently, in red, on a background of  
43 distinctly contrasting color.

44 (3) A statement of an antidote for the pesticide.

45 (4) Instructions for safe disposal of the container when the used  
46 container is found by the secretary after public hearing to be hazard-  
47 ous to man or other vertebrate animals.

48 *f.* Any standard lead arsenate, basic lead arsenate, calcium arse-  
49 nate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium  
50 fluoride, sodium fluosilicate and barium fluosilicate unless such pes-  
51 ticides have been distinctly colored or discolored as provided by  
52 regulations issued in accordance with this Act, or any other white  
53 powder which the secretary, or his authorized representatives, after  
54 investigation of and after public hearing on the necessity for such  
55 action for the protection of the public health and the feasibility of  
56 such coloration or discoloration, shall, by regulation, require to be  
57 distinctly colored or discolored; unless it has been so colored or dis-  
58 colored; provided, that the secretary, or his authorized representa-  
59 tive, may exempt any pesticide to the extent that it is intended for  
60 a particular use or uses from the coloring or discoloring required or  
61 authorized by this section if he determines that such coloring or  
62 discoloring for such use or uses is not necessary for the protection  
63 of the public health or safety.

64 *g.* Any pesticide which is adulterated or misbranded.

65 2. It shall be unlawful:

66 *a.* For any person to detach, alter, deface, or destroy in whole or  
67 in part, any label or labeling provided for in this Act or the rules and  
68 regulations promulgated hereunder, or to add any substance to, or

69 take any substance from a pesticide in a manner that may defeat  
70 the purpose of this Act.

71 *b.* For any person to use for his own advantage or to reveal, other  
72 than to the secretary, or officials or employees of the state or officials  
73 or employees of the United States department of agriculture, or  
74 other federal agencies, or to the courts in response to a subpoena,  
75 or to physicians, and in emergencies to pharmacists and other quali-  
76 fied persons for use in the preparation of antidotes, in accordance  
77 with such directions as the secretary may prescribe, any informa-  
78 tion relative to formulae of products acquired by authority of section  
79 four (4) of this Act.

80 *c.* For any person to interfere in any way with the secretary or  
81 his duly authorized agents in carrying out the duties imposed by this  
82 Act.

83 *d.* To apply or cause to be applied any pesticide in such a way as  
84 to damage seriously the health, welfare, or property of any person  
85 or pollute or cause pollution of public waters as defined in section one  
86 hundred thirty-five point eighteen (135.18) of the Code, but no  
87 person shall be liable under this chapter if said pesticide is applied  
88 in accordance with, or at a rate less than, the label requirements.

1 SEC. 4. 1. Every pesticide which is distributed, sold or offered  
2 for sale within this state or delivered for transportation or trans-  
3 ported in intrastate commerce between points within the state  
4 through any point outside this state shall be registered with the  
5 department of agriculture. The secretary shall register and permit  
6 the sale of any pesticide which has been duly registered without  
7 protest under the provisions of the federal Insecticide, Fungicide  
8 and Rodenticide Act, but products so registered shall be subject to  
9 the registration fees provided for herein, and to all other provisions  
10 of this Act. All registration of products shall expire on the thirty-  
11 first day of October following date of issuance, unless such registra-  
12 tion shall be renewed annually, in which event expiration date shall  
13 be extended for each year of renewal registration, or until otherwise  
14 terminated; provided that:

15 *a.* Products which have the same formula, and are manufactured  
16 by the same person, the labeling of which contains the same claims,  
17 and the labels of which bear a designation identifying the product  
18 as the same pesticide may be registered as a single pesticide; addi-  
19 tional names and labels shall be added by supplement statements  
20 during the current period of registration. For the purpose of this  
21 Act, fertilizers in mixed fertilizer-pesticide formulations shall be  
22 considered as inert ingredients.

23 *b.* Within the discretion of the secretary, or his authorized repre-  
24 sentative, a change in the labeling or formulae of a pesticide may  
25 be made within the current period of registration, without requiring  
26 a re-registration of the product, provided the name of the item is  
27 not changed.

28 2. The registrant shall file with the department a statement con-  
29 taining:

30 *a.* The name and address of the registrant and the name and ad-  
31 dress of the person whose name will appear on the label, if other  
32 than the registrant.

33     **b.** The name of the pesticide.

34     **c.** An ingredient statement in which the accepted common name  
35 and percentage by weight of each active ingredient is listed as well  
36 as the percentage of inert ingredients in the pesticides.

37     **d.** A complete copy of the labeling accompanying the pesticide and  
38 a statement of all claims made and to be made for it including direc-  
39 tions for use.

40     **e.** A full description of the tests made and results thereof upon  
41 which the claims are based, if requested by the secretary. In the  
42 case of renewal or re-registration, a statement may be required only  
43 with respect to information which is different from that furnished  
44 when the pesticide was registered or last re-registered.

45     **3.** The registrant, before selling or offering for sale any pesticide  
46 in this state, shall register each brand and grade of such pesticide  
47 with the secretary upon forms furnished by the secretary, and, for  
48 the purpose of defraying expenses connected with the enforcement  
49 of this Act, shall pay to the secretary an annual registration fee of  
50 ten (10) dollars for each and every brand and grade to be offered  
51 for sale in this state up to ten (10) products. A fee of five (5) dol-  
52 lars shall be paid for each product thereafter. The fees collected  
53 shall be deposited in the treasury to the credit of the pesticide fund  
54 to be used only for the purpose of enforcing the provisions of this  
55 Act. All moneys in said fund in excess of one hundred thousand  
56 (100,000) dollars shall be placed in the general fund of the state at  
57 the end of each biennium.

58     **4.** The secretary, whenever he deems it necessary in the adminis-  
59 tration of this Act, may require the submission of the complete form-  
60 ula of any pesticide. If it appears to the secretary that the composi-  
61 tion of the article is such as to warrant the proposed claims for it  
62 and if the article and its labeling and other material required to be  
63 submitted comply with the requirements of this Act, he shall regis-  
64 ter the article.

65     **5.** If it does not appear to the secretary that the article is such as  
66 to warrant the proposed claims for it or if the article and its labeling  
67 and other material required to be submitted do not comply with the  
68 provisions of this Act, he shall notify the registrant of the manner  
69 in which the article, labeling, or other material required to be sub-  
70 mitted fail to comply with this Act so as to afford the registrant an  
71 opportunity to make the necessary corrections before resubmitting  
72 the label. If, upon receipt of such notice, the registrant insists that  
73 such corrections are not necessary and requests in writing that the  
74 article be registered, the secretary shall register the article, under  
75 protest, and such registration shall be accompanied by a warning,  
76 in writing, to the registrant of the apparent failure of the article to  
77 comply with the provisions of this Act. In order to protect the  
78 public, the secretary, on his own motion, may at any time cancel the  
79 registration of a pesticide and in lieu thereof issue a registration  
80 under protest in accordance with the foregoing procedure. In no  
81 event shall registration of an article, whether or not protested, be  
82 construed as a defense for the commission of any offense prohibited  
83 under section three (3) of this Act.

84     **6.** Notwithstanding any other provisions of this Act, registration  
85 is not required in the case of a pesticide shipped from one plant

86 within this state to another plant within this state operated by the  
87 same person.

1     SEC. 5. 1. All commercial applicators of pesticides shall be re-  
2     quired to secure a license and be issued a permit and be assigned a  
3     permit number. The secretary shall require proof of competence and  
4     responsibility before issuing a license. Upon receipt of a properly  
5     executed application and payment of required fees, the secretary  
6     shall issue a license permitting a person to make commercial appli-  
7     cations of pesticides and devices unless he has reason to believe such  
8     issuance would not be in the public interest. Every public officer or  
9     foreman who applies pesticides on public property or supervises such  
10    application by another shall also secure such license and be issued a  
11    permit in like manner but the payment of fee therefor shall be  
12    waived by the department.

13    2. All persons required to secure a license under this section shall  
14    initially pay a fee of ten (10) dollars, and each year thereafter shall  
15    pay a fee of five (5) dollars for renewal of this license and permit  
16    number. Fees collected shall be deposited in the treasury to the  
17    pesticide fund to be used for the purpose of enforcing the provisions  
18    of this Act. The expiration date shall be the thirty-first day of  
19    October of each year. In case the original license or permit number  
20    has been lost or destroyed, a duplicate license and permit number  
21    may be obtained upon payment of a fee of five (5) dollars.

22    3. The secretary may revoke or suspend any license after convic-  
23    tion of the holder for violation of any provision of this Act.

24    4. Aerial commercial applicators shall register with the Iowa  
25    aeronautics commission as well as with the Iowa department of agri-  
26    culture.

27    5. Any nonresident commercial applicator securing a license and  
28    permit to operate in Iowa impliedly consents to the appointment of  
29    the secretary of agriculture as his agent for the service of original  
30    notice in any civil suit against him concerning the application of  
31    pesticides in Iowa.

1     SEC. 6. 1. The secretary is authorized, after public hearing fol-  
2     lowing due notice:

3     a. To declare as a pest any form of plant or animal life or virus  
4     which is injurious to plants, man, domestic animals, articles, or sub-  
5     stances.

6     b. To determine whether pesticides are highly toxic to man.

7     c. To determine standards of coloring or discoloring for pesticides,  
8     and to subject pesticides to the requirements of section three (3),  
9     subsection one (1) of this Act.

10    2. The secretary is authorized, after public hearing following due  
11    notice, to make appropriate rules and regulations for carrying out  
12    the provisions of this Act, including rules and regulations providing  
13    for the collection and chemical examination of samples of pesticides  
14    or devices.

15    3. For the purpose of carrying out the provisions and the require-  
16    ments of this Act and the rules and regulations made and notices  
17    given pursuant thereto, the secretary or his authorized agents, in-

18 spectors, or employees may enter into or upon any place during  
19 reasonable business hours in order to take periodic random samples  
20 for chemical examinations of pesticides and devices and to open any  
21 bundle, package or other container containing or believed to contain  
22 a pesticide in order to determine whether the pesticide or device  
23 complies with the requirements of this Act. Methods of analysis  
24 shall be those currently used by the Association of Official Agricul-  
25 tural Chemists.

26 4. The secretary is authorized, after public hearing following due  
27 notice, to adopt by regulation such regulations, applicable to and in  
28 conformity with the primary standards established by this Act, and  
29 as have been or may be prescribed in the United States department  
30 of agriculture with respect to pesticides.

31 5. After public hearing, the secretary is empowered to ban the use  
32 of a pesticide or formulation of a pesticide in specific areas or during  
33 certain periods upon evidence that the pesticide caused widespread  
34 serious damage to crops or livestock.

1 SEC. 7. The examination of pesticides shall be made under the  
2 direction of the secretary, or his authorized representative, for the  
3 purpose of determining whether they comply with the requirements  
4 of this Act. If it shall appear from such examination that a pesticide  
5 fails to comply with the provisions of this Act, and the secretary, or  
6 his authorized representative, contemplates instituting criminal pro-  
7 ceedings against any person, he shall cause notice to be given to such  
8 person. Any person so notified shall be given an opportunity to pre-  
9 sent his views, either orally or in writing, with regard to such  
10 contemplated proceedings and if thereafter in the opinion of the  
11 secretary, or his authorized representative, it shall appear that the  
12 provisions of the Act have been violated by such person, then the  
13 secretary or his authorized representative may refer the facts to the  
14 county attorney for the county in which the violation shall have  
15 occurred with a copy of the results of the analysis or the examina-  
16 tion of such article; provided, however, that nothing in this Act  
17 shall be construed as requiring the secretary or his representative  
18 to report for prosecution or for the institution of proceedings in  
19 minor violations of the Act whenever he believes that the public  
20 interests will be best served by a suitable notice of warning in writ-  
21 ing.

1 SEC. 8. 1. The penalties provided for violations of section three  
2 (3), subsection one (1) of this Act shall not apply to:

3 a. Any carrier while lawfully engaged in transporting a pesticide  
4 within this state, if such carrier shall, upon request, permit the sec-  
5 retary or his designated agent to copy all records showing the trans-  
6 actions in and movement of the articles.

7 b. Public officials of this state and the federal government engaged  
8 in the performance of their official duties.

9 c. The manufacturer or shipper of a pesticide for experimental  
10 use only:

11 (1) By or under the supervision of an agency of this state or of  
12 the federal government authorized by law to conduct research in the  
13 field of pesticides.

14 (2) By others if the pesticide is not sold and if the container  
15 thereof is plainly and conspicuously marked "for experimental use  
16 only—not to be sold", together with the manufacturer's name and  
17 address; provided, however, that if a written permit has been ob-  
18 tained from the secretary, pesticides may be sold for experimental  
19 purposes subject to such restrictions and conditions as may be set  
20 forth in the permit.

21 2. No article shall be deemed in violation of this Act when in-  
22 tended solely for export to a foreign country, and when prepared or  
23 packed according to the specifications or directions of the purchaser.  
24 If not so exported, all the provisions of this Act shall apply.

1 SEC. 9. 1. Any person violating section three (3), subsection one  
2 (1), paragraph "a" of this Act shall be guilty of a misdemeanor and  
3 upon conviction shall be fined not more than one hundred (100) dol-  
4 lars.

5 2. Any person violating any provision of this Act other than sec-  
6 tion three (3), subsection one (1), paragraph "a" shall be guilty of  
7 a misdemeanor and upon conviction shall be fined not more than five  
8 hundred (500) dollars for the first offense and upon conviction for a  
9 subsequent offense shall be fined not more than one thousand (1000)  
10 dollars; provided, that any offense committed more than five (5)  
11 years after a previous conviction shall be considered a first offense;  
12 and provided, further, that in any case where a registrant was is-  
13 sued a warning by the secretary pursuant to the provisions of this  
14 Act, such registrant shall upon conviction of a violation of any pro-  
15 vision of this Act other than section three (3), subsection one (1),  
16 paragraph "a" be fined not more than one thousand (1000) dollars,  
17 or imprisoned for not more than one (1) year, or be subject to both  
18 such fine and imprisonment; and the registration of the article with  
19 reference to which the violation occurred shall terminate automat-  
20 ically. An article, the registration of which has been terminated,  
21 may not again be registered unless the article, its labeling, and other  
22 material required to be submitted appear to the secretary to comply  
23 with all the requirements of this Act.

24 3. Notwithstanding any other provisions of the section, in case  
25 any person, with intent to defraud, uses or reveals information rela-  
26 tive to formulae of products acquired under authority of section four  
27 (4) of this Act, he shall be fined not more than one thousand (1000)  
28 dollars or imprisoned for not more than one (1) year, or both.

1 SEC. 10. 1. Any pesticide or device that is distributed, sold, or  
2 offered for sale within this state or delivered for transportation or  
3 transported in intrastate commerce or between points within this  
4 state through any point outside this state shall be liable to be pro-  
5 ceeded against in any district court in any county of the state where  
6 it may be found and seized for confiscation by condemnation.

7 a. In the case of a pesticide:

8 (1) If it is adulterated or misbranded.

9 (2) If it has not been registered under the provisions of section  
10 four (4) of this Act.



11 (3) If it fails to bear on its label the information required by this  
12 Act.

13 (4) If it is a white powder pesticide and is not colored as required  
14 under this Act.

15 b. In the case of a device, if it is misbranded.

16 2. If the article is condemned, it shall, after entry of decree, be  
17 disposed of by destruction or sale as the court may direct and the  
18 proceeds if such article is sold, less legal costs, shall be paid to the  
19 state treasurer; provided, that the article shall not be sold contrary  
20 to the provisions of this Act; and, provided further, that upon pay-  
21 ment of costs and execution and delivery of a good and sufficient  
22 bond conditioned that the article shall not be disposed of unlawfully,  
23 the court may direct that said article be delivered to the owner  
24 thereof for relabeling or reprocessing as the case may be.

25 3. When a decree of condemnation is entered against the article,  
26 court costs and fees and storage and other proper expenses shall be  
27 awarded against the person, if any, intervening as claimant of the  
28 article.

1 SEC. 11. The secretary is authorized and empowered to co-oper-  
2 ate with, and enter into agreements with, any other agency of this  
3 state, the United States department of agriculture, and any other  
4 state or agency thereof for the purpose of carrying out the provi-  
5 sions of this Act and securing uniformity of regulations.

1 SEC. 12. If any provision of this Act is declared unconstitutional,  
2 or the applicability thereof to any person or circumstances is held  
3 invalid, the constitutionality of the remainder of this Act and the  
4 applicability thereof to other persons and circumstances shall not be  
5 affected thereby.

1 SEC. 13. This Act shall be effective January 1, 1964.

Approved May 20, 1963.

## CHAPTER 140

### BOARD OF CONTROL AUTHORITY

H. F. 315

AN ACT to empower the board of control or an agent designated by the board to exer-  
cise at its discretion the authority normally vested in its employees when problems  
arise.

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

1 SECTION 1. Section two hundred eighteen point one (218.1), Code  
2 1962, is hereby amended by striking lines one (1) through five (5) and  
3 enacting in lieu thereof the words:

4 "The board of control or its designee shall have full authority given  
5 under statute to control, manage, direct, and operate the following

6 institutions under its jurisdiction, and may at its discretion execute  
7 the powers and authority delegated by the board of control or given  
8 by statute to any of its appointees or employees of the:"

Approved April 25, 1963.

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## CHAPTER 141

### BOARD OF CONTROL RECORDS

S. F. 428

AN ACT to authorize the board of control to permit the state libraries and historical department—division of archives—to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner prescribed by law such records of inmates designated in section two hundred eighteen point twenty-one (218.21), Code 1962.

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

1 SECTION 1. Section two hundred eighteen point twenty-two  
2 (218.22), Code 1962, is hereby amended by adding the following  
3 thereto:  
4 "The board of control is authorized to permit the state libraries and  
5 historical department division of archives to copy or reproduce by any  
6 photographic, photostatic, microfilm, microcard or other process which  
7 accurately reproduces a durable medium for reproducing the original  
8 and to destroy in the manner described by law such records of inmates  
9 designated in section two hundred eighteen point twenty-one (218.21)  
10 of the Code."

Approved May 6, 1963.

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## CHAPTER 142

### BOARD OF CONTROL CONFERENCES

H. F. 407

AN ACT relating to the place of holding quarterly conferences of the board of control.

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

1 SECTION 1. Section two hundred eighteen point forty-five (218.45),  
2 Code 1962, is hereby amended by inserting in line four (4) after the  
3 word "Des Moines" the words "or at institutions under its jurisdic-  
4 tion".

Approved April 23, 1963.

## CHAPTER 143

## INTERSTATE MENTAL HEALTH COMPACT

H. F. 189

AN ACT to adopt the interstate compact on mental health and designate an administrator with other states.

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

1 SECTION 1. Chapter two hundred eighteen (218), Code 1962, is  
2 hereby amended by adding the following section:

3 "The state of Iowa hereby ratifies and adopts by reference the inter-  
4 state compact on mental health consisting of fourteen articles approved  
5 by the committee of state officials on suggested state legislation of the  
6 council of state governments published in Suggested State Legislation,  
7 Program for 1958."

1 SEC. 2. Pursuant to said compact, the director of mental health of  
2 the board of control shall be the compact administrator and who, act-  
3 ing jointly with like officers of other party states, shall have power to  
4 promulgate rules and regulations to carry out more effectively the  
5 terms of the compact. The compact administrator is hereby author-  
6 ized, empowered and directed to cooperate with all departments, agen-  
7 cies and officers of and in the government of this state and its sub-  
8 divisions in facilitating the proper administration of the compact of  
9 any supplementary agreement or agreements entered into by this state  
10 thereunder.

1 SEC. 3. The compact administrator is hereby authorized and em-  
2 powered to enter into supplementary agreements with appropriate  
3 officials of other states pursuant to Articles VII and XI of the compact.  
4 In the event that such supplementary agreements shall require or con-  
5 template the use of any institution or facility of this state or require  
6 or contemplate the provisions of any service by this state, no such  
7 agreement shall have force or effect until approved by the head of the  
8 department or agency under whose jurisdiction said institution or  
9 facility is operated or whose department or agency will be charged  
10 with the rendering of such service.

1 SEC. 4. The compact administrator, subject to the approval of the  
2 board of control of state institutions, may make or arrange for any  
3 payments necessary to discharge any financial obligations imposed  
4 upon this state by the compact or by any supplementary agreement  
5 entered into thereunder.

1 SEC. 5. The compact administrator is hereby directed to consult  
2 with the immediate family of our proposed transferee and, in the case  
3 of a proposed transferee from an institution in this state to an insti-  
4 tution in another party state, to take no final action without approval  
5 of the district court of the county of admission or commitment.

1 SEC. 6. Duly authorized copies of this Act shall, upon its approval  
2 be transmitted by the secretary of state to the governor of each state,

3 the attorney general and the administrator of general services of the  
4 United States, and the council of state governments.

1 SEC. 7. Section two hundred eighteen point seventy-six (218.76),  
2 Code 1962, is hereby amended by adding the following subsection:  
3 "Act as compact administrator with power to effectuate the purpose  
3 of and make necessary rules to implement the interstate compact on  
4 mental health."

Approved April 8, 1963.

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## CHAPTER 144

### PRIVATE PATIENTS AT PSYCHOPATHIC HOSPITAL

H. F. 135

AN ACT to amend chapter two hundred twenty-five (225), Code 1962, to more specifically provide for collection of medical fees for private patients with the state psychopathic hospital at Iowa City.

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

1 SECTION 1. Section two hundred twenty-five point nine (225.9),  
2 Code 1962, is hereby amended by adding thereto the following:  
3 "The physicians on the hospital staff may charge such patients for  
4 their medical services under such rules, regulations and plan therefor  
5 as approved by the state board of regents."

Approved March 14, 1963.

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## CHAPTER 145

### MENTAL PATIENTS PERSONAL FUNDS

S. F. 408

AN ACT relating to the funds and support of mentally ill patients in the state mental health institutes and mentally retarded patients in state hospital-schools.

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

1 SECTION 1. Chapter two hundred twenty-six (226), Code 1962, is  
2 hereby amended by adding thereto the following new sections:  
3 "1. There is hereby established at each hospital a fund known as  
4 the patients' personal deposit fund.  
5 "2. Any funds coming into the possession of the superintendent or  
6 any employee of the hospital belonging to any patient in that hospital,  
7 shall be deposited in the name of that patient in the patients' personal  
8 deposit fund, except that if a guardian of the property of that patient  
9 has been appointed, the guardian shall have the right to demand and  
10 receive such funds. Funds belonging to a patient deposited in the  
11 patients' personal deposit fund may be used for the purchase of per-

12 sonal incidentals, desires and comforts for the patient.

13 "3. Whenever the amount to the account of any patient in the  
14 patients' personal deposit fund exceeds the sum of two hundred (200)  
15 dollars, the business manager of the hospital may apply any of the  
16 excess to reimburse the county of legal settlement for liability in-  
17 curred by such county for the payment of care, support and mainte-  
18 nance of the patient, when billed therefor by the county of legal  
19 settlement.

20 "4. The business manager shall deposit the patients' personal de-  
21 posit fund in a commercial account of a bank of reputable standing.  
22 When deposits in the commercial account exceed average monthly  
23 withdrawals, the business manager may deposit the excess at inter-  
24 est. The savings account shall be in the name of the patients' personal  
25 deposit fund and interest paid thereon may be used for recreational  
26 purposes at the hospital."

1 SEC. 2. Chapter two hundred twenty-three (223), Code 1962, is  
2 hereby amended by adding the following new sections:

3 "1. There is hereby established at each hospital a fund known as  
4 the patients' personal deposit fund.

5 "2. Any funds coming into the possession of the superintendent or  
6 any employee of the hospital belonging to any patient in that hospital,  
7 shall be deposited in the name of that patient in the patients' personal  
8 deposit fund, except that if a guardian of the property of that patient  
9 has been appointed, the guardian shall have the right to demand and  
10 receive such funds. Funds belonging to a patient deposited in the  
11 patients' personal deposit fund may be used for the purchase of per-  
12 sonal incidentals, desires and comforts for the patient.

13 "3. Whenever the amount to the account of any patient in the  
14 patients' personal deposit fund exceeds the sum of two hundred (200)  
15 dollars, the business manager of the hospital may apply any of the  
16 excess to reimburse the county of legal settlement for liability in-  
17 curred by such county for the payment of care, support and mainte-  
18 nance of the patient, when billed therefor by the county of legal  
19 settlement.

20 "4. The business manager shall deposit the patients' personal de-  
21 posit fund in a commercial account of a bank of reputable standing.  
22 When deposits in the commercial account exceed average monthly  
23 withdrawals, the business manager may deposit the excess at inter-  
24 est. The savings account shall be in the name of the patients' personal  
25 deposit fund and interest paid thereon may be used for recreational  
26 purposes at the hospital."

Approved May 6, 1963.

## CHAPTER 146

## MENTAL PATIENTS RETURNED TO HOSPITAL

H. F. 316

AN ACT relating to orders to return mental patients on convalescent leave to the hospital, and providing for payment of travel expenses incurred.

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

1 SECTION 1. Section two hundred twenty-eight point eleven  
2 (228.11), Code 1962, is hereby amended by adding thereto the follow-  
3 ing new paragraph:  
4 "When the commission orders the return of a patient who is on  
5 leave from a mental health institute, such notification from the com-  
6 mission of hospitalization or superintendent of the mental health  
7 institute from which the patient is on leave to any peace officer of the  
8 state or to any private person shall be sufficient authority for such  
9 officer or person to take and return such patient to the respective  
10 mental health institute. Compensation and expenses incurred in  
11 executing an order to return a patient shall be allowed in the same  
12 manner as other transportation expenses."

Approved May 9, 1963.

## CHAPTER 147

## VOLUNTARY MENTAL PATIENTS

H. F. 342

AN ACT to clarify liability for support furnished by the county for patients admitted voluntarily to mental health institutes.

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

1 SECTION 1. Section two hundred twenty-nine point forty-one  
2 (229.41), Code 1962, is hereby amended by adding thereto the follow-  
3 ing:  
4 "Such collections shall be remitted to the state comptroller and  
5 credited to the operating funds of the mental health hospital so re-  
6 mitting on a basis as approved by the state comptroller."

1 SEC. 2. Section two hundred twenty-nine point forty-two (229.42),  
2 Code 1962, is hereby amended as follows:  
3 1. By striking all after the word "settlement" in line fourteen (14)  
4 and inserting in lieu thereof the following:  
5 "to the state comptroller and credited to the operating funds of the  
6 mental health hospital rendering the services, provided such hospital  
7 has certified to the county auditor of the responsible county the  
8 amount chargeable thereto and has sent a duplicate statement of such  
9 charges to the state comptroller."  
10 2. By adding the following paragraph:

11 "All the provisions of chapter two hundred thirty (230) of the Code  
12 shall apply to such voluntary patients so far as is applicable."

1 SEC. 3. Section two hundred thirty point one (230.1), Code 1962,  
2 is hereby amended as follows:

3 1. By inserting in line four (4) after the word "investigation," the  
4 word "admission,".

5 2. By inserting in line five (5) after the word "person" the words  
6 "admitted or".

7 3. By striking from line twelve (12) the word "residence" and in-  
8 serting in lieu thereof the words "legal settlement".

1 SEC. 4. Section two hundred thirty point three (230.3), Code 1962,  
2 is hereby amended by inserting in line six (6) after the word "is" the  
3 words "admitted or".

1 SEC. 5. Section two hundred thirty point five (230.5), Code 1962,  
2 is hereby amended by inserting in line four (4) after the word "of"  
3 the words "admission or".

1 SEC. 6. Section two hundred thirty point seven (230.7), Code 1962.  
2 is hereby amended by inserting in line four (4) after the word "of"  
3 the words "admission or".

1 SEC. 7. Section two hundred thirty point nine (230.9), Code 1962,  
2 is hereby amended as follows:

3 1. By inserting in line six (6) after the word "of" the words "ad-  
4 mission or".

5 2. By inserting in line eight (8) after the word "the" the words  
6 "admission or".

1 SEC. 8. Section two hundred thirty point ten (230.10), Code 1962,  
2 is hereby amended as follows:

3 1. By inserting in line three (3) after the word "and" the words  
4 "admission or".

5 2. By inserting in line eight (8) after the word "of" the words  
6 "admission or".

1 SEC. 9. Section two hundred thirty point twelve (230.12), Code  
2 1962, is hereby amended by inserting in line three (3) after the word  
3 "person" the words "admitted or".

1 SEC. 10. Section two hundred thirty point thirteen (230.13), Code  
2 1962, is hereby amended by inserting in line three (3) after the second  
3 word "the" the words "admission or".

1 SEC. 11. Section two hundred thirty point fourteen (230.14), Code  
2 1962, is hereby amended by inserting in line three (3) after the word  
3 "of" the words "admission or".

1 SEC. 12. Section two hundred thirty point twenty-three (230.23),  
2 Code 1962, is hereby amended by inserting in line three (3) after the  
3 word "care," the word "admission,".

1 SEC. 13. Section two hundred thirty point twenty-five (230.25),  
2 Code 1962, is hereby amended by inserting in line four (4) after the  
3 word "person" the words "admitted or".

1 SEC. 14. Section two hundred thirty point twenty-six (230.26),  
2 Code 1962, is hereby amended as follows:

3 1. By inserting in line six (6) after the word "persons" the words  
4 "admitted or".

5 2. By inserting in line twelve (12) after the word "person" the  
6 words "admitted or".

7 3. By inserting in line thirteen (13) after the word "persons" the  
8 words "admitted or".

Approved May 22, 1963.

## CHAPTER 148

### PLACEMENT OF MENTAL PATIENTS

#### S. F. 210

AN ACT relating to placement of patients, who have no county of legal settlement and who have been confined in a state mental institute, on convalescent leave or in custodial or nursing homes, and to provide for the payment of support of such patients.

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

1 SECTION 1. Chapter two hundred twenty-nine (229), Code 1962, is  
2 hereby amended by adding thereto the following new section:

3 "The board of control shall have the power to place patients of  
4 mental health institutes who have no county of legal settlement; who  
5 are nonresidents; or whose legal settlement is unknown, on conva-  
6 lescent leave to a private sponsor or in custodial or nursing homes,  
7 when in the opinion of the board said placement is in the best inter-  
8 ests of the patient and the state of Iowa."

1 SEC. 2. Chapter two hundred thirty (230), Code 1962, is hereby  
2 amended by adding thereto the following new section:

3 "The cost of support of patients without legal settlement in this  
4 state, who are placed on convalescent leave or removed from a state  
5 mental institute to a custodial or nursing home for rehabilitation pur-  
6 poses, shall be paid from the hospital support fund and shall be charged  
7 on abstract in the same manner as state inpatients, until such time as  
8 the patient becomes self-supporting or qualifies for support under  
9 existing statutes."

Approved April 26, 1963.



## CHAPTER 149

## LEGAL SETTLEMENT OF MENTALLY ILL PERSONS

H. F. 259

AN ACT relating to the legal settlement of a mentally ill person at the time of admission to a state institution.

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

- 1 SECTION 1. Section two hundred thirty point one (230.1), Code
- 2 1962, is hereby amended by striking from line twelve (12) the word
- 3 "residence" and inserting in lieu thereof the words "legal settlement".

Approved April 11, 1963.

## CHAPTER 150

## MENTAL HEALTH CARE

H. F. 197

AN ACT relating to the penalty charges imposed on counties delinquent in the payment of their billings for mental health care.

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

- 1 SECTION 1. Section two hundred thirty point twenty-two (230.22),
- 2 Code 1962, is hereby amended by adding the following sentence:
- 3 "Provided, however, that the penalty shall not be imposed if the
- 4 county has notified the comptroller of error or questionable items in
- 5 the billing, in which event, the comptroller may suspend penalty only
- 6 during the period of negotiation."

Approved April 5, 1963.

## CHAPTER 151

## MENTALLY RETARDED PERSONS

S. F. 181

AN ACT relating to care, treatment, and habilitation of mentally retarded persons.

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

- 1 SECTION 1. Section two hundred thirty point twenty-four (230.24),
- 2 Code 1962, is hereby amended as follows:
- 3 1. By inserting in line twenty (20) after the word "thereof" the
- 4 words ", or for professional evaluation, treatment, and habilitation of
- 5 mentally retarded persons,".
- 6 2. By inserting in line twenty-five (25) after the word "treatment"
- 7 the words "or for professional evaluation, treatment, and habilitation
- 8 of mentally retarded persons,".

Approved April 12, 1963.

## CHAPTER 152

## COMMUNITY MENTAL HEALTH CENTERS

## H. F. 56

AN ACT relating to the establishment of community mental health centers and providing for the payment therefor from the state institution fund.

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

1 SECTION 1. Section two hundred thirty point twenty-four (230.24),  
2 Code 1962, is hereby amended by adding thereto the following:  
3 A county, or affiliated counties, desiring to establish an incorporated  
4 mental health center and having a total or combined population in  
5 excess of thirty-five thousand (35,000) according to the last federal  
6 census, may establish such new mental health center in conjunction  
7 with the Iowa mental health authority. In establishing such mental  
8 health center, the board of supervisors of each such county is author-  
9 ized to expend therefor from the state institution fund an amount  
10 equal to, but not to exceed, two hundred fifty (250) dollars per thou-  
11 sand (1,000) population or major fraction thereof. Such appropriation  
12 shall not be recurring and shall not be applicable to any mental health  
13 center established prior to January 1, 1963.

1 SEC. 2. Section four hundred forty-four point twelve (444.12),  
2 Code 1962, is hereby amended as follows:

3 1. By striking from line twenty (20) the word "and".  
4 2. By inserting in line twenty-one (21) after the word "City," the  
5 words "and for the establishment of a community mental health center  
6 as provided in section two hundred thirty point twenty-four (230.24)  
7 of the Code,".

Approved April 8, 1963.

## CHAPTER 153

## RECIPROCAL CARE OF MENTALLY ILL PERSONS

## H. F. 191

AN ACT relating to reciprocal agreements for the supervision of mentally ill or mentally retarded persons on convalescent leave.

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

1 SECTION 1. Chapter two hundred thirty (230), Code 1962, is here-  
2 by amended by adding the following section:  
3 "Reciprocal agreements. The board of control, or the director of  
4 mental health of the board of control with approval of the board of  
5 control, is hereby authorized to enter into agreements with other  
6 states, through their duly constituted authorities, to effect the recip-  
7 rocal return of mentally ill and mentally retarded persons to the con-  
8 tracting states, and to effect the reciprocal supervision of persons on  
9 convalescent leave.

10 Provided that in the case of a proposed transfer of a mentally ill or  
 11 mentally retarded person from this state that no final action be taken  
 12 without the approval either of the commission\* hospitalization, or of  
 13 the district court, of the county of admission or commitment."

Approved April 19, 1963.

#### CHAPTER 154

##### FOSTER CARE FOR CHILDREN

H. F. 57

AN ACT relating to foster care services for children.

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

1 SECTION 1. Section two hundred thirty-five point one (235.1), Code  
 2 1962, is hereby amended by inserting in line nine (9) after the word  
 3 "delinquent" the words ", including when necessary care and mainte-  
 4 nance in a foster care facility".

1 SEC. 2. Section two hundred thirty-five point three (235.3), Code  
 2 1962, is hereby amended by adding the following subsection:  
 3 "Make such rules and regulations as may be necessary for the dis-  
 4 tribution and use of funds appropriated for child welfare services."

1 SEC. 3. Section two hundred thirty-seven point two (237.2), Code  
 2 1962, is hereby amended as follows:  
 3 1. By striking from line three (3) the words "more than two" and  
 4 inserting in lieu thereof the words "one (1) or more".  
 5 2. By striking from lines three (3) and four (4) the word "fourteen"  
 6 and inserting in lieu thereof the word "sixteen (16)".  
 7 3. By striking the comma after the word "who" in line eleven (11)  
 8 and by striking from line twelve (12) the words "without compensa-  
 9 tion".  
 10 4. By striking from line thirteen (13) the words "a temporary  
 11 period" and inserting in lieu thereof the words "a period of less than  
 12 thirty (30) days".

Approved March 18, 1963.

#### CHAPTER 155

##### AID TO THE BLIND

S. F. 118

AN ACT relating to county appropriations and reimbursement to the state from fund  
 for aid to the blind.

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

1 SECTION 1. Section two hundred forty-one point twenty (241.20),  
 2 Code 1962, is amended by striking all of said section after the word

\*According to enrolled Act.

3 "county" in line six (6) and inserting in lieu thereof the following:  
 4 "of that portion of all assistance and benefits payable with respect to  
 5 blind persons chargeable to the county under this chapter, which shall  
 6 equal one-half of all such assistance and benefits chargeable to the  
 7 county exclusive of such receipts and contributions to such fund other  
 8 than state or county funds as may from time to time be legally re-  
 9 ceived from any source and credited to the state department and shall  
 10 include in the tax levy for such county the sum or sums so appropri-  
 11 ated for that purpose. The sums necessary as above provided shall be  
 12 originally determined upon the basis of an annual budget prepared by  
 13 the county board and approved by the state department. Should the  
 14 sum so appropriated, however, be expended or exhausted during the  
 15 year for which it was appropriated, such additional sums shall be ap-  
 16 propriated by the board of supervisors from the county poor funds as  
 17 shall be sufficient to meet the obligations of the county to pay its share  
 18 as heretofore provided of all assistance and benefits with respect to  
 19 blind persons chargeable to the county. The tax levy provided for in  
 20 this section shall not exceed statutory tax limitations now or hereafter  
 21 provided."

1 SEC. 2. Section two hundred forty-one point twenty-one (241.21),  
 2 Code 1962, is hereby amended by striking from line seventeen (17)  
 3 through line twenty-six (26) all words after the word "recipients"  
 4 and inserting in lieu thereof the following:

5 "which is chargeable to the county. The county board shall promptly  
 6 report the same to the county board of supervisors which shall then  
 7 order paid from the county poor fund a sum representing the county's  
 8 share thereof determined in the manner heretofore provided, which  
 9 payment shall be credited to the fund for aid to the blind."

Approved April 5, 1963.

## CHAPTER 156

### WOMEN'S REFORMATORY

#### H. F. 421

AN ACT to authorize the board of control to increase the amount of money paid to inmates upon release from the women's reformatory.

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

1 SECTION 1. Section two hundred forty-five point fourteen (245.14),  
 2 Code 1962, is hereby amended by striking from line seven (7) the word  
 3 "twenty-five" (25) and inserting in lieu thereof the word "fifty" (50).

Approved April 23, 1963.

## CHAPTER 157

## PENAL INSTITUTIONS INDUSTRIES

S. F. 211

AN ACT to consolidate industry revolving funds for the state reformatory and the state penitentiary.

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

1 SECTION 1. Section two hundred forty-six point twenty-six  
2 (246.26), Code 1962, is hereby amended as follows:

3 1. By striking from line two (2) the word "at" and inserting in lieu  
4 thereof the word "for".

5 2. By striking from line three (3) after the word "and" the words  
6 "also at" and inserting in lieu thereof the word "for".

7 3. By striking from line four (4) the word ", respectively,".

1 SEC. 2. Section two hundred forty-six point twenty-seven (246.27),  
2 Code 1962, is hereby amended as follows:

3 1. By striking from line one (1) the word "funds" and inserting in  
4 lieu thereof the word "fund".

5 2. By striking from line five (5) the word "funds" and inserting in  
6 lieu thereof the word "fund".

7 3. By striking from line ten (10) the word "funds" and inserting in  
8 lieu thereof the word "fund".

9 4. By adding the following after the word "control." in line fourteen  
10 (14): "This fund shall not be used for the operation of farms under  
11 the jurisdiction of the board of control."

1 SEC. 3. Section two hundred forty-six point twenty-eight (246.28),  
2 Code 1962, is amended by striking from line one (1) the word "funds"  
3 and inserting in lieu thereof the word "fund".

Approved April 26, 1963.

## CHAPTER 158

## PRISONER VOLUNTEERS FOR MEDICAL RESEARCH

H. F. 190

AN ACT to allow prisoners who volunteer to be sent to the state university hospital for medical research.

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

1 SECTION 1. Chapter two hundred forty-six (246), Code 1962, is  
2 amended by adding the following section:

3 "The board of control may send to the hospital of the medical col-  
4 lege of the state university inmates of the Iowa state penitentiary and  
5 the men's reformatory for medical research at the hospital. Before  
6 any inmate is sent to the medical college, he must volunteer his serv-  
7 ices in writing. An inmate may withdraw his consent at any time."

Approved April 5, 1963.

## CHAPTER 159

## PAROLES BY COURTS

S. F. 58

AN ACT relating to paroles by courts, and to amend various sections of the Code relating thereto.

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

1 SECTION 1. Section two hundred forty-seven point twenty (247.20),  
2 Code 1962, is hereby repealed and the following is enacted in lieu  
3 thereof:

4 "The trial court before which a person has been convicted of any  
5 crime, except for treason, murder, or violation of law concerning the  
6 manufacturing, selling, administering to another person, or dispensing  
7 a narcotic drug, may by record entry at time of or after sentence is  
8 pronounced but before imprisonment suspend the sentence and grant  
9 probation to said person during good behavior. The said court shall  
10 have authority by record entry to withhold execution of any judgment  
11 or sentence for such time as shall be reasonably necessary for an in-  
12 vestigation with respect to suspension of sentence and probation.

13 "The length of the probation shall be for such term as the court may  
14 fix, unless the person is ordered placed under the supervision of the  
15 board of parole, in which case the term of probation shall be deter-  
16 mined by said board.

17 "In cases where the court fixes the term of probation the court may  
18 grant a final discharge to such person at the expiration of said period  
19 and, in cases involving a conviction of a felony, the court shall forward  
20 to the governor of the state of Iowa a recommendation for or against  
21 restoration of citizenship rights to such person."

1 SEC. 2. Section two hundred forty-seven point twenty-one (247.21),  
2 Code 1962, is hereby amended as follows:

3 1. By striking from line one (1) the words "a parole" and inserting  
4 in lieu thereof the word "probation".

5 2. By striking from line seven (7) the word "paroled" and inserting  
6 in lieu thereof the words "granted probation".

7 3. By substituting a comma (,) for the period (.) following the word  
8 "jail" in line eight (8) and inserting the following: "or any other  
9 person who in the judgment of the board of parole could not be prop-  
10 erly supervised."

11 4. By striking from line twenty-eight (28) the word "parole" and  
12 inserting in lieu thereof the word "probation".

1 SEC. 3. Section two hundred forty-seven point twenty-two (247.22),  
2 Code 1962, is hereby amended by striking from line two (2) the word  
3 "parolee" and inserting in lieu thereof the word "probationer".

1 SEC. 4. Section two hundred forty-seven point twenty-three  
2 (247.23), Code 1962, is hereby amended as follows:

3 1. By striking from line three (3) the words "a parole" and insert-  
4 ing in lieu thereof the word "probation".

5 2. By striking from line seven (7) the word "paroled" and inserting

6 in lieu thereof the words "granted probation".

7 3. By striking from line eight (8) the word "parole" and inserting  
8 in lieu thereof the word "probation".

1 SEC. 5. Section two hundred forty-seven point twenty-four  
2 (247.24), Code 1962, is hereby amended by striking from lines four  
3 (4) and five (5) the words "paroled persons" and inserting in lieu  
4 thereof the words "persons granted a parole or probation".

1 SEC. 6. Section two hundred forty-seven point twenty-five (247.25),  
2 Code 1962, is hereby amended by striking from lines two (2) and six  
3 (6) the words "paroled person" and inserting in lieu thereof the words  
4 "persons granted probation".

1 SEC. 7. Section two hundred forty-seven point twenty-seven  
2 (247.27), Code 1962, is hereby amended by striking from line four (4)  
3 the word "parole" and inserting in lieu thereof the word "probation".

1 SEC. 8. Amend section two hundred four point twenty-two (204.22),  
2 Code 1962, by inserting in line two (2) of subsection four (4) after the  
3 word "chapter" the words "concerning the manufacturing, selling, ad-  
4 ministering to another person, or dispensing a narcotic drug,".

Approved March 25, 1963.

## CHAPTER 160

### PAROLEES AND PROBATIONERS

S. F. 152

AN ACT relating to parolees and court probationers.

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

1 SECTION 1. Chapter two hundred forty-seven (247), Code 1962, is  
2 hereby amended by adding thereto the following section:

3 "It shall be unlawful to knowingly encourage, aid, or abet any  
4 parolee or court probationer referred to in this chapter to violate any  
5 condition of his parole or probation, or any rule or regulation of the  
6 board or court granting the parole or probation.

7 "A violation of this section shall be punishable by a fine of not  
8 exceeding one hundred dollars (\$100.00) or by imprisonment in the  
9 county jail not exceeding thirty (30) days, or by both such fine and  
10 imprisonment."

Approved April 26, 1963.

## CHAPTER 161

## BOARD OF SOCIAL WELFARE TAX DEEDS

## H. F. 415

AN ACT relating to the taking of certain tax deeds by the state board of social welfare.

WHEREAS, section two hundred forty-nine point twenty (249.20), Code 1958, provided that:

"The state board and state department shall be entitled to an assignment of the certificate of tax sale of said property upon tender to the holder or to the county auditor of the amount to which the holder of the tax sale certificate would be entitled in case of redemption."; and

WHEREAS, section two hundred forty-nine point twenty (249.20), Code 1958, was amended by the Fifty-eighth General Assembly by Chapter 178, paragraph 1, approved April 22, 1959, by striking the period after the word "redemption" referred to above and inserting in lieu thereof the following: "and shall be entitled to receive a tax deed."; and

WHEREAS, the amendment referred to above is prospective and not retroactive and, therefore, has no effect on tax deeds acquired by the state board prior to the effective date of the amendment referred to above; and

WHEREAS, the state board holds a number of tax deeds acquired prior to the amendment referred to above; now, therefore,

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

1 SECTION 1. Section two hundred forty-nine point twenty (249.20),  
2 Code 1962, is hereby amended by adding the following sentence at line  
3 one hundred five (105) following the period:

4 "The state board and state department shall be entitled to receive a  
5 tax deed in derogation of the rights of the legal titleholder as to all  
6 certificates of tax sale acquired prior to July 4, 1959."

1 SEC. 2. This Act being deemed of immediate importance shall be in  
2 full force and effect upon its publication in The Allison Tribune, a  
3 newspaper published at Allison, Iowa, and the Waverly Democrat, a  
4 newspaper published at Waverly, Iowa.

Approved April 19, 1963.

I hereby certify that the foregoing Act, House File 415, was published in The Allison Tribune, Allison, Iowa, May 1, 1963, and in the Waverly Democrat, Waverly, Iowa, April 26, 1963.

MELVIN D. SYNHORST, *Secretary of State.*



## CHAPTER 162

## PRIVATE PATIENTS AT UNIVERSITY HOSPITAL

H. F. 134

AN ACT to amend chapter two hundred fifty-five (255), Code 1962, to more specifically provide for collection of medical fees for private patients at the university hospital.

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

- 1 SECTION 1. Section two hundred fifty-five point nineteen (255.19),
- 2 Code 1962, is hereby amended by adding thereto the following:
- 3 "The physicians and surgeons on the hospital staff who care for
- 4 patients provided for in this section may charge for their medical
- 5 services under such rules, regulations and plan therefor as approved
- 6 by the state board of regents."

Approved March 14, 1963.

## CHAPTER 163

## UNIVERSITY HOSPITAL

H. F. 425

AN ACT to authorize the university hospital at Iowa City to collect and settle claims for the care of patients.

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

- 1 SECTION 1. Chapter two hundred fifty-five (255), Code 1962, is
- 2 hereby amended by adding the following section:
- 3 "Whenever a patient or person legally liable for his care at the
- 4 hospital has insurance, an estate, rights of action against others, or
- 5 other assets, any of which can be subjected thereto, the university
- 6 hospital, by its superintendent or his assistants through the facilities
- 7 of the attorney general's office, is hereby authorized to file claims,
- 8 institute or defend suits in courts, and use such other legal means as
- 9 may be available to collect accounts incurred for the care of indigent
- 10 or private patients, and may compromise, settle and release the same,
- 11 all under such rules and procedures therefor as may be prescribed by
- 12 the president of the university and the attorney general. If a county
- 13 has paid any part of such patient's care a pro rata part of the amount
- 14 collected, after deduction for cost of collection, shall be remitted to
- 15 said county and the balance shall go into the hospital fund."

Approved April 26, 1963.

## CHAPTER 164

## STATE BOARD OF PUBLIC INSTRUCTION

H. F. 232

AN ACT relating to district convention delegates in the election of state board of public instruction members.

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

1 SECTION 1. Section two hundred fifty-seven point five (257.5),  
2 Code 1962, is amended by inserting in subsection one (1), paragraph  
3 "a", line two (2) the word "community," before the word "consoli-  
4 dated".

Approved April 8, 1963.

## CHAPTER 165

## INSTITUTIONAL ROADS SPEED LIMITS

H. F. 291

AN ACT to set speed limits on roadways at institutions under the control of the state board of regents.

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

1 SECTION 1. Chapter two hundred sixty-two (262), Code 1962, is  
2 hereby amended by adding thereto the following section:  
3 "The maximum speed limit of all vehicles on institutional roads at  
4 institutions under the control of the state board of regents shall be  
5 twenty-five (25) miles per hour. All driving shall be confined to drive-  
6 ways designated by the state board. Whenever the state board shall  
7 determine that the speed limit hereinbefore set forth is greater than  
8 is reasonable or safe under the conditions found to exist at any place  
9 of congestion or upon any part of its institutional roads, said board  
10 shall determine and declare a reasonable and safe speed limit thereat  
11 which shall be effective when appropriate signs giving notice thereof  
12 are erected at such places of congestion or other parts of its institu-  
13 tional roads. Any person violating the aforementioned speed limits  
14 shall, upon conviction, be fined not to exceed one hundred (\$100) dol-  
15 lars, or be imprisoned in the county jail not to exceed thirty (30)  
16 days."

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 Ames Daily Tribune, a newspaper published at Ames, Iowa, and  
4 The Sac Sun, a newspaper published at Sac City, Iowa.

Approved April 17, 1963.

I hereby certify that the foregoing Act, House File 291, was published in the Ames Daily Tribune, Ames, Iowa, April 20, 1963, and in The Sac Sun, Sac City, Iowa, April 25, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 166

SELF-LIQUIDATING STUDENT FACILITIES  
UNDER BOARD OF REGENTS

H. F. 543

AN ACT authorizing the state board of regents to acquire by purchase, lease or construction and to reconstruct, complete, equip, improve, repair, remodel, operate, control, maintain and manage buildings for use as student residence halls and dormitories, including dining and other incidental facilities therefor, and additions to such buildings, at the state university of Iowa, the Iowa state university of science and technology and the state college of Iowa, to acquire and improve property therefor, to establish and collect rates, fees or rentals for the use of such buildings and facilities and to borrow money and issue bonds or notes payable solely from the net revenues derived from the operation of residence halls, dormitories and facilities and to refund bonds, notes or other obligations payable from such revenues, and preserving rights heretofore acquired and validating obligations incurred for such purposes.

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

- 1 SECTION 1. The following words or terms, as used in this Act, shall  
2 have the respective meanings as stated:
- 3 1. "Board" shall mean the state board of regents.
- 4 2. "Project" shall mean the acquisition by purchase, lease or con-  
5 struction of buildings for use as student residence halls and dormi-  
6 tories, including dining and other incidental facilities therefor, and  
7 additions to such buildings, the reconstruction, completion, equipment,  
8 improvement, repair or remodeling of residence halls, dormitories, or  
9 additions thereto or facilities therefor, and the acquisition of property  
10 therefor of every kind and description, whether real, personal or mixed,  
11 by gift, purchase, lease, condemnation or otherwise and the improve-  
12 ment of the same.
- 13 3. "Institution" or "institutions" shall mean the state university of  
14 Iowa, the Iowa state university of science and technology and the state  
15 college of Iowa.
- 16 4. "Bonds or notes" shall mean revenue bonds or revenue notes  
17 which are payable solely and only from net rents, profits and income  
18 derived from the operation of residence halls, dormitories, facilities  
19 therefor and additions thereto.

1 SEC. 2. Subject to and in accordance with the provisions of this  
2 Act the state board of regents is hereby authorized to undertake and  
3 carry out any project as hereinbefore defined at the state university  
4 of Iowa, the Iowa state university of science and technology and the  
5 state college of Iowa and to operate, control, maintain and manage  
6 student residence halls and dormitories, including dining and other  
7 incidental facilities, and additions to such buildings at each of said  
8 institutions. All contracts for the construction, reconstruction, com-  
9 pletion, equipment, improvement, repair or remodeling of any build-  
10 ings, additions or facilities shall be let in accordance with the provi-  
11 sions of section two hundred sixty-two point thirty-four (262.34), of  
12 the Code. The title to all real estate acquired under the provisions of  
13 this Act and the improvements erected thereon shall be taken and held  
14 in the name of the state of Iowa. The board is authorized to rent the

15 rooms in such residence halls and dormitories to the students, officers,  
16 guests and employees of said institutions at such rates, fees or rent-  
17 als as will provide a reasonable return upon the investment, but which  
18 will in any event produce net rents, profits and income sufficient to  
19 insure the payment of the principal of and interest on all bonds or  
20 notes issued to pay any part of the cost of any project and refunding  
21 bonds or notes issued pursuant to the provisions of this Act.

1     SEC. 3. To pay all or any part of the cost of carrying out any  
2 project at any institution the board is authorized to borrow money and  
3 to issue and sell negotiable bonds or notes and to refund and refinance  
4 bonds or notes heretofore issued or as may be hereafter issued for any  
5 project or for refunding purposes at a lower rate, the same rate or a  
6 higher rate or rates of interest and from time to time as often as the  
7 board shall find it to be advisable and necessary so to do. Such bonds  
8 or notes may be sold by said board at public sale in the manner pre-  
9 scribed by chapter seventy-five (75) of the Code, but if the board shall  
10 find it to be advantageous and in the public interest to do so, such  
11 bonds or notes may be sold by the board at private sale without pub-  
12 lished notice of any kind and without regard to the requirements of  
13 chapter seventy-five (75) of the Code in such manner and upon such  
14 terms as may be prescribed by the resolution authorizing the same,  
15 but such bonds or notes shall in any event be sold upon terms of not  
16 less than par plus accrued interest. Bonds or notes issued to refund  
17 other bonds or notes heretofore or hereafter issued by the board for  
18 residence hall or dormitory purposes at any institution, including din-  
19 ing or other facilities and additions, or heretofore or hereafter issued  
20 for refunding purposes, may either be sold in the manner hereinbefore  
21 specified and the proceeds thereof applied to the payment of the obli-  
22 gations being refunded, or the refunding bonds or notes may be ex-  
23 changed for and in payment and discharge of the obligations being  
24 refunded, and a finding by the board in the resolution authorizing the  
25 issuance of such refunding bonds or notes that the bonds or notes  
26 being refunded were issued for a purpose specified in this Act and  
27 constitute binding obligations of the board shall be conclusive and may  
28 be relied upon by any holder of any refunding bond or note issued  
29 under the provisions of this Act. The refunding bonds or notes may  
30 be sold or exchanged in installments at different times or an entire  
31 issue or series may be sold or exchanged at one time. Any issue or  
32 series of refunding bonds or notes may be exchanged in part or sold  
33 in parts in installments at different times or at one time. The refund-  
34 ing bonds or notes may be sold or exchanged at any time on, before,  
35 or after the maturity of any of the outstanding notes, bonds or other  
36 obligations to be refinanced thereby and may be issued for the purpose  
37 of refunding a like or greater principal amount of bonds or notes,  
38 except that the principal amount of the refunding bonds or notes may  
39 exceed the principal amount of the bonds or notes to be refunded to  
40 the extent necessary to pay any premium due on the call of the bonds  
41 or notes to be refunded or to fund interest in arrears or about to be-  
42 come due.

43     All bonds or notes issued under the provision of this Act shall be  
44 payable solely and only from and shall be secured by an irrevocable  
45 pledge of a sufficient portion of (1) the net rents, profits and income

46 derived from the operation of residence halls, dormitories, dining or  
47 other incidental facilities and additions, including necessary real and  
48 personal property, acquired or improved in whole or in part with the  
49 proceeds of such bonds or notes, regardless of the manner of such  
50 acquisition or improvement, and (2) the net rents, profits and income  
51 not pledged for other purposes derived from the operation of any other  
52 residence halls or dormitories, including dining or other incidental  
53 facilities and additions, at the particular institution. All bonds or  
54 notes issued under the provisions of this Act shall have all the qualities  
55 of negotiable instruments under the laws of this state.

1 SEC. 4. Such bonds or notes may bear such date or dates, may bear  
2 interest at such rate or rates, payable semiannually, may mature at  
3 such time or times, may be in such form, carry such registration priv-  
4 ileges, may be payable at such place or places, may be subject to such  
5 terms of redemption prior to maturity with or without premium, if so  
6 stated on the face thereof, and may contain such terms and covenants  
7 all as may be provided by the resolution of the board authorizing the  
8 issuance of the bonds or notes. In addition to the estimated cost of con-  
9 struction, the cost of the project shall be deemed to include interest  
10 upon the bonds or notes during construction and for six months after  
11 the estimated completion date, the compensation of a fiscal agent or  
12 adviser, and engineering, administrative and legal expenses. Such  
13 bonds or notes shall be executed by the president of the state board  
14 of regents and attested by the secretary thereof and the coupons  
15 thereto attached shall be executed with the original or facsimile sig-  
16 natures of said president and secretary. Any bonds or notes bearing  
17 the signatures of officers in office on the date of the signing thereof  
18 shall be valid and binding for all purposes, notwithstanding that before  
19 delivery thereof any or all such persons whose signatures appear  
20 thereon shall have ceased to be such officers. Each such bond or note  
21 shall state upon its face the name of the institution on behalf of which  
22 it is issued, that it is payable solely and only from the net rents, profits  
23 and income derived from the operation of residence halls or dormi-  
24 tories, including dining and other incidental facilities, at such insti-  
25 tution as hereinbefore provided, and that it does not constitute a  
26 charge against the state of Iowa within the meaning or application of  
27 any constitutional or statutory limitation or provision. The issuance  
28 of such bonds or notes shall be recorded in the office of the treasurer  
29 of the institution on behalf of which the same are issued, and a cer-  
30 tificate by such treasurer to this effect shall be printed on the back of  
31 each such bond or note.

1 SEC. 5. Upon the determination by the state board of regents to  
2 undertake and carry out any project or to refund outstanding bonds or  
3 notes, said board shall adopt a resolution describing generally the con-  
4 templated project and setting forth the estimated cost thereof, or  
5 describing the obligations to be refunded, fixing the amount of bonds  
6 or notes to be issued, the maturity or maturities, the interest rate or  
7 rates and all details in respect thereof. Such resolutions shall contain  
8 such covenants as may be determined by the board as to the issuance  
9 of additional bonds or notes that may thereafter be issued payable  
10 from the net rents, profits and income of the residence halls or dormi-

11 tories, the amendment or modification of the resolution authorizing  
12 the issuance of any bonds or notes, the manner, terms and conditions  
13 and the amount or percentage of assenting bonds or notes necessary  
14 to effectuate such amendment or modification, and such other cove-  
15 nants as may be deemed necessary or desirable. In the discretion of  
16 the board any bonds or notes issued under the terms of this Act may  
17 be secured by a trust indenture by and between the board and a cor-  
18 porate trustee, which may be any trust company or bank having the  
19 powers of a trust company within or without the boundaries of the  
20 state of Iowa, but no such trust indenture shall convey or mortgage  
21 the buildings or facilities or any part thereof. The provisions of this  
22 Act and of any resolution or other proceedings authorizing the issu-  
23 ance of bonds or notes and providing for the establishment and mainte-  
24 nance of adequate rates, fees or rentals and the application of the  
25 proceeds thereof shall constitute a contract with the holders of such  
26 bonds or notes.

1 SEC. 6. Whenever bonds or notes are issued by the state board of  
2 regents, it shall be the duty of said board to establish, impose and col-  
3 lect rates, fees or rentals for the use of and services provided by the  
4 residence halls and dormitories, including dining and other incidental  
5 facilities therefor, at the institution on behalf of which such bonds or  
6 notes are issued, and to adjust such rates, fees or rentals from time to  
7 time, in order to always provide net amounts sufficient to pay the prin-  
8 cipal of and interest on such bonds or notes as the same become due  
9 and to maintain a reserve therefor, and said board is authorized to  
10 pledge a sufficient amount of the net rents, profits and income derived  
11 from the operation of residence halls and dormitories, including dining  
12 and other facilities therefor, at such institution for this purpose.  
13 Rates, fees or rentals collected at one institution shall not be used to  
14 discharge bonds or notes issued for or on account of another institu-  
15 tion. All bonds or notes issued under the terms of this Act shall be  
16 exempt from taxation by the state of Iowa and the interest thereon  
17 shall be exempt from the state income tax.

1 SEC. 7. A certified copy of each resolution providing for the issu-  
2 ance of bonds or notes under this Act shall be filed with the treasurer  
3 of the institution on behalf of which the bonds or notes are issued and  
4 it shall be the duty of said treasurer to keep and maintain separate  
5 accounts for each issue of bonds or notes in accordance with the cove-  
6 nants and directions set out in the resolution providing for the issu-  
7 ance thereof. All rates, fees or rentals collected for the use of and  
8 services provided by the residence halls and dormitories, including  
9 dining and other incidental facilities therefor, at each institution shall  
10 be held in trust by the treasurer thereof, separate and apart from all  
11 other funds, to be used solely and only for the purposes specified in this  
12 Act and as may be required and provided for by the proceedings of the  
13 board authorizing the issuance of bonds or notes. It shall be the duty  
14 of the treasurer of each institution to disburse funds from the proper  
15 account for the payment of the principal of and interest on the bonds  
16 or notes in accordance with the directions and covenants of the reso-  
17 lution authorizing the issuance thereof.

1     SEC. 8. Under no circumstances shall any bonds or notes issued  
2 under the terms of this Act be or become or be construed to constitute  
3 a charge against the state of Iowa within the purview of any constitu-  
4 tional or statutory limitation or provision. No taxes, appropriations  
5 or other funds of the state of Iowa may be pledged for or used to pay  
6 such bonds or notes or the interest thereon but any such bonds or notes  
7 shall be payable solely and only as to both principal and interest from  
8 the net rents, profits and income derived from the operation of resi-  
9 dence halls and dormitories, including dining and other incidental facil-  
10 ities therefor, at the institutions of higher learning under the control  
11 of the state board of regents as hereinbefore provided, and the sole  
12 remedy for any breach or default of the terms of any such bonds or  
13 notes or proceedings for their issuance shall be a proceeding either in  
14 law or in equity by suit, action or mandamus to enforce and compel  
15 performance of the duties required by this Act and the terms of the  
16 resolution under which such bonds or notes are issued.

1     SEC. 9. All banks, trust companies, bankers, savings banks and  
2 institutions, building and loan associations, savings and loan associ-  
3 ations, investment companies and other persons carrying on a banking  
4 or investment business, all insurance companies, insurance associations  
5 and other persons carrying on an insurance business and all executors,  
6 administrators, guardians, trustees and other fiduciaries may legally  
7 invest any sinking funds, moneys or other funds belonging to them or  
8 within their control in any bonds or notes issued pursuant to this Act;  
9 provided, however, that nothing contained in this section may be con-  
10 strued as relieving any persons from any duty of exercising reasonable  
11 care in selecting securities for purchase or investment.

1     SEC. 10. The state board of regents is authorized to apply for and  
2 accept federal aid or non-federal gifts or grants of funds and to use  
3 the same to pay all or any part of the cost of carrying out any project  
4 at any institution under the terms of this Act or to pay any bonds and  
5 interest thereon issued for any of the purposes specified in this Act.

1     SEC. 11. This Act shall be construed as providing an alternative  
2 and independent method for carrying out any project at any institution  
3 of higher learning under the control of the state board of regents, for  
4 the issuance and sale or exchange of bonds or notes in connection  
5 therewith and for refunding bonds or notes pertinent thereto, without  
6 reference to any other statute, and shall not be construed as an amend-  
7 ment of or subject to the provisions of any other law, and no publica-  
8 tion of any notice, whether under section twenty-three point twelve  
9 (23.12) of the Code or otherwise, and no other or further proceeding  
10 in respect to the issuance or sale or exchange of bonds or notes under  
11 this Act shall be required except such as are prescribed by this Act,  
12 any provisions of other statutes of the state to the contrary notwith-  
13 standing.

1     SEC. 12. All rights heretofore acquired in connection with the  
2 financing of any project at any institution are hereby preserved and  
3 all acts and proceedings taken by the board preliminary to and in con-

4 nection with the authorization and issuance of any previously issued  
 5 and outstanding notes or other obligations for any project are hereby  
 6 legalized, validated and confirmed and said notes or obligations are  
 7 hereby declared to be legal and to constitute valid and binding obliga-  
 8 tions of the board according to their terms and payable solely and only  
 9 from the sources referred to therein.

1 SEC. 13. If any provisions of this Act or the application thereof to  
 2 any person or circumstances is held to be invalid, such invalidity shall  
 3 not affect other provisions or applications of the Act which can be  
 4 given effect without the invalid provisions or application, and to this  
 5 end the provisions of this Act are declared to be severable.

1 SEC. 14. This Act being deemed of immediate importance shall be  
 2 in full force and effect from and after its passage and publication in  
 3 the Grinnell Herald-Register, a newspaper published at Grinnell, Iowa,  
 4 and in the Oelwein Daily Register, a newspaper published at Oelwein,  
 5 Iowa.

Approved April 23, 1963.

I hereby certify that the foregoing Act, House File 543, was published in the Grinnell Herald-Register, Grinnell, Iowa, April 29, 1963, and in the Oelwein Daily Register, Oelwein, Iowa, April 29, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 167

### IOWA INSTITUTE OF CHILD BEHAVIOR AND DEVELOPMENT

H. F. 152

AN ACT to change the name of the Iowa child welfare research station at the state university of Iowa.

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

1 SECTION 1. Section two hundred sixty-three point five (263.5),  
 2 Code 1962, is hereby amended by striking from line four (4) the words  
 3 "Iowa child welfare research station" and inserting in lieu thereof the  
 4 words "institute of child behavior and development".

1 SEC. 2. Section two hundred sixty-three point six (263.6), Code  
 2 1962, is amended by striking the word "station" in line two (2) and  
 3 inserting in lieu thereof the word "institute".

Approved March 13, 1963.



## CHAPTER 168

## MERGER OF SCHOOL DISTRICTS

H. F. 392

AN ACT to amend section two hundred seventy-five point forty (275.40), Code 1962, relating to the merger of school districts.

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

1 SECTION 1. Section two hundred seventy-five point forty (275.40),  
2 Code 1962, is amended by adding the following new subsection:  
3 "A school district maintaining a high school may participate and  
4 effect more than one merger prior to July 1 in any given year, subject  
5 to the provisions of this section."

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 Boone News-Republican, a newspaper published at Boone, Iowa  
4 and in The Jefferson Bee, a newspaper published at Jefferson, Iowa.

Approved April 17, 1963.

I hereby certify that the foregoing Act, House File 392, was published in The Boone News-Republican, Boone, Iowa, April 18, 1963, and in The Jefferson Bee, Jefferson, Iowa, April 23, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

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## CHAPTER 169

## TRANSFER OF SCHOOL FUNDS

S. F. 365

AN ACT to repeal section two hundred seventy-nine point thirty-one (279.31), Code 1962, relating to the powers and duties of school boards.

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

1 SECTION 1. Section two hundred seventy-nine point thirty-one  
2 (279.31), Code 1962, is hereby repealed.

Approved May 10, 1963.

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## CHAPTER 170

## GIFTS TO SCHOOLS

H. F. 308

AN ACT to permit school districts to accept gifts, devises and bequests and to utilize the same for general or schoolhouse fund expenditures.

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

1 SECTION 1. The board of directors of any school district which  
2 receives funds through gifts, devises and bequests may utilize the

3 same, unless limited by the terms of the grant, in the general or  
4 schoolhouse fund expenditures.

1 SEC. 2. This Act being deemed to be of immediate importance shall  
2 be in full force and effect from and after its passage and publication in  
3 The Dallas County News, a newspaper published at Adel, Iowa and in  
4 The Perry Daily Chief, a newspaper published at Perry, Iowa.

Approved March 22, 1963.

I hereby certify that the foregoing Act, House File 308, was published in The Dallas County News, Adel, Iowa, April 3, 1963, and in The Perry Daily Chief, Perry, Iowa, March 27, 1963.

MELVIN D. SYNHORST, *Secretary of State*.

## CHAPTER 171

### SPECIAL EDUCATION FOR CHILDREN

#### S. F. 97

AN ACT to amend chapter two hundred eighty-one point two (281.2), Code 1962, relating to children requiring special education.

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

1 SECTION 1. Section two hundred eighty-one point two (281.2),  
2 Code 1962, is amended by inserting in line seventeen (17) after the  
3 word "shall" the words "include children under five years of age but  
4 shall".

Approved April 5, 1963.

## CHAPTER 172

### HIGH SCHOOL CHILDREN FROM INSTITUTIONS

#### H. F. 188

AN ACT relating to the attendance at approved public high schools of children from institutions under jurisdiction of the board of control.

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

1 SECTION 1. Section two hundred eighty-two point eighteen  
2 (282.18), Code 1962, is hereby amended by striking from lines three  
3 (3) and four (4) the words "the Iowa juvenile home or the Iowa Annie  
4 Wittenmyer home" and inserting in lieu thereof the words "any insti-  
5 tution under the jurisdiction of the board of control".

Approved April 11, 1963.

## CHAPTER 173

## SCHOOL AID TO JUNIOR COLLEGES

S. F. 250

AN ACT to amend section two hundred eighty-six A point four (286A.4), Code 1962, relating to the allocation of general school aid funds to junior college districts.

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

1 SECTION 1. Subsection three (3) of section two hundred eighty-  
 2 six A point four (286A.4), Code 1962, is hereby amended by striking  
 3 all of lines four (4) through nine (9), inclusive, and by inserting in  
 4 lieu thereof the following:  
 5 "or more semester hours of work plus the full time equivalent of  
 6 resident students carrying less than twelve (12) semester hours of  
 7 work. Multiply one dollar and a half by the average daily enrollment  
 8 of students who are nonresidents of the district carrying twelve (12)  
 9 or more semester hours of work plus the full time equivalent of non-  
 10 resident students carrying less than twelve (12) semester hours of  
 11 work."

Approved June 4, 1963.

## CHAPTER 174

## BUDGETING STATE AID FOR SCHOOLS

H. F. 358

AN ACT relating to the manner of estimating state aid for school budgeting purposes.

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

1 SECTION 1. Section two hundred eighty-six A point five (286A.5),  
 2 Code 1962, is hereby amended by inserting after the word "comp-  
 3 troller" in line sixteen (16) the words "not later than September 1".

1 SEC. 2. Section two hundred eighty-six A point seven (286A.7),  
 2 Code 1962, is hereby amended by adding the following thereto:  
 3 "Not later than September 1 of each year the department of public  
 4 instruction shall certify to the board of supervisors of each county the  
 5 amount of general aid, supplementary aid, transportation aid, and any  
 6 other state aid that will be received by each school district within the  
 7 county. In the event any estimate of said aids in any school budget  
 8 certified to the county auditor, as provided by section twenty-four  
 9 point seventeen (24.17) of the Code, is less than the amount of said  
 10 aid certified to the county board of supervisors by the department of  
 11 public instruction as provided by this section, the board of supervisors  
 12 shall reduce the amount to be raised by taxation shown in the certified  
 13 budget by an amount equal to the difference between the estimated  
 14 aid in the budget and the amount of aid certified to the board of super-  
 15 visors by the state department of public instruction before levying the

16 taxes as provided by section two hundred ninety-eight point eight  
17 (298.8) of the Code."

Approved April 19, 1963.

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CHAPTER 175

GENERAL AID TO SCHOOLS

S. F. 380

AN ACT to set the dates general aid to schools is to be paid.

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

1 SECTION 1. Section two hundred eighty-six A point five (286A.5),  
2 Code 1962, is amended as follows:

3 1. By striking from line seventeen (17) the words "as soon as pos-  
4 sible".

5 2. By adding the following after the period (.) in line seventeen  
6 (17): "The state comptroller shall pay one-half ( $\frac{1}{2}$ ) of the amount  
7 appropriated for general aid to schools on or about November 1 each  
8 year and one-half ( $\frac{1}{2}$ ) on or about May 1 of the succeeding year."

Approved April 23, 1963.

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CHAPTER 176

MINIMUM TEACHERS' WAGES

H. F. 239

AN ACT to repeal sections two hundred ninety-four point six (294.6) and two hundred  
ninety-four point seven (294.7), Code 1962, relating to minimum teachers' wages.

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

1 SECTION 1. Section two hundred ninety-four point six (294.6) and  
2 Section two hundred ninety-four point seven (294.7), Code 1962, are  
3 hereby repealed.

Approved May 6, 1963.

## CHAPTER 177

## TEACHERS' PENSIONS

## S. F. 123

AN ACT to amend section two hundred ninety-four point twelve (294.12), Code 1962, to permit the board of directors in school districts which have, pursuant to section two hundred ninety-four point eleven (294.11), Code 1962, terminated a previously existing pension and annuity retirement system to increase by fifty percent (50%) the retirement benefits to each surviving beneficiary entitled to receive benefits at date of termination of said system and to provide for the levy of an annual tax to supplement the retirement reserve fund to the extent necessary to pay the increase in retirement benefits.

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

1 SECTION 1. Section two hundred ninety-four point twelve (294.12),  
 2 Code 1962, is amended by adding at the end thereof the following:  
 3 "In any school district which has pursuant to section two hundred  
 4 ninety-four point eleven (294.11) of the Code terminated a previously  
 5 existing pension and annuity retirement system and has after actu-  
 6 arial computation established a retirement reserve fund pursuant to  
 7 section two hundred ninety-four point twelve (294.12) of the Code in  
 8 order to pay to surviving beneficiaries entitled to receive retirement  
 9 benefits at date of termination of said system in the amount in effect  
 10 with respect to such beneficiaries immediately prior to the date of  
 11 termination, the board of directors may authorize each and every pay-  
 12 ment to each surviving beneficiary falling due subsequent to June 30,  
 13 1962, to be increased by fifty percent (50%), such increased payments  
 14 to be paid from the retirement reserve fund according to an actuarial  
 15 computation thereof plus such additional amounts transferred from  
 16 the general fund as may be required. In order to provide the addi-  
 17 tional amounts required from the general fund for such increased pay-  
 18 ments, the board of directors may annually at the meeting at which it  
 19 estimates the amount required for the general fund in accordance with  
 20 section two hundred ninety-eight point one (298.1) of the Code esti-  
 21 mate such additional amount as an actuarial computation shall show  
 22 is necessary from the general fund for the payment of such increased  
 23 benefits for the current school year; provided the amount estimated  
 24 and certified to be transferred from the general fund to the retirement  
 25 reserve fund shall not exceed five hundredths (5/100) of a mill on the  
 26 dollar of the assessed valuation of the taxable property of the school  
 27 corporation. The board of supervisors shall in accordance with the  
 28 provisions of section two hundred ninety-eight point eight (298.8) of  
 29 the Code levy the taxes necessary to raise the amount estimated by  
 30 the board of directors as above provided and certified to the board of  
 31 supervisors. Upon the death of the last beneficiary to survive, any  
 32 balance remaining in said retirement reserve fund shall be transferred  
 33 to the general fund of said school district."

Approved May 2, 1963.

## CHAPTER 178

## GENERAL OBLIGATION SCHOOL BONDS

S. F. 122

AN ACT relating to the issuance of bonds for school purposes.

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

1 SECTION 1. Section two hundred ninety-six point one (296.1), Code  
2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "Subject to the approval of the voters thereof, school corporations  
4 are hereby authorized to contract indebtedness and to issue general  
5 obligation bonds to provide funds to defray the cost of purchasing,  
6 building, furnishing, reconstructing, repairing, improving or remodel-  
7 ing a schoolhouse or schoolhouses and additions thereto, gymnasium,  
8 stadium, field house, school bus garage, teachers' or superintendent's  
9 home or homes, and procuring a site or sites therefor, or purchasing  
10 land to add to a site already owned, or procuring and improving a site  
11 for an athletic field, or improving a site already owned for an athletic  
12 field, and for any one or more of such purposes. Taxes for the payment  
13 of said bonds shall be levied in accordance with chapter seventy-six  
14 (76) of the Code, and said bonds shall mature within a period not ex-  
15 ceeding twenty (20) years from date of issue, shall bear interest at a  
16 rate or rates not exceeding five (5) percent per annum and shall be of  
17 such form as the board of directors of such school corporation shall by  
18 resolution provide, but the aggregate indebtedness of any school cor-  
19 poration shall not exceed five (5) percent of the actual value of the  
20 taxable property within said school corporation, as ascertained by the  
21 last preceding state and county tax lists."

1 SEC. 2. Section two hundred ninety-six point six (296.6), Code  
2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "If the vote in favor of the issuance of such bonds is equal to at least  
4 sixty (60) percent of the total vote cast for and against said proposi-  
5 tion at said election, the board of directors shall issue the same and  
6 make provision for payment thereof."

1 SEC. 3. The repeal of sections two hundred ninety-six point one  
2 (296.1) and two hundred ninety-six point six (296.6), Code 1962, and  
3 the enactment of substitute laws therefor, as hereinbefore provided,  
4 shall not be construed to prevent any school corporation from proceed-  
5 ing to issue its bonds pursuant to authority granted at any election  
6 heretofore called or heretofore held in any such school corporation  
7 under the provisions of chapter two hundred ninety-six (296) of the  
8 Code.

1 SEC. 4. 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 Clinton Herald, a newspaper published in Clinton, Iowa, and in The  
4 Muscatine Journal, a newspaper published in Muscatine, Iowa.

Approved April 15, 1963.

I hereby certify that the foregoing Act, Senate File 122, was published in The Clinton Herald, Clinton, Iowa, April 17, 1963, and in The Muscatine Journal, Muscatine, Iowa, April 18, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 179

### COMMUNITY OR JUNIOR COLLEGES

S. F. 156

AN ACT to permit the erection, furnishing, reconstructing, repairing, improving or remodeling of community or junior college buildings and provide for equipment and to permit indebtedness and issuance of bonds therefor.

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

- 1 SECTION 1. Section two hundred ninety-six point one (296.1), Code  
2 1962, is amended by adding at the end thereof the following:  
3 "Any such school corporation shall also be allowed to become in-  
4 debted, under the above conditions, and issue bonds therefor to build,  
5 furnish, reconstruct, repair, improve or remodel and equip a commu-  
6 nity or junior college building and purchase a site therefor when au-  
7 thorized by section two hundred eighty point eighteen (280.18) of the  
8 Code. Said proposition may be placed on the same ballot as provided  
9 in said section."

Approved March 29, 1963.

## CHAPTER 180

### INTERSTATE ROADS

S. F. 104

AN ACT to define the interstate system.

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

- 1 SECTION 1. Section three hundred six point two (306.2), Code 1962,  
2 is hereby amended by adding the following subsection number seven  
3 (7):  
4 "Interstate roads: The term 'interstate roads' or 'interstate road  
5 system' shall include those roads of the primary road system that are  
6 designated or will be designated by the secretary of commerce of the  
7 United States government as the 'National System of Interstate and  
8 Defense Highways' in Iowa."

Approved February 27, 1963.

## CHAPTER 181

## STATE PARK HIGHWAY EXTENSIONS

S. F. 103

AN ACT to fix the responsibility for maintenance of an extension of either a primary or a secondary highway which both enters and exits from the state park at separate points.

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

1 SECTION 1. Section three hundred six point three (306.3), Code  
2 1962, is hereby amended by striking from line twenty-eight (28) the  
3 words "or maintenance" and substituting in lieu thereof the words  
4 ", reconstruction and repair".

1 SEC. 2. Section three hundred six point three (306.3), Code 1962,  
2 is further amended by adding the following sentence to the section:  
3 "Provided, however, that the Iowa state highway commission, in the  
4 case of a primary highway extension, and the board of supervisors in  
5 the case of a secondary highway extension, shall perform maintenance  
6 on said road in the same manner as performed on a highway of a like  
7 type of surface or construction."

Approved February 27, 1963.

## CHAPTER 182

## CLOSING ROADS

H. F. 23

AN ACT relating to altering, vacating, or closing roads.

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

1 SECTION 1. Section three hundred six point six (306.6), Code 1962,  
2 is hereby amended as follows:  
3 1. By inserting in line seven (7) after the word "notify" the words  
4 "all adjoining property owners, all utility companies whose facilities  
5 adjoin the road right-of-way, and".  
6 2. By inserting in line twelve (12) after the word "to" the words  
7 "the affected property owners, all utility companies whose facilities  
8 are on the road right-of-way and".

Approved February 27, 1963.



## CHAPTER 183

## HIGHWAY EASEMENTS

S. F. 226

AN ACT to enable and empower the board or commission which has control and jurisdiction over any highway or highway system to convey certain easements and rights in, to and over certain easements for highway purposes.

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

1 SECTION 1. The board or commission which has control and juris-  
2 diction over any highway or highway system which may be affected by  
3 a federal water resources project may grant, sell, exchange, or convey  
4 to the United States of America, the perpetual right, power, privilege  
5 and easement to overflow, flood, and submerge all of the portion of  
6 easements for highway purposes under the control and jurisdiction of  
7 such board or commission.

1 SEC. 2. Where such easement is conveyed in connection with any  
2 primary road or state park or institutional road, written conveyances  
3 containing the conditions as prescribed by the executive council shall  
4 be made in the name of the state and signed by the governor and sec-  
5 retary of state, and the seal of the state of Iowa attached thereto.  
6 Where such easement is conveyed in connection with any secondary  
7 road, written conveyances containing the provisions prescribed by the  
8 board of supervisors shall be made in the name of the county and  
9 signed by the chairman of the board and the county auditor.

Approved May 2, 1963.

## CHAPTER 184

## HIGHWAY ACCESS RIGHTS

S. F. 440

AN ACT relating to controlled-access highways and resolutions filed by the state highway commission in relation thereto.

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

1 SECTION 1. Section three hundred six A point five (306A.5), Code  
2 1962, is amended by adding at the end thereof the following:  
3 "No access rights to any highway shall be acquired by any author-  
4 ity having jurisdiction and control over the highways of this state by  
5 adverse possession or prescriptive right. No action heretofore or  
6 hereafter taken by any such authority shall form the basis for any  
7 claim of adverse possession of, or prescriptive right to any access  
8 rights by any such authority."

Approved June 4, 1963.

## CHAPTER 185

## SECONDARY ROAD WORK BIDS

H. F. 178

AN ACT relating to bids on secondary road construction work and materials therefor.

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

1 SECTION 1. Section three hundred nine point forty (309.40), Code  
2 1962, is hereby amended by striking from line four (4) the word  
3 "five" and inserting in lieu thereof the word and figures "ten (10)".

1 SEC. 2. Section three hundred nine point forty-two (309.42), Code  
2 1962, is hereby amended by striking from line five (5) the word "five"  
3 and inserting in lieu thereof the word and figures "ten (10)".

Approved May 20, 1963.

## CHAPTER 186

## SECONDARY ROAD BRIDGES

H. F. 63

AN ACT relating to the limitation of expenditures on bridges on secondary roads.

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

1 SECTION 1. Section three hundred nine point seventy-six (309.76),  
2 Code 1962, is hereby repealed.

1 SEC. 2. Section three hundred nine point seventy-seven (309.77),  
2 Code 1962, is hereby repealed.

1 SEC. 3. Section three hundred nine point seventy-eight (309.78),  
2 Code 1962, is hereby repealed.

Approved February 25, 1963.

## CHAPTER 187

## ROAD USE TAX REPORTING

H. F. 187

AN ACT relating to road use tax reporting requirements in cities and towns.

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

1 SECTION 1. Section three hundred twelve point eleven (312.11),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:  
3 "On and after January 1, 1963, each city or town shall keep accounts

4 showing the amount spent on street construction and reconstruction  
5 on arterial streets and the amount spent on street construction and  
6 reconstruction on local streets. Such amounts proposed to be spent on  
7 arterial streets and such amounts proposed to be spent on local streets  
8 shall be shown on the street budget report required by section three  
9 hundred twelve point thirteen (312.13), Code 1962, and such amounts  
10 spent for such purposes shall be shown on the annual street report  
11 required by section three hundred twelve point fourteen (312.14),  
12 Code 1962.

13 "Of the total street construction and reconstruction expenditures  
14 made each year from road use tax funds by each city or town, at least  
15 seventy-five (75) percent shall be spent on the arterial streets of such  
16 city or town. However, if any city or town council by resolution de-  
17 clares that the seventy-five (75) percent is not needed on its arterial  
18 streets, then it may be used on any other streets in the city or town."

1 SEC. 2. Section three hundred twelve point twelve (312.12), Code  
2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "Cities which receive allotments of funds from road use tax funds  
4 which have a population of at least five thousand (5,000) shall prepare  
5 and submit annually by December 10 in each year to the state high-  
6 way commission for examination and review, a program of street con-  
7 struction and reconstruction on both the arterial street system and the  
8 local street system of such city for a period of three (3) years subse-  
9 quent to the year in which the program is submitted. Such cities and  
10 towns which have a population of less than five thousand (5,000) shall  
11 prepare and submit annually by December 10 each year to the state  
12 highway commission for examination and review, a program of pro-  
13 posed street construction and reconstruction for its arterial streets and  
14 local streets for the ensuing calendar year."

1 SEC. 3. Section three hundred twelve point thirteen (312.13), Code  
2 1962, is amended by striking the remainder of such section after the  
3 word "submit" in line three (3) and inserting in lieu thereof the fol-  
4 lowing: "by December 10 each year to the state highway commission  
5 for examination and review, a budget showing all proposed street re-  
6 cepts and expenditures for the city or town for the ensuing calendar  
7 year."

1 SEC. 4. Section three hundred twelve point fourteen (312.14), Code  
2 1962, is amended by striking the remainder of such section after the  
3 word "prepare" in line three (3) and inserting in lieu thereof the fol-  
4 lowing: "and submit by March 10 each year to the state highway  
5 commission an annual report showing all street receipts and expendi-  
6 tures for the city or town for the previous calendar year."

Approved April 8, 1963.

## CHAPTER 188

## DIAGONAL HIGHWAYS

S. F. 76

AN ACT relating to the improvement of primary roads by amending section three hundred thirteen point eight (313.8), Code 1962, referring to diagonal highways.

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

- 1 SECTION 1. Amend section three hundred thirteen point eight
- 2 (313.8), Code 1962, by striking all of lines thirteen (13) to and includ-
- 3 ing line seventeen (17).

Approved February 25, 1963.

## CHAPTER 189

## MOTOR VEHICLE SPECIAL PLATES

S. F. 407

AN ACT relating to special plates for motor vehicles to manufacturers, transporters and dealers.

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

- 1 SECTION 1. Section three hundred twenty-one point one (321.1),
- 2 Code 1962, is hereby amended by inserting after the word "car" in
- 3 line six (6) of subsection two (2) the following: ", 'new car', 'used
- 4 car'".

- 1 SEC. 2. Section three hundred twenty-one point one (321.1), Code
- 2 1962, is hereby further amended by adding thereto the following new
- 3 subsections:

- 4 1. "'New car' means every motor vehicle designed primarily for
- 5 carrying nine passengers or less, excluding motorcycles, which has not
- 6 been sold 'at retail' as defined in chapter three hundred twenty-two
- 7 (322) of the Code."

- 8 2. "'Used car' means every motor vehicle designed primarily for
- 9 carrying nine passengers or less, excluding motorcycles, which has
- 10 been sold 'at retail' as defined in chapter three hundred twenty-two
- 11 (322) of the Code and previously registered in this state or any other
- 12 state."

- 1 SEC. 3. Section three hundred twenty-one point one (321.1), Code
- 2 1962, is hereby further amended by striking the word "seven" from
- 3 line three (3) of subsection four (4) and inserting in lieu thereof the
- 4 word "nine (9)".

- 1 SEC. 4. Section three hundred twenty-one point fifty-seven
- 2 (321.57), Code 1962, is hereby amended by striking the words "manu-
- 3 facturer or" from line two (2) thereof.

1 SEC. 5. Section three hundred twenty-one point fifty-seven  
2 (321.57), Code 1962, is hereby further amended by striking from lines  
3 six (6) to eight (8), inclusive, the following: “, or use in the ordinary  
4 course and conduct of his business as a dealer or manufacturer.”

1 SEC. 6. Section three hundred twenty-one point fifty-seven  
2 (321.57), Code 1962, is hereby further amended by adding to the first  
3 paragraph at the end thereof the following: “In addition to the fore-  
4 going, a new car dealer or a used car dealer may operate or move upon  
5 the highways any new or used car owned by him for either private or  
6 business purposes without registering the same providing, (a) such  
7 new or used car is in the dealer’s inventory and is continuously offered  
8 for sale at retail, and (b) there is displayed thereon a special plate or  
9 plates issued to such dealer as provided in sections three hundred  
10 twenty-one point fifty-eight (321.58) to three hundred twenty-one  
11 point sixty-two (321.62) of the Code, inclusive.”

1 SEC. 7. Section three hundred twenty-one point fifty-seven  
2 (321.57), Code 1962, is hereby further amended by inserting after the  
3 word “to” in line twenty-one (21) the following, “any vehicles offered  
4 for hire.”

1 SEC. 8. Section three hundred twenty-one point fifty-seven  
2 (321.57), Code 1962, is hereby further amended by striking from lines  
3 twenty-two (22) and twenty-three (23) the word “manufacturer.”

1 SEC. 9. Section three hundred twenty-one point fifty-eight  
2 (321.58), Code 1962, is hereby amended by striking from lines one (1)  
3 and two (2) the following: “manufacturer, transporter, or”.

1 SEC. 10. Section three hundred twenty-one point fifty-eight  
2 (321.58), Code 1962, is hereby further amended by inserting after the  
3 word “dealer” in line two (2) the words “in new or used cars”.

1 SEC. 11. Section three hundred twenty-one point fifty-eight  
2 (321.58), Code 1962, is hereby further amended by striking from line  
3 three (3) the word “twenty-five” and inserting in lieu thereof the  
4 word “thirty-five (35)”.

1 SEC. 12. Section three hundred twenty-one point fifty-eight  
2 (321.58), Code 1962, is hereby further amended by inserting after the  
3 word “hereunder” in line nine (9) the following: “, and all other  
4 dealers or transporters may, upon the payment of a fee of twenty-  
5 five dollars, make an application to the department in a like manner  
6 for a like certificate and number and plates as appropriate to various  
7 types of vehicles subject to registration hereunder.”

1 SEC. 13. Section three hundred twenty-one point fifty-eight  
2 (321.58), Code 1962, is hereby further amended by striking from line  
3 eleven (11) the following: “manufacturer.”

1 SEC. 14. Section three hundred twenty-one point sixty (321.60),  
2 Code 1962, is hereby amended by inserting before the word “the” in

3 line four (4) the following: "an identification of the type of vehicle  
4 and if a car, whether it is a new or used car and".

1 SEC. 15. Section three hundred twenty-one point sixty (321.60),  
2 Code 1962, is hereby further amended by striking from line ten (10)  
3 the words, "pair of special plates shall be three", and inserting in lieu  
4 thereof the words, "special plate or pair of special plates for new car  
5 and used car plates shall be ten".

1 SEC. 16. Section three hundred twenty-one point sixty (321.60),  
2 Code 1962, is hereby further amended by adding thereto at the end  
3 thereof the following sentence: "For all other special plates the fee  
4 for each special plate or pair of special plates shall be three dollars."

1 SEC. 17. Section three hundred twenty-one point sixty-two  
2 (321.62), Code 1962, is hereby amended by striking from lines one (1)  
3 and two (2) the following: "manufacturer,".

1 SEC. 18. Section three hundred twenty-one point sixty-three  
2 (321.63), Code 1962, is hereby amended by striking from line two (2)  
3 the following: "manufacturer,".

1 SEC. 19. Section three hundred twenty-one point sixty-four  
2 (321.64), Code 1962, is hereby repealed.

1 SEC. 20. This Act shall become effective December 1, 1963.

Approved June 5, 1963.

## CHAPTER 190

### HOLDERS FOR REGISTRATION CERTIFICATES

#### H. F. 71

AN ACT relating to holders for registration certificates of motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point thirty-two  
2 (321.32), Code 1962, is hereby amended by inserting in line six (6)  
3 after the word "furnished" the words "or approved".

1 SEC. 2. Section three hundred twenty-one point one hundred  
2 seventy-two (321.172), Code 1962, 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 publication in The Sidney  
3 Argus-Herald, a newspaper published at Sidney, Iowa, and The Eve-  
4 ning Sentinel, a newspaper published at Shenandoah, Iowa.

Approved March 22, 1963.

I hereby certify that the foregoing Act, House File 71, was published in The Sidney Argus-Herald, Sidney, Iowa, March 28, 1963, and in The Evening Sentinel, Shenandoah, Iowa, March 28, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 191

## LIENS ON MOTOR VEHICLES

H. F. 487

AN ACT to amend section three hundred twenty-one point fifty (321.50), Code 1962, relating to notation and release of liens on motor vehicles.

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

- 1 SECTION 1. Section three hundred twenty-one point fifty (321.50),  
2 Code 1962, is hereby amended as follows:  
3 1. By striking from line seventy-seven (77) the word "fifteen" and  
4 inserting in lieu thereof the word "five" (5).  
5 2. By striking from line seventy-eight (78) the word "date" and  
6 inserting in lieu thereof the word "receipt".  
7 3. By striking from line eighty-six (86) the word "fifteen" and  
8 inserting in lieu thereof the word "five" (5).  
9 4. By striking from line ninety-four (94) the word "twenty" and  
10 inserting in lieu thereof the word "fifteen" (15).  
11 5. By striking from line ninety-seven (97) the word "and" and in-  
12 serting in lieu thereof a comma.  
13 6. By striking from line ninety-eight (98) the period and inserting  
14 in lieu thereof the following: "and the name and address of the person  
15 to whom the title shall be delivered when such delivery is requested as  
16 hereinafter provided."  
17 7. By inserting immediately following the word "shall" in line one  
18 hundred and three (103) the following word: "immediately".  
19 8. By striking from line one hundred and nine (109) the first word  
20 "then" and inserting in lieu thereof the words "on the same day".  
21 9. By striking from lines one hundred and eleven (111) and one  
22 hundred twelve (112) the following words "to the owner, or as other-  
23 wise directed by the owner." and inserting in lieu thereof the following  
24 words "to the person as directed on the lien release or, if there is no  
25 such person designated, then to the owner."  
26 10. By inserting immediately after the word "charge" in line one  
27 hundred and fourteen (114) the following: "The holder of a lien dis-  
28 charged by payment who fails to release such lien as herein provided  
29 within fifteen (15) days after being requested in writing to do so shall  
30 forfeit to the person making such payment the sum of twenty-five  
31 dollars (25.00). Such request shall be on the release form as pre-  
32 scribed by the department and shall contain a statement signed by the  
33 owner setting forth the name and address of the person to whom the  
34 title shall be delivered."

Approved April 19, 1963.

## CHAPTER 192

## REGISTRATION OF AUTOMOBILES OF VETERANS

H. F. 457

AN ACT relating to the issuance of special automobile license\* plates to seriously disabled veterans.

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

1 SECTION 1. Section three hundred twenty-one point one hundred  
2 five (321.105), Code 1962, is hereby amended by adding the following:  
3 "Seriously disabled veterans who have been provided with an auto-  
4 mobile by the United States Government under the provisions of sec-  
5 tion one thousand nine hundred one (1901), chapter thirty-nine (39),  
6 title thirty-eight (38) of the United States Code, shall be exempt from  
7 payment of the automobile registration fee provided in this chapter,  
8 and shall be provided, without fee, with a license\* plate.

1 SEC. 2. The disabled veteran, to be able to claim the above benefit,  
2 must be a resident of the state of Iowa and must produce a certificate  
3 of title to the automobile owned and registered in this state in the  
4 name of said veteran."

Approved May 7, 1963.

\*According to enrolled Act.

## CHAPTER 193

## ANTIQUE MOTOR VEHICLES FEES

S. F. 307

AN ACT relating to registration fees for antique motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point one hundred  
2 fifteen (321.115), Code 1962, is hereby amended by striking from  
3 lines eleven (11) and twelve (12) the words "one dollar" and insert-  
4 ing in lieu thereof the words "five (5) dollars".

Approved May 9, 1963.

## CHAPTER 194

## URBAN TRANSIT SYSTEMS

S. F. 106

AN ACT relating to license fees and taxation of urban transit systems and companies.

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

1 SECTION 1. Section three (3) of chapter forty-three (43), Acts of  
2 the Fifty-seventh General Assembly, is hereby repealed and the fol-



3 lowing enacted in lieu thereof:

4 "Sections three hundred twenty-one point one hundred nineteen  
5 (321.119) and three hundred twenty-four point three (324.3), and  
6 chapter three hundred twenty-six (326), Code 1962, shall not be ap-  
7 plicable to urban transit companies or systems."

1 SEC. 2. Section four (4) of chapter forty-three (43), Acts of the  
2 Fifty-seventh General Assembly, is hereby repealed and the following  
3 enacted in lieu thereof:

4 "Section four hundred seventeen point fifty-four (417.54), Code  
5 1962, is inapplicable to urban transit companies or systems."

1 SEC. 3. Section five (5) of chapter forty-three (43), Acts of the  
2 Fifty-seventh General Assembly, is hereby amended by striking from  
3 line two (2) the figures "1954" and inserting in lieu thereof the figures  
4 "1962".

1 SEC. 4. Sections one (1) and two (2) of chapter forty-three (43),  
2 Acts of the Fifty-seventh General Assembly, are hereby re-enacted  
3 effective July 1, 1963.

1 SEC. 5. Section six (6) of chapter forty-three (43), Acts of the  
2 Fifty-seventh General Assembly, as amended by chapter fifty-eight  
3 (58), Acts of the Fifty-eighth General Assembly, is hereby repealed.

1 SEC. 6. This Act, being deemed of immediate importance, shall be  
2 effective on July 1, 1963, after publication in two newspapers of the  
3 state as provided by law.

Approved February 11, 1963.

Publication of the foregoing Act in two newspapers of the state being required there-  
in, and there being no newspapers designated in the Act, pursuant to the authority  
vested in the undersigned, Secretary of State of Iowa, under the provisions of section  
3.9, Code of Iowa 1962, Creston News Advertiser, Creston, Iowa, and the Russell Union  
Tribune, Russell, Iowa, are designated to publish the foregoing Act.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, Senate File 106, was published in the Creston  
News Advertiser, Creston, Iowa, February 15, 1963, and in the Russell Union Tribune,  
Russell, Iowa, February 21, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 195

### MOTOR VEHICLE OPERATORS INSTRUCTION PERMITS

H. F. 46

AN ACT relating to temporary motor vehicle instruction permits.

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

1 SECTION 1. Section three hundred twenty-one point one hundred  
2 eighty (321.180), Code 1962, is hereby amended by inserting in line

- 3 twenty-three (23) after the word "guardian" the following:  
4 "or by any person who is twenty-five years of age or more if writ-  
5 ten permission is granted by the parent or guardian".  
6 Further amend said section by adding after line twenty-five (25) a  
7 new sentence as follows: "If the applicant does not have a parent or  
8 guardian, the sheriff shall designate any other person who is twenty-  
9 five years of age or over."  
10 Further amend section three hundred twenty-one point one hundred  
11 eighty (321.180), Code 1962, by adding after the word "until" in line  
12 twenty (20), the words "two weeks after".

Approved May 20, 1963.

## CHAPTER 196

### MOTOR VEHICLE OPERATORS' LICENSES

#### S. F. 38

AN ACT relating to notification of expiration of motor vehicle operator's license.

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

- 1 SECTION 1. Section three hundred twenty-one point one hundred  
2 ninety-six (321.196), Code 1962, is hereby amended by striking the  
3 period in line four (4) and inserting in lieu thereof the following:  
4 " , but shall be renewable without written examination or penalty  
5 within a period of thirty days after such birthday anniversary and  
6 such person shall not be considered to be driving with an invalid  
7 license during such period before renewal, however for any license  
8 renewed within such thirty-day period, the date of issuance shall be  
9 considered to be the previous birthday anniversary on which it ex-  
10 pired."

- 1 SEC. 2. Section three hundred twenty-one point one hundred  
2 ninety-seven (321.197), Code 1962, is hereby amended by striking  
3 from line two (2) the words "on the" and inserting in lieu thereof  
4 the following: "thirty days after the".  
5 Section three hundred twenty-one point one hundred ninety-seven  
6 (321.197), Code 1962, is hereby further amended by striking from  
7 lines two (2) and three (3) the words "date of birth" and inserting  
8 in lieu thereof the words "birthday anniversary".

Approved June 4, 1963.

## CHAPTER 197

## EXTENSIONS OF DRIVERS' LICENSES

## H. F. 298

AN ACT relating to temporary extensions of motor vehicle operators' licenses in certain instances.

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

1 SECTION 1. Section three hundred twenty-one point one hundred  
2 ninety-six (321.196), Code 1962, is amended by adding at the end  
3 thereof the following:  
4 "Any resident of Iowa holding a valid operator's or chauffeur's  
5 license who is temporarily absent from the state, or incapacitated,  
6 may, at the time for renewal for such license, obtain from the sheriff  
7 of the county of his residence a form to apply for a temporary exten-  
8 sion of his license. The department upon receipt of such application  
9 form properly filled out shall, upon a showing of good cause, issue a  
10 temporary extension of such license for not to exceed six months.  
11 The department shall prescribe and furnish such forms to each county  
12 sheriff."

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 Oskaloosa  
3 Daily Herald, a newspaper published at Oskaloosa, Iowa, and The  
4 Garner Leader & Signal & Herald, a newspaper published at Garner,  
5 Iowa.

Approved March 22, 1963.

I hereby certify that the foregoing Act, House File 298, was published in the Oskaloosa Daily Herald, Oskaloosa, Iowa, March 28, 1963, and in The Garner Leader & Signal & Herald, Garner, Iowa, March 27, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify as an amendment to the foregoing certification that the correct names of the newspapers designated to publish the foregoing Act, House File 298, are the Oskaloosa Herald, and The Garner Leader and Signal.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 198

## PARKING BAN DURING SNOW REMOVAL

## H. F. 215

AN ACT relating to the imposition of special parking restrictions in cities and towns in aid of snow removal operations and to provide the manner for posting notice thereof.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
2 thirty-seven (821.237), Code 1962, is amended by adding at the end  
3 thereof the following:

4 "When a city or town has adopted an ordinance which prohibits  
 5 standing or parking of vehicles upon a street or streets during any  
 6 time when snow-removal operations are in progress and before such  
 7 operations have resulted in the removal or clearance of snow from such  
 8 street or streets, signs bearing the legend 'No Parking During Snow  
 9 Removal' posted as hereinabove provided shall be deemed sufficient  
 10 notice of the existence of such restrictions."

Approved April 18, 1963.

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## CHAPTER 199

### UNAUTHORIZED HIGHWAY SIGNS AND SIGNALS

S. F. 403

AN ACT to amend section three hundred twenty-one point two hundred fifty-nine (321.259), Code 1962, relating to unauthorized signs and signals.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
 2 fifty-nine (321.259), Code 1962, is amended by striking the word  
 3 "unauthorized" in line three (3); also by adding after the word  
 4 "signal" in line eleven (11) the following: ", if such sign, signal,  
 5 marking, or device has not been authorized by the state highway  
 6 commission with reference to highways under their jurisdiction, local  
 7 authorities with reference to streets and highways under their juris-  
 8 diction, and the Iowa state commerce commission with reference to  
 9 railroad crossings".

Approved June 4, 1963.

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## CHAPTER 200

### SECONDARY ROAD SPEED LIMITS

H. F. 193

AN ACT relating to speed limits on hard surfaced secondary roads.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
 2 eighty-five (321.285), Code 1962, subsection seven (7), is amended by  
 3 inserting in line five (5) after the words "secondary roads" the words  
 4 "unless such roads are surfaced with concrete or asphalt or a com-  
 5 bination of both, in which case the speed limits shall be the same as  
 6 provided in subsection five (5) of this section".  
 7 Further amend said subsection seven (7) of said section by striking  
 8 from lines sixteen (16) and seventeen (17) the words "The speed  
 9 limits provided and as determined in this subsection" and inserting in

10 lieu thereof the words "Such speed limits as determined by the board  
11 of supervisors".

Approved April 26, 1963.

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CHAPTER 201

SPEED LIMITS OF VEHICLES DRAWING TRAILERS

S. F. 240

AN ACT relating to speed restrictions of certain motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
2 eighty-five (321.285), Code 1962, is hereby amended as follows:  
3 1. By striking from lines three (3) and four (4) of subsection six  
4 (6) of such section the word "twenty-four" and inserting in lieu there-  
5 of the word "twenty-eight (28)".  
6 2. By striking from lines five (5) and six (6) of subsection six (6)  
7 of such section the words "three thousand" and inserting in lieu there-  
8 of the words "four thousand five hundred (4,500)".  
9 3. By striking from lines six (6) and seven (7) of subsection six  
10 (6) of such section the words "and not more than eight feet in  
11 height".

Approved June 4, 1963.

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CHAPTER 202

VEHICLES BARRED FROM INTERSTATE HIGHWAYS

S. F. 78

AN ACT to prohibit certain vehicles and implements from using the interstate system.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
2 eighty-five (321.285), subsection eight (8), Code 1962, is amended by  
3 adding the following:  
4 "It is further provided that any kind of vehicle, implement, or con-  
5 veyance incapable of attaining and maintaining a speed of forty (40)  
6 miles per hour shall be prohibited from using the interstate system."

Approved April 2, 1963.

## CHAPTER 203

## SPEED LIMITS IN CITIES

H. F. 35

AN ACT relating to speed limits for motor vehicles in cities.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
2 ninety (321.290), Code 1962, is hereby amended by adding thereto the  
3 following new paragraph:  
4 "Whenever the city engineer or city traffic engineer in any city of  
5 fifty thousand or more population shall determine upon the basis of an  
6 engineering and traffic investigation that any speed limit hereinbefore  
7 set forth is greater or less than is reasonable or safe under the con-  
8 ditions found to exist at any intersection or other place or upon any  
9 part of the city street system, except primary road extensions, such  
10 determination and the investigation report upon which it is based may  
11 be transmitted by resolution of the city council to the state highway  
12 commission. If upon examination of the investigation report the com-  
13 mission concurs in such determination it shall declare a reasonable and  
14 safe speed limit thereat which shall be effective when appropriate signs  
15 giving notice thereof are erected at such intersection or other place or  
16 part of the street."

Approved April 23, 1963.

## CHAPTER 204

## SPEED LIMITS ON BRIDGES

H. F. 205

AN ACT to fix speed limits for motor vehicles on bridges or elevated structures where not sign-posted as provided by law, and to repeal section three hundred twenty-one point two hundred ninety-five (321.295), Code 1962, and to enact a substitute therefor.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
2 ninety-five (321.295), Code 1962, is hereby repealed and the following  
3 is enacted in lieu thereof:  
4 No person shall drive a vehicle on any public bridge or elevated  
5 structure at a speed which is greater than the maximum speed per-  
6 mitted under this chapter on the street or highway at a point where  
7 said street or highway joins said bridge or elevated structure, pro-  
8 vided that if the maximum speed permitted on said street or highway  
9 differs from the maximum speed on any other street or highway  
10 joining said bridge or elevated structure, then the lowest of said  
11 speeds shall be the maximum speed limit on said bridge or elevated  
12 structure, subject to the following:  
13 "The state highway commission upon request from any local au-

14 thority shall, or upon its own initiative may, conduct an investigation  
 15 of any bridge or other elevated structure constituting a part of a  
 16 highway, and if it shall thereupon find that such structure cannot with  
 17 safety to itself withstand vehicles traveling at the speed otherwise  
 18 permissible under this chapter, the commission shall determine and  
 19 declare the maximum speed of vehicles which such structure can  
 20 withstand, and shall cause or permit suitable signs stating such maxi-  
 21 mum speed to be erected and maintained at a distance of two hundred  
 22 feet before each end of such structure.

23 "No person shall drive a vehicle over any bridge or other elevated  
 24 structure constituting a part of a highway at a speed which is greater  
 25 than the maximum speed which can be maintained with safety to  
 26 such bridge or structure, when such structure is sign-posted as pro-  
 27 vided in this section.

28 "Upon the trial of any person charged with driving a vehicle at a  
 29 speed which is greater than the maximum speed which can be main-  
 30 tained with safety to such bridge or structure, proof of such deter-  
 31 mination of the maximum speed by said commission and the existence  
 32 of said signs shall constitute conclusive evidence of the maximum  
 33 speed which can be maintained with safety to such bridge or struc-  
 34 ture."

1     SEC. 2. This Act being deemed of immediate importance shall be  
 2 in force and effect immediately after its passage and publication in  
 3 The Mount Vernon Hawkeye-Record & The Lisbon Herald, a news-  
 4 paper published at Mount Vernon, Iowa, and in The Sentinel, a news-  
 5 paper published at Marion, Iowa.

Approved May 20, 1963.

I hereby certify that the foregoing Act, House File 205, was published in The Mount  
 Vernon Hawkeye-Record & The Lisbon Herald, Mount Vernon, Iowa, May 30, 1963, and  
 in The Sentinel, Marion, Iowa, May 29, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 205

### OVERALL LENGTH OF COMBINATIONS OF VEHICLES

S. F. 275

AN ACT relating to the overall length of combinations of vehicles.

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

1     SECTION 1. Section three hundred twenty-one point four hundred  
 2 fifty-seven (321.457), Code 1962, is hereby amended by striking the  
 3 word, "No" in line one (1) of subsection three (3) and by inserting in  
 4 lieu thereof the words, "Except as to combinations of vehicles, provi-  
 5 sions for which are otherwise made in this chapter, no".

1     SEC. 2. Section three hundred twenty-one point four hundred fifty-  
 2 seven (321.457), Code 1962, is further amended by striking the words,

3 "fifty feet," in line five (5) of subsection three (3) and by inserting in  
4 lieu thereof the words, "fifty-five (55) feet".

1 SEC. 3. Section three hundred twenty-one point four hundred fifty-  
2 seven (321.457), Code 1962, is further amended by adding thereto the  
3 following new subsections:

4 1. "No combination of vehicles coupled together which are used ex-  
5 clusively for the transportation of vehicles and boats, unladen or with  
6 load, shall have an overall length, inclusive of front and rear bumpers  
7 in excess of sixty (60) feet."

8 2. "No combination of three (3) vehicles coupled together one of  
9 which is a motor vehicle, unladen or with load, shall have an overall  
10 length, inclusive of front and rear bumpers in excess of sixty (60)  
11 feet."

1 SEC. 4. No vehicle or combination of vehicles in excess of fifty (50)  
2 feet in overall length shall be operated on any highway of this state  
3 which has an improved or paved surface of less than twenty-two (22)  
4 feet in width.

Approved March 29, 1963.

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## CHAPTER 206

### HIGHWAY SIGNS

#### H. F. 462

AN ACT relating to highway signs.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1962,  
2 is hereby amended by adding the following new section:

3 "The state highway commission shall include in its manual of traffic  
4 control devices, specifications for a uniform system of highway signs  
5 for the purpose of naming, warning, regulating, and guiding traffic to  
6 organized off-highway permanent camps, and camp areas, operated by  
7 recognized and established civic, religious, and nonprofit charitable  
8 organizations. The commission shall purchase, install, and maintain  
9 such signs upon the prepayment by the organization of the cost of  
10 such purchase, installation, and maintenance.

11 Local authorities shall adhere to the specifications for such signs  
12 as established by the state highway commission, and shall purchase,  
13 install, and maintain such signs in their respective jurisdictions upon  
14 prepayment by the organization of the cost of such purchase, installa-  
15 tion, and maintenance."

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The



- 3 Adair News, a newspaper published at Adair, Iowa, and the Record-  
4 Herald & Indianola Tribune, a newspaper published at Indianola, Iowa.

Approved May 10, 1963.

I hereby certify that the foregoing Act, House File 462, was published in The Adair News, Adair, Iowa, May 16, 1963, and in the Record-Herald & Indianola Tribune, Indianola, Iowa, May 16, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 207

### SPECIAL MOBILE EQUIPMENT

H. F. 247

AN ACT to amend chapter three hundred twenty-one (321), Code 1962, to provide for the issuance of special mobile equipment certificate and plates.

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

- 1 Chapter three hundred twenty-one (321), Code 1962, is hereby  
2 amended by adding thereto the following sections:

1 SECTION 1. A person owning any special mobile equipment as  
2 herein defined may make application to the department, upon the  
3 appropriate form furnished by the department, for a certificate con-  
4 taining a general distinguishing number and for one or more pairs of  
5 special mobile equipment plates or single special mobile equipment  
6 plates as appropriate to various types of special mobile equipment.  
7 The applicant shall also submit proof of the status of the vehicle or  
8 vehicles as special mobile equipment as may reasonably be required  
9 by the department.

1 SEC. 2. The department upon granting such application, shall issue  
2 to the applicant a certificate containing, but not limited to, the appli-  
3 cant's name and address and the general distinguishing number as-  
4 signed to the applicant and such other information deemed necessary  
5 by the department for proper identification.

1 SEC. 3. The department shall also issue special mobile equipment  
2 plates as applied for, which shall have displayed thereon the general  
3 distinguishing number assigned to the applicant. Each plate or pair  
4 of plates so issued shall have displayed thereon the words: Special  
5 Mobile Equipment. The fee for each plate or pair of special plates  
6 shall be three dollars.

1 SEC. 4. Every special mobile equipment plate issued hereunder shall  
2 expire at midnight on the thirty-first day of December of each year,  
3 and a new plate or plates for the ensuing year may be obtained by the  
4 person to whom any such expired plate or plates was issued upon appli-  
5 cation to the department and payment of the fee required by law.

1 SEC. 5. Every person owning special mobile equipment for which a  
 2 certificate and a plate or plates have been issued shall keep a written  
 3 record of the vehicles upon which such special mobile equipment plates  
 4 are used, which record shall be open to inspection by any police officer  
 5 or any officer or employee of the department.

1 SEC. 6. The certificate and plates issued hereunder shall be for pur-  
 2 poses of identification only and shall not constitute a registration as  
 3 required under the provisions of this chapter. A certificate of title  
 4 need not be executed when the certificate and plates are issued here-  
 5 under and a certificate of title need not be delivered to the purchaser  
 6 or transferee when special mobile equipment is sold or otherwise dis-  
 7 posed of.

Approved April 26, 1963.

## CHAPTER 208

### URBAN TRANSIT BUS REGISTRATION

S. F. 391

AN ACT to amend chapter three hundred twenty-one (321), Code 1962, to provide for the issuance of registration certificates and license plates to urban transit companies or systems for use on urban transit busses.

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

1 Chapter three hundred twenty-one (321), Code 1962, is hereby  
 2 amended by adding thereto the following sections:

1 SECTION 1. An urban transit company or system having a fran-  
 2 chise to operate in any city or town may make application to the motor  
 3 vehicle department, upon forms furnished by the department, for a  
 4 certificate containing a distinguishing number and for one or more  
 5 pairs of transit bus plates to be attached to the front and rear of  
 6 busses owned and or operated by the urban transit company or system.

1 SEC. 2. The department shall issue to the applicant a certificate,  
 2 or certificates, containing, but not limited to, the applicant's name and  
 3 address, the distinguishing number assigned to the applicant, and such  
 4 other information deemed necessary by the department for proper  
 5 identification of the busses.

1 SEC. 3. The department shall issue urban transit bus license plates  
 2 as applied for, which shall have imprinted thereon the words "Urban  
 3 Transit Bus", and the distinguishing number assigned to the applicant.  
 4 The department shall issue the certificates, and plates without fee.

1 SEC. 4. Every urban transit bus plate issued hereunder shall expire  
 2 at midnight on the thirtieth day of June of each year, and new plates  
 3 for the ensuing year may be obtained upon proper application.

Approved April 5, 1963.

## CHAPTER 209

## OCTANE RATING FOR GASOLINE

S. F. 415

AN ACT to set octane rating number for regular and premium grade gasoline.

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

1 SECTION 1. Section three hundred twenty-three point two (323.2),  
2 Code 1962, is hereby amended by inserting in line forty-two (42)  
3 following the figure "908" the words ", Research Method,".

1 SEC. 2. Section three hundred twenty-three point two (323.2),  
2 Code 1962, is further amended by striking in line forty-six (46) the  
3 word "seventy-eight" and inserting in lieu thereof the word "eighty-  
4 six (86)".

1 SEC. 3. Section three hundred twenty-three point two (323.2),  
2 Code 1962, is further amended by striking in line forty-nine (49) the  
3 word "eighty-six" and inserting in lieu thereof the word "ninety-five  
4 (95)".

Approved June 4, 1963.

## CHAPTER 210

## FUEL DEALERS' BONDS

S. F. 319

AN ACT to amend the statutes relating to the bonds of distributors of motor fuel, special fuel dealers and special fuel users.

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

1 SECTION 1. Section three hundred twenty-four point seven (324.7),  
2 Code 1962, subsection one (1), paragraph "a", is amended by striking  
3 from line three (3) the word "fifty" and inserting in lieu thereof the  
4 words "one hundred".

1 SEC. 2. Section three hundred twenty-four point thirty-six  
2 (324.36), Code 1962, subsection 4, is amended by striking from line  
3 seven (7) the word "five" and inserting in lieu thereof the word "fifty".

Approved April 26, 1963.

## CHAPTER 211

## SPECIAL FUEL TAX REFUNDS

Amended by ch. 212

S. F. 124

AN ACT relating to refund of tax on special fuel consumed in the operation of corn shellers, roller mills and feed grinders mounted on trucks and auxiliary unloading devices mounted on or about vehicles.

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

1 SECTION 1. Section three hundred twenty-four point seventeen  
2 (324.17), Code 1962, is amended by adding at the end thereof a new  
3 subsection as follows:

4 "Refund may also be made on special fuel taxes paid on fuel con-  
5 sumed in the operation of corn shellers, roller mills and feed grinders  
6 mounted on trucks and auxiliary unloading devices mounted on or  
7 about vehicles under the same conditions as provided by law for re-  
8 funds on motor vehicle fuel."

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 LeMars Daily Sentinel, a newspaper published at LeMars, Iowa, and in  
4 the Marshalltown Times-Republican, a newspaper published at Mar-  
5 shalltown, Iowa.

Approved February 27, 1963.

I hereby certify that the foregoing Act, Senate File 124, was published in the LeMars Daily Sentinel, LeMars, Iowa, March 4, 1963, and in the Marshalltown Times-Republican, Marshalltown, Iowa, March 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 212

## SPECIAL FUEL TAX REFUNDS

S. F. 492

AN ACT relating to refund of tax on special fuel in certain cases.

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

1 SECTION 1. Senate file one hundred twenty-four (124),\* Acts of  
2 the Sixtieth General Assembly and now on file in the office of the  
3 secretary of state, is amended by striking from lines six (6) and  
4 seven (7) of section one (1) the words "and auxiliary unloading de-  
5 vices mounted on or about vehicles".

1 SEC. 2. Section three hundred twenty-four point sixteen (324.16),  
2 Code 1962, is hereby amended by inserting after the word "fuel" in  
3 line two (2) the words, "or special fuel".

Approved June 4, 1963.

\*Chapter 211.

## CHAPTER 213

## CHARTER CARRIERS

## H. F. 41

AN ACT relating to certified common carriers of passengers operating on charter.

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

1 SECTION 1. Section three hundred twenty-five point six (325.6),  
 2 Code 1962, is hereby amended by adding thereto the following:  
 3 "Any resident person, firm or corporation with its principal place of  
 4 business in the state of Iowa, engaged in continuous actual operation  
 5 from the same point of origin as a charter carrier as defined in section  
 6 three hundred twenty-five point one (325.1) of the Code from Novem-  
 7 ber 1, 1949, to November 1, 1959, and which, because of excusable  
 8 neglect, failed to make application within the time provided in chapter  
 9 two hundred forty-eight (248), Acts of the Fifty-eighth General  
 10 Assembly, shall be granted a certificate of convenience and necessity  
 11 upon application therefor made within ten (10) days from the effec-  
 12 tive date of this Act upon compliance with the provisions of sections  
 13 three hundred twenty-five point twenty-six (325.26), three hundred  
 14 twenty-five point twenty-eight (325.28), three hundred twenty-five  
 15 point twenty-nine (325.29), three hundred twenty-five point thirty-  
 16 one (325.31), and three hundred twenty-five point thirty-five (325.35),  
 17 of the Code."

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 Iowa City  
 3 Press-Citizen, a newspaper published in Iowa City, Iowa, and in the  
 4 Logan Herald-Observer, a newspaper published in Logan, Iowa.

Approved April 23, 1963.

I hereby certify that the foregoing Act, House File 41, was published in the Iowa City Press-Citizen, Iowa City, Iowa, April 26, 1963, and in the Logan Herald-Observer, Logan, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 214

## AERONAUTICS COMMISSION

## H. F. 213

AN ACT to amend chapter three hundred twenty-eight (328), Code 1962, relating to compensation of the members of the aeronautics commission.

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

1 SECTION 1. Section three hundred twenty-eight point six (328.6),  
 2 Code 1962, is amended by striking from line six (6) the word "nine"  
 3 and inserting in lieu thereof the word "twenty" and by striking from  
 4 line ten (10) the words "four hundred fifty" and inserting in lieu  
 5 thereof the words "nine hundred fifty".

Approved April 17, 1963.

## CHAPTER 215

## AIRPORT LEASES

## H. F. 218

AN ACT to amend chapter three hundred thirty (330), Code 1962, relating to airports and the period of leases with respect thereto.

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

- 1 SECTION 1. Section three hundred thirty point twelve (330.12),
- 2 Code 1962, is amended by striking from line ten (10) the word
- 3 "twenty" and inserting in lieu thereof the word "fifty".

Approved April 18, 1963.

## CHAPTER 216

## COMPENSATION OF COUNTY SUPERVISORS

## H. F. 65

AN ACT relating to compensation of county supervisors in counties of over one hundred fifty thousand (150,000) population.

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

- 1 SECTION 1. Section three hundred thirty-one point twenty-two
- 2 (331.22), Code 1962, is hereby amended by striking from line thirty-
- 3 five (35) the words "six thousand six" and inserting in lieu thereof
- 4 the words "seven thousand eight (7,800)".

Approved April 17, 1963.

## CHAPTER 217

## COUNTY SUPERVISOR DISTRICTS

## H. F. 24

AN ACT to amend chapter three hundred thirty-one point twenty-five (331.25), Code 1962, relating to supervisor districts in counties.

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

- 1 SECTION 1. Section three hundred thirty-one point twenty-five
- 2 (331.25), Code 1962, is amended by striking from lines one (1) and
- 3 two (2) of subsection one (1) the words "twenty-four townships and
- 4 having".

- 1 SEC. 2. Section three hundred thirty-one point twenty-five
- 2 (331.25), Code 1962, is hereby further amended by adding thereto the
- 3 following:

- 4 "The provisions of this section three hundred thirty-one point twen-

5 ty-five (331.25)\* shall not apply to counties conforming to the pro-  
6 visions of section three hundred thirty-one point nine (331.9) of the  
7 Code."

Approved March 15, 1963.

\*Figures supplied by editor, §3.1.

## CHAPTER 218

### COUNTY ZONING COMMISSION

H. F. 194

AN ACT relating to the powers of the board of supervisors and relating to the powers of the county zoning commission.

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

1 SECTION 1. Section three hundred thirty-two point three (332.3),  
2 Code 1962, is hereby amended by adding a new subsection thereto as  
3 follows:

4 "In counties having a population of over thirty thousand (30,000),  
5 to adopt a building code and to provide for the regulation and inspec-  
6 tion of all construction, major repairs and remodeling, and the instal-  
7 lation of electrical, heating, ventilating, air conditioning, and plumbing  
8 fixtures, apparatus, and equipment and provide for the manner in  
9 which such regulations and inspection shall be determined, established  
10 and enforced, and from time to time amended, supplemented or  
11 changed. However, no such regulation shall become effective until  
12 after a public hearing in relation thereto at which parties in interest  
13 and citizens shall have an opportunity to be heard. At least fifteen  
14 (15) days notice of the time and place of such hearing shall be pub-  
15 lished in a paper of general circulation in such county. Upon compli-  
16 ance with the provisions of this chapter, the regulation shall become  
17 effective, the provisions of any other statute to the contrary notwith-  
18 standing. Such code shall not be construed to apply within the limits  
19 of any incorporated city or town which has the power to adopt a build-  
20 ing code under the provisions of section three hundred sixty-eight  
21 point nine (368.9) of the Code or to farm houses or other farm build-  
22 ings which are primarily adapted, by reason of nature and area, for  
23 use for agricultural purposes, while so used or while under construction  
24 for such use."

1 SEC. 2. Section three hundred fifty-eight A point two (358A.2),  
2 Code 1962, is hereby amended as follows:

3 1. By inserting in line six (6) after the word "are" the word "pri-  
4 marily".

5 2. By striking from lines seven (7) and eight (8) the words "as a  
6 primary means of livelihood".

Approved April 22, 1963.

## CHAPTER 219

## DESTRUCTION OF OLD TAX LISTS

H. F. 210

AN ACT to permit the destruction of tax lists more than ten years old.

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

- 1 SECTION 1. Section three hundred thirty-two point fifteen (332.15),
- 2 Code 1962, is amended by adding in line ten (10) after the word "rolls"
- 3 the words ", tax lists".

Approved April 25, 1963.

## CHAPTER 220

## COUNTY DUMP CONTRACTS

S. F. 332

AN ACT to authorize county boards of supervisors to enter into contractual agreements with cities, towns, private corporations or private individuals, for the use of dumps, disposal grounds, and sanitary land fills, operated by such cities, towns, private corporations or private individuals, for the use of residents residing outside of cities and towns.

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

- 1 SECTION 1. Chapter three hundred thirty-two (332), Code 1962, is
- 2 hereby amended by adding thereto the following new section:
- 3 "The county boards of supervisors may enter into contractual agree-
- 4 ments with cities and towns, or with private corporations and persons
- 5 for the use by residents of the county residing outside of incorporated
- 6 cities or towns, of dumps, disposal grounds, and sanitary land fills
- 7 owned or operated by cities, towns, private corporations or private
- 8 individuals, and that funds from the township dump fund may be used
- 9 for such purpose. County boards of supervisors may also use funds
- 10 from said township fund, for the purpose of acquiring, constructing,
- 11 operating, and maintaining, sanitary land fills."

Approved May 2, 1963.

## CHAPTER 221

## COUNTY RECORDERS

H. F. 22

AN ACT relating to the duties of county recorders.

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

- 1 SECTION 1. Section three hundred thirty-five point two (335.2),
- 2 Code 1962, is hereby amended as follows:



- 3 1. By inserting in line six (6) after the word "recordation" the  
 4 words "or filing".  
 5 2. By striking from line eight (8) the word "excluding" and insert-  
 6 ing in lieu thereof the word "including".  
 7 3. By inserting in line fourteen (14) after the word "recordation"  
 8 the words "or filing".

Approved February 25, 1963.

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CHAPTER 222

DEED LIST BY COUNTY RECORDER

S. F. 291

AN ACT to require county recorders to compile a list of deeds.

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

- 1 SECTION 1. Chapter three hundred thirty-five (335), Code 1962, is  
 2 hereby amended by adding the following new section:  
 3 "The county recorder shall be required to compile a list of all deeds  
 4 recorded in his office subsequent to July 4, 1951, which are dated or  
 5 acknowledged more than six (6) months prior to the date of recording  
 6 and shall at monthly intervals forward a copy of the list as required  
 7 herein to the inheritance tax division of the state tax commission."

Approved May 17, 1963.

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CHAPTER 223

UNIFORMS FOR SHERIFFS

H. F. 100

AN ACT to provide uniforms for sheriffs and their deputies.

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

- 1 SECTION 1. The board of supervisors of each county may furnish  
 2 suitable uniforms for the sheriff and his deputies and such uniforms  
 3 shall at all times remain the property of the county.

Approved March 13, 1963.

## CHAPTER 224

## COUNTY ATTORNEYS' SALARIES

S. F. 419

AN ACT relating to salaries of county attorneys.

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

1 SECTION 1. Section three hundred forty point nine (340.9), Code  
 2 1962, is hereby amended by striking from line two (2) of subsection  
 3 eight (8) of such section the words "four thousand five hundred fifty"  
 4 and inserting in lieu thereof the words "four thousand six hundred  
 5 fifty (4,650)".

1 SEC. 2. Section three hundred forty point nine (340.9), Code 1962,  
 2 is hereby amended by striking from line two (2) of subsection fifteen  
 3 (15) the words "ten thousand" and inserting in lieu thereof the words  
 4 and figures "twelve thousand (12,000)".

Approved June 4, 1963.

## CHAPTER 225

## COUNTY PUBLIC HOSPITALS

H. F. 68

AN ACT to increase the maximum millage levy which may be levied for county public hospitals in counties having a population of more than one hundred thirty-five thousand (135,000) inhabitants.

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

1 SECTION 1. Section three hundred forty-seven point seven (347.7),  
 2 Code 1962, is hereby amended by striking from line thirteen (13) the  
 3 words "three and one-half" and inserting in lieu thereof the word  
 4 "four (4)".

Approved April 4, 1963.

## CHAPTER 226

## BOUNTIES ON WILD ANIMALS

H. F. 117

AN ACT relating to bounties on wild animals.

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

1 SECTION 1. Section three hundred fifty point one (350.1), Code  
 2 1962, is hereby amended by striking all of line ten (10).

3 Further amend said section by striking all of lines five (5) and six  
4 (6).

1 SEC. 2. Section three hundred fifty point two (350.2), Code 1962,  
2 is hereby amended by adding the following:

3 "For each red or gray fox, two (2) dollars.

4 For each adult wolf, ten (10) dollars.

5 For each cub wolf, four (4) dollars."

Approved March 22, 1963.

## CHAPTER 227

### COUNTY ZONING

#### H. F. 11

AN ACT relating to notice for public hearing on county zoning changes.

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

1 SECTION 1. Section three hundred fifty-eight A point six (358A.6),  
2 Code 1962, is hereby amended by adding thereto the following sen-  
3 tence:

4 "Such notice shall state the location of the district affected by nam-  
5 ing the township and section, and the boundaries of such district shall  
6 be expressed in terms of streets or roads wherever possible."

Approved February 25, 1963.

## CHAPTER 228

### ANNEXATION TO CITIES AND TOWNS

#### S. F. 37

AN ACT relating to the annexation of territory to cities and towns.

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

1 SECTION 1. Section three hundred sixty-two point twenty-six  
2 (362.26), Code 1962, is amended by inserting in line two (2), immedi-  
3 ately following the word "territory", the words, ", located in any  
4 county, or in two or more counties lying contiguous to each other,".

5 Further amend said section by inserting in line three (3) of sub-  
6 section four (4), immediately following the word "court,", the words,  
7 "in any county wherein is located part of the territory sought to be  
8 annexed,".

9 Further amend said section by inserting in line five (5) of paragraph  
10 a. of subsection five (5), immediately following the word "auditor",  
11 the words, "or auditors".

1 SEC. 2. Section three hundred sixty-two point thirty-one (362.31),  
2 Code 1962, is amended by inserting in line two (2), immediately fol-

3 lowing the word "territory", the words, ", located in any county, or in  
4 two or more counties lying contiguous to each other,".

Approved March 18, 1963.

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## CHAPTER 229

### MUNICIPAL ANNEXATION AGREEMENTS

#### H. F. 357

AN ACT to amend section three hundred sixty-two point twenty-six (362.26), Code 1962, relating to agreements between cities and towns to refrain from annexing territory under said section.

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

1 SECTION 1. Section three hundred sixty-two point twenty-six  
2 (362.26), Code 1962, is hereby amended by adding a new subsection  
3 thereto as follows:  
4 "Cities and towns may by resolution enter into agreements one with  
5 the other in which they agree to refrain from annexing specifically  
6 described territory under this section for a period of not to exceed ten  
7 years. Each of such agreeing cities and towns shall cause to be pub-  
8 lished, once each week for two consecutive weeks, in the manner pro-  
9 vided by section six hundred eighteen point fourteen (618.14) of the  
10 Code, a notice that the council of such city or town will meet at a  
11 certain date, time and place to consider the adoption of such resolution,  
12 and to hear objectors and proponents thereto. After the adoption of  
13 such resolutions and the execution of such agreement by all of such  
14 agreeing cities and towns, no agreeing city or town shall commence any  
15 annexation proceedings under the provisions of this section as to any  
16 specifically described territory which is the subject of said agreement,  
17 and any proceedings under this section for the annexation of any of the  
18 specifically described territory, which is the subject of said agreement,  
19 and which has at the time of the execution of said agreement been  
20 initiated but not completed shall be terminated upon the execution of  
21 said agreement."

Approved April 23, 1963.

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## CHAPTER 230

### CITY AND TOWN WARDS

#### H. F. 8

AN ACT to provide equal population for city and town wards.

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

1 SECTION 1. Section three hundred sixty-three point seven (363.7),  
2 Code 1962, is hereby amended by adding the following:  
3 "Any ordinance of annexation entered into or ordinance passed by a

4 city or town or cities and towns prior to the year 1900 that prevents or  
 5 has prevented an equal population of wards as provided by this section  
 6 or provides that a specified number of representatives on the city or  
 7 town council shall represent certain wards may be amended by a sim-  
 8 ple majority of votes of the existing city or town council, any provi-  
 9 sions in the city or town charter, rules, ordinances, or ordinances of  
 10 annexation notwithstanding."

Approved February 27, 1963.

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### CHAPTER 231

#### RESIDENCE OF POLICEMEN AND FIREMEN

S. F. 174

AN ACT to define the residence requirement for policemen and firemen under municipal civil service and to amend section three hundred sixty-five point seventeen (365.17), Code 1962, relating thereto.

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

1 SECTION 1. Section three hundred sixty-five point seventeen  
 2 (365.17), Code 1962, is amended by striking all of subsection one (1)  
 3 and inserting in lieu thereof the following:

4 "1. Is a citizen of the United States and has been a resident of the  
 5 state of Iowa for at least one year and meets such other and further  
 6 residence requirements as the council may by ordinance provide."

Approved June 4, 1963.

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### CHAPTER 232

#### GROUP INSURANCE FOR PUBLIC EMPLOYEES

S. F. 227

AN ACT relating to life, health and accident insurance by employees of the state, county, school district, city, town or institution supported by public funds.

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

1 SECTION 1. Section three hundred sixty-five A point one (365A.1),  
 2 Code 1962, is repealed and the following enacted in lieu thereof:

3 "The governing body of the state, county, school district, city, town  
 4 or any institution supported in whole or in part by public funds may  
 5 establish plans for and procure group insurance, health or medical  
 6 service for the employees of the state, county, school district, city,  
 7 town or tax-supported institution."

1 SEC. 2. Section three hundred sixty-five A point two (365A.2),  
 2 Code 1962, is hereby amended by striking all of subsection three (3)  
 3 and inserting in lieu thereof the following: "Solely from the contri-

4 butions of employees, except as provided in subsections one (1) and  
5 two (2) above, for any plan established after July 4, 1963."

1 SEC. 3. Section three hundred sixty-five A point three (365A.3),  
2 Code 1962, is amended as follows:

3 1. By striking from line six (6) the words "city council" and insert-  
4 ing in lieu thereof the words "governing body".

5 2. By striking from line eight (8) the word "city" and inserting in  
6 lieu thereof the words "public body".

7 Section three hundred sixty-five A point three (365A.3), Code 1962,  
8 is further amended by adding thereto the following new paragraph:

9 "Any employee may authorize deductions from his wages or salary  
10 in payment for plans authorized in this chapter in the manner pro-  
11 vided in section five hundred fourteen point sixteen (514.16) of the  
12 Code."

1 SEC. 4. Section three hundred sixty-five A point four (365A.4),  
2 Code 1962, is amended by striking from line five (5) the words "city  
3 council" and inserting in lieu thereof the words "governing body".

1 SEC. 5. Section three hundred sixty-five A point five (365A.5),  
2 Code 1962, is amended as follows:

3 1. By striking from line four (4) the words "city council" and in-  
4 serting in lieu thereof the words "governing body".

5 2. By striking from lines six (6) and seven (7) the words "city  
6 council" and inserting in lieu thereof the words "governing body".

1 SEC. 6. Section three hundred sixty-five A point six (365A.6),  
2 Code 1962, is amended as follows:

3 1. By striking from line two (2) the words "city council" and in-  
4 serting in lieu thereof the words "governing body".

5 2. By striking from lines four (4) and five (5) the words "a legal  
6 reserve life insurance company" and inserting in lieu thereof the  
7 following: "any insurance company having a certificate of authority  
8 to transact an insurance business in this state".

9 3. By inserting in line four (4) after the word "chapter" the figures  
10 "509,".

11 4. By inserting in line six (6) after the comma following the word  
12 "life" the following: "accident,".

13 5. By inserting in line fourteen (14) after the word "chapter" the  
14 word and figures "509 or".

1 SEC. 7. Section three hundred sixty-five A point seven (365A.7),  
2 Code 1962, is hereby repealed and the following enacted in lieu there-  
3 of:

4 "The word 'employee' as used in this chapter shall not include tem-  
5 porary or retired employees; however, nothing herein shall be con-  
6 strued as preventing a retired employee from voluntarily continuing  
7 in force, at his own expense, an existing contract."

1 SEC. 8. Section three hundred sixty-five A point eight (365A.8),  
2 Code 1962, is amended by striking from lines one (1) and two (2) the

3 words "city council of cities" and inserting in lieu thereof the words  
4 "governing body of public bodies".

1 SEC. 9. Section three hundred sixty-five A point ten (365A.10),  
2 Code 1962, is amended as follows:

3 1. By striking from line two (2) the words "city council" and in-  
4 serting in lieu thereof the words "governing body".

5 2. By striking from line three (3) the words "city council" and in-  
6 serting in lieu thereof the words "governing body".

7 3. By striking from line eight (8) the words "city council" and in-  
8 serting in lieu thereof the words "governing body".

1 SEC. 10. Section three hundred sixty-five A point eleven (365A.11),  
2 Code 1962, is amended as follows:

3 1. By repealing subsection one (1) and inserting in lieu thereof the  
4 following:

5 "The words 'governing body' means the executive council of the  
6 state, the board of supervisors of counties, the school boards of school  
7 districts, the city or town council of cities or towns and the superin-  
8 tendent or other person in charge of an institution supported in whole  
9 or in part by public funds."

10 2. By repealing subsection two (2) and inserting in lieu thereof the  
11 following:

12 "The words 'public body' means the state, a county, school district,  
13 city, town or institution supported in whole or in part by public  
14 funds."

1 SEC. 11. Section five hundred nine point four (509.4), Code 1962,  
2 is amended by striking from lines five (5), six (6) and seven (7) the  
3 words "where the total number of employees to be insured is less than  
4 twenty-five and more than four" and inserting in lieu thereof the  
5 words "including the state, a county, school district, city, town or  
6 institution supported in whole or in part by public funds, but the  
7 number of employees to be insured must be more than four".

1 SEC. 12. Nothing contained in this Act shall invalidate any plan  
2 or contract of group insurance entered into prior to January 1, 1963.

Approved June 4, 1963.

## CHAPTER 233

### CITY AND TOWN CODES

#### H. F. 410

AN ACT relating to the adoption of city and town codes.

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

1 SECTION 1. Paragraph c. of subsection five (5) of section three  
2 hundred sixty-six point seven (366.7), Code 1962, is amended by strik-

3 ing lines one (1) through six (6) and inserting in lieu thereof the  
4 following:

5 "c. When an ordinance containing new substance or intent is pro-  
6 posed for adoption as part of a municipal code, it shall be published  
7 as provided in subsection one (1). However, when an ordinance is  
8 simply edited and brought up to date without change of substance or  
9 intent, such publication will not be required."

1 SEC. 2. Subsection seven (7) of section three hundred sixty-six  
2 point seven (366.7), Code 1962, is amended by adding thereto the  
3 following:

4 "However, the provisions of paragraph 'c' of subsection five (5)  
5 shall not apply."

Approved May 24, 1963.

## CHAPTER 234

### VOTE BY MAYOR

#### H. F. 344

AN ACT to empower the mayor in all cities and towns where the council is composed of only four members to vote on any and all matters where the vote of the council is evenly divided.

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

1 SECTION 1. In all cities and towns in Iowa organized under the  
2 mayor-council form of government, where the council is composed of  
3 only four members, the mayor shall have the right and power to vote  
4 on all matters where the vote of the council is evenly divided. The  
5 mayor shall have this right and power to vote on any and all matters  
6 of city or town business including ordinances, resolutions, appropria-  
7 tions and expenditures.

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 Clarinda Herald-Journal, a newspaper published at Clarinda, Iowa,  
4 and in The Evening Sentinel, a newspaper published at Shenandoah,  
5 Iowa, all without expense to the state of Iowa.

Approved May 6, 1963.

I hereby certify that the foregoing Act, House File 344, was published in The Clarinda Herald-Journal, Clarinda, Iowa, May 13, 1963, and in The Evening Sentinel, Shenandoah, Iowa, May 13, 1963.

MELVIN D. SYNHORST, *Secretary of State.*



## CHAPTER 235

## SELF-DETERMINATION POWERS OF CITIES AND TOWNS

H. F. 380

AN ACT relating to the powers of cities and towns and to confer upon them broad powers of self-determination with respect to local and internal affairs.

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

1 SECTION 1. Section three hundred sixty-eight point two (368.2),  
 2 Code 1962, is amended by adding at the end thereof the following:  
 3 "It is hereby declared to be the policy of the state of Iowa that the  
 4 provisions of the Code relating to the powers, privileges, and immu-  
 5 nities of cities and towns are intended to confer broad powers of self-  
 6 determination as to strictly local and internal affairs upon such munic-  
 7 ipal corporations and should be liberally construed in favor of such  
 8 corporations. The rule that cities and towns have only those powers  
 9 expressly conferred by statute has no application to this Code. Its  
 10 provisions shall be construed to confer upon such corporations broad  
 11 and implied power over all local and internal affairs which may exist  
 12 within constitutional limits. No section of the Code which grants a  
 13 specific power to cities and towns, or any reasonable class thereof,  
 14 shall be construed as narrowing or restricting the general grant of  
 15 powers hereinabove conferred unless such restriction is expressly set  
 16 forth in such statute or unless the terms of such statute are so com-  
 17 prehensive as to have entirely occupied the field of its subject. How-  
 18 ever, statutes which provide a manner or procedure for carrying out  
 19 their provisions or exercising a given power shall be interpreted as  
 20 providing the exclusive manner of procedure and shall be given sub-  
 21 stantial compliance, but legislative failure to provide an express man-  
 22 ner or procedure for exercising a conferred power shall not prevent  
 23 its exercise. Notwithstanding any of the provisions of this section,  
 24 cities and towns shall not have power to levy any tax, assessment,  
 25 excise, fee, charge or other exaction except as expressly authorized  
 26 by statute."

1 SEC. 2. Cities and towns shall not have power to license construc-  
 2 tion contractors.

Approved May 20, 1963.

## CHAPTER 236

## FIRE-CRASH TRUCKS FOR CITIES AND TOWNS

S. F. 351

AN ACT relating to the acquisition of vehicles and equipment by cities and towns.

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

1 SECTION 1. Cities and towns are hereby authorized to lease or  
 2 otherwise acquire fire-crash trucks and other vehicles and equipment

3 from agencies of the federal government upon such terms and condi-  
 4 tions as may be imposed by such agency, and to purchase and pay  
 5 premiums on insurance protecting the city or town and its officers and  
 6 employees against any potential liability inhering in such terms or  
 7 conditions.

Approved March 29, 1963.

## CHAPTER 237

### LEASING AIRSPACE OVER STREETS

#### S. F. 293

AN ACT to amend section three hundred sixty-eight point thirty-five (368.35), Code 1962, relating to the leasing of municipal property.

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

1 SECTION 1. Section three hundred sixty-eight point thirty-five  
 2 (368.35), Code 1962, is amended by inserting after the word "prop-  
 3 erty" in line three (3) thereof the following:  
 4 "including the air space over any street, alley or public way,".

1 SEC. 2. This Act being deemed of immediate importance shall take  
 2 effect and be in force from and after its passage and publication in the  
 3 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa  
 4 and The Sentinel, a newspaper published in Marion, Iowa.

Approved March 15, 1963.

I hereby certify that the foregoing Act, Senate File 293, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 18, 1963, and in The Marion Sentinel, Marion, Iowa, March 20, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 238

### MUNICIPAL DONATION OF REAL ESTATE

#### S. F. 249

AN ACT to permit cities and towns to donate real estate to the state for public use.

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

1 SECTION 1. Section three hundred sixty-eight point thirty-nine  
 2 (368.39), Code 1962, is amended by adding in line nine (9) after the  
 3 word "direct." the following:  
 4 "In addition, any city or town may donate real estate to the state  
 5 for public purposes."

Approved April 26, 1963.

## CHAPTER 239

## JOINT COUNTY-CITY OR TOWN BUILDINGS

H. F. 393

AN ACT relating to joint county-city or town buildings.

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

1 SECTION 1. Any joint building or buildings acquired, owned,  
2 erected, constructed, controlled or occupied in accordance with the  
3 authorization contained in this Act shall be and are hereby declared  
4 to be acquired, owned, erected, constructed, controlled or occupied for  
5 a public purpose and as a matter of public need.

1 SEC. 2. Any county and any city or town which is the county seat  
2 thereof, may incorporate an "Authority" for the purpose of acquir-  
3 ing, constructing, furnishing, equipping, owning, improving, altering,  
4 enlarging, operating or maintaining a public building or buildings and  
5 the necessary site or sites therefor, for the joint use of such county  
6 and city or town.

1 SEC. 3. The term "incorporating unit" as hereafter used in this  
2 Act shall be deemed to mean the county or any such city or town  
3 joining in such incorporation. The term "governing body" as here-  
4 inafter used in this Act with relation to cities or towns shall mean the  
5 city or town council, or board of aldermen, and with relation to count-  
6 ties shall mean the board of supervisors.

1 SEC. 4. The incorporation of such an authority shall be accom-  
2 plished by the adoption of articles of incorporation by the governing  
3 body of each incorporating unit. For such adoption, the affirmative  
4 vote of the majority of the members elect of each such governing  
5 body shall be required. The articles of incorporation shall be exe-  
6 cuted for and on behalf of each incorporating unit by the following  
7 officers, to wit: For the county, by the chairman of the board of  
8 supervisors; for the city or town, by its mayor and city clerk.

1 SEC. 5. The articles of incorporation shall set forth the name of  
2 such authority; the name or names of the units incorporating the  
3 same; the purpose for which the authority is created; the number,  
4 terms and manner of selection of its officers including its governing  
5 body which shall be known as the "commission"; the powers and  
6 duties of the authority and of its officers; the date upon which the  
7 authority shall become effective; the name of the newspaper in which  
8 the articles of incorporation shall be published; and any other mat-  
9 ters consistent with this Act.

1 SEC. 6. Such authority shall be directed and governed by a board  
2 of commissioners of three members, one to be elected by the board of  
3 supervisors of the county, one to be elected by the governing body of  
4 the city or town, and one to be elected by the joint action of the board  
5 of supervisors of the county and the governing body of the city or

6 town, and if the said governing bodies are unable to agree upon a  
7 choice for the third member within sixty days of the election of the  
8 first member, then the said third member shall be appointed by the  
9 governor. Said commissioners shall serve for six-year terms. Said  
10 board of commissioners shall designate one of their number as chair-  
11 man, one as secretary, and one as treasurer, and shall adopt bylaws  
12 and rules of procedure and provide therein for regular meetings and  
13 for the proper safekeeping of its records.

1 SEC. 7. No commissioner shall receive any compensation in con-  
2 nection with his services as such commissioner. Each commissioner,  
3 however, shall be entitled to reimbursement for any necessary ex-  
4 penditures in connection with the performance of his duties.

1 SEC. 8. The articles of incorporation shall be recorded in the office  
2 of the county recorder and filed with the secretary of state, and shall  
3 be published once in a newspaper designated in said articles of incor-  
4 poration and having a general circulation within the county, and upon  
5 such recording and publication, the authority shall be deemed to come  
6 into existence.

1 SEC. 9. Amendments may be made to the articles of incorporation  
2 if adopted by the governing body of each incorporating unit: Pro-  
3 vided, that no such amendment shall impair the obligation of any  
4 bond or other contract. Each amendment shall be adopted, executed,  
5 recorded and published in the same manner as above specified for the  
6 original articles of incorporation.

1 SEC. 10. This Act being designed to effect a public use and pur-  
2 pose, any incorporating unit may make donations of property, real or  
3 personal, to the authority as they may deem proper and appropriate  
4 in aiding the authority to effectuate the purpose for its creation.

1 SEC. 11. Such authority shall be a body corporate with power to  
2 sue and be sued in any court of this state, have a seal and alter the  
3 same at its pleasure, make and execute contracts, leases, deeds and  
4 other instruments necessary or convenient to the exercise of its  
5 powers. In addition, it shall have and exercise the following public  
6 and essential governmental powers and functions and all other powers  
7 incidental or necessary to carry out and effectuate such express  
8 powers:

9 1. To select, locate and designate an area lying wholly within the  
10 territorial limits of the county seat of the county in which the au-  
11 thority is incorporated as the site or sites to be acquired for the  
12 construction, alteration, enlargement, or improvement of a building  
13 or buildings for the purposes set forth in the Act. The site or sites  
14 selected shall be subject to approval by a majority of the members  
15 of each governing body of the incorporating units.

16 2. To acquire the fee simple title to the real property located within  
17 such area by purchase, gift, devise, or by the exercise of the power of  
18 eminent domain, and title thereto shall be taken in the corporate  
19 name of the authority.

20 3. To demolish, repair, alter or improve any building or buildings  
21 within the designated area, and to construct a new building or build-  
22 ings and other facilities within said area, notwithstanding the pro-  
23 visions of any other statute or statutes to the contrary. To furnish  
24 and equip the same, and maintain and operate such building or build-  
25 ings and other facilities so as to effectuate the purpose of this Act.

26 4. To construct, repair and install streets, sidewalks, sewers, water  
27 pipes and other similar facilities and otherwise improve the site.

28 5. To make provisions for offstreet parking facilities.

29 6. To operate, maintain, manage and to make and enter into con-  
30 tracts for the operation, maintenance and management of such build-  
31 ings and other facilities and to provide rules and regulations for the  
32 operation, maintenance and management thereof.

33 7. To employ technical, professional and clerical assistance as may  
34 be necessary and expedient to accomplish the objects and purposes  
35 of the authority, and the board of commissioners shall fix the com-  
36 pensation therefor.

37 8. To lease all or any part or parts of such building, buildings or  
38 other facilities to the incorporating units for a period of time not to  
39 exceed fifty years, upon such rental terms as may be agreed upon  
40 between the authority and the incorporating units. The rentals speci-  
41 fied in such leases shall be subject to increase by agreement of the  
42 incorporating units and the authority if necessary in order to provide  
43 funds to meet obligations.

44 9. In the event there is space at any time in such building or build-  
45 ings not needed for a public purpose by the incorporating units, the  
46 authority may rent such space to lessees either for a nonpublic or  
47 public use, upon such terms and under such written leases as the  
48 board of commissioners may determine.

49 10. To procure insurance of any and all kinds in connection with  
50 said building or buildings to the same extent as might be done by  
51 any owner or lessor of property.

52 11. To accept donations, contributions, capital grants or gifts from  
53 any individuals, associations, municipal and private corporations and  
54 the United States, or any agency or instrumentality thereof, for or  
55 in aid of any of the purposes of this Act and to enter into agreements  
56 in connection therewith.

57 12. To borrow money from time to time and, pursuant thereto, to  
58 issue and sell revenue bonds in such amount or amounts, and with  
59 such maturity dates not in excess of fifty years from date of issue,  
60 as the board of commissioners may determine to provide funds for  
61 the purpose of acquiring, constructing, demolishing, improving, en-  
62 larging, equipping, furnishing, repairing, maintaining and operating  
63 buildings and other facilities, and to acquire and prepare sites neces-  
64 sary and convenient therefor, and to pay all costs and expenses inci-  
65 dent thereto, including, but without in any way limiting the general-  
66 ity of the foregoing, architectural, engineering, legal and financing  
67 expense; and to refund and refinance, from time to time, revenue  
68 bonds so issued and sold, as often as may be deemed to be advanta-  
69 geous by the board of commissioner.

70 The foregoing enumerated powers are granted notwithstanding the  
71 provisions of any statute to the contrary.

1 SEC. 12. After the incorporation of said Authority, and before  
2 the sale of an original issue of revenue bonds as provided in this Act,  
3 the Authority shall submit to the legal voters of said city or town  
4 and county, at a general, primary or special election called for that  
5 purpose, the question whether such "Authority" shall issue and sell  
6 revenue bonds (stating the amount) for any of the purposes provided  
7 in Section two (2) of this Act. An affirmative vote of a majority of  
8 the votes cast on said proposition shall be required to authorize the  
9 issuance and sale of said revenue bonds. A notice of the election shall  
10 be published once each week for at least four weeks in some news-  
11 paper published in the county. Such notice shall name the time when  
12 such question shall be submitted, and a copy of the question to be  
13 submitted shall be posted at each polling place during the day of  
14 election.

1 SEC. 13. Whenever and as often as the board of commissioners  
2 decides to issue bonds as provided in this Act, it shall adopt a reso-  
3 lution describing the area to be acquired, the nature of the existing  
4 improvements thereon, the disposition to be made of such improve-  
5 ments, and a general description of any new buildings or other facil-  
6 ities to be constructed thereon.

7 The resolution shall set out the estimated cost of the project, in-  
8 cluding the cost of acquiring and preparing the site therefor, deter-  
9 mine the period of usefulness and fix the amount of revenue bonds  
10 to be issued, the date or dates of maturity, the dates on which inter-  
11 est is payable, the sinking fund provisions and all other details in  
12 connection with such bonds. The board shall determine and fix the  
13 rate of interest of any revenue bonds issued hereunder, in such reso-  
14 lution or in any supplemental resolution adopted by the board prior  
15 to the issuance thereof. The resolution, trust agreement or other  
16 contract entered into with the bondholders may contain such cove-  
17 nants and restrictions concerning the issuance of additional revenue  
18 bonds thereafter as may be deemed necessary or advisable for the  
19 assurance of the payment of the bonds thereby authorized.

20 All bonds shall be issued in the name of the authority and shall  
21 have, and are hereby declared to have, all the qualities and incidents  
22 of negotiable instruments under the laws of this state.

23 Bonds issued under this Act, whether original issue or issues, or  
24 refunding, may be issued as serial or term bonds, shall be of such  
25 denomination or denominations and form, including interest coupons  
26 to be attached thereto, shall be payable at such place or places and  
27 bear such date as the board of commissioners shall fix by the resolu-  
28 tion authorizing such bonds, and shall mature within a period not to  
29 exceed fifty years, and may be redeemable prior to maturity with or  
30 without premium, at the option of the board of commissioners, upon  
31 such terms and conditions as the board shall fix by the resolution  
32 authorizing the issuance of such bonds. The board of commissioners  
33 may provide for the registration of such bonds in the name of the  
34 owner as to the principal alone or as to both principal and interest  
35 upon such terms and conditions as the board may determine. All  
36 bonds issued hereunder by any authority shall be sold at such price  
37 that the interest cost to the commission of the proceeds of such bonds

38 shall not exceed five percent per annum, payable semiannually, com-  
39 puted to maturity and shall be sold in such manner and at such time  
40 or times as the board of commissioners shall determine.

41 Bonds issued by an authority, and the interest thereon, shall be  
42 payable solely from the revenues derived from the operation, manage-  
43 ment or use of the buildings or other facilities acquired or to be  
44 acquired by the authority, which revenues shall include payments  
45 received under any leases or other contracts for the use of the facil-  
46 ities, buildings, or space therein. All bonds shall recite in the body  
47 thereof that the principal and interest thereon are payable only from  
48 the revenues pledged to pay the same and shall state on their face  
49 that it is not an indebtedness of the authority or a claim against the  
50 property of such authority.

51 The bonds shall be executed in the name of the commission by the  
52 chairman of the board of commissioners or by such other officer of  
53 the commission as the board, by resolution, may direct, and be at-  
54 tested by the secretary, or by such other officer of the commission  
55 as the board, by resolution, may direct, and shall be sealed with the  
56 commission's corporate seal. In case any officer whose signature  
57 appears on the bonds or coupons shall cease to be such officer before  
58 delivery of such bonds, such signature shall nevertheless be valid and  
59 sufficient for all purposes, the same as if said officer had remained in  
60 office until such delivery.

61 In its discretion, the authority may, from time to time, as often  
62 as it may deem to be advantageous, issue refunding bonds to refund  
63 its bonds prior to their maturity, refund its outstanding matured  
64 bonds, refund matured coupons evidencing interest upon its out-  
65 standing bonds, refund interest at the coupon rate upon its outstand-  
66 ing matured bonds that has accrued since the maturity thereof, and  
67 refund its bonds which by their terms are subject to call or redemp-  
68 tion before maturity. All bonds redeemed or purchased in accordance  
69 with this Act shall forthwith be canceled and shall not be used again.

70 To secure the payment of any or all revenue bonds and for the  
71 purpose of setting forth the covenants and undertakings of the au-  
72 thority in connection with the issuance of revenue bonds and the  
73 issuance of any additional revenue bonds payable from such revenue  
74 income to be derived from the operation, management or use of the  
75 buildings or other facilities acquired or to be acquired by the author-  
76 ity, the authority may execute and deliver a trust agreement or  
77 agreements except that no lien upon any physical property of the  
78 authority shall be created thereby.

79 The resolution shall provide for the creation of a sinking fund  
80 account into which shall be payable from the revenues of such proj-  
81 ect, from month to month as such revenues are collected, such sums  
82 in excess of the cost of maintenance and operation of the project and  
83 the cost of administration of the authority, as will be sufficient to  
84 comply with the covenants of the bond resolution and sufficient to  
85 pay the accruing interest and retire the bonds at maturity. The  
86 board of commissioners, in such resolution, may provide for such  
87 other accounts as it may deem necessary for the sale of the bonds.  
88 The moneys in said accounts shall be applied in the manner provided  
89 by the resolution, the trust agreement or other contract with the

90 bondholders.

91 No bond issued under this Act shall constitute a debt of the au-  
92 thority or of any public body within the meaning of any statutory or  
93 constitutional limitation as to debt.

94 From and after the issuance of bonds as herein provided it shall  
95 be the duty of the board of commissioners to establish and fix rates,  
96 rentals, fees and charges for the use of any and all buildings or space  
97 therein or other facilities owned and operated by the authority, suffi-  
98 cient at all times to pay maintenance and operation costs and to pay  
99 the accruing interest and retire the bonds at maturity and to make all  
100 payments to all accounts created by any bond resolution and to com-  
101 ply with all covenants of any bond resolution.

1 SEC. 14. Whenever, and as often as an incorporating unit enters  
2 into a lease with the authority, the governing body of such incor-  
3 porating unit shall provide by ordinance or resolution, as the case  
4 may be, for the levy and collection of a direct annual tax sufficient  
5 to pay the annual rent payable under such lease as and when it  
6 becomes due and payable. Such tax shall be levied and collected in  
7 like manner with the other taxes of such incorporating unit and  
8 shall be in addition to all other taxes now or hereafter authorized  
9 to be levied by that incorporating unit. This tax shall not be included  
10 within any statutory limitation of rate or amount for that incorpo-  
11 rating unit but shall be excluded therefrom and be in addition thereto  
12 and in excess thereof. The fund realized from such tax levy shall be  
13 set aside for the payment of the annual rent and shall not be dis-  
14 bursed for any other purpose until the annual rental has been paid in  
15 full.

1 SEC. 15. The provisions of chapter twenty-three (23) of the Code  
2 shall apply hereto, and an authority created hereunder shall be con-  
3 sidered as a municipality for the purposes of said chapter twenty-  
4 three (23).

1 SEC. 16. All leases, contracts, deeds of conveyance, bonds, or any  
2 other instruments in writing on behalf of the authority, shall be  
3 executed in the name of the authority by the chairman and secretary  
4 of the authority, or by such other officers as the board of commis-  
5 sioners, by resolution, may direct, and the seal of the authority shall  
6 be affixed thereto.

1 SEC. 17. All property owned by any authority shall be exempt  
2 from taxation by the state or any taxing unit therein.

1 SEC. 18. When all bonds issued pursuant to the provisions of this  
2 Act shall have been retired, then the authority may convey the title  
3 to the property owned by the authority to the incorporating units in  
4 accordance with the provisions therefor contained in the articles of  
5 incorporation, or, if there be no such provisions, then in accordance  
6 with any agreement adopted by the respective governing bodies of  
7 the incorporating units, and the authority.



1 SEC. 19. This Act being necessary for or desirable for and in-  
 2 tended to secure the public convenience and welfare, the provisions  
 3 of this Act shall be liberally construed to give effect to the provisions  
 4 hereof.

1 SEC. 20. The provisions of sections three hundred sixty-eight  
 2 point nineteen (368.19) to three hundred sixty-eight point twenty-  
 3 three (368.23), inclusive, of the Code shall not be applicable to any  
 4 authority created by this Act.

1 SEC. 21. Sections three hundred sixty-eight point fifty (368.50)  
 2 to three hundred sixty-eight point fifty-three (368.53), inclusive,  
 3 Code 1962, are hereby repealed.

Approved May 7, 1963.

## CHAPTER 240

### CONTRACTS WITH COUNCILMEN

H. F. 335

AN ACT relating to interest in contracts with cities and towns on the part of councilmen.

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

1 SECTION 1. Section three hundred sixty-eight A point twenty-two  
 2 (368A.22), Code 1962, is hereby amended by adding thereto the fol-  
 3 lowing:

4 "Nothing in this section shall prohibit the fulfillment of any con-  
 5 tract lawfully entered into by the city or town and the contracting  
 6 party before the party's election to the council, but such contract may  
 7 not be amended or altered during such party's term of office."

Approved April 23, 1963.

## CHAPTER 241

### LIBRARY LEASES

H. F. 148

AN ACT to permit cities to enter into long-term leases for libraries, library sites, books, and equipment and to authorize contributions to the support thereof by other public bodies.

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

1 SECTION 1. Section three hundred seventy-eight point one (378.1),  
 2 Code 1962, is hereby amended by adding thereto the following:

3 "Cities shall have power to enter into long-term leases, for a term  
 4 not to exceed twenty (20) years, with or without an option to renew

5 or purchase, for the acquisition of free public libraries. Such leases  
 6 may cover a library building and site, with or without books, furniture  
 7 or equipment, or may provide for the erection and equipping with fur-  
 8 niture and books of such a library upon a site owned by the city. A  
 9 lease may be entered into for an existing building or for one to be  
 10 erected in the future. Rent paid under the terms of a lease may be  
 11 paid from the municipal enterprises fund or from any of the sources  
 12 named in section three hundred seventy-eight point two (378.2) of the  
 13 Code, or from any other source of funds available for library purposes.  
 14 Counties and school districts are hereby expressly authorized to con-  
 15 tribute to the support of libraries and such contributions shall be taken  
 16 into consideration for the purpose of fixing charges under the provi-  
 17 sions of section three hundred seventy-eight point ten (378.10), sub-  
 18 section six (6) of the Code."

Approved April 23, 1963.

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## CHAPTER 242

### PUBLIC LIBRARIES

H. F. 139

AN ACT relating to public libraries.

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

1 SECTION 1. Section three hundred seventy-eight point eleven  
 2 (378.11), Code 1962, is hereby amended by inserting after the word  
 3 "library" in line three (3) thereof the following: "and other boards  
 4 of trustees of free public libraries,".

1 SEC. 2. Section three hundred seventy-eight point two (378.2),  
 2 Code 1962, is hereby amended by striking from lines twelve (12) and  
 3 thirteen (13) thereof the following: "of not more than two thousand  
 4 population,".

Approved March 22, 1963.

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## CHAPTER 243

### MUNICIPAL DOCKS

H. F. 490

AN ACT to amend chapter three hundred eighty-four (384), Code 1962, relating to municipal docks.

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

1 SECTION 1. Section three hundred eighty-four point three (384.3),  
 2 subsection one (1), Code 1962, is hereby amended by inserting in line  
 3 six (6) thereof after the word "property" the words "or other prop-

4 erty whether abutting the river front or not and whether located  
5 within or without or partially within and partially without the cor-  
6 porate limits of the municipality”.

1 SEC. 2. Section three hundred eighty-four point three (384.3), sub-  
2 section two (2), Code 1962, is hereby further amended by striking  
3 from line three (3) thereof the words “lands, or” and inserting in lieu  
4 thereof the following: “such lands, whether abutting the river front  
5 or not and whether located within or without or partially within and  
6 partially without the corporate limits of the municipality or such”;  
7 and by inserting after the word “provision” in line five (5) thereof  
8 the following: “, development, full utilization”; and by inserting after  
9 the word “appurtenances” in lines nine (9) and ten (10) thereof the  
10 words “and in making provision for the needs of commerce, shipping,  
11 industry, and manufacturing”.

1 SEC. 3. Section three hundred eighty-four point three (384.3), sub-  
2 section four (4), Code 1962, is hereby further amended by adding  
3 thereto the following paragraph: “Nothing in this subsection is in-  
4 tended to limit or qualify the powers and duties of the board as estab-  
5 lished and set out elsewhere in this section.”

Approved April 25, 1963.

## CHAPTER 244

### PUBLIC IMPROVEMENTS IN CITIES AND TOWNS

#### H. F. 236

AN ACT to amend chapters three hundred ninety-one (391), three hundred ninety-one A (391A) and four hundred seventeen (417), Code 1962, relating to resolutions of necessity and award of contracts for public improvements in cities and towns.

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

1 SECTION 1. Section three hundred ninety-one point eighteen  
2 (391.18), Code 1962, is amended by adding at the end thereof the fol-  
3 lowing:

4 “The council may include any number of streets for improvement  
5 in one resolution of necessity and may include any number of sewer  
6 lines for improvement in one resolution of necessity.”

1 SEC. 2. Section three hundred ninety-one point thirty-one (391.31),  
2 Code 1962, is amended by adding at the end thereof the following:

3 “A city or town, in its notice to bidders, may request aggregate bids  
4 for all projects included in any resolution of necessity, notwithstanding  
5 variations in the sizes of the improvements and notwithstanding that  
6 some parts of the improvement are assessable and some non-assessable,  
7 and may award the contract to the bidder submitting the lowest aggre-  
8 gate bid.”

1 SEC. 3. Section three hundred ninety-one A point twelve (391A.12),  
2 Code 1962, is amended by adding at the end thereof the following:

3 "The council may include any number of streets for improvement  
4 in one resolution of necessity and may include any number of sewer  
5 lines for improvement in one resolution of necessity."

1 SEC. 4. Section three hundred ninety-one A point seventeen  
2 (391A.17), Code 1962, is amended by inserting after the word "pro-  
3 vided." in line nine (9) the following:

4 "A city or town, in its notice to bidders, may request aggregate bids  
5 for all projects included in any resolution of necessity, notwithstanding  
6 variations in the sizes of the improvements and notwithstanding that  
7 some parts of the improvement are assessable and some non-assessable,  
8 and may award the contract to the bidder submitting the lowest aggre-  
9 gate bid."

1 SEC. 5. Section four hundred seventeen point seventeen (417.17),  
2 Code 1962, is amended by adding at the end thereof the following:

3 "The council may include any number of streets for improvement  
4 in one resolution of necessity and may include any number of sewer  
5 lines for improvement in one resolution of necessity."

1 SEC. 6. Section four hundred seventeen point fifty-one (417.51),  
2 Code 1962, is amended by adding at the end thereof the following:

3 "A city or town, in its notice to bidders, may request aggregate bids  
4 for all projects included in any resolution of necessity, notwithstanding  
5 variations in the sizes of the improvements and notwithstanding that  
6 some parts of the improvement are assessable and some non-assessable,  
7 and may award the contract to the bidder submitting the lowest aggre-  
8 gate bid."

Approved April 4, 1963.

## CHAPTER 245

### STREET IMPROVEMENTS AND SEWERS

S. F. 400

AN ACT relating to proceedings for construction of street improvements and sewers in cities and towns; relating to the mailing of certain notices to property owners whose property is subject to assessment for such construction; and amending various sections in chapters three hundred ninety-one (391), three hundred ninety-one A (391A) and four hundred seventeen (417), Code 1962, relating thereto.

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

1 SECTION 1. Section three hundred ninety-one point twenty-four  
2 (391.24), Code 1962, is amended by adding at the end of said section  
3 the following:

4 "The clerk shall send by certified mail to each property owner, whose  
5 property is subject to assessment for said improvement, as shown by  
6 the records in the office of the county auditor, a copy of the above men-  
7 tioned notice, said mailing to be made at least two weeks prior to the

8 date fixed for the hearing on said resolution. Failure to receive such  
9 mailed notice shall not constitute a defense to the special assessment."

1 SEC. 2. Section three hundred ninety-one point fifty-three (391.53),  
2 Code 1962, is amended by adding at the end of said section the follow-  
3 ing:

4 "The clerk shall send by certified mail to each property owner, whose  
5 property is subject to assessment for said improvement, as shown by  
6 the records in the office of the county auditor, a copy of the above men-  
7 tioned notice, said mailing to be made on or before the first publication  
8 of said notice. Failure to receive such mailed notice shall not constitute  
9 a defense to the special assessment."

1 SEC. 3. Section three hundred ninety-one A point thirteen  
2 (391A.13), Code 1962, is amended by striking all of the last paragraph  
3 of said section and by adding in lieu thereof the following:

4 "The clerk shall send by certified mail to each property owner, whose  
5 property is subject to assessment for said improvement, as shown by  
6 the records in the office of the county auditor, a copy of the above-men-  
7 tioned notice, said mailing to be made on or before the first publication  
8 of said notice. Failure to receive such mailed notice shall not constitute  
9 a defense to the special assessment."

1 SEC. 4. Section three hundred ninety-one A point twenty-five  
2 (391A.25), Code 1962, is amended by adding at the end of subsection  
3 five (5), line eight (8), the following:

4 "The clerk shall also send by certified mail to each property owner,  
5 whose property is subject to assessment for said improvement, as  
6 shown by the records in the office of the county auditor, a copy of said  
7 notice, said mailing to be made on or before the first publication of said  
8 notice. Failure to receive such mailed notice shall not constitute a  
9 defense to the special assessment."

1 SEC. 5. Section four hundred seventeen point nine (417.9), Code  
2 1962, is amended by adding at the end of said section the following:

3 "The said chief clerk shall send by certified mail to each property  
4 owner, whose property is subject to assessment for said improvement,  
5 as shown by the records in the office of the county auditor, a copy of  
6 the above-mentioned notice, said mailing to be made on or before the  
7 date of posting. Failure to receive such mailed notice shall not consti-  
8 tute a defense to the special assessment."

1 SEC. 6. Section four hundred seventeen point thirteen (417.13),  
2 Code 1962, is amended by adding at the end of said section the follow-  
3 ing:

4 "The said chief clerk shall also send by certified mail to each prop-  
5 erty owner, whose property is subject to assessment for said improve-  
6 ment, as shown by the records in the office of the county auditor, a  
7 copy of said notice, said mailing to be made on or before the date of  
8 publication of said notice. Failure to receive such mailed notice shall  
9 not constitute a defense to the special assessment."

Approved May 7, 1963.

## CHAPTER 246

## SEWAGE DISPOSAL CONTRACTS

## S. F. 242

AN ACT to permit any municipal corporation in Iowa to contract for sewage disposal with any similar area in an adjoining state.

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

1 SECTION 1. Any municipal corporation, adjoining a border of the  
2 state and owning and operating a sewage disposal plant, may contract  
3 with the governing body of any legal entity in an adjacent area in  
4 another state, on mutually satisfactory terms, to process the sewage  
5 from such area in the adjoining state. Such contract shall be subject  
6 to approval of the state department of health of Iowa.

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 Sioux City Journal, a newspaper published in Sioux City, Iowa, and in  
4 The Anthon Herald, a newspaper published in Anthon, Iowa.

Approved March 13, 1963.

I hereby certify that the foregoing Act, Senate File 242, was published in the Sioux City Journal, Sioux City, Iowa, March 13, 1963, and in The Anthon Herald, Anthon, Iowa, March 20, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 247

## MUNICIPAL SUPPORT OF INDUSTRIAL PROJECTS

## H. F. 149

AN ACT authorizing cities and towns to acquire, purchase, construct, reconstruct, improve, extend and lease industrial buildings; authorize the issuance of revenue bonds of cities and towns for the purpose of securing and developing industry and provide for the payment of certain sums in lieu of taxes to the state of Iowa and to the county, city, town, school district and other political subdivisions.

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

1 SECTION 1. As used in this Act, unless the context otherwise re-  
2 quires:  
3 1. "Municipality" means any incorporated city or town in this state.  
4 2. "Project" means any land, building or other improvements there-  
5 on and all real and personal properties deemed necessary in connection  
6 therewith which shall be suitable for the use of any industry for the  
7 manufacturing, processing or assembling of any agricultural or manu-  
8 factured products.  
9 3. "Governing body" means the board, council or other body in  
10 which the legislative powers of the municipality are vested.  
11 4. "Mortgage" shall include a deed of trust.

1 SEC. 2. In addition to any other powers which it may now have, in  
2 the event that local capital is not available for the development of  
3 industrial projects, each municipality shall have the following powers:

4 1. To acquire, whether by construction, purchase, gift or lease, one  
5 or more projects. Such projects shall be located within this state, may  
6 be located within or near the municipality but shall not be located  
7 more than eight miles outside the corporate limits of the municipality.

8 2. To lease to others any or all of its projects for such rentals and  
9 upon such terms and conditions as the governing body may deem ad-  
10 visable but in no case shall the rentals be less than the average rental  
11 cost per square foot for like or similar facilities within the competitive  
12 commercial area.

13 3. To issue revenue bonds for the purpose of defraying the cost of  
14 acquiring any project and to secure payment of such bonds as pro-  
15 vided in this Act.

16 No municipality shall have the power to operate any project, re-  
17 ferred to in this Act, as a business or in any manner except as the  
18 lessor thereof.

1 SEC. 3. 1. All bonds issued by a municipality, under the authority  
2 of this Act, shall be limited obligations of the municipality. The prin-  
3 cipal of and on such bonds shall be payable solely out of the revenues  
4 derived from the leasing of the project to be financed by the bonds so  
5 issued under the provisions of this Act. Bonds and interest coupons  
6 issued under authority of this Act shall never constitute an indebted-  
7 ness of the municipality, within the meaning of any state constitu-  
8 tional provision or statutory limitation, and shall not constitute nor  
9 give rise to a pecuniary liability of the municipality or a charge against  
10 its general credit or taxing powers. Such limitation shall be plainly  
11 stated on the face of each such bond.

12 2. The bonds referred to in subsection one (1) of this section may  
13 be executed and delivered at any time and from time to time; be in  
14 such form and denominations; be of such tenor; be in registered or  
15 bearer form either as to principal or interest or both; be payable in  
16 such installments and at such time or times, not exceeding thirty years  
17 from their date; be payable at such place or places; bear interest at  
18 such rate or rates, payable at such place or places; be evidenced in such  
19 manner and contain such provisions not inconsistent herewith as shall  
20 be provided in the proceedings of the governing body whereunder the  
21 bonds are authorized to be issued.

22 3. The bonds, issued under the provisions of this Act, shall be sub-  
23 ject to the general provisions of law, presently existing or that may  
24 hereafter be enacted, respecting the execution and delivery of the  
25 bonds of a municipality and respecting the retaining of options of re-  
26 demption in proceedings authorizing the issuance of municipal securi-  
27 ties.

28 4. Any bonds, issued under the authority of this Act, may be sold  
29 at public sale in such manner and at such time or times as may be  
30 determined by the governing body to be most advantageous. The  
31 municipality may pay all expenses, premiums and commissions which  
32 the governing body may deem necessary or advantageous in connection  
33 with the authorization, sale and issuance thereof.

34 5. All bonds, issued under the authority of this Act and all interest  
 35 coupons applicable thereto, shall be construed to be negotiable instru-  
 36 ments, even though they are payable solely from a specified source.

1 SEC. 4. 1. The principal of and interest on any bonds, issued under  
 2 authority of this Act, shall be secured by a pledge of the revenues out  
 3 of which such bonds shall be made payable. They may be secured by  
 4 a mortgage covering all or any part of the project from which the  
 5 revenues so pledged may be derived or by a pledge of the lease of such  
 6 project.

7 2. The proceedings under which the bonds are authorized to be is-  
 8 sued under the provisions of this Act, and any mortgage given to  
 9 secure the same, may contain any agreements and provisions custom-  
 10 arily contained in instruments securing bonds, including, but not lim-  
 11 ited to:

12 a. Provisions respecting the fixing and collection of rents for any  
 13 project covered by such proceedings or mortgage.

14 b. The terms to be incorporated in the lease of such project.

15 c. The maintenance and insurance of such project.

16 d. The creation and maintenance of special funds from the revenues  
 17 of such project, and

18 e. The rights and remedies available in case of a default to the bond  
 19 holders or to the trustee under a mortgage.

20 In making such agreements or provisions, a municipality shall not  
 21 have the power to obligate itself, except with respect to the project  
 22 and the application of the revenues therefrom, and shall not have the  
 23 power to incur a pecuniary liability or a charge upon its general credit  
 24 or against its taxing powers.

25 3. The proceedings authorizing any bonds under the provisions of  
 26 this Act, or any mortgage securing such bonds, may provide that if  
 27 there is a default in the payment of the principal of or the interest on  
 28 such bonds or in the performance of any agreement contained in such  
 29 proceedings or mortgage, the payment and performance may be en-  
 30 forced by mandamus or by the appointment of a receiver in equity  
 31 with power to charge and collect rents and to apply the revenues from  
 32 the project in accordance with such proceedings or the provisions of  
 33 such mortgage.

34 4. Any mortgage, made under the provisions of this Act, to secure  
 35 bonds issued thereunder, may also provide that if there is a default in  
 36 the payment thereof or a violation of any agreement contained in the  
 37 mortgage, it may be foreclosed and sold under proceedings in equity  
 38 or in any other manner permitted by law. Such mortgage may also  
 39 provide that any trustee under such mortgage or the holder of any  
 40 bonds secured thereby may become the purchaser at any foreclosure  
 41 sale if he is the highest bidder therefor.

1 SEC. 5. 1. Prior to the leasing of any project, the governing body  
 2 must determine the amount necessary in each year to pay the prin-  
 3 cipal of and the interest on the bonds proposed to be issued to finance  
 4 such project; the amount necessary to be paid each year into any  
 5 reserve funds which the governing body may deem advisable to estab-  
 6 lish in connection with the retirement of the proposed bonds and the



7 maintenance of the project; and unless the terms under which the  
8 project is to be leased provides that the lessee shall maintain the  
9 project and carry all proper insurance with respect thereto, the esti-  
10 mated cost of maintaining the project in good repair and keeping it  
11 properly insured.

12 2. The determination and findings of the governing body, required  
13 to be made by subsection one (1) of this section, shall be set forth in  
14 the proceedings under which the proposed bonds are to be issued.  
15 Prior to the issuance of the bonds authorized by this Act the municipi-  
16 tality shall lease the project to a lessee under an agreement condi-  
17 tioned upon completion of the project and providing for payment to  
18 the municipality of such rentals as, upon the basis of such determina-  
19 tions and findings, will be sufficient to pay the principal of and interest  
20 on the bonds issued to finance the project; to build up and maintain  
21 any reserves deemed advisable, by the governing body, in connection  
22 therewith and unless the agreement of lease obligates the lessee to  
23 pay for the maintenance and insurance on the project, to pay the costs  
24 of maintaining the project in good repair and keeping it properly  
25 insured.

1 SEC. 6. Any bonds, issued under the provisions of this Act and at  
2 any time outstanding, may at any time and from time to time be re-  
3 funded by a municipality by the issuance of its refunding bonds in  
4 such amount as the governing body may deem necessary but not ex-  
5 ceeding an amount sufficient to refund the principal of the bonds to  
6 be so refunded, any unpaid interest thereon and any premiums and  
7 commissions necessary to be paid in connection therewith. Any such  
8 refunding may be effected whether the bonds to be refunded shall have  
9 matured or shall thereafter mature, either by sale of the refunding  
10 bonds and the application of the proceeds thereof for the payment of  
11 the bonds to be refunded thereby, or by exchange of the refunding  
12 bonds for the bonds to be refunded thereby, but the holders of any  
13 bonds to be so refunded shall not be compelled, without their consent,  
14 to surrender their bonds for payment or exchange prior to the date on  
15 which they are payable by maturity date, option to redeem or other-  
16 wise, or if they are called for redemption, prior to the date on which  
17 they are by their terms subject to redemption by option or otherwise.  
18 All refunding bonds, issued under authority of this Act, shall be pay-  
19 able solely from the revenues out of which the bonds to be refunded  
20 thereby are payable and shall be subject to the provisions contained  
21 in section three (3) of this Act and may be secured in accordance with  
22 the provisions of section four (4) of this Act.

1 SEC. 7. The proceeds from the sale of any bonds, issued under  
2 authority of this Act, shall be applied only for the purpose for which  
3 the bonds were issued and if, for any reason, any portion of such pro-  
4 ceeds shall not be needed for the purpose for which the bonds were  
5 issued, such unneeded portion of said proceeds shall be applied to the  
6 payment of the principal or the interest on said bonds. The cost of  
7 acquiring any project shall be deemed to include the actual cost of  
8 acquiring a site or the cost of the construction of any part of a project  
9 which may be constructed including architects' and engineers' fees,

10 the purchase price of any part of a project that may be acquired by  
 11 purchase, all expenses in connection with the authorization, sale and  
 12 issuance of the bonds to finance such acquisition and the interest on  
 13 such bonds for a reasonable time prior to construction, during con-  
 14 struction and for not exceeding six months after completion of con-  
 15 struction.

1 SEC. 8. No municipality shall have the power to pay out of its gen-  
 2 eral fund or otherwise contribute any part of the costs of acquiring a  
 3 project and shall not have the power to use land already owned by the  
 4 municipality, or in which the municipality has an equity, unless spe-  
 5 cifically acquired for industrial development or unless the land is  
 6 determined by the municipal governing body to no longer be necessary  
 7 for municipal purposes, for the construction thereon of a project or  
 8 any part thereof. The entire cost of acquiring any project must be  
 9 paid out of the proceeds from the sale of bonds issued under the au-  
 10 thority of this Act, but this provision shall not be construed to prevent  
 11 a municipality from accepting donations of property to be used as a  
 12 part of any project or money to be used for defraying any part of the  
 13 cost of any project.

1 SEC. 9. Prior to the issuance of any bonds under authority of this  
 2 Act, the municipality shall provide for an election as provided in chap-  
 3 ter four hundred eight A (408A) of the Code.

1 SEC. 10. In case of a default in the payment of any revenue bonds,  
 2 issued pursuant to the provisions of this Act, the municipality which  
 3 defaulted in such payment shall be precluded from entering into any  
 4 activity of its own except to release the property for some industrial  
 5 activity.

1 SEC. 11. Any municipality acquiring, purchasing, constructing, re-  
 2 constructing, improving or extending any industrial buildings, as pro-  
 3 vided in this Act, shall annually pay out of the revenue from such  
 4 industrial buildings to the state of Iowa and to the city, town, school  
 5 district and any other political subdivision, authorized to levy taxes,  
 6 a sum equal to the amount of tax which the state, county, city, town,  
 7 school district or other political subdivision would receive if the prop-  
 8 erty were owned by any private person or corporation, any other stat-  
 9 ute to the contrary notwithstanding.

1 SEC. 12. The municipality may accept any bona fide offer to pur-  
 2 chase which is sufficient to pay all the outstanding bonds, interest,  
 3 taxes, special levies, and other costs that have been incurred.

1 SEC. 13. The municipality's holding as authorized in this Act shall  
 2 be limited at any one time as follows:

3 1. Municipalities having population of less than five thousand  
 4 (5,000), as determined by the last federal census, not more than two  
 5 (2) such holdings.

6 2. Municipalities having population of five thousand (5,000) and  
 7 over, as determined by the last federal census, not more than two (2)

8 plus an additional one (1) for each additional ten thousand (10,000)  
9 population or major fraction thereof.

1 SEC. 14. No land acquired by a municipality by the exercise of con-  
2 demnation through eminent domain can be used to effectuate the pur-  
3 poses of this Act.

1 SEC. 15. This Act, being deemed of immediate importance, shall be  
2 in full force and effect from and after its publication in the Sioux City  
3 Journal, a newspaper published at Sioux City, Iowa, and in The Creston  
4 News-Advertiser, a newspaper published at Creston, Iowa.

Approved April 25, 1963.

I hereby certify that the foregoing Act, House File 149, was published in the Sioux City Journal, Sioux City, Iowa, May 1, 1963, and in The Creston News-Advertiser, Creston, Iowa, April 29, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 248

### MUNICIPAL TAX RATES

#### S. F. 282

AN ACT relating to maximum millage rates for taxes caused to be levied by cities and towns and to clarify chapter four hundred four (404), Code 1962, relating thereto.

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

1 SECTION 1. Section four hundred four point two (404.2), Code  
2 1962, is amended by adding at the end thereof the following:

3 "The aforesaid maximum and aggregate millage rates shall be ex-  
4 clusive of all sources of income received or receivable by cities and  
5 towns other than taxes caused to be levied under the provisions of  
6 sections four hundred four point six (404.6) to four hundred four  
7 point twelve (404.12), inclusive, Code 1962, and those taxes in lieu of  
8 which allocations may be made under said sections by express author-  
9 ization contained therein."

1 SEC. 2. Section four hundred four point four (404.4), Code 1962,  
2 is amended by striking from lines nine (9) and ten (10) the word  
3 "taxation," and inserting in lieu thereof the words, "taxes caused to  
4 be levied under the provisions of this chapter,".

1 SEC. 3. Section four hundred four point six (404.6), Code 1962, is  
2 amended by adding at the end thereof the following new subsection:  
3 "Funds received by the city or town as its distributive share of the  
4 proceeds of moneys and credits tax shall be allocated for the above  
5 purposes and in addition to any tax caused to be levied under this  
6 section."

1 SEC. 4. Section four hundred four point twenty-six (404.26), Code  
2 1962, is amended by inserting immediately following the word "levies"

3 in line six (6) of subsection four (4) the words, "caused to be made  
4 by the council".

1 SEC. 5. City and town budgets adopted in conformance to the pro-  
2 visions of this Act from and after July 4, 1951, and prior to the enact-  
3 ment hereof are hereby legalized, validated, and confirmed.

Approved June 4, 1963.

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## CHAPTER 249

### PUBLIC LIBRARIES IN CITIES AND TOWNS

#### S. F. 143

AN ACT to authorize city and town councils to finance the acquisition of sites, books and equipment for a public library from the proceeds of a bond issue.

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

1 SECTION 1. Section four hundred seven point three (407.3), Code  
2 1962, is amended by inserting immediately after the word "buildings"  
3 in line one (1) of subsection six (6) the words, "and purchasing sites,  
4 books and other library materials, equipment, and furniture".

Approved April 15, 1963.

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## CHAPTER 250

### MUNICIPAL SITES FOR PUBLIC UTILITIES

#### S. F. 145

AN ACT to authorize cities and towns to incur indebtedness for the purchase of sites for certain public utilities and other improvements.

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

1 SECTION 1. Section four hundred seven point three (407.3), Code  
2 1962, is amended by adding the following new subsection:  
3 "Purchasing sites for any of the public utilities and other improve-  
4 ments named in subsections one (1) through eight (8) hereof."

Approved March 29, 1963.

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## CHAPTER 251

### MUNICIPAL IMPROVEMENTS PERFORMANCE BONDS

#### S. F. 146

AN ACT relating to approval of plats in cities and towns and to expressly authorize improvement bonds for the protection of the public.

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

1 SECTION 1. Section four hundred nine point fourteen (409.14),  
2 Code 1962, is amended by inserting, after the word "interest." in the

3 line sixty-one (61), the following:

4 "The council may require that the owner of the land or his contrac-  
5 tor, furnish a good and sufficient bond for the installation of the said  
6 improvements according to city specifications and for the repairs neces-  
7 sitated by defects in material or workmanship not to exceed two (2)  
8 years from and after completion."

Approved April 30, 1963.

## CHAPTER 252

### FIRE DEPARTMENT HOURS OF DUTY

#### H. F. 76

AN ACT relating to hours of duty of members of fire departments.

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

1 SECTION 1. Section four hundred ten point nineteen (410.19), Code  
2 1962, is hereby amended by striking from line seven (7) thereof the  
3 words "sixty-eight (68) hours per week" and inserting in lieu thereof,  
4 "sixty-three (63) hours per week effective January 1, 1964, and fifty  
5 six (56) hours per week effective January 1, 1966".

Approved April 5, 1963.

## CHAPTER 253

### POLICEMEN AND FIREMEN

#### H. F. 173

AN ACT to amend chapter four hundred eleven (411), Code 1962, relating to certain services, and hours of employment, for policemen and firemen.

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

1 SECTION 1. Chapter four hundred eleven (411), Code 1962, is here-  
2 by amended by adding thereto the following section:  
3 "Cities and towns shall provide hospital, nursing, and medical atten-  
4 tion for the members of the police and fire departments of such cities,  
5 when injured while in the performance of their duties as members of  
6 such department, and the cost of such hospital, nursing, and medical  
7 attention shall be paid out of the appropriation for the department to  
8 which such injured person belongs; provided that any amounts re-  
9 ceived by such injured person under the workmen's compensation law  
10 of the state, or from any other source for such specific purposes, shall  
11 be deducted from the amount paid by such city or town under the  
12 provisions of this section."

1 SEC. 2. Chapter four hundred eleven (411), Code 1962, is hereby  
2 amended by adding thereto the following section:

3     \*“Firemen employed in the fire department of cities of ten thousand  
4 population or more, or under civil service, shall not be required to  
5 remain on duty for periods of time which will aggregate in each month  
6 more than an average of sixty-three hours per week effective Jan-  
7 uary 1, 1964 and fifty-six hours per week effective January 1, 1966  
8 and no single period of time, or shift, shall exceed twenty-four hours  
9 in length, provided that in cases of serious emergencies such firemen  
10 may be required to remain on duty until such emergency has passed,  
11 when so ordered by the chief of the department or person acting in his  
12 place. Firemen called back to duty under this provision shall be duly  
13 compensated in accordance with their regular hourly wage.

1     SEC. 3. Chapter four hundred eleven (411), Code 1962, is hereby  
2 amended by adding thereto the following section:

3     “The provisions of section two (2) shall not apply to the chief, or  
4 other persons when in command of a fire department, nor to firemen  
5 who are employed subject to call only.”

Approved April 11, 1963.

\*See also chapter 252.

## CHAPTER 254

### HOUSING REGULATIONS ADJACENT TO CITIES

#### H. F. 122

AN ACT relating to housing regulations in cities and towns and in an area adjacent to and within one mile thereof.

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

1     SECTION 1. Section four hundred thirteen point one (413.1), Code  
2 1962, is hereby repealed and the following enacted in lieu thereof:

3     This chapter shall be known as the housing law and shall apply to  
4 every city which, by the last federal census, had a population of fifteen  
5 thousand or more, and shall apply to any dwelling in any area adjacent  
6 to and within one mile of such municipalities, except estates of real  
7 property of ten acres or more in said adjacent area, and to every city  
8 as its population shall reach fifteen thousand thereafter by a federal  
9 census.

1     SEC. 2. Section four hundred thirteen point three (413.3), Code  
2 1962, is amended by striking subsection thirteen (13) and inserting in  
3 lieu thereof the following:

4     13. A “basement” is a story partly under ground having at least  
5 one-fourth of its height above the adjoining ground level and having  
6 a depth from finish floor level to bottom of floor joists of not less than  
7 six foot eight inches, but to be considered as habitable space the finish  
8 floor level of the habitable rooms shall not be lower than forty-eight  
9 inches, average depth, below adjoining grade and the ceiling height  
10 shall be not less than seven feet from finish floor to finish ceiling. A

11 basement with less than fifty percent of its floor area as habitable area  
12 shall not be counted as a story.

13 A "cellar" is a story having less than one-fourth its height above  
14 adjoining ground level and having a depth from finish floor level to  
15 bottom of floor joists of not less than six foot four inches. A cellar  
16 shall not be counted as a story for purpose of height measurement.

17 In the case of private dwellings and two-family dwellings an "attic",  
18 or space in a sloping roof, if not occupied for living purposes, shall not  
19 be counted as a story; in the case of multiple dwellings an attic room  
20 shall be counted as a story if used for living purposes.

1 SEC. 3. Section four hundred thirteen point twenty (413.20), Code  
2 1962, is hereby repealed and the following enacted in lieu thereof:

3 In every dwelling hereafter erected every room shall have at least  
4 one window opening directly upon the street or a public alley or other  
5 public space which measures fifteen feet in width, or upon a yard or  
6 court of the dimensions specified in this chapter, and located on the  
7 same lot, and such window shall be so located as to properly light all  
8 portions of such rooms. This provision shall not, however, apply to  
9 rooms used as kitchens, art galleries, swimming pools, gymnasiums,  
10 squash courts or for similar purposes, provided such rooms are ade-  
11 quately lighted and ventilated. For purposes of this section adequate  
12 ventilation may be either a system of mechanical ventilation which  
13 provides not less than fifteen air changes per hour or natural ventila-  
14 tion as specified in section four hundred thirteen point twenty-one  
15 (413.21) of the Code; and further, for purposes of this section ade-  
16 quate light may be either a system of artificial light which provides  
17 healthful and sanitary conditions in all spaces of the room or natural  
18 light as specified in section four hundred thirteen point twenty-one  
19 (413.21) of the Code.

1 SEC. 4. Section four hundred thirteen point twenty-one (413.21),  
2 Code 1962, is hereby repealed and the following is enacted in lieu  
3 thereof:

4 In every dwelling hereafter erected the window area in each habit-  
5 able room shall be not less than ten percent of the superficial floor  
6 area for window light. For purposes of this section window area shall  
7 mean the glass area of a window or exterior door. Each habitable  
8 room, except as otherwise provided in this chapter, shall have an area  
9 not less than four percent of the superficial floor area for ventilation.

10 All basements and cellars shall provide light and ventilation with  
11 window area of not less than one percent of the superficial floor area.

12 Crawl spaces and attic spaces shall be provided with ventilating area  
13 not less than one three-hundredths of the floor area. No mechanical  
14 exhaust system, exhausting vapors, odors or gases, shall be discharged  
15 into any attic, crawl space or cellar but shall be directed to the outside  
16 air; except this shall not prevent the mechanical exhausting of normal  
17 room air to attics when used solely for cooling purposes.

1 SEC. 5. Section four hundred thirteen point twenty-two (413.22),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:

3 In every dwelling hereafter erected all living rooms and bedrooms

4 shall be of the following minimum sizes: every such room shall con-  
 5 tain at least eighty square feet of floor area except the kitchenettes  
 6 may be forty square feet in area; no such room, except kitchenette,  
 7 shall be, in any part of required area less than seven feet wide. In  
 8 all dwellings and in each apartment, group or suite or rooms there shall  
 9 be at least one room containing not less than one hundred and twenty  
 10 square feet of floor area.

1 SEC. 6. Section four hundred thirteen point twenty-three (413.23),  
 2 Code 1962, is hereby repealed and the following enacted in lieu thereof:

3 No room in a dwelling hereafter erected shall be in any part less than  
 4 seven feet high from finished floor to finished ceiling; the average  
 5 height of any such room shall not be less than seven feet six inches,  
 6 except that an attic room used for living purposes in a private or two-  
 7 family dwelling need be seven feet six inches in one-half its area and  
 8 that areas less than five feet shall not be considered as a part of the  
 9 required room area.

1 SEC. 7. Section four hundred thirteen point nine (413.9), Code  
 2 1962, is hereby amended by adding after the word "city" in line six (6)  
 3 the words "or county".

1 SEC. 8. Section four hundred thirteen point one hundred twenty-  
 2 one (413.121), Code 1962, is hereby amended by adding after the word  
 3 "inclusive" in line seven (7) the following: ", and in the area adjacent  
 4 to and within one mile of such municipalities, the provisions of this  
 5 chapter shall be enforced by the county board of health".

Approved April 22, 1963.

## CHAPTER 255

### INSPECTION OF MULTIPLE DWELLINGS

#### S. F. 171

AN ACT relating to inspection of multiple dwellings.

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

1 SECTION 1. Section four hundred thirteen point one hundred  
 2 twenty-three (413.123), Code 1962, is amended by adding at the end  
 3 thereof the following:

4 "Cities of twenty-five thousand (25,000) or more population may  
 5 establish a reasonable schedule of fees for the purpose of defraying  
 6 the costs of inspection, enforcement, and administration of the pro-  
 7 visions of this section relating to multiple dwellings. The fees shall  
 8 not exceed seven dollars fifty cents (\$7.50) for the first unit and  
 9 seventy-five cents (75¢) for each additional unit and shall apply only  
 10 to the annual inspections."



- 1 SEC. 2. Section four hundred thirteen point one hundred twenty-  
 2 four (413.124), Code 1962, is amended by adding in line four (4) after  
 3 the word "fee" the words ", except as provided in section four hundred  
 4 thirteen point one hundred twenty-three (413.123) of the Code,".

Approved May 20, 1963.

## CHAPTER 256

### STORM SEWERS

S. F. 432

AN ACT relating to construction of storm sewers in cities of one hundred twenty-five thousand (125,000) or more population.

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

- 1 SECTION 1. Section four hundred seventeen point seventy-three  
 2 (417.73), Code 1962, is amended by striking from lines one (1) and  
 3 two (2) the words and figures, "sections 420.59 and 420.60" and insert-  
 4 ing in lieu thereof the words and figures, "chapters three hundred  
 5 ninety-one (391) and three hundred ninety-one A (391A)".

- 1 SEC. 2. Section four hundred seventeen point seventy-three  
 2 (417.73), Code 1962, is further amended by striking from lines four  
 3 (4) and five (5) the words, "this chapter" and inserting in lieu thereof  
 4 the word\* and figures, "chapter four hundred seventeen (417)".

Approved May 2, 1963.

\*According to enrolled Act.

## CHAPTER 257

### RECIPROCAL INTERSTATE TAX ENFORCEMENT

H. F. 579

AN ACT to amend chapter four hundred twenty-one (421), Code 1962, relating to reciprocal enforcement of tax liabilities.

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

- 1 SECTION 1. Chapter four hundred twenty-one (421), Code 1962, is  
 2 hereby amended by adding thereto the following sections:  
 3 1. "At the request of the tax commission the attorney general may  
 4 bring suit in the name of this state, in the appropriate court of any  
 5 other state to collect any tax legally due in this state, and any political  
 6 subdivision of this state or the appropriate officer thereof, acting in  
 7 its behalf, may bring suit in the appropriate court of any other state  
 8 to collect any tax legally due to such political subdivision.  
 9 2. The courts of this state shall recognize and enforce liabilities for

10 taxes lawfully imposed by any other state, or any political subdivision  
 11 thereof, which extends a like comity to this state, and the duly author-  
 12 ized officer of any such state or a political subdivision thereof may sue  
 13 for the collection of such tax in the courts of this state. A certificate  
 14 by the secretary of state of such other state that an officer suing for  
 15 the collection of such a tax is duly authorized to collect the same shall  
 16 be conclusive proof of such authority.

17 3. For the purposes of this Act, the words "tax" and "taxes" shall  
 18 include interest and penalties due under any taxing statute, and lia-  
 19 bility for such interest or penalties, or both, due under a taxing stat-  
 20 ute of another state or a political subdivision thereof, shall be recog-  
 21 nized and enforced by the courts of this state to the same extent that  
 22 the laws of such other state permit the enforcement in its courts of  
 23 liability for such interest or penalties, or both, due under a taxing  
 24 statute of this state or a political subdivision thereof.

25 The courts of this state may not enforce interest rates or penalties  
 26 on taxes of any other state which exceed the interest rates and pen-  
 27 ties imposed by the state of Iowa for the same or a similar tax."

1 SEC. 2. The provisions of this Act shall be applicable only to taxes  
 2 which are assessed and due after January 1, 1964.

Approved May 17, 1963.

## CHAPTER 258

### INTERNAL REVENUE CODE AMENDMENTS

#### S. F. 30

AN ACT to amend chapter four hundred twenty-two (422), Code 1962, relating to state income taxes, to provide for the adoption of amendments to the Internal Revenue Code of 1954.

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

1 SECTION 1. Section four hundred twenty-two point four (422.4),  
 2 Code 1962, is hereby amended by striking the figures "1960" in line  
 3 four (4) of subsection fourteen (14) thereof and inserting in lieu  
 4 thereof the following: "1962".

1 SEC. 2. Section four hundred twenty-two point seven (422.7),  
 2 Code 1962, is amended by inserting at the end of such section the  
 3 following subsections:

4 "5. Subtract an amount equal to the aggregate credits against fed-  
 5 eral income tax to the extent such credits reduce the basis of depre-  
 6 ciable property for depreciation purposes.

7 "6. Add an amount equal to the aggregate decrease of credits  
 8 against federal income tax to the extent such decrease of credits in-  
 9 creases the basis of depreciable property for purposes of depreciation  
 10 or computing gain or loss on disposition.

11 "7. Add an amount equal to the deduction taken on federal income  
 12 tax return for 'unused investment credits'."

1 SEC. 3. Section four hundred twenty-two point thirty-two (422.32),  
 2 Code 1962, is hereby amended by striking the figures "1960" in line  
 3 three (3) of subsection four (4) thereof and inserting in lieu thereof  
 4 the following: "1962".

1 SEC. 4. Section four hundred twenty-two point thirty-five (422.35),  
 2 Code 1962, is amended by adding thereto the following subsections:

3 "5. Subtract an amount equal to the aggregate credits against fed-  
 4 eral income tax to the extent such credits reduce the basis of depre-  
 5 ciable property for depreciation purposes.

6 "6. Add an amount equal to the aggregate decrease of credits  
 7 against federal income tax to the extent such decrease of credits in-  
 8 creases the basis of depreciable property for purposes of depreciation  
 9 or computing gain or loss on disposition.

10 "7. Add an amount equal to the deduction taken on federal income  
 11 tax return for 'unused investment credit'."

1 SEC. 5. The provisions of this Act shall have the same retroactive  
 2 effect as the amendments to the Internal Revenue Code of 1954  
 3 adopted hereby have for federal income tax purposes.

1 SEC. 6. If any provisions of this Act or the application of such  
 2 provision to any person or circumstance shall be held invalid, the re-  
 3 mainder of this Act or the application of such provision to persons or  
 4 circumstances other than those to which it is held invalid shall not be  
 5 affected thereby.

1 SEC. 7. This Act being deemed of immediate importance shall be  
 2 in force and effect immediately upon its passage and publication in The  
 3 Muscatine Journal, a newspaper published at Muscatine, Iowa, and in  
 4 The Tipton Conservative, a newspaper published at Tipton, Iowa.

Approved January 28, 1963.

I hereby certify that the foregoing Act, Senate File 30, was published in The Muscatine Journal, Muscatine, Iowa, February 1, 1963, and in The Tipton Conservative, Tipton, Iowa, February 7, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 259

### AGED AND BLIND PERSONS INCOME TAX

#### H. F. 243

AN ACT relating to income tax deductions for aged persons and blind persons.

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

1 SECTION 1. Section four hundred twenty-two point twelve (422.12),  
 2 Code 1962, is hereby amended by adding the following new subsections:  
 3 "For a single individual, husband, wife, or head of household, an

4 additional exemption of fifteen (15) dollars for each of said individuals  
 5 who has attained the age of sixty-five (65) years before the close of  
 6 the tax year or on the first day following the end of the tax year.  
 7 "For a single individual, husband, wife, or head of household, an  
 8 additional exemption of fifteen (15) dollars for each of said individuals  
 9 who is blind at the close of the tax year. For the purposes of this  
 10 subsection, an individual is blind only if his central visual acuity does  
 11 not exceed twenty two-hundredths (20/200) in the better eye with  
 12 correcting lenses, or if his visual acuity is greater than twenty two-  
 13 hundredths (20/200) but is accompanied by a limitation in the fields  
 14 of vision such that the widest diameter of the visual field subtends an  
 15 angle no greater than twenty (20) degrees."

1 SEC. 2. This Act shall be effective for tax years ending on and after  
 2 December 31, 1963.

Approved April 29, 1963.

## CHAPTER 260

### SALES AND USE TAX EXEMPTIONS

#### H. F. 208

AN ACT to amend section four hundred twenty-two point forty-two (422.42), and section four hundred twenty-three point one (423.1), Code 1962, relating to sales and use taxes and expendable chemicals, solvents and reagents used in processing personal property.

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

1 SECTION 1. Section four hundred twenty-two point forty-two  
 2 (422.42), Code 1962, is amended by changing the period to a comma  
 3 at the end of subsection three (3) and adding immediately thereafter  
 4 the following:  
 5 "or such property is a chemical, solvent, sorbent, or reagent, which  
 6 is directly used and is consumed, dissipated, or depleted, in processing  
 7 personal property which is intended to be sold ultimately at retail, and  
 8 which may not become a component or integral part of the finished  
 9 product."

1 SEC. 2. Section four hundred twenty-three point one (423.1), Code  
 2 1962, is amended by changing the period to a comma at the end of  
 3 subsection one (1) thereof, and adding immediately thereafter the  
 4 following:  
 5 "or (d) chemicals, solvents, sorbents, or reagents, which are direct-  
 6 ly used and are consumed, dissipated, or depleted in processing per-  
 7 sonal property, which is intended to be sold ultimately at retail, and  
 8 which may not become a component or integral part of the finished  
 9 product."

Approved May 10, 1963.

## CHAPTER 261

## SALES TAX ON GROSS RECEIPTS

S. F. 309

AN ACT relating to retail sales tax definition of "gross receipts".

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

- 1 SECTION 1. Section four hundred twenty-two point forty-two
- 2 (422.42), Code 1962, is amended by striking the comma (,) in line six
- 3 (6) of subsection six (6) and inserting in lieu thereof the following:
- 4 "if excessive sales tax is not collected from the purchaser,".

Approved April 26, 1963.

## CHAPTER 262

## VENDING MACHINES AND DEVICES

S. F. 308

AN ACT relating to retail sales taxes on vending machines and amusement devices.

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

- 1 SECTION 1. Section four hundred twenty-two point forty-two
- 2 (422.42), Code 1962, is amended by adding the following new para-
- 3 graph:
- 4 "Every operator of a vending machine or amusement device equip-
- 5 ment, the receipts from the operation of which are taxable under sec-
- 6 tion four hundred twenty-two point forty-three (422.43) of the Code,
- 7 shall by means of a sticker identify each such machine operated by him
- 8 to show the valid sales tax permit number issued to him under which
- 9 the sales tax concerning the operation of each given machine is being
- 10 reported and remitted to the commission. The stickers shall be pro-
- 11 vided by the commission and it shall be the duty of each operator to
- 12 place and maintain same in a place easily seen by the user on each
- 13 machine operated by him. Failure to so identify such machines shall
- 14 be unlawful and a misdemeanor."

Approved April 26, 1963.

## CHAPTER 263

## CASUAL SALES EXEMPTED FROM SALES TAX

S. F. 9

AN ACT to exempt casual sales by persons not regularly engaged in the business of selling from sales tax.

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

- 1 SECTION 1. Section four hundred twenty-two point forty-two
- 2 (422.42), Code 1962, is hereby amended by adding thereto the follow-
- 3 ing new subsection:

4 "Casual Sales" means:

5 1. Sales of tangible personal property by the owner of a non-recur-  
6 ring nature, if the seller, at the time of sale, is not engaged for profit  
7 in the business of selling tangible goods or services taxed under sec-  
8 tion four hundred twenty-two point forty-three (422.43) of the Code.

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45),  
2 Code 1962, is hereby amended by adding thereto the following new  
3 subsection:

4 "The gross receipts from 'casual sales'."

1 SEC. 3. This Act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Lake Mills  
3 Graphic, a newspaper published at Lake Mills, Iowa, and in the Algona  
4 Kossuth County Advance, a newspaper published at Algona, Iowa.

Approved March 15, 1963.

I hereby certify that the foregoing Act, Senate File 9, was published in the Lake Mills Graphic, Lake Mills, Iowa, March 20, 1963, and in the Algona Kossuth County Advance, Algona, Iowa, March 19, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 264

### SALES TAX EXEMPTIONS

#### S. F. 127

AN ACT to amend section four hundred twenty-two point forty-five (422.45), Code 1962, relating to exemptions from the imposition of the retail sales tax.

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

1 SECTION 1. Section four hundred twenty-two point forty-five  
2 (422.45), Code 1962, is hereby amended by striking all of subsection  
3 five (5) and inserting in lieu thereof the following:

4 "The gross receipts of all sales of goods, wares or merchandise used  
5 for public purposes to any tax-certifying or tax-levying body of the  
6 state of Iowa or governmental subdivision thereof, including the state  
7 board of regents, board of control of state institutions, state highway  
8 commission and all divisions, boards, commissions, agencies or instru-  
9 mentalities of state, federal, county or municipal government which  
10 derive disburseable funds from appropriations or allotments of funds  
11 raised by the levying and collection of taxes, except sales of goods,  
12 wares or merchandise used by or in connection with the operation of  
13 any municipally-owned public utility engaged in selling gas, elec-  
14 tricity or heat to the general public.

15 "The exemption provided by this subsection shall also apply to all  
16 such sales of goods, wares or merchandise subject to use tax under  
17 the provisions of chapter four hundred twenty-three (423) of the  
18 Code."

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45),  
 2 Code 1962, is further amended by inserting after the word "thereof"  
 3 in line three (3) of subsection (6) the following: "including the  
 4 state board of regents, board of control of state institutions, state  
 5 highway commission, and all divisions, boards, commissions, agencies  
 6 or instrumentalities of state, federal, county or municipal govern-  
 7 ment which derive disburseable funds from appropriations or allot-  
 8 ments of funds raised by the levying and collection of taxes."

1 SEC. 3. The refunds provided in the preceding section two (2)  
 2 shall be retroactive and apply to any applications for refund now on  
 3 file with the state tax commission, or hereafter filed therewith for  
 4 projects now in process, upon which sales or use taxes are paid prior  
 5 to the taking effect of this Act. Any of the above-mentioned govern-  
 6 mental bodies or subdivisions thereof shall be entitled to a refund of  
 7 such taxes so paid upon making application to the state tax commis-  
 8 sion therefor.

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 Cedar  
 3 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa, and  
 4 The Mount Vernon Hawkeye-Record & The Lisbon Herald, a news-  
 5 paper published at Mount Vernon, Iowa.

Approved May 16, 1963.

I hereby certify that the foregoing Act, Senate File 127, was published in the Cedar Rapids Gazette, Cedar Rapids, Iowa, May 20, 1963, and in The Mount Vernon Hawkeye-Record & The Lisbon Herald, Mount Vernon, Iowa, May 23, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 265

### SALES AND USE TAX PENALTIES

#### H. F. 401

AN ACT relating to penalties for failure to file a sales or use tax return or failure to pay sales or use tax within the time required.

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

1 SECTION 1. Section four hundred twenty-two point fifty-four  
 2 (422.54), Code 1962, is hereby amended by adding to the beginning of  
 3 said section the following:  
 4 "1. As soon as practicable after a return is filed and in any event  
 5 within five years after the return is filed the commission shall examine  
 6 it, assess and determine the tax due if the return is found to be incor-  
 7 rect and give notice to the taxpayer of such assessment and determina-  
 8 tion as provided in subsection two (2) hereof. If the determination  
 9 that a return is incorrect is the result of an audit of the books and  
 10 records of the taxpayer, the tax, or additional tax, if any is found due,

11 shall be assessed and determined and the aforesaid notice to the tax-  
12 payer shall be given by the commission within one year after the com-  
13 pletion of the examination of said books and records."

14 Further amend said section by inserting before the word "If" in line  
15 one (1) the figure "2."

1 SEC. 2. Section four hundred twenty-two point fifty-eight (422.58),  
2 Code 1962, is hereby amended as follows:

3 1. By striking the word "a" in line four (4) and inserting in lieu  
4 thereof the words "an interest".

5 2. By inserting after the word "plus" in line five (5) the words "one-  
6 half of".

7 3. By inserting after the word "due" in line eight (8) the following:  
8 ", and excepting the period between the completion of an examina-  
9 tion of the books and records of a taxpayer and the giving of notice to  
10 the taxpayer that a tax or additional tax is due".

11 4. By inserting after the word "such" in line ten (10) the word  
12 "interest".

13 5. By inserting after the word "Such" in line eleven (11) the word  
14 "interest".

15 6. By inserting after the word "Unpaid" in line thirteen (13) the  
16 word "interest".

1 SEC. 3. Section four hundred twenty-three point sixteen (423.16),  
2 Code 1962, is hereby amended by adding thereto the following:

3 "Where a return required by this chapter has been filed, the five-  
4 year period of limitation specified in subsection one (1) of section four  
5 hundred twenty-two point fifty-four (422.54) shall apply to the making  
6 of a determination by the commission of the amount of tax due here-  
7 under and to the giving of notice to the taxpayer of such determina-  
8 tion."

1 SEC. 4. Section four hundred twenty-three point eighteen (423.18),  
2 Code 1962, is hereby amended as follows:

3 1. By striking the word "a" in line five (5) and inserting in lieu  
4 thereof the words "an interest".

5 2. By inserting after the word "plus" in line six (6) the words "one-  
6 half of".

7 3. By inserting after the word "due" in line ten (10) the following:  
8 ", and excepting the period between the completion of an examina-  
9 tion of the books and records of a taxpayer and the giving of notice  
10 to the taxpayer that a tax or additional tax is due".

11 4. By inserting after the word "such" in line twelve (12) the word  
12 "interest".

13 5. By inserting after the word "Such" in line thirteen (13) the word  
14 "interest".

15 6. By inserting after the word "Unpaid" in line fifteen (15) the word  
16 "interest".

Approved April 29, 1963.



## CHAPTER 266

## MOTOR VEHICLE REGISTRATION PLATES

H. F. 157

AN ACT to amend section four hundred twenty-two point sixty-two (422.62), Code 1962, relating to funds for the manufacture of motor vehicle registration plates.

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

1 SECTION 1. Section four hundred twenty-two point sixty-two  
2 (422.62), Code 1962, is hereby amended as follows:

3 1. By striking from lines eight (8) and nine (9) thereof the follow-  
4 ing: "four hundred twenty-five thousand dollars," and inserting in  
5 lieu thereof the words: "four hundred and fifty thousand (450,000)  
6 dollars provided, however, that if only one (1) plate is authorized by  
7 law, the amount of the appropriation herein provided shall be reduced  
8 to three hundred thousand (300,000) dollars".

9 2. By striking from lines eighteen (18) and nineteen (19) thereof  
10 the words "at the end of the biennial period" and inserting in lieu  
11 thereof the words "on October 31 of each year".

1 SEC. 2. This Act, being deemed of immediate importance, shall be  
2 in full force and effect from and after its passage and publication in  
3 The Clarksville Star, a newspaper published at Clarksville, Iowa, and  
4 in The Dallas County News, a newspaper published at Adel, Iowa.

Approved April 30, 1963.

I hereby certify that the foregoing Act, House File 157, was published in The Clarksville Star, Clarksville, Iowa, May 9, 1963, and in The Dallas County News, Adel, Iowa, May 8, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 267

## TAX COMMISSION AUDIT FUND

S. F. 397

AN ACT relating to the Iowa tax commission's audit revolving fund.

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

1 SECTION 1. Section four hundred twenty-two point sixty-two  
2 (422.62), Code 1962, is hereby amended by striking all of such section  
3 after the word "fund" in line thirty-four (34) and inserting in lieu  
4 thereof a period (.).

1 SEC. 2. Subsection two (2) of section four hundred twenty-two  
2 point sixty-four (422.64), Code 1962, is hereby amended by striking  
3 from lines two (2) and three (3) the words ", except the field audit  
4 staff provided for in section 422.62,".

1 SEC. 3. All unobligated moneys in the Iowa tax commission re-  
2 volving fund, abolished by this Act, are hereby transferred to the  
3 general fund of the state of Iowa.

Approved April 15, 1963.

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## CHAPTER 268

### TAX EXEMPTION OF WELFARE PLANS

H. F. 505

AN ACT relating to property tax exemptions.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1),  
2 Code 1962, is hereby amended by striking from line one (1) of sub-  
3 section twenty-three (23) of such section the word "Property" and  
4 inserting in lieu thereof the words "All intangible property".

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 Burlington Hawk-Eye, a newspaper published at Burlington,  
4 Iowa and The New London Journal, a newspaper published at New  
5 London, Iowa.

Approved April 25, 1963.

I hereby certify that the foregoing Act, House File 505, was published in the Burlington Hawk-Eye, Burlington, Iowa, April 30, 1963, and in The New London Journal, New London, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

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## CHAPTER 269

### TAX EXEMPTION OF PROPERTY IN TRANSIT

S. F. 392

AN ACT to exempt personal property in transit from taxation.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1),  
2 Code 1962, is hereby amended by adding thereto the following new  
3 subsection:  
4 "All personal property in transit."

1 SEC. 2. Chapter four hundred twenty-seven (427), Code 1962, is  
2 hereby amended by adding thereto the following new sections:  
3 "1. When used in this chapter, the term 'personal property in tran-

4 sit' means inanimate tangible personal property, goods, wares and  
5 merchandise:

6 a. Which is moving in interstate commerce through or over the  
7 state of Iowa, or

8 b. Which is consigned to a private warehouse within the state of  
9 Iowa from outside the state of Iowa for storage in transit to a final  
10 destination outside the state of Iowa, whether the out-of-state ulti-  
11 mate destination was specified when transportation begins or after-  
12 ward.

13 "2.

14 a. 'Private warehouse', for the purposes of this chapter, shall mean  
15 any building, structure, or inclosure used or to be used for storage of  
16 inanimate tangible goods, wares or merchandise by and belonging to  
17 private person, partnership, joint venture, corporation, fiduciary, trust  
18 or estate.

19 b. 'Personal property in transit' is deemed to have acquired no situs  
20 in Iowa for purposes of taxation. Such 'personal property in transit'  
21 shall not be deprived of exemption because it is, or may be, bound,  
22 divided, severed, broken in bulk, labeled or relabeled, packaged or re-  
23 packaged while in the warehouse or because the property is being held  
24 for reconsignment outside the state of Iowa.

25 "3.

26 a. All personal property claimed to be 'personal property in transit'  
27 shall be designated as such upon the books and records of the ware-  
28 house where such personal property is located.

29 b. The books and records of the warehouse shall be of such nature  
30 as to show a description of the property, the quantity, value and source  
31 of each shipment received and a description of the property, the quan-  
32 tity, value and destination of all goods taken from the warehouse, with  
33 each such receipt or release of such goods dated and described. Such  
34 records shall be transmitted to the assessor or assessors of the taxing  
35 district or districts in which the warehouse is located for examination  
36 and verification and at such time show a recapitulation which must  
37 reveal that all shipments (or parts thereof) received are either on  
38 hand or disposed of by delivery or destruction and, if by destruction,  
39 by what means destroyed or partially destroyed, and if partially de-  
40 stroyed, then what disposition was affected. The annual date of such  
41 transmittal of such records shall be not later than February first of  
42 each year and shall cover the annual accounting period of the ware-  
43 house as established on its books and records for all purposes which  
44 period has concluded prior to January first of each year. Such other  
45 reports as may be required by assessors on a periodic basis may be  
46 transmitted in form of a written report or in form of copies of bills of  
47 lading countersigned by the consignee or his agent containing the fac-  
48 tors first enumerated above, as mutually agreed upon by the assessor,  
49 or assessors, and operator of the warehouse.

50 c. The books and records of any warehouse in which 'personal prop-  
51 erty in transit' is stored shall be open at all times to the inspection of  
52 authorized personnel of the state tax commission and the taxing au-  
53 thorities of any political subdivision of the state of Iowa.

54 "4. Any person, firm, co-partnership, association, corporation, joint  
55 venture, fiduciary, trust or estate making claim to no situs status of  
56 any property under this chapter shall do so in the form and manner

57 prescribed by the state tax commission on or before February first of  
58 each personal property assessment year. Such claim shall be filed with  
59 the assessor or assessors of the district or districts in which such  
60 property is situated. All such claims shall be accompanied by a certi-  
61 fication of the warehouse operator as to the status on its books of the  
62 property involved, and all such claims shall be allowed in accordance  
63 with the decision of the board or boards of review of such taxing dis-  
64 trict or districts in which the property is situated.

65 "5. Where the records of the warehouse indicate, or where an audit  
66 of such records indicates, as the case may be, that goods handled by  
67 or disposed of through such warehouse with a destination within the  
68 state of Iowa, the total market value of such goods with such destina-  
69 tion shall be taken into account in determination of their actual value  
70 in accordance with sections four hundred twenty-eight point seventeen  
71 (428.17) and four hundred twenty-eight point twenty-one (428.21) of  
72 the Code, and such actual value shall be the basis for determining the  
73 assessed valuation of merchandise inventory of the warehouse for the  
74 year next following the year for which such total market value is  
75 computed.

76 "6. If any owner, shipper, warehouse operator, or the agent or  
77 employee of any owner, shipper, or warehouse operator shall misrep-  
78 resent, conceal or secrete any personal property as defined herein of  
79 which he is possessed either by title or by custody so as to evade or  
80 avoid assessment or levy of taxes, then such owner, shipper, or ware-  
81 house operator shall be liable to the taxing district in which the per-  
82 sonal property is located at the time of such misrepresentation, con-  
83 cealment or secreting of such personal property for such assessment  
84 or levy of taxes so evaded or avoided plus a penalty of five percent  
85 (5%) for each month of such evasion or avoidance up to a maximum  
86 of twenty-five percent (25%) plus interest on the amount of such  
87 assessment or levy of taxes at the rate of six percent (6%) per annum.

88 "7. If any person wilfully makes or causes to be made any state-  
89 ment to the officer charged with assessment or valuation of property  
90 for tax purposes in his taxing district containing a false statement of  
91 a material fact, be he owner, shipper, storageman, or warehouseman,  
92 he shall be guilty of a misdemeanor and upon conviction shall be pun-  
93 ished by a fine of not less than one hundred (100) dollars or more than  
94 five hundred (500) dollars or by imprisonment in the county jail for  
95 not less than thirty (30) days or more than one hundred fifty (150)  
96 days."

Approved June 4, 1963.

## CHAPTER 270

## ASSESSMENT OF SHARES OF MUTUAL FUNDS

S. F. 73

AN ACT relating to the assessment of shares of mutual funds.

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

- 1 SECTION 1. Chapter four hundred twenty-nine (429), Code 1962,
- 2 is hereby amended by adding thereto the following new section:
- 3 "Shares of mutual funds shall be assessed at the 'bid' price as of the
- 4 last trading day of the preceding year. When used in this section 'bid'
- 5 price shall mean the price per share which approximates the per share
- 6 net asset value free of any 'handling' or 'loading' charges."

Approved March 22, 1963.

## CHAPTER 271

## MAXIMUM LEVY FOR ORDINARY REVENUE

H. F. 420

AN ACT to permit an increase in the maximum levy for ordinary revenue allowed upon the assessed valuation of the taxable property in the county.

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

- 1 SECTION 1. Subsection two (2) of section four hundred forty-four
- 2 point nine (444.9), Code 1962, is amended by striking the word "three"
- 3 in lines two (2) and five (5) and inserting in lieu thereof the word
- 4 "four" in each instance.
- 5 Further amend said subsection two (2) by striking the word "two"
- 6 in lines eight (8) and twelve (12) and inserting in lieu thereof the
- 7 word "three" in each instance.

Approved April 23, 1963.

## CHAPTER 272

## STATE INSTITUTION FUND PAYMENTS

S. F. 268

AN ACT to allow counties to provide county care for patients or inmates from mental health institutes, hospital-schools, and homes for children from the state institution fund.

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

- 1 SECTION 1. Section four hundred forty-four point twelve (444.12),
- 2 Code 1962, is hereby amended as follows:
- 3 1. By striking from lines fifteen (15) and sixteen (16) the words

4 "Glenwood state school, the Woodward state hospital and school" and  
5 inserting in lieu thereof the words "Glenwood state hospital-school, the  
6 Woodward state hospital-school".

7 2. By inserting in line twenty-one (21) after the word "and" the  
8 words "for the support of such mentally ill or mentally retarded per-  
9 sons as are cared for and supported by the county in the county home  
10 or elsewhere outside of any state hospital for the mentally ill or men-  
11 tally retarded,".

12 3. By striking line twenty-seven (27) after the word "that" through  
13 the period in line thirty-five (35) and inserting in lieu thereof the fol-  
14 lowing:

15 "if any patients are returned to a county from any of the four (4)  
16 mental health institutes under the provisions of section two hundred  
17 twenty-six point thirty-two (226.32) of the Code or from any state  
18 hospital-school for the mentally retarded as provided by law, the cost  
19 of care for such patients may be paid from the state institution fund  
20 of the county of legal settlement in an amount commensurate with the  
21 cost of patients in the county hospital, county home, or other institu-  
22 tion located in the county; if inmates of Toledo state juvenile home  
23 and Iowa Annie Wittenmyer home are transferred or placed in foster  
24 homes in a county, the cost of care of such inmate's foster homes may  
25 be paid from the state institution fund of the county of legal settle-  
26 ment of such inmate in an amount not to exceed the cost per inmate  
27 in the respective state institution. Nothing in this Act or any other  
28 statute shall be construed to prohibit parents or other persons from  
29 voluntarily reimbursing the county or state for the reasonable cost of  
30 caring for an individual while he was a patient or inmate in the county  
31 hospital, county home, mental health institute, hospital-school, training  
32 school, or home for children."

Approved April 26, 1963.

## CHAPTER 273

### TAX SALE OF PUBLIC PROPERTY

#### S. F. 50

AN ACT relating to tax sale of public property.

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

1 SECTION 1. Section four hundred forty-six point seven (446.7),  
2 Code 1962, is hereby amended by adding at the end thereof the follow-  
3 ing new paragraph:

4 "Property of municipal and political subdivisions of the state of  
5 Iowa shall not be offered or sold at tax sale and any purported tax sale  
6 thereof shall be void from its inception. Whenever delinquent taxes  
7 are owing against property owned or claimed by any municipal or  
8 political subdivision of the state of Iowa, the treasurer shall give notice  
9 to the governing body thereof which shall then pay the amount of the  
10 due and delinquent taxes from its general fund. In the event such gov-  
11 erning body fails to make payment upon such notice, the collection and

12 enforcement of the taxes, penalty, interest and costs shall be sus-  
 13 pended for so long as the property shall remain in public ownership  
 14 but the same may be collected and enforced against the property in  
 15 the event of its subsequent sale by such municipal or political sub-  
 16 division to a private purchaser. No penalty, interest or costs shall be  
 17 added during such period of public ownership."

Approved April 15, 1963.

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## CHAPTER 274

### PENSIONERS' HOMES

H. F. 110

AN ACT relating to old age pensioners' homes.

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

1 SECTION 1. Chapter four hundred forty-six (446), Code 1962, is  
 2 hereby amended by adding thereto the following new section:  
 3 "In cases where taxes have been suspended four years or more upon  
 4 the property of a deceased old age assistance recipient and no estate  
 5 was opened within ninety (90) days after the death of the recipient  
 6 and the surviving spouse of the recipient is not occupying the prop-  
 7 erty, the county treasurer shall issue a public bidder tax sale certificate  
 8 to the county auditor."

Approved April 22, 1963.

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## CHAPTER 275

### INHERITANCE TAX LIENS

S. F. 178

AN ACT to amend section four hundred fifty point seven (450.7), Code 1962, relating to liens for inheritance taxes and prescribing the duration thereof.

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

1 SECTION 1. Section four hundred fifty point seven (450.7), Code  
 2 1962, is hereby amended by striking from lines seven (7) and eight  
 3 (8) thereof the following words: "which has been reported for tax-  
 4 ation".

Approved March 29, 1963.

## CHAPTER 276

## INHERITANCE TAX INFORMATION

H. F. 332

AN ACT to enable the exchange of inheritance tax information with the federal government.

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

1 SECTION 1. Amend section four hundred fifty point sixty-eight  
2 (450.68), Code of Iowa, 1962, by striking the period (.) in line nine (9)  
3 and substituting in lieu thereof the following: “; provided, however,  
4 that the commission may authorize the examination of the information  
5 by other state officers, or, if a reciprocal arrangement exists, by tax  
6 officers of another state or of the federal government.”

Approved April 26, 1963.

## CHAPTER 277

## INHERITANCE TAX

S. F. 468

AN ACT to amend section four hundred fifty point eighty-six (450.86), Code 1962, relating to inheritance tax.

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

1 SECTION 1. Amend section four hundred fifty point eighty-six  
2 (450.86), Code 1962, as follows:  
3 1. By adding after the word “decendent” in line three (3), the words,  
4 “after receiving knowledge of the death”.  
5 2. By inserting after the word “representative” in line five (5), the  
6 words, “or transferee, joint owner, or beneficiary”.  
7 3. By inserting after the word “representative” in line eighteen  
8 (18), the words, “or transferee, joint owner, or beneficiary”.

1 SEC. 2. Section four hundred fifty point eighty-six (450.86), Code  
2 1962, is hereby amended by inserting after the word “assets” in line  
3 three (3) the words “, exclusive of life insurance policies payable to  
4 named beneficiaries, which securities or other assets are located in a  
5 safety deposit box or other such security enclosure”.

This bill known as Senate File 468 was presented to the Governor within the last three days of the regular session of the Sixtieth General Assembly and signed by him and filed in the office of the Secretary of State, whereupon errors in enrollment being discovered and the General Assembly not being in session prevented its return for correction. It has this 23rd day of May, 1963, been correctly re-enrolled as hereinabove presented.

Approved June 4, 1963.

## Editor's Note.

The original enrollment of this Act as filed with the Secretary of State contained at the end thereof the following:

“and exclusive of checking accounts up to the amount of two thousand dollars which are in the name of the decedent and other person or persons as joint tenants with right of survivorship and not as tenants in common.”



## CHAPTER 278

## INVESTMENT OF LOCAL PUBLIC FUNDS

H. F. 154

AN ACT relating to the investment and deposit of county, city, town and school funds.

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

1 SECTION 1. Section four hundred fifty-three point one (453.1),  
2 Code 1962, is hereby amended by striking from line twelve (12) the  
3 word "the" and inserting in lieu thereof the following:

4 "any county, city, town or school corporation may invest funds not  
5 immediately needed for current operating expenses in time certificates  
6 of deposit or savings accounts in banks approved as depositories as in  
7 this chapter provided. This authority shall be in addition to that  
8 granted by sections four hundred fifty-three point nine (453.9) and  
9 four hundred fifty-three point ten (453.10) of the Code. The".

1 SEC. 2. Section four hundred fifty-three point five (453.5), Code  
2 1962, is hereby amended by adding at the end of said section the fol-  
3 lowing:

4 "If a governmental unit secures resolutions duly adopted by the  
5 board of directors of two or more lawful depository banks to which a  
6 bona fide proffer to deposit public funds either in a savings account or  
7 in a time certificate of deposit, for some period extending from ninety  
8 (90) days to one year with the privilege of renewal if mutually desired,  
9 and which resolutions are dated within ten (10) days of the proffer and  
10 decline such public deposit, then and only then may such governmental  
11 unit invest such funds so declined in interest-bearing notes, certificates  
12 or bonds of the United States."

1 SEC. 3. Section four hundred fifty-three point six (453.6), Code  
2 1962, is amended by striking from line fourteen (14) the words "two  
3 and one-half" and inserting in lieu thereof the word "three".

1 SEC. 4. Section four hundred fifty-three point eight (453.8), Code  
2 1962, is amended as follows:

3 1. By inserting in line five (5) after the word "deposited" the words  
4 "or invested".

5 2. By adding at the end of said section the following: "Any deposit  
6 or investment in a lawful depository upon which interest is paid to a  
7 governmental unit under the provisions of this chapter shall be con-  
8 sidered legal deposits for the purposes of chapter four hundred fifty-  
9 four (454) of the Code."

1 SEC. 5. Chapter four hundred fifty-three (453), Code 1962, is  
2 amended by adding the following new section:

3 "A county, city, town or school corporation governing body may  
4 delegate its investment authority, under the provisions of this chapter,  
5 to the treasurer or other financial officer of the governmental unit, who  
6 shall thereafter be responsible for handling investment transactions  
7 until such delegation of authority is revoked."

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 Times, a newspaper published at Davenport, Iowa, and in  
 4 the Cedar Rapids Gazette, a newspaper published at Cedar Rapids,  
 5 Iowa.

Approved May 2, 1963.

I hereby certify that the foregoing Act, House File 154, was published in The Daily Times, Davenport, Iowa, May 6, 1963, and in the Cedar Rapids Gazette, Cedar Rapids, Iowa, May 4, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 279

### LEVEE AND DRAINAGE DISTRICTS

#### H. F. 240

AN ACT to amend chapter four hundred fifty-five (455), Code 1962, relating to levee and drainage districts.

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

1 SECTION 1. Section four hundred fifty-five point one hundred sev-  
 2 enty-one (455.171), Code 1962, is hereby amended by adding at the end  
 3 thereof a new paragraph as follows:

4 "The board of trustees may also lease or sell and convey such other  
 5 property of the district, both real and personal, as is no longer needed  
 6 for the purposes for which the district was established, and any such  
 7 leases, sales and conveyances prior to the effective date of this Act are  
 8 hereby legalized and declared to be valid and binding."

1 SEC. 2. Section four hundred fifty-five point two hundred one  
 2 (455.201), Code 1962, is hereby amended by inserting in line eight (8)  
 3 of subsection two (2) of such section after the word "hearing" the  
 4 following:

5 " , and without appraisalment as contemplated by section four hun-  
 6 dred fifty-five point two hundred ten (455.210), but the remaining  
 7 provisions of sections four hundred fifty-five point two hundred one  
 8 (455.201) through section four hundred fifty-five point two hundred  
 9 sixteen (455.216) that are not in conflict with section four hundred  
 10 fifty-five point one hundred thirty-five (455.135) shall remain appli-  
 11 cable".

1 SEC. 3. Section four hundred fifty-five point two hundred twelve  
 2 (455.212), Code 1962, is hereby amended by adding at the end thereof  
 3 a new sentence as follows:

4 "The warrants may be sold by the board for cash in an amount not  
 5 less than the face value thereof, together with accrued interest, if  
 6 any."

Approved April 30, 1963.

## CHAPTER 280

## SOIL CONSERVATION SUBDISTRICTS TAXATION

S. F. 64

AN ACT relating to the powers of subdistricts of soil conservation districts, regarding tax methods to be used.

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

1 SECTION 1. Section four hundred sixty-seven A point fourteen  
2 (467A.14), Code 1962, is hereby amended by inserting in line twelve  
3 (12) after the word "subdistrict" the following:  
4 "and shall state whether the special annual tax or special benefit  
5 assessments will be used, or whether the use of both is contemplated".

1 SEC. 2. Section four hundred sixty-seven A point forty-one  
2 (467A.41), Code 1962, is hereby repealed and the following enacted in  
3 lieu thereof:

4 "Subdistricts organized under the provisions of this chapter shall  
5 designate in the petition which of the taxing methods will be used or  
6 may stipulate that both methods are contemplated for use. Should the  
7 governing body of the subdistrict find it desirable to change from a  
8 special annual tax to special benefit assessments it may elect to do so  
9 and shall institute proceedings described in sections four hundred  
10 sixty-seven A point twenty-three (467A.23) of the Code, through four  
11 hundred sixty-seven A point forty (467A.40) of the Code, and may  
12 divert any moneys already collected under section four hundred sixty-  
13 seven A point twenty (467A.20) of the Code, for the purposes author-  
14 ized in this chapter."

Approved February 11, 1963.

## CHAPTER 281

## SOIL CONSERVATION SUBDISTRICTS

S. F. 105

AN ACT to amend certain sections of the subdistricts of soil conservation districts law.

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

1 SECTION 1. Section four hundred sixty-seven A point twenty  
2 (467A.20), Code 1962, is hereby amended by inserting in line forty  
3 (40) following the word "taxes" the following:  
4 "with like penalty for delinquency,".

1 SEC. 2. Section four hundred sixty-seven A point twenty-three  
2 (467A.23), Code 1962, is hereby amended as follows:

- 3 1. By inserting in line five (5) following the word "body" the words
- 4 "of the subdistrict".
- 5 2. By striking from line twenty-nine (29) the word "commissioners"

6 and inserting in lieu thereof the words "governing body of the sub-  
7 district".

1 SEC. 3. Section four hundred sixty-seven A point twenty-four  
2 (467A.24), Code 1962, is hereby amended as follows:

- 3 1. By striking from line twenty-five (25) the word "watershed" and  
4 inserting in lieu thereof the word "subdistrict".
- 5 2. By striking from line twenty-seven (27) the word "watershed"  
6 and inserting in lieu thereof the word "subdistrict".

1 SEC. 4. Section four hundred sixty-seven A point thirty-five  
2 (467A.35), Code 1962, is hereby amended as follows:

- 3 1. By striking from subsection one (1), line one (1), the word "one-  
4 third" and inserting in lieu thereof the word "one-half (1/2)".
- 5 2. By striking from subsection one (1) all of the sentence after the  
6 word "agreement" in lines two (2) and three (3) and inserting in lieu  
7 thereof the following:  
8 "and the remaining one-half (1/2) shall become due and payable one  
9 (1) year from the date of filing such agreement."
- 10 3. By striking from subsection two (2), line three (3), the word  
11 "board" and inserting in lieu thereof the words "body of the subdis-  
12 trict".
- 13 4. By inserting in subsection two (2), line five (5), after the word  
14 "body" the words "of the subdistrict".
- 15 5. By striking from subsection two (2) all after the period in line  
16 five (5) and inserting in lieu thereof the following:  
17 "The first (1st) installment of each assessment shall become due  
18 and payable at the October semiannual tax paying date after the date  
19 of filing such agreement, unless the agreement is filed with the county  
20 auditor less than thirty (30) days prior to such October semiannual  
21 tax paying date, in that event, the first (1st) installment shall become  
22 due and payable at the next succeeding October semiannual tax paying  
23 date. The second (2nd) and each subsequent installment shall become  
24 due and payable at the October semiannual taxpaying date each year  
25 thereafter. All such installments shall be collected with interest ac-  
26 crued on the unpaid balance to the October semiannual taxpaying date  
27 and as other taxes on real estate, with like penalty for delinquency."

Approved March 29, 1963.

## CHAPTER 282

### SOIL CONSERVATION DISTRICTS

#### S. F. 63

AN ACT relating to the powers of subdistricts of soil conservation districts.

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

1 SECTION 1. Section four hundred sixty-seven A point twenty-two  
2 (467A.22), Code 1962, is hereby amended by adding the following new  
3 paragraph:

4 "The governing body of the subdistrict, upon determination that

5 benefits from works of improvement as set forth in the watershed  
 6 work plan to be installed will exceed costs thereof, and that funds  
 7 needed for purposes of the subdistrict require levy of a special benefit  
 8 assessment as provided in section four hundred sixty-seven A point  
 9 twenty-three (467A.23) of the Code, in lieu of the special annual tax  
 10 as provided in section four hundred sixty-seven A point twenty  
 11 (467A.20) of the Code, shall record its decision to use said taxing  
 12 authority and shall have authority, upon majority vote of said gov-  
 13 erning body and with the approval of the state soil conservation com-  
 14 mittee, to issue warrants or bonds payable in not more than forty (40)  
 15 semi-annual installments in connection therewith, and to pledge and  
 16 assign the proceeds of the special benefit assessment and other reve-  
 17 nues of the subdistrict as security therefor. Such warrants and bonds  
 18 of indebtedness shall be general obligations of the subdistrict, exempt  
 19 from all taxes, state and local, and in no event shall such warrants and  
 20 bonds constitute an indebtedness of the soil conservation district or  
 21 the state of Iowa."

Approved February 27, 1963.

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## CHAPTER 283

### SOIL CONSERVATION DISTRICT ASSESSMENTS

#### S. F. 61

AN ACT relating to installment payments of subdistrict of soil conservation district assessments.

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

1 SECTION 1. Section four hundred sixty-seven A point thirty-five  
 2 (467A.35), Code 1962, is hereby amended by striking from subsection  
 3 two (2), line two (2), the word "twenty" and inserting in lieu thereof  
 4 the word "forty (40)".

Approved February 11, 1963.

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## CHAPTER 284

### WATERSHED PROJECTS

#### S. F. 62

AN ACT relating to the expenditure of tax funds for use in watershed projects.

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

1 SECTION 1. Section four hundred sixty-seven B point nine (467B.9),  
 2 Code 1962, is hereby amended by striking from lines four (4) and five  
 3 (5) the words "as a maintenance fund for structures" and inserting in  
 4 lieu thereof the words "to acquire land or rights or interests therein

5 by purchase or condemnation, and for repair, alteration, maintenance,  
6 and operation of the present and future works of improvement”.

Approved March 25, 1963.

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## CHAPTER 285

### ELECTRIC TRANSMISSION LINES

S. F. 254

AN ACT to amend chapter four hundred eighty-nine (489), Code 1962, relating to electric transmission lines to clarify the authority of the commerce commission to determine whether such lines serve the public use before authorization of franchise or eminent domain.

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

1 SECTION 1. Section four hundred eighty-nine point five (489.5),  
2 Code 1962, is amended by inserting the following new sentence after  
3 the word and period “proper.” in line twenty-two (22): “Before grant-  
4 ing such franchise, the board or commission shall make a finding that  
5 the proposed line or lines are necessary to serve a public use.”.

1 SEC. 2. Section four hundred eighty-nine point fourteen (489.14),  
2 Code 1962, is amended by adding after the first sentence of said section  
3 the following sentence: “The burden of proving the necessity for  
4 public use shall be on the person, company or corporation seeking the  
5 right of eminent domain.”.

1 SEC. 3. Section four hundred eighty-nine point fourteen (489.14),  
2 Code 1962, is amended by striking from lines five (5) and six (6) the  
3 words “may be necessary and as prescribed and approved by the board  
4 or commission”, and substituting in lieu thereof the following: “the  
5 board or commission may approve, prescribe and find to be necessary  
6 for public use”.

1 SEC. 4. The provisions of this Act shall not affect the rights of any  
2 persons in any pending actions in any courts of this state.

Approved April 26, 1963.

## CHAPTER 286

## PUBLIC UTILITY REGULATION

## S. F. 11

AN ACT to authorize the Iowa state commerce commission to regulate the rates and services of public utilities, to define public utilities to include those engaged in the furnishing of electricity, gas, water or communications services to the public for compensation, and to provide for appeals from orders and decisions of the Iowa state commerce commission.

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

1 SECTION 1. The Iowa state commerce commission shall regulate  
2 the rates and services of public utilities to the extent and in the man-  
3 ner hereinafter provided.

4 As used in this Act, "public utility" shall include any person, part-  
5 nership, business association, or corporation, domestic or foreign, own-  
6 ing or operating any facilities for:

7 1. Furnishing gas by piped distribution system or electricity to the  
8 public for compensation.

9 2. Furnishing communications services to the public for compensa-  
10 tion.

11 3. Furnishing water by piped distribution system to the public for  
12 compensation.

13 Mutual telephone companies in which at least fifty percent (50%)  
14 of the users are owners, telephone companies having less than two  
15 thousand (2,000) stations, municipally-owned utilities, unincorporated  
16 villages which own their own distribution system, and co-operative  
17 corporations or associations shall not be subject to the rate regulation  
18 provided for in this Act; provided, however, that nothing contained in  
19 this Act shall be construed to apply to municipally-owned water works.  
20 Telephone companies otherwise exempt from rate regulation and hav-  
21 ing telephone exchange facilities which cross state lines may elect, in  
22 writing, filed with the commission, to have their rates regulated by the  
23 commission. When such election, in writing, has been filed with the  
24 commission, the commission shall assume rate regulation jurisdiction  
25 over said companies.

1 SEC. 2. The commission shall have broad general powers to effect  
2 the purposes of this Act notwithstanding the fact that certain specific  
3 powers are hereinafter set forth. The commission shall have authority  
4 to issue subpoenas and to pay the same fees and mileage as are payable  
5 to witnesses in the courts of record of general jurisdiction and shall  
6 establish all needful, just and reasonable rules and regulations, not  
7 inconsistent with law, to govern the exercise of its powers and duties,  
8 the practice and procedure before it, and to govern the form, contents  
9 and filing of reports, documents and other papers provided for in this  
10 Act or in the commission's rules and regulations. In the establishment,  
11 amendment, alteration or repeal of any of such rules and regulations,  
12 the commission shall be subject to the provisions of chapter seventeen  
13 A (17A), Code 1962.

14 The commission shall employ at rates of compensation consistent  
15 with current standards in industry such professionally trained engi-

16 neers, accountants, attorneys, and skilled examiners and inspectors,  
17 secretaries, clerks, and other employees as it may find necessary for  
18 the full and efficient discharge of its duties and responsibilities as  
19 required by this Act.

20 The commission is hereby authorized and empowered to intervene  
21 in any proceedings before the Federal Power Commission or any other  
22 federal or state regulatory body when it finds that any decision of such  
23 tribunal would adversely affect the costs of any public utility service  
24 within the state of Iowa.

25 The commission shall have authority to inquire into the manage-  
26 ment of the business of all public utilities, and shall keep itself in-  
27 formed as to the manner and method in which the same is conducted,  
28 and may obtain from any public utility all necessary information to  
29 enable the commission to perform its duties.

1 SEC. 3. Every public utility shall furnish reasonably adequate serv-  
2 ice at rates and charges in accordance with tariffs filed with the com-  
3 mission. Whenever there is filed with the commission by any person or  
4 body politic, or filed by the commission upon its own motion, a written  
5 complaint requesting the commission to determine the reasonableness  
6 of the rates, charges, schedules, service, regulations, or anything done  
7 or omitted to be done by any public utility subject to this Act, in con-  
8 travention of the provisions thereof, such written complaint thus made  
9 shall be forwarded by the commission to such public utility, which  
10 shall be called upon to satisfy the complaint or to answer the same in  
11 writing within a reasonable time to be specified by the commission.  
12 If such public utility shall not satisfy the commission with respect to  
13 the complaint within the time specified and there shall appear to be  
14 any reasonable ground for investigating said complaint, it shall be the  
15 duty of the commission to promptly initiate a formal proceeding. Such  
16 a formal proceeding may be initiated at any time by the commission  
17 on its own motion. Whenever such a proceeding has been initiated  
18 upon application or motion, the commission shall set the case for hear-  
19 ing and give such notice thereof as it deems appropriate. Whenever  
20 the commission, after a hearing held after reasonable notice, finds any  
21 public utility's rates, charges, schedules, service or regulations are  
22 unjust, unreasonable, discriminatory or otherwise in violation of any  
23 provision of law, the commission shall determine just, reasonable and  
24 nondiscriminatory rates, charges, schedules, service or regulations to  
25 be thereafter observed and enforced.

1 SEC. 4. Every public utility shall file with the commission tariffs  
2 showing the rates and charges for its public utility services and the  
3 rules and regulations under which such services were furnished, on  
4 April 1, 1963, which rates and charges shall be subject to investigation  
5 by the commission as provided in section three (3) hereof, and upon  
6 such investigation the burden of establishing the reasonableness of  
7 such rates and charges shall be upon the public utility filing the same.  
8 These filings shall be made under such rules as the commission may  
9 prescribe within such time and in such form as the commission may  
10 designate. In prescribing rules and regulations with respect to the  
11 form of tariffs, the commission shall, in the case of public utilities



12 subject to regulation by any federal agency, give due regard to any  
13 corresponding rules and regulations of such federal agency, to the end  
14 that unnecessary duplication of effort and expense may be avoided so  
15 far as reasonably possible. Each public utility shall keep copies of its  
16 tariffs open to public inspection under such rules as the commission  
17 may prescribe.

18 Every rate, charge, rule and regulation contained in any filing made  
19 with the commission on or prior to the effective date of this Act shall  
20 be effective as of such effective date, subject, however, to investigation  
21 as herein provided. If any such filing is made prior to the time the  
22 commission prescribes rules as aforesaid, and if such filing does not  
23 comply as to form or substance with such rules, then the public utility  
24 which filed the same shall within a reasonable time after the adoption  
25 of such rules make a new filing or filings complying with such rules,  
26 which new filing or filings shall be deemed effective as of the effective  
27 date of this Act.

1 SEC. 5. No public utility subject to rate regulation shall directly or  
2 indirectly charge a greater or less compensation for its services than  
3 that prescribed in its tariffs, and no such public utility shall make or  
4 grant any unreasonable preferences or advantages as to rates or serv-  
5 ices to any person or subject any person to any unreasonable prejudice  
6 or disadvantage.

7 Nothing in this section shall be construed to prohibit any public  
8 utility furnishing communications services from providing any service  
9 rendered by it without charge or at reduced rate to any of its active  
10 or retired officers, directors, or employees, or such officers, directors or  
11 employees of other public utilities furnishing communications services.  
12 Provided, however, said service is for personal use, and not for engag-  
13 ing in a business for profit.

1 SEC. 6. No public utility subject to rate regulation shall make effec-  
2 tive any new or changed rate, charge, schedule or regulation except by  
3 filing the same with the commission at least thirty (30) days prior to  
4 the effective date thereof. The commission, for good cause shown, may  
5 allow changes in rates, charges, schedules or regulations to become  
6 effective on less than thirty (30) days' notice.

7 Nothing in this Act shall be taken to prohibit a public utility from  
8 establishing a sliding scale of rates and charges or from making pro-  
9 vision for the automatic adjustment of rates and charges for public  
10 utility service provided that a schedule showing such sliding scale or  
11 automatic adjustment of rates and charges is first filed with the com-  
12 mission.

13 Whenever there is filed with the commission by any public utility  
14 subject to rate regulation any new or changed rates, charges, sched-  
15 ules or regulations, the commission may, prior to the effective date  
16 thereof, docket the case as a formal proceeding and set the case for  
17 hearing. The commission shall give such notice of such formal pro-  
18 ceedings as it deems appropriate.

19 After the initiation of such formal proceedings and pending the  
20 final decision thereon, the commission may, at any time before they  
21 become effective, suspend the operation of such new or changed rates.

22 charges, schedules or regulations, but not for a period longer than  
23 twelve (12) months from the date when they would have become  
24 effective if not suspended.

25 However, a public utility shall have the right at any time after said  
26 rates, charges, schedules or regulations have been suspended for ninety  
27 (90) days to place in effect any or all of such suspended rates, charges,  
28 schedules or regulations by filing with the commission a bond or other  
29 undertaking approved by the commission conditioned upon the refund  
30 in a manner to be prescribed by the commission of any amounts col-  
31 lected thereunder in excess of the amounts which would have been  
32 collected under rates, charges, schedules or regulations finally approved  
33 by the commission.

34 If, after hearing and decision on all issues presented for determi-  
35 nation in such rate proceeding, the commission shall find the rates,  
36 charges, schedules or regulations of the utility to be unlawful, the  
37 same shall be set aside and the commission shall by order authorize  
38 and direct the utility to file rates, charges, schedules or regulations  
39 which, when approved by the commission and placed in effect, will  
40 satisfy the requirements of this Act. The rates, charges, schedules  
41 or regulations so approved shall be lawful and effective unless changed  
42 as herein provided. In the event a petition for rehearing is filed or an  
43 appeal is taken from an order concerning rates, charges, schedules or  
44 regulations which are in effect under bond, those rates, charges,  
45 schedules or regulations may be continued in effect by the utility  
46 under the terms of a bond or other undertaking pending final deter-  
47 mination of the application for rehearing or appeal from an order of  
48 the commission.

1 SEC. 7. If there shall be filed with the commission by any public  
2 utility an application requesting the commission to determine the  
3 reasonableness of the utility's rates, charges, schedules, service or  
4 regulations, the commission shall promptly initiate a formal proceed-  
5 ing. Such a formal proceeding may be initiated at any time by the  
6 commission on its own motion. Whenever such a proceeding has been  
7 initiated upon application or motion, the commission shall set the case  
8 for hearing and give such notice thereof as it deems appropriate.  
9 Whenever the commission, after a hearing held after reasonable notice,  
10 finds any public utility's rates, charges, schedules, service or regula-  
11 tions are unjust, unreasonable, insufficient, discriminatory or other-  
12 wise in violation of any provision of law, the commission shall deter-  
13 mine just, reasonable, sufficient and non-discriminatory rates, charges,  
14 schedules, service or regulations to be thereafter observed and en-  
15 forced.

1 SEC. 8. Utility charges and service. Every public utility is re-  
2 quired to furnish reasonably adequate service and facilities. The  
3 charge made by any public utility for any heat, light, gas, water or  
4 power produced, transmitted, delivered or furnished, or communica-  
5 tions services, or for any service rendered or to be rendered in con-  
6 nection therewith shall be reasonable and just, and every unjust or  
7 unreasonable charge for such service is prohibited and declared unlaw-  
8 ful. In determining reasonable and just rates, the commission shall

9 consider all factors relating to value and shall not be bound by rate  
10 base decisions or rulings made prior to the adoption of this Act.

11 The commission, in determining the value of materials or services  
12 to be included in valuations or costs of operations for rate-making  
13 purposes, may disallow any unreasonable profit made in the sale of  
14 materials to or services supplied for any public utility by any firm or  
15 corporation owned or controlled directly or indirectly by such utility  
16 or any affiliate, subsidiary, parent company, associate or any corpora-  
17 tion whose controlling stockholders are also controlling stockholders  
18 of such utility. The burden of proof shall be on the public utility to  
19 prove that no unreasonable profit is made.

1 SEC. 9.

2 1. Every public utility shall keep and render to the commission in  
3 the manner and form prescribed by the commission uniform accounts  
4 of all business transacted.

5 2. Every public utility engaged directly or indirectly in any other  
6 business than that of the production, transmission or furnishing of  
7 heat, light, water or power or furnishing communications services to  
8 the public shall, if required by the commission, keep and render sepa-  
9 rately to the commission in like manner and form the accounts of all  
10 such other business, in which case all the provisions of this chapter  
11 shall apply to the books, accounts, papers and records of such other  
12 business and all profits and losses may be taken into consideration by  
13 the commission if deemed relevant to the general fiscal condition of the  
14 public utility.

15 3. Every public utility is required to keep and render its books,  
16 accounts, papers and records accurately and faithfully in the manner  
17 and form prescribed by the commission, and to comply with all direc-  
18 tions of the commission relating to such books, accounts, papers and  
19 records.

20 4. The commission shall consult with other state and federal regu-  
21 latory bodies for the purpose of eliminating accounting discrepancies  
22 with regard to the keeping of public utility accounts before prescribing  
23 any system of accounts to be kept by the public utility.

1 SEC. 10. Whenever the commission shall deem it necessary in order  
2 to carry out the duties imposed upon it by this Act for the purpose of  
3 determining rate matters to investigate the books, accounts, practices,  
4 and activities of, or make appraisals of the property of any public  
5 utility, or to render any engineering or accounting services to any  
6 public utility, such public utility shall pay the expense reasonably  
7 attributable to such investigation, appraisal, or service. The commis-  
8 sion shall ascertain such expenses, and shall render a bill therefor, by  
9 certified mail, to the public utility, either at the conclusion of the  
10 investigation, appraisal, or services, or from time to time during its  
11 progress, which bill shall constitute notice of said assessment and  
12 demand payment thereof. The total amount of such expense in any  
13 one calendar year, for which any public utility shall become liable,  
14 shall not exceed two-tenths of one percent of its gross operating reve-  
15 nues derived from intrastate public utility operations in the last pre-  
16 ceding calendar year.

17 Immediately after the effective date of this Act, the commission

18 shall assess to all public utilities subject to the provisions of this Act  
19 in proportion to their respective gross operating revenues derived from  
20 intrastate public utility operations during the preceding calendar year,  
21 the sum of three hundred thousand dollars (\$300,000). Thereafter the  
22 commission shall annually, within ninety (90) days after the close of  
23 each fiscal year, ascertain the total of its expenditures during each  
24 year, excluding the total sum necessary to pay the salaries of the  
25 commissioners but including all other expenses which are reasonably  
26 attributable to the performance of its duties under this Act and shall  
27 deduct therefrom all amounts chargeable directly to any specific util-  
28 ity under any law. The remainder shall be assessed by the commission  
29 to the several public utilities in proportion to their respective gross  
30 operating revenues during the last calendar year derived from intra-  
31 state public utility operations. The total amount which may be as-  
32 sessed to the public utilities under authority of this paragraph shall not  
33 exceed one-tenth of one percent of the total gross operating revenues  
34 of such public utilities during such calendar year derived from intra-  
35 state public utility operations and in no event shall the aggregate  
36 general assessment exceed three hundred thousand dollars (\$300,000)  
37 per calendar year. For public utilities exempted from rate regulation  
38 under this Act, the assessments under this paragraph shall be com-  
39 puted at one-half ( $\frac{1}{2}$ ) the rate used in computing the assessment for  
40 other utilities.

41 Each utility shall pay the commission the amount assessed against  
42 it within thirty (30) days from the time the commission mails notice  
43 to it of the amount due unless it shall file with the commission objec-  
44 tions in writing setting out the grounds upon which it claims that such  
45 assessment is excessive, erroneous, unlawful, or invalid. Upon the  
46 filing of such objections the commission shall set the matter down for  
47 hearing and issue its order in accordance with its findings in such pro-  
48 ceeding, which order shall be subject to review in the manner provided  
49 in this Act. All amounts collected by the commission pursuant to the  
50 provisions of this section shall be deposited with the state treasurer  
51 and credited to the general fund of the state. Such amounts shall be  
52 spent in accordance with the provisions of chapter eight (8) of the  
53 Code.

1 SEC. 11. Whenever toll connection between the lines or facilities of  
2 two or more telephone companies has been made, or is demanded under  
3 the statutes of this state and the companies concerned cannot agree as  
4 to the terms and procedures under which toll communications shall be  
5 interchanged, the commission upon complaint in writing, after hearing  
6 had upon reasonable notice, shall determine such terms and procedures.

1 SEC. 12. Any party, as defined in the rules and regulations promul-  
2 gated by the commission as provided in section two (2) hereof, to a  
3 proceeding before the commission may within twenty (20) days after  
4 the entry of the order apply for a rehearing. The commission shall  
5 either grant or refuse an application for rehearing within twenty (20)  
6 days after the filing of the application, or may after giving the inter-  
7 ested parties notice and opportunity to be heard and after considera-  
8 tion of all the facts, including those arising since the making of the

9 order, abrogate or modify its order. A failure by the commission to  
10 act upon such application for rehearing within the above period shall  
11 be deemed a refusal thereof. Neither the filing of an application for  
12 rehearing nor the granting thereof shall stay the effectiveness of an  
13 order unless the commission so directs.

1 SEC. 13. Any party to any proceeding before the commission who  
2 is aggrieved by an order therein may take an appeal by serving a  
3 notice of appeal upon the adverse party or parties and the commission  
4 and by filing said notice of appeal with the clerk of the district court  
5 of any county wherein the order of the commission or some part  
6 thereof is to take effect.

1 SEC. 14. If an application for rehearing has been filed, the appeal  
2 must be filed within thirty (30) days after the application for rehear-  
3 ing has been refused or deemed refused because of the commission's  
4 failure to act thereon within the time hereinbefore specified. If an  
5 application for rehearing has not been filed, an appeal must be filed  
6 within thirty (30) days after the entry of the commission's order.  
7 If an application for rehearing is granted, an appeal must be filed  
8 within thirty (30) days after the entry of the commission's final order  
9 on rehearing.

1 SEC. 15. Upon appeal being taken, the secretary of the commission  
2 shall immediately make and certify to the district court a transcript  
3 of all papers, records and proceedings in connection with the matter  
4 including (unless there is a stipulation to the contrary) a transcript  
5 of all testimony, all exhibits or copies thereof, all pleadings, all orders,  
6 findings and opinions entered in the case.

1 SEC. 16. No new or additional evidence shall be introduced in the  
2 district court, but the case shall be determined by the court without a  
3 jury upon the record and evidence transferred; provided, however,  
4 that if any party shall apply to the court for leave to adduce additional  
5 evidence and shall show to the satisfaction of the court that such evi-  
6 dence is material and competent and that it could not have been offered  
7 before the commission or that such party was by the commission de-  
8 nied an opportunity to adduce it, the court shall order such evidence  
9 to be taken before the commission forthwith and shall stay further  
10 proceedings in the appeal pending return to the court of a record of  
11 such evidence.

1 SEC. 17. The court may dismiss the appeal, modify or vacate the  
2 order complained of in whole or in part, or remand the matter to the  
3 commission for such further proceedings as justice may require. The  
4 court shall have jurisdiction to compel commission action unlawfully  
5 withheld or unreasonably delayed and the court shall have the power  
6 to set aside the commission action, findings and conclusions found to  
7 be:

- 8 1. Arbitrary, capricious, an abuse of discretion, or otherwise not in  
9 accordance with law.
- 10 2. Contrary to constitutional right, power, privilege or immunity.

11 3. In excess of statutory jurisdiction, authority, or limitations, or  
12 short of statutory right.

13 4. Unsupported by substantial evidence in view of the entire record  
14 as submitted.

1 SEC. 18. During the pendency of an appeal the district court or  
2 supreme court may grant affirmative relief in whole or in part under  
3 bond or other undertaking and pending appeal on such terms as the  
4 court deems just, and in accordance with the practice of courts admin-  
5 istering equity jurisprudence.

1 SEC. 19. Any party may secure a review of any final judgment of  
2 the district court by appeal to the supreme court. Such appeal shall be  
3 taken in the manner provided by law governing appeals from the dis-  
4 trict court in other civil cases.

1 SEC. 20. Whenever the commission shall be of the opinion that any  
2 public utility or any other person is violating this Act or any order of  
3 the commission, the commission may commence an action in the dis-  
4 trict court for the county in which such violation is alleged to have  
5 occurred, to have such violation stopped and prevented by injunction,  
6 mandamus or other appropriate remedy.

1 SEC. 21. The jurisdiction and powers of the commission shall ex-  
2 tend as hereinbefore provided to the utility business of public utilities  
3 operating within this state to the full extent permitted by the consti-  
4 tution and laws of the United States.

1 SEC. 22. The Iowa state commerce commission shall include in its  
2 annual report required under sections seventeen point one (17.1) and  
3 seventeen point ten (17.10), Code 1962, among other matters, to the  
4 extent such regulation is conferred upon the commission by this Act,  
5 the following:

6 1. A complete financial report of receipts and expenditures, including  
7 list of public utilities and separately the amount of total fees and as-  
8 sessments paid by each.

9 2. A list of the applications, subject and disposition of each docket  
10 number under this Act, including commission fees for such docket as-  
11 sessed by the commission.

1 SEC. 23. The application of section three hundred ninety-seven  
2 point twenty-eight (397.28), Code 1962, to public utilities, as defined  
3 in this Act, with respect to the regulating of rates and services of such  
4 public utilities to the extent such jurisdiction and powers are conferred  
5 upon the commission in this Act is hereby repealed. All rights of  
6 municipal corporations to franchise and regulate use of streets, alleys  
7 and other public property, and all rights acquired by franchise or  
8 agreement shall be preserved in such municipalities, excepting only the  
9 duties and jurisdiction conferred upon the commission in this Act.  
10 Whenever the corporate boundaries of any city or town are extended  
11 utility service, as defined in section one (1) hereof, shall be provided  
12 in such extended area by the public utility or the municipally owned

13 utility serving such city or town immediately prior to the extension of  
14 such boundaries. In the event service is provided, in such extended  
15 area, at the time of the extension of the corporate boundaries, by a  
16 public utility which does not have a municipal franchise for such city  
17 or town, the facilities located within such extended area shall be pur-  
18 chased at the end of six (6) years from the date the corporate bound-  
19 daries shall have been extended by the franchised public utility of such  
20 city or town or by the municipal utility serving such city or town and  
21 the municipal franchised public utility or municipally owned utility  
22 shall furnish such service without interruption upon the acquisition  
23 thereof. The franchised or municipally owned utility shall pay to the  
24 utility serving in the annexed area the fair and reasonable value of  
25 its properties within such annexed area by exchange of other electric  
26 utility property outside such city or town on a fair and reasonable  
27 basis giving due consideration to revenue from and value of the respec-  
28 tive properties. In the event the public utilities involved are unable  
29 to agree as to the terms of such exchange, either utility may file an  
30 application with the commission requesting that the commission de-  
31 termine such fair and reasonable terms for such exchange. After  
32 notice and hearing the commission shall determine fair and reasonable  
33 terms for such exchange, or in the event no appropriate properties  
34 can be exchanged the commission shall fix and determine the fair and  
35 reasonable value of the property within the annexed area, and such  
36 transfer shall be made as directed by the commission. Until such  
37 determination by the commission, the facilities shall remain in place  
38 and service to the public shall be maintained by the owner. However,  
39 the utility not having a municipal franchise and serving such annexed  
40 area shall not extend service to any additional points of delivery within  
41 such annexed area if the commission, after notice and hearing, with  
42 due consideration of any unnecessary duplication of facilities, shall  
43 determine that such extension is not in the public interest. Provided,  
44 however, that production, generation, high-voltage transmission facil-  
45 ities and high-voltage transformers owned by a utility in territory  
46 annexed to a city or town shall be exempt from the operation of this  
47 section, and provided further that if a public utility not having a  
48 municipal franchise at the time of the extension of the corporate  
49 boundaries subsequently acquires a municipal franchise as contem-  
50 plated by chapter three hundred ninety-seven (397), Code 1962, within  
51 six (6) years of the extension of the corporate boundaries such utility  
52 shall be exempt from the operation of this section. All other laws  
53 and parts of laws inconsistent with this Act are hereby repealed;  
54 provided, however, that nothing in this Act shall be construed to  
55 repeal or impair any provision of chapter three hundred ninety-seven  
56 (397) of the Code, except as expressly provided in this section with  
57 respect to section three hundred ninety-seven point twenty-eight  
58 (397.28) of the Code.

1 SEC. 24. No public utility shall construct or extend facilities or  
2 furnish or offer to furnish electric service to the point of delivery to  
3 any consumer already receiving electric service from another public  
4 utility. No public utility shall construct or extend facilities or furnish  
5 electric service to a prospective customer not presently being served

6 unless its existing service facilities are nearer the proposed point of  
7 delivery than the service facilities of any other utility. Notwithstand-  
8 ing the foregoing provisions of this section, any public utility may  
9 extend electric service and transmission lines to its own utility prop-  
10 erty and facilities or to another public utility for resale, or in case the  
11 public utility closest to or presently serving the delivery point consents  
12 thereto in writing or the commission after notice and hearing, and due  
13 consideration of the preference of the consumer, finds that service  
14 from a utility other than the closest utility is in the public interest.

1 SEC. 25. Nothing herein contained shall be construed to invalidate  
2 any proceedings under statutes existing prior to the enactment of this  
3 Act; nor shall any action, litigation or appeal pending prior to the  
4 effective date of rate regulation of this Act be affected hereby.

1 SEC. 26. Section four hundred seventy-four point one (474.1), Code  
2 1962, is hereby repealed and the following is substituted in lieu there-  
3 of: "No person in the employ of any common carrier or other public  
4 utility, or owning any bonds, stock, or property in any railroad com-  
5 pany or other public utility shall be eligible to the office of Iowa state  
6 commerce commissioner or secretary of the commission; and the  
7 entering into the employ of any common carrier or other public utility  
8 or the acquiring of any stock or other interest in any common carrier  
9 or other public utility by such commissioner or secretary after his  
10 appointment shall disqualify him to hold the office or perform the  
11 duties thereof.

1 SEC. 27. No utility shall, except in cases of emergency, discontinue,  
2 reduce, or impair service to a community, or a part of a community,  
3 except for nonpayment of account or violation of rules and regulations,  
4 unless and until there shall have been first obtained from the commis-  
5 sion permission to do so.

1 SEC. 28. Nothing contained in this Act shall be construed to require  
2 the approval of the commission for the establishment and erection of  
3 any generating facilities or the improvement or extension of any exist-  
4 ing generating facilities.

Approved April 19, 1963.

## CHAPTER 287

### BUSINESS CORPORATIONS FOR PROFIT

#### H. F. 354

AN ACT to amend chapter four hundred ninety-six A (496A), Code 1962, relating to corporations for profit.

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

1 SECTION 1. Section four hundred ninety-six A point twenty-six  
2 (496A.26), Code 1962, is amended by adding thereto the following:



3 "The board of directors of any corporation may adopt emergency  
4 bylaws, subject to repeal or change by action of the shareholders,  
5 which shall, notwithstanding any different provision elsewhere in this  
6 Act or in the articles of incorporation or bylaws, be operative during  
7 any emergency in the conduct of the business of the corporation re-  
8 sulting from an attack on the United States or any nuclear or atomic  
9 disaster. The emergency bylaws may make any provision that may be  
10 practical and necessary for the circumstances of the emergency, in-  
11 cluding provisions that:

12 1. A meeting of the board of directors may be called by any officer  
13 or director in such manner and under such conditions as shall be pre-  
14 scribed in the emergency bylaws;

15 2. The director or directors in attendance at the meeting, or any  
16 greater number fixed by the emergency bylaws, shall constitute a  
17 quorum; and

18 3. The officers or other persons designated on a list approved by the  
19 board of directors before the emergency, all in such order of priority  
20 and subject to such conditions and for such period of time (not longer  
21 than reasonably necessary after the termination of the emergency) as  
22 may be provided in the emergency bylaws or in the resolution approv-  
23 ing the list, shall, to the extent required to provide a quorum at any  
24 meeting of the board of directors, be deemed directors for such meet-  
25 ing.

26 "The board of directors, either before or during any such emergency,  
27 may provide, and from time to time modify, lines of succession in the  
28 event that during such an emergency any or all officers or agents of the  
29 corporation shall for any reason be rendered incapable of discharging  
30 their duties.

31 "The board of directors, either before or during any such emergency,  
32 may, effective in the emergency, change the head office or designate  
33 several alternative head offices or regional offices, or authorize the  
34 officers so to do.

35 "To the extent not inconsistent with any emergency bylaws so  
36 adopted, the bylaws of the corporation shall remain in effect during  
37 any such emergency and upon its termination the emergency bylaws  
38 shall cease to be operative.

39 "Unless otherwise provided in emergency bylaws, notice of any  
40 meeting of the board of directors during any such emergency may be  
41 given only to such of the directors as it may be feasible to reach at  
42 the time and by such means as may be feasible at the time, including  
43 publication or radio.

44 "To the extent required to constitute a quorum at any meeting of  
45 the board of directors during any such emergency, the officers of the  
46 corporation who are present shall, unless otherwise provided in emer-  
47 gency bylaws, be deemed, in order of rank and within the same rank  
48 in order of seniority, directors for such meeting.

49 "No officer, director or employee acting in accordance with any emer-  
50 gency bylaws shall be liable except for willful misconduct. No officer,  
51 director or employee shall be liable for any action taken by him in good  
52 faith in such an emergency in furtherance of the ordinary business  
53 affairs of the corporation even though not authorized by the bylaws  
54 then in effect."

1 SEC. 2. Section four hundred ninety-six A point thirty-nine  
2 (496A.39), Code 1962, is repealed and the following enacted in lieu  
3 thereof:

4 "If the articles of incorporation or the bylaws so provide, the board  
5 of directors, by resolution adopted by a majority of the full board of  
6 directors, may designate from among its members an executive com-  
7 mittee and one or more other committees each of which, to the extent  
8 provided in such resolution or in the articles of incorporation or the  
9 bylaws of the corporation, shall have and may exercise all the author-  
10 ity of the board of directors, but no such committee shall have the  
11 authority of the board of directors in reference to amending the ar-  
12 ticles of incorporation, adopting a plan of merger or consolidation,  
13 recommending to the shareholders the sale, lease, exchange or other  
14 disposition of all or substantially all the property and assets of the  
15 corporation otherwise than in the usual and regular course of its busi-  
16 ness, recommending to the shareholders a voluntary dissolution of the  
17 corporation or a revocation thereof, or amending the bylaws of the  
18 corporation. The designation of any such committee and the delegation  
19 thereto of authority shall not operate to relieve the board of directors,  
20 or any member thereof, of any responsibility imposed by law."

1 SEC. 3. Section four hundred ninety-six A point fifty-three  
2 (496A.53), Code 1962, is amended by striking from line twenty (20)  
3 thereof the words "duplicate executed".

1 SEC. 4. Section four hundred ninety-six A point seventy-one  
2 (496A.71), Code 1962, is amended by striking from line twenty-five  
3 (25) thereof the words "county recorder" and inserting in lieu thereof  
4 the following:  
5 "recorder of each county in which the registered office of each do-  
6 mestic merging or consolidating corporation was located prior to the  
7 merger or consolidation and, if the new corporation into which the  
8 corporations have consolidated is a domestic corporation, in the office  
9 of the recorder of the county in which the registered office of the new  
10 corporation is located".

1 SEC. 5. Section four hundred ninety-six A point one hundred  
2 twenty (496A.120), Code 1962, is amended by repealing the last sen-  
3 tence thereof.

1 SEC. 6. Section four hundred ninety-six A point one hundred  
2 twenty-two (496A.122), Code 1962, is amended by striking the first  
3 (1st) sentence thereof and by enacting in lieu thereof the following:  
4 "Such annual report of a domestic or foreign corporation shall be  
5 delivered to the secretary of state for filing in his office between the  
6 first day of January and the first day of March of each year, except  
7 as otherwise provided in this section. The first annual report of a  
8 domestic corporation shall be filed between the first day of January  
9 and the first day of March of the year next succeeding the calendar  
10 year in which its corporate existence began, except that if such exist-  
11 ence began in December of any year, its first annual report shall be  
12 filed between the first day of January and the first day of March of the

13 second year succeeding the calendar year in which its corporate exist-  
14 ence began. The first annual report of a foreign corporation shall be  
15 filed between the first day of January and the first day of March of  
16 the year next succeeding the calendar year in which its certificate of  
17 authority was issued by the secretary of state except that if such cer-  
18 tificate was issued in December of any year, its first annual report  
19 shall be filed between the first day of January and the first day of  
20 March of the second year succeeding the calendar year in which such  
21 certificate was issued by the secretary of state."

1 SEC. 7. Section four hundred ninety-six A point one hundred  
2 twenty-seven (496A.127), Code 1962, is amended by striking from line  
3 two (2) thereof the word "doing", and by enacting in lieu thereof  
4 "having a permit to transact".

1 SEC. 8. Section four hundred ninety-six A point one hundred thirty  
2 (496A.130), Code 1962, is amended by placing a period after the word  
3 "delinquent" in line five (5) of the second (2d) paragraph thereof, and  
4 by striking the remainder of said paragraph.

5 Further amend said section by adding thereto the following:

6 "The secretary of state may cancel the certificate of incorporation of  
7 any corporation that fails or refuses to file its annual report for any  
8 year prior to the first day of October of the year in which it is due by  
9 issuing a certificate of such cancellation at any time after the expira-  
10 tion of thirty days following the mailing to the corporation of notice of  
11 the certification to the attorney general of the failure of the corpora-  
12 tion to file such annual report as required by section four hundred  
13 ninety-six A point ninety-two (496A.92) of the Code, provided the  
14 corporation has not filed such annual report prior to the issuance of the  
15 certificate of cancellation. Upon the issuance of the certificate of can-  
16 cellation, the secretary of state shall send the certificate to the cor-  
17 poration at its registered office and shall retain a copy thereof in the  
18 permanent records of his office.

19 "Upon the issuance of the certificate of cancellation, the corporate  
20 existence of the corporation shall terminate, subject to right of re-  
21 instatement as herein provided, and the corporation shall cease to carry  
22 on its business, except insofar as may be necessary for the winding up  
23 thereof or for securing reinstatement and the right of the corporation  
24 to the use of its name shall cease and such name shall thereupon be  
25 available to any other corporation or foreign corporation or for reser-  
26 vation, registration or use as a trade name as provided in this chapter.  
27 The cancellation of the certificate of incorporation of a corporation  
28 shall not take away or impair any remedy available to or against such  
29 corporation, its directors, officers or shareholders for any right or claim  
30 existing or any liability incurred prior to such cancellation, but no  
31 action or proceeding thereon may be prosecuted by such corporation  
32 until it shall have been reinstated. Any such action or proceeding  
33 against such corporation may be defended by the corporation, if it has  
34 not been reinstated, in its corporate name to which there shall be ap-  
35 pended the word "Cancelled" followed by the date of the issuance of  
36 the certificate of cancellation. Unless the corporation is reinstated, the  
37 corporation, upon the issuance of the certificate of cancellation, shall

38 proceed to liquidate its business and affairs as provided by this chap-  
39 ter in cases of dissolution by consent of shareholders or by act of the  
40 corporation, provided, however, that the district court in a suit in  
41 equity shall have full power to liquidate the assets and business of  
42 such a corporation upon application by such corporation or in a suit by  
43 a shareholder or creditor of such corporation when such corporation  
44 fails to proceed promptly with such liquidation or to make application  
45 to the court therefor. A copy of the certificate of cancellation, certified  
46 by the secretary of state, shall be taken and received in all courts as  
47 prima-facie evidence of the cancellation of the certificate of incorpora-  
48 tion as stated therein.

49 "If the certificate of incorporation of a corporation has been can-  
50 celled by the secretary of state as provided in this section for failure  
51 to file an annual report, such corporation shall be reinstated by the  
52 secretary of state at any time within five years following the date of  
53 the issuance by the secretary of state of the certificate of cancellation  
54 upon:

55 1. The delivery by the corporation to the secretary of state for filing  
56 in his office of an application for reinstatement, executed by its presi-  
57 dent or vice-president and by its secretary or an assistant secretary  
58 and verified by one of the officers signing such application, which shall  
59 set forth:

60 a. The date of the issuance by the secretary of state of the certifi-  
61 cate of cancellation;

62 b. The name of the corporation at the time of the issuance of the  
63 certificate of cancellation and, if, at the time of the filing of the appli-  
64 cation for reinstatement, another corporation or foreign corporation is  
65 entitled to use such name or such name is then reserved or registered  
66 as provided in this chapter, the name of the corporation as changed,  
67 which shall be a name then available under the laws of this state; and

68 c. The address, including street and number, if any, of the registered  
69 office of the corporation upon the reinstatement thereof, which shall be  
70 located in the same county as the county in which the registered office  
71 of the corporation was located at the time of the issuance of the cer-  
72 tificate of cancellation, and the name of its registered agent or agents  
73 at such address upon the reinstatement of the corporation;

74 2. The filing with the secretary of state by the corporation of all  
75 annual reports then due and theretofore becoming due;

76 3. The payment to the secretary of state by the corporation of all  
77 annual license fees and penalties then due and theretofore becoming  
78 due and an additional penalty of one hundred dollars (\$100).

79 "The secretary of state, upon filing the application for reinstate-  
80 ment, shall issue a certificate of reinstatement and file and record the  
81 same in his office and, if the application for reinstatement shall set  
82 forth a change in the name of the corporation, as required by this  
83 section, the same shall constitute an amendment to the articles of in-  
84 corporation of the corporation and the certificate of reinstatement  
85 shall set forth such fact and shall be filed and recorded in the office of  
86 the county recorder. Upon the issuance of the certificate of reinstate-  
87 ment, the corporation shall be entitled to continue to act as a corpora-  
88 tion for the unexpired portion of its corporate period as fixed by its  
89 articles of incorporation, provided, however, that the corporation shall

90 not be entitled to use the name of the corporation at the time of the  
 91 issuance of the certificate of cancellation if another corporation or  
 92 foreign corporation is entitled to use such name or such name is then  
 93 reserved or registered as provided in this chapter."

1 SEC. 9. Section four hundred ninety-six A point one hundred  
 2 forty-two (496A.142), Code 1962, subsection eleven (11) is repealed  
 3 and the following enacted in lieu thereof:

4 "If any corporation, organized under the provisions of chapter four  
 5 hundred ninety-one (491) of the Code and existing for a period of  
 6 years, shall elect to adopt the provisions of this chapter and shall at  
 7 the same time or thereafter amend its articles of incorporation to  
 8 extend its period of duration, then upon the amendment becoming  
 9 effective, the shares voted against the amendment shall be purchased  
 10 in accordance with the following provisions:

11 a. The purchase shall be made by the corporation, if the resolution  
 12 setting forth the amendment provides for the purchase by the corpora-  
 13 tion; if the resolution does not so provide, the purchase shall be made  
 14 by the holders of the shares voted for the amendment.

15 b. The purchase price shall be the real value of the shares, as of the  
 16 day on which the vote was taken approving the amendment.

17 c. The purchase price, together with interest thereon at five (5)  
 18 percent per annum from the effective date of the amendment, shall be  
 19 paid within three years from such date.

20 d. This subsection shall not apply to any subsequent amendment to  
 21 the articles of incorporation further extending the period of duration  
 22 of said corporation."

Approved April 5, 1963.

## CHAPTER 288

### ANNUAL LICENSE FEE OF CORPORATIONS

#### H. F. 231

AN ACT relating to annual license fees of domestic and foreign corporations.

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

1 SECTION 1. Section four hundred ninety-six A point one hundred  
 2 twenty-six (496A.126), Code 1962, is hereby amended by adding there-  
 3 to the following paragraph:

4 "Provided, that a domestic corporation having no stated capital, or  
 5 a foreign corporation having no stated capital and/or no property in  
 6 Iowa, shall pay an annual license fee of five dollars (\$5.00)."

1 SEC. 2. This Act shall be effective as to all annual license fees due  
 2 and payable on or after January 1, 1963.

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 At-

3 lantic News-Telegraph, a newspaper published in Atlantic, Iowa, and  
4 in The Daily Gate City, a newspaper published in Keokuk, Iowa.

Approved March 13, 1963.

I hereby certify that the foregoing Act, House File 231, was published in The Atlantic News-Telegraph, Atlantic, Iowa, March 16, 1963, and in The Daily Gate City, Keokuk, Iowa, March 18, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 289

### LICENSE FEES OF CORPORATIONS

#### S. F. 448

AN ACT to amend section four hundred ninety-six A point one hundred twenty-nine (496A.129), Code 1962, relating to credit against annual license fees of corporations and foreign corporations.

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

1 SECTION 1. Section four hundred ninety-six A point one hundred  
2 twenty-nine (496A.129), Code 1962, is hereby amended by adding to  
3 paragraph *c* of subsection three (3) thereof a new subparagraph as  
4 follows:  
5 “(5) The maximum amount of any such credit for any domestic  
6 corporation which adopts this chapter after July 4, 1963, shall be an  
7 amount equal to one-twentieth of the fees upon which said credit is  
8 based, as defined in subparagraph one (1) above, multiplied by the  
9 number of full calendar years remaining between the year in which  
10 this chapter is adopted by such corporation and the year in which,  
11 but for the adoption of this chapter, the corporation would again be  
12 required to renew its existence and pay renewal fees under section  
13 four hundred ninety-one point twenty-five (491.25) or to pay peri-  
14 odic fees under section four hundred ninety-one point thirty (491.30)  
15 of the Code.”

Approved June 4, 1963.

## CHAPTER 290

### ECONOMIC DEVELOPMENT CORPORATIONS

#### H. F. 452

AN ACT relating to economic development corporations.

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

1 SECTION 1. This Act shall be known and may be cited as the “Iowa  
2 Economic Development Act”.

1 SEC. 2. As used in this chapter, unless the context otherwise re-  
2 quires, the term:

3 1. "Development corporation" means any corporation organized pur-  
4 suant to this chapter and for the purpose of developing businesses,  
5 industries, and enterprises in the state of Iowa by the loaning of  
6 money thereto and investing money therein, and otherwise organizing  
7 for the purposes in section five (5) hereof.

8 2. "Financial institution" means any banking institution, savings  
9 bank, cooperative bank, trust company, savings and loan association,  
10 insurance company or related corporation, partnership, foundation or  
11 other institution licensed to do business in the state of Iowa and  
12 engaged primarily in lending or investing funds.

13 3. "Member" means any financial institution which shall undertake  
14 to lend money to a development corporation upon its call and in ac-  
15 cordance with the provision of section nine (9) hereof.

16 4. "Board of directors" means members of the board of directors  
17 of a development corporation constituted under section thirteen (13)  
18 hereof in office from time to time.

19 5. "Loan limit" means, for any member, the maximum amount per-  
20 mitted to be outstanding at any one time on loans made by any such  
21 member to a development corporation, as determined herein.

22 6. "Commission" means the Iowa development commission of the  
23 state of Iowa, or any agency which succeeds to the functions of the  
24 Iowa development commission.

1 SEC. 3. There is hereby authorized to be incorporated under the  
2 Iowa business corporation act, development corporations which meet  
3 and comply with the requirements of this chapter. Such corporations  
4 shall be subject to and have the powers and privileges conferred by the  
5 provisions of this chapter and those provisions of the Iowa business  
6 corporation act which are not inconsistent with and to the extent not  
7 restricted or limited by the provisions of this chapter. No corporation  
8 shall be deemed incorporated pursuant to and under the provisions of  
9 this chapter unless the same is approved by the commission and unless  
10 its articles of incorporation provides that it is incorporated pursuant  
11 to this chapter. To assure a broad base from which development cor-  
12 porations may obtain loans from members, the commission at its dis-  
13 cretion may limit the number of development corporations organized  
14 and existing pursuant to this chapter to one (1) or more such corpora-  
15 tions.

1 SEC. 4. A development corporation may have offices in such places  
2 within the state of Iowa as may be fixed by the board of directors.

1 SEC. 5. The purposes of a development corporation shall be limited  
2 to those provided in this section and shall be to promote, stimulate,  
3 develop and advance the business prosperity and economic welfare of  
4 the state of Iowa and its citizens; to encourage and assist through  
5 loans, investments, or other business transactions, the location of new  
6 business and industry in the state; to rehabilitate and assist existing  
7 business and industry in this state; to stimulate and assist in the  
8 expansion of any kind of business activity which would tend to pro-

9 mote business development and maintain the economic stability of this  
10 state, provide maximum opportunities for employment, encourage  
11 thrift, and improve the standard of living of the citizens of this state;  
12 to cooperate and act in conjunction with other organizations, public or  
13 private, in the promotion and advancement of industrial, commercial,  
14 agricultural, and recreational development in this state; and to pro-  
15 vide financing for the promotion, development, and conduct of all kinds  
16 of business activity in this state.

1 SEC. 6. Any development corporation shall, subject to the restric-  
2 tions and limits herein contained, have the following powers:

3 1. To make contracts and incur liabilities for any of the purposes  
4 of the development corporation; provided that no development cor-  
5 poration shall incur any secondary liability by way of guaranty or  
6 endorsement of the obligations of any person, firm, corporation, joint  
7 stock company, association or trust, or in any other manner.

8 2. To borrow money from the members only, and to issue therefor  
9 its bonds, debentures, notes or other evidences of indebtedness,  
10 whether secured or unsecured, and when necessary to secure the same  
11 by mortgage, pledge, deed of trust, or other lien on its property, fran-  
12 chises, rights and privileges of every kind and nature, or any part  
13 thereof or interest therein, without securing shareholder or member  
14 approval; provided, that no loan to a development corporation shall be  
15 secured in any manner unless all outstanding loans to such corporation  
16 shall be secured equally and ratably in proportion to the unpaid bal-  
17 ance of such loans and in the same manner.

18 3. To make loans to any person, firm, corporation, joint stock com-  
19 pany, association or trust and to establish and regulate the terms and  
20 conditions with respect to any such loans, and the charges for interest  
21 and service connected therewith.

22 4. To acquire the good will, business, rights, real and personal prop-  
23 erty, and other assets, or any part thereof, or interest therein, of any  
24 persons, firms, corporations, associations or trusts, and to assume,  
25 undertake, or pay the obligations, debts and liabilities of any such  
26 person, firm, corporation, association or trust; to acquire, construct or  
27 reconstruct, alter, repair, maintain, operate, sell, convey, transfer,  
28 lease, or otherwise dispose of industrial plants and business establish-  
29 ments.

30 5. To cooperate with and avail itself of the facilities of the commis-  
31 sion and to cooperate with and assist and otherwise encourage organi-  
32 zations in the various communities of the state of Iowa in the promo-  
33 tion, assistance and development of business prosperity and economic  
34 welfare of such communities or of this state or any part thereof.

35 6. To do all acts and things necessary or convenient to carry out the  
36 powers expressly granted in this chapter and such other powers not in  
37 conflict herewith granted under the Iowa business corporation act.

1 SEC. 7. Capital stock shall be issued only on receipt by each devel-  
2 opment corporation of cash in such amount not less than the par value  
3 thereof as may be determined by the board of directors. No share-  
4 holder of any development corporation shall be entitled as of right to  
5 purchase or subscribe for any unissued or treasury shares of the cor-



6 poration, and no such shareholder shall be entitled as of right to pur-  
7 chase or subscribe for any bonds, notes, certificates of indebtedness,  
8 debentures, or other obligations convertible into shares of the develop-  
9 ment corporation.

1 SEC. 8. Notwithstanding any rule at common law or any provision  
2 of any general or special law or any provision in their respective arti-  
3 cles of incorporation, agreements of association, or trust indentures:

4 1. Any person, as defined in the Iowa business corporation act, is  
5 hereby authorized to acquire, purchase, hold, sell, assign, transfer,  
6 mortgage, pledge or otherwise dispose of any bond, security or other  
7 evidences of indebtedness created by, or the shares of the capital stock  
8 of, development corporations, and while owners of said shares to  
9 exercise all the rights, powers and privileges of ownership, including  
10 the right to vote thereon, all without the approval of any regulatory  
11 agency of this state.

12 2. Any financial institution is hereby authorized to become a mem-  
13 ber of a development corporation and to make loans to such corpora-  
14 tion.

15 3. Any financial institution which does not become a member of a  
16 development corporation shall not be permitted to acquire any shares  
17 of the capital stock of such development corporation.

18 4. Each financial institution which becomes a member of a develop-  
19 ment corporation is hereby authorized to acquire, purchase, hold, sell,  
20 assign, mortgage, pledge, or otherwise dispose of, any bonds, securities  
21 or other evidences of indebtedness created by, or the shares of the  
22 capital stock of, the development corporation, of which it is a mem-  
23 ber and while owners of such shares to exercise all rights, powers and  
24 privileges of ownership, including the right to vote thereon, all with-  
25 out the approval of any regulatory agency of this state; provided that  
26 the amount of the capital stock of any development corporation which  
27 may be acquired by any member pursuant to the authority granted  
28 herein, shall not exceed ten (10) percent of the loan limit of such  
29 member. The amount of capital stock of a development corporation  
30 which any member is authorized to acquire pursuant to the authority  
31 granted herein, is in addition to the amount of capital stock in other  
32 corporations which such member may otherwise be authorized to ac-  
33 quire, provided, however, that no financial institution shall become a  
34 shareholder or member of more than one (1) development corporation.

1 SEC. 9. A financial institution may request membership in a devel-  
2 opment corporation by making application to the board of directors  
3 thereof on such form and in such manner as such board of directors  
4 may require, and membership shall become effective upon acceptance  
5 of such application by said board. Each member of any development  
6 corporation shall make loans to such development corporation as and  
7 when called upon by that corporation to do so on such terms and con-  
8 ditions as shall be approved from time to time by the board of direc-  
9 tors subject to the following:

10 1. All loan limits shall be established at the thousand dollar amount  
11 nearest the amount computed in accordance with the provisions of this  
12 section.

13 2. No loan to a development corporation shall be made if immedi-

14 ately thereafter the total amount of the obligations of the development  
15 corporation calling for the loan would exceed eight (8) times the  
16 amount then paid in on the outstanding capital stock of such corpora-  
17 tion.

18 3. The total amount outstanding at any one time on loans to a de-  
19 velopment corporation made by a member thereof when added to the  
20 amount of the investment in the capital stock of such corporation and  
21 held by such member, shall not exceed the lesser of:

22 a. Twenty (20) percent of the total amount then outstanding on  
23 loans to such development corporation by all members thereof, includ-  
24 ing in said total amount outstanding amounts validly called for loan  
25 but not yet loaned.

26 b. The limit, to be determined as of the time such member becomes  
27 a member, on the basis of the audited balance sheet of such member  
28 at the close of its fiscal year immediately preceding its application for  
29 membership, as follows:

30 (1) Banks and trust companies—two (2) percent of the paid-in  
31 capital, surplus, and undivided profits.

32 (2) Savings and loan associations—two (2) percent of the general  
33 reserve accounts, surplus and undivided profits.

34 (3) Cooperative banks—one (1) percent of the paid-in capital and  
35 undivided surplus.

36 (4) Stock insurance companies except fire insurance companies—one  
37 (1) percent of capital and unassigned surplus.

38 (5) Mutual insurance companies except fire insurance companies—  
39 one (1) percent of the unassigned surplus.

40 (6) Fire insurance companies—one-tenth ( $\frac{1}{10}$ ) of one (1) percent  
41 of the assets.

42 (7) Other financial institutions—such limits as may be approved by  
43 the board of directors of the development corporation.

44 4. Each call for loan shall be prorated among the members in sub-  
45 stantially the same proportion that the adjusted loan limit of each  
46 member bears to the aggregate of the adjusted loan limits of all mem-  
47 bers. The adjusted loan limit of a member shall be the amount of such  
48 member's loan limit, reduced by the balance of outstanding obligations  
49 of the corporation to such member and the investment in capital stock  
50 of the corporation held by such member at the time of such call.

51 5. All loans to a development corporation by a member shall be evi-  
52 denced by registered bonds, debentures, notes, or other evidences of  
53 indebtedness of the development corporation, which shall be freely  
54 transferable by the registered holder thereof on the books of the  
55 corporation.

1 SEC. 10. Membership in any development corporation shall be for  
2 the duration of the respective development corporation; provided,  
3 however, that upon written notice given to the development corpora-  
4 tion five (5) years in advance a member thereof may withdraw from  
5 membership in such corporation at the expiration date of such notice.  
6 Provided that a financial institution may at any time withdraw from  
7 membership without such notice in the event of its merger with an-  
8 other financial institution, after commencement of proceedings for  
9 voluntary or involuntary dissolution, receivership, or reorganization  
10 pursuant to or by operation of federal or state law or in the event of

11 conversion from a state financial institution to a federal financial in-  
12 stitution or the reverse. If there shall be a legislative amendment of  
13 this chapter affecting the rights and obligations of the members and  
14 shareholders or otherwise affecting the articles of incorporation of  
15 such corporation which shall not have been approved by the members  
16 and shareholders within the time set forth and in the manner pro-  
17 vided in this chapter, any member not approving such amendment  
18 may immediately withdraw from membership upon giving written  
19 notice to the corporation not later than ninety (90) days from the  
20 effective date of the amendment. A member shall not be obligated to  
21 make any loans to a development corporation pursuant to calls made  
22 subsequent to the withdrawal of said member therefrom.

1 SEC. 11. The shareholders and the members of the development  
2 corporation shall have the following powers of such corporation:  
3 1. Those powers granted in the Iowa business corporation act which  
4 are not inconsistent with the provisions of this chapter.  
5 2. To determine the number and elect directors as provided herein.  
6 3. To amend the articles of incorporation as provided herein.  
7 4. To dissolve the corporation as provided herein.  
8 5. To exercise such other of the powers of the corporation as may be  
9 conferred on the shareholders and the members by the bylaws. As to  
10 all matters requiring action by the shareholders and the members of  
11 the corporation, such shareholders and such members shall vote sepa-  
12 rately thereon by classes and, except as may be otherwise herein pro-  
13 vided, approval of such matters shall require the affirmative vote of a  
14 majority of the votes to which the shareholders present or represented  
15 at the meeting are entitled, and the affirmative vote of a majority of  
16 the votes to which the members present or represented at the meeting  
17 are entitled. Each shareholder shall have one (1) vote, in person or by  
18 proxy, for each share of capital stock held by him, and each member  
19 shall have one (1) vote, in person or by proxy, except that any member  
20 having a loan limit of more than one thousand (1,000) dollars shall  
21 have one (1) additional vote, in person or by proxy, for each additional  
22 one thousand (1,000) dollars which such member is authorized to have  
23 outstanding on loans to the corporation at any one time as determined  
24 herein.

1 SEC. 12. The articles of incorporation of any development corpora-  
2 tion may be amended by the votes of the shareholders and the members  
3 thereof voting separately by classes. Any amendment shall require  
4 approval by the affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the votes to  
5 which the shareholders shall be entitled and two-thirds ( $\frac{2}{3}$ ) of the  
6 votes to which the members shall be entitled. No amendment, how-  
7 ever, shall be made which: (1) is inconsistent with this Act; (2)  
8 authorizes any additional class or classes of shares of capital stock;  
9 (3) eliminates or curtails the authority of the commission with re-  
10 spect to the corporation. Without the consent of each of the members  
11 affected, no amendment shall be made which: (1) increases the obli-  
12 gation of a member to make loans to the corporation; (2) makes any  
13 change in the principal amount, interest rate, maturity date, or in the  
14 security or credit position of any outstanding loan of a member to the

15 corporation; (3) affects a member's right to withdraw from member-  
16 ship, as provided herein, or (4) affects a member's voting rights in the  
17 corporation. Within thirty (30) days after any meeting at which  
18 amendment of any such articles has been adopted, articles of amend-  
19 ment signed and sworn to by the president, secretary and majority of  
20 the directors, setting forth such amendment and the due adoption  
21 thereof, shall be submitted to the chairman of the commission who  
22 shall examine them, and if he finds that they conform to the require-  
23 ments of this chapter, shall so certify and endorse his approval thereof.  
24 Thereupon, the articles of amendment shall be filed in the office of the  
25 secretary of state in the manner set forth and as provided in the Iowa  
26 business corporation act and no such amendment shall take effect until  
27 such articles of amendment shall have been approved and filed as  
28 aforesaid. Within sixty (60) days after the effective date of any legis-  
29 lative amendment affecting the rights and obligations of the members  
30 and shareholders or otherwise affecting the articles of incorporation,  
31 the approval of such legislative amendment shall be voted on by the  
32 shareholders and the members of the development corporation at a  
33 meeting duly called for that purpose. If such legislative amendment  
34 is not approved by the affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the votes  
35 to which such shareholders shall be entitled and two-thirds ( $\frac{2}{3}$ ) of the  
36 votes to which such members shall be entitled, any such member vot-  
37 ing against the approval of such legislative amendment shall have the  
38 right to withdraw from membership as provided in this chapter.  
39 Within thirty (30) days after any meeting at which a legislative  
40 amendment affecting the articles of incorporation of a development  
41 corporation has been voted on, a certificate filed and sworn to by the  
42 secretary or other recording officer of such corporation setting forth  
43 the action taken at such meeting with respect to such amendment shall  
44 be submitted to the chairman of the commission and upon receipt of  
45 such approval shall be filed in the office of the secretary of state.

1 SEC. 13. The board of directors shall consist of such number not  
2 less than fifteen (15) nor more than eighteen (18) as shall be deter-  
3 mined in the first instance by the incorporators and thereafter annu-  
4 ally by the members and the shareholders at each annual meeting or at  
5 any special meeting held in lieu of the annual meeting. At each annual  
6 meeting or at any special meeting held in lieu of the annual meeting,  
7 the members of each corporation shall elect two-thirds ( $\frac{2}{3}$ ) of the  
8 board of directors and the shareholders shall elect the remaining di-  
9 rectors. The directors shall hold office until the next annual meeting  
10 of the corporation or special meeting held in lieu of the annual meet-  
11 ing after their election, and until their successors are elected and qual-  
12 ify unless sooner removed in accordance with the provisions of the  
13 bylaws. Any vacancy in the office of a director elected by the members  
14 shall be filled by the directors elected by the members, and any vacancy  
15 in the office of a director elected by the shareholders shall be filled by  
16 the directors elected by the shareholders.

1 SEC. 14. Each year each development corporation shall set apart  
2 as earned surplus not less than ten (10) percent of its net earnings for  
3 the preceding fiscal year until such surplus shall be equal in value to  
4 one-half ( $\frac{1}{2}$ ) of the amount paid in on the capital stock then out-

5 standing. Whenever the amount of surplus established herein shall  
6 become impaired, it shall be built up again to the required amount in  
7 the manner provided for its original accumulation. Net earnings and  
8 surplus shall be determined by the board of directors, after providing  
9 for such reserves as said directors deem desirable, and the directors'  
10 determination made in good faith shall be conclusive on all persons.

1 SEC. 15. No development corporation shall deposit any of its funds  
2 in any financial institution unless such institution has been designated  
3 as a depository by a vote of a majority of the directors present at any  
4 authorized meeting of the board of directors exclusive of any director  
5 who is an officer or director of the depository so designated. No devel-  
6 opment corporation shall receive money on deposit.

1 SEC. 16. Each development corporation shall be subject to the  
2 examination of the commission and shall make reports of its condition  
3 not less than annually to the commission, which in turn shall make  
4 copies of such reports available to the commissioner of insurance and  
5 the superintendent of banking, and each development corporation shall  
6 also furnish such other information as may from time to time be re-  
7 quired by the commission.

1 SEC. 17. Upon the approval of the commission as required in this  
2 chapter and the issuance of a certificate as provided in the Iowa busi-  
3 ness corporation act, a development corporation shall then be author-  
4 ized to commence business and to issue stock thereof to the extent  
5 authorized in its articles of incorporation.

1 SEC. 18. The provisions of the Iowa securities law shall not apply  
2 to the shares of capital stock, bonds, debentures, notes, evidences of  
3 indebtedness, or any other securities of development corporations.

1 SEC. 19. A development corporation may be dissolved upon the  
2 affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the votes to which the share-  
3 holders thereof shall be entitled and two-thirds ( $\frac{2}{3}$ ) of the votes to  
4 which the members shall be entitled. Upon any dissolution of a de-  
5 velopment corporation, none of the corporation's assets shall be dis-  
6 tributed to the shareholders until all sums due the members of the  
7 corporation as creditors thereof have been paid in full.

1 SEC. 20. Under no circumstances is the credit of the state of Iowa  
2 pledged herein.

1 SEC. 21. If any provision of this Act or the application thereof to  
2 any person shall be invalid, such invalidity shall not affect the provi-  
3 sions or application of this Act which can be given effect without the  
4 invalid provisions or application and to this end the provisions of the  
5 Act are declared severable.

Approved April 25, 1963.

## CHAPTER 291

## COOPERATIVE ASSOCIATIONS

## H. F. 78

AN ACT relating to the distribution of earnings of cooperative associations organized under chapter four hundred ninety-nine (499), Code 1962.

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

1 SECTION 1. Section four hundred ninety-nine point thirty (499.30),  
2 Code 1962, is amended by striking all of the last paragraph and insert-  
3 ing in lieu thereof the following:

4 Notwithstanding the articles of incorporation of any association now  
5 in effect, for each taxable year of the association beginning after De-  
6 cember 31, 1962, all remaining net earnings shall be allocated to the  
7 account of each member, including subscribers described in section  
8 four hundred ninety-nine point sixteen (499.16) of the Code ratably in  
9 proportion to the business he had done with the association during  
10 such year. The directors shall determine, or the articles of incorpora-  
11 tion or by-laws of the association may specify, the percentage or the  
12 amount of said allocation that currently shall be paid in cash, provided  
13 that so long as there are unpaid deferred patronage dividends for prior  
14 years the amount currently payable in cash shall not exceed twenty  
15 percent of said allocation. All said remaining allocation not so paid in  
16 cash shall be transferred to a revolving fund and credited to said mem-  
17 bers and subscribers. Such credits in the revolving fund are herein  
18 referred to as deferred patronage dividends.

Approved March 4, 1963.

## CHAPTER 292

## COOPERATIVE ASSOCIATIONS

## S. F. 349

AN ACT relating to the amendment of the articles or bylaws of cooperative associa-  
tions.

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

1 SECTION 1. Section four hundred ninety-nine point forty-one  
2 (499.41), Code 1962, is hereby amended by striking the first para-  
3 graph of said section and inserting in lieu thereof the following:

4 "Notwithstanding the provisions of the articles of incorporation of  
5 any association pertaining to amendment thereto now in effect, any  
6 association may amend its articles of incorporation by a vote of  
7 seventy-five percent (75%) of the members present, or represented,  
8 and having voting privileges, at any annual meeting or any special  
9 meeting called for that purpose, provided that at least ten (10) days  
10 before said annual meeting or special meeting a copy of the proposed  
11 amendment or summary thereof be sent to all members having voting  
12 rights; or said articles of incorporation may be amended in accordance

13 with the amendment requirements contained in the articles or bylaws  
 14 of said association that are adopted subsequent to July 4, 1963, or are  
 15 in effect on or after July 4, 1964, provided said amendment require-  
 16 ments in the articles or bylaws are not less than established in this  
 17 section."

1 SEC. 2. Section four hundred ninety-nine point forty-six (499.46),  
 2 Code 1962, is hereby amended by striking the first sentence thereof  
 3 and inserting in lieu thereof the following:

4 "The directors, by a vote of seventy-five percent (75%) of the  
 5 directors, may adopt, alter, amend, or repeal bylaws for the associa-  
 6 tion, which shall remain in force until altered, amended, or repealed  
 7 by a vote of seventy-five percent (75%) of the members present or  
 8 represented having voting privileges, at any annual meeting or special  
 9 meeting of the membership, or as otherwise provided in the articles  
 10 of incorporation or bylaws."

Approved May 17, 1963.

## CHAPTER 293

### HORIZONTAL PROPERTY

#### S. F. 117

AN ACT relating to the ownership of individual apartment units.

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

1 SECTION 1. **Short Title:** This Act shall be known as the "Horizon-  
 2 tal Property Act".

1 SEC. 2. **Definition:** Unless it is plainly evident from the context  
 2 that a different meaning is intended, as used herein:

3 (a) "Apartment" means one or more rooms occupying all or a part  
 4 of a floor or floors in a building of one or more floors or stories, but not  
 5 the entire building, and notwithstanding whether the apartment be  
 6 intended for use or used as a residence, office, for the operation of any  
 7 industry or business or for any other use not prohibited by law.

8 (b) "Co-owner" means a person, corporation, partnership or other  
 9 legal entity capable of holding or owning any interest in real property  
 10 who owns all or an interest in an apartment within the building.

11 (c) "Council of co-owners" means all the co-owners of the building.

12 (d) "General common elements" means and includes:

13 (1) The land on which the building is erected.

14 (2) The foundations, basements, floors, exterior walls of each apart-  
 15 ment and of the building, ceilings and roofs, halls, lobbies, stairways,  
 16 and entrances and exits or communication ways, elevators, garbage  
 17 incinerators and in general all devices or installations existing for  
 18 common use.

19 (3) Compartments or installations of central services for public  
 20 utilities, common heating and refrigeration units, reservoirs, water  
 21 tanks and pumps servicing other than one apartment.

22 (4) Premises for lodging of service personnel engaged in perform-  
23 ing services other than services within a single apartment.

24 (e) "Limited common elements" means and includes those common  
25 elements which are agreed upon by all the co-owners to be reserved  
26 for the use of a certain number of apartments to the exclusion of the  
27 other apartments, such as special corridors, stairways and elevators,  
28 sanitary services common to the apartments of a particular floor, and  
29 the like.

30 (f) "Majority of co-owners" or "percent of co-owners" means the  
31 owners of more than one-half or owners of that percent of interest in  
32 the building irrespective of the total number of co-owners.

33 (g) "Property" includes the land whether committed to the horizon-  
34 tal property regime in fee or as a leasehold interest, the building, all  
35 other improvements located thereon, and all easements, rights and  
36 appurtenances belonging thereto.

37 (h) All pronouns used herein include the male, female and neuter  
38 genders and include the singular or plural numbers, as the case may be.

1 **SEC. 3. Recording of Declaration to Submit Property to Regime:**

2 When the sole owner or all of the owners, or the sole lessee or all of the  
3 lessees of a lease desire to submit a parcel of real property upon which  
4 is located a building to the horizontal property regime established by  
5 this chapter, a declaration to that effect shall be executed and acknowl-  
6 edged by the sole owner or lessee or all of such owners or lessees and  
7 shall be recorded in the office of the county recorder of the county in  
8 which such property lies.

1 **SEC. 4. Contents of Declaration:** The declaration provided for in  
2 section three (3) shall contain:

3 (a) A description of the land.

4 (b) A description of the building, stating the number of stories and  
5 basements, the number of apartments and the principal materials of  
6 which it is or is to be constructed.

7 (c) The apartment number of each apartment, and a statement of  
8 its location, approximate area, number of rooms, an immediate com-  
9 mon area to which it has access, and any other data necessary for its  
10 proper identification.

11 (d) A description of the general common elements and facilities.

12 (e) A description of the limited common elements and facilities, if  
13 any, stating to which apartments their use is reserved.

14 (f) The fractional or percentage interest which each apartment  
15 bears to the entire horizontal property regime. The sum of such shall  
16 be one if expressed in fractions and one hundred if expressed in per-  
17 centage.

18 (g) The provisions as to the percentage of votes by the apartment  
19 owners which shall be determinative of whether to rebuild, repair,  
20 restore, or sell the property in the event of damage or destruction of  
21 all or part of the property.

22 (h) Any further details in connection with the property which the  
23 person executing the declaration may deem desirable to set forth con-  
24 sistent with this Act.



25 (i) The method by which the declaration may be amended, consist-  
26 ent with the provisions of this Act.

1 **SEC. 5. Contents of Deeds of Apartments:** Deeds of apartments  
2 shall include the following particulars.

3 (a) Description of the land as provided in section four (4) of this  
4 Act, including the book, page and date of recording of the declaration.

5 (b) The apartment number of the apartment in the declaration and  
6 any other data necessary for its proper identification.

7 (c) The percentage of undivided interest appertaining to the apart-  
8 ment in the common areas and facilities.

9 (d) Any further details which the grantor and grantee may deem  
10 desirable to set forth consistent with the declaration and this Act.

1 **SEC. 6. Copy of the Floor Plans to be Filed:** There shall be at-  
2 tached to the declaration, at the time it is filed, a full and an exact  
3 copy of the plans of the building, which copy of the plans shall be  
4 entered of record along with the declaration. Said plans shall show  
5 graphically all particulars of the building including, but not limited to,  
6 the dimensions, area and location of common elements affording access  
7 to each apartment. Other common elements, both limited and general,  
8 shall be shown graphically in so far as possible and shall be certified  
9 to by an engineer or architect authorized and licensed to practice his  
10 profession in this state.

1 **SEC. 7. Interest in Common Elements; Reference to Them in In-**  
2 **strument:**

3 (a) The fractional or percentage interest in the general common  
4 elements and the fractional or percentage interest in the limited com-  
5 mon elements where such exist are hereby declared to be appurtenant  
6 to each of the separate apartments.

7 (b) Any conveyance, encumbrance, lien, alienation or devise of an  
8 apartment under a horizontal property regime by any instrument  
9 which describes the land and apartment as set forth in section four  
10 (4) shall also convey, encumber, alienate, devise or be a lien upon the  
11 fractional or percentage interest appurtenant to each such apartment  
12 under section four (4), paragraph (f), to the general common ele-  
13 ments, and the respective share or percentage interest to limited com-  
14 mon elements where applicable, whether such general common ele-  
15 ments or limited common elements are described as in section four (4),  
16 paragraphs (d) and (e), by general reference only, or not at all.

1 **SEC. 8. Removal from Provisions of This Act:**

2 (a) All of the apartment owners may remove a property from the  
3 provisions of this Act by an instrument to that effect, duly recorded,  
4 provided that the holders of all liens affecting any of the apartments  
5 consent thereto or agree, in either case by instruments duly recorded,  
6 that their liens be transferred to the percentage of the undivided in-  
7 terest of the apartment owner in the property as hereinafter pro-  
8 vided.

9 (b) Upon removal of the property from the provisions of this Act,

10 the property shall be deemed to be owned in common by the apartment  
 11 owners. The undivided interest in the property owned in common  
 12 which shall appertain to each apartment owner shall be the percentage  
 13 of undivided interest previously owned by such owner in the common  
 14 area and facilities.

1 **SEC. 9. Removal No Bar to Subsequent Resubmission:** The remov-  
 2 al provided for in the preceding section shall in no way bar the subse-  
 3 quent resubmission of the property to the provisions of this Act.

1 **SEC. 10. Individual Apartments and Interest in Common Elements**  
 2 **are Alienable:** When real property containing a building is committed  
 3 to a horizontal property regime, each individual apartment located  
 4 therein and the interests in the general common elements and limited  
 5 common elements if any, appurtenant thereto, shall be vested as, and  
 6 shall be as completely and freely alienable as any separate parcel of  
 7 real property is or may be under the laws of this state, except as lim-  
 8 ited by the provisions of this Act.

1 **SEC. 11. Real Property Tax and Special Assessments; Levy on**  
 2 **Each Apartment:**

3 (a) All real property taxes and special assessments shall be levied  
 4 on each apartment and its respective appurtenant fractional share or  
 5 percentage of the land, general common elements and limited common  
 6 elements where applicable as such apartments and appurtenances are  
 7 separately owned, and not on the entire horizontal property regime.

8 (b) Any exemption from taxes that may exist on real property or  
 9 the ownership thereof shall not be denied by virtue of the registration  
 10 of the property under the provisions of this Act.

1 **SEC. 12. Liens Against Apartments; Removal from Lien; Effect of**  
 2 **Part Payment:**

3 (a) Subsequent to recording the declaration provided for in section  
 4 three (3), and while the property remains enrolled in a horizontal  
 5 property regime, no lien shall thereafter arise or be effective against  
 6 the property. During such period liens or encumbrances shall arise or  
 7 be created only against the individual apartment and the general com-  
 8 mon elements and limited common elements where applicable, appur-  
 9 tenant to such apartment, in the same manner and under the same  
 10 conditions in every respect as liens or encumbrances may arise or be  
 11 created upon or against any other separate parcel of real property  
 12 subject to individual ownership.

13 (b) In the event a lien against two or more apartments becomes  
 14 effective, the owners of the separate apartments may remove their  
 15 apartment and the general common elements and limited common ele-  
 16 ments where applicable appurtenant to such apartment from the lien  
 17 by payment of the fractional or proportional amounts attributable to  
 18 each of the apartments affected. Such individual payments shall be  
 19 computed by reference to the fractions or percentages appearing on  
 20 the declaration provided for in section four (4), paragraph (f). Sub-  
 21 sequent to any such payment, discharge or other satisfaction the in-

22 individual apartment and the general common elements and limited  
23 common elements applicable appurtenant thereto shall thereafter be  
24 free and clear of the lien so paid, satisfied or discharged. Such partial  
25 payment, satisfaction or discharge shall not prevent the lienor from  
26 proceeding to enforce his rights against any apartment and the gen-  
27 eral common elements, limited common elements where applicable  
28 appurtenant thereto not so paid, satisfied or discharged.

1 **SEC. 13. Limitation upon Availability of Partition; Exception as**  
2 **to Limitation of Partition by Joint Ownership:**

3 (a) The provisions of chapter six hundred fifty-one (651), Code  
4 1962, relating to partition of real property shall not be available to  
5 any owner of any interest in real property included within a regime  
6 established under this Act as against any other owner or owners of any  
7 interest or interests in the same regime, so as to terminate the regime.

8 (b) Nothing contained in the Act shall be construed as a limitation  
9 on partition by joint owners of one or more apartments in a regime as  
10 to individual ownership of such apartment or apartments without ter-  
11 minating the regime, or as to ownership of such apartment or apart-  
12 ments and lands outside the limits of the regime.

1 **SEC. 14. Bylaws:** The administration of every property shall be  
2 governed by bylaws, a true copy of which shall be annexed to the  
3 declaration and made a part thereof. No modification of or amendment  
4 to the bylaws shall be valid unless set forth in an amendment to the  
5 declaration and such amendment is duly recorded.

1 **SEC. 15. Contents of Bylaws:** The bylaws must provide for at least  
2 the following:

3 (a) The form of administration, indicating whether this shall be in  
4 charge of an administrator or of a board of administration, or other-  
5 wise, and specifying the powers, manner of removal, and, where proper,  
6 the compensation thereof.

7 (b) Method of calling or summoning the co-owners to assemble;  
8 what percentage, if other than a majority of apartment owners, shall  
9 constitute a quorum; who is to preside over the meeting and who will  
10 keep the minute book wherein the resolutions shall be recorded.

11 (c) Maintenance, repair and replacement of the common areas and  
12 facilities and payments therefor including the method of approving  
13 payment vouchers.

14 (d) Manner of collecting from the apartment owners their share of  
15 the common expenses.

16 (e) Designation and removal of personnel necessary for the mainte-  
17 nance, repair and replacement of the common areas and facilities.

18 (f) The percentage of votes required to amend the bylaws.

1 **SEC. 16. Disposition of Property; Destruction or Damage:** If with-  
2 in thirty (30) days of the date of the damage or destruction to all or  
3 part of the property, it is not determined by the Council of co-owners  
4 to repair, reconstruct or rebuild, then and in that event:

5 (a) The property shall be deemed to be owned in common by the  
6 apartment owners;

7 (b) The undivided interest in the property owned in common which  
 8 shall appertain to each apartment owner shall be the percentage of  
 9 undivided interest previously owned by such owner in the common  
 10 areas and facilities;

11 (c) Any liens affecting any of the apartments shall be deemed to be  
 12 transferred in accordance with the existing priorities to the percent-  
 13 age of the undivided interest of the apartment owner in the property  
 14 as provided herein; and

15 (d) The property shall be subject to an action for partition at the  
 16 suit of any apartment owner, in which event the net proceeds of sale,  
 17 together with the net proceeds of the insurance on the property, if  
 18 any, shall be considered as one fund and shall be divided among all the  
 19 apartment owners in a percentage equal to the percentage of undivided  
 20 interest owned by each owner in the property, after first paying out of  
 21 the respective shares of the apartment owners, to the extent sufficient  
 22 for the purpose, all liens on the undivided interest in the property  
 23 owned by each apartment owner.

1 SEC. 17. Severability: If any provision of this Act or any section,  
 2 sentence, clause, phrase or word, or the application thereof in any cir-  
 3 cumstances is held invalid, the validity of the remainder of the Act  
 4 and of the application of any such provision, section, sentence, clause,  
 5 phrase or word in any other circumstances shall not be affected  
 6 thereby.

Approved March 15, 1963.

## CHAPTER 294

### DISPOSAL OF SECURITIES DEFINED

H. F. 320

AN ACT relating to definitions under the Iowa securities law.

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

1 SECTION 1. Section five hundred two point three (502.3), Code  
 2 1962, subsection three (3), is hereby amended by inserting after the  
 3 word "of," in line three (3) the words "or attempt to dispose of,".

Approved April 29, 1963.

## CHAPTER 295

## IOWA SECURITIES EXEMPTIONS

H. F. 321

AN ACT relating to registration exemptions under the Iowa securities law.

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

- 1 SECTION 1. Section five hundred two point four (502.4), Code 1962,  
 2 is hereby amended as follows:  
 3 1. By striking from line three (3) of subsection four (4) the word  
 4 "benevolent,".  
 5 2. By striking from line three (3) of subsection four (4) the word  
 6 "charitable,".

Approved April 15, 1963.

## CHAPTER 296

## SALE OF SECURITIES

H. F. 324

AN ACT to amend chapter five hundred two (502), Code 1962, relating to the sale of securities.

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

- 1 SECTION 1. Section five hundred two point five (502.5), Code 1962,  
 2 is hereby amended by striking subsection nine (9) thereof and insert-  
 3 ing in lieu thereof the following:  
 4 "The sale of subscriptions for or securities of a corporation, prior to  
 5 the incorporation thereof under the laws of the United States, or any  
 6 state, territory or possession thereof, or of the District of Columbia,  
 7 if no commission is received on account of such sale and if the number  
 8 of subscribers shall not exceed twenty-five (25)."
- 1 SEC. 2. Section five hundred two point five (502.5), Code 1962, is  
 2 hereby amended by adding thereto a new subsection as follows:  
 3 "The sale of securities other than fractional undivided interests in  
 4 oil, gas or other mineral leases, rights or royalties, by the issuer  
 5 thereof within any period of twelve (12) consecutive months to not  
 6 more than twenty (20) persons, excluding, in determining such twenty  
 7 (20) persons, purchasers of securities exempt under section five hun-  
 8 dred two point four (502.4) of the Code, purchasers of securities in  
 9 transactions exempt under other subsections of this section five hun-  
 10 dred two point five (502.5) of the Code, and purchasers of securities  
 11 which are part of an offering registered under this chapter five hun-  
 12 dred two (502) of the Code, provided that (1) no commission or other  
 13 remuneration is paid or given directly or indirectly for or on account  
 14 of such sale, and (2) the issuer shall file with the commissioner of  
 15 insurance a report of sale within thirty (30) days after such sale, set-

16 ting forth the name and address of the issuer, the total amount of  
 17 securities sold for which exemption is claimed under this subsection,  
 18 and the names and addresses of the purchasers thereof."

Approved April 15, 1963.

## CHAPTER 297

### REGULATION OF SECURITIES AGENTS

#### H. F. 196

AN ACT relating to regulation of securities agents and dealers under the Iowa securities law.

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

1 SECTION 1. Section five hundred two point eleven (502.11), Code  
 2 1962, is amended by inserting after the word "repute" in line thirty-  
 3 five (35) the words "and has proven his competence to act as a dealer".

1 SEC. 2. Section five hundred two point eleven (502.11), Code 1962,  
 2 is amended by inserting after the word "character" in line forty-three  
 3 (43) the words "and competence".

1 SEC. 3. Section five hundred two point eleven (502.11), Code 1962,  
 2 is amended by adding the following new paragraph after line forty-  
 3 nine (49):  
 4 "The commissioner of insurance may by a rule provide for an  
 5 examination, which may be written or oral, or both, to be taken by  
 6 first-time applicants who apply for registration in order to determine  
 7 the skill, competency and training of such applicants. The commis-  
 8 sioner of insurance shall require payment of an examination fee of  
 9 five (5) dollars for each examination taken which fee shall be in addi-  
 10 tion to registration fees hereinafter provided."

Approved April 23, 1963.

## CHAPTER 298

### DEGREES BY ACADEMIC CORPORATIONS

#### H. F. 251

AN ACT relating to the power of academic corporations to confer degrees.

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

1 SECTION 1. Section five hundred four point twelve (504.12), Code  
 2 1962, is amended by adding at the end thereof a new paragraph as  
 3 follows:  
 4 "Where academic corporations are merged and the surviving aca-  
 5 demic corporation is located in Iowa, then the work of comparable

6 academic status, taken in the other academic corporation or corpora-  
 7 tions, shall be considered as suitable for inclusion in the year of resi-  
 8 dent work required for a degree. This shall include academic cor-  
 9 porations outside the state of Iowa that may be merged with Iowa  
 10 academic corporations."

Approved May 9, 1963.

## CHAPTER 299

### DOMESTIC INSURANCE COMPANIES

#### S. F. 445

AN ACT relating to the organization of domestic insurance companies.

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

1 SECTION 1. Chapter five hundred six (506), Code 1962, is hereby  
 2 repealed and the following substituted therefor:

3 "1. The commissioner of insurance shall promulgate such reason-  
 4 able rules and regulations as he deems necessary to assure the proper  
 5 operation of newly organized insurance companies but in no event  
 6 shall he:

7 (a) require that more than twenty percent (20%) of the original  
 8 capital and surplus of a stock corporation subject to the provisions of  
 9 this chapter be invested by the organizers; or

10 (b) restrict the alienation of securities issued to organizers for a  
 11 period of more than:

12 (1) five (5) years, or

13 (2) until the operation of the insurance company produces earned  
 14 surplus for two (2) successive years.

15 "2. Neither the securities in an insurance company, nor securities  
 16 in a holding company, one of the purposes of which is to organize,  
 17 purchase, or otherwise acquire control of an insurance company, nor  
 18 membership in an association in process of organization shall be sold  
 19 or solicited until such company or association, and the promoters  
 20 thereof, shall have first complied with all of the statutory provisions  
 21 regulating the organization of such companies and associations, and  
 22 also have secured from the commissioner of insurance a certificate  
 23 indicating full compliance with the provisions of this chapter.

24 "3. Before the commissioner of insurance shall issue such certifi-  
 25 cate of compliance, he shall first be satisfied with the general plan of  
 26 such organization and the character of the advertising to be used:  
 27 he shall also see that all rules and regulations promulgated under this  
 28 chapter have been complied with and fix the time within which such  
 29 organization shall be completed; he shall also prescribe the method  
 30 of keeping books and accounts of insurance companies and those of  
 31 fiscal agents of corporations subject to the provisions of this chapter.

32 "4. The maximum promotion expense which may be incurred shall  
 33 in no case exceed fifteen percent (15%) of the par value of said stock,  
 34 and no portion of such amount shall be used in the payment of sal-

35 aries for officers and directors before the issuance, by the commis-  
36 sioner of insurance, of authority to transact an insurance business.  
37 Any amount paid to the company for stock above the par value of the  
38 stock shall constitute a contributed surplus but no dividends shall be  
39 paid by the company except from the earned profits arising from  
40 their business, which shall not include contributed capital or contrib-  
41 uted surplus.

42 "5. The commissioner of insurance shall have power to regulate all  
43 other matters in connection with the organization of such domestic  
44 corporations, and the sale of stock or the issuing of certificates by all  
45 insurance corporations within the state, to the end that fraud may be  
46 prevented in the organization of such companies and the sale of their  
47 stocks and securities.

48 "6. No company shall enter into any contract with any promoter,  
49 officer, director, or agent of the company or any other person to pay  
50 his expenses or to pay him any commission or any compensation for  
51 his services in promoting or organizing such company, or in selling  
52 its stock in excess of the amount authorized in section five hundred  
53 six point three (506.3)\* of the Code; nor shall it contract with any  
54 such person to pay him any part of the premiums arising from the  
55 insurance it has written or may write as compensation, directly or  
56 indirectly, for aiding in the promotion or for aiding or effecting any  
57 consolidation of such company with any other company, without the  
58 approval of the commissioner of insurance.

59 "7. Any person who violates any of the provisions of the preceding  
60 sections of this chapter, or who violates any order of the commis-  
61 sioner of insurance made by authority thereof, shall be guilty of a  
62 misdemeanor, and upon conviction thereof shall be punished by fine  
63 not to exceed one thousand dollars, and by imprisonment in the  
64 county jail not to exceed six (6) months.

65 "8. Any person, association, or corporation who sells or aids in  
66 selling or causes to be sold any stock, certificate of membership, or  
67 evidence of interest in any such corporation or association, in viola-  
68 tion of law, shall be personally liable to any person to whom he may  
69 have sold any stock or certificate of membership or evidence of in-  
70 terest, in an amount equal to the price paid therefor by such person  
71 with legal interest, and suit to recover the same may be brought by  
72 such purchasers, jointly or severally, in any court of competent juris-  
73 diction.

74 "9. Any person, corporation, or association aggrieved by any order  
75 made by the commissioner of insurance under the provisions of this  
76 chapter, may appeal to the district court at the seat of government,  
77 by the service of a written notice of such appeal on the commissioner  
78 of insurance and attorney general. If such appeal is taken, the com-  
79 missioner of insurance shall transmit the transcript of the proceed-  
80 ings had before him to such court, and the cause shall be docketed  
81 and tried as an equitable action.

82 "10. No insurance company shall issue in this state, or permit its  
83 agents, officers, or employees to issue in this state its own stock,  
84 agency company stock or other stock or securities, or any special or

\*According to enrolled Act.

\*Amended by ch. 300.



85 advisory board or other contract of any kind promising returns and  
86 profits as an inducement to insurance.

87 No insurance company shall be authorized to do business in this  
88 state which issues or permits its agents, officers, or employees to  
89 issue in this state or in any other state or territory, agency company  
90 stock or other stock or securities, or any special advisory board or  
91 other contract of any kind promising returns and profits as an in-  
92 ducement to insurance.

93 No corporation or stock company, acting as an agent of an insur-  
94 ance company, or any of its agents, officers, or employees, shall be  
95 permitted to agree to sell, offer to sell, or give or offer to give, direct-  
96 ly or indirectly, in any manner whatsoever, any share of stock,  
97 securities, bonds, or agreement of any form or nature, promising  
98 returns and profits as an inducement to insurance, or in connection  
99 therewith.

100 Nothing herein contained shall impair or affect in any manner any  
101 such contracts issued or made as an inducement to insurance prior to  
102 the enactment of this section, or prevent the payment of the dividends  
103 or returns therein stipulated to be paid.

104 It shall be the duty of the commissioner upon being satisfied that  
105 any insurance company, or any agent thereof, has violated any of the  
106 provisions of this section, to revoke the certificate of authority of the  
107 company or agent so offending.

108 "11. Nothing contained in this chapter shall be construed to exempt  
109 any corporation from the requirements of chapter five hundred two  
110 (502) of the Code."

Approved May 6, 1963.

## CHAPTER 300

### INSURANCE ACT AMENDMENT

S. F. 473

AN ACT to amend senate file four hundred forty-five (445),\* Acts of the Sixtieth General Assembly, relating to the organization of domestic insurance companies.

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

1 SECTION 1. Senate file four hundred forty-five (445), Acts of the  
2 Sixtieth (60th) General Assembly is hereby amended by striking  
3 from lines six (6) and seven (7) of subsection six (6) of section one  
4 (1), the following, "section five hundred six point three (506.3) of the  
5 Code", and substituting in lieu thereof "subsection four (4), section  
6 one (1), of this Act".

Approved June 4, 1963.

\*Chapter 299.

## CHAPTER 301

## INSURANCE EXAMINERS

## H. F. 331

AN ACT to amend section five hundred seven point four (507.4), Code 1962, relating to the maximum per diem of insurance examiners.

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

1 SECTION 1. Section five hundred seven point four (507.4), Code  
2 1962, is hereby amended by striking the word "fifty" from line twenty-  
3 one (21) thereof and substituting therefor the word "eighty".

4 Said section is further amended by striking the words "one hundred  
5 eighty" from lines twenty-two (22) and twenty-three (23) thereof and  
6 substituting therefor the words "two hundred".

Approved April 15, 1963.

## CHAPTER 302

## TRANSFER OF INSURANCE STOCK

## H. F. 322

AN ACT to regulate the transfer of securities between certain organizations under common or overlapping control.

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

1 SECTION 1. When a controlling interest in two or more corpora-  
2 tions, at least one of which is an insurance company domiciled in this  
3 state, is held by any person, group of persons, firm, or corporation, no  
4 exchange of stock, transfer or sale of securities, or loan based upon  
5 securities of any such corporation shall take place between such cor-  
6 porations, or between such person, group of persons, firm or corpora-  
7 tion and such corporations, without first securing the approval of the  
8 insurance commissioner. If, in the opinion of the insurance commis-  
9 sioner, such sale, transfer, exchange, or loan would be improper and  
10 would work to the detriment of any such insurance company, he shall  
11 have the power to prohibit the transaction. Any person, firm or cor-  
12 porate officer or director aiding such transaction carried out without  
13 approval of the insurance commissioner shall be deemed guilty of a  
14 felony and upon conviction punished as provided in section five hun-  
15 dred two point twenty-eight (502.28) of the Code.

1 SEC. 2. For purposes of the preceding section, controlling interest  
2 means actual control or the possession directly or indirectly of the  
3 power to direct or cause the direction of the management and policies  
4 of a firm, partnership, corporation, association, or trust, whether  
5 through the ownership of voting securities, by contract, or otherwise.

Approved April 29, 1963.

## CHAPTER 303

## SUBSIDIARIES OF LIFE INSURANCE COMPANIES

H. F. 21

AN ACT relating to subsidiary companies of life insurance companies.

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

1 Chapter five hundred eight (508), Code 1962, is hereby amended by  
2 adding thereto the following new sections:

1 SECTION 1. Any life insurance company incorporated in this state  
2 may organize, or acquire by purchase, in whole or in part subsidiary  
3 insurance and investment companies in which it owns not less than  
4 fifty-one percent (51%) of the common stock, and notwithstanding  
5 any other provisions of this chapter inconsistent herewith may (1)  
6 invest funds from surplus for such purpose, (2) make loans to such  
7 subsidiaries, and (3) permit all or part of its officers and directors to  
8 serve as officers or directors of such subsidiary companies.

1 SEC. 2. Any subsidiary company shall be a separate and distinct  
2 company, with neither the organizing or acquiring life company or  
3 such subsidiary having any liability to the creditors, policyholders or  
4 stockholders, if any, of the other. The organizing or acquiring com-  
5 pany may be either a mutual or stock company.

1 SEC. 3. Any such subsidiary company organized by any such life  
2 insurance company shall comply with all the laws of the state of its  
3 incorporation pertaining to the organization and qualification to do  
4 business of its class or kind, and if incorporated outside of the State  
5 of Iowa shall be admitted to do business in this state only upon qual-  
6 ification under the laws of the State of Iowa relating to such foreign  
7 corporations.

Approved February 27, 1963.

## CHAPTER 304

## NONFORFEITURE BENEFITS OF LIFE INSURANCE

S. F. 393

AN ACT relating to valuation and nonforfeiture benefits of life insurance policies.

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

1 Chapter five hundred eight (508), Code 1962, is hereby amended  
2 by adding thereto the following two sections:

1 SECTION 1. This section shall be known as the Standard Valua-  
2 tion Law.

3 1. The commissioner shall annually value, or cause to be valued,  
4 the reserve liabilities (hereinafter called reserves) for all outstand-

5 ing life insurance policies and annuity and pure endowment contracts  
6 of every life insurance company doing business in this state, except  
7 that in the case of an alien company, such valuation shall be limited  
8 to its United States business, and may certify the amount of any such  
9 reserves, specifying the mortality table or tables, rate or rates of  
10 interest and methods (net level premium method or other) used in  
11 the calculation of such reserves. In calculating such reserves, he may  
12 use group methods and approximate averages for fractions of a year  
13 or otherwise. For the purpose of making such valuation the commis-  
14 sioner may employ a competent actuary who shall be paid by the  
15 company for which the service is rendered; but a domestic company  
16 may make such valuation and it shall be received by the commissioner  
17 upon satisfactory proof of its correctness. In lieu of the valuation of  
18 the reserves herein required of any foreign or alien company, the  
19 commissioner may accept any valuation made, or caused to be made,  
20 by the insurance supervisory official of any state or other jurisdiction  
21 when such valuation complies with the minimum standard herein  
22 provided and if the official of such state or jurisdiction accepts as  
23 sufficient and valid for all legal purposes the certificate of valuation  
24 of the commissioner when such certificate states the valuation to have  
25 been made in a specified manner according to which the aggregate  
26 reserves would be at least as large as if they had been computed in  
27 the manner prescribed by the law of that state or jurisdiction.

28 Any such company which at any time shall have adopted any  
29 standard of valuation producing greater aggregate reserves than  
30 those calculated according to the minimum standard herein provided  
31 may, with the approval of the commissioner, adopt any lower stand-  
32 ard of valuation, but not lower than the minimum herein provided.

33 2. This subsection shall apply to only those policies and contracts  
34 issued prior to the operative date of section two (2) of this Act (the  
35 Standard Nonforfeiture Law).

36 The minimum standard of valuation for all policies of domestic life  
37 insurance companies shall be the Commissioners Reserve Valuation  
38 Method defined in paragraph "b" of subsection three (3) and the  
39 American Experience Table of Mortality and four and one-half per-  
40 cent interest or the Actuaries' (or Combined) Experience Table of  
41 Mortality and four percent interest.

42 Reserves for all such policies and contracts may be calculated, at  
43 the option of the company, according to any standards which produce  
44 greater aggregate reserves for all such policies and contracts than  
45 the minimum reserves required by this subsection.

46 3. This subsection shall apply to only those policies and contracts  
47 issued on or after the operative date of section two (2) of this Act  
48 (the Standard Nonforfeiture Law).

49 a. The minimum standard for the valuation of all such policies  
50 and contracts shall be the Commissioners Reserve Valuation Method  
51 defined in paragraph "b" of this subsection three (3), three and one-  
52 half percent interest, and the following tables:

53 (1) For all ordinary policies of life insurance issued on the stand-  
54 ard basis, excluding any disability and accidental death benefits in  
55 such policies, —the Commissioners 1958 Standard Ordinary Mortal-  
56 ity Table, provided that for any category of such policies issued on  
57 female risks all modified net premiums and present values referred

58 to in this subsection three (3) may be calculated according to an age  
59 not more than three years younger than the actual age of the insured.

60 (2) For all industrial life insurance policies issued on the standard  
61 basis, excluding any disability and accidental death benefits in such  
62 policies, —the 1941 Standard Industrial Mortality Table; provided,  
63 however, that the Commissioners 1961 Standard Industrial Mortality  
64 Table shall be the table for the minimum standard when said table  
65 becomes applicable under the Standard Nonforfeiture Law in accord-  
66 ance with subsection five (5) of section two (2) of this Act.

67 (3) For individual annuity and pure endowment contracts, ex-  
68 cluding any disability and accidental death benefits in such policies,  
69 —the 1937 Standard Annuity Mortality Table or, at the option of the  
70 company, the Annuity Mortality Table for 1949, Ultimate, or any  
71 modification of either of these tables approved by the commissioner.

72 (4) For group annuity and pure endowment contracts, excluding  
73 any disability and accidental death benefits in such policies, —the  
74 Group Annuity Mortality Table for 1951, any modification of such  
75 table approved by the commissioner, or, at the option of the company,  
76 any of the tables or modifications of tables specified for individual  
77 annuity and pure endowment contracts.

78 (5) For total and permanent disability benefits in or supplement-  
79 ary to ordinary policies or contracts, —the tables of "Period 2"  
80 disablement rates and the 1930 to 1950 termination rates of the 1952  
81 Disability Study of the Society of Actuaries, with due regard to the  
82 type of benefit. Such table shall, for active lives, be combined with a  
83 mortality table permitted for calculating the reserves for life insur-  
84 ance policies.

85 (6) For accidental death benefits in or supplementary to policies,  
86 —the 1959 Accidental Death Benefits Table combined with a mortal-  
87 ity table permitted for calculating the reserves for life insurance  
88 policies.

89 (7) For group life insurance, life insurance issued on the sub-  
90 standard basis and other special benefits, —such tables as may be  
91 approved by the commissioner.

92 *b.* Reserves according to the Commissioners Reserve Valuation  
93 Method, for the life insurance and endowment benefits of policies  
94 providing for a uniform amount of insurance and requiring the pay-  
95 ment of uniform premiums shall be the excess, if any, of the present  
96 value, at the date of valuation, of such future guaranteed benefits  
97 provided for by such policies, over the then present value of any future  
98 modified net premiums therefor. The modified net premiums for any  
99 such policy shall be such uniform percentage of the respective con-  
100 tract premiums for such benefits that the present value, at the date  
101 of issue of the policy, of all such modified net premiums shall be equal  
102 to the sum of the then present value of such benefits provided for by  
103 the policy and the excess of (*x*) over (*y*), as follows:

104 (*x*) A net level annual premium equal to the present value, at the  
105 date of issue, of such benefits provided for after the first policy year,  
106 divided by the present value, at the date of issue, of an annuity of one  
107 per annum payable on the first and each subsequent anniversary of  
108 such policy on which a premium falls due; provided, however, that  
109 such net level annual premium shall not exceed the net level annual  
110 premium on the nineteen year premium whole life plan for insurance

111 of the same amount at an age one year higher than the age at issue  
112 of such policy.

113 (y) A net one year term premium for such benefits provided for  
114 in the first policy year.

115 Reserves according to the Commissioners Reserve Valuation Meth-  
116 od for (a) life insurance policies providing for a varying amount of  
117 insurance or requiring the payment of varying premiums, (b) an-  
118 nuity and pure endowment contracts, (c) disability and accidental  
119 death benefits in all policies and contracts, and (d) all other benefits,  
120 except life insurance and endowment benefits in life insurance poli-  
121 cies, shall be calculated by a method consistent with the principles of  
122 this paragraph "b", except that any extra premiums charged because  
123 of impairments or special hazards shall be disregarded in the deter-  
124 mination of modified net premiums.

125 c. In no event shall a company's aggregate reserves for all life  
126 insurance policies, excluding disability and accidental death benefits,  
127 be less than the aggregate reserves calculated in accordance with the  
128 method set forth in paragraph "b" above and the mortality table or  
129 tables and rate or rates of interest used in calculating nonforfeiture  
130 benefits for such policies.

131 d. Reserves for any category of policies, contracts or benefits as  
132 established by the commissioner, may be calculated at the option of  
133 the company according to any standards which produce greater ag-  
134 gregate reserves for such category than those calculated according  
135 to the minimum standard herein provided. Provided, however, that  
136 reserves for participating life insurance policies may, with the con-  
137 sent of the commissioner, be calculated according to a rate of interest  
138 lower than the rate of interest used in calculating the nonforfeiture  
139 benefits in such policies, with the further proviso that if such lower  
140 rate differs from the rate used in the calculation of the nonforfeiture  
141 benefits by more than one-half percent the company issuing such  
142 policies shall file with the commissioner a plan providing for such  
143 equitable increase, if any, in the cash surrender values and nonfor-  
144 feiture benefits in such policies as the commissioner shall approve.

145 e. If the gross premium charged by any life insurance company  
146 on any policy or contract is less than the net premium for the policy  
147 or contract according to the mortality table, rate of interest and  
148 method used in calculating the reserve thereon, there shall be main-  
149 tained on such policy or contract a deficiency reserve in addition to  
150 all other reserves required by law. For each such policy or contract  
151 the deficiency reserve shall be the present value, according to such  
152 standard, of an annuity of the difference between such net premium  
153 and the premium charged for such policy or contract, running for  
154 the remainder of the premium-paying period.

1 SEC. 2. This section shall be known as the Standard Nonforfei-  
2 ture Law.

3 1. In the case of policies issued on or after the operative date of  
4 this section as defined in subsection eight (8), no policy of life insur-  
5 ance, except as stated in subsection seven (7), shall be issued or  
6 delivered in this state unless it shall contain in substance the follow-  
7 ing provisions, or corresponding provisions which in the opinion of

8 the commissioner are at least as favorable to the defaulting or sur-  
9 rendering policyholder:

10 a. That, in the event of default in any premium payment, the com-  
11 pany will grant, upon proper request not later than sixty days after  
12 the due date of the premium in default, a paid-up nonforfeiture bene-  
13 fit on a plan stipulated in the policy, effective as of such due date, of  
14 such value as may be hereinafter specified.

15 b. That, upon surrender of the policy within sixty days after the  
16 due date of any premium payment in default after premiums have  
17 been paid for at least three full years in the case of ordinary insur-  
18 ance or five full years in the case of industrial insurance, the company  
19 will pay, in lieu of any paid-up nonforfeiture benefit, a cash surren-  
20 der value of such amount as may be hereinafter specified.

21 c. That a specified paid-up nonforfeiture benefit shall become effec-  
22 tive as specified in the policy unless the person entitled to make such  
23 election elects another available option not later than sixty days after  
24 the due date of the premium in default.

25 d. That, if the policy shall have become paid-up by completion of  
26 all premium payments or if it is continued under any paid-up non-  
27 forfeiture benefit which became effective on or after the third policy  
28 anniversary in the case of ordinary insurance or the fifth policy anni-  
29 versary in the case of industrial insurance, the company will pay,  
30 upon surrender of the policy within thirty days after any policy anni-  
31 versary, a cash surrender value of such amount as may be hereinafter  
32 specified.

33 e. A statement of the mortality table and interest rate used in cal-  
34 culating the cash surrender values and the paid-up nonforfeiture  
35 benefits available under the policy, together with a table showing the  
36 cash surrender value, if any, and paid-up nonforfeiture benefit, if  
37 any, available under the policy on each policy anniversary, either  
38 during the first twenty policy years or during the term of the policy,  
39 whichever is shorter, such values and benefits to be calculated upon  
40 the assumption that there are no dividends or paid-up additions  
41 credited to the policy and that there is no indebtedness to the com-  
42 pany on the policy.

43 f. A statement that the cash surrender values and the paid-up non-  
44 forfeiture benefits available under the policy are not less than the  
45 minimum values and benefits required by or pursuant to the insur-  
46 ance law of the state in which the policy is delivered; an explanation  
47 of the manner in which the cash surrender values and the paid-up  
48 nonforfeiture benefits are altered by the existence of any paid-up  
49 additions credited to the policy or any indebtedness to the company  
50 on the policy; if a detailed statement of the method of computation  
51 of the values and benefits shown in the policy is not stated therein, a  
52 statement that such method of computation has been filed with the  
53 insurance supervisory official of the state in which the policy is de-  
54 livered; and a statement of the method to be used in calculating the  
55 cash surrender value and paid-up nonforfeiture benefit available  
56 under the policy on any policy anniversary beyond the last anniver-  
57 sary for which such values and benefits are consecutively shown in  
58 the policy.

59 2. Any of the provisions or portions thereof set forth in subsection  
60 one (1) which are not applicable by reason of the plan of insurance

61 may, to the extent inapplicable, be omitted from the policy. The com-  
62 pany shall reserve the right to defer the payment of any cash sur-  
63 render value for a period of six months after demand therefor with  
64 surrender of the policy.

65 3. Any cash surrender value available under the policy in the  
66 event of default in a premium payment due on any policy anniver-  
67 sary, whether or not required by subsection one (1), shall be an  
68 amount not less than the excess, if any, of the present value, on such  
69 anniversary, of the future guaranteed benefits which would have been  
70 provided for by the policy, including any existing paid-up additions,  
71 if there had been no default, over the sum of (a) the then present  
72 value of the adjusted premiums as defined in subsection five (5),  
73 corresponding to premiums which would have fallen due on and after  
74 such anniversary, and (b) the amount of any indebtedness to the  
75 company on the policy. Any cash surrender value available within  
76 thirty days after any policy anniversary under any policy paid-up by  
77 completion of all premium payments or any policy continued under  
78 any paid-up nonforfeiture benefit, whether or not required by sub-  
79 section one (1), shall be an amount not less than the present value,  
80 on such anniversary, of the future guaranteed benefits provided for  
81 by the policy, including any existing paid-up additions, decreased by  
82 any indebtedness to the company on the policy.

83 4. Any paid-up nonforfeiture benefit available under the policy in  
84 the event of default in a premium payment due on any policy anni-  
85 versary shall be such that its present value as of such anniversary  
86 shall be at least equal to the cash surrender value then provided for  
87 by the policy or, if none is provided for, that cash surrender value  
88 which would have been required by this section in the absence of the  
89 condition that premiums shall have been paid for at least a specified  
90 period.

91 5. Except as provided in the third paragraph of this subsection,  
92 the adjusted premiums for any policy shall be calculated on an annual  
93 basis and shall be such uniform percentage of the respective pre-  
94 miums specified in the policy for each policy year, excluding any  
95 extra premiums charged because of impairments or special hazards,  
96 that the present value, at the date of issue of the policy, of all such  
97 adjusted premiums shall be equal to the sum of (a) the then present  
98 value of the future guaranteed benefits provided for by the policy;  
99 (b) two percent of the amount of the insurance, if the insurance be  
100 uniform in amount, or of the equivalent uniform amount, as herein-  
101 after defined, if the amount of insurance varies with duration of the  
102 policy; (c) forty percent of the adjusted premium for the first policy  
103 year; (d) twenty-five percent of either the adjusted premium for the  
104 first policy year or the adjusted premium for a whole life policy of  
105 the same uniform or equivalent uniform amount with uniform pre-  
106 miums for the whole of life issued at the same age for the same  
107 amount of insurance, whichever is less. Provided, however, that in  
108 applying the percentages specified in (c) and (d) above, no adjusted  
109 premium shall be deemed to exceed four percent of the amount of  
110 insurance or uniform amount equivalent thereto. The date of issue  
111 of a policy for the purpose of this subsection five (5) shall be the date  
112 as of which the rated age of the insured is determined.

113 In the case of a policy providing an amount of insurance varying



114 with duration of the policy, the equivalent uniform amount thereof  
115 for the purpose of this subsection five (5) shall be deemed to be the  
116 uniform amount of insurance provided by an otherwise similar pol-  
117 icy, containing the same endowment benefit or benefits, if any, issued  
118 at the same age and for the same term, the amount of which does not  
119 vary with duration and the benefits under which have the same  
120 present value at the date of issue as the benefits under the policy,  
121 provided, however, that in the case of a policy providing a varying  
122 amount of insurance issued on the life of a child under age ten, the  
123 equivalent uniform amount may be computed as though the amount  
124 of insurance provided by the policy prior to the attainment of age  
125 ten were the amount provided by such policy at age ten.

126 The adjusted premiums for any policy providing term insurance  
127 benefits by rider or supplemental policy provision shall be equal to  
128 (a) the adjusted premiums for an otherwise similar policy issued at  
129 the same age without such term insurance benefits, increased during  
130 the period for which premiums for such term insurance benefits are  
131 payable, by (b) the adjusted premiums for such term insurance, the  
132 foregoing items (a) and (b) being calculated separately and as  
133 specified in the first two paragraphs of this subsection except that,  
134 for the purposes of (b), (c) and (d) of the first paragraph of this  
135 subsection, the amount of insurance or equivalent uniform amount of  
136 insurance used in the calculation of the adjusted premiums referred  
137 to in (b) of this paragraph shall be equal to the excess of the cor-  
138 responding amount determined for the entire policy over the amount  
139 used in the calculation of the adjusted premiums in (a) of this para-  
140 graph.

141 All adjusted premiums and present values referred to in this sec-  
142 tion shall for all policies of ordinary insurance be calculated on the  
143 basis of the Commissioners 1958 Standard Ordinary Mortality Table,  
144 provided that for any category of ordinary insurance issued on fe-  
145 male risks, adjusted premiums and present values may be calculated  
146 according to an age not more than three years younger than the  
147 actual age of the insured. Such calculations for all policies of indus-  
148 trial insurance shall be made on the basis of the 1941 Standard In-  
149 dustrial Mortality Table; provided, however, that any company may  
150 file with the commissioner a written notice of its election that such  
151 adjusted premiums and present values shall be calculated on the  
152 basis of the Commissioners 1961 Standard Industrial Mortality Table,  
153 after a specified date before January 1, 1968; provided, further, that,  
154 whether or not any election has been made, such Commissioners 1961  
155 Standard Industrial Mortality Table shall be the basis for such cal-  
156 culations as to all policies of industrial insurance issued on or after  
157 January 1, 1968. All calculations shall be made on the basis of the  
158 rate of interest, not exceeding three and one-half percent per annum,  
159 specified in the policy for calculating cash surrender values and paid-  
160 up nonforfeiture benefits; provided, however, that in calculating the  
161 present value of any paid-up term insurance with accompanying pure  
162 endowment, if any, offered as a nonforfeiture benefit, the rates of  
163 mortality assumed in the case of policies of ordinary insurance, may  
164 be not more than those shown in the Commissioners 1958 Extended  
165 Term Insurance Table, and, in the case of policies of industrial in-  
166 surance, may be not more than one hundred thirty percent of the

167 rates of mortality according to the 1941 Standard Industrial Mortal-  
168 ity Table, except that when the Commissioners 1961 Standard Indus-  
169 trial Mortality Table becomes applicable, as hereinbefore provided,  
170 such rates of mortality assumed may be not more than those shown  
171 in the Commissioners 1961 Industrial Extended Term Insurance  
172 Table, provided, further, that for insurance issued on a substandard  
173 basis, the calculation of any such adjusted premiums and present  
174 values may be based on such other table of mortality as may be speci-  
175 fied by the company and approved by the commissioner.

176 6. Any cash surrender value and any paid-up nonforfeiture bene-  
177 fit, available under the policy in the event of default in a premium  
178 payment due at any time other than on the policy anniversary, shall  
179 be calculated with allowance for the lapse of time and the payment  
180 of fractional premiums beyond the last preceding policy anniversary.  
181 All values referred to in subsections three (3), four (4) and five (5)  
182 may be calculated upon the assumption that any death benefit is pay-  
183 able at the end of the policy year of death. The net value of any  
184 paid-up additions, other than paid-up term additions, shall be not  
185 less than the dividends used to provide such additions. Notwith-  
186 standing the provisions of subsection three (3) above, additional  
187 benefits payable (a) in the event of death or dismemberment by  
188 accident or accidental means, (b) in the event of total and permanent  
189 disability, (c) as reversionary annuity or deferred reversionary an-  
190 nuity benefits, (d) as term insurance benefits provided by a rider or  
191 supplemental policy provision to which, if issued as a separate policy,  
192 this section would not apply, (e) as term insurance on the life of a  
193 child or on the lives of children provided in a policy on the life of a  
194 parent of the child, if such term insurance expires before the child's  
195 age is twenty-six, is uniform in amount after the child's age is one,  
196 and has not become paid-up by reason of the death of a parent of the  
197 child, and (f) as other policy benefits additional to life insurance and  
198 endowment benefits, and premiums for all such additional benefits,  
199 shall be disregarded as ascertaining cash surrender values and non-  
200 forfeiture benefits required by this section, and no such additional  
201 benefits shall be required to be included in any paid-up nonforfeiture  
202 benefits.

203 7. This section shall not apply to any reinsurance, group insurance,  
204 pure endowment, annuity or reversionary annuity contract, nor to  
205 any term policy of uniform amount, or renewal thereof, of fifteen  
206 years or less expiring before age sixty-six, for which uniform pre-  
207 miums are payable during the entire term of the policy, nor to any  
208 term policy of decreasing amount on which each adjusted premium,  
209 calculated as specified in subsection five (5) above, is less than the  
210 adjusted premium so calculated, on such fifteen year term policy  
211 issued at the same age and for the same initial amount of insurance,  
212 nor to any policy which shall be delivered outside this state through  
213 an agent or other representative of the company issuing the policy.

214 8. After the effective date of this Act, any company may file with  
215 the commissioner a written notice of its election to comply with the  
216 provisions of this section after a specified date before January 1,  
217 1966. After the filing of such notice, then upon such specified date  
218 (which shall be the operative date of this section for such company),  
219 this section shall become operative with respect to the policies there-

220 after issued by such company. If a company makes no such election,  
 221 the operative date of this section for such company shall be January  
 222 1, 1966.

1 SEC. 3. Section five hundred eight point twelve (508.12), Code  
 2 1962, is hereby repealed.

Approved April 15, 1963.

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## CHAPTER 305

### MULTIPLE PERIL FIRE INSURANCE

#### H. F. 25

AN ACT to permit the writing of multiple peril insurance policies by fire insurance companies.

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

1 SECTION 1. Subsection one (1) of section five hundred fifteen point  
 2 forty-eight (515.48), Code 1962, is hereby amended by adding the fol-  
 3 lowing paragraph:

4 "d. Risks under a multiple peril nonassessable policy reasonably  
 5 related to the ownership, use or occupancy of a private dwelling or  
 6 dwellings."

Approved April 5, 1963.

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## CHAPTER 306

### ACCIDENT AND SICKNESS INSURANCE

#### S. F. 443

AN ACT relating to benefits under accident and sickness insurance policies.

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

1 SECTION 1. Section five hundred fifteen point forty-eight (515.48),  
 2 Code 1962, is hereby amended by striking the period (.) in line 6 of  
 3 subsection 5, and by inserting in lieu thereof the following: ", but  
 4 such benefits shall not include the furnishing or replacing in kind of  
 5 whole human blood or blood products of any kind; however, this pro-  
 6 vision shall not prohibit payments of indemnity for human blood or  
 7 blood products."

Approved May 3, 1963.

## CHAPTER 307

## UNAUTHORIZED INSURERS OTHER THAN LIFE

## H. F. 222

AN ACT to amend chapter five hundred fifteen (515), Code 1962, relating to insurance other than life.

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

- 1 SECTION 1. Chapter five hundred fifteen (515), Code 1962, is here-  
2 by amended by adding thereto the following sections:
- 3 1. Nothing contained in this chapter shall be construed to prevent a  
4 licensed resident agent of this state from procuring insurance in cer-  
5 tain unauthorized insurers providing that such insurance is restricted  
6 to the type and kind of insurance authorized by this chapter and the  
7 agent makes oath to the commissioner of insurance in such form as is  
8 prescribed by the commissioner that the agent has made diligent  
9 effort to place said insurance in authorized insurers and has either  
10 exhausted the capacity of all authorized insurers or has been unable  
11 to obtain the desired insurance in insurers licensed to transact busi-  
12 ness in this state. The procuring of any such contracts of insurance  
13 in unauthorized insurers makes such insurers liable for, and the agent  
14 shall pay, the taxes on such premiums as if such insurer were duly  
15 authorized to transact business in the state. A sworn report of all  
16 business transacted by agents of this state in such unauthorized in-  
17 surers shall be made to the commissioner of insurance on or before  
18 March 1st of each year for the preceding calendar year, on such form  
19 as the commissioner of insurance may require; such report shall be  
20 accompanied by a remittance to cover the taxes thereon. Any agent  
21 who makes the oath as above provided, pays the taxes on the premiums  
22 and files the report above provided, shall not be deemed to have writ-  
23 ten such contracts of insurance unlawfully, and such agent shall not  
24 be personally liable for such contracts.
- 25 2. No agent shall knowingly place insurance, either directly or  
26 through an intermediary broker, in insurers who are insolvent or un-  
27 sound financially; and in no event shall an agent place or renew any  
28 insurance with unauthorized insurers found by the commissioner of  
29 insurance to have failed or refused to furnish in such manner as is  
30 provided in the following section, information reasonably showing the  
31 ability or willingness of such insurers to satisfy obligations undertaken  
32 with respect to insurance issued by them.
- 33 3. The information required of non-admitted insurers under the  
34 preceding paragraph may consist of a copy of such insurer's current  
35 annual statement, duly verified, or evidence of any trust funds or  
36 deposits maintained by such insurers for the protection of their policy-  
37 holders, or both, or other material of such general description and  
38 relevancy, as the commissioner may require. Such information shall  
39 be furnished at the sole cost and expense of the unauthorized insurers  
40 either to the commissioner directly, or furnished to the National  
41 Association of Insurance Commissioners for the use of its members  
42 and their staffs, including the commissioner of insurance of this state  
43 and his staff, or for dissemination to him by the Central Non-admitted  
44 Insurers Information Bureau of the said association or by any other

45 agency or instrumentality of that association designed to receive and  
 46 disseminate such information. The provisions of this Act shall not  
 47 apply to insurance of vessels, craft or hulls, cargoes, marine builder's  
 48 risk, marine protection and indemnity or other risk including strikes  
 49 and war risks commonly insured under ocean or wet marine forms of  
 50 policy.

51 4. The commissioner of insurance shall promulgate such rules as are  
 52 reasonable and necessary to regulate the placement of insurance in  
 53 unauthorized insurers.

Approved April 25, 1963.

## CHAPTER 308

### MORTGAGE GUARANTY INSURANCE

H. F. 319

AN ACT regulating the sale of mortgage guaranty insurance by licensed insurance companies.

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

1 SECTION 1. "Mortgage guaranty insurance" means insurance  
 2 against financial loss by reason of nonpayment of principal, interest  
 3 and other sums agreed to be paid under the terms of any note or bond  
 4 or other evidence of indebtedness secured by a mortgage, deed or trust  
 5 or other instrument constituting a lien or charge on real estate.

1 SEC. 2. Eligibility for mortgage guaranty insurers shall be as fol-  
 2 lows:

3 (1) An insurer, in order to qualify for writing mortgage guaranty  
 4 insurance, must have the same surplus to policyholders as that re-  
 5 quired of a multiple line company by section five hundred fifteen point  
 6 forty-nine subsection eight (515.49(8)) of the Code.

7 (2) An insurer transacting any class of insurance other than mort-  
 8 gage guaranty insurance is not eligible for the issuance of a certificate  
 9 of authority to transact mortgage guaranty insurance in this state,  
 10 nor the renewal thereof.

11 (3) A foreign or alien insurer writing mortgage guaranty insurance  
 12 shall not be eligible for the issuance of a certificate of authority in  
 13 Iowa unless it has demonstrated a satisfactory operating experience  
 14 in its state of domicile.

1 SEC. 3. The unearned premium reserve shall be computed in ac-  
 2 cordance with section five hundred fifteen point forty-seven (515.47)  
 3 of the Code, except that all premiums on risks written for one year or  
 4 less must be reserved on a monthly pro rata basis, and the reserve for  
 5 those policies covering a risk period of more than five years shall be  
 6 computed in accordance with formulae filed by the insurer and ap-  
 7 proved by the commissioner of insurance.

1 SEC. 4. For the protection of the people of this state and for the  
 2 purpose of protecting against the effect of adverse economic cycles,

3 the company shall establish a contingency reserve which shall be main-  
4 tained for one hundred eighty (180) months. To provide for this, the  
5 company shall annually contribute fifty percent (50%) of the earned  
6 premiums to this reserve. The earned premiums so reserved may be  
7 released, annually, after the specified time of one hundred eighty (180)  
8 months has elapsed. However, subject to the approval of the commis-  
9 sioner, this reserve may be available only for loss payments, when the  
10 loss ratio (incurred losses to premiums earned) exceeds twenty per-  
11 cent (20%). This amount so used shall reduce the next subsequent  
12 annual release to surplus from the established contingency reserve.

1 SEC. 5. A mortgage guaranty insurer shall not at any time have  
2 outstanding a total liability, net of reinsurance, in excess of twenty-  
3 five (25) times its capital, unassigned funds and contingency reserve.  
4 It shall not insure loans secured by properties in a single housing tract  
5 or a contiguous tract (not separated by more than one-half ( $\frac{1}{2}$ ) mile)  
6 in excess of ten percent (10%) of its capital, unassigned funds and  
7 contingency reserve. Coverage may be provided only if the improve-  
8 ment on such real estate is a residential building or buildings designed  
9 for occupancy by not more than four families.

1 SEC. 6. The case basis method shall be used to determine the loss  
2 reserves, which shall include a reserve for claims reported and unpaid  
3 and a reserve for claims incurred but not reported.

1 SEC. 7. Mortgage guaranty insurance shall be subject to the pro-  
2 visions of chapter five hundred fifteen A (515A) of the Code, for the  
3 purposes of rate making.

1 SEC. 8. All policy forms and endorsements shall be filed with and  
2 be subject to the approval of the commissioner of insurance. With re-  
3 spect to owner-occupied single family dwellings, the mortgage insur-  
4 ance policy shall provide that the borrower shall not be liable to the  
5 insurance company for any deficiency arising from a foreclosure sale.

1 SEC. 9. No bank, savings and loan association, insurance company  
2 or other lending institution, any of whose authorized real estate secu-  
3 rities are insured by mortgage guaranty insurance companies may  
4 state in any brochure, pamphlet, report or any form of advertising  
5 that the real estate loans of the bank, savings and loan association,  
6 insurance company or other lending institution are "insured loans"  
7 unless the brochure, pamphlet, report or advertising also clearly states  
8 that the loans are insured by private insurers and the names of the  
9 private insurers are given and shall not make any such statement at  
10 all unless such insurance is by an insurer authorized to write this  
11 coverage in this state.

1 SEC. 10. All companies writing insurance as authorized by this  
2 chapter shall, in addition to the provisions herein, comply with and be  
3 subject to all of the provisions of chapter five hundred fifteen (515) of  
4 the Code not inconsistent herewith.

Approved April 26, 1963.

## CHAPTER 309

## INSURANCE AGENTS' LICENSES

H. F. 132

AN ACT relating to suspension or revocation of insurance agents' licenses.

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

1 SECTION 1. Section five hundred twenty-two point three (522.3),  
 2 Code 1962, is amended by inserting a period after the word "license"  
 3 in line nine (9) and by striking the remainder of said line nine (9) and  
 4 all of line ten (10) and inserting in lieu thereof the following:  
 5 "Any license, whether it be a first-time or renewal license, may be  
 6 suspended or revoked by the commissioner for good cause, after hear-  
 7 ing."

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 Grundy Reg-  
 3 ister, a newspaper published at Grundy Center, Iowa, and The Man-  
 4 chester Press, a newspaper published at Manchester, Iowa.

Approved February 27, 1963.

I hereby certify that the foregoing Act, House File 132, was published in The Grundy Register, Grundy Center, Iowa, March 7, 1963, and in The Manchester Press, Manchester, Iowa, March 7, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 310

## BANKING DEPARTMENT SALARIES

S. F. 241

AN ACT to amend section five hundred twenty-four point seven (524.7), Code 1962, relating to salaries of the deputy superintendent of banking and bank examiners and enabling the state banking board to compensate said employees on a basis comparable to the compensation provided to those in positions of similar responsibility by federal bank supervisory departments.

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

1 SECTION 1. Section five hundred twenty-four point seven (524.7),  
 2 Code 1962, is hereby amended by striking all after the period (.) in line  
 3 twenty (20) and inserting in lieu thereof the following:  
 4 "Provided, however, that in no event shall the salary of the deputy  
 5 superintendent of banking or of any examiner be greater than that  
 6 fixed by any such federal bank supervisory agency for its examining  
 7 staff members holding like positions of similar duties and responsibil-  
 8 ity; provided, further, that the aggregate of all such salaries of the  
 9 Iowa banking department shall not exceed the sum total of examina-  
 10 tion fees and charges collected by the state banking department."

1 SEC. 2. The provisions of this Act shall not be applicable to the  
 2 present incumbent deputy superintendent of banking.

Approved March 29, 1963.

## CHAPTER 311

## BANK AND TRUST COMPANY INVESTMENTS

S. F. 129

AN ACT relating to investments by savings banks and state banks and trust companies.

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

1 SECTION 1. Section five hundred twenty-six point twenty-five  
2 (526.25), Code 1962, is hereby amended by adding thereto the follow-  
3 ing new subsection:

4 "8. In any other public or private investment security under such  
5 limitations and restrictions as the superintendent of banking may by  
6 regulation prescribe and provided that said investments shall in no  
7 event exceed in the aggregate twenty percent (20%) of the total re-  
8 sources of said bank."

Approved February 20, 1963.

## CHAPTER 312

## SAVINGS AND STATE BANKS

H. F. 219

AN ACT relating to loans by savings and state banks secured by direct obligations of the United States.

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

1 SECTION 1. Section five hundred twenty-eight point fourteen  
2 (528.14), Code 1962, is hereby amended by adding thereto the follow-  
3 ing:

4 "Obligations of any person, copartnership, association, or corpora-  
5 tion to any state bank or savings bank when secured by bonds, notes,  
6 certificates of indebtedness, treasury bills or other direct obligations  
7 of the United States or obligations fully guaranteed both as to prin-  
8 cipal and interest by the United States having a market value at that  
9 time of not less than the amount loaned shall be subject under this  
10 section to a limitation of twenty-five per cent (25%) of the capital and  
11 surplus of the bank except as may be otherwise permitted by the  
12 superintendent of banking with the approval of the state banking  
13 board, provided that the portion of any loan above twenty-five per cent  
14 (25%) of said capital and surplus is secured by direct obligations of  
15 the United States which will mature in not exceeding eighteen (18)  
16 months and, further, that the aggregate amount of a loan to any one  
17 borrower shall not exceed twenty per cent (20%) of the total resources  
18 of such bank."

Approved March 4, 1963.



## CHAPTER 313

## CREDIT UNION ALTERNATE COMMITTEES

## S. F. 265

AN ACT relating to the election of alternate members of credit committees of credit unions.

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

- 1 SECTION 1. Section five hundred thirty-three point nine (533.9),
- 2 Code 1962, is hereby amended by adding after the word "members"
- 3 and before the period "(.)" in line nine (9) the following: ", and may
- 4 also elect alternate members of the credit committee".

Approved April 5, 1963.

## CHAPTER 314

## CREDIT UNION MEMBERSHIP

## S. F. 266

AN ACT relating to the authority of the board of directors of a credit union to appoint a membership committee or a membership officer.

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

- 1 SECTION 1. Section five hundred thirty-three point nine (533.9),
- 2 Code 1962, subsection one (1), is hereby amended by adding thereto
- 3 after the word and period "membership." in line one (1) the following:
- 4 "However, the board of directors may appoint a membership commit-
- 5 tee or a membership officer from among the members of the board of
- 6 directors, other than the treasurer, assistant treasurer or loan officer,
- 7 who may be authorized by the board to approve applications for mem-
- 8 bership under such conditions as the board may prescribe; except that
- 9 the membership committee or the membership officer shall submit to
- 10 the board at each monthly meeting a list of approved or pending appli-
- 11 cations for membership received since the previous monthly meeting."

Approved April 5, 1963.

## CHAPTER 315

## DIRECTORS OF CREDIT UNIONS

## S. F. 315

AN ACT relating to the declaration of interest refunds by the boards of directors of credit unions.

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

- 1 SECTION 1. Section five hundred thirty-three point nine (533.9),
- 2 subsection four (4), Code 1962, is hereby amended by adding the

3 following after the word "dividends" in line one (1): "interest re-  
4 funds".

Approved June 4, 1963.

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## CHAPTER 316

### MONEY ORDERS SOLD BY CREDIT UNIONS

S. F. 281

AN ACT to amend section five hundred thirty-three B point three (533B.3), Code 1962, relating to the sale of certain instruments for payment of money.

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

1 SECTION 1. Section five hundred thirty-three B point three  
2 (533B.3), Code 1962, is hereby amended by inserting after the word,  
3 "or" in line six (6) the words, "state chartered credit unions, or".

Approved May 3, 1963.

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## CHAPTER 317

### INTEREST RATES TO CORPORATIONS

S. F. 195

AN ACT to amend sections five hundred thirty-five point two (535.2) and five hundred thirty-five point three (535.3), Code 1962, relating to the rate of interest which domestic or foreign corporations may contract in writing to pay and interest on judgments and decrees.

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

1 SECTION 1. Section five hundred thirty-five point two (535.2), Code  
2 1962, is hereby amended by striking from line one (1) thereof the  
3 word "The" and inserting in lieu thereof the following: "a. Except as  
4 provided in subsection "b" hereof, the" and by inserting at the end of  
5 such section a new subparagraph as follows:

6 "b. Any domestic or foreign corporation may agree in writing to  
7 pay any rate of interest in excess of the rate prescribed in subsection  
8 "a" hereof, and no such corporation so agreeing in writing shall plead  
9 or interpose the claim or defense of usury in any action or proceed-  
10 ing."

1 SEC. 2. Section five hundred thirty-five point three (535.3), Code  
2 1962, is hereby amended by striking from lines eight (8) and nine (9)  
3 thereof the words "seven cents on the hundred by the year" and in-  
4 serting in lieu thereof the following: "the maximum applicable rate  
5 permitted by the provisions of section five hundred thirty-five point  
6 two (535.2) of the Code".

Approved February 27, 1963.

## CHAPTER 318

## INFORMATION ON BONDED WAREHOUSES

H. F. 489

AN ACT to authorize the Iowa state commerce commission to enter into a contract with the United States government or any designated agency thereof for the purpose of releasing information pertaining to inspections of warehouses bonded and licensed under the provisions of chapter five hundred forty-three (543), Code 1962, and to authorize the Iowa state commerce commission to recover the cost of providing such information to the United States government or its agencies.

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

1 SECTION 1. Section five hundred forty-three point two (543.2),  
 2 Code 1962, is amended by striking the period from line eleven (11)  
 3 immediately following the word "months" and adding immediately  
 4 thereafter the following:  
 5 "and the commission shall have authority to make available to the  
 6 United States government, or any of its agencies, including the Com-  
 7 modity Credit Corporation, the results of inspections made and  
 8 inspection reports submitted to it by employees of the commission,  
 9 upon payment to it of such charges as may be determined by the  
 10 commission, but in no event shall such charges be less than the actual  
 11 cost of such services rendered in regard thereto, as determined by the  
 12 commission. The commission shall have authority to enter into con-  
 13 tracts and agreements for such purpose and shall keep a record of all  
 14 money thus received. All such money shall be paid over to the treas-  
 15 urer of state as miscellaneous receipts."

Approved May 9, 1963.

## CHAPTER 319

## AGRICULTURAL WAREHOUSES

H. F. 481

AN ACT relating to warehouses for agricultural products.

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

1 SECTION 1. Chapter five hundred forty-four (544), Code 1962, is  
 2 hereby repealed.

1 SEC. 2. Section five hundred forty-three point sixteen (543.16),  
 2 Code 1962, is hereby amended by striking from lines six (6), seven  
 3 (7), eight (8), and nine (9) the following: "The provisions of this  
 4 section shall not apply to the acceptance and storage of bulk grain if  
 5 authorized under the provisions of chapter 544."

1 SEC. 3. Section five hundred forty-three point seventeen (543.17),  
 2 Code 1962, is hereby amended by striking from line eight (8) the fol-  
 3 lowing: "for purposes governed by chapter 544,".

1 SEC. 4. Section five hundred forty-three point seventeen (543.17),  
 2 Code 1962, is hereby further amended by striking from line fifty (50)  
 3 the following: "except as specified in chapter 544,".

Approved April 30, 1963.

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## CHAPTER 320

### CORPORATION NOTICES LEGALIZED

H. F. 594

AN ACT to legalize the publication of notice of incorporation and amendments of articles of incorporation of corporations for pecuniary profit where such notices were not published within the statutory time limit.

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

1 SECTION 1. In all instances where the incorporators, stockholders  
 2 and directors of corporations organized in this state for pecuniary  
 3 profit have omitted to publish notice of incorporation or notice of  
 4 amendments to articles of incorporation within three months after  
 5 the date of the certificates of incorporation issued by the secretary of  
 6 state or approval by the secretary of state of such amendments, but  
 7 have published such notices of incorporation or notices of amend-  
 8 ments to articles of incorporation and filed proper proof of publication  
 9 with the secretary of state prior to July 4, 1963, such notices of  
 10 incorporation and notices of amendments to articles of incorporation  
 11 are hereby legalized and shall have the same force and effect as  
 12 though published within said period of three months.

Approved May 27, 1963.

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## CHAPTER 321

### MUNICIPAL COURT SALARIES

H. F. 66

AN ACT relating to the method of payment of municipal court judges and other municipal court officers.

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

1 SECTION 1. Section six hundred two point forty-nine (602.49),  
 2 Code 1962, is hereby amended by adding thereto the following:  
 3 "As an alternative method of payment such salaries and other bene-  
 4 fits payable by the employer may be paid in full from the city treasury  
 5 at the same time and in the same manner as for city employees, and  
 6 the city fund or funds from which such payment is made shall be re-  
 7 imbursed each month from the court expense fund of the county for  
 8 the county's share of such salary and other benefits payable by the  
 9 employer."

Approved April 23, 1963.

## CHAPTER 322

## RETIREMENT OF JUDGES

## S. F. 114

AN ACT relating to voluntary retirement of judges and retirement for cause.

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

1 SECTION 1. Chapter six hundred five A (605A), Code 1962, is  
 2 amended by adding the following new section:  
 3 "Voluntary retirement for disability. Any judge of the supreme or  
 4 district court who shall have served as a judge of one or both of such  
 5 courts for a period of six years in the aggregate and who believes he  
 6 has become permanently incapacitated, physically or mentally, to per-  
 7 form the duties of his office may personally or by his next friend or  
 8 guardian file with the state comptroller a written application for re-  
 9 tirement. The application shall be filed in duplicate and accompanied  
 10 by an affidavit as to the duration and particulars of his service and the  
 11 nature of his incapacity. The state comptroller shall forthwith trans-  
 12 mit one copy of the application and affidavit to the chief justice who  
 13 shall request the attorney general in writing to cause an investigation  
 14 to be made relative to the claimed incapacity and report back the re-  
 15 sults thereof in writing. If the chief justice finds from the report of  
 16 the attorney general that the applicant is permanently incapacitated,  
 17 physically or mentally, to perform the duties of his office he shall by  
 18 his endorsement thereon declare the applicant retired, and the office  
 19 vacant, and shall file the report in the office of the state comptroller,  
 20 and a copy in the office of the secretary of state. From the date of  
 21 such filing the applicant shall be deemed retired from his office and  
 22 entitled to the benefits of this chapter to the same extent as if he had  
 23 retired under the provisions of section six hundred five A point six  
 24 (605A.6) of the Code."

1 SEC. 2. Chapter six hundred five (605), Code 1962, is amended by  
 2 adding the following new sections:  
 3 A. Retirement for cause: A judge of the supreme court or district  
 4 court may be retired from office for any of the following reasons:  
 5 1. Permanent physical or mental disability rendering him incapable  
 6 of properly performing his duties, or  
 7 2. When he ceases to have the qualifications required for the office  
 8 of judge.  
 9 B. "Petition. A petition for the removal of a judge of the supreme  
 10 or district court may be filed in the office of the clerk of the supreme  
 11 court by the chief justice, the attorney general, or twenty-five mem-  
 12 bers of the bar of the state or district."  
 13 C. "Special court. Upon the filing of such petition, the chief justice  
 14 shall appoint an associate justice of the supreme court and two judges  
 15 of the district court as a special court to hear the matter. Such court  
 16 shall fix the time and place of hearing and prescribe notice thereof to  
 17 be served on the subject judge and on the attorney general who shall  
 18 prosecute such action."  
 19 D. "Attendance of witnesses and appointment of physicians. The  
 20 special court shall have power to compel the attendance of witnesses

21 and the giving of testimony, may require a physical or mental exami-  
 22 nation of the judge under investigation, and may appoint one or more  
 23 physicians to make such examination."

24 E. "Conducting hearing. The supreme court may provide rules for  
 25 such hearing. Ample opportunity shall be afforded the judge under  
 26 investigation to subpoena witnesses, present evidence and be heard in  
 27 person and by counsel."

28 F. "Order and appeal. If upon hearing the special court finds that  
 29 grounds for removal have been established it shall order such judge  
 30 removed from office and declare the office vacant. Appeal may be taken  
 31 to the supreme court under the rules applicable to civil cases but no  
 32 justice who served on the special court shall participate in determina-  
 33 tion of the appeal. An appeal shall stay operation of an order of re-  
 34 moval. Copies of an order of removal which has become final in the  
 35 special court or on appeal shall be filed in the offices of the state comp-  
 36 troller and secretary of state."

37 G. "Substitute for chief justice. When the removal or voluntary  
 38 retirement of the chief justice is involved in any proceeding all duties  
 39 imposed upon him by this Act shall be performed by the justice of the  
 40 supreme court, other than the chief justice, who is senior in length of  
 41 service; if two or more of the justices of such court are of equal length  
 42 of service, the eldest of them shall perform such duties."

1 SEC. 3. Chapter six hundred five A (605A), Code 1962, is amended  
 2 by adding the following new sections:

3 A. "Retirement benefits for disability. An adjudication as to per-  
 4 manent physical or mental disability under the provisions of chapter  
 5 six hundred five (605) of the Code, as amended by this Act, shall en-  
 6 title the judge to the same retirement benefits as provided for volun-  
 7 tary retirement for such cause."

8 B. "Forfeiture of benefits—refund. In the event a judge of the  
 9 supreme or district court is removed for cause other than permanent  
 10 disability he shall forfeit the right to any retirement benefits under  
 11 the system but the total amount of his contribution to the fund shall  
 12 be returned to him or his legal representative."

13 C. Section six hundred five A point seven (605A.7), Code 1962, be  
 14 amended by striking all of line four (4) and insert in lieu thereof:  
 15 "basic salary for his last three (3) years as a judge of one (1) or more  
 16 of the".

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

6 "This Act, being deemed of immediate importance, shall be in full  
 7 force and effect from and after its passage and publication in The  
 8 Tipton Conservative, a newspaper published at Tipton, Iowa, and in  
 9 The Parkersburg Eclipse, a newspaper published at Parkersburg,  
 10 Iowa."

Approved March 13, 1963.

I hereby certify that the foregoing Act, Senate File 114, was published in *The Tipton Conservative*, Tipton, Iowa, March 21, 1963, and in *The Parkersburg Eclipse*, Parkersburg, Iowa, March 20, 1963.

MELVIN D. SYNHORST, *Secretary of State*.

## CHAPTER 323

### GRAND JURY

H. F. 362

AN ACT relating to the grand jury.

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

- 1 SECTION 1. Section six hundred nine point twenty-seven (609.27),
- 2 Code 1962, is hereby amended by striking all of such section after the
- 3 word "township." in line seven (7) and inserting in lieu thereof the
- 4 following:
- 5 "In townships containing more than sixty thousand (60,000) popu-
- 6 lation, two (2) grand jurors may be drawn from said township."

Approved April 23, 1963.

## CHAPTER 324

### ACTIONS AGAINST HIGHWAY COMMISSION

S. F. 148

AN ACT to waive immunity of the state of Iowa from any action at law or in equity brought to enforce, or to determine a controversy rising out of any contract in which the Iowa state highway commission is a party and to prescribe the venue, the manner of service of notice thereof and the time limitation for instituting action.

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

- 1 SECTION 1. The state of Iowa hereby waives immunity from suit
- 2 and consents to the jurisdiction of any court in which an action is
- 3 brought against the Iowa state highway commission respecting any
- 4 claim, right, or controversy arising out of the work performed, or by
- 5 virtue of the provisions of any construction contract entered into by
- 6 the Iowa state highway commission. Such action shall be heard and
- 7 determined pursuant to rules otherwise applicable to civil actions
- 8 brought in the particular court having jurisdiction of the suit and the
- 9 parties to the suit shall have the right of appeal from any judgment,
- 10 decree, or decision of the trial court to the appropriate appellate court
- 11 under applicable rules of appeal.

- 1 SEC. 2. Any such action shall name the Iowa state highway com-
- 2 mission as defendant and the venue for trial shall be in the county, or
- 3 in the federal court district, where all or part of the construction work
- 4 was performed.

1 SEC. 3. Service upon the state of Iowa shall be made by serving an  
2 original notice or summons, with a copy of the petition attached, upon  
3 any member of the Iowa state highway commission in the manner  
4 provided for the service of original notices in actions brought in the  
5 district courts of the state of Iowa, or by serving summonses upon any  
6 member of the Iowa state highway commission in the manner provided  
7 for service of summons in actions brought in United States district  
8 courts, except only that the state shall be required to appear within  
9 thirty (30) days after the day such notice or summons is served upon  
10 a member of the Iowa state highway commission.

1 SEC. 4. Actions against the state of Iowa authorized under the  
2 provisions of section one (1) may be instituted within three (3) years  
3 from the date of the completion or acceptance of the work, whichever  
4 date is later, except that this should not apply to contracts completed  
5 and accepted and for which final payment was made previous to the  
6 enactment of this Act.

1 SEC. 5. Section six hundred thirteen point ten (613.10), Code 1962,  
2 is repealed and the following adopted in lieu thereof: "After compli-  
3 ance with sections one (1) and two (2) of this Act and sections six  
4 hundred thirteen point eight (613.8) and six hundred thirteen point  
5 nine (613.9), Code 1962, the state of Iowa shall have the same stand-  
6 ing as any other plaintiff or defendant and any and all orders, judg-  
7 ments, or decrees rendered and entered in any such action shall be  
8 binding on the state of Iowa in the same manner and degree as any  
9 other party to an action against whom such an order, judgment, or  
10 decree is entered, and the state of Iowa shall have the same rights in  
11 respect to the trial of such cause and in respect to any orders, judg-  
12 ments, or decrees entered therein, together with all rights of appeal,  
13 as any other similarly situated party would have."

1 SEC. 6. Section five hundred seventy-three point fifteen (573.15),  
2 Code 1962, is amended by inserting in line thirteen (13) after the word  
3 "improvement" the following: ", and no part of such unpaid fund due  
4 the contractor shall be retained as provided in this chapter because of  
5 the commencement of any action by the contractor against the Iowa  
6 state highway commission under authority granted in section one (1)  
7 of this Act".

Approved March 29, 1963.



## CHAPTER 325

## SERVICE OF PROCESS

## S. F. 222

AN ACT to amend section six hundred seventeen point three (617.3), Code 1962, relating to service of process on foreign corporations, and nonresident persons.

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

1 SECTION 1. The second (2d) paragraph of section six hundred  
2 seventeen point three (617.3), Code 1962, is hereby repealed and the  
3 following enacted in lieu thereof:

4 "If a foreign corporation makes a contract with a resident of Iowa  
5 to be performed in whole or in part by either party in Iowa, or if such  
6 foreign corporation commits a tort in whole or in part in Iowa against  
7 a resident of Iowa, such acts shall be deemed to be doing business in  
8 Iowa by such foreign corporation for the purpose of service of process  
9 or original notice on such foreign corporation under this Act, and, if  
10 the corporation does not have a registered agent or agents in the state  
11 of Iowa, shall be deemed to constitute the appointment of the secretary  
12 of state of the state of Iowa to be its true and lawful attorney upon  
13 whom may be served all lawful process or original notice in actions or  
14 proceedings arising from or growing out of such contract or tort. If a  
15 nonresident person makes a contract with a resident of Iowa to be  
16 performed in whole or in part by either party in Iowa, or if such person  
17 commits a tort in whole or in part in Iowa against a resident of Iowa,  
18 such acts shall be deemed to be doing business in Iowa by such person  
19 for the purpose of service of process or original notice on such person  
20 under this Act, and shall be deemed to constitute the appointment of  
21 the secretary of state of the state of Iowa to be the true and lawful  
22 attorney of such person upon whom may be served all lawful process  
23 or original notice in actions or proceedings arising from or growing out  
24 of such contract or tort. The making of the contract or the committing  
25 of the tort shall be deemed to be the agreement of such corporation or  
26 such person that any process or original notice so served shall be of the  
27 same legal force and effect as if served personally upon such defendant  
28 within the state of Iowa. The term 'resident of Iowa' shall include any  
29 Iowa corporation, any foreign corporation holding a certificate of  
30 authority to transact business in Iowa, any individual residing in Iowa,  
31 and any partnership or association one or more of whose members is a  
32 resident of Iowa.

33 "Service of such process or original notice shall be made (1) by filing  
34 duplicate copies of said process or original notice with said secretary  
35 of state, together with a fee of five (5) dollars, and (2) by mailing to  
36 the defendant and to each of them if more than one, by registered or  
37 certified mail, a notification of said filing with the secretary of state,  
38 the same to be so mailed within ten (10) days after such filing with  
39 the secretary of state. Such notification shall be mailed to each such  
40 foreign corporation at the address of its principal office in the state or  
41 country under the laws of which it is incorporated and to each such  
42 nonresident person at his address in the state of his residence. The  
43 defendant shall have sixty (60) days from the date of such filing with  
44 the secretary of state within which to appear. Proof of service shall

45 be made by filing in court the duplicate copy of the process or original  
 46 notice with the secretary of state's certificate of filing, and the affi-  
 47 davit of the plaintiff or his attorney of compliance herewith.

48 "The secretary of state shall keep a record of all processes or orig-  
 49 inal notices so served upon him, recording therein the time of service  
 50 and his actions with reference thereto, and he shall promptly return  
 51 one of said duplicate copies to the plaintiff or his attorney, with a cer-  
 52 tificate showing the time of filing thereof in his office.

53 "For the purpose of determining whether an action has been com-  
 54 menced within the time allowed by statutes for limitation of actions,  
 55 the filing of the original notice with the secretary of state shall be  
 56 deemed a commencement of the action.

57 "The original notice of suit filed with the secretary of state shall be  
 58 in form and substance the same as provided in suits against residents  
 59 of this state, except that that part of said notice pertaining to the  
 60 return day shall be in substantially the following form, to-wit:

61 'and unless you appear thereto and defend in the district court of  
 62 Iowa in and for ..... county at the courthouse in ..... Iowa  
 63 within sixty (60) days following the filing of this notice with the sec-  
 64 retary of state of the state of Iowa, default will be entered and judg-  
 65 ment rendered against you by the court if then in session in said coun-  
 66 ty, and if the court is not then in session said default will be entered and  
 67 judgment rendered by the court on the first (1st) day of the first (1st)  
 68 succeeding term or as soon thereafter as the same may be reached.'

69 "The notification of filing shall be in substantially the following  
 70 form, to-wit:

71 'To ..... (Here insert the name of each de-  
 72 fendant with proper address.) You will take notice that an original  
 73 notice of suit or process against you, a copy of which is hereto at-  
 74 tached, was duly served upon you at Des Moines, Iowa by filing a copy  
 75 of said notice or process on the ..... day of ....., 19..... with  
 76 the secretary of state of the state of Iowa.

77 Dated at ....., Iowa this ..... day of .....,  
 78 19.....

79 .....  
 80 Plaintiff  
 81 BY  
 82 .....  
 83 Attorney for Plaintiff'

84 "Actions against foreign corporations or nonresident persons as con-  
 85 templated by this law may be brought in the county of which plaintiff  
 86 is a resident, or in the county in which any part of the contract is or  
 87 was to be performed or in which any part of the tort was committed."

1 SEC. 2. It is hereby declared to be the legislative intent that if this  
 2 Act cannot take effect in its entirety because of the decision of any  
 3 court holding unconstitutional any part, sentence or clause thereof, the  
 4 remaining provisions of the Act shall be given full force and effect as  
 5 completely as if the part held unconstitutional had not been included  
 6 herein.

Approved April 11, 1963.

## CHAPTER 326

## PROBATE CODE

## S. F. 165

AN ACT to amend, revise and codify the law relating to probate, including descent and distribution, wills, administration and distribution of estates of decedents, trusts, administration of estates of persons under conservatorship, custody of persons under guardianship and to establish a probate code.

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

## DIVISION I—INTRODUCTION AND DEFINITIONS

## PART 1. INTRODUCTION

1 SECTION 1. Short title. This Act shall be known and may be cited  
2 as the "Iowa Probate Code".

1 SEC. 2. How Code to take effect.

2 1. *Effective date.* This Code shall take effect and be in force on  
3 and after January 1, 1964. The procedure herein prescribed shall  
4 govern all proceedings in probate brought after the effective date of  
5 this Code. It shall also govern further procedure in proceedings in  
6 probate then pending, except to the extent that, in the opinion of the  
7 court, its application in particular proceedings or parts thereof would  
8 not be feasible or would work injustice, in which event the former  
9 procedure shall apply.

10 2. *Rights not affected.* No act done in any proceeding commenced  
11 before this Code takes effect and no accrued or vested right shall be  
12 impaired by its provisions. When a right has been acquired, extin-  
13 guished, or barred upon the expiration of a prescribed period of  
14 time governed by the provision of any statute in force before this  
15 Code takes effect, such provision shall remain in force and be deemed  
16 a part of this Code with respect to such right.

17 3. *Severability.* If any provision of this Code or the application  
18 thereof to any person or circumstances is held invalid, such invalidity  
19 shall not affect other provisions or applications of this Code which  
20 can be given effect without the invalid provision or application, and  
21 to this end the provisions of this Code are declared to be severable.

## PART 2. DEFINITIONS AND USE OF TERMS

1 SEC. 3. Definitions and use of terms. When used in this Code,  
2 unless otherwise required by the context, the following words and  
3 phrases shall be construed as follows:

4 1. Administrator—any person appointed by the court to administer  
5 an intestate estate.

6 2. Bequeath—includes the word "devise" when used as a verb.

7 3. Bequest—includes the word "devise" when used as a noun.

8 4. Charges—includes costs of administration, funeral expenses, cost  
9 of monument, and federal and state estate taxes.

10 5. Child—includes an adopted child but does not include a grand-  
11 child or other more remote descendants, nor, except as provided in

12 sections two hundred twenty-one (221) and two hundred twenty-two  
13 (222), an illegitimate child.

14 6. Clerk—"Clerk of the District Court" in the county in which the  
15 matter is pending and includes the term "Clerk of the Probate Court".

16 7. Conservator—a person appointed by the court to have the cus-  
17 tody and control of the property of a ward under the provisions of this  
18 Code.

19 8. Costs of administration—includes court costs, fiduciary's fees,  
20 attorney fees, all appraisers' fees, premiums on corporate surety bonds,  
21 statutory allowance for support of surviving spouse and children, cost  
22 of continuation of abstracts of title, recording fees, transfer fees,  
23 transfer taxes, agents' fees allowed by order of court, and all other  
24 fees and expenses allowed by order of court in connection with the  
25 administration of the estate.

26 9. Court—the district court sitting in probate, and includes any  
27 judge of the judicial district in which the estate administration is  
28 pending.

29 10. Debts—includes liabilities of the decedent which survive,  
30 whether arising in contract, tort or otherwise.

31 11. Devise—when used as a noun, includes testamentary disposition  
32 of property, both real and personal.

33 12. Devise—when used as a verb, to dispose of property, both real  
34 and personal, by a will.

35 13. Devisee—includes legatee.

36 14. Distributee—a person entitled to any property of the decedent  
37 under his will or under the statutes of intestate succession.

38 15. Estate—the real and personal property of a decedent, a ward,  
39 or a trust, as from time to time changed in form by sale, reinvestment  
40 or otherwise, and augmented by any accretions or additions thereto  
41 and substitutions therefor, or diminished by any decreases and distri-  
42 butions therefrom.

43 16. Executor—means any person appointed by the court to admin-  
44 ister the estate of a testate decedent.

45 17. Fiduciary—includes personal representative, executor, admin-  
46 istrator, guardian, conservator and trustee to whom letters have been  
47 issued.

48 18. Full age—the state of legal majority attained through arriving  
49 at the age of twenty-one years or through having married, even  
50 though such marriage is terminated by divorce.

51 19. Guardian—the person appointed by the court to have the cus-  
52 tody of the person of the ward under the provisions of this Code.

53 20. Guardian of the property—at the election of the person ap-  
54 pointed by the court to have the custody and care of the property of  
55 a ward, the term "guardian of the property" may be used, which term  
56 shall be synonymous with the term "conservator".

57 21. Heir—any person, except the surviving spouse, who is entitled  
58 to property of a decedent under the statutes of intestate succession.

59 22. Incompetent—includes any person who has been adjudicated by  
60 a court to be incapable of managing his property, or caring for his  
61 own person, or both.

62 23. Issue—for the purposes of intestate succession, includes all  
63 lawful lineal descendants of a person, whether natural or adopted,

- 64 except those who are the lineal descendants of his living descendants.  
 65 24. Legacy—a testamentary disposition of personal property.  
 66 25. Legatee—a person entitled to personal property under a will.  
 67 26. Letters—includes letters testamentary, letters of administra-  
 68 tion, letters of guardianship, letters of conservatorship, and letters of  
 69 trusteeship.  
 70 27. Minor—a person who is not of full age.  
 71 28. Person—includes natural persons and corporations.  
 72 29. Personal representative—includes executor and administrator.  
 73 30. Property—includes both real and personal property.  
 74 31. Surviving spouse—the surviving wife or husband, as the case  
 75 may be.  
 76 32. Temporary administrator—any person appointed by the court  
 77 to care for an estate pending the probating of a proposed will, or to  
 78 handle any special matter designated by the court.  
 79 33. Trustee—the person or persons appointed as trustee by the  
 80 instrument creating the trust, or the person or persons appointed by  
 81 the court to administer the trust.  
 82 34. Trusts—include only: testamentary trusts; express trusts  
 83 where jurisdiction is specifically conferred on the court by the trust  
 84 instrument; express trusts where the jurisdiction of the court is in-  
 85 voked by the trustee, beneficiary or any interested party for a limited  
 86 purpose, or otherwise; and trusts which are established by a judg-  
 87 ment or a decree of court which results in administration of the trust  
 88 by the court, and the court entering the judgment or decree estab-  
 89 lishing such trust orders the administration of the trust transferred  
 90 to the probate court.  
 91 35. Will—includes codicil; it also includes a testamentary instru-  
 92 ment that merely appoints an executor, and a testamentary instru-  
 93 ment that merely revokes or revives another will.

1 SEC. 4. Gender and number. When used in this Code, unless other-  
 2 wise required by the context, the masculine gender includes the femi-  
 3 nine and the neuter; the singular number includes the plural and the  
 4 plural number includes the singular.

1 Sections 5 to 9, inclusive, reserved for future use.

## DIVISION II—PROBATE COURT, CLERK OF PROBATE COURT AND PROCEDURE IN PROBATE

### PART 1. PROBATE COURT

1 SEC. 10. Jurisdiction. The district court sitting in probate shall  
 2 have jurisdiction of:  
 3 1. Estates of decedents and absentees.  
 4 The probate and contest of wills; the appointment of personal rep-  
 5 resentatives; the granting of letters testamentary and of administra-  
 6 tion; the administration, settlement and distribution of estates of  
 7 decedents and absentees, whether such estates consist of real or per-  
 8 sonal property or both.

9       **2. Construction of wills and trust instruments.**

10       The construction of wills and trust instruments during the admin-  
11 istration of the estate or trust, whether said construction be incident  
12 to such administration, or as a separate proceeding.

13       **3. Conservatorships and guardianships.**

14       The appointment of conservators and guardians; the granting of  
15 letters of conservatorship and guardianship; the administration, set-  
16 tlement and closing of conservatorships and guardianships.

17       **4. Trusts and trustees.**

18       The appointment of trustees; the granting of letters of trusteeship;  
19 the administration of testamentary trusts; the administration of ex-  
20 press trusts where jurisdiction is specifically conferred on the court by  
21 the trust instrument; the administration of express trusts where the  
22 administration of the court is invoked by the trustee, beneficiary or  
23 any interested party; the administration of trusts which are estab-  
24 lished by a decree of court and result in the administration thereof  
25 by the court; and the settlement and closing of all such trusts.

1       **SEC. 11. Declaratory judgments—determination of heirship—dis-**  
2 **tribution.** During the administration of an estate, the district court  
3 sitting in probate shall have full, legal and equitable powers to make  
4 declaratory judgments in all matters involved in the administration  
5 of the estate, including those pertaining to the title of real estate, the  
6 determination of heirship, and the distribution of the estate. It shall  
7 have full, legal and equitable powers to enter final orders and decrees  
8 in all probate matters to effectuate its jurisdiction and to carry out  
9 its orders, judgments and decrees.

1       **SEC. 12. County of jurisdiction.** The court of each county shall  
2 have original and exclusive jurisdiction to administer the estates of  
3 all persons who are residents of the county, or who were residents at  
4 the time of their death, and all nonresidents of the state who have  
5 property, or who die leaving property in the county subject to admin-  
6 istration, or whose property is afterwards brought into the county;  
7 to appoint conservators for nonresidents having property in the  
8 county; and to appoint conservators and guardians of residents of the  
9 county.

1       **SEC. 13. Extent of jurisdiction.** The court of the county in which  
2 a will is probated, or in which administration, conservatorship or  
3 guardianship is granted, shall have jurisdiction coextensive with the  
4 state in the settlement of the estate, and in the sale and distribution  
5 thereof.

1       **SEC. 14. Concurrent jurisdiction.** When a case is originally within  
2 the jurisdiction of the courts of two or more counties, the one which  
3 first takes cognizance thereof by the commencement of the proceed-  
4 ings shall retain the same throughout.

1       **SEC. 15. Probate court always open.** The court sitting in probate  
2 shall always be open for the transaction of probate business.

1     **SEC. 16. Control of probate records.** The court shall have juris-  
2     diction and supervision of the probate records of the clerk, and may  
3     direct the destruction of records it deems to be old, obsolete or un-  
4     necessary, except that the probate record provided for in section  
5     twenty-nine (29) and the will record provided for in section three  
6     hundred two (302), or a copy thereof, shall be preserved at all times.

1     **SEC. 17. Judge disqualified—procedure.** Where the judge is a  
2     party, or is connected by blood or affinity with a person interested  
3     nearer than the fourth degree, or is personally interested in any pro-  
4     bate matter, the same shall be heard before another judge of the same  
5     district, or be transferred to the court of another district, or a judge  
6     of another district shall be procured to hold court for the hearing of  
7     such matter.

1     **SEC. 18. Uniform rules in probate.** The supreme court shall have  
2     power to adopt rules of procedure in probate not inconsistent with the  
3     provisions of this Code. The judges of the district court sitting en  
4     banc may adopt rules of procedure in probate matters within their  
5     respective districts not inconsistent with the rules adopted by the  
6     supreme court and the provisions of this Code.

1     **SEC. 19. Process revoked.** Any process or authority emanating  
2     from the court in probate matters may for good cause be revoked and  
3     a new one issued.

1     **SEC. 20. Referee—examination of accounts—fees.** For the audit-  
2     ing of the accounts of fiduciaries and for the performance of such  
3     other ministerial duties as the court may direct, the court may ap-  
4     point a referee in probate whenever in the opinion of the court it  
5     seems fit and proper to do so. The referee may be the clerk. No per-  
6     son shall be appointed as referee in any matter where he is acting as  
7     a fiduciary or as the attorney. All fees received by any county officer  
8     serving in the capacity of referee in probate shall become a part of  
9     the fees of his office and shall be accounted for as such.

1     **SEC. 21. Appraisers' fees and referees' fees fixed by rule.** The dis-  
2     trict court sitting en banc shall by rule fix the fees of probate referees.  
3     It shall also by rule provide, insofar as practicable, a uniform sched-  
4     ule of compensation for other appraisers, brokers, and agents em-  
5     ployed at estate expense.

## PART 2. CLERK OF PROBATE COURT

1     **SEC. 22. Probate powers of clerk.** The clerk shall have and may  
2     exercise within his county all the powers and jurisdiction of the court  
3     and of the judge thereof, in the following matters:

4     1. The appointment of personal representatives who are residents  
5     of the state, guardians and conservators for minors, the fixing and  
6     determining of the amount of the bond, or waiving the same when  
7     permitted by law or by will, and the approval of any and all bonds

8 given by fiduciaries in the discharge of their duties.

9 2. The examination and approval of all intermediate and interlocu-  
10 tory accounts and reports of fiduciaries.

11 3. The admission of wills of decedents to probate, when not con-  
12 tested, and the making of necessary orders in relation thereto, includ-  
13 ing orders for the issuance of commissions to take depositions. Proof  
14 may be made before the clerk in the same manner as is made in open  
15 court.

16 4. The making of all necessary orders in relation to the personal  
17 effects of a deceased person, where no objection is filed, and perform  
18 all other acts within his jurisdiction, as provided in this Code.

1 SEC. 23. **Clerk's actions reviewed.** Any person aggrieved by any  
2 order made or entered by the clerk under the powers conferred in  
3 section twenty-two (22) may have the same reviewed in court upon  
4 motion filed within six months or before the hearing on the final  
5 report of the fiduciary, whichever is the earlier, and upon such notice  
6 as the court may prescribe.

1 SEC. 24. **Docketing and hearing.** Upon the filing of such a motion,  
2 the clerk shall place the cause or proceeding on the docket without  
3 additional docket fee, and the matter shall stand for hearing or trial  
4 de novo in open court.

1 SEC. 25. **Validity of clerk's orders.** The records, orders, and judg-  
2 ments made and entered by the clerk, as hereinbefore provided, and  
3 not reversed, set aside, or modified by the court, shall stand, and shall  
4 be of the same force, validity, and effect, and be entitled to the same  
5 faith and credit, as if they had been made by the court.

1 SEC. 26. **Clerk not to prepare reports.** No clerk, deputy, or em-  
2 ployee of the clerk shall act as attorney for a fiduciary, or make or  
3 assist in making, drafting, or filling out any report of any fiduciary  
4 or any other report to be filed in his office.

1 SEC. 27. **Probate docket.** The clerk shall keep a book to be known  
2 as the Probate Docket, which shall show:

3 1. The name of every deceased person whose estate is administered  
4 or whose will is admitted to probate, and the date of his death.

5 2. The name of each person as to whom application for conservator-  
6 ship or guardianship is made.

7 3. The names of all the heirs in intestate estates and the surviving  
8 spouse of such deceased intestate, and their ages and places of resi-  
9 dence, so far as they can be ascertained.

10 4. The title of each trust where letters of trusteeship are issued.

11 5. A note of every sale of real estate made under the order of the  
12 court, with a reference to the volume and page of the record where a  
13 complete record thereof may be found.

1 SEC. 28. **Docketing trust proceedings.** When a trust is created by  
2 a will, the administration thereof shall be treated as a separate pro-



3 ceeding, with a separate docket number, from the date of the order  
4 of appointment or confirmation of the original trustee, unless other-  
5 wise ordered by the court.

1 **SEC. 29. Probate record.** The clerk shall also keep a book to be  
2 known as the Probate Record that shall contain full and complete  
3 journal entries of all orders made in relation to the business of each  
4 estate. When real estate is sold or mortgaged by a fiduciary under an  
5 order of court therefor, a complete record of the same shall be made  
6 in the probate record, including the petition, the notice, the returns of  
7 service, and all other papers filed, with the orders made relating  
8 thereto.

1 **SEC. 30. Bonds given by fiduciaries.** The clerk shall also keep a  
2 book known as Record of Bonds, in which he shall record all bonds  
3 given by fiduciaries.

1 **SEC. 31. Calendar.** The clerk shall keep a court calendar, and  
2 enter thereon such matters as the court may prescribe.

1 **SEC. 32. Delinquent inventories and reports.** On May 1 and No-  
2 vember 1 of each year, the clerk shall notify the fiduciary and his  
3 attorney of any delinquent inventories or reports due by law in any  
4 pending estate, trust, guardianship, or conservatorship, and that un-  
5 less such delinquent inventory or report is filed within sixty days  
6 thereafter, the matter shall be reported to the presiding judge. If the  
7 delinquent inventory is not filed within the time so specified, the  
8 fiduciary will be subject to removal under the provisions of section  
9 sixty-five (65) of this Code.

10 On July 1 and January 1 of each year, the clerk shall report to the  
11 presiding judge all delinquent inventories or reports in estates, trusts,  
12 guardianships or conservatorships on which such notice has been  
13 given and no report or inventory has been filed in response to the  
14 notice.

### PART 3. PROCEDURE IN PROBATE

1 **SEC. 33. Nature of proceedings in probate.** Actions to set aside or  
2 contest wills, for the involuntary appointment of guardians and con-  
3 servators, and for the establishment of contested claims shall be tri-  
4 able in probate as law actions, and all other matters triable in probate  
5 shall be tried by the probate court as a proceeding in equity.

1 **SEC. 34. Applicability of Rules of Civil Procedure.** All actions  
2 triable in probate shall be governed by the Rules of Civil Procedure,  
3 except as provided otherwise in this Code.

1 **SEC. 35. Reports and applications for orders.** All reports and ap-  
2 plications for orders in probate must be in writing, verified and self-  
3 explanatory, so that the clerk or court from a perusal thereof may  
4 understand the relief sought without explanations.

1     **SEC. 36. Orders in probate.** All orders and decrees of the court  
2 sitting in probate are final decrees as to the parties having notice and  
3 those who have appeared without notice.

1     **SEC. 37. Orders without notice.** All orders entered without notice  
2 or appearance are reviewable by the court at any time prior to the  
3 entry of the order approving the final report.

1     **SEC. 38. Time and place of hearing.** The hearing of any matter  
2 requiring notice shall be had at such time and place as the court may  
3 fix.

1     **SEC. 39. Place of hearing—noncontest or agreement.** In cases  
2 where no objection, resistance or appearance has been filed, or by  
3 agreement, such hearing may be had at any place within the judicial  
4 district.

1     **SEC. 40. Notice.** When the court fixes a time and place of hearing,  
2 it may direct what notice shall be given, and no hearing shall be had  
3 until proof of the giving or of the waiver of such notice has been  
4 made. When the manner of service of notice is not prescribed by the  
5 court or by this Code, such notice shall be served in the same manner  
6 that is provided by the Rules of Civil Procedure for the commence-  
7 ment of actions. In the case of proceedings against unknown persons,  
8 notice may be given by publication in accordance with the Rules of  
9 Civil Procedure. In no event shall notice be given by publication,  
10 except under order of court, nor shall notice be given at any time by  
11 posting.

1     **SEC. 41. Consular representatives—notice.** Whenever in the course  
2 of the administration of any estate, it shall appear that any subject,  
3 citizen, or national of a foreign country is interested as an heir,  
4 devisee, legatee, or otherwise, and the address of such person is un-  
5 known to the personal representative, the personal representative  
6 shall give notice by mail to the consular representative of such coun-  
7 try for Iowa of the pendency of such proceedings and of the particular  
8 interest of such foreign subject. If such consular representative shall  
9 not have filed his designation and address with the clerk, then such  
10 notice shall be mailed to the chief diplomatic representative of such  
11 foreign country at Washington, D. C. Failure to give such notice shall  
12 in no event and in no manner affect title to property.

1     **SEC. 42. Requests for notice.** At any time after the issuance of  
2 letters testamentary or of administration upon a decedent's estate,  
3 any person interested in the estate may file with the clerk a written  
4 request, in duplicate, for notice of the time and place of all hearings  
5 in such estate for which notice is required by law, by rule of court,  
6 or by an order in such estate. Such request for notice shall state the  
7 name and post-office address of such person and the name and post-  
8 office address of the attorney for the party requesting the notice.  
9 The clerk shall docket such request, and transmit the duplicate to the

10 personal representative of the estate of the decedent. Thereafter, the  
11 personal representative shall, unless otherwise ordered by the court,  
12 serve, by ordinary mail, upon such person, or his said attorney, a  
13 notice of each such hearing.

1 **SEC. 43. Notice and appearance.** In any matter pending in the  
2 probate court, the attorney general may request notice of all hearings  
3 therein as provided by section forty-two (42), and may, with the  
4 approval of the court, intervene in behalf of the public interest. The  
5 court, on its own motion, in any such matter involving the public  
6 interest, may direct the fiduciary to give notice of the hearing to the  
7 attorney general.

1 **SEC. 44. Waiver of service of notice.** Any notice required under  
2 this Code, or by order of court, may be waived in writing by the per-  
3 son, or the fiduciary, entitled to receive such notice.

1 **SEC. 45. Notice of order served on fiduciary and attorney.** When  
2 the court makes an order affecting a fiduciary, it shall be served upon  
3 him and his attorney of record in such manner as the court may pre-  
4 scribe.

1 **SEC. 46. Proof of publication.** Proof of the publication of all  
2 notices that are by this Code or by order of court required to be pub-  
3 lished shall be made by an affidavit of the publisher or of any em-  
4 ployee having knowledge of the facts.

1 **SEC. 47. Proof of service and taxation of costs.** Proof of service  
2 of any notice, required by this Code or by order of court, including  
3 those by publication, shall be filed with the clerk. The costs of serv-  
4 ing any notice given by the fiduciary shall be taxed by the clerk as  
5 part of the costs of administration in said estate.

1 **SEC. 48. Certified copies affecting foreign real estate.** A certified  
2 copy of any proceedings, order, judgment, or deed, affecting real  
3 estate in any county other than that in which administration or con-  
4 servatorship is originally granted, shall be furnished to the clerk of  
5 the court of the county where such real estate is situated, and shall by  
6 him be entered in the Probate Record.

1 **SEC. 49. Transfer to another county.** In any proceeding in pro-  
2 bate, the court may, upon written showing, supported by affidavit,  
3 and on such notice to interested parties as the court may prescribe,  
4 transfer such proceeding to any other county, when it is made to  
5 appear that such transfer will be in furtherance of justice. There-  
6 upon, the matter shall be pending in such other county.

1 **SEC. 50. Certified copy filed.** The clerk of the court which orders  
2 such a transfer shall retain the original files and papers, but shall  
3 make a certified copy thereof and of all record entries pertaining to the  
4 proceedings. He shall at once file the same in the office of the clerk of  
5 the court to which the transfer has been made.

1     **SEC. 51. Certified copy recorded.** The clerk of the court to which  
2 the proceedings are transferred shall record at length, in the probate  
3 record of his county, the certified copy of the record entries referred  
4 to in section forty-nine (49).

1     **SEC. 52. Mistakes corrected.** Mistakes in settlements may be cor-  
2 rected at any time before the final discharge of any fiduciary on such  
3 notice, if any, as the court may direct.

1     **SEC. 53. Submission and retention of vouchers and receipts.** In all  
2 accountings filed by fiduciaries, vouchers or receipts for all disburse-  
3 ments shall be filed or submitted by the fiduciary upon written request  
4 of any interested party, or upon order of court. After an order, or  
5 decree, has been entered approving such accounting, any vouchers or  
6 receipts which have been filed may be withdrawn under order of the  
7 court. Vouchers or receipts not filed, or which have been withdrawn,  
8 shall be preserved by the fiduciary until the accounting of such fiduci-  
9 ary becomes final.

1     Sections 54 to 63, inclusive, reserved for future use.

### DIVISION III—GENERAL PROVISIONS RELATING TO FIDUCIARIES

#### PART 1. QUALIFICATION, APPOINTMENT, SUBSTITUTION AND REMOVAL OF FIDUCIARIES

1     **SEC. 64. Qualification of fiduciary.** Any person of full age and any  
2 corporation authorized to act in a fiduciary capacity is qualified to  
3 serve as a fiduciary in this state except the following:

- 4       1. One who is a mental retardate, mentally ill, a chronic alcoholic,  
5 or a spendthrift.
- 6       2. Any other person whom the court determines to be unsuitable.

1     **SEC. 65. Removal of fiduciary.** When any fiduciary is, or becomes,  
2 disqualified under section sixty-four (64), has mismanaged the estate,  
3 failed to perform any duty imposed by law, or by any lawful order of  
4 court, or ceases to be a resident of the state, then the court may  
5 remove him. The court may upon its own motion, and shall upon the  
6 filing of a verified petition by any person interested in the estate,  
7 including a surety on the fiduciary's bond, order the fiduciary to  
8 appear and show cause why he should not be removed. Any such  
9 petition shall specify the grounds of complaint. The removal of a  
10 fiduciary after letters are duly issued to him shall not invalidate his  
11 official acts performed prior to removal.

1     **SEC. 66. Appointment of successor fiduciary.** When any fiduciary  
2 fails to qualify, dies, is removed by the court, or resigns, and such  
3 resignation is accepted by the court, the court may, and if he were  
4 the sole or last surviving fiduciary, and the administration has not  
5 been completed, the court shall appoint another fiduciary in his place.

1    **SEC. 67. Powers of surviving cofiduciary.** When the instrument  
2 creating the estate or trust requires two or more fiduciaries, and a  
3 vacancy occurs on account of the death, resignation, or removal of one  
4 of the fiduciaries, during the period of the vacancy thus created, the  
5 remaining fiduciary or fiduciaries shall have all the rights, titles and  
6 powers, whether discretionary or otherwise, of all the fiduciaries.

1    **SEC. 68. Powers of successor fiduciary.** When a successor fiduciary  
2 is appointed, he shall have all the rights, powers, titles and duties of  
3 his predecessor, except that he shall not exercise powers given in the  
4 instrument creating the powers that by its express terms are personal  
5 to the fiduciary therein designated.

1    **SEC. 69. Substitution—effect.** The substitution of a fiduciary shall  
2 occasion no delay in the administration of an estate. The periods  
3 herein specified within which acts are to be performed after the ap-  
4 pointment of a fiduciary shall, unless otherwise ordered by the court,  
5 be computed from the issuing of the letters to the first fiduciary.

1    **SEC. 70. Property delivered—penalty.** Upon the removal of any  
2 fiduciary, he shall be required by order of the court to deliver to the  
3 person who may be entitled thereto all the property in his hands or  
4 under his control belonging to the estate, and if he fails or refuses to  
5 comply with any proper order of the court, he may be committed to  
6 the jail of the county until he does.

1    Sections 71 to 75, inclusive, reserved for future use.

## PART 2. POWERS APPLICABLE TO ALL FIDUCIARIES

1    **SEC. 76. Two or more fiduciaries—exercise of powers.** Where there  
2 are two or more fiduciaries, they shall all concur in the exercise of the  
3 powers conferred upon them, unless the instrument creating the  
4 estate provides to the contrary. In the event that the fiduciaries can-  
5 not concur upon the exercise of any power, any one of the fiduciaries  
6 may apply to the court for directions, and the court shall make such  
7 orders as it may deem to be the best interests of the estate.

1    **SEC. 77. Receipts by one fiduciary.** One of the several fiduciaries  
2 may receive and receipt for any money, which receipt shall be given  
3 by him in his own name only, and he must individually account for all  
4 the money thus received and receipted for by himself, and this shall  
5 not charge his cofiduciary, except insofar as it can be shown to have  
6 come into his hands.

1    **SEC. 78. Third parties protected.** A person who in good faith pays  
2 or transfers to a fiduciary any money or other property which the  
3 fiduciary as such is authorized to receive, is not responsible for the  
4 proper application thereof by the fiduciary; and any right or title  
5 acquired from the fiduciary in consideration of such payment or trans-  
6 fer is not invalid in consequence of a misapplication by the fiduciary.

1     **SEC. 79. Fiduciaries considered as one.** In an action against sev-  
2     eral fiduciaries, in their fiduciary capacity, they shall be considered  
3     one person, and judgment may be taken against all as such, although  
4     not all were served with notice.

1     **SEC. 80. Fiduciary of a fiduciary.** A fiduciary has no authority to  
2     act in a matter wherein his decedent or ward was merely a fiduciary,  
3     except that he shall file a report and accounting on behalf of his  
4     decedent or ward in said matter.

1     **SEC. 81. Suit by and against fiduciary.** Any fiduciary may sue, be  
2     sued and defend in such capacity.

1     **SEC. 82. Designation of attorney.** The designation of the attorney  
2     or attorneys employed by the fiduciary to assist him in the adminis-  
3     tration of the estate shall be filed in said estate proceedings. Such  
4     designation shall state the attorney's name and post-office address.

1     **SEC. 83. Continuation of business.** Upon a showing of advantage  
2     to the estate, the court may authorize the fiduciary to continue any  
3     business of the estate for the benefit thereof. The order may be with-  
4     out notice, or after such notice as the court may prescribe. The court  
5     may on its own motion, and upon the application of any interested  
6     party shall, review such authorization, and upon such review, may  
7     revoke or modify the same. The order may provide:

8         1. For the conduct of the business solely by the fiduciary, or jointly  
9         with one or more other persons; for the formation of a partnership  
10        for the conduct of such business; or for the formation of, or for the  
11        fiduciary to join in the formation of a corporation for the conduct of  
12        such business;

13        2. For the extent of the liability of the estate, or any part thereof,  
14        or of the fiduciary, for obligations incurred in the continuation of the  
15        business;

16        3. As to whether liabilities incurred in the conduct of the business  
17        are to be chargeable solely to the part of the estate set aside for use  
18        in the business, or to the estate as a whole;

19        4. As to the period of time for which the business may be con-  
20        ducted; and

21        5. Such other conditions, restrictions, regulations and requirements  
22        as the court may order.

1     **SEC. 84. Delegation of authority.** Under order of court, with or  
2     without notice, a fiduciary may engage, at estate expense, outside  
3     specialists, and he may delegate to them, or consult with them for  
4     advice regarding the performance of aspects of the estate manage-  
5     ment which require professional skills or facilities which he does not  
6     possess, or does not possess in sufficient degree, and he may employ,  
7     at estate expense, subordinates and agents to perform ministerial acts  
8     and carry on or complete details of estate business under the policies  
9     and terms established by him.

1     **SEC. 85. Liability of fiduciary employing agents.** The fiduciary  
 2 shall not be personally liable for the acts or omissions of any such  
 3 specialist, subordinate or agent, unless it can be shown that said acts  
 4 or omissions would have been a breach of duty by the fiduciary had  
 5 he done it himself, and that,  
 6     1. The fiduciary directed or permitted the breach; or  
 7     2. He did not select or retain the said specialist, subordinate or  
 8 agent with reasonable care; or  
 9     3. The fiduciary did not properly supervise the specialist, subordi-  
 10 nate or agent; or  
 11     4. The fiduciary approved, acquiesced or co-operated in the neglect,  
 12 omission, misconduct or default by the specialist, subordinate or  
 13 agent.

1     **SEC. 86. Reduction of fees when agents are employed.** The court  
 2 shall, in fixing the fees of any fiduciary, consider the compensation  
 3 allowed to any person employed by the fiduciary under the provisions  
 4 of section eighty-four (84). If the court determines that the services  
 5 rendered by such person were services that would normally have been  
 6 performed by the fiduciary, the compensation of the fiduciary may,  
 7 in the court's discretion, be reduced by all or any part of the compen-  
 8 sation allowed to any such person.

1     **SEC. 87. Deposit of money in banks.** A fiduciary may deposit  
 2 moneys and other assets belonging to the estate in any banking in-  
 3 stitution authorized to do business in the state of Iowa.

1     **SEC. 88. Law governing administration of estates of nonresidents.**  
 2 Except as otherwise provided in this Code, all provisions of the law  
 3 relating to the administration of domestic estates and to the fiduci-  
 4 aries appointed therein, shall apply to the administration of the estate  
 5 of a nonresident, the appointment of the fiduciary therein, and the  
 6 granting of letters.

1     Sections 89 to 93, inclusive, reserved for future use.

### PART 3. SPECIAL PROVISIONS RELATING TO PROPERTY

1     **SEC. 94. Platting.** When it is for the best interests of the estate  
 2 in order to dispose of real property, the court may, upon application  
 3 by the fiduciary, or any other interested person, after notice and upon  
 4 good cause shown, authorize the fiduciary, either alone or together  
 5 with other owners, to plat any land belonging to the estate in accord-  
 6 ance with the statutes in regard to platting. The court may author-  
 7 ize the fiduciary to execute any instruments which may be required of  
 8 the titleholder or proprietor in connection with the platting of such  
 9 land.

1     Cross reference: Ch. 409 of the Code of Iowa.

1     **SEC. 95. Release of liens and mortgages.** Any fiduciary qualified  
 2 under the laws of this state may, without prior order of court, release,

3 assign or discharge, in whole or in part any mortgage, judgment or  
4 other lien held by the estate.

1 **SEC. 96. Specific performance voluntary.** When an estate is under  
2 such an obligation to convey property as might be enforced by suit for  
3 specific performance, the fiduciary may without prior order of court  
4 execute such conveyance.

1 **SEC. 97. Specific performance involuntary.** When an estate is un-  
2 der obligation to convey property, the court may, upon application of  
3 any interested person, with or without notice as the court may direct,  
4 require the fiduciary to execute such a conveyance.

1 **SEC. 98. Certificate of appointment and authority.** When any in-  
2 strument executed in accordance with the preceding three sections is  
3 to be recorded in a county other than the county in which the estate is  
4 pending, there shall also be recorded a certificate executed by the  
5 clerk of the court making the appointment, with seal affixed, showing  
6 the name of the court making the appointment, the date of the same,  
7 and that such fiduciary had not been discharged at the time of the  
8 execution of such instrument.

1 **SEC. 99. Federal stock authority to purchase.** When the court  
2 shall enter an order authorizing the fiduciary to execute a mortgage  
3 to encumber any property of the estate to secure a loan obtained from  
4 any association or corporation created, or which may be created, by  
5 authority of the United States and as an instrumentality of the United  
6 States, the court may authorize the fiduciary to purchase stock in an  
7 association or corporation, when such a purchase of stock is necessary  
8 or required as an incident to, or condition of, obtaining the loan, and to  
9 mortgage the estate property for such purpose, as well as to make  
10 payment for the stock so purchased from the proceeds of the loan  
11 so obtained.

1 **SEC. 100. Waiver of exemption.** Any deed or mortgage executed  
2 by a fiduciary under order of court shall have the effect of waiving  
3 any exemption as to homestead or otherwise of any person owning an  
4 interest in said real estate as fully as such owner could do if he were  
5 sui juris.

1 **SEC. 101. Appraisal.** At any time that the court may determine  
2 it to be to the best interests of the estate, it may order an appraisal  
3 of any or all of the property of an estate.

1 **SEC. 102. Costs and expenses.** In connection with the sale, mort-  
2 gage, lease, pledge or exchange of property, the court may authorize  
3 the fiduciary to pay, out of the proceeds realized therefrom or out of  
4 other funds of the estate, the customary and reasonable auctioneers'  
5 and brokers' fees and any necessary expenses for abstracting, survey,  
6 revenue stamps, and other necessary costs and expenses in connection  
7 therewith.

1 Sections 103 to 107, inclusive, reserved for future use.



PART 4. PROVISIONS RELATING TO ADMINISTRATION  
BY ALL FIDUCIARIES

GENERAL PROVISIONS

1     **SEC. 108. Small legacies to minors—payment.** Whenever a minor  
2 shall become entitled under the terms of a will to a bequest or legacy,  
3 to a share of the estate of an intestate, or to a beneficial interest in  
4 a trust fund upon the distribution thereof, and the value of such be-  
5 quest, legacy, share, or interest shall not exceed the sum of one thou-  
6 sand dollars, and no conservator for such minor has theretofore been  
7 appointed, the court having jurisdiction of the distribution of such  
8 funds may, in its discretion, upon the application of the fiduciary,  
9 enter an order authorizing such fiduciary to pay such bequest, legacy,  
10 share or interest to the parents of such minor, or to the person with  
11 whom such minor resides, for the use of such minor, and the receipt  
12 of such person or persons therefor, when presented to the court or  
13 filed with the report of distribution of any such fiduciary, shall have  
14 the same force and effect as though such payment had been made to  
15 a duly appointed and qualified conservator for such minor.

1     **SEC. 109. Inability to distribute estate funds.** Any fiduciary hav-  
2 ing in his possession or under his control any funds, moneys or secu-  
3 rities due or to become due to any other person to whom payment or  
4 delivery cannot be made as shown by the report of the fiduciary on  
5 file, may, upon order of court, deposit such property with the clerk  
6 and take the receipt of the clerk for the same. Such receipt shall spe-  
7 cifically state from whom said property was derived, the description  
8 thereof, and the name of the person entitled to the same. Thereafter,  
9 such funds shall be held and disposed of by the clerk in accordance  
10 with the provisions of chapter six hundred eighty-two (682) of the  
11 Code of Iowa.

1     **SEC. 110. Receipts taken.** If such fiduciary shall otherwise dis-  
2 charge all the duties imposed upon him by such appointment, he may  
3 take the receipts of the clerk for such funds, moneys, or securities so  
4 deposited, which receipts shall specifically set forth from whom said  
5 funds, moneys, or securities were derived, the amount thereof, and the  
6 name of the person to whom due or to become due, if known.

1     **SEC. 111. Final discharge period.** Such fiduciary may file such re-  
2 cepts with his final report, and if it shall be made to appear to the  
3 satisfaction of the court that he has in all other respects complied with  
4 the law governing his appointment and duties, the court may approve  
5 such final report and enter his discharge.

1     **SEC. 112. Discovery of property.** The court may require any per-  
2 son suspected of having possession of any property, including records  
3 and documents, of the decedent, ward, or the estate, or of having had  
4 such property under his control, to appear and submit to an examina-  
5 tion under oath touching such matters, and if on such examination it

6 appears that he has the wrongful possession of any such property,  
7 the court may order the delivery thereof to the fiduciary. Such a per-  
8 son shall be liable to the estate for all damages caused by his acts.

1 **SEC. 113. Commitment.** If, upon being served with an order of  
2 the court requiring him to appear for interrogation, as provided in the  
3 preceding sections hereof, any person fails to appear in accordance  
4 therewith, or if, having appeared, he refuses to answer any question  
5 which the court thinks proper to be put to him in the course of such  
6 examination, or if he fails to comply with the order of the court  
7 requiring him to deliver the property to the fiduciary, he may be com-  
8 mitted to the jail of the county until he does.

1 **SEC. 114. Compromise of claims held by an estate.** When it ap-  
2 pears for the best interest of the estate, the fiduciary may, subject to  
3 approval of the court, effect a compromise with any debtor or other  
4 obligor, or extend, renew, or in any other manner, modify the terms  
5 of any obligation owing to the estate. If the fiduciary holds a mort-  
6 gage, pledge, or other lien upon property of another person, he may,  
7 in lieu of foreclosure, accept a conveyance or transfer of such encum-  
8 bered assets from the owner thereof in satisfaction of the indebtedness  
9 secured by such lien, if it appears for the best interests of the estate,  
10 and if the court shall so order.

1 **SEC. 115. Compromise of claims against an estate.** When a claim  
2 against an estate has been filed, or suit thereon is pending, the cred-  
3 itor and the fiduciary may, if it appears for the best interests of the  
4 estate, subject to approval of the court, compromise the claim, whether  
5 it is due or not due, absolute or contingent, liquidated or unliquidated.

1 **SEC. 116. Abandonment of property.** When any property is value-  
2 less, or is so encumbered, or in such condition, that it is of no benefit  
3 to the estate, the court may order the fiduciary to abandon it, or make  
4 such other disposition of it as may be suitable in the premises.

1 **SEC. 117. Encumbered assets.** When any assets of the estate are  
2 encumbered by mortgage, pledge or other lien, the fiduciary may pay  
3 such encumbrance or any part thereof, renew or extend any obliga-  
4 tion secured by the encumbrance, or may convey or transfer such  
5 assets to the creditor in satisfaction of his lien, in whole or in part,  
6 whether or not the holder of the encumbrance has filed a claim, or he  
7 may purchase lands claimed or contracted for by the decedent, if it  
8 appears to be for the best interests of the estate and if the court  
9 shall so order. The making of such payment shall not increase the  
10 share of the distributee entitled to such encumbered assets.

1 Cross reference: See section 423.

1 **SEC. 118. Attorney appointed for persons not represented.** At or  
2 before the hearing in any proceedings under this Code, where all the  
3 parties interested in the estate are required to be notified thereof, the

4 court, in its discretion, may appoint some competent attorney to rep-  
5 resent any interested person who has been served with notice and who  
6 is otherwise unrepresented.

1 **SEC. 119. Order and authority thereunder.** The order making the  
2 appointment of such attorney must specify the names of the parties,  
3 so far as known, for whom he is appointed, and he will be authorized  
4 to represent such parties in all such proceedings subsequent to his  
5 appointment.

1 **SEC. 120. Compensation.** Any attorney so appointed under the  
2 authority of section one hundred eighteen (118) shall be paid for  
3 his services out of the estate, as a part of the costs of administration,  
4 a fee to be fixed by the court, and upon distribution of the estate, the  
5 fee may be charged to the party represented by him.

1 **SEC. 121. Substitution—division of fee.** The court may substitute  
2 another attorney for the one first appointed under the authority of  
3 section one hundred eighteen (118), in which case the fees must be  
4 divided in proportion to the services rendered.

1 **SEC. 122. Settlement contested.** The acts of the fiduciary without  
2 prior approval of court after notice, may be contested by any inter-  
3 ested person at or before the entry of the order discharging the fiduci-  
4 ary.

#### INVESTMENTS BY FIDUCIARIES

1 **SEC. 123. Existing investments.** Any fiduciary may, by and with  
2 the consent of the court having jurisdiction over such fiduciary or un-  
3 der permission of the will or other instrument creating the estate,  
4 continue to hold any investment originally received by him, and, also,  
5 any increase thereof. The fiduciary may also make investments which  
6 he may deem necessary to protect and safeguard investments already  
7 made.

#### APPOINTMENT OF A NOMINEE BY BANKING INSTITUTIONS ACTING IN A FIDUCIARY CAPACITY

1 **SEC. 124. Investment may be held in name of nominee of bank or**  
2 **trust company.** If court approval is first obtained, any state or na-  
3 tional bank or trust company, when acting with the consent of its  
4 cofiduciary, if any, may cause any investment held in any such capac-  
5 ity to be registered and held in the name of a nominee or nominees of  
6 such bank or trust company. Such cofiduciary is hereby empowered  
7 to give such consent unless it is specifically forbidden in the instru-  
8 ment creating the fiduciary relationship. Such bank or trust company  
9 shall be liable for the acts of any such nominee with respect to any  
10 investment so registered.

1 **SEC. 125. Records of bank or trust company to show ownership.**  
2 The records of said bank or trust company shall at all times show the

3 ownership of any such investment, which investment shall be in the  
4 possession and control of such bank or trust company and be kept  
5 separate and apart from the assets of such bank or trust company.

#### COMMON TRUST FUNDS

1 **SEC. 126. Definitions.**

2 1. "Common trust fund" means a fund maintained by a bank or  
3 trust company exclusively for the collective investment and reinvest-  
4 ment of moneys contributed thereto by the bank or trust company in  
5 its capacity as a fiduciary or cofiduciary.

6 2. "Fiduciary", for the purposes of sections one hundred twenty-six  
7 (126) to one hundred twenty-nine (129), inclusive, of this Code,  
8 means acting in any of the following capacities, namely: testamen-  
9 tary trustee appointed by any court, trustee under any written agree-  
10 ment, declaration or instrument of trust, executor, administrator,  
11 guardian, or conservator.

1 **SEC. 127. Establishment of common trust funds.** Any bank or  
2 trust company qualified to act as fiduciary in this state may establish  
3 common trust funds for the purpose of furnishing investments to  
4 itself as fiduciary, or to itself and others, as cofiduciaries; and may,  
5 as such fiduciary or cofiduciary, invest funds which it lawfully holds  
6 for investment in interests in such common trust funds, if such in-  
7 vestment is not prohibited by the instrument, judgment, decree, or  
8 order creating such fiduciary relationship, and if, in the case of co-  
9 fiduciaries, the bank or trust company procures the consent of its co-  
10 fiduciaries to such investment. If the instrument creating the fiduci-  
11 ary relationship gives to the bank or trust company the exclusive  
12 right to select investments, the consent of the cofiduciary shall not be  
13 required.

1 **SEC. 128. Court accountings.** Unless ordered by a court of com-  
2 petent jurisdiction, the bank or trust company operating such common  
3 trust funds is not required to render a court accounting with regard  
4 to such funds; but it may, by application to the court, secure approval  
5 of such an accounting on such conditions as the court may establish.

6 When an accounting of a common trust fund is presented to a court  
7 for approval, the court shall assign a time and place for hearing, and  
8 order notice thereof by: (1) publication once each week for three  
9 consecutive weeks in a newspaper of general circulation, published  
10 in the county in which the bank or trust company operating the com-  
11 mon trust fund is located, the first publication to be not less than  
12 twenty days prior to the date of hearing, and (2) sending by ordinary  
13 mail not less than fourteen days prior to the date of hearing, a copy  
14 of the notice prescribed to all beneficiaries of the trust participating  
15 in the common trust fund whose names are known to the bank or  
16 trust company from the records kept by it in the regular course of  
17 business in the administration of said trusts, directed to them at the  
18 addresses shown by such records, and (3) such further notice, if any,  
19 as the court may order.

1     **SEC. 129. Uniformity of interpretation.** Sections one hundred  
2 twenty-six (126), one hundred twenty-seven (127) and one hundred  
3 twenty-eight (128) shall be so interpreted and construed as to effec-  
4 tuate their general purpose to make uniform the law of those states  
5 which enact the common trust funds.

#### SIMPLIFICATION OF FIDUCIARY SECURITY TRANSFERS

1     **SEC. 130. Registration in the name of a fiduciary.** A corporation  
2 or transfer agent registering a security in the name of a person who  
3 is a fiduciary or who is described as a fiduciary is not bound to inquire  
4 into the existence, extent, or correct description of the fiduciary rela-  
5 tionship, and thereafter the corporation and its transfer agent may  
6 assume without inquiry that the newly registered owner continues to  
7 be the fiduciary until the corporation or transfer agent receives writ-  
8 ten notice that the fiduciary is no longer acting as such with respect  
9 to the particular security.

1     **SEC. 131. Assignment by a fiduciary.** Except as otherwise pro-  
2 vided in this Code, a corporation or transfer agent making a transfer  
3 of a security pursuant to an assignment by a fiduciary:  
4     1. May assume without inquiry that the assignment, even though  
5 to the fiduciary himself or to his nominee, is within his authority and  
6 capacity, and is not in breach of his fiduciary duties;  
7     2. May assume without inquiry that the fiduciary has complied with  
8 any controlling instrument and with this Code, including any law re-  
9 quiring the fiduciary to obtain court approval of the transfer; and  
10    3. Is not charged with notice of, and is not bound to obtain or exam-  
11 ine, any court record, or any recorded or unrecorded document, relat-  
12 ing to the fiduciary relationship or the assignment, even though the  
13 record or document is in its possession.

1     **SEC. 132. Evidence of appointment or incumbency.** A corporation  
2 or transfer agent making a transfer pursuant to an assignment by a  
3 fiduciary who is not the registered owner shall obtain the following  
4 evidence of appointment or incumbency:  
5     1. In the case of a fiduciary appointed or qualified by a court, a cer-  
6 tificate issued by or under the direction or supervision of that court  
7 or an officer thereof, and dated within sixty days before the transfer;  
8 or  
9     2. In any other case, a copy of a document showing the appointment  
10 or a certificate issued by or on behalf of a person reasonably believed  
11 by the corporation or transfer agent to be responsible, or, in the ab-  
12 sence of such a document or certificate, other evidence reasonably  
13 deemed by the corporation or transfer agent to be appropriate. Cor-  
14 porations and transfer agents may adopt standards with respect to  
15 evidence of appointment or incumbency under this subsection two (2),  
16 provided such standards are not manifestly unreasonable. Neither  
17 the corporation nor transfer agent is charged with notice of the con-  
18 tents of any document obtained pursuant to this subsection two (2),  
19 except to the extent that the contents relate directly to the appoint-  
20 ment or incumbency.

1     **SEC. 133. Adverse claims.**

2     1. A person asserting a claim of beneficial interest adverse to the  
3 transfer of a security pursuant to an assignment by a fiduciary may  
4 give the corporation or transfer agent written notice of the claim.  
5 The corporation or transfer agent is not put on notice unless the writ-  
6 ten notice identifies the claimant, the registered owner and the issue  
7 of which the security is a part, provides an address for communica-  
8 tions directed to the claimant and is received before the transfer.  
9 Nothing in this Act relieves the corporation or transfer agent of any  
10 liability for making or refusing to make the transfer after it is put  
11 on notice, unless it proceeds in the manner authorized in subsection  
12 two (2).

13     2. As soon as practicable after the presentation of a security for  
14 transfer pursuant to an assignment by a fiduciary, a corporation or  
15 transfer agent which has received notice of a claim of beneficial in-  
16 terest adverse to the transfer may send notice of the presentation by  
17 certified or registered mail to the claimant at the address given by  
18 him. If the corporation or transfer agent so mails such a notice, it  
19 shall withhold the transfer for thirty days after the mailing, and  
20 shall then make the transfer unless restrained by a court order.

1     **SEC. 134. Nonliability of corporation and transfer agent.** A cor-  
2 poration or transfer agent incurs no liability to any person by making  
3 a transfer or otherwise acting in a manner authorized by sections one  
4 hundred thirty (130) through one hundred thirty-three (133).

1     **SEC. 135. Nonliability of third persons.**

2     1. No person who participates in the acquisition, disposition, as-  
3 signment or transfer of a security by or to a fiduciary, including a  
4 person who guarantees the signature of the fiduciary, is liable for  
5 participation in any breach of fiduciary duty by reason of failure to  
6 inquire whether the transaction involves such a breach unless it is  
7 shown that he acted with actual knowledge that the proceeds of the  
8 transaction were being, or were to be, used wrongfully for the indi-  
9 vidual benefit of the fiduciary, or that the transaction was otherwise  
10 in breach of duty.

11     2. If a corporation or transfer agent makes a transfer pursuant to  
12 an assignment by a fiduciary, a person who guaranteed the signature  
13 of the fiduciary is not liable on the guarantee to any person to whom  
14 the corporation or transfer agent by reason of sections one hundred  
15 thirty (130) through one hundred thirty-three (133) incurs no lia-  
16 bility.

17     3. This section does not impose any liability upon the corporation  
18 or its transfer agent.

1     **SEC. 136. Territorial application.**

2     1. The rights and duties of a corporation and its transfer agents in  
3 registering a security in the name of a fiduciary, or in making a  
4 transfer of a security pursuant to an assignment by a fiduciary, are  
5 governed by the law of the jurisdiction under whose laws the corpo-  
6 ration is organized.

7     2. Sections one hundred thirty (130) through one hundred thirty-  
8 five (135) apply to the rights and duties of a person other than the

9 corporation and its transfer agents with regard to acts and omissions  
10 in this state in connection with the acquisition, disposition, assign-  
11 ment or transfer of a security by or to a fiduciary, and of a person  
12 who guarantees in this state the signature of a fiduciary in connection  
13 with such a transaction.

1 **SEC. 137. Tax obligations.** Sections one hundred thirty (130)  
2 through one hundred thirty-six (136) do not affect any obligation of  
3 a corporation or transfer agent with respect to estate, inheritance,  
4 succession, or other taxes imposed by the laws of this state.

1 **SEC. 138. Uniformity of interpretation.** Sections one hundred  
2 thirty (130) through one hundred thirty-seven (137) shall be so con-  
3 strued as to effectuate their general purpose to make uniform the  
4 transfers of securities by fiduciaries.

1 Sections 139 to 143, inclusive, reserved for future use.

#### PART 5. POWERS OF FOREIGN FIDUCIARIES

1 **SEC. 144. Mortgages and judgments.** Judgments rendered by any  
2 court in the state of Iowa and mortgages belonging to an estate, trust,  
3 or to a person under conservatorship may, without prior order of  
4 court, be released, discharged or assigned, in whole or in part as to  
5 any particular property, and deeds may be executed in performance  
6 of real estate contracts entered into before the creation of the estate,  
7 trust, or conservatorship, by any foreign fiduciary, receiver, referee,  
8 assignee or commissioner, or by any other person acting in a fiduciary  
9 capacity appointed by a court of record of any foreign state or coun-  
10 try, where a statement is filed by said fiduciary that no fiduciary,  
11 receiver, referee, assignee, or commissioner has been appointed and  
12 qualified in this state. Such release, satisfaction, discharge, assign-  
13 ment or deed may be made without any order of court in any manner  
14 or by any instrument which would be valid and effective if made by  
15 a like officer qualified under the law of this state.

1 **SEC. 145. Certificate of appointment and authority.** Before any  
2 instrument executed by such foreign fiduciary or officer as authorized  
3 by section one hundred forty-four (144) shall be effective, a certificate  
4 executed by the court or clerk making the appointment, with seal  
5 attached, if such officer has a seal, shall be recorded. Such certificates  
6 shall state the name of the court making such appointment, the date  
7 of the appointment, and that such fiduciary or officer has not been  
8 discharged at the time of the execution of said instrument.

1 **SEC. 146. Filing of certificate.** The certificate aforesaid shall be  
2 filed for record:

3 1. In the case of judgments, in the office of the clerk in which the  
4 judgment is of record or in which it has been filed, and

5 2. In the case of mortgages and deeds executed in performance of  
6 real estate contracts, in the office of the appropriate county recorder.

1     **SEC. 147. Record.** Such certificate shall be recorded by the proper  
2 officer in the judgment records of the court in which the same appears  
3 of record, or in the appropriate chattel or real estate records, as the  
4 case may be.

1     **SEC. 148. Maintaining actions.** When there is no administration  
2 of an estate nor a petition therefor pending, in this state, a foreign  
3 fiduciary may maintain actions and proceedings in this state subject  
4 to the requirements and conditions imposed upon nonresident suitors  
5 generally.

1     **SEC. 149. Filing of bond.** At the time of commencing any action  
2 or proceeding in any court of this state, the foreign fiduciary shall file  
3 with the court an authenticated copy of his appointment, and of his  
4 official bond, if he has given a bond. If the court believes that the  
5 security furnished by him in the domiciliary administration is in-  
6 sufficient to cover the proceeds of the action or the proceeding, or for  
7 any other reason or cause, it may at any time order the action or  
8 proceeding stayed until sufficient security is furnished in the action  
9 or proceeding.

1     Sections 150 to 154, inclusive, reserved for future use.

#### PART 6. LIABILITY OF FIDUCIARIES

1     **SEC. 155. Self-dealing by fiduciary prohibited.** No fiduciary shall  
2 in any manner deal with himself, except on order of court after notice  
3 to all interested persons, and shall derive no profit other than his dis-  
4 tributive share in the estate from the sale or liquidation of any prop-  
5 erty belonging to the estate.

1     **SEC. 156. Deposits by corporate fiduciaries.** Section one hundred  
2 fifty-five (155) shall not be construed to prohibit a corporate fiduciary  
3 from making a deposit of estate funds in its own banking department.

1     **SEC. 157. Liability for property of estate.** Every fiduciary shall  
2 be liable for, and chargeable in his accounts with, all of the estate  
3 that comes into his possession at any time, including all the income  
4 therefrom; but he shall not be accountable for any debts due to the  
5 estate or other assets of the estate that remain uncollected without  
6 his fault. He shall not be entitled to profit from the increase in value  
7 of any asset of the estate, nor shall he be chargeable with loss result-  
8 ing, without his fault, from the decrease in value or the destruction  
9 of any part of the estate, excepting, only to the extent of his pro rata  
10 share in such gain or loss as one of the distributees of the estate.

1     **SEC. 158. Liability for property not a part of estate.** Every fiduci-  
2 ary shall be chargeable in his accounts with property not a part of the  
3 estate that comes into his hands at any time, and shall be liable to  
4 the persons entitled thereto, if:

- 5     1. The property was received under a duty imposed upon him by  
6 law in the capacity of fiduciary; or
- 7     2. He has commingled such property with the assets of the estate.



1     **SEC. 159. Judgment—execution.** If judgment is rendered against  
2 a fiduciary for costs in any action prosecuted or defended by him in  
3 that capacity, execution shall be awarded against him as for his own  
4 debt, if it appears to the court that such action was prosecuted or  
5 defended without reasonable cause.

1     **SEC. 160. Breach of duty.** Every fiduciary shall be liable and  
2 chargeable in his accounts for neglect or unreasonable delay in collect-  
3 ing the credits or other assets of the estate or in selling, mortgaging  
4 or leasing the property of the estate; for neglect in paying over  
5 money or delivering property of the estate he shall have in his hands;  
6 for failure to account for or to close the estate within the time pro-  
7 vided by this Code; for any loss to the estate arising from his em-  
8 bezzlement or commingling of the assets of the estate with other  
9 property; for loss to the estate through self-dealing; for any loss to  
10 the estate arising from wrongful acts or omissions of his cofiduciaries  
11 which he could have prevented by the exercise of ordinary care; and  
12 for any other negligent or willful act or nonfeasance in his adminis-  
13 tration of the estate by which loss to the estate arises.

1     **SEC. 161. Examination of fiduciaries.** The fiduciary may be exam-  
2 ined under oath by the court upon any matter relating to his accounts.

1     **SEC. 162. Penalty.** In fixing the fees of any fiduciary, the court  
2 shall take into consideration any violation of this Code by the fiduci-  
3 ary, and may diminish the fee of such fiduciary to the extent the court  
4 may determine to be proper.

1     Sections 163 to 167, inclusive, reserved for future use.

#### PART 7. OATH AND BOND OF FIDUCIARIES

1     **SEC. 168. Oath.** Every fiduciary, before entering upon the duties  
2 of his office and within such time as the court or clerk directs, shall  
3 subscribe an oath that he will faithfully discharge the duties imposed  
4 upon him by law, according to the best of his ability.

1     **SEC. 169. Bond.** Except as herein otherwise provided, every fidu-  
2 ciary shall execute and file with the clerk a bond with sufficient surety  
3 or sureties, as hereinafter provided. It shall be conditioned upon the  
4 faithful discharge of all the duties of his office according to law, in-  
5 cluding his duty to account. It shall be procured at the expense of the  
6 estate, if an approved surety company bond is furnished.

1     **SEC. 170. Amount of bond.** Except as herein otherwise provided,  
2 the court or the clerk shall fix the penalty of the bond in an amount  
3 equal to the value of the personal property of the estate, plus the  
4 estimated gross annual income of the estate during the period of  
5 administration.

1     **SEC. 171. Approval by clerk.** The bond shall not be deemed suffi-  
2 cient until it has been examined and approved by the clerk who shall  
3 endorse such approval thereon. In the event that the bond is not ap-

4 proved, the fiduciary shall, within such time as the court or the clerk  
5 directs, secure and file a bond with satisfactory surety or sureties.

1 **SEC. 172. Will—waiver of bond.** When, by the terms of the will,  
2 the testator has directed or expressed the desire that no bond shall be  
3 required, such direction or expression shall be construed to be a  
4 waiver of the posting of a bond by the fiduciary for all purposes,  
5 and no bond shall be required unless the court for good cause finds it  
6 proper to require one; if no bond is initially required, the court may  
7 nevertheless, for good cause, at any subsequent time require that a  
8 bond be given.

1 **SEC. 173. Waiver of bond by distributees.** If the distributees, in  
2 writing waive the statutory requirement that a bond shall be filed by  
3 the fiduciary with the clerk, and the court finds that the interests of  
4 the creditors will not thereby be prejudiced, no bond shall be required.

1 **SEC. 174. Guardians—bond.** When the guardian appointed for a  
2 person is not the conservator of the property of that person, no bond  
3 shall be required of the guardian, unless the court for good cause finds  
4 it proper to require one. If no bond is initially required, the court  
5 may, nevertheless, for good cause, at any subsequent time, require  
6 that a bond be given.

1 **SEC. 175. Waiver of bond by court.** The court may, for good cause  
2 shown, exempt any fiduciary from giving bond, provided the court  
3 finds that the interests of creditors and distributees will not thereby  
4 be prejudiced.

1 **SEC. 176. Reduction of bond by deposit.** Personal property of the  
2 estate may be deposited with a bank or trust company located in the  
3 state of Iowa upon such terms as may be prescribed by order of the  
4 court. The amount of the bond of the fiduciary may be then reduced  
5 as the court may determine.

1 **SEC. 177. Deposit in lieu of bond.** The court may permit the fidu-  
2 ciary to deposit cash or other prescribed securities of his own in lieu  
3 of bond.

1 **SEC. 178. Letters.** Upon the filing of an oath of office and a bond,  
2 if any is required, the clerk shall issue letters under the seal of the  
3 court, giving the fiduciary the powers authorized by law.

1 **SEC. 179. Review by clerk when inventory is filed.** At the time the  
2 inventory of the estate is filed, the clerk shall review the amount of  
3 bond, and report to the court as to any apparent insufficiency thereof.

1 **SEC. 180. Bond changed.** The court may at any time require a new  
2 bond, or increase or decrease the amount of the penalty of the bond of  
3 any fiduciary, when good cause therefor appears.

1     **SEC. 181. Obligees of bond—joint and several liability.** The bond  
2 of the fiduciary shall run to the use of all persons interested in the  
3 estate, and shall be for the security and benefit of such persons. The  
4 sureties shall be jointly and severally liable with the fiduciary, and  
5 with each other.

1     **SEC. 182. Qualifications for sureties.** Qualifications for sureties on  
2 probate bonds shall be the same as those provided by section six hun-  
3 dred eighty-two point four (682.4) or section six hundred eighty-two  
4 point fourteen (682.14) of the Code of Iowa, provided, however, that  
5 no attorney shall act as surety on any such bond.

1     **SEC. 183. Authority for fiduciary and surety to enter into agree-**  
2 **ment for deposit of property or joint control.** It shall be lawful for  
3 the fiduciary to agree with his surety for the deposit of any or all  
4 moneys and other property of the estate with a bank, safe deposit or  
5 trust company, authorized by law to do business as such, or other  
6 depository approved by the court, if such deposit is otherwise proper,  
7 in such manner as to prevent the withdrawal of such moneys or other  
8 property without the written consent of the surety, or on order of the  
9 court made on such notice to the surety as the court may direct.

1     **SEC. 184. Release of sureties before estate fully administered.**

2     1. Release for cause. For good cause, the court may, before the  
3 estate is fully administered, order the release of the sureties of the  
4 fiduciary and require the fiduciary to furnish a new bond.

5     2. Extent of liability of original and new sureties. The original  
6 sureties shall be liable for all breaches of the obligation of the bond  
7 up to the time of filing of the new bond and the approval thereof by  
8 the clerk, but not for acts and omissions of the fiduciary thereafter.  
9 The new bond shall bind the sureties thereon with respect to acts and  
10 omissions of the fiduciary from the time when the sureties on the  
11 original bond are no longer liable therefor.

1     **SEC. 185. Insolvency of fiduciary.** If, at any time, a fiduciary be-  
2 comes insolvent after qualifying as such fiduciary, and after the  
3 maturity of a debt owing by such fiduciary to the estate, then the  
4 fiduciary and the sureties on his bond shall be liable to the estate for  
5 the indebtedness owing by the fiduciary to the estate. If the fiduciary  
6 is not solvent at any time after his qualification and after the matu-  
7 rity of the debt, the sureties on his bond shall not be liable to the  
8 estate for the indebtedness.

1     **SEC. 186. Suit on bond.**

2     1. Execution of bond deemed as appearance. The execution and  
3 filing of the bond by a fiduciary, any other provisions of law notwith-  
4 standing, shall be deemed an appearance by the surety in the proceed-  
5 ing for the administration of the estate including all hearings with  
6 respect to the bond.

7     2. Summary enforcement in proceedings for administration. Sub-  
8 ject to the provisions of subsection three (3) hereof, the court may,  
9 upon the breach of the obligation of the bond of a fiduciary, after

10 notice to the obligors on the bond and to such other persons as the  
 11 court directs, summarily determine the damages as a part of the pro-  
 12 ceeding for the administration of the estate, and by appropriate  
 13 process enforce the collection thereof from those liable on the bond.  
 14 Such determination and enforcement may be made by the court upon  
 15 its own motion or upon application of a successor fiduciary, or of any  
 16 other interested person. The court may hear the application at the  
 17 time of settling the accounts of the defaulting fiduciary or at such  
 18 other time as the court may direct. Damages shall be assessed on  
 19 behalf of all interested persons and may be paid over to the succes-  
 20 sor or other nondefaulting fiduciary and distributed as other assets  
 21 held by the fiduciary in his official capacity.

22 3. Enforcement by separate suit. If the estate is already distrib-  
 23 uted, or if, for any reason, the procedure to recover on the bond pro-  
 24 vided in subsection two (2) hereof, is inadequate, any interested  
 25 person may bring a separate suit in a court of competent jurisdiction  
 26 on his own behalf for damages suffered by him by reason of the  
 27 default of the fiduciary.

28 4. Bond not void upon first recovery. The bond of the fiduciary  
 29 shall not be void upon the first recovery, but may be proceeded upon  
 30 from time to time until the whole penalty is exhausted.

31 5. Denial of liability by surety—intervention. If the court has  
 32 already determined the liability of the fiduciary, the sureties shall  
 33 not be permitted thereafter to deny such liability in any action or  
 34 hearing to determine their liability; but the surety may intervene in  
 35 any hearing to determine the liability of the fiduciary.

1 SEC. 187. **Limitation of action on bond.** No proceedings upon the  
 2 bond of a fiduciary shall be brought subsequent to two years after the  
 3 discharge of the fiduciary or six months after the discovery of fraud,  
 4 whichever is later.

1 Sections 188 and 196, inclusive, reserved for future use.

#### PART 8. COMPENSATION OF FIDUCIARIES AND ATTORNEYS

1 SEC. 197. **Compensation.** Personal representatives shall be allowed  
 2 such reasonable fees as may be determined by the court for services  
 3 rendered, but not in excess of the following commissions upon the  
 4 gross assets of the estate listed in the probate inventory for Iowa  
 5 inheritance tax purposes, which shall be received as full compensation  
 6 for all ordinary services:

7 For the first one thousand dollars, six percent;

8 For the overplus between one and five thousand dollars, four per-  
 9 cent;

10 For all sums over five thousand dollars, two percent.

1 Cross reference: See sections 86 and 162.

1 SEC. 198. **Attorney fee.** There shall also be allowed and taxed as  
 2 part of the costs of administration of estates as an attorney's fee for  
 3 the personal representative's attorney, such reasonable fee as may

4 be determined by the court, for services rendered, but not in excess  
5 of the schedule of fees herein provided for personal representatives.

1 **SEC. 199. Expenses and extraordinary services.** Such further al-  
2 lowances as are just and reasonable may be made by the court to  
3 personal representatives and their attorneys for actual necessary and  
4 extraordinary expenses or services. Necessary and extraordinary  
5 services shall be construed to also include services in connection with  
6 real estate, tax matters, and litigated matters.

1 **SEC. 200. Compensation of other fiduciaries and their attorneys.**  
2 The court shall allow and fix from time to time the compensation for  
3 fiduciaries, other than personal representatives, and their attorneys  
4 for such services as they shall render as shown by an itemized claim  
5 or report made and filed setting forth what such services consist of  
6 during the period of time they continue to act in such capacities.

1 **SEC. 201. Court officers as fiduciaries.** Judges, clerks and deputy  
2 clerks serving as fiduciaries shall not be allowed any compensation for  
3 services as such fiduciaries.

1 **SEC. 202. Affidavit relative to compensation.** In no case shall the  
2 compensation of fiduciaries and their attorneys be allowed or paid  
3 until there shall have been filed with the clerk of the district court in  
4 which administration of the estate is pending an affidavit of the fidu-  
5 ciary, or attorney, as the case may be, stating that there is no con-  
6 tract, agreement, or arrangement, either oral or written, express or  
7 implied, contemplating any division of compensation for such services,  
8 or participation therein, directly or indirectly, by any other person,  
9 firm, or corporation with such fiduciary or attorney, unless it be with  
10 a regular and bona fide law partner, or with one jointly serving with  
11 them in the same capacity in relation to the estate in which such  
12 compensation is allowed, in which event the affidavit shall show such  
13 fact.

1 **SEC. 203. Affidavit for corporate fiduciary.** In any case where a  
2 corporation is acting as a fiduciary under and by virtue of the provi-  
3 sions of chapter five hundred thirty-two (532) of the Code of Iowa,  
4 the affidavit required by section two hundred two (202) shall be exe-  
5 cuted and made by an officer of such corporation.

1 **SEC. 204. Fees of deceased fiduciary.** When a fiduciary dies, all  
2 fees to which his personal representative and his attorney are entitled  
3 shall be a charge against the estate assets until paid.

1 Sections 205 to 209, inclusive, reserved for future use.

## DIVISION IV—INTESTATE SUCCESSION

## PART 1. RULES OF INHERITANCE

1     **SEC. 210. Rules of descent.** The estate of a person dying intestate  
2 shall descend as provided in sections two hundred eleven (211)  
3 through two hundred twenty-six (226).

1     **SEC. 211. Share of surviving spouse if decedent left issue.** If the  
2 decedent dies intestate leaving a surviving spouse and leaving issue,  
3 the surviving spouse shall receive the following share:

4     1. One-third in value of all the legal or equitable estates in real  
5 property possessed by the decedent at any time during the marriage,  
6 which have not been sold on execution or other judicial sale, and to  
7 which the surviving spouse has made no relinquishment of his right.

8     2. All personal property that, at the time of death, was, in the  
9 hands of the decedent as the head of a family, exempt from execution.

10    3. One-third of all other personal property of the decedent which is  
11 not necessary for the payment of debts and charges.

12    4. If the property received by the surviving spouse under subsections  
13 one (1), two (2) and three (3) of this section is not equal in  
14 value to the sum of fifteen thousand dollars, then so much additional  
15 of the remaining real and personal property of the decedent that is  
16 subject to payment of debts and charges against the decedent's estate,  
17 after payment of such debts and charges, even to the extent of the  
18 whole of the net estate, as may be necessary to make the amount of  
19 fifteen thousand dollars.

1     **SEC. 212. Share of surviving spouse where decedent left no issue.**  
2 If the decedent dies intestate leaving a surviving spouse and leaving  
3 no issue, the surviving spouse shall receive the following share:

4     1. One-third in value of all the legal or equitable estates in real  
5 property possessed by the decedent at any time during the marriage,  
6 which have not been sold on execution or other judicial sale, and to  
7 which the surviving spouse has made no relinquishment of his right.

8     2. All personal property that, at the time of death, was in the hands  
9 of the decedent as the head of a family, exempt from execution.

10    3. One-third of all other personal property of the decedent which is  
11 not necessary for the payment of debts and charges.

12    4. If the property received by the surviving spouse under subsections  
13 one (1) and three (3) of this section is not equal in value to the  
14 sum of fifteen thousand dollars, then so much additional of the non-  
15 exempt real and personal property of the decedent remaining after  
16 payment of the debts and charges against the estate, as may be neces-  
17 sary (even to the extent of the entire net estate) to make the amount  
18 of fifteen thousand dollars.

19    5. So much additional of the remaining real and personal property  
20 belonging to the decedent as is necessary to make the entire share of  
21 the surviving spouse, including the property received under subsections  
22 one (1), three (3) and four (4) of this section, equal in value  
23 to the aforesaid sum of fifteen thousand dollars plus one-half of the  
24 net value of the estate over and above the said sum of fifteen thousand  
25 dollars and the value of the exempt personal property.

1     **SEC. 213. Appraisal.** Prior to the settlement of every intestate  
2 estate in which there is a surviving spouse, and in which appraisal has  
3 not been waived by the surviving spouse and all the heirs of the  
4 decedent, it shall be the duty of the court, upon application of the  
5 personal representative, the surviving spouse, or any of the heirs of  
6 the decedent, to appoint three competent disinterested appraisers to  
7 appraise such estate and to make their report to the court, at such  
8 time as the court may direct by order, unless the court, after notice,  
9 finds further appraisal unnecessary. In such appraisement, the home-  
10 stead, if any, shall be appraised separately.

1     **SEC. 214. Procedure determined by court.** At the time it appoints  
2 the appraisers provided for by section two hundred thirteen (213),  
3 the court shall prescribe the kind of notice and the method of service  
4 thereof, whether by publication or otherwise.

1     **SEC. 215. Notice.** Such notice shall designate the names of the  
2 appraisers, the time and place of the appraisement, and the date on  
3 which the appraisers shall file with the clerk the report of their ap-  
4 praisement, directed to all persons interested in such appraisement.

1     **SEC. 216. Objections.** All persons interested in such report and  
2 having objections to it and the appraisement, shall file their objec-  
3 tions within ten days after the date fixed in said notice for the filing  
4 of the report of such appraisement.

1     **SEC. 217. Trial.** Such objections, if any, shall be tried to the court  
2 as in equity, and the court shall enter a final order in the matter.

1     **SEC. 218. Right of spouse to select property.** After such proceed-  
2 ings, and after payment of debts and charges, the surviving spouse  
3 shall have the right to select from the property so appraised, at its  
4 appraised value thus fixed, property equal in value to the amount to  
5 which she is entitled under section two hundred eleven (211) or two  
6 hundred twelve (212) which selection shall be in writing filed with  
7 the clerk of court.

1     **SEC. 219. Share of others than surviving spouse.** The portion of  
2 the estate remaining after the payment of the debts and charges, and  
3 not distributed to the surviving spouse, as provided in this Code, or if  
4 there is no surviving spouse, then the remaining estate after payment  
5 of the debts and charges, shall descend and be distributed as follows:

6     1. In equal shares to the decedent's children, unless one or more of  
7 them is dead, in which case the issue of such deceased child shall  
8 inherit his or her share in accordance with the rules herein prescribed,  
9 in the same manner as though said child had outlived his parents.

10    2. If there is no person to take under subsection one (1) of this  
11 section, then to the surviving parents in equal shares; and if either  
12 parent is dead, the portion that would have gone to such deceased  
13 parent, shall go to the survivor.

14    3. If there is no person to take under either subsection one (1) or  
15 two (2) of this section, the portion uninhaired shall go to such per-

16 sons as would have been entitled to take if the parents of the decedent  
17 had outlived the intestate and had died in possession and ownership  
18 of the portion thus falling to their share, and so on, through their  
19 ascending ancestors and their heirs.

20 4. If heirs are not thus found under subsection one (1), two (2) or  
21 three (3) of this section, the portion uninherited shall go to the  
22 spouse of the intestate; and if the spouse is dead, then to the heirs  
23 of the spouse, according to like rules. If such intestate has had more  
24 than one spouse who either died or survived in lawful wedlock, it  
25 shall be equally divided between the one who is living and the heirs  
26 of those who are dead, or between the heirs of all such heirs, taking  
27 per stirpes and not per capita.

28 5. If there is no person who qualifies under either subsection one  
29 (1), two (2), three (3) or four (4) of this section, the intestate prop-  
30 erty shall escheat to the state of Iowa.

1 **SEC. 220. Afterborn heirs—time of determining relationship.** De-  
2 scendants and other heirs of an intestate, begotten before his death  
3 but born thereafter, shall inherit as if they had been born in the life-  
4 time of the intestate and had survived him. With this exception, the  
5 intestate succession shall be determined by the relationships existing  
6 at the time of the death of the intestate.

1 **SEC. 221. Illegitimate child—inheritor from mother.** Unless he has  
2 been adopted, an illegitimate child shall inherit from his natural  
3 mother, and she from the child.

1 **SEC. 222. Illegitimate child—inheritor from father.** Unless he has  
2 been adopted, an illegitimate child shall inherit from his natural  
3 father when the paternity is proven during the father's lifetime, or  
4 when the child has been recognized by the father as his child; but  
5 such recognition must have been general and notorious, or else in  
6 writing. Under such circumstances, if the recognition has been  
7 mutual, and the child has not been adopted, the father may inherit  
8 from his illegitimate child.

1 **SEC. 223. Effect of adoption.** A lawfully adopted person and his  
2 heirs shall inherit from and through the adoptive parents the same as  
3 a natural born child. The adoptive parents and their heirs shall in-  
4 herit from and through the adopted person the same as though he  
5 were a natural born child.

1 **SEC. 224. Advancements—in general.** When the owner of prop-  
2 erty transfers it as an advancement to a person who would be an heir  
3 of such transferor were the latter to die at that time, and the trans-  
4 feror dies intestate, then the property thus advanced shall be counted  
5 toward the share of the transferee in the estate, (which for this pur-  
6 pose only shall be increased by the value of the advancement at the  
7 time the advancement was made). The transferee shall have no lia-  
8 bility to the estate for such part, if any, of the advancement as may  
9 be in excess of his share in the estate as thus determined. Every  
10 gratuitous inter vivos transfer is presumed to be an absolute gift, and  
11 not an advancement. Such presumption is rebuttable.



1    **SEC. 225. Valuation of advancements.** An advancement under sec-  
 2    tion two hundred twenty-four (224) shall be valued as of the time  
 3    when the advancee came into possession or enjoyment or as of the  
 4    date of the death of the intestate, whichever first occurs.

1    **SEC. 226. Death of advancee before intestate.** If an advancee  
 2    under section two hundred twenty-four (224) dies before the intes-  
 3    tate, leaving an heir who takes from the intestate, the advancement  
 4    shall be taken into account in the same manner as if it had been made  
 5    directly to such heir. If such heir is entitled to a lesser share in the  
 6    estate than the advancee would have been entitled to, had he survived  
 7    the intestate, then the heir shall be charged with only such propor-  
 8    tion of the advancement as the amount he would have inherited, had  
 9    there been no advancement, bears to the amount which the advancee  
 10    would have inherited, had there been no advancement.

**PART 2. PROCEDURE FOR OPENING ADMINISTRATION  
 OF INTESTATE ESTATES**

1    **SEC. 227. Administration granted.** Where there is no will, admin-  
 2    istration shall be granted to any qualified person on the petition of:  
 3    1. The surviving spouse;  
 4    2. The heirs of the decedent;  
 5    3. Creditors of the decedent;  
 6    4. Other persons showing good grounds therefor.

1    **SEC. 228. Time allowed.** To file such petition, there shall be al-  
 2    lowed, commencing with the death of the decedent:  
 3    1. To the surviving spouse, a period of twenty days;  
 4    2. To each other class in succession, a period of ten days.  
 5    The period allowed each class shall be advanced to the period al-  
 6    lowed the preceding class if there is no member of such preceding  
 7    class. Any member of any class may file such petition after the ex-  
 8    piration of the period allowed to him if letters have not been issued  
 9    prior thereto.

1    **SEC. 229. Petition for administration of an intestate estate.** The  
 2    petition for administration of an intestate estate shall contain the  
 3    following:  
 4    1. The name, domicile and date of death of the decedent.  
 5    2. If the decedent was domiciled outside the state at the time of his  
 6    death, a statement that he had property within the county in which  
 7    the petition is filed, or any other basis for jurisdiction in such county.  
 8    3. The name and address of the surviving spouse, if any, and the  
 9    name and address of each heir so far as known to the petitioner.  
 10   4. The estimated value of the property belonging to the decedent  
 11   that might be readily convertible into money.

1    **SEC. 230. Notice in intestate estates.** In intestate matters, the  
 2    administrator shall, as soon as letters are issued, cause to be pub-  
 3    lished once each week for two consecutive weeks in a daily or weekly



13 clerk of such court refusing to take under the provisions of such will,  
 14 such surviving spouse shall take under the provisions of the will, pro-  
 15 vided, however, that if within such period of six months an affidavit  
 16 is filed setting forth that such surviving spouse is incapable to make  
 17 such election, the court shall determine whether there shall be an  
 18 election to take against the will in accordance with section two hun-  
 19 dred thirty-eight (238); provided further, that the court on applica-  
 20 tion may, prior to the expiration of such period of six months, for  
 21 cause shown, enter an order extending the time for making such elec-  
 22 tion. If such surviving spouse shall be the executor of the will and  
 23 fails, within six months after the will is admitted to probate, to file  
 24 with the clerk of the court an election to refuse to take under the  
 25 provisions of the will of the deceased, it shall be conclusively pre-  
 26 sumed that such survivor consents to the provisions of the will and  
 27 elects to take thereunder.

1 **SEC. 238. Share of surviving spouse who elects to take against will.**  
 2 If the surviving spouse elects to take against the will, the share of  
 3 such surviving spouse will be:

4 1. One-third in value of all the legal or equitable estates in real  
 5 property possessed by the decedent at any time during the marriage,  
 6 which have not been sold on execution or other judicial sale, and to  
 7 which the surviving spouse has made no relinquishment of his right.

8 2. All personal property that, at the time of death, was in the hands  
 9 of the decedent as the head of a family, exempt from execution.

10 3. One-third of all other personal property of the decedent that is  
 11 not necessary for the payment of debts and charges.

1 **SEC. 239. Share to embrace homestead.** The share of the surviv-  
 2 ing spouse in such real estate shall be set off in such manner as to  
 3 include the ordinary dwelling house given by law to the homestead,  
 4 or so much thereof as will be equal to the share allotted to him by  
 5 section two hundred thirty-eight (238) unless he prefers a different  
 6 arrangement; but no such different arrangement shall be permitted  
 7 unless there be sufficient property remaining to pay the claims and  
 8 charges against the decedent's estate.

1 **SEC. 240. Election to occupy homestead.** In intestate estates, or  
 2 where the surviving spouse elects to take against the will, the sur-  
 3 viving spouse may, in lieu of his share in the real property possessed  
 4 by the decedent at any time during their marriage which has not been  
 5 sold on execution or other judicial sale, and to which the surviving  
 6 spouse has made no relinquishment of his right, elect to occupy the  
 7 homestead. Such election shall be made and entered of record as pro-  
 8 vided in section two hundred forty-five (245). In making such elec-  
 9 tion, the surviving spouse shall have all the rights as to personal  
 10 property provided in subsections two (2) and three (3) of section  
 11 two hundred thirty-eight (238). In case of failure to make such elec-  
 12 tion, the right to occupy the homestead shall be waived.

1 **SEC. 241. Time for election to occupy homestead.** In case the sur-  
 2 viving spouse does not make an election to occupy the homestead and

3 file it with the clerk within six months from the date of the second  
4 publication of the notice to creditors, it shall be conclusively presumed  
5 that such surviving spouse waives the right to make such election.  
6 The court on application may, prior to the expiration of such period  
7 of six months, for cause shown, enter an order extending the time  
8 for making such election.

1 **SEC. 242. Rights of election personal to surviving spouse.** The  
2 right of the surviving spouse to elect to take against the will and the  
3 right of the surviving spouse to occupy the homestead are personal.  
4 They are not transferable, and cannot be exercised for him subsequent  
5 to his death. If the surviving spouse dies prior to filing an election to  
6 take against the will, it shall be conclusively presumed that the sur-  
7 viving spouse takes under the provisions of the will.

1 **SEC. 243. Filing elections.** The election to take against the will  
2 and the election to occupy the homestead shall be filed in the office of  
3 the clerk.

1 **SEC. 244. Incompetent spouse—election by court.** In case an affi-  
2 davit is filed that the surviving spouse is incapable of making an elec-  
3 tion to take against the will, or to elect to occupy the homestead, the  
4 court shall fix a time and place of hearing on the matter, and cause a  
5 notice thereof to be served upon said surviving spouse in such manner  
6 and for such time as the court may direct. At the hearing, a guardian  
7 ad litem shall be appointed to represent such spouse, and the court  
8 shall enter such orders as it may deem to be for the best interests of  
9 such person.

1 **SEC. 245. Record of election.** The elections of the surviving spouse  
2 under section two hundred thirty-six (236), two hundred forty (240)  
3 or two hundred forty-four (244) shall be entered on the proper  
4 records of the court.

1 **SEC. 246. Election not subject to change.** An election by or on  
2 behalf of a surviving spouse to take the share provided in either sec-  
3 tion two hundred thirty-six (236) or two hundred forty (240) or two  
4 hundred forty-four (244) hereof once made shall be binding and shall  
5 not be subject to change except for such causes as would justify an  
6 equitable decree for the rescission of a deed.

## PART 2. PROCEDURE FOR SETTING OFF SHARE

1 **SEC. 247. Setting off share of surviving spouse when electing to**  
2 **take against the will—time limit.** The share of the surviving spouse  
3 under section two hundred thirty-six (236) may be set off by the  
4 mutual consent of all parties in interest, or by referees appointed by  
5 the court. An application to have it set off by referees shall be made  
6 in writing within six months after the second publication of notice of  
7 the probate of the will, or within one month after the election to take  
8 against the will is filed with the clerk, whichever is the longer. The

9 application must describe the land in which the share is claimed, and  
10 pray for the appointment of referees to set it off.

1     **SEC. 248. Referee—notice.** In the absence of mutual consent to  
2 the appointment of referees, the court shall fix a time and place for  
3 hearing upon such application and of the fact that referees will be  
4 appointed if such application is granted, and shall prescribe the time  
5 and manner of the service of notice of the hearing.

1     **SEC. 249. Mode of setting off share in real estate.** The referees  
2 may employ a surveyor, and may cause the shares in real estate to be  
3 set off by legally sufficient land descriptions. They shall make a report  
4 of their proceedings to the court as early as reasonably possible.

1     **SEC. 250. Report—delinquency.** The court may require a report  
2 by such a time as it deems reasonable. If the referees fail to obey  
3 this or any other of its orders, the court may discharge them and  
4 appoint others in their stead, and impose upon the first referees the  
5 payment of all costs previously made, unless they show good cause  
6 against it.

1     **SEC. 251. Confirmation—new reference.** The court may set the  
2 report for hearing and prescribe the notice to be given to interested  
3 parties. The court may confirm the report, or may set it aside and  
4 refer the matter to the same or other referees, at its discretion.

1     **SEC. 252. Confirmation conclusive—possession.** An order confirm-  
2 ing a report of the referees shall be binding and conclusive unless  
3 appealed from within thirty days, and the surviving spouse may bring  
4 an action to obtain possession of the land set apart to him.

1     **SEC. 253. Right contested.** Nothing in sections two hundred forty-  
2 seven (247) through two hundred fifty-two (252) shall prevent any  
3 person interested from controverting the right of the surviving  
4 spouse to the share thus set apart before confirmation of the report  
5 of the referees.

1     **SEC. 254. Sale—division of proceeds.** If it appears to the court,  
2 upon application of the personal representative, the surviving spouse,  
3 or the report of the referee, that the property, or any part of it,  
4 cannot be advantageously divided, the court may order the whole, or  
5 any part of such property, sold, and the share of the surviving spouse  
6 in the proceeds paid over to him.

1     **SEC. 255. Purchase of new homestead.** In case the homestead is  
2 sold, the surviving spouse may use any or all of her share to procure  
3 a homestead which shall be exempt from liability for all debts from  
4 which the former homestead would have been exempt.

1     **SEC. 256. Security to avoid sale.** No sale shall be made under  
2 section two hundred fifty-four (254) if anyone interested gives secu-

3 rity to the satisfaction of the court, conditioned to pay the surviving  
4 spouse the appraised value of the share with seven percent interest  
5 on the same, within such reasonable time as the court may fix, not  
6 exceeding one year.

1 **SEC. 257. Security by surviving spouse.** If no such arrangement  
2 is made, the surviving spouse may keep the property by giving like  
3 security to pay the claims of all others interested upon like terms.

1 **SEC. 258. Sale prohibited.** Such sale under section two hundred  
2 fifty-four (254) shall not be ordered so long as those in interest shall  
3 express a contrary desire and agree upon some mode of sharing and  
4 dividing the rents, profits, or use thereof, or shall consent that the  
5 court shall order the division of such rents, profits or use.

1 Sections 259 to 263, inclusive, reserved for future use.

## DIVISION VI—WILLS

### PART 1. GENERAL PROVISIONS RELATING TO WILLS

1 **SEC. 264. Disposal of property by will.** Subject to the rights of  
2 the surviving spouse to elect to take against the will as provided by  
3 section two hundred thirty-six (236), any person of full age and sound  
4 mind may dispose by will of all his property, except sufficient to pay  
5 the debts and charges against his estate.

1 **SEC. 265. Procedure prescribed by will.** When the interests of  
2 creditors will not thereby be prejudiced, a testator may prescribe the  
3 entire manner in which his estate shall be administered, and, also, the  
4 manner in which his affairs shall be conducted until his estate is finally  
5 settled.

1 Cross reference: Section 172.

1 **SEC. 266. Limitation on disposal by will.** If the total of the devises  
2 in the decedent's will to corporations organized under the chapter re-  
3 lating to corporations not for profit, to foreign corporations of a similar  
4 character, to unincorporated associations of a similar character, or  
5 to a trustee for the use and benefit of any such organization is in  
6 excess of one-fourth of the testator's estate valued as of the date of  
7 death after the payment of debts and charges, then the surviving  
8 spouse, any child, child of a deceased child or parent of the decedent  
9 shall have the right to make an election as follows:

10 1. The amount by which such devises described in this section ex-  
11 ceeds such one-fourth of the testator's estate shall be first determined.

12 2. Each of such persons shall have the right to elect to receive the  
13 portion of such excess to which he would have been entitled had such  
14 excess been intestate property, provided, that in no event shall he  
15 receive in the aggregate under the will and as the result of such elec-

16 tion, an amount greater than he would have received had the dece-  
17 dent died intestate.

18 3. Such election shall be made in writing by said person and filed  
19 with the clerk within six months after the second publication of the  
20 notice of appointment of the personal representative, unless the time  
21 is extended by order of court, or unless an affidavit is filed under the  
22 provisions of subsection four (4) hereof.

23 4. In case an affidavit is filed within six months after the second  
24 publication of the notice of appointment of the personal representative  
25 that the said surviving spouse, child, child of a deceased child or par-  
26 ent is under legal disability or is otherwise incapable of making the  
27 election provided for in this section, the court shall fix a time and  
28 place of hearing on the matter and cause a notice thereof to be served  
29 upon said person in such manner and for such time as the court may  
30 determine. At the hearing, a guardian ad litem shall be appointed to  
31 represent such person, and the court shall enter such orders as it may  
32 deem to be for the best interests of such person.

33 5. Any portion of the excess determined under the provisions of  
34 this section which is not distributed under an election provided in this  
35 section, shall be distributed under the will of the decedent the same  
36 as if no election had been made under subsection two (2) by anyone.

37 6. The right of election as provided for in this section is personal,  
38 is not transferable, and cannot be exercised for him subsequent to his  
39 death.

40 7. All elections hereunder shall be entered upon the records of the  
41 court, shall be binding, and shall not be subject to change except for  
42 such cause as would justify an equitable decree for the rescission of  
43 a deed.

44 8. In the event that there is more than one devise affected by the  
45 election provided for in this section, any reduction shall be made rat-  
46 ably in the absence of express testamentary intent to the contrary.

1 **SEC. 267. Children born or adopted after execution of will.** When  
2 a testator fails to provide in his will for any of his children born to  
3 or adopted by him after the making of his last will, such child, whether  
4 born before or after the testator's death, shall receive a share in the  
5 estate of the testator equal in value to that which he would have re-  
6 ceived if the testator had died intestate, unless it appears from the  
7 will that such omission was intentional.

1 **SEC. 268. Presumption attending devise to spouse.** Where the tes-  
2 tator's spouse is named as a devisee in a will, it shall be presumed,  
3 unless the intent is clear and explicit to the contrary, and except as  
4 provided in section two hundred seventy-two (272), that such devise  
5 is in lieu of the intestate share and homestead rights of the surviving  
6 spouse.

1 **SEC. 269. After acquired property.** Any property acquired by the  
2 testator after the making of his will shall pass thereby, and in like  
3 manner as if title thereto were vested in him at the time of making  
4 the will, unless the intent is clear and explicit to the contrary.

1     **SEC. 270. Contractual or mutual wills.** No will shall be construed  
2 to be contractual or mutual, unless in such will the testator shall ex-  
3 pressly state his intent that such will shall be so construed.

1     **SEC. 271. Effect of divorce.** If after making a will the testator is  
2 divorced, all provisions in the will in favor of the testator's spouse so  
3 divorced are thereby revoked.

1     **SEC. 272. Partial intestacy.** If part but not all of the estate of a  
2 decedent is validly disposed of by will, the part not disposed of by will  
3 shall be distributed as provided herein for intestate estates. If the tes-  
4 tator left a surviving spouse, and the spouse does not elect to take  
5 against the will, such spouse shall receive, in addition to the property  
6 given to him by the will, one-third of the intestate property, and that  
7 one-third shall be subject to the payment of its proportionate share  
8 of debts and charges against the estate.

1     **SEC. 273. Antilapse statute.** If a devisee die before the testator,  
2 his heirs shall inherit the property devised to him, unless from the  
3 terms of the will, the intent is clear and explicit to the contrary.

1     **SEC. 274. Exception to antilapse statute.** The devise to a spouse  
2 of the testator, where the spouse does not survive the testator, shall  
3 lapse notwithstanding the provisions of section two hundred seventy-  
4 three (273), unless from the terms of the will, the intent is clear and  
5 explicit to the contrary.

1     **SEC. 275. Testamentary additions to trusts.** A devise or bequest,  
2 the validity of which is determinable by the law of this state, may be  
3 made by a will to the trustee of a trust established, or to be estab-  
4 lished, by the testator, or by the testator and some other person or  
5 persons, or by some other person or persons, (including a funded or  
6 unfunded life insurance trust, although the trustor has reserved some  
7 or all rights of ownership of the insurance contracts) if the trust is  
8 identified in the testator's will, and if its terms are set forth in a  
9 written instrument (other than a will) executed before or concu-  
10 rrently with the execution of the testator's will, or in the valid last  
11 will of a person who has predeceased the testator (regardless of the  
12 existence, size, or character of the corpus of the trust). The devise  
13 or bequest shall not be invalid because the trust is amendable or rev-  
14 ocable, or both, or because the trust was amended after the execution  
15 of the will or after the death of the testator. Unless the testator's  
16 will provides otherwise, the property so devised or bequeathed: (1)  
17 shall not be deemed to be held under a testamentary trust of the tes-  
18 tator, but shall become a part of the trust to which it is given; and,  
19 (2) shall be administered and disposed of in accordance with the pro-  
20 visions of the instrument or will setting forth the terms of the trust,  
21 including any amendments thereto made before the death of the  
22 testator (regardless of whether any such amendment was made be-  
23 fore or after the execution of the testator's will), and, if the testator's  
24 will so provides, including any amendments to the trust made after



25 the death of the testator. A revocation or termination of the trust  
26 before the death of the testator shall cause the devise or bequest to  
27 lapse.

1     **SEC. 276. Effect on prior wills.** Section two hundred seventy-five  
2 (275) shall not invalidate any devise or bequest made by a will exe-  
3 cuted prior to the effective date of this Code.

1     **SEC. 277. Uniformity of interpretation.** Section two hundred sev-  
2 enty-five (275) shall be so construed as to effectuate its general pur-  
3 pose to make uniform the law of those states which have adopted  
4 a similar provision.

1     **SEC. 278. Devise of encumbered property.** When any property  
2 subject to a mortgage or other lien is specifically devised, the devisee  
3 shall take such property so devised subject to such mortgage or other  
4 lien, unless the will provides expressly or by necessary implication  
5 that such mortgage or other lien be otherwise paid. If there is a tes-  
6 tamentary direction to discharge such mortgage or other lien, the rules  
7 of abatement specified in section four hundred thirty-six (436) of  
8 this Code shall be applied. The term "mortgage or other lien" as used  
9 in this section shall not include a pledge of personal property.

## PART 2. EXECUTION AND REVOCATION

1     **SEC. 279. Formal execution.** All wills and codicils, except as pro-  
2 vided in section two hundred eighty-three (283), to be valid, must be  
3 in writing, signed by the testator, or by some person in his presence  
4 and by his express direction writing his name thereto, and declared  
5 by the testator to be his will, and witnessed, at his request, by two  
6 competent persons who signed as witnesses in the presence of the  
7 testator and in the presence of each other; provided, however, that  
8 the validity of the execution of any will or instrument which was exe-  
9 cuted prior to the effective date of this Code shall be determined by  
10 the law in effect immediately prior to the effective date of this Code.

1     **SEC. 280. Competency of witnesses.** Any person who is sixteen  
2 years of age, or older, and who is competent to be a witness generally  
3 in this state, may act as an attesting witness to a will.

1     **SEC. 281. Interest of witnesses.** No will is invalidated because  
2 attested by an interested witness; but any interested witness shall,  
3 unless the will is also attested by two competent and disinterested  
4 witnesses, forfeit so much of the provisions therein made for him as  
5 in the aggregate exceeds in value, as of the date of the decedent's  
6 death, that which he would have received had the testator died intes-  
7 tate. No attesting witness is interested unless he is devised or be-  
8 queathed some portion of the testator's estate.

1     **SEC. 282. Defect cured by codicil.** If a codicil to a defectively exe-  
2 cuted will is duly executed, and such will is clearly identified in said

3 codicil, the will and the codicil shall be considered as one instrument  
4 and the execution of both shall be deemed sufficient.

1 **SEC. 283. Will executed in foreign state or country.** A will exe-  
2 cuted outside this state, in the mode prescribed by the law, either of  
3 the place where executed or of the testator's domicile, shall be deemed  
4 to be legally executed, and shall be of the same force and effect as if  
5 executed in the mode prescribed by the laws of this state, provided  
6 said will is in writing and subscribed by the testator.

1 **SEC. 284. Revocation—cancellation—revival.** A will can be re-  
2 voked in whole or in part only by being canceled or destroyed by the  
3 act or direction of the testator, with the intention of revoking it, or  
4 by the execution of a subsequent will. When done by cancellation, the  
5 revocation must be witnessed in the same manner as the making of a  
6 new will. No will, nor any part thereof, which shall be in any manner  
7 revoked, or which shall be or become invalid, can be revived otherwise  
8 than by a re-execution thereof, or by the execution of another will or  
9 codicil in which the revoked or invalid will, or part thereof, is incor-  
10 porated by reference.

### PART 3. CUSTODY

1 **SEC. 285. Custodian—filing—penalty.** After being informed of  
2 the death of the testator, the person having custody of his will shall  
3 deliver it to the court having jurisdiction of his estate. Every person  
4 who willfully refuses or fails to deliver a will after being ordered by  
5 the court to do so shall be guilty of contempt of court. He shall also  
6 be liable to any person aggrieved for the damages which may be sus-  
7 tained by such refusal or failure.

1 **SEC. 286. Deposit of will with clerk.** The clerk shall maintain a  
2 file for the safekeeping of wills. There shall be placed therein wills  
3 deposited with the clerk by living testators or by persons on their  
4 behalf, and wills of deceased testators not accompanied by petitions  
5 for the probate thereof, when deposited with the clerk by persons  
6 having custody thereof as provided in section two hundred eighty-five  
7 (285) of this Code.

1 **SEC. 287. Manner of deposit.** Every such will shall be enclosed in  
2 a sealed wrapper. The clerk shall endorse thereon the name of the  
3 testator, the name of the depositor, the date of deposit, and, if pro-  
4 vided, the name of the person to be notified of the deposit of such will  
5 upon the death of the testator. The clerk shall hold such will until  
6 disposed of as provided in section two hundred eighty-eight (288) or  
7 two hundred eighty-nine (289).

1 **SEC. 288. Delivery by clerk during lifetime of testator.** During  
2 the lifetime of the testator, such will shall be delivered only to him, or  
3 to some person authorized by him by an order in writing duly ac-  
4 knowledged.

1     **SEC. 289. Delivery by clerk after death of testator.** After being  
 2 informed of the death of a testator, the clerk shall notify the person,  
 3 if any, named in the endorsement on the wrapper of said will. If no  
 4 petition for the probate thereof has been filed within thirty days after  
 5 the death of the testator, it shall be publicly opened, and the court  
 6 shall make such orders as it deems appropriate for the disposition of  
 7 said will. The clerk shall notify the executor named therein and such  
 8 other persons as the court shall designate of such action. If the  
 9 proper venue is in another court, the clerk, upon request, shall trans-  
 10 mit such will to such court, but before such transmission, he shall  
 11 made a true copy thereof and retain the same in his files.

#### PART 4. PROCEDURE FOR PROBATE OF WILLS

1     **SEC. 290. Petition for probate of will.** At the time the will of a  
 2 decedent is filed with the clerk, or thereafter, any interested person  
 3 may file a verified petition in the district court of the proper county:

4         1. To have the will admitted to probate;

5         2. For the appointment of the executor.

6 A petition for probate may be combined with a petition for appoint-  
 7 ment of the executor, and any person interested in either the probate  
 8 of a will or in the appointment of the executor, may petition for both.

1     **SEC. 291. Contents of petition.** A petition for probate of a will  
 2 shall state:

3         1. The name, domicile, and date of death of the decedent.

4         2. If the decedent was not domiciled in the state at the time of his  
 5 death, then, that he had property within the county in which the peti-  
 6 tion is filed, or any other basis for jurisdiction in such county.

1     **SEC. 292. Petition for appointment of executor.** A petition for  
 2 the appointment of an executor shall state the name and address of  
 3 the person nominated or proposed as executor, and that such person is  
 4 qualified to act as executor. If the person proposed in said petition  
 5 is not the person nominated in the will, the petition shall state the  
 6 reason why the person nominated is not proposed as executor. Unless  
 7 bond is waived in the will, the petition shall state the estimated value  
 8 of the property belonging to the decedent which might be readily con-  
 9 vertible into money.

1     **SEC. 293. Hearing upon petition.** Upon the filing of a petition for  
 2 probate of a will, the date for proving it shall be fixed by the court or  
 3 the clerk, and the clerk shall give notice addressed TO ALL WHOM IT  
 4 MAY CONCERN, signed by him, of such time fixed, by one publication  
 5 in a daily or weekly newspaper published in the county where the will  
 6 is filed, the publication to be at least seven days prior to the time fixed  
 7 for such hearing.

1     **SEC. 294. Order of preference for appointment of executor.** Let-  
 2 ters testamentary may be granted to one or more persons found to be  
 3 qualified. Preference for appointment shall be in the following order:

- 4 1. The person designated in the will;
- 5 2. Any beneficiary named in the will, or a person nominated by the
- 6 beneficiaries;
- 7 3. Any creditor of the deceased, or a person nominated by such
- 8 creditor;
- 9 4. Such other person as the court may find to be qualified.

1 SEC. 295. Nonresident executors of resident decedents. A nonres-

2 ident of this state, named as executor in the will of a resident of this

3 state, may, upon application, be appointed executor after said will

4 has been admitted to probate in this state, provided a resident executor

5 be appointed to serve with the nonresident executor named in said

6 will, except that the court for good cause shown may appoint the non-

7 resident executor to serve alone without the appointment of a resident

8 executor.

1 SEC. 296. Testimony of witnesses. The proof may be made by the

2 oral or written testimony of one or more of the subscribing witnesses

3 to the will. If such testimony is in writing, it shall be substantially

4 in the following form executed and sworn to after the death of the

5 decedent:

6 In the District Court of Iowa

7 In and for ..... County

8 In the Matter of the Estate of ..... Probate No. ....

9 ..... Deceased Testimony of Subscribing

10 State of ..... } ss Witness on Probate of Will.

11 ..... County }

12 I, ....., being first duly sworn, state:

13 I reside in the County of ....., State of .....; I knew

14 the testator on the ..... day of ....., 19....., the date of the

15 instrument, the original or exact reproduction of which is attached

16 hereto, now shown to me, and purporting to be the last will and

17 testament of the said ....., deceased; I am one of the

18 subscribing witnesses to said instrument; at the said date of said

19 instrument, I knew ....., the other subscribing witness;

20 that said instrument was exhibited to me and to the other subscri-

21 ing witness by the testator, who declared the same to be his last will

22 and testament, and was signed by the testator at ....., in

23 the County of ....., State of ....., on the date shown in

24 said instrument, in the presence of myself and the other subscribing

25 witness; and the other subscribing witness and I then and there, at

26 the request of the testator, in the presence of said testator and in the

27 presence of each other, subscribed our names thereto as witnesses.

28 .....

29 Name of witness

30 .....

31 Address

30 Subscribed and sworn to before me this ..... day of .....,

31 19.....

32

33 .....

34 (SEAL) Notary Public in and for the

County of.....

State of .....

1     **SEC. 297. Deposition.** If it is desired to prove the execution of  
2 the will by deposition, rather than by use of the affidavit form pro-  
3 vided in section two hundred ninety-six (296), upon application, the  
4 clerk shall issue a commission to some officer authorized by the law  
5 of this state to take depositions, with the will annexed, and the officer  
6 taking the deposition shall exhibit it to the witness for identification,  
7 and, when identified by him, shall mark it as "Exhibit ....." and  
8 cause the witness to connect his identification with it as such exhibit.  
9 Before sending out the commission, the clerk shall make and retain  
10 in his office a true copy of such will.

1     **SEC. 298. Witnesses unavailable.** If all of such witnesses are de-  
2 ceased or otherwise not available, then it shall be permissible to prove  
3 said will by the sworn testimony of two credible disinterested wit-  
4 nesses that the signature to the will is in the handwriting of the per-  
5 son whose will it purports to be, and that the signatures of the wit-  
6 nesses are in the handwriting of such witnesses, or it may be proved  
7 by other sufficient evidence of the execution of such will.

1     **SEC. 299. Order admitting or disallowing probate of will.** The  
2 court or the clerk shall enter an order either admitting said will to  
3 probate, or disallowing probate because of insufficient proof thereof.

1     **SEC. 300. Order appointing executor.** If a petition for appoint-  
2 ment of an executor has been filed, the order admitting the will to  
3 probate shall include appointment of an executor thereof, unless the  
4 court or clerk shall determine that no appointment should be made at  
5 such time.

1     **SEC. 301. Certificate of probate.** When a will has been admitted  
2 to probate the clerk shall have a certificate of such fact, endorsed  
3 thereon or annexed thereto, signed by the clerk and attested by the  
4 seal of the court; and, when so certified, it, or the record thereof, or  
5 the transcript of such record properly authenticated, may be read in  
6 evidence in all courts without further proof.

1     **SEC. 302. Record—copy for executor.** When a will has been ad-  
2 mitted to probate, it, together with the certificate herein required,  
3 shall be recorded in a book kept for that purpose, and the clerk shall  
4 cause an authenticated copy thereof to be placed in the hands of the  
5 executor to whom letters are issued. The clerk shall retain the will  
6 in a separate file provided for that purpose until the time for contest  
7 has expired, and promptly thereafter shall place it with the files of  
8 said estate.

1     **SEC. 303. Notice of appointment.** On admission of a will to pro-  
2 bate, the executor shall, as soon as letters are issued, cause to be pub-  
3 lished once each week for two consecutive weeks in a daily or weekly  
4 newspaper of general circulation published in the county in which  
5 the estate is pending, a notice of admission of the will to probate and  
6 of the appointment of the executor. There shall be included therein

7 a notice to debtors to make payment, and to creditors having claims  
8 against said estate to file them with the clerk within six months from  
9 the second publication of said notice, or thereafter be forever barred.

10 Such notice shall be substantially in the following form:

11 Notice of Probate of Will, of Appointment of Executor,  
12 and Notice to Creditors

13 In the District Court of Iowa

14 in and for ..... County

Probate No. ....

15 In the Estate of .....

Deceased

16 To all persons interested in the estate of ..... deceased:

17 You are hereby notified that on the ..... day of ....., 19.....,  
18 the last will and testament of ....., deceased, bearing  
19 date the ..... day of ....., 19....., was admitted to probate  
20 in the above named court and that ..... was appointed  
21 executor of said estate.

22 Notice is given that all persons indebted to said estate are requested  
23 to make immediate payment to the undersigned, and creditors having  
24 claims against said estate shall file them with the clerk of the above  
25 named district court, as provided by law, duly authenticated, for  
26 allowance; and unless so filed within six months from the second  
27 publication of this notice (unless otherwise allowed or paid) such  
28 claim shall thereafter be forever barred.

29 Dated this ..... day of ....., 19.....

30

.....  
Executor of said estate

31

.....  
Address

32

.....  
Attorney for said executor

33

.....  
Address

34 Date of second publication

35 ..... day of ....., 19.....

(date to be inserted by publisher)

1 **SEC. 304. Notice where no administration.** On admission of a will  
2 to probate without administration of the estate, the clerk shall cause  
3 to be published, in the manner prescribed in the preceding section, a  
4 notice of the admission of the will to probate.

5 Such notice shall be substantially in the following form:

6 Notice of Proof of Will without Administration

7 In the District Court of Iowa

8 in and for ..... County.

9 In the Estate of .....

Probate No. ....

Deceased

10 To all persons interested in the estate of ..... deceased:

11 You are hereby notified that on the ..... day of ....., 19.....,  
12 the last will of ....., deceased, bearing date the  
13 ..... day of ....., 19....., was admitted to probate in the above  
14 named court and there will be no present administration of the estate.

15 Dated this ..... day of ....., 19.....

16

.....  
Clerk of the district court

17

.....  
Attorney for said estate.

18 Date of second publication

19 ..... day of ....., 19.....

(Above date to be inserted by publisher)

1     **SEC. 305. Record in foreign county.** Whenever it shall appear  
2 that the testator died seized of real estate located in a county of this  
3 state other than that in which probate is granted, a complete tran-  
4 script, properly authenticated, of the record entry of the order of  
5 court admitting the will to probate, and, if a copy of such will is  
6 not contained therein, a certified copy of such will shall be attached  
7 thereto, and the same shall be filed by the clerk in the office of the  
8 clerk of the district court in such other county, who shall cause the  
9 same to be entered in the probate docket, and said transcript shall  
10 be recorded in full in the book kept for the recording of wills in such  
11 county. When so recorded, such record may be read in evidence in all  
12 courts without further proof.

1     Cross reference: Sections 403 and 404.

1     **SEC. 306. Costs of transcript.** The cost of such transcript and of  
2 the recording thereof shall be taxed against the estate of the decedent  
3 unless administration thereof is closed, in which event it shall be paid  
4 by the owner of the real estate involved.

#### PART 5. ACTIONS TO SET ASIDE OR CONTEST OF WILLS

1     **SEC. 307. Setting aside probate of will.** Any interested person  
2 may petition to set aside the probate of a will by filing a written peti-  
3 tion in the probate proceedings. The petition for such purpose shall  
4 state the grounds therefor.

1     **SEC. 308. Time within which petition must be filed.** A petition to  
2 contest or set aside the probate of a will must be filed in the court in  
3 which the will was admitted to probate within one year from the date  
4 of second publication of notice of admission of such will to probate  
5 and not thereafter.

1     **SEC. 309. Objections prior to admission of will to probate.** Noth-  
2 ing herein contained shall prevent any interested person from filing  
3 objections to probate of a proposed will prior to probate thereof. If  
4 such objections are filed prior to the admission of the will to probate,  
5 the will shall not be admitted to probate pending trial and determina-  
6 tion as to whether or not said instrument is the last will of the  
7 decedent.

1     **SEC. 310. Contest or objection shall be tried as a law action.** An  
2 action objecting to the probate of a proffered will, or to set aside a  
3 will, is triable in the probate court as an action at law, and the Rules

4 of Civil Procedure governing law actions, including demand for jury  
5 trial, shall be applicable thereto.

1 **SEC. 311. Joinder of parties.** In all actions to contest or set aside  
2 a will, all known interested parties who have not joined with the con-  
3 testants as plaintiffs in the action, shall be joined with proponents as  
4 defendants. When additional interested parties become known, the  
5 court shall order them brought in as party defendants. All such de-  
6 fendants shall be brought in by serving them with notice pursuant to  
7 the Rules of Civil Procedure.

1 **SEC. 312. Election of defendants to join with contestants.** Any  
2 person named as a defendant in an action to contest or set aside a  
3 will may, at time of appearance, or by leave of court at any time there-  
4 after, elect to join with the contestants.

1 **SEC. 313. Taxation of costs.** The court shall tax the costs in an  
2 action to contest or set aside a will. No costs shall be taxed against  
3 a losing party who has been joined in the action but who does not  
4 appear.

1 **SEC. 314. Allowance for defending will.** When any person is des-  
2 ignated as executor in a will, or has been appointed as executor, and  
3 defends or prosecutes any proceedings in good faith and with just  
4 cause, whether successful or not, he shall be allowed out of the estate  
5 his necessary expenses and disbursements, including reasonable at-  
6 torney fees in such proceedings.

1 **SEC. 315. Notice to devisees in other wills.** If the ground of objec-  
2 tion is that another will of the decedent has been discovered, each  
3 devisee named in such other will shall be joined in the action.

1 **SEC. 316. Where will is filed after letters of administration have**  
2 **been granted.** If, after letters of administration have been granted,  
3 a will of the decedent is admitted to probate, such letters of admin-  
4 istration are thereby revoked, and the person to whom such letters  
5 were issued shall promptly file a final report and make an accounting  
6 to the court.

1 **SEC. 317. Where will is filed after letters testamentary have been**  
2 **granted.** If, after a will has been admitted to probate, another instru-  
3 ment purporting to be the will of the decedent, which has not been  
4 previously presented for probate, is filed, the court shall determine  
5 whether or not the former grant of letters should be revoked pend-  
6 ing determination of which instrument constitutes the will of the  
7 decedent.

1 **SEC. 318. Proof of execution.** If the lack of the due execution of  
2 a will constitutes a ground for objection, proof of such execution shall  
3 not be made by affidavit as provided in section two hundred ninety-  
4 six (296).



1     **SEC. 319. Declaratory judgment to determine last will.** The exec-  
 2     utor or any person named as a beneficiary in a will may bring an  
 3     action for a declaratory judgment to have such will declared to be the  
 4     last will of the decedent. In such action, all known interested per-  
 5     sons, including heirs of the decedent and persons named as benefi-  
 6     ciaries in said instrument and other known instruments purporting to  
 7     be wills of the decedent, shall be joined as parties.

1     Sections 320 to 329, inclusive, reserved for future use.

## DIVISION VII—ADMINISTRATION OF ESTATES OF DECEDENTS

### PART 1. GENERAL PROVISIONS

#### LIMITATION

1     **SEC. 330. Character of proceedings.** The administration of the  
 2     estate of a decedent from the filing of the petition for probate and  
 3     admission or for administration until the order approving the final  
 4     report and discharge of the last personal representative shall be con-  
 5     sidered as one proceeding for purposes of jurisdiction. Such entire  
 6     proceeding is a proceeding in rem.

1     **SEC. 331. Limitation of administration.** Probate of a will, original  
 2     administration of an intestate estate, or ancillary administration of  
 3     an estate, shall not be granted after five years from the death of the  
 4     decedent, whether he die within or without this state, unless a petition  
 5     therefor is filed prior to the expiration of the five-year period. Pro-  
 6     vided, however, that the limitation herein provided shall not apply  
 7     to the probate of a will of a decedent who died prior to January 1, 1964.

#### EXEMPT PROPERTY AND INSURANCE

1     **SEC. 332. Exempt personal property.** When the decedent left  
 2     a surviving spouse all personal property, which in the hands of the  
 3     decedent as head of a family would be exempt from execution, after  
 4     being inventoried and appraised, shall be set aside to the surviving  
 5     spouse, and be exempt in the hands of such surviving spouse as in  
 6     the hands of the decedent.

1     **SEC. 333. Proceeds of insurance.** The avails of any life or accident  
 2     insurance, or other sum of money made payable to the decedent's  
 3     estate by any mutual aid or benevolent society upon the death or dis-  
 4     ability of a member thereof, are not subject to the debts of the de-  
 5     cedent, except by contract or by express provision in the will, and shall  
 6     be disposed of like other property left by the decedent.

1     **SEC. 334. Surviving spouse included as "heir".** The words "heirs"  
 2     and "legal heirs", and other equivalent words used to designate the  
 3     beneficiaries in any life insurance policy or certificate of membership  
 4     in any mutual aid or benevolent association, where no contrary inten-

5 tion is expressed in such instrument, shall be construed to include the  
6 surviving husband or wife of the insured.

1 **SEC. 335. Share of survivor.** The share of such survivor in the  
2 proceeds of such policy or certificate made payable as aforesaid shall  
3 be the same as that provided by law for the distribution of the per-  
4 sonal property of intestates.

#### WRONGFUL DEATH

1 **SEC. 336. Damages for wrongful death.** When a wrongful act pro-  
2 duces death, damages recovered therefor shall be disposed of as per-  
3 sonal property belonging to the estate of the deceased, but if the de-  
4 ceased leaves a spouse, child, or parent, it shall not be liable for the  
5 payment of debts of the estate.

1 Sections 337 to 341, inclusive, reserved for future use.

#### PART 2. TEMPORARY ADMINISTRATION

1 **SEC. 342. Temporary administration.** When, from any cause, pro-  
2 bate of a will or administration cannot be immediately granted, a tem-  
3 porary administrator may be appointed to collect, manage, preserve  
4 and dispose of the property of the deceased, as the court may pre-  
5 scribe, and no appeal from such appointment shall prevent his proceed-  
6 ing in the discharge of his duties.

1 **SEC. 343. Inventory—preservation of property.** Such temporary  
2 administrator shall make and file an inventory of the property of the  
3 deceased in the same manner as is required of personal representa-  
4 tives, and shall preserve such property from injury, and may do all  
5 needful acts under the direction of the court, including the sale of  
6 property and the payment of claims as directed by the court. Upon  
7 the granting of administration, the powers of the temporary admin-  
8 istrator shall cease, and the administration of the estate shall be trans-  
9 ferred to the personal representative to whom letters are granted.

1 Sections 344 to 348, inclusive, reserved for future use.

#### PART 3. TITLE AND POSSESSION OF DECEDENT'S PROPERTY

1 **SEC. 349. Security to sustain devise or bequest.** When a person  
2 by his will makes such a disposition of his property as to prejudice the  
3 rights of creditors, the will may be sustained, by giving security to the  
4 satisfaction of the court for the payment of the debts and charges to  
5 the extent of the value of the property devised.

1 **SEC. 350. Title to decedent's estate—when property passes—pos-  
2 session and control thereof—liability for administration expenses,  
3 debts and family allowance.** Except as otherwise provided in this  
4 Code, when a person dies, the title to his property, real and personal,

5 passes to the person to whom it is devised by his last will, or, in the  
6 absence of such disposition, to the persons who succeed to his estate  
7 as provided in this Code, but all of his property shall be subject to the  
8 possession of the personal representative as provided in section three  
9 hundred fifty-one (351) and to the control of the court for the pur-  
10 poses of administration, sale, or other disposition under the provisions  
11 of law, and such property, except homestead and other exempt prop-  
12 erty, shall be chargeable with the payment of debts and charges  
13 against his estate. There shall be no priority as between real and per-  
14 sonal property, except as provided in this Code or by the will of the  
15 decedent.

1 **SEC. 351. Possession of real and personal property.** If there is no  
2 distributee of the real estate present and competent to take possession,  
3 or if there is a lease of such real estate outstanding, or if the dis-  
4 tributees present and competent consent thereto, the personal repre-  
5 sentative shall take possession of such real estate, except the home-  
6 stead and other property exempt to the surviving spouse. Every  
7 personal representative shall take possession of all the personal prop-  
8 erty of the decedent, except the property exempt to the surviving  
9 spouse. The personal representative may maintain an action for the  
10 possession of such real and personal property or to determine the title  
11 to any property of the decedent.

1 **SEC. 352. Collection of rents and payment of taxes and charges.**  
2 Unless otherwise provided by the will, the personal representative  
3 shall collect the income from such property, pay the taxes and fixed  
4 charges thereon and apply the balance of such income to general es-  
5 tate obligations. Unless otherwise provided, any unexpended portion  
6 of such income shall become a part of the general assets of such estate.

1 **SEC. 353. Surrender of possession upon application by personal**  
2 **representative.** Upon application by the personal representative, and  
3 after such notice, if any, as the court may prescribe, for good cause  
4 shown, the court may enter an order authorizing said personal repre-  
5 sentative to surrender any of such property to the person or persons  
6 who, under the will or under the rules of intestate succession, will ulti-  
7 mately be entitled to such property.

1 **SEC. 354. Surrender of possession upon application by any inter-**  
2 **ested person.** Upon application of any interested person and after  
3 such notice to the personal representative and to such other persons,  
4 if any, as the court may prescribe, and for good cause shown, the court  
5 may enter an order authorizing said personal representative to sur-  
6 render any of such property to the person or persons who, under the  
7 will or under the rules of intestate succession, will ultimately be en-  
8 titled to such property. The court may require a bond or other secu-  
9 rity conditioned as it may determine in connection with the delivery of  
10 such property.

1 **SEC. 355. Delivery of specific devise after nine months.** Unless  
2 the court, for cause shown, determines that the possession of the per-

3 sonal representative shall continue for a longer period, the personal  
 4 representative shall deliver all specifically devised property to the  
 5 devisees entitled thereto after the expiration of nine months from the  
 6 date of appointment of the personal representative. This section shall  
 7 not preclude the court from directing that such delivery be made be-  
 8 fore such period has expired, nor shall the personal representative  
 9 be prevented from sooner settling the estate and delivering such prop-  
 10 erty.

1 Sections 356 to 360, inclusive, reserved for future use.

#### PART 4. INVENTORY

1 **SEC. 361. Inventory and report.** Within sixty days after his quali-  
 2 fication, unless a longer time shall be granted by the court, the per-  
 3 sonal representative shall file with the clerk, in duplicate, a verified,  
 4 full and detailed report and inventory of the property of the deceased,  
 5 so far as the same has come to his knowledge, as follows:

- 6 1. Name, age and last residence of decedent.
- 7 2. Date of death.
- 8 3. Whether decedent died testate or intestate.
- 9 4. Name and post-office address of personal representative.
- 10 5. Name, age and post-office address of surviving spouse, if any.
- 11 6. If testate, name, age, relationship and post-office address of each  
 12 beneficiary under will.
- 13 7. If testate, the name, age and address of each child, if any, born to  
 14 or adopted by decedent after execution of the will.
- 15 8. If intestate, name, age, relationship and post-office address of  
 16 each heir.
- 17 9. Inventory of all the real estate of the decedent in the state of  
 18 Iowa, giving value and accurate description of each tract.
- 19 10. Any real property located outside of the state of Iowa not other-  
 20 wise reported.
- 21 11. Personal property regarded as exempt from execution.
- 22 12. All other personal property.
- 23 13. All property whether subject to probate or not, not otherwise  
 24 listed which is subject to the Iowa inheritance tax as provided in  
 25 chapter four hundred fifty (450) of the Code of Iowa.
- 26 14. A statement as to whether or not there is any property not  
 27 therein inventoried which must be reported for federal estate tax pur-  
 28 poses.

1 **SEC. 362. Filing mandatory.** Such inventory must be filed in all  
 2 cases, notwithstanding the provisions of any will or the action of any  
 3 heirs or devisees waiving the filing thereof, and no administration  
 4 shall be closed until the same has been filed.

1 **SEC. 363. Reporting failure to court.** The failure of the personal  
 2 representative promptly to make said inventory and report shall be  
 3 forthwith reported by the clerk to the court for such order as may be  
 4 necessary to enforce the making and filing of the same.

1     **SEC. 364. Supplementary inventory.** Whenever any additional in-  
2 formation or property not mentioned in the inventory comes to the  
3 knowledge of a personal representative, he shall make a supplementary  
4 inventory thereof, such supplementary inventory to be filed within  
5 thirty days after such discovery.

1     **SEC. 365. Appraisement.** Property belonging to the estate need  
2 not be appraised unless required for inheritance tax purposes under  
3 the provisions of this Code, or by order of court.

1     **SEC. 366. Debts of executor.** The naming of any person as execu-  
2 tor in a will shall not operate as a discharge or bequest of any right  
3 of action owned by the testator against such persons, if it is a right  
4 that otherwise survives against such person. Every such right of  
5 action shall be included among the assets of the decedent in the in-  
6 ventory.

1     **SEC. 367. Inventory and appraisement as evidence.** Inventories  
2 and appraisements may be given in evidence in all proceedings, but  
3 shall not be conclusive, and other evidence may be introduced to vary  
4 the effect thereof.

1     **SEC. 368. Property for payment of creditor's claims.** The property  
2 liable for the payment of debts and charges against a decedent's es-  
3 tate shall include all property transferred by him with intent to  
4 defraud his creditors or any of them, or transferred by any other  
5 means which is in law void or voidable as against his creditors or any  
6 of them; and the right to recover such property, so far as necessary  
7 for the payment of the debts and charges against the estate of the  
8 decedent, shall be exclusively in the personal representative, who  
9 shall take such steps as may be necessary to recover the same. Such  
10 property shall constitute general assets for the payment of all credi-  
11 tors.

1     Sections 369 to 373, inclusive, reserved for future use.

**PART 5. ALLOWANCE FOR SURVIVING SPOUSE  
AND MINOR CHILDREN**

1     **SEC. 374. Allowance to surviving spouse.** The court shall, upon  
2 application, set off and order paid to the surviving spouse, as part of  
3 the costs of administration, sufficient of the decedent's property as it  
4 deems reasonable for the proper support of the surviving spouse for  
5 the period of twelve months following the death of the decedent.  
6 When said application is not made by the personal representative,  
7 notice of hearing upon the application shall be given to the personal  
8 representative. The court shall take into consideration the station in  
9 life of the surviving spouse and the assets and condition of the estate.  
10 The allowance shall also include such additional amount as the court  
11 deems reasonable for the proper support, during such period, of de-  
12 pendents of the decedent who reside with the surviving spouse. Such

13 allowance to the surviving spouse shall not abate upon the death or  
14 remarriage of such spouse.

1 **SEC. 375. Review of allowance to surviving spouse.** The court  
2 may, upon the petition of the spouse, or other person interested, and  
3 after hearing pursuant to notice to all interested parties, review such  
4 allowance and increase the same.

1 **SEC. 376. Allowance to minor children who do not reside with sur-**  
2 **viving spouse.** The court may also make an allowance to the minor  
3 children of the decedent, who do not reside with the surviving spouse,  
4 of such an amount as it deems reasonable in the light of the assets  
5 and condition of the estate, to provide for their proper support dur-  
6 ing such period of twelve months.

1 **SEC. 377. Review of allowance to minor children.** The court may,  
2 upon the petition of any interested person, review the allowance made  
3 to the minor children who do not reside with the surviving spouse and  
4 may increase or decrease the same and make such other orders as it  
5 may deem proper.

1 Sections 378 to 382, inclusive, reserved for future use.

#### PART 6. SALE OF PROPERTY

1 **SEC. 383. When power given in will.** When power to sell, mort-  
2 gage, lease, pledge or exchange property of the estate has been given  
3 to any personal representative under the terms of any will, the statu-  
4 tory requirements with reference to procedure for such purposes  
5 shall not apply.

1 **SEC. 384. Equitable conversion and power of sale.** A testamentary  
2 direction to sell real property, and the exercise of a testamentary power  
3 of sale of real property, shall constitute an equitable conversion of  
4 real estate into personal property, but shall not affect distribution of  
5 the estate under the provisions of the will.

1 **SEC. 385. Conversion.**

2 1. When realty treated as personalty. Real property acquired by  
3 the personal representative by the completion of foreclosure proceed-  
4 ings, or by the forfeiture of real estate contracts, after the death of  
5 the decedent shall be deemed to be personal property for the purpose of  
6 administration and distribution of the estate.

7 2. When personalty treated as realty. In all cases of sale of real  
8 property by a personal representative under order of court, the sur-  
9 plus of the proceeds of such sale remaining after the payment of  
10 debts and charges shall be deemed to be real property and disposed of  
11 in the same proportions as the real property would have been if it had  
12 not been sold.

1 **SEC. 386. Sale, mortgage, pledge, lease or exchange of property—**  
2 **purposes.** Any real or personal property belonging to the decedent,

3 except exempt personal property and the homestead, is set off, may  
4 be sold, mortgaged, pledged, leased or exchanged for any of the follow-  
5 ing purposes:

- 6 1. The payment of debts and charges against the estate;
- 7 2. The distribution of the estate or any part thereof;
- 8 3. Any other purpose in the best interests of the estate.

1 **SEC. 387. Sale of personal property.** Personal property belonging  
2 to the estate may be sold and transferred as follows:

3 1. Personal property of a perishable nature and personal property  
4 for which there is a regularly established market may be sold by the  
5 personal representative without order of court.

6 2. Any personal property belonging to the decedent may be sold,  
7 mortgaged, exchanged, pledged or leased under order of court by the  
8 personal representative with or without notice as the court may deter-  
9 mine.

1 **SEC. 388. Petition to sell, mortgage, exchange, pledge or lease**  
2 **property.** A petition to sell, mortgage, exchange, pledge or lease any  
3 real or personal property shall set forth the reasons for the applica-  
4 tion and describe the property involved. It may apply for different  
5 authority as to separate parts of the property; or it may apply in the  
6 alternative for authority to sell, mortgage, exchange, pledge or lease.  
7 Whenever it is for the best interests of the estate, real and personal  
8 property of the estate may be sold, mortgaged, exchanged, pledged  
9 or leased as a unit.

1 **SEC. 389. Notice and hearing on sale, mortgage, exchange, pledge**  
2 **or lease of property.** Upon the filing of the petition, the court shall  
3 fix the time and place for the hearing thereof, provided, however, that  
4 as to personal property the court may, in its discretion, hear the  
5 petition without notice. In those instances where notice is required,  
6 the notice shall state briefly the nature of the application and shall  
7 be such notice as the court may prescribe. At the hearing and upon  
8 satisfactory proof, the court may order the sale, mortgage, exchange,  
9 pledge or lease of the property described, or any part thereof, at such  
10 price and upon such terms and conditions as the court may authorize.  
11 In any transaction involving only personal property, no report or con-  
12 firmation shall be necessary except as required by the court. When  
13 a claim secured by a mortgage on real property is, under the provisions  
14 of this Code, payable at the time of distribution of the estate or prior  
15 thereto, the court may with the consent of the mortgagee, order the  
16 sale of the real property subject to the mortgage, but such consent  
17 shall release the estate should a deficiency later appear.

1 **SEC. 390. Leasing for term of not to exceed one year.** The per-  
2 sonal representative may under order of court lease any property not  
3 specifically devised for a period of not to exceed one year.

1 **SEC. 391. Quieting adverse claims.** Upon any petition to sell or  
2 mortgage real property, the court shall have power to investigate and  
3 determine all questions of conflicting and controverted title, remove

4 clouds from any title or interest involved, and invest purchasers or  
5 mortgagees with a marketable title to the property sold or mortgaged.  
6 When the petition to sell or mortgage seeks such relief, notice shall  
7 be given as provided by the Rules of Civil Procedure, and subsequent  
8 proceedings shall be in the manner of an equitable action, and shall be  
9 governed by such rules.

1 **SEC. 392. Terms of sale.** In all sales of property, the court may  
2 authorize credit to be given by the personal representative on such  
3 terms as the court may prescribe. Credit for more than twelve  
4 months shall be extended only after hearing pursuant to notice to  
5 interested parties.

1 **SEC. 393. Purchase by holder of lien.** At any sale of real or per-  
2 sonal property upon which there is a mortgage, pledge or other lien,  
3 the holder of such lien may become the purchaser, and may apply the  
4 amount of his lien on the purchase price in the following manner. If  
5 no claim thereon has been filed or allowed, the court, at the hearing  
6 on the report of sale and for confirmation of the sale, may examine  
7 into the validity and enforceability of the lien or charge and the  
8 amount due thereunder and secured thereby, and may authorize the  
9 personal representative to accept the receipt of such purchaser for the  
10 amount due thereunder and secured thereby as payment pro tanto.  
11 If such mortgage, pledge or other lien is a valid claim against the  
12 estate and has been allowed, the receipt of the purchaser for the  
13 amount due him from the proceeds of the sale is a payment pro  
14 tanto. If the amount for which the property is purchased, whether  
15 or not a claim for it has been filed or allowed, is insufficient to defray  
16 the expenses and discharge his mortgage, pledge or other lien, the  
17 purchaser must pay an amount sufficient to pay the balance of such  
18 expenses. Nothing permitted under the terms of this section shall  
19 be deemed to be an allowance of a claim based upon such mortgage,  
20 pledge or other lien.

1 **SEC. 394. Order to sell, mortgage, pledge, exchange or lease to be**  
2 **refused if bond given.** An order authorizing a personal representative  
3 to sell, mortgage, pledge, exchange or lease real or personal property  
4 for the payment of obligations of the estate shall not be granted if  
5 any of the persons interested in the estate shall execute and file in the  
6 court a bond in such sum and with such sureties as the court may  
7 approve, conditioned to pay all obligations of the estate to the extent  
8 that the other property of the estate is insufficient therefor, within  
9 such time as the court shall direct. An action may be maintained on  
10 such bond by the personal representative on behalf of any person in-  
11 terested in the estate who is prejudiced by breach of any obligation  
12 of the bond.

1 **SEC. 395. Validity of proceedings.** No proceedings for sale, mort-  
2 gage, pledge, lease, exchange or conveyance by a personal represent-  
3 ative of property belonging to the estate shall be subject to collateral  
4 attack on account of any irregularity in the proceedings which is not  
5 such as to deprive the court of jurisdiction.



1     **SEC. 396. Order for sale, mortgage, pledge, exchange or lease of**  
2 **real property.** The order shall describe the property to be sold, mort-  
3 gaged, pledged, exchanged or leased, and may designate the sequence  
4 in which the several parcels shall be sold, mortgaged, pledged, ex-  
5 changed or leased. An order for sale may direct whether the property  
6 shall be sold at private sale or public auction, and, if the latter, the  
7 place or places of sale. The order of sale may prescribe the terms,  
8 conditions and manner of sale. The court may, in its discretion, pro-  
9 vide for appraisal for its guidance as to value of the property, and  
10 determine whether or not additional bond shall be deposited by the  
11 personal representative. If real property is to be mortgaged, it may  
12 fix the maximum amount of principal, the earliest and latest dates of  
13 maturity, and the purposes for which the proceeds shall be used. An  
14 order for sale, mortgage, pledge, exchange or lease shall remain in  
15 force until terminated by the court.

1     **SEC. 397. Sale at public auction.** In all sales of property at public  
2 auction, the personal representative shall give such notice, in such  
3 form and manner, and to such persons or parties, as the court may  
4 prescribe. If no provision for notice is made by the court, the notice  
5 shall be published once each week for two consecutive weeks in some  
6 newspaper of general circulation in the county where sale is to be  
7 held, the last publication to be not less than one day nor more than  
8 seven days before the day of sale. If the property to be sold is located  
9 in more than one county, the sale may be held and notice given in any  
10 one or more of said counties. Unless otherwise provided by order of  
11 the court, the notice shall state the time and place of the sale and  
12 describe the property to be sold. Proof of service of the notice re-  
13 quired shall be filed before confirmation of the sale.

1     **SEC. 398. Adjournment of sale at public auction.** The personal  
2 representative may adjourn any sale from time to time when, in his  
3 discretion, it is deemed for the best interests of the estate to do so,  
4 but no adjournment shall be to a time more than three months from  
5 the date first fixed for the sale. Every adjournment shall be an-  
6 nounced publicly at the time and place at which adjournment is made.

1     **SEC. 399. Report and confirmation.** Within thirty days after mak-  
2 ing any sale, mortgage, exchange, or lease of real property, the per-  
3 sonal representative shall make a verified report of his proceedings to  
4 the court. The court shall examine said report, and if satisfied that  
5 the sale, mortgage, exchange, or lease has been at the price and terms  
6 advantageous to the estate, and, in all respects, made in conformity  
7 with law, and that it ought to be confirmed, shall confirm the same  
8 and order the personal representative to execute a deed, mortgage,  
9 lease or other proper instruments to the persons entitled thereto; pro-  
10 vided, however, that in the event said real property has been sold at  
11 private sale without an appraisal made for the purpose of such sale, or  
12 if it has been appraised and has been sold at private sale for less than  
13 the appraised value thereof, then, upon the filing of such report, the  
14 court shall enter an order fixing a time and place for hearing thereon,  
15 and shall prescribe a notice of such hearing to be served upon all inter-

16 ested persons, any one of whom, prior to the time fixed for such hear-  
 17 ing, may file written objections to the entry of an order approving  
 18 said sale. If not satisfied that the sale, mortgage, exchange, or lease  
 19 has been made in conformity with law and that it is to the best inter-  
 20 ests of the estate, the court may reject the sale, mortgage, exchange,  
 21 or lease, and require a re-execution of the order upon such terms and  
 22 conditions as it may direct.

1 **SEC. 400. Execution of conveyance or other instrument.** Upon  
 2 the confirmation of any sale, mortgage, exchange or lease in accord-  
 3 ance with the preceding section hereof, the personal representative  
 4 shall execute the deed, mortgage, lease or other instrument according  
 5 to the order of confirmation.

1 **SEC. 401. Endorsement of confirmation.** The clerk shall, without  
 2 further order of court, endorse such confirmation upon such instru-  
 3 ment, and cause such instrument to be recorded in the records of his  
 4 office.

1 **SEC. 402. Effect of conveyance—presumption.** When so endorsed,  
 2 said instrument shall be presumptive evidence of the validity thereof  
 3 and of the regularity of all the proceedings connected therewith.

1 **SEC. 403. Record in foreign county.** When real property so con-  
 2 veyed or encumbered is located in a county other than that in which  
 3 such proceedings are had, a complete transcript of the record of all  
 4 proceedings relating thereto shall be filed by the personal representa-  
 5 tive in the office of the clerk in such county.

1 **SEC. 404. Transcript of court conveyance—record—effect.** Any  
 2 person interested therein may procure from the clerk a transcript of  
 3 any such conveyance or other instrument which has been so recorded  
 4 in the office of the clerk for more than five years, and such transcript,  
 5 when certified by the clerk under the seal of his office, may be filed in  
 6 the office of the recorder of the county in which said property is lo-  
 7 cated, and shall have the same effect, when so recorded, as the original  
 8 conveyance.

1 Sections 405 to 409, inclusive, reserved for future use.

#### PART 7. CLAIMS AGAINST DECEDENT'S ESTATE TIME AND MANNER OF FILING CLAIMS

1 **SEC. 410. Limitation on filing claims against decedent's estate.** All  
 2 claims against a decedent's estate, other than costs of administration,  
 3 whether due or to become due, absolute or contingent, liquidated or  
 4 unliquidated, founded on contract or otherwise, shall be forever barred  
 5 against the estate, the personal representative, and the distributees of  
 6 the estate, unless filed with the clerk within six months after the date  
 7 of the second publication of the notice to creditors; provided, however,  
 8 that the personal representative may waive such limitation on filing;

9 and this provision shall not bar claimants entitled to equitable relief  
10 due to peculiar circumstances.

1 **SEC. 411. Pleading statute of limitations.** It shall be within the  
2 discretion of the personal representative to determine whether or not  
3 the applicable statute of limitations shall be pleaded to bar a claim  
4 which he believes to be just, provided, however, that this section shall  
5 not apply where the personal representative was appointed upon the  
6 application of a creditor.

1 **SEC. 412. When claim not affected by statute of limitation.** No  
2 claim shall be barred by the statutes of limitation which was not  
3 barred at the time of the decedent's death, if the claim shall have been  
4 filed against the decedent's estate within six months from the date of  
5 the decedent's death.

1 **SEC. 413. Claims barred when no administration commenced.** All  
2 claims barrable under the provisions of section four hundred ten (410)  
3 shall, in any event, be barred if administration of the estate, whether  
4 testate or intestate, original or ancillary is not commenced within five  
5 years after the death of the decedent.

1 **SEC. 414. Liens not affected by failure to file claim.** Nothing in  
2 sections four hundred ten (410), four hundred twelve (412) and four  
3 hundred thirteen (413) shall affect or prevent any action or proceed-  
4 ing to enforce any mortgage, pledge or other lien upon property of  
5 the estate.

1 **SEC. 415. Commencement or continuance of separate action.** Any  
2 action pending against the decedent at the time of his death that sur-  
3 vives, shall also be considered a claim filed against the estate if notice  
4 of substitution is served on the personal representative as defend-  
5 ant, and a duplicate of the proof of service of notice of such proceeding  
6 is filed in the probate proceedings within the time provided for filing  
7 claims in section four hundred ten (410).

8 A separate action based on a debt or other liability of the decedent  
9 may be commenced against the personal representative of the decedent  
10 in lieu of filing a claim in the estate. Such an action shall be com-  
11 menced by serving an original notice on the personal representative  
12 and filing a duplicate of the proof of service of notice of such proceed-  
13 ing in the probate proceedings within the time provided for filing  
14 claims in section four hundred ten (410), and such action shall also  
15 be considered a claim filed against the estate. Such action may be  
16 commenced only in a county wherein the venue would have been  
17 proper had the decedent survived and the action been commenced  
18 against him.

19 A judgment or decree in favor of the plaintiff in any such action  
20 shall constitute an adjudication against the estate.

21 In all cases where by the death of the party to be charged, the bring-  
22 ing of the action against his estate shall have been delayed beyond  
23 the period provided by the statute of limitations, the action may be  
24 brought if the original notice is served on the personal representative

25 as defendant, and proof of service of notice of such proceeding is filed  
26 in the probate proceedings within the time provided for filing claims  
27 in section four hundred ten (410).

1 **SEC. 416. Compulsory counterclaims—Rules of Civil Procedure.** In  
2 an action commenced by or against the fiduciary under the provisions  
3 of section four hundred fifteen (415), or in any action pending by or  
4 against the decedent that survives under the provisions of section  
5 four hundred fifteen (415), the Rules of Civil Procedure as to com-  
6 pulsory counterclaims shall apply in such action.

1 **SEC. 417. Separate action in lieu of proceeding on claims.** The  
2 provisions of sections four hundred thirty-eight (438) through four  
3 hundred forty-eight (448), inclusive, are not applicable to actions  
4 continued or commenced under section four hundred fifteen (415) of  
5 of this Code.

1 **SEC. 418. Form and verification of claims—general requirements.**  
2 No claims shall be allowed against an estate on application of the  
3 claimant unless it shall be in writing, filed in duplicate with the clerk,  
4 stating the claimant's name and address, describing the nature and  
5 the amount thereof, if ascertainable, and accompanied by the affidavit  
6 of the claimant, or someone for him, that the amount is justly due,  
7 or if not yet due, when it will or may become due, that no payments  
8 have been made thereon which are not credited, and that there are no  
9 offsets to the same, to the knowledge of the affiant, except as therein  
10 stated. If the claim is contingent, the nature of the contingency shall  
11 also be stated. The duplicate of said claim shall be mailed by the clerk  
12 to the personal representative or his attorney of record.

1 **SEC. 419. Requirements when claim founded on written instru-**  
2 **ment.** If a claim is founded on a written instrument, the original or  
3 a copy thereof with all endorsements must be attached to the claim.  
4 The original instrument must be exhibited to the personal representa-  
5 tive or court, upon demand, unless it is lost or destroyed, in which case  
6 its loss or destruction must be stated in the claim..

1 **SEC. 420. How claim entitled.** All claims filed against the estate  
2 shall be entitled in the name of the claimant against the personal rep-  
3 resentative as such, naming the estate, and in all further proceedings  
4 thereon that title shall be preserved.

1 **SEC. 421. Unsecured claims not yet due.** Upon proof of an un-  
2 secured claim which will become due at some future time, the same  
3 may be paid if the claimant will consent to such discount as the court  
4 thinks reasonable; otherwise, the court shall direct the investment  
5 of an amount which will provide for the payment of the claim when  
6 it becomes due.

1 **SEC. 422. Secured claims not yet due.** When a creditor holds any  
2 security for a claim not yet due, he may file his claim as a claim not

3 yet due with the right of withdrawing the claim if the compromise  
4 offer is not satisfactory, and, after such withdrawal, rely entirely on  
5 his security, or he may elect to rely entirely on his security without  
6 the necessity of filing a claim.

1 **SEC. 423. Procedure for secured claims.** When a creditor holds  
2 any security for his claim, the security shall be described in the claim.  
3 If the claim is secured by a mortgage, pledge or other lien which has  
4 been recorded, it shall be sufficient to describe the lien by date, and  
5 refer to the volume, page and place of recording. The claim shall be  
6 allowed in the amount remaining unpaid at the time of its allowance,  
7 and the judgment allowing it shall describe the security. Payment of  
8 the claim shall be upon the basis of the full amount thereof if the  
9 creditor shall surrender his security; otherwise payment shall be  
10 upon the basis of one of the following:

11 1. If the creditor shall exhaust his security before receiving pay-  
12 ment, then upon the full amount of the claim allowed, less the amount  
13 realized upon exhausting the security; or

14 2. If the creditor shall not have exhausted, or shall not have the  
15 right to exhaust, his security, then upon the full amount of the claim  
16 allowed, less the value of the security determined by agreement, or as  
17 the court may direct.

1 **SEC. 424. Contingent claims.** Contingent claims which cannot be  
2 allowed as absolute debts shall, nevertheless, be filed in the court and  
3 proved. If allowed as a contingent claim, the order of allowance shall  
4 state the nature of the contingency. If such claim shall become abso-  
5 lute before distribution of the estate, it shall be paid in the same man-  
6 ner as absolute claims of the same class. In all other cases, the court  
7 may provide for the payment of contingent claims in any one of the  
8 following methods:

9 1. The creditor and personal representative may determine, by  
10 agreement, arbitration or compromise, the value thereof, according  
11 to its probable present worth, and upon approval thereof by the court,  
12 it may be allowed and paid in the same manner as an absolute claim, or

13 2. The court may order the personal representative to make distri-  
14 bution of the estate but to retain in his hands sufficient funds to pay  
15 the claim if and when the same becomes absolute; but, for this pur-  
16 pose, the estate shall not be kept open longer than two years after dis-  
17 tribution of the remainder of the estate; and if such claim has not  
18 become absolute within that time, distribution shall be made to the  
19 distributees of the funds so retained, after paying any costs and ex-  
20 penses accruing during such period, and such distributees shall be  
21 liable to the creditor to the extent of the estate received by them, if  
22 such contingent claim thereafter becomes absolute. When distribution  
23 is so made to distributees, the court may require such distributees to  
24 give bond for the satisfaction of their liability to the contingent cred-  
25 itor, or

26 3. The court may order distribution of the estate as though such  
27 contingent claim did not exist, but the distributees shall be liable to  
28 the creditor to the extent of the estate received by them, if the con-  
29 tingent claim thereafter becomes absolute; and the court may require

- 30 such distributees to give bond for the performance of their liability  
 31 to the contingent creditor, or  
 32 4. Such other method as the court may order.

**CLASSIFICATION, ALLOWANCE AND PAYMENT OF DEBTS  
AND CHARGES**

- 1 **SEC. 425. Classification of debts and charges.** In any estate in  
 2 which the assets are, or appear to be, insufficient to pay in full all  
 3 debts and charges of the estate, the personal representative shall  
 4 classify such debts and charges as follows:  
 5 1. Court costs.  
 6 2. Other costs of administration.  
 7 3. Reasonable funeral and burial expenses.  
 8 4. All debts and taxes having preference under the laws of the  
 9 United States.  
 10 5. Reasonable and necessary medical and hospital expenses of the  
 11 last illness of the decedent, including compensation of persons attend-  
 12 ing him at his last illness.  
 13 6. All taxes having preferences under the laws of this state.  
 14 7. All debts owing to employees for labor performed during the  
 15 ninety days next preceding the death of the decedent.  
 16 8. All other claims allowed.

- 1 **SEC. 426. Order of payment of debts and charges.** Payment of  
 2 debts and charges of the estate shall be made in the order provided  
 3 in the preceding section, without preference of any claim over another  
 4 of the same class. If the assets of the estate are insufficient to pay  
 5 in full all of the claims of a class, then such claims shall be paid on a  
 6 pro rata basis, without preference between claims then due and those  
 7 of the same class not due.

- 1 **SEC. 427. Payment of contingent claims by distributees—contri-**  
 2 **bution.** If a contingent claim shall have been filed and allowed against  
 3 an estate and all the assets of the estate shall have been distributed,  
 4 and the claim shall thereafter become absolute, the creditor shall have  
 5 the right to recover thereon against those distributees whose dis-  
 6 tributive shares have been increased by reason of the fact that the  
 7 amount of said claim as finally determined was not paid prior to  
 8 final distribution, provided an action therefor shall be commenced  
 9 within six months after the claim becomes absolute. Such distribu-  
 10 tees shall be jointly and severally liable, but no distributee shall be  
 11 liable for an amount exceeding the amount of the estate or fund so  
 12 distributed to him. If more than one distributee is liable to the  
 13 creditor, the creditor shall make parties to the action all such dis-  
 14 tributees who can be reached by process. By its judgment, the court  
 15 shall determine the amount of the liability of each of the distributees  
 16 as between themselves, but if any be insolvent or unable to pay his  
 17 proportion, or beyond the reach of process, the others, to the extent  
 18 of their respective liabilities, shall nevertheless be liable to the credi-  
 19 tor for the whole amount of his debt. If any person liable for the

20 debt fails to pay his just proportion to the creditors, he shall be liable  
21 to indemnify all who, by reason of such failure on his part, have paid  
22 more than their just proportion of the debt, the indemnity to be re-  
23 covered in the same action or in separate actions.

1     **SEC. 428. Allowance by personal representative.** Where a claim has  
2 been filed and is admitted in writing by the personal representative,  
3 it shall stand allowed in the absence of fraud or collusion.

1     **SEC. 429. Compelling payment of claims.** No claimant shall be  
2 entitled to compel payment unless his claim has been duly filed and  
3 allowed.

1     **SEC. 430. Execution and levies prohibited.** No execution shall  
2 issue upon, nor shall any levy be made against, any property of the  
3 estate under any judgment against a decedent or a personal represent-  
4 ative, but the provisions of this section shall not be construed to pre-  
5 vent the enforcement of mortgages.

1     **SEC. 431. Claims of personal representative.** If the personal rep-  
2 resentative is a creditor of the decedent, he shall file his claim as  
3 other creditors, and the court shall appoint some competent person  
4 as temporary administrator to represent the estate in the matter of  
5 allowing or disallowing such claim. The same procedure shall be fol-  
6 lowed in the case of corepresentatives where all such representatives  
7 are creditors of the estate; but if one of the corepresentatives is not  
8 a creditor of the estate, such disinterested representative shall rep-  
9 resent the estate in the matter of allowing or disallowing such claim  
10 against the estate by a corepresentative.

1     **SEC. 432. Allowance or disallowance of claim of personal represent-**  
2 **ative.** The temporary administrator shall, after investigation, file a  
3 report with the court recommending the allowance or disallowance  
4 of such claim. Unless the court allows the claim, it shall then be dis-  
5 posed of as a contested claim in accordance with the provisions of  
6 sections four hundred thirty-nine (439) through four hundred forty-  
7 eight (448).

1     **SEC. 433. Payment of debts and charges before expiration of six**  
2 **months period.** As soon as the personal representative is possessed  
3 of sufficient means over and above the other costs of administration, he  
4 shall pay any allowance made by the court for the surviving spouse  
5 and children of the decedent, and may pay the expenses of funeral,  
6 and burial and last illness. Prior to the expiration of six months after  
7 the date of the second publication of notice to creditors, the personal  
8 representative shall pay such other debts and charges against the  
9 estate as the court shall order, and the court may require bond or other  
10 security to be given by the creditor to refund such part of such pay-  
11 ment as may be necessary to make payment in accordance with the  
12 provisions of this code. All payments made by the personal repre-  
13 sentative without order of court shall be at his own peril.

1     **SEC. 434. Payment of debts and charges after expiration of six**  
2 **months period.** Upon the expiration of six months after the date of  
3 the second publication of notice to creditors, the personal representa-  
4 tive shall proceed to pay the debts and charges against the estate in  
5 accordance with the provisions of this code. If it appears at any time  
6 that the estate is or may be insolvent, that there are insufficient funds  
7 on hand, or that there is other good and sufficient cause, the per-  
8 sonal representative may report that fact to the court and apply for  
9 any order that he deems necessary in connection therewith.

1     **SEC. 435. Debts and charges not filed.** The personal representative  
2 may pay any valid debts and charges against the estate even though  
3 no claim for such debts and charges has been filed, but all such pay-  
4 ments made by the personal representative shall be at his own peril.

1     **SEC. 436. General order for abatement.** Except as provided in  
2 section two hundred eleven (211) hereof, shares of the distributees  
3 shall abate, for the payment of debts and charges, federal and state  
4 estate taxes, legacies, the shares of children born or adopted after  
5 the making of a will, or the share of the surviving spouse who elects  
6 to take against the will, without any preference or priority as be-  
7 tween real and personal property, in the following order:  
8         1. Property not disposed of by the will;  
9         2. Property devised to the residuary devisee, except property de-  
10         vised to a surviving spouse who takes under the will;  
11         3. Property disposed of by the will, but not specifically devised and  
12         not devised to the residuary devisee, except property devised to a  
13         surviving spouse who takes under the will;  
14         4. Property specifically devised, except property devised to a sur-  
15         viving spouse who takes under the will;  
16         5. Property devised to a surviving spouse who takes under the will.  
17 A general devise charged on any specific property or fund shall, for  
18 purposes of abatement, be deemed property specifically devised to the  
19 extent of the value of the property on which it is charged. Upon the  
20 failure or insufficiency of the property on which it is charged, it shall  
21 be deemed property not specifically devised to the extent of such fail-  
22 ure or insufficiency.

1     **SEC. 437. Contrary provision as to abatement.** If the provisions  
2 of the will, the testamentary plan, or the express or the implied pur-  
3 pose of the devise would be defeated by the order of abatement stated  
4 in sections four hundred thirty-six (436) hereof, the shares of dis-  
5 tributees shall abate in such other manner as may be found necessary  
6 to give effect to the intention of the testator.

#### DENIAL AND CONTEST OF CLAIMS

1     **SEC. 438. General denial of claims.** Where a claim has been filed,  
2 but not admitted in writing by the personal representative before a  
3 request for hearing has been given as hereinafter provided, the claim  
4 shall be considered as denied without any pleading on behalf of the  
5 personal representative.



1     **SEC. 439. Disallowance by personal representative.** At any time  
2 after the filing of a claim against an estate, the personal representative  
3 shall give the claimant written notice of disallowance of claim. Such  
4 a notice shall be given by certified mail addressed to the claimant  
5 at the address stated in the claim.

1     **SEC. 440. Contents of notice of disallowance.** Such a notice of  
2 disallowance shall advise the claimant that the claim has been disal-  
3 lowed and will be forever barred unless the claimant shall within  
4 twenty days after the date of mailing the notice, file a request for  
5 hearing on the claim with the clerk, and mail a copy of such request  
6 for hearing to the personal representative by certified mail.

1     **SEC. 441. Proof of service.** Proof of service of the notice of dis-  
2 allowance shall be made by affidavit, shall show the date and place of  
3 mailing, and shall be filed with the clerk.

1     **SEC. 442. Claims barred after twenty days.** Unless the claimant  
2 shall within twenty days after the date of mailing said notice of  
3 disallowance, file a request for hearing with the clerk, and mail a copy  
4 thereof to the personal representative, the claim shall be deemed  
5 disallowed, and shall be forever barred.

1     **SEC. 443. Request for hearing by claimant.** At the time of the  
2 filing of a claim against an estate, or at any time thereafter prior to  
3 the time that the claim may be barred by the provisions of section  
4 four hundred forty-two (442), or the approval of the final report of  
5 the personal representative after notice to the claimant, the claimant  
6 may file a written request, in duplicate, for hearing on his claim with  
7 the clerk who shall mail the duplicate to the personal representative,  
8 or to his attorney of record.

1     **SEC. 444. Applicability of Rules of Civil Procedure.** Within twenty  
2 days from the filing of the request for hearing on a claim, the personal  
3 representative shall move or plead to said claim in the same manner as  
4 though the claim were a petition filed in an ordinary action, and  
5 thereafter, all provisions of law and Rules of Civil Procedure applicable  
6 to motions, pleadings and the trial of ordinary actions shall apply as  
7 otherwise provided herein.

1     **SEC. 445. Offsets and counterclaims.** At the time of the filing of  
2 an answer to a claim, the personal representative shall plead all offsets  
3 against the claim, and shall plead all counterclaims against the claim-  
4 ant of which he has knowledge. An offset or counterclaim may or  
5 may not diminish or defeat the recovery sought by the opposing party.  
6 It may claim relief exceeding the amount, or different in kind, from  
7 that sought in the claim.

1     **SEC. 446. Burden of proof.** The burden of proving that a claim is  
2 unpaid shall not be placed upon the party filing a claim against the  
3 estate; but the personal representative may on the trial of the cause,

4 subject the claimant to an examination on the question of payment  
5 or consideration, and the estate shall not be concluded or bound there-  
6 by.

1 **SEC. 447. Trial and hearing.** The trial of a claim and the offsets  
2 or counterclaims, if any, shall be to the court without a jury; provided,  
3 however, that the court may, in its discretion, either on its own  
4 motion or upon the motion of any party, submit the same to a jury;  
5 and provided further, that in the event that the amount of the claim  
6 or a counterclaim exceeds the sum of three hundred dollars, either  
7 party shall be entitled to a jury trial, if written demand therefor is  
8 made as provided in the Rules of Civil Procedure in relation to the  
9 trial of ordinary actions.

1 **SEC. 448. Allowance and judgment.** Upon the trial of a claim,  
2 offsets and counterclaims, the amount owing by or to the estate, if  
3 any, shall be determined. A claim against the estate shall be allowed  
4 for the net amount. Judgment shall be rendered for any amount  
5 found to be due the estate. If a judgment is rendered against a  
6 claimant for any net amount, execution may issue in the same manner  
7 as on judgments in civil cases.

1 **SEC. 449. Payment of federal estate taxes.** All federal and state  
2 estate taxes (as distinguished from state inheritance taxes) owing  
3 by the estate of a decedent shall be paid from the property of the  
4 estate, and, in testate matters, from the residue of the estate, unless  
5 the will of the decedent, or other trust instrument, provides expressly  
6 to the contrary.

1 Sections 450 to 468, inclusive, reserved for future use.

#### PART 8. ACCOUNTING, DISTRIBUTION, FINAL REPORT AND DISCHARGE

1 **SEC. 469. Interlocutory report.** The personal representative may  
2 at any time file an interlocutory accounting to the court showing the  
3 condition of the estate, its debts and property, the amount of money  
4 received, and the disposition made of any of the assets of the estate.  
5 The court may on application of any interested party, or on its own  
6 motion, order such an accounting at any time. Such an accounting  
7 shall embrace all matters directed by the court. The court may order  
8 such further accountings from time to time as it may determine to  
9 be to the best interests of the estate.

1 **SEC. 470. Waiver of accounting.** The distributee, if under no legal  
2 disability, may waive the accounting.

1 **SEC. 471. Right of retainer.** When a distributee of an estate is  
2 indebted to the estate, or if a distributee takes as an heir of a  
3 deceased devisee indebted to the estate, the amount of such indebted-  
4 ness, if due, or the present worth of the indebtedness, if not due, shall

5 be treated as an offset and retained by the personal representative out  
6 of any testate or intestate property, real or personal, of the estate to  
7 which such distributee is entitled. The right of setoff and retainer  
8 shall be prior and superior to the rights of judgment creditors, heirs  
9 or assigns of such distributee and shall not be barred by the statute of  
10 limitations, nor by a discharge in bankruptcy.

1 **SEC. 472. Proceeds distributed in kind.** Property not otherwise  
2 disposed of by the personal representative may be distributed in kind.

1 **SEC. 473. Final settlement—time limit.** Final settlement shall be  
2 made within three years, after the second publication of the notice  
3 to creditors, unless otherwise ordered by the court after notice to all  
4 interested parties.

1 **SEC. 474. Certificate as to payment of personal taxes.** Prior to or  
2 at the time of filing the final report, there shall be filed in the estate  
3 proceedings, the certificate of the treasurer of the county in which the  
4 administration of the estate is pending, that all personal taxes due  
5 and to become due the county in such estate matter have been paid  
6 in full. When no assets remain in the hands of the personal repre-  
7 sentative after the payment of debts and charges having priority under  
8 the provisions of section four hundred twenty-five (425), such cer-  
9 tificate need not be filed. No charge shall be made by the county treas-  
10 urer for the issuance of such certificate.

1 **SEC. 475. Compromise of personal taxes.** For the purpose of fa-  
2 cilitating the speedy settlement and distribution of estates, the county  
3 treasurer of such county, by and with the consent of the board of  
4 supervisors may compromise and agree upon the amount of personal  
5 taxes at any time due or to become due the county from an estate,  
6 and payment in accordance with such compromise or agreement shall  
7 be for the satisfaction of all taxes in such estate matter. No com-  
8 pensation shall be allowed any person because of such compromise  
9 or agreement.

1 **SEC. 476. Action against distributees—costs—tender.** In an ac-  
2 tion against the distributees, where the judgment is to be against  
3 them in proportion to the respective amounts received by them from  
4 the estate, costs awarded against them shall be in like proportion,  
5 and anyone may tender the amount due from him to the plaintiff,  
6 which shall have the same effect, as far as he is concerned, as though  
7 he were the sole defendant.

1 **SEC. 477. Final report.** Each personal representative shall, in his  
2 final report, set forth:

- 3 1. An accurate description of all the real estate of which the dece-  
4 dent died seized, stating the nature and extent of his interest therein,  
5 which has not been sold and conveyed by the personal representative.
- 6 2. Whether the deceased died testate or intestate.
- 7 3. The name and place of residence of the surviving spouse, or that  
8 none survived the deceased.

9 4. In intestate estates, the name and place of residence of each of  
10 the heirs and their relationship to the deceased.

11 5. In testate estates, the name and place of residence of each of the  
12 devisees and their relationship to the deceased, and the name and  
13 residence of after-born children, if any, as defined in section two hun-  
14 dred sixty-seven (267).

15 6. Whether any legacy or devise remains a charge on the real es-  
16 tate, and, if so, the nature and amount thereof.

17 7. Whether any distributee is under any legal disability.

18 8. The name of the conservator or trustee for any distributee, and  
19 the court from which his letters were issued.

20 9. An accounting of all the moneys and personal property coming  
21 into the hands of the personal representative. The accounting may  
22 be omitted if waived by all interested parties.

23 10. A statement as to whether or not all statutory requirements  
24 pertaining to taxes have been complied with.

1 **SEC. 478. Notice of application for discharge.** Unless notice be  
2 waived in writing, no personal representative shall be discharged from  
3 further duty or responsibility upon final settlement until notice of  
4 hearing on his final report or of an application for discharge shall have  
5 been served upon all persons interested as required for the commence-  
6 ment of a civil action, unless a different service be ordered by the  
7 court. Such an order may be made before or after the filing of the  
8 final report.

1 **SEC. 479. Discharge.** Upon final settlement of an estate, an order  
2 shall be entered discharging the personal representative from further  
3 duties and responsibilities. The order approving the final report shall  
4 constitute a waiver of the omission from the final report of any of the  
5 recitals required in section four hundred seventy-seven (477).

1 **SEC. 480. Change of title certificate with administration.** After  
2 the entry of the order approving the final report, the clerk shall issue  
3 a certificate under the provisions of chapter five hundred fifty-eight  
4 (558) of the Code of Iowa relative to each parcel of real estate de-  
5 scribed in the final report of the personal representative which has not  
6 been sold by the personal representative, and deliver such certificate  
7 to the county auditor of the county in which such real estate is sit-  
8 uated.

1 **SEC. 481. Change of title certificate without administration.** When-  
2 ever an order is entered under the provisions of section four hundred  
3 fifty point forty (450.40) of the Code of Iowa, without administration  
4 of the estate of a decedent, the clerk shall issue and deliver to the  
5 county auditor of the county in which such real estate is situated a  
6 like certificate pertaining to each parcel of real estate described in the  
7 application for such order.

1 Sections 482 to 486, inclusive, reserved for future use.

## PART 9. REOPENING

1     **SEC. 487. Limitation on rights.** No person, having been served  
 2 with notice of the hearing upon the final report and accounting of a  
 3 personal representative or having waived such notice, shall, after the  
 4 entry of the final order approving the same and discharging the said  
 5 personal representative, have any right to contest, in any proceeding,  
 6 other than by appeal, the correctness or the legality of the inventory,  
 7 the accounting, distribution, or other acts of the personal representa-  
 8 tive, or the list of heirs set forth in the final report of the personal  
 9 representative, provided, however, that nothing contained in this sec-  
 10 tion shall prohibit any action against the personal representative and  
 11 his bondsman under the provisions of section one hundred ninety  
 12 (190)\* on account of any fraud committed by the personal representa-  
 13 tive.

1     **SEC. 488. Reopening settlement.** Whenever a final report has been  
 2 approved and a final accounting has been settled in the absence of  
 3 any person adversely affected and without notice to him, the hearing  
 4 on such report and accounting may be reopened at any time within  
 5 five years from the entry of the order approving the same, upon the  
 6 application of such person, and, upon a hearing, after such notice as  
 7 the court may prescribe to be served upon the personal representative  
 8 and the distributees, the court may require a new accounting, or a  
 9 redistribution from the distributees. In no event, however, shall any  
 10 distributee be liable to account for more than the property distributed  
 11 to him. If any property of the estate shall have passed into the hands  
 12 of good faith purchasers for value, the rights of such purchasers shall  
 13 not, in any way, be affected.

1     **SEC. 489. Reopening administration.** Upon the petition of any  
 2 interested person, the court may, with such notice as it may prescribe,  
 3 order an estate reopened if other property be discovered, if any neces-  
 4 sary act remains unperformed, or for any other proper cause appear-  
 5 ing to the court. It may reappoint the personal representative, or  
 6 appoint another personal representative, to administer any additional  
 7 property or to perform other such acts as may be deemed necessary.  
 9 The provisions of law as to original administration shall apply, inso-  
 10 far as applicable, to accomplish the purpose for which the estate is  
 11 reopened, but a claim which is already barred can, in no event, be  
 12 asserted in the reopened administration.

1     Sections 490 to 494, inclusive, reserved for future use.

## DIVISION VIII—FOREIGN WILLS AND ANCILLARY ADMINISTRATION

## PART 1. FOREIGN WILLS

1     **SEC. 495. Admission of wills of nonresidents.** A will of a nonresi-  
 2 dent of this state, not probated in any other state or county, may be

\*Section 186 probably intended.

3 admitted to probate in any county of this state where either real or  
4 personal property of the deceased nonresident is located.

1 **SEC. 496. Foreign probated wills.** A will probated in any other  
2 state or country shall be admitted to probate in this state upon the  
3 production of a copy thereof and of the original record of probate,  
4 authenticated by the attestation of the clerk of the court in which  
5 such probate was made, or, if there be no clerk, then by the attes-  
6 tation of the judge of such court, and by the seal of office of such  
7 officer if he or his office has a seal.

1 **SEC. 497. Foreign wills as a muniment of title.** After the expira-  
2 tion of the five-year period provided in section three hundred thirty-  
3 one (331), an exemplified copy of a will which has not been denied  
4 probate in Iowa, and of the order admitting it to probate in a foreign  
5 state or country, may be recorded in the office of the county recorder  
6 of any county where real estate owned by the testator is located. The  
7 record of such a will and of the order admitting the will to probate  
8 shall operate to dispose of said property as though said will had been  
9 admitted to probate in this state. Nothing contained in this section  
10 shall operate to defeat the rights, acquired prior to such record, of  
11 purchasers for value whose rights are shown of record.

1 **SEC. 498. Foreign wills—procedure.** All provisions of law relat-  
2 ing to the carrying of domestic wills into effect after their probate  
3 shall apply, so far as applicable, to foreign wills admitted to probate  
4 in this state.

1 **SEC. 499. Appointment where no foreign probate.** The fiduciary  
2 named in the will of a nonresident that has not been probated in any  
3 other state, may, upon application, after such will has been admitted  
4 to probate in this state, be appointed fiduciary in this state; provided  
5 that a resident fiduciary be appointed to serve with the nonresident  
6 fiduciary; provided, further, that, for good cause shown, the court  
7 may appoint the nonresident fiduciary to act alone without the ap-  
8 pointment of a resident fiduciary.

## PART 2. ANCILLARY ADMINISTRATION

1 **SEC. 500. Appointment of foreign administrator.** If administra-  
2 tion of the estate of a deceased intestate nonresident has been granted  
3 in accordance with the law of the state where he resided, the duly  
4 qualified administrator of the estate of the nonresident may upon  
5 application be appointed administrator in this state, unless another  
6 has already been appointed and provided that a resident administra-  
7 tor be appointed to serve with the nonresident administrator; pro-  
8 vided further, however, that for good cause shown, the court may  
9 appoint the nonresident administrator to act alone without the ap-  
10 pointment of a resident administrator.

1 **SEC. 501. Application for appointment of foreign administrator.**  
2 The application for any such appointment under section five hundred

3 (500) shall contain the name and address of the foreign administrator  
4 and of the resident administrator, if any, to be appointed, and shall  
5 be accompanied by a certificate of the clerk of the court of original  
6 jurisdiction certifying that such estate is under administration, and  
7 a certification of the original letters or other authority authorizing  
8 the nonresident administrator to act in that estate.

1 **SEC. 502. Appointment of foreign fiduciary.** The duly qualified  
2 fiduciary under a will admitted to probate in another state, may upon  
3 application be appointed fiduciary in this state, after said will has  
4 been admitted to probate in this state, provided that a resident fiduci-  
5 ary be appointed to serve with the nonresident fiduciary; provided  
6 further, however, that, for good cause shown, the court may appoint  
7 the nonresident fiduciary to act alone without the appointment of a  
8 resident fiduciary.

1 **SEC. 503. Application for appointment of foreign executor or trustee.** The application for appointment of a nonresident executor or  
2 trustee shall include the name and address of the nonresident executor  
3 or trustee, and the name and address of the resident executor or  
4 trustee, if any, to be appointed. It shall be accompanied by a certifi-  
5 cate of the clerk of the foreign court granting the original letters or  
6 other authority conferring the power upon the nonresident executor  
7 or trustee to act as such. The application shall also state the cause  
8 for the appointment of the nonresident executor or trustee to act as  
9 the sole executor or trustee, if such appointment is desired. When  
10 the will has not been admitted to probate in any other state, the appli-  
11 cation shall include the name and address of the executor or trustee,  
12 if any, named in the will of the nonresident, and of the resident execu-  
13 tor or trustee to be appointed.  
14

1 **SEC. 504. Removal of property—payment of claims.** In all es-  
2 tates of nonresidents, being administered in this state, the court may  
3 require payment of all claims filed and allowed belonging to residents  
4 of this state, and all legacies or distributive shares payable to residents  
5 of this state, before allowing any of the property in the estate to be  
6 removed from the state.

1 Sections 505 to 509, inclusive, reserved for future use.

#### DIVISION IX—ESTATES OF ABSENTEES

1 **SEC. 510. Administration authorized — petition.** Administration  
2 may be had upon the estate of an absentee. A petition therefor must  
3 be filed in the office of the clerk and must allege:

- 4 1. Whether the absentee was a resident or a nonresident of this  
5 state, and his address at his last known domicile; that he has, without  
6 known cause, absented himself from his usual place of residence, and  
7 concealed his whereabouts from his family, for a period of five years.
- 8 2. That the said absentee has property in this state (describing it  
9 with reasonable certainty), all or part of which is situated in the  
10 county in which the petition is filed.

11 3. The names of the persons, so far as known to the petitioner, who  
12 would be entitled to share in the estate of the absentee if he were  
13 dead.

14 4. In the case of a nonresident, whether administration upon the  
15 estate has been granted in the state of last known domicile.

16 5. Facts showing that the petitioner is a party who would be en-  
17 titled to administer the estate of the said absentee in case the ab-  
18 sentee were known to be dead.

1 SEC. 511. **Notice.** Upon filing of such petition, the court shall, by  
2 a proper order, prescribe the notice and the return day therein, which  
3 shall be addressed to and served upon such absentee and the alleged  
4 distributees of his estate.

1 SEC. 512. **Service.** Said notice shall in all cases be served:  
2 1. By publication in the county in which the petition is filed, once  
3 each week for three consecutive weeks, in a newspaper designated by  
4 the court; and  
5 2. Upon all the alleged distributees of the estate of said absentee by  
6 ordinary mail addressed to them at their last known address.

1 SEC. 513. **Proof of service—filing.** Proof of the publication and  
2 service of such notice shall be filed with the clerk aforesaid on or  
3 before the day set for hearing.

1 SEC. 514. **Hearing—continuance—orders.** If, on the day set for  
2 hearing, the absentee fails to appear, the court shall appoint some dis-  
3 interested person as guardian ad litem to appear for the absentee and  
4 all distributees not appearing, and said cause shall thereupon stand  
5 continued for twenty days. The court shall have authority to make  
6 further continuance upon proper showing. The guardian ad litem  
7 shall investigate the matter and things alleged in the petition. Upon  
8 the further hearing, the court shall hear the proofs, and, if satisfied  
9 of the truth of the allegations of the petition, shall enter an order  
10 establishing the death of the absentee as a matter of law.

1 SEC. 515. **Administration.** Upon the entry of such further order  
2 under section five hundred fourteen (514), administration of the es-  
3 tate of such absentee, whether testate or intestate, shall proceed as  
4 provided herein for the administration of the estates of other dece-  
5 dents, notwithstanding the provisions of section three hundred thirty  
6 (330).

1 SEC. 516. **Rights of absentee barred—sale by spouse.** Such an or-  
2 der establishing the death of an absentee shall forever bar the rights  
3 of homestead and distributive share of the absentee, and his interest  
4 in and to any real estate owned or held by the spouse of such absen-  
5 tee, and in which said spouse may have a legal or equitable interest.  
6 Conveyance of any such real estate by such spouse, after six months  
7 or more from date of publication of second notice of appointment of  
8 a personal representative, shall be free and clear of any claim or right  
9 of homestead or distributive share on the part of such absentee.



1     **SEC. 517. Missing soldiers or sailors—presumption of death.**

2     1. A written finding of presumed death, made by the secretary of  
3 defense, or other officer or employee of the United States authorized to  
4 make such finding, pursuant to the federal Missing Persons Act (56  
5 Stat. 143, 1092, and P.L. 408, Ch. 371, 2d Session 78th Congress; 50  
6 U.S.C. App. Supp. 1001-17), as now or hereafter amended, or a duly  
7 certified copy of such a finding, shall be received in any court, office or  
8 other place in this state, as evidence of the death of the person therein  
9 found to be dead, and of the date, circumstances, and place of his  
10 disappearance.

11     2. An official written report or record, or a duly certified copy there-  
12 of, that a person is missing, missing in action, interned in a neutral  
13 country, or beleaguered, besieged, or captured by an enemy, or is dead,  
14 or is alive, made by any officer or employee of the United States au-  
15 thorized by the act referred to in subsection one (1) of this section,  
16 or by any other law of the United States, to make such a report or  
17 record, shall be received in any court, office or other place in this state  
18 as evidence that such person is missing, missing in action, interned in  
19 a neutral country, or beleaguered, besieged, or captured by an enemy,  
20 or is dead, or is alive, as the case may be.

21     3. For the purposes of subsections one (1) and two (2) of this sec-  
22 tion, any finding, report, or record, or duly certified copy thereof, pur-  
23 porting to have been signed by such an officer or employee of the  
24 United States as is described in said subsections, shall prima facie be  
25 deemed to have been signed and issued by such an officer or employee  
26 pursuant to law, and the person signing the same shall prima facie be  
27 deemed to have acted within the scope of his authority. If a copy  
28 purports to have been certified by a person authorized by law to cer-  
29 tify the same, such certified copy shall be prima facie evidence of  
30 his authority so to certify.

1     Sections 518 to 522, inclusive, reserved for future use.

**DIVISION X—UNIFORM SIMULTANEOUS DEATH ACT**

1     **SEC. 523. No sufficient evidence of survivorship.** Where the title  
2 to property or the devolution thereof depends upon priority of death,  
3 and there is no sufficient evidence that the persons have died otherwise  
4 than simultaneously, the property of each person shall be disposed of  
5 as if he had survived, except as provided otherwise in sections five  
6 hundred twenty-four (524) to five hundred twenty-seven (527) in-  
7 clusive.

1     **SEC. 524. 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 prop-  
4 erty, and there is no sufficient evidence that these beneficiaries have  
5 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 fiary had survived.

1     **SEC. 525. Joint tenants.** Where there is no sufficient evidence that  
2 two joint tenants have died otherwise than simultaneously, the prop-  
3 erty so held shall be distributed one-half as if one had survived and  
4 one-half as if the other had survived. If there are more than two  
5 joint tenants and all of them have so died, the property thus distrib-  
6 uted shall be in the proportion that one bears to the whole number  
7 of joint tenants.

1     **SEC. 526. Insurance policies.** Where the insured and the benefici-  
2 ary 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. 527. Limitation of application.** Sections five hundred twen-  
2 ty-three (523) and five hundred twenty-four (524) shall not apply in  
3 the case of wills, living trusts, deeds, or contracts of insurance where-  
4 in provision has been made for distribution of property different from  
5 the provisions of said sections.

1     **SEC. 528. Uniformity of interpretation.** Sections five hundred  
2 twenty-three (523) through five hundred twenty-seven (527) shall be  
3 so construed and interpreted as to effectuate their general purpose to  
4 make uniform the law relating to simultaneous death.

1     Sections 529 to 534, inclusive, reserved for future use.

#### DIVISION XI—FELONIOUS DEATH

1     **SEC. 535. Feloniously causing death.** No person who feloniously  
2 takes or causes or procures another to take the life of another shall  
3 inherit from such person, or receive any interest in the estate of the  
4 decedent as surviving spouse, or take by devise or legacy from him,  
5 any portion of his estate.

1     **SEC. 536. Insurance beneficiary feloniously causing death.** No ben-  
2 efiary of any policy of insurance or certificate of membership issued  
3 by any benevolent association or organization, payable upon the death  
4 or disability of any person, who feloniously takes or causes or pro-  
5 cures to be taken the life upon which such policy or certificate is  
6 issued, or who feloniously causes or procures a disability of such per-  
7 son, shall take the proceeds of such policy or certificate.

1     **SEC. 537. Distribution to other heirs or insured.** In every instance  
2 mentioned in sections five hundred thirty-five (535) and five hundred  
3 thirty-six (536), all benefits that would accrue to any such person upon  
4 the death or disability of the person whose life is thus taken or who is  
5 thus disabled shall be distributed to the other persons who would take  
6 under the will of the decedent or according to the rules of intestate  
7 succession, as the case may be.

1     Sections 538 to 542, inclusive, reserved for future use.

## DIVISION XII—PROCEEDINGS FOR ESCHEAT

1    **SEC. 543. Proceedings for escheat.** When the court has reason to  
 2 believe that any property of the estate of a decedent within the county  
 3 should by law escheat, he must forthwith inform the attorney general  
 4 of the state of Iowa thereof, and appoint some suitable person as  
 5 personal representative to take charge of such property, unless a  
 6 personal representative has already been appointed.

1    **SEC. 544. Notice to persons interested.** The personal representa-  
 2 tive must give such notice of the death of the deceased, and of the  
 3 amount and kind of property left by him within the state, as, in the  
 4 opinion of the court appointing him shall be best calculated to notify  
 5 those interested, or supposed to be interested, in the property.

1    **SEC. 545. Sale—proceeds.** If within six months from the giving of  
 2 such notice, no claimant thereof appears, such property may be sold  
 3 and the proceeds paid over by the personal representative to the state  
 4 comptroller for the benefit of the school fund.

1    **SEC. 546. Payment to person entitled.** The money or any portion  
 2 of it shall be paid at any time within ten years after the sale of the  
 3 property or the appropriation of the money, but not afterwards, to  
 4 anyone showing himself entitled thereto.

1    Sections 547 to 551, inclusive, reserved for future use.

## DIVISION XIII—OPENING GUARDIANSHIPS AND CONSERVATORSHIPS

## PART 1. OPENING GUARDIANSHIPS

1    **SEC. 552. Petition for appointment of guardian.** Any person may  
 2 file with the clerk a verified petition for the appointment of a guardian.  
 3 The petition shall state the following information so far as known to  
 4 the petitioner.

5    1. The name, age and post-office address of the proposed ward.

6    2. That the proposed ward is: a minor, a mental retardate, mentally  
 7 ill, senile, a chronic alcoholic, or a spendthrift.

8    3. The name and post-office address of the proposed guardian, and  
 9 that such person is qualified to serve in that capacity.

10   4. That the proposed ward is a resident of the state of Iowa or is  
 11 present in the state, and that his best interests require the appoint-  
 12 ment of a guardian in this state.

13   5. The name and address of the person or institution, if any, having  
 14 the care, custody or control of the proposed ward.

1    **SEC. 553. No notice required—minor.** No notice of the filing of  
 2 such petition need be given when the proposed ward is a minor and  
 3 such petition is filed by the person having custody of the proposed  
 4 ward.

1     **SEC. 554. Notice governed by Rules of Civil Procedure.** In all  
2 other cases, notice of the filing of such petition shall be served upon  
3 the proposed ward in the manner of an original notice and the Rules  
4 of Civil Procedure governing original notices shall also govern such  
5 notice as to content.

1     **SEC. 555. Pleadings and trial—Rules of Civil Procedure.** All other  
2 pleadings and the trial of the cause shall be governed by the Rules of  
3 Civil Procedure. The cause shall be tried as a law action, and either  
4 party shall be entitled to a jury trial if demand is made therefor as  
5 provided by the Rules of Civil Procedure.

1     **SEC. 556. Appointment of guardian.** If the allegations of the peti-  
2 tion as to the status of the proposed ward and the necessity for the  
3 appointment of a guardian are proved, the court may appoint a guar-  
4 dian.

1     **SEC. 557. Appointment of guardian on voluntary petition.** A guar-  
2 dian may also be appointed by the court upon the verified petition of  
3 the proposed ward, if he is other than a mental retardate, a mentally  
4 ill person, or a minor under the age of fourteen years, provided that  
5 the court determine that such an appointment inures to the best  
6 interest of the applicant.

1     Cross reference: See sections 572 and 635.

1     **SEC. 558. Appointment of temporary guardian.** A temporary  
2 guardian may be appointed, but only after a hearing on such notice,  
3 and subject to such conditions, as the court shall prescribe.

1     **SEC. 559. Preference as to appointment.** The parents of a minor,  
2 or either of them, if qualified and suitable, shall be preferred over all  
3 others for appointment as guardian. Preference shall then be given  
4 to any person, if qualified and suitable, nominated as guardian for a  
5 minor child by a will executed by the parent having custody of a  
6 minor child, and any qualified and suitable person requested by a  
7 minor fourteen years of age or older. Subject to these preferences,  
8 the court shall appoint as guardian a qualified and suitable person who  
9 is willing to serve in that capacity.

1     **SEC. 560. Appointment of guardian on a standby basis.** A petition  
2 for the appointment of a guardian on a standby basis may be filed by  
3 any person under the same procedure and requirements as provided in  
4 sections five hundred ninety-one (591) through five hundred ninety-  
5 seven (597), both inclusive, for appointment of standby conservator,  
6 insofar as applicable.

1     Sections 561 to 565, inclusive, reserved for future use.

## PART 2. OPENING CONSERVATORSHIPS

1     **SEC. 566. Petition for appointment of conservator.** Any person  
 2 may file with the clerk a verified petition for the appointment of a  
 3 conservator. The petition shall state the following information, so  
 4 far as known to the petitioner:

- 5     1. The name, age and post-office address of the proposed ward.
- 6     2. That the proposed ward is: a minor, a mental retardate, mentally  
 7 ill, senile, a chronic alcoholic, or a spendthrift.
- 8     3. The name and post-office address of the proposed conservator,  
 9 and that such person is qualified to serve in that capacity.
- 10    4. A general description of the property of the proposed ward with-  
 11 in this state and of the right to receive property, together with the  
 12 probable present value of such property and rights. If any money is  
 13 payable, or to become payable, to the proposed ward by the United  
 14 States through the Veterans Administration, the petition shall so  
 15 state.
- 16    5. The name and address of the person or institution, if any, having  
 17 the care, custody or control of the proposed ward.
- 18    6. That the proposed ward resides in the state of Iowa, is a nonresi-  
 19 dent, or that his residence is unknown, and that his best interests re-  
 20 quire the appointment of a conservator in the state of Iowa.

1     **SEC. 567. No notice required—minor.** No notice of the filing of  
 2 such petition need be given when the proposed ward is a minor and  
 3 such petition is filed by the person having custody of the proposed  
 4 ward.

1     **SEC. 568. Notice governed by Rules of Civil Procedure.** In all  
 2 other cases, notice of the filing of such petition shall be served upon  
 3 the proposed ward in the manner of an original notice and the Rules  
 4 of Civil Procedure governing original notice shall also govern such  
 5 notice as to content.

1     **SEC. 569. Pleadings and trial—Rules of Civil Procedure.** All other  
 2 pleadings and the trial of the cause shall be governed by the Rules of  
 3 Civil Procedure. The cause shall be tried as a law action, and either  
 4 party shall be entitled to a jury trial if demand is made therefor as  
 5 provided by the Rules of Civil Procedure.

1     **SEC. 570. Appointment of conservator.** If the allegations of the  
 2 petition as to the status of the proposed ward and the necessity for  
 3 the appointment of a conservator are proved, the court may appoint a  
 4 conservator.

1     **SEC. 571. Preference as to appointment of conservator.** The par-  
 2 ents of a minor, or either of them, if qualified and suitable, shall be  
 3 preferred over all others for appointment as conservator. Preference  
 4 shall then be given to any person, if qualified and suitable, nominated  
 5 as conservator for a minor child by a will executed by the parent hav-  
 6 ing custody of a minor child, and any qualified and suitable person  
 7 requested by a minor fourteen years of age or older. Subject to these

8 preferences, the court shall appoint as conservator a qualified and  
9 suitable person who is willing to serve in that capacity.

1 **SEC. 572. Appointment of conservator on voluntary petition.** A  
2 conservator may also be appointed by the court upon the verified peti-  
3 tion of the proposed ward, if he is other than a mental retardate, or a  
4 mentally ill person, or a minor under the age of fourteen years, pro-  
5 vided that the court determines that such an appointment inures to  
6 the best interest of the applicant. Such petition shall state whether  
7 a notice of involuntary petition for the appointment of a conservator  
8 has been served on the proposed ward.

1 Cross reference: See sections 557 and 635.

1 **SEC. 573. Appointment of temporary conservator.** A temporary  
2 conservator may be appointed but only after a hearing on such notice,  
3 and subject to such conditions, as the court shall prescribe.

1 **SEC. 574. Procedure in lieu of conservatorship.** If no conservator  
2 has been appointed, money due a minor or other property to which a  
3 minor is entitled, not exceeding in the aggregate the sum of one  
4 thousand dollars in value, may be paid or delivered to a parent of the  
5 minor who is entitled to the custody of such minor, upon written state-  
6 ment verified by the oath of such parent, that all money or property  
7 of such minor does not exceed in the aggregate the sum of one thou-  
8 sand dollars; and the written receipt of such parent shall constitute an  
9 acquittance of the person making such payment of money or delivery  
10 of such property.

1 Cross reference: See chapter 565A of the 1962 Code of Iowa.

1 Sections 575 to 579, inclusive, reserved for future use.

### PART 3. CONSERVATORSHIPS FOR ABSENTEES

1 **SEC. 580. Petition for appointment of conservator for absentee.**  
2 When a person owns property located in the state of Iowa, his where-  
3 abouts are unknown, and no provision for the care, control and super-  
4 vision of such property has been made, with the result that such prop-  
5 erty is likely to be lost or damaged, or that the dependents of such  
6 owner are likely to be deprived of means of support because of such  
7 absence, it shall be proper for any person to file with the clerk a peti-  
8 tion for the appointment of a conservator of such property of the  
9 absentee. The petition shall state the following information, so far as  
10 known to the petitioner:

- 11 1. The name, age and last known post-office address of the pro-  
12 posed ward.
- 13 2. The facts concerning the disappearance of the absentee.
- 14 3. The name and post-office address of the proposed conservator,  
15 and that he is qualified to serve in that capacity.
- 16 4. A general description of the property of the absentee within this

17 state and of his right to receive property; also, the probable present  
18 value of such property and right. If any money is payable, or to be-  
19 come payable to the absentee by the United States through the Veter-  
20 ans Administration, the petition shall so state.

21 5. That the property of the absentee is likely to be lost or damaged,  
22 or that his dependents are likely to be deprived of means of support,  
23 because of his absence, and that no proper provision has been made  
24 for the care, control and supervision over such property.

1 **SEC. 581. Original notice governed by Rules of Civil Procedure.**  
2 Notice of the filing of such a petition and of the hearing thereon shall  
3 be served upon the absentee by publication in the manner of an origi-  
4 nal notice and the Rules of Civil Procedure governing original notices  
5 by publication shall also govern such a notice as to content.

1 **SEC. 582. Notice on county attorney.** Such notice shall also be  
2 served on the county attorney of the county in which the petition is  
3 filed and on the spouse and children of the absentee as provided by the  
4 Rules of Civil Procedure. If there are no spouse or children, such  
5 notice shall be served on such persons and in such manner as the  
6 court may prescribe.

1 **SEC. 583. Pleadings and trial—Rules of Civil Procedure.** All other  
2 pleadings and the trial of the cause shall be governed by the Rules of  
3 Civil Procedure.

1 **SEC. 584. Appointment of conservator.** In the event that the ab-  
2 sentee does not appear at said hearing, the court shall hear the peti-  
3 tion and the proof offered. All evidence shall be made a part of a  
4 transcript to be filed in such proceedings. If the allegations of the  
5 petition are proved, the court may appoint a conservator.

1 **SEC. 585. Appointment of temporary conservator.** A temporary  
2 conservator may be appointed, but only after a hearing on such notice,  
3 and subject to such conditions as the court shall prescribe.

1 Sections 586 to 590, inclusive, reserved for future use.

#### PART 4. STANDBY CONSERVATORSHIPS

1 **SEC. 591. Voluntary petition for appointment of conservator—**  
2 **standby basis.** Any person of full age and sound mind may execute  
3 a verified petition for the voluntary appointment of a conservator of  
4 his property upon the express condition that such petition shall be  
5 acted upon by the court only upon the occurrence of an event specified  
6 or the existence of a described condition of the mental or physical  
7 health of the petitioner, the occurrence of which event, or the exist-  
8 ence of which condition, shall be established in the manner directed  
9 in said petition.

1 Cross reference: See section 635.

1     **SEC. 592. Petition may nominate conservator.** Such petition may  
2 nominate a person for appointment to serve as such conservator, and  
3 may request that the appointment be made without bond, or with bond  
4 of a certain stated sum. The court in appointing the conservator shall  
5 give due regard to such nomination and other requests and recommen-  
6 dations contained in the petition.

1     **SEC. 593. Deposit of petition.** Such petition may be deposited with  
2 the clerk of the county in which the party resides, or with any person,  
3 firm, bank or trust company selected by the petitioner.

1     **SEC. 594. Revocation of petition.** Such petition may be revoked by  
2 the petitioner at any time before appointment of a conservator by the  
3 court, provided that the petitioner is of sound mind. Revocation shall  
4 be accomplished by the destruction of the petition by the petitioner, or  
5 by the execution of an acknowledged instrument of revocation. If the  
6 petition has been deposited with the clerk, the revocation may like-  
7 wise be deposited there.

1     **SEC. 595. Filing petition upon occurrence of condition.** At any  
2 time after the deposit of the petition with the clerk, and before its  
3 revocation, it may be brought on for hearing by the filing of a verified  
4 statement to the effect that the occurrence of the event or the condi-  
5 tion provided for in the petition has come to pass. If the petition has  
6 not been deposited with the clerk under the provisions of section five  
7 hundred ninety-three (593), then it may be brought on for hearing  
8 at any time by the filing of it and such a verified statement with the  
9 clerk of the county in which the person who executed the petition  
10 then resides.

1     **SEC. 596. Time of appointment of conservator.** At the time such  
2 petition is filed, the court, without any notice, may appoint the con-  
3 servator nominated in such petition or may set the petition for hearing  
4 on such notice as the court may prescribe.

1     **SEC. 597. Conservator shall have same powers and duties.** The  
2 powers and duties of such a conservator shall be the same as those of  
3 a conservator appointed in response to any of the other petitions  
4 authorized in this Code.

1     Sections 598 to 602, inclusive, reserved for future use.

#### PART 5. FOREIGN CONSERVATORS

1     **SEC. 603. Appointment of foreign conservators.** When there is  
2 no conservatorship, nor any application therefor pending, in this state,  
3 the duly qualified foreign conservator or guardian of a nonresident  
4 ward may, upon application, be appointed conservator of the property  
5 of such person in this state; provided that a resident conservator is  
6 appointed to serve with the foreign conservator; and provided further,  
7 that, for good cause shown, the court may appoint the foreign con-



8 servator to act alone without the appointment of a resident conserva-  
9 tor.

1 SEC. 604. **Application.** The application for appointment of a for-  
2 eign conservator or guardian as conservator in this state shall include  
3 the name and address of the nonresident ward, and of the nonresident  
4 conservator or guardian, and the name and address of the resident  
5 conservator to be appointed. It shall be accompanied by an exempli-  
6 fied copy of the original letters or other authority conferring the  
7 power upon the foreign conservator or guardian to act as such. The  
8 application shall also state the cause for the appointment of the for-  
9 eign conservator to act as sole conservator, if such be the case.

1 SEC. 605. **Personal property.** A foreign conservator or guardian  
2 of a nonresident may be authorized by the court of the county wherein  
3 such ward has personal property to receive the same upon compliance  
4 with the provisions of sections six hundred six (606), six hundred  
5 seven (607) and six hundred eight (608).

1 SEC. 606. **Copy of bond.** Such foreign conservator or guardian  
2 shall file in the office of the clerk in the county where the property is  
3 situated, a certified copy of his official bond, duly authenticated by  
4 the court granting his letters, and shall also execute a receipt for the  
5 property received by him.

1 SEC. 607. **Order for delivery.** Upon the filing of the bond as above  
2 provided, and the court being satisfied with the amount thereof, it  
3 shall order the personal property of the ward delivered to such con-  
4 servator or guardian.

1 SEC. 608. **Recording of bond—notice to court.** The clerk shall  
2 record the bonds and the receipt, and notify by mail the court which  
3 granted the letters of conservatorship or guardianship of the amount  
4 of property delivered to the fiduciary and the date of delivery thereof.

1 Sections 609 to 613, inclusive, reserved for future use.

#### PART 6. CONSERVATORSHIPS INVOLVING VETERANS ADMINISTRATION

1 SEC. 614. **Application of other provisions to veterans' conservator-**  
2 **ships.** Whenever moneys are paid or are payable pursuant to any law  
3 of the United States through the Veterans Administration to a con-  
4 servator or a guardian, the provisions of sections six hundred fifteen  
5 (615) through six hundred twenty-one (621) shall apply to the admin-  
6 istration of said moneys. However, such provisions shall be con-  
7 strued to be supplementary to the other provisions for conservators,  
8 and shall not be exclusive of such provisions.

1 SEC. 615. **Administrator of veterans affairs—party in interest.**  
2 The administrator of veterans affairs of the United States, his succes-  
3 sor, or the designee of either, shall be a party in interest in any pro-  
4 ceeding for the appointment or removal of a conservator, or for the

5 termination of the conservatorship, and in any suit or other proceed-  
6 ing, including reports and accountings, affecting in any manner the  
7 administration of those assets that were derived in whole or in part  
8 from benefits paid by the Veterans Administration. Not less than  
9 fifteen days prior to the time set for a hearing in any such matters,  
10 notice, in writing, of the time and place thereof shall be given by mail  
11 to the office of the Veterans Administration having jurisdiction over  
12 the area in which such matter is pending.

1 **SEC. 616. Ward rated incompetent by Veterans Administration.**  
2 Upon the trial of an issue arising upon a prayer for the appointment  
3 of either a temporary or a permanent conservator, a certificate of the  
4 administrator of Veterans Administration, or his representative, set-  
5 ting forth the fact that the defendant ward has been rated incompe-  
6 tent by the Veterans Administration upon examination in accordance  
7 with the laws and regulations governing the Veterans Administration;  
8 and that the appointment of a conservator is a condition precedent  
9 to the payment of any moneys due such person by the Veterans Ad-  
10 ministration, shall be prima facie evidence of the necessity for such  
11 appointment, and the court may appoint a conservator for the prop-  
12 erty of such person.

1 **SEC. 617. Limitation on conservator acting for more than ten**  
2 **wards.** Except as hereinafter provided, it shall be unlawful for any  
3 person to accept appointment as conservator for any ward if such pro-  
4 posed conservator shall at that time be acting as conservator for as  
5 many as ten wards. In any case, upon presentation of a petition by  
6 an attorney of the Veterans Administration under this section alleging  
7 that a conservator is acting in a fiduciary capacity for more than ten  
8 wards, and requesting his discharge for that reason, the court, upon  
9 proof substantiating the petition, shall require a final accounting forth-  
10 with from such conservator, and shall discharge such conservator in  
11 the particular case. The limitations of this section shall not apply  
12 where the conservator is a bank or a trust company. A person may  
13 be conservator of more than ten wards if they are all members of the  
14 same family.

1 **SEC. 618. Compensation in conservatorships involving Veterans**  
2 **Administration.** In conservatorships involving the Veterans Admin-  
3 istration, compensation payable to conservators for ordinary services  
4 shall not exceed five percent of the income of the ward during any  
5 accounting year, provided, however, that the court may grant compen-  
6 sation to such conservator in a sum not to exceed twenty-five dollars  
7 where five percent of the income of the ward during the accounting  
8 year will not adequately compensate the conservator for services per-  
9 formed. In the event of extraordinary services, however, the court  
10 may, upon petition and after hearing thereon, allow the conservator  
11 additional compensation. Such petition shall set out the extraordinary  
12 services rendered by the conservator. Compensation as conservator  
13 and a fee as attorney shall not be allowed to the same person. No  
14 compensation shall be allowed on the corpus of an estate received from  
15 a predecessor conservator.

1     **SEC. 619. Order for support and maintenance of ward.** A conservator shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing.

1     **SEC. 620. Dual conservatorship proceedings not required.** Sections six hundred fourteen (614) through six hundred nineteen (619) shall not be construed as requiring dual conservatorship proceedings of the property of the same person, but when a conservator is such, both as to moneys paid by the United States through the Veterans Administration and to other property of the ward, the accounts of the money received through the Veterans Administration shall be kept separate and apart from the accounts of other property.

1     **SEC. 621. Liberal construction.** Sections six hundred fourteen (614) through six hundred twenty (620) shall be construed liberally to secure the beneficial intent and purpose thereof, and shall apply only to beneficiaries of the Veterans Administration.

1     **SEC. 622.** In administering moneys paid by the Veterans Administration the conservator shall have the following powers and be subject to the following restrictions:

4     1. A bond executed by a recognized surety company equal to said assets and the annual income therefrom, plus the expected annual Veterans Administration benefit payments, shall be required to protect said funds.

8     2. Excess funds paid to the conservator may be invested in interest-bearing federally insured accounts, or in United States savings bonds, without approval of the court.

11    3. Moneys paid may be applied to the care, maintenance and support of the veteran and his legal dependents without prior approval of the court.

14    4. Moneys paid shall not be applied to the payment of obligations outlawed by the statute of limitations of any jurisdiction.

16    5. No money paid as a gratuity to a ward may be made the subject of a gift to third parties, except that the court may, on petition, authorize the application of said moneys to the assistance of a close relative after a finding that the veteran, if competent, would assist the relative to the extent of the order.

1     Sections 623 to 626, inclusive, reserved for future use.

#### PART 7. COMBINING PETITION FOR GUARDIAN AND CONSERVATOR

1     **SEC. 627. Combining petitions.** The petitions for the appointment of a guardian and a conservator may be combined and the cause tried in the same manner as a petition for the appointment of a conservator.

1     **SEC. 628. Same person as guardian and conservator.** The same person may be appointed to serve as both guardian and conservator.

1     Sections 629 to 633, inclusive, reserved for future use.

DIVISION XIV—ADMINISTRATION OF GUARDIANSHIPS  
AND CONSERVATORSHIPS

PART 1. APPOINTMENT AND QUALIFICATION OF GUARDIANS  
AND CONSERVATORS

1     **SEC. 634. Provisions applicable to all fiduciaries shall govern.** The  
2 provisions of this Code applicable to all fiduciaries shall govern the  
3 appointment, qualification, oath and bond of guardians and conserva-  
4 tors, except that a guardian shall not be required to give bond unless  
5 the court, for good cause, finds that the best interests of the ward  
6 require a bond. The court shall then fix the terms and conditions of  
7 such bond.

1     **SEC. 635. Combination of voluntary and standby petitions with in-**  
2 **voluntary petition for hearing.** If prior to the time of hearing on a  
3 petition for the appointment of a guardian or a conservator, a petition  
4 is filed under the provisions of sections five hundred fifty-seven (557),  
5 five hundred seventy-two (572) or five hundred ninety-one (591), the  
6 court may combine the hearing on such petitions and determine who  
7 shall be appointed guardian or conservator.

PART 2. RIGHTS AND TITLE OF WARD

1     **SEC. 636. Effect of appointment of guardian or conservator.** The  
2 appointment of a guardian or conservator shall not constitute an ad-  
3 judication that the ward is of unsound mind.

1     **SEC. 637. Powers of ward.** A ward for whom a conservator has  
2 been appointed shall not have the power to convey, encumber or dis-  
3 pose of property in any manner, other than by will if he possesses the  
4 requisite testamentary capacity.

1     **SEC. 638. Presumption of fraud.** If a conservator be appointed,  
2 all contracts, transfers and gifts made by the ward after the filing of  
3 the petition shall be presumed to be a fraud against the rights and  
4 interest of the ward.

1     **SEC. 639. Title to ward's property.** The title to all property of  
2 the ward is in the ward and not the conservator subject, however, to  
3 the possession of the conservator and to the control of the court for  
4 the purposes of administration, sale or other disposition, under the  
5 provisions of the law.

1     **SEC. 640. Conservator's right to possession.** Every conservator  
2 shall have a right to, and shall take, possession of all of the real and  
3 personal property of the ward. He shall pay the taxes and collect  
4 the income therefrom until the conservatorship is terminated. He  
5 may maintain an action for the possession of the property, and to  
6 determine the title to the same.

## PART 3. DUTIES AND POWERS OF CONSERVATOR

1     **SEC. 641. General duties of conservator.** It is the duty of the  
2 conservator of the estate to protect and preserve it, to invest it pru-  
3 dently, to account for it as herein provided, and to perform all other  
4 duties required of him by law, and at the termination of the con-  
5 servatorship, to deliver the assets of the ward to the person entitled  
6 thereto.

1     **SEC. 642. Inventory of ward's property.** Within sixty days after  
2 the date of his appointment, or, within such further time as the court  
3 may allow, a conservator shall file in the conservatorship a verified in-  
4 ventory of all of the property of the ward that has come into his pos-  
5 session or of which he has knowledge. Whenever any property of  
6 the ward not mentioned in the inventory comes into the possession, or  
7 to the knowledge, of the conservator, he shall file in the conservator-  
8 ship a verified supplemental inventory within thirty days after the  
9 property comes into his possession, or becomes known to him; or he  
10 may include the property in his next accounting.

1     **SEC. 643. Disposal of will by conservator.** When an instrument  
2 purporting to be the will of the ward comes into the hands of a con-  
3 servator, the conservator shall immediately deliver it to the court.

1     **SEC. 644. Court order to preserve testamentary intent of ward.**  
2 Upon receiving an instrument purporting to be the will of a living  
3 ward under the provisions of section six hundred forty-three (643),  
4 the court may open said will and read it. The court with or without  
5 notice, as it may determine, may enter such orders in the conserva-  
6 torship as it deems advisable for the proper administration of the  
7 conservatorship in light of the expressed testamentary intent of the  
8 ward.

1     **SEC. 645. Court to deliver will to clerk.** An instrument purporting  
2 to be the will of a ward coming into the hands of the court under the  
3 provisions of either section six hundred forty-three (643), shall there-  
4 after be resealed by the court and be deposited with the clerk to be  
5 held by said clerk as provided in sections two hundred eighty-six  
6 (286) through two hundred eighty-nine (289).

1     **SEC. 646. Powers of the conservator without order of court.** The  
2 conservator shall have the full power, without prior order of court,  
3 with relation to the estate of his ward to:

- 4     1. Collect, receive, receipt for any principal or income, and to en-  
5 force, defend against, prosecute, compromise or settle any claim by  
6 or against the ward or the conservator; to adjust, arbitrate, compro-  
7 mise, sue on and defend claims in favor of, or against, the ward or the  
8 conservator.
- 9     2. Sell and transfer personal property of a perishable nature and  
10 personal property for which there is a regularly established market.
- 11     3. To vote at corporate meetings in person or by proxy.
- 12     4. To receive additional property from any source.

1     **SEC. 647. Powers of conservator subject to the approval of the**  
 2 **court.** Conservators shall have the following powers subject to the  
 3 **approval of the court after hearing on such notice, if any, as the court**  
 4 **may prescribe:**  
 5     1. To invest the funds belonging to the ward.  
 6     2. To execute leases.  
 7     3. To make payments to, or for the benefit of, his ward in any of  
 8 **the following ways:**  
 9     a. Directly to the ward;  
 10    b. Directly for the maintenance, welfare and education of the ward;  
 11    c. To the legal guardian of the person of the ward; or  
 12    d. To anyone who at the time shall have the custody and care of the  
 13 **person of the ward.**  
 14     4. To apply any portion of the income or of the estate of the ward  
 15 **for the support of any person for whose support the ward is legally**  
 16 **liable.**  
 17     5. To do any other thing that the court determines to be to the best  
 18 **interests of the ward and his estate.**

1     **SEC. 648. Appointment of attorney in compromise of personal in-**  
 2 **jury settlements.** Notwithstanding the provisions of section six hun-  
 3 **dred forty-six (646) of this Code, prior to authorizing a compromise of**  
 4 **a claim for damages on account of personal injuries to the ward, the**  
 5 **court may order an independent investigation by an attorney other**  
 6 **than by the attorney for the conservator. The cost of such investiga-**  
 7 **tion, including a reasonable attorney fee, shall be taxed as part of the**  
 8 **cost of the conservatorship.**

1     **SEC. 649. Powers of conservators—same as all fiduciaries.** Except  
 2 **as expressly modified herein, conservators shall have the powers re-**  
 3 **lating to all fiduciaries as set out in sections sixty-four (64) through**  
 4 **one hundred sixty-two (162).**

1     **SEC. 650. Breach of contracts.** Under order of court, for good  
 2 **cause shown, after such notice as the court may prescribe, a conserva-**  
 3 **tor shall have the power to breach contracts of the ward entered into**  
 4 **by the ward prior to the appointment of the conservator, thereby in-**  
 5 **curring such liability of the ward's estate for such breach as the ward**  
 6 **would have incurred for such breach if he had been competent.**

1     Cross reference: See section 638.

1     **SEC. 651. Tort liability of conservator.** The fact that a person is  
 2 **a conservator or a guardian shall not in itself make him personally**  
 3 **liable for damages for the acts of his ward.**

#### PART 4. TRANSFERRING, ENCUMBERING AND LEASING

##### PROPERTY BY CONSERVATOR

1     **SEC. 652. Procedure applicable to personal representatives shall**  
 2 **govern.** Conservators shall have the power to sell, mortgage, ex-

3 change, pledge and lease real and personal property belonging to the  
4 ward, including the homestead and exempt personal property, when  
5 it appears to be to the best interests of the ward, in the same manner  
6 and by the same procedure that is provided in this Code for sale, mort-  
7 gage, exchange, pledge and lease by personal representatives in ad-  
8 ministration of estates of decedents.

#### PART 5. CLAIMS

1 **SEC. 653. Claims against the ward, the conservatorship or the con-**  
2 **servator in that capacity.** Claims accruing before or after the ap-  
3 pointment of the conservator, and whether arising in contract or tort  
4 or otherwise, after being allowed or established as provided in sec-  
5 tions six hundred fifty-four (654) through six hundred fifty-six (656),  
6 shall be paid by the conservator from the assets of the conservator-  
7 ship.

1 **SEC. 654. Form and verification of claims—general requirements.**  
2 No claim shall be allowed against the estate of a ward upon applica-  
3 tion of the claimant unless it shall be in writing, filed in duplicate with  
4 the clerk, stating the claimant's name and address, and describing the  
5 nature and the amount thereof, if ascertainable. It shall be accom-  
6 panied by the affidavit of the claimant, or of someone for him, that the  
7 amount is justly due, or if not due, when it will or may become due,  
8 that no payments have been made thereon which are not credited,  
9 and that there are no offsets to the same, to the knowledge of the  
10 affiant, except as therein stated. The duplicate of said claim shall  
11 be mailed by the clerk to the conservator or his attorney of record;  
12 however, valid contract claims arising in the ordinary course of the  
13 conduct of the business or affairs of the ward by the conservator may  
14 be paid by the conservator without requiring affidavit or filing.

1 **SEC. 655. Requirements when claim founded on written instru-**  
2 **ment.** If a claim is founded upon a written instrument, the original  
3 of such instrument, or a copy thereof, with all endorsements, must be  
4 attached to the claim. The original instrument must be exhibited to  
5 the conservator or to the court, upon demand, unless it has been lost  
6 or destroyed, in which case, its loss or destruction must be stated in  
7 the claim.

1 **SEC. 656. How claim entitled.** All claims filed against the estate  
2 of the ward shall be entitled in the name of the claimant against the  
3 conservator as such, naming the conservator, and in all further pro-  
4 ceedings thereon, this title shall be preserved.

1 **SEC. 657. Filing of claim required.** The filing of a claim in the  
2 conservatorship tolls the statute of limitations applicable to such  
3 claim.

1 **SEC. 658. Compelling payment of claims.** No claimant shall be en-  
2 titled to compel payment until his claim has been duly filed and allowed.

1     **SEC. 659. Allowance by conservator.** When a claim has been filed  
2 and has been admitted in writing by the conservator, it shall stand  
3 allowed, in the absence of fraud or collusion.

1     **SEC. 660. Execution and levy prohibited.** No execution shall issue  
2 upon, nor shall any levy be made against, any property of the estate  
3 of a ward under any judgment against the ward or a conservator, but  
4 the provisions of this section shall not be so construed as to prevent  
5 the enforcement of a mortgage, pledge or other lien upon property in  
6 an appropriate proceeding.

1     **SEC. 661. Claims of conservators.** If the conservator is a creditor  
2 of the ward, he shall file his claim as other creditors, and the court  
3 shall appoint some competent person as temporary conservator to rep-  
4 resent the ward at the hearing on the conservator's claim. The same  
5 procedure shall be followed in the case of coconservators where all  
6 such conservators are creditors of the ward; but if one of the cocon-  
7 servators is not a creditor of the ward, such disinterested conservator  
8 shall represent the ward at the hearing on any claim against the ward  
9 by a coconservator.

1     **SEC. 662. Claims not filed.** The conservator may pay any valid  
2 claim against the estate of the ward even though such claim has not  
3 been filed, but all such payments made by the conservator shall be at  
4 his own peril.

1     **SEC. 663. Waiver of statute of limitations by conservator.** It shall  
2 be within the discretion of the conservator to determine whether or  
3 not the applicable statute of limitation shall be invoked to bar a claim  
4 which he believes to be just, and his decision as to the invoking of  
5 such statute shall be final.

1     **SEC. 664. Liens not affected by failure to file claim.** Nothing in  
2 sections six hundred fifty-four (654) and six hundred fifty-eight (658)  
3 shall affect or prevent an action or proceeding to enforce any mort-  
4 gage, pledge or other lien upon the property of the ward.

1     **SEC. 665. Separate actions and claims.** Any action pending against  
2 the ward at the time the conservator is appointed shall also be con-  
3 sidered a claim filed in the conservatorship if notice of substitution  
4 is served on the conservator as defendant, and a duplicate of the proof  
5 of service of notice of such proceeding is filed in the conservatorship  
6 proceeding.  
7     A separate action based on a debt or other liability of the ward may  
8 be commenced against the conservator as such in lieu of filing a  
9 claim in the conservatorship. Such an action shall be commenced by  
10 serving an original notice on the conservator and filing a duplicate  
11 of the proof of service of notice of such proceeding in the conserva-  
12 torship proceeding. Such an action shall also be considered a claim  
13 filed in the conservatorship. Such an action may be commenced only  
14 in a county where the venue would have been proper if there were



15 no conservatorship and the action had been commenced against the  
16 ward.

1 SEC. 666. Denial and contest of claims. The provisions of sections  
2 four hundred thirty-eight (438) through four hundred forty-eight  
3 (448) shall be applicable to the denial and contest of claims against  
4 conservatorships, but shall not be applicable to actions continued or  
5 commenced under section six hundred sixty-five (665) of this Code.

1 SEC. 667. Payment of claims in insolvent conservatorships. When  
2 it appears that the assets in a conservatorship are insufficient to pay  
3 in full all the claims against such conservatorship, the conservator  
4 shall report such matter to the court, and the court shall, upon hear-  
5 ing, with notice to all persons who have filed claims in the conservator-  
6 ship, make an order for the pro rata payment of claims giving claim-  
7 ants the same priority, if any, as they would have if the ward were  
8 not under conservatorship.

#### PART 6. GIFTS

1 SEC. 668. Conservator may make gifts. For good cause shown  
2 and under order of court, a conservator may make gifts on behalf of  
3 the ward out of the assets under a conservatorship to persons or re-  
4 ligious, educational, scientific, charitable, or other nonprofit organiza-  
5 tions to whom or to which such gifts were regularly made prior to the  
6 commencement of the conservatorship. The making of gifts out of  
7 such assets must not foreseeably impair the ability to provide ade-  
8 quately for the best interests of the ward.

#### PART 7. GUARDIAN'S REPORT

1 SEC. 669. Guardian's report. Immediately after the appointment  
2 of the guardian, he shall make a report to the court advising the court  
3 as to the physical condition and whereabouts of the ward. At such  
4 times thereafter as the court may order, a guardian shall present to  
5 the court and file in the guardianship proceedings a written report of  
6 the condition of the ward and of the guardian's exercise of authority  
7 and performance of his duties.

#### PART 8. CONSERVATOR'S REPORT

1 SEC. 670. Conservator shall report and account. A conservator  
2 shall present to the court and file in the conservatorship proceedings a  
3 written verified report and accounting of his administration;  
4 1. Annually within sixty days following the anniversary date of his  
5 appointment, unless the court otherwise orders on good cause shown.  
6 2. Upon filing his resignation and before his resignation is accepted  
7 by the court.  
8 3. Within thirty days following the date of his removal.  
9 4. Within sixty days following the date of the termination of the

10 conservatorship under the provisions of section six hundred seventy-  
 11 five (675), unless that time is extended by the court.  
 12 5. At such other times as the court may order.

1 **SEC. 671. Requirements of report and accounting.** The report and  
 2 accounting required by section six hundred seventy (670) shall ac-  
 3 count for all of the period since the close of the accounting contained  
 4 in the next previous report, and shall include the following information  
 5 as far as applicable:  
 6 1. The balance of funds on hand at the close of the last previous  
 7 accounting, and all amounts received from whatever source during  
 8 the period covered by the accounting.  
 9 2. All disbursements made during the period covered by the ac-  
 10 counting.  
 11 3. Any changes in the inventory of property of the ward in the  
 12 conservatorship.  
 13 4. The amount of the bond and the name of the surety on it.  
 14 5. The residence or physical location of the ward.  
 15 6. The general physical and mental condition of the ward.  
 16 7. Such other information as shall be necessary to show the condi-  
 17 tion of the affairs of the conservatorship.

#### PART 9. COSTS AND ACCOUNTS

1 **SEC. 672. Payment of court costs in conservatorships.** No order  
 2 shall be entered approving an annual report of a conservator until  
 3 the court costs which have been docketed have been paid or pro-  
 4 vided for.

1 **SEC. 673. Court costs in guardianships.** The ward or his estate  
 2 shall be charged with the court costs of a ward's guardianship, includ-  
 3 ing the guardian's fees and the fees of the attorney for the guardian.

1 **SEC. 674. Settlement of accounts.** The court shall settle each ac-  
 2 count filed by a conservator by allowing or disallowing it, either in  
 3 whole or in part, or by surcharging the account against the con-  
 4 servator.

#### PART 10. TERMINATION OF GUARDIANSHIPS AND CONSERVATORSHIPS

1 **SEC. 675. Cause for termination.** A guardianship shall cease, and  
 2 a conservatorship shall terminate, upon the occurrence of any of the  
 3 following circumstances:  
 4 1. If the ward is a minor, when he reaches full age.  
 5 2. The death of the ward.  
 6 3. A determination by the court that the ward is competent and  
 7 capable of managing his property and affairs, and that the continuance  
 8 of the guardianship or conservatorship would not be in his best in-  
 9 terests.  
 10 4. Upon determination by the court that the conservatorship or  
 11 guardianship is no longer necessary for any other reason.

1     **SEC. 676. Assets exhausted.** At any time that the assets of the  
2 ward's estate do not exceed the amount of the charges and claims  
3 against it, the court may direct the conservator to proceed to termi-  
4 nate the conservatorship.

1     **SEC. 677. Accounting to ward—notice of hearing.** Upon the termi-  
2 nation of a conservatorship, the conservator shall pay the costs of  
3 administration, and render a full and complete accounting to the ward  
4 or his personal representative and the court. Notice of hearing on  
5 the final report of a conservator shall be served on the ward or his  
6 personal representative in accordance with the Rules of Civil Proce-  
7 dure, unless such notice is waived. The court may direct notice of  
8 hearing on the final report to be given to such other persons, at such  
9 time and in such manner as the court may prescribe.

1     **SEC. 678. Delivery of assets.** Upon the termination of a conserva-  
2 torship, all assets of the conservatorship shall be delivered, under  
3 direction of the court, to the person or persons entitled to them.

1     **SEC. 679. Petition to terminate.** At any time, not less than six  
2 months after the appointment of a guardian or conservator, the per-  
3 son under guardianship or conservatorship may apply to the court by  
4 petition, alleging that he is no longer a proper subject thereof, and  
5 asking that the guardianship or conservatorship be terminated.

1     **SEC. 680. Limit on application to terminate.** If any petition for  
2 terminating such guardianship or conservatorship shall be denied, no  
3 other petition shall be filed therefor until at least six months shall  
4 have elapsed since the denial of the former one.

1     **SEC. 681. Assets of minor ward exhausted.** Whenever the assets  
2 of a minor ward's conservatorship are exhausted or consist of personal  
3 property only of an aggregate value not in excess of one thousand  
4 dollars, the court, upon application or upon its own motion, may termi-  
5 nate the conservatorship and direct the conservator to deliver such  
6 property to the parent or other person having the custody of the  
7 minor ward, for the use of such ward, after payment of allowed claims  
8 and expenses of administration. Such delivery shall have the same  
9 force and effect as if delivery had been made to the ward after he  
10 attains his majority.

1     **SEC. 682. Discharge of conservator and release of bond.** Upon set-  
2 tlement of the final accounting of a conservator, and upon determining  
3 that the property of the ward has been delivered to the person or per-  
4 sons lawfully entitled thereto, the court shall discharge the conserva-  
5 tor and exonerate the surety on his bond.

1     Sections 683 to 698, inclusive, reserved for future use.

## DIVISION XV—TRUSTS

1     **SEC. 699. Powers of trustees.** Unless it is otherwise provided by  
2 the will creating a testamentary trust, the instrument creating an  
3 express trust, or by an order or decree duly entered by a court of  
4 competent jurisdiction, a trustee shall have all the general powers of  
5 a fiduciary, including, but not limited to, the following powers:

6     1. To collect, receive and receipt for any principal or income, be-  
7 longing to the trust estate, and to enforce, sue upon, defend against,  
8 prosecute, abandon, adjust, compromise, arbitrate or settle, any claim  
9 by or against the trust.

10    2. To acquire, manage, invest, reinvest, exchange and retain any or  
11 all property, real or personal, at any time, forming a part of the trust  
12 estate, as the court may direct; to grant options on, contract to sell, to  
13 sell, convey and transfer or lease any or all property, real or personal,  
14 at any time forming a part of the trust estate in the same manner and  
15 by the same procedure that is provided in this Code for sale, mortgage,  
16 exchange, pledge, and lease by personal representatives in adminis-  
17 tration of estates of decedents.

18    3. To vote in person, or to execute proxies to vote, corporate shares  
19 belonging to the trust at all regular and special meetings of share-  
20 holders.

21    4. To borrow money for the benefit of the trust estate, and to secure  
22 loans by pledge or mortgage of trust property, upon good cause shown  
23 and subject to the approval and direction of the court.

24    5. To execute leases for a customary period for the type of real es-  
25 tate involved, not to extend beyond the termination date of the trust  
26 without the specific approval and direction of the court, provided that  
27 in any event, leases may be made for as long as one year.

28    6. To make payments to, or for the benefit of, any beneficiary in any  
29 of the following ways:

30     a. Directly to the beneficiary;

31     b. Directly for the maintenance, welfare, and education of the bene-  
32 ficiary;

33     c. To the guardian or conservator of the beneficiary; or

34     d. To anyone who at the time shall have the custody and care of the  
35 person of the beneficiary.

36 A trustee shall not be obliged to see to the application of the funds so  
37 paid, but the receipt of the person to whom the funds were paid shall  
38 constitute a full acquittance of the trustee.

39    7. To make any required division or distribution in whole or in part  
40 in money, securities, or other property, and in undivided interests  
41 therein, and to continue to hold any remaining undivided interest in  
42 trust.

43    8. To receive additional property from any source.

1     **SEC. 700. Intermediate report of trustees.** Unless specifically re-  
2 lieved from so doing, by the instrument creating the trust, or by  
3 order of the court, the trustee shall make a written report, under oath,  
4 to the court, once each year, and oftener, if required by the court.  
5 Such report shall state:

6     1. The period covered by the report.

7 2. All changes in beneficiaries since the last previous report.

8 3. All changes in investments since the last previous report, and  
9 a list of all assets on hand.

10 4. A detailed accounting for all cash receipts and disbursements,  
11 and for all property of the trust, unless such accounting shall be  
12 waived in writing by all beneficiaries.

1 SEC. 701. **Final report of trustees.** Upon the partial or total ter-  
2 mination of a trust, or upon the transfer of the trusteeship due to  
3 resignation, removal, dissolution, or other disqualification of the  
4 trustee of any trust pending in court, the trustee shall make a final  
5 report, under oath, to the court, showing for the period since the filing  
6 of the last report the facts required for an intermediate report, and,  
7 in addition thereto, the following:

8 1. The name and last known address of each beneficiary.

9 2. A statement as to those beneficiaries who are known to be minors  
10 or under any other legal disability.

11 3. The amount distributed or to be distributed to each beneficiary.

1 SEC. 702. **Notice of application for discharge.** Unless notice is  
2 waived in writing, no final report of a trustee of a trust pending in  
3 court shall be approved, and no such trustee shall be discharged from  
4 further duty or responsibility upon final settlement, until notice of his  
5 application for discharge shall have been served upon all persons in-  
6 terested as required for the commencement of a civil action, unless a  
7 different service be ordered by the court by an order made either be-  
8 fore or after the filing of the final report of the trustee.

1 SEC. 703. **Discharge.** Upon final settlement of a trust, an order  
2 shall be entered discharging the trustee from further duties and re-  
3 sponsibilities. The order approving the final report shall constitute a  
4 waiver of the omission from the final report of any of the recitals  
5 required in section seven hundred one (701).

1 SEC. 704. The following chapters of the 1962 Code of Iowa are  
2 hereby repealed:

3 Chapter five hundred thirty-three A (533A);

4 Chapter six hundred thirty-one (631);

5 Chapter six hundred thirty-two (632);

6 Chapter six hundred thirty-three (633);

7 Chapter six hundred thirty-four (634);

8 Chapter six hundred thirty-five (635);

9 Chapter six hundred thirty-six (636);

10 Chapter six hundred thirty-seven (637);

11 Chapter six hundred thirty-eight (638);

12 Chapter six hundred sixty-eight (668);

13 Chapter six hundred sixty-nine (669);

14 Chapter six hundred seventy (670);

15 Chapter six hundred seventy-one (671);

16 Chapter six hundred seventy-two (672); and

17 Chapter six hundred seventy-three (673).

1 SEC. 705. The following sections of the 1962 Code of Iowa are  
2 hereby repealed:

- 3 Section five hundred thirty-two point twenty-one (532.21);  
4 Section six hundred four point four (604.4);  
5 Section six hundred eighty-two point thirty-five (682.35);  
6 Section six hundred eighty-two point thirty-six (682.36).

1 SEC. 706. Section six hundred four point three (604.3), Code 1962,  
2 is hereby repealed and the following enacted in lieu thereof:

3 "The district court of each county shall have general, original and  
4 exclusive jurisdiction of all probate matters as provided in the pro-  
5 bate code."

1 SEC. 707. Section six hundred fourteen point one (614.1), Code  
2 1962, is hereby amended by striking from subsection three (3) all  
3 following the words "two years" in line four (4).

1 SEC. 708. Section six hundred eighty-two point four (682.4), Code  
2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "Qualifications of sureties. Each personal surety shall execute  
4 and file with the clerk an affidavit that he owns real estate subject to  
5 execution, other than real estate held in joint tenancy, equal to double  
6 the amount of the bond, and shall include in such affidavit the total  
7 amount of his obligations as surety on other official or statutory bonds.  
8 Where there are two or more sureties in the same bond, they must in  
9 the aggregate have the qualification prescribed in this section."

1 SEC. 709. Section six hundred eighty-two point twenty-three  
2 (682.23), Code 1962, is amended by inserting in line two (2) of sub-  
3 section fifteen (15) after the word "shall" the words "be construed as  
4 modifying the probate code nor".

1 SEC. 710. Section six hundred eighty-two point twenty-five  
2 (682.25), Code 1962, is amended by inserting in line two (2) after  
3 the word "fiduciary" the words "not governed by the probate code".  
4 Said section is further amended by striking from line four (4) the  
5 words "the will or other".

1 SEC. 711. Section six hundred eighty-two point thirty-one (682.31),  
2 Code 1962, is amended by striking from lines one (1) and two (2) the  
3 words "whenever any administrator, guardian, trustee, or referee" and  
4 inserting in lieu thereof the words "Whenever any fiduciary not gov-  
5 erned by the probate code".

6 Said section is further amended by striking from line eight (8) the  
7 words "administrator, guardian, trustee, or referee" and inserting in  
8 lieu thereof the word "fiduciary".

1 SEC. 712. Section six hundred eighty-two point thirty-two (682.32),  
2 Code 1962, is amended by striking from lines one (1) and two (2)  
3 the words "administrator, guardian, trustee, or referee" and insert-  
4 ing in lieu thereof the word "fiduciary".

1 SEC. 713. Section six hundred eighty-two point thirty-three  
2 (682.33), Code 1962, is amended by striking from lines one (1) and  
3 two (2) the words "administrator, guardian, trustee, or referee" and  
4 inserting in lieu thereof the word "fiduciary".

1 SEC. 714. Section six hundred eighty-two point thirty-four  
2 (682.34), Code 1962, is amended by striking from line five (5) the  
3 word "administrators" and inserting in lieu thereof the words "per-  
4 sonal representatives under the probate code".

1 SEC. 715. Chapter six hundred eighty-two (682), Code 1962, is  
2 amended by adding thereto a new section as follows:  
3 "Powers and duties of trustees not subject to court administration.  
4 Trustees of express trusts not being administered in the probate court,  
5 shall have all the powers and shall be subject to all the duties and lia-  
6 bilities as provided in the probate code, except the duty of reporting  
7 to or obtaining approval of the court."

1 SEC. 716. Section two hundred forty-one A point eleven (241A.11),  
2 Code 1962, is amended by striking from subsection two (2) all after  
3 the word "dollars" in line three (3).

1 SEC. 717. Section two hundred forty-nine point eighteen (249.18),  
2 Code 1962, is amended by striking from subsection two (2) all after  
3 the word "dollars" in line five (5).

Approved May 16, 1963.

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## CHAPTER 327

## FALSE USE OF CREDIT CARDS

## H. F. 257

AN ACT making it a misdemeanor to obtain or attempt to obtain goods, property or service by false or fraudulent use of credit cards or other false or fraudulent means, and providing penalties therefor.

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

1 SECTION 1. It shall be unlawful for any person knowingly to obtain  
2 or attempt to obtain credit, or to purchase or attempt to purchase any  
3 goods, property or service, by the use of any false, fictitious, counter-  
4 feit or expired credit card, telephone number, credit number or other  
5 credit device, or by the use of any credit card, telephone number,  
6 credit number or other credit device of another without the authority  
7 of the person to whom such card, number or device was issued, or by  
8 the use of any credit card, telephone number, credit number or other  
9 credit device in any case where such card, number or device has been  
10 revoked and notice of revocation has been given to the person to whom  
11 issued.

1 SEC. 2. It shall be unlawful for any person to obtain or attempt to  
2 obtain, by the use of any fraudulent scheme, device, means or method,  
3 telephone or telegraph service or the transmission of a message, signal  
4 or other communication by telephone or telegraph, or over telephone  
5 or telegraph facilities with intent to avoid payment of charges there-  
6 for.

1 SEC. 3. The word "notice" as used in section one (1) of this Act  
 2 shall be a notice given in writing to the person to whom the number,  
 3 card or device was issued. The sending of a notice in writing by reg-  
 4 istered or certified mail in the United States mail, duly stamped and  
 5 addressed to such person at his last address known to the issuer, shall  
 6 be evidence that such notice was duly received.

1 SEC. 4. Any person who violates any provision of section one (1)  
 2 or section two (2) of this Act shall be guilty of a misdemeanor and  
 3 upon conviction shall be punished by a fine of not more than one hun-  
 4 dred dollars (\$100.00) or imprisonment for not more than thirty (30)  
 5 days, or by both such fine and imprisonment.

Approved April 4, 1963.

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## CHAPTER 328

### HUNTING ON LAND OF ANOTHER

S. F. 10

AN ACT relating to unlawful hunting on land of another.

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

1 SECTION 1. Section seven hundred fourteen point twenty-five  
 2 (714.25), Code 1962, is hereby amended by inserting after the word  
 3 "dog" in line two (2) the words ", bow and arrow,".

Approved March 29, 1963.

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## CHAPTER 329

### PENALTY FOR TRESPASS BY HUNTING OR FISHING

H. F. 4

AN ACT relating to hunting and fishing upon cultivated or inclosed lands and waters.

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

1 SECTION 1. Section seven hundred fourteen point twenty-five  
 2 (714.25), Code 1962, is hereby amended by striking from line ten (10)  
 3 of such section the word "ten" and inserting in lieu thereof the words  
 4 "one hundred".

Approved April 4, 1963.

## CHAPTER 330

## FAIR EMPLOYMENT PRACTICES ACT

H. F. 589

AN ACT making it unlawful for any person or employer to discriminate in employment against any individual, and for a labor organization to discriminate in membership against any individual, because of race, color, religion, national origin or ancestry.

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

- 1 SECTION 1. Chapter seven hundred thirty-five (735), Code 1962, is  
 2 hereby amended by adding thereto the following sections:  
 3 1. "Every person in this state is entitled to the opportunity for em-  
 4 ployment on equal terms with every other person. It shall be unlawful  
 5 for any person or employer to discriminate in the employment of in-  
 6 dividuals because of race, religion, color, national origin or ancestry.  
 7 However, as to employment such individual must be qualified to per-  
 8 form the services or work required.  
 9 2. "It shall be unlawful for any labor union or organization or an  
 10 officer thereof to discriminate against any person as to membership  
 11 therein because of race, religion, color, national origin or ancestry.  
 12 3. "Any person, employer, labor union or organization or officer of a  
 13 labor union or organization convicted of a violation of subsections one  
 14 (1) or two (2) of this Act shall be punished by a fine not to exceed one  
 15 hundred dollars or imprisonment in the county jail not to exceed thirty  
 16 days."

Approved May 7, 1963.

## CHAPTER 331

## CLERKS OF GRAND JURIES

S. F. 441

AN ACT relating to salaries paid to the clerks of the grand juries.

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

- 1 SECTION 1. Section seven hundred seventy point twenty-one  
 2 (770.21), Code 1962, is hereby amended as follows:  
 3 1. By striking from line thirteen (13) the words "four thousand"  
 4 and inserting in lieu thereof the words "four thousand five hundred  
 5 (4,500)".  
 6 2. By striking from lines seventeen (17) and eighteen (18) the  
 7 words "forty-four hundred" and inserting in lieu thereof the words  
 8 "four thousand nine hundred (4,900)".

Approved June 4, 1963.

## CHAPTER 332

## CRIMINAL INDICTMENTS

H. F. 52

AN ACT to amend chapter seven hundred ninety-five (795), Code 1962, relating to criminal indictments.

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

1 SECTION 1. Section seven hundred ninety-five point one (795.1),  
2 Code 1962, is hereby amended by inserting in line five (5) after the  
3 word "answer" the words "or within thirty (30) days, whichever first  
4 occurs," and by adding after the period in line seven (7) the following  
5 "An accused not admitted to bail and unrepresented by legal counsel  
6 shall not be deemed to have waived his privilege of dismissal or be held  
7 to make demand or request to enforce a guarantee of speedy trial, and  
8 the court on its own motion shall carry out the provisions of this Act  
9 as to dismissal".

1 SEC. 2. Section seven hundred ninety-five point two (795.2), Code  
2 1962, is hereby amended by inserting in line five (5) after the word  
3 "triable" the words "or within sixty (60) days, whichever first oc-  
4 curs," and by adding after the period in line seven (7) the following  
5 "An accused not admitted to bail and unrepresented by legal counsel  
6 shall not be deemed to have waived his privilege of dismissal or be held  
7 to make demand or request to enforce a guarantee of speedy trial, and  
8 the court on its own motion shall carry out the provisions of this Act  
9 as to dismissal".

Approved April 8, 1963.

**SPECIAL AND LEGALIZING ACTS**



## SPECIAL AND LEGALIZING ACTS

### CHAPTER 333

#### SALE OF LAND IN SCOTT COUNTY

H. F. 309

AN ACT to authorize the sale and conveyance to Iowa-Illinois Gas and Electric Company of certain land in Scott County, Iowa, lying below the ordinary high-water mark of the Mississippi river.

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

1     SECTION 1. The executive council of the state of Iowa is hereby  
 2 authorized, upon a majority recommendation of the state conservation  
 3 commission, to sell at private sale to Iowa-Illinois Gas and Electric  
 4 Company, a corporation organized under the laws of the state of Illi-  
 5 nois and having a place of business at Davenport, Iowa, the following  
 6 described real estate situated in Scott County, state of Iowa, to wit:  
 7     Part of section twenty-five (25), township seventy-eight (78) north,  
 8 range four (4) east of the fifth (5th) principal meridian in Scott  
 9 County in the state of Iowa, more particularly described as follows:  
 10     Commencing at the northeasterly corner of the real estate conveyed  
 11 by Universal Atlas Cement Company to Aluminum Company of Amer-  
 12 ica by warranty deed which is recorded in Scott County, Iowa records  
 13 in Book 86 of Land Deeds page 509; thence south fifty-one (51) de-  
 14 grees thirty-eight (38) minutes east ninety-seven and twenty-five  
 15 hundredths (97.25) feet to the point of beginning of the following  
 16 described tract; thence north forty-three (43) degrees fifteen (15)  
 17 minutes east two thousand one hundred twenty (2120) feet; thence  
 18 south thirty-three (33) degrees thirty-two (32) minutes west two  
 19 thousand one hundred twenty-six (2126) feet, more or less, to a point  
 20 on the northerly line of land conveyed by the state of Iowa to Alumi-  
 21 num Company of America by patent recorded in Scott County, Iowa  
 22 records in Book 89 of Land Deeds page 544; thence north fifty-one (51)  
 23 degrees thirty-eight (38) minutes west four hundred twenty-five (425)  
 24 feet to the point of beginning, all bearings in this description being  
 25 referred to True North and said parcel containing nine and thirty-  
 26 seven hundredths (9.37) acres, more or less, or so much thereof as  
 27 the executive council and Iowa-Illinois Gas and Electric Company may  
 28 agree upon, at such price and upon such terms and conditions as the  
 29 executive council, upon a majority recommendation of the state con-  
 30 servation commission, shall deem most advantageous to the state of  
 31 Iowa.

1     SEC. 2. Upon compliance with the provisions of section one (1) of  
 2 this Act, and upon receipt from Iowa-Illinois Gas and Electric Company  
 3 of the purchase price thereof, the governor and the secretary of state  
 4 are hereby authorized to execute and deliver, in the name of the state  
 5 of Iowa and with the great seal of the state attached, a patent convey-  
 6 ing said real estate to said Iowa-Illinois Gas and Electric Company, its  
 7 successors and assigns.

1 SEC. 3. The proceeds of such sale shall become a part of the funds  
2 to be expended under the provisions of chapter one hundred eleven  
3 (111) of the Code.

1 SEC. 4. This Act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Bettendorf  
3 News, a newspaper published at Bettendorf, Iowa, and The Morning  
4 Democrat, a newspaper published at Davenport, Iowa, at no expense  
5 to the state.

Approved April 17, 1963.

I hereby certify that the foregoing Act, House File 309, was published in the Bettendorf News, Bettendorf, Iowa, May 2, 1963, and in The Morning Democrat, Davenport, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 334

### AMES SCHOOL DISTRICT LEGALIZING ACT

H. F. 159

AN ACT to ratify the sale by installment contract of certain real estate owned by the Ames Community School District in Story County, state of Iowa, and to authorize conveyance of legal title in exchange for performance of the purchasers' remaining obligations thereunder.

WHEREAS, the board of directors of the Ames Community School District of Ames, Story county, state of Iowa, entered into an installment contract for the sale of real estate hereinafter described to Mary Tripp, for the sum of three thousand five hundred dollars (\$3,500.00) together with interest, as a purchaser who has now made full payment and is entitled to a deed for the said property; and

WHEREAS, through inadvertency the statute with respect to publication of a notice of intent to sell was not properly followed and doubts have arisen concerning the legality of the sale; and

WHEREAS, Mary Tripp has now completed payment on her contract but the school district is unable to deliver clear title to the property; and

WHEREAS, the rights of no other persons are adversely affected by legalizing the sale to Mary Tripp; now, therefore,

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

1 SECTION 1. The sale by the board of directors of the Ames Com-  
2 munity School District, Story county, state of Iowa, to Mary Tripp, or  
3 her assigns of the following described real estate situated in Story  
4 county, Iowa:

5 Lot nine (9), in Block B in Black's Second Addition to Ames, Iowa,  
6 except the West 52 feet thereof, by installment contract dated April  
7 16, 1958 and recorded in Book 60, page 560 of the Town Lot Mortgage  
8 records of Story county, Iowa, for the sum of three thousand five hun-  
9 dred dollars (\$3,500.00) is hereby ratified and confirmed and the board  
10 of directors of the said school district is hereby authorized to convey  
11 the said property to the purchaser or her assigns upon payment of the



12 full purchase price due the school district under the terms of the said  
13 contract.

Approved March 22, 1963.

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### CHAPTER 335

#### LAND TRANSFER AT WOODWARD STATE HOSPITAL AND SCHOOL

H. F. 412

AN ACT transferring jurisdiction to Dallas county certain land now comprising a part of the Woodward state hospital and school at Woodward, Dallas county, Iowa.

WHEREAS, Dallas county is improving a road that runs adjacent to the Woodward state hospital and school, and

WHEREAS, Woodward state hospital and school is located on land owned by the state of Iowa needed by Dallas county to adequately complete the improvement of said road; now, therefore,

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

1 SECTION 1. The jurisdiction of the property forming a part of the  
2 Woodward state hospital and school located at Woodward, Dallas  
3 county, Iowa, more specifically described as:  
4 Beginning at the N.W. corner of section 6, township 81 north, range  
5 26 west, thence south 917.5 feet to the S.W. corner of the N.W. frac-  
6 tional quarter of the N.W. fractional quarter, thence east 2,497 feet to  
7 the S.E. corner of the N.E. fractional quarter of the N.W. fractional  
8 quarter, thence north 50 feet, thence west 2,447 feet, thence north  
9 867.5 feet, thence west 50 feet to the point of beginning, west of the  
10 fifth principal meridian in Dallas county, Iowa, is hereby transferred  
11 from the state of Iowa to Dallas county, Iowa, to be used by Dallas  
12 county for road purposes.

Approved April 8, 1963.

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### CHAPTER 336

#### LAND TRANSFER AT WOODWARD STATE HOSPITAL AND SCHOOL

H. F. 413

AN ACT transferring jurisdiction to Boone county certain land now comprising a part of the Woodward state hospital and school at Woodward, Iowa.

WHEREAS, Boone county is improving a county road that runs adjacent to the Woodward state hospital and school, and

WHEREAS, Woodward state hospital and school is located on land owned by the state of Iowa needed by Boone county to adequately complete the improvement of said road; now, therefore,

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

1 SECTION 1. The jurisdiction of the property forming a part of the  
2 Woodward state hospital and school located at Woodward, Iowa, more  
3 specifically described as:

4 The west 50 feet of section 30, township 82 north, range 26 west,  
 5 and the west 50 feet of section 31, township 82 north, range 26 west  
 6 of the fifth principal meridian in Boone county, Iowa, is hereby trans-  
 7 ferred from the state of Iowa to Boone county, Iowa, to be used by  
 8 Boone county for road purposes.

Approved April 8, 1963.

## CHAPTER 337

### LAND TRANSFER AT WOODWARD STATE HOSPITAL AND SCHOOL

H. F. 414

AN ACT transferring jurisdiction to Boone County certain land now comprising a part of the Woodward State Hospital and School at Woodward, Iowa.

WHEREAS, Boone County is improving a road that runs adjacent to the Woodward State Hospital and School at Woodward, Iowa, and,

WHEREAS, Woodward State Hospital and School is located on land owned by the state of Iowa needed by Boone County to adequately complete the improvement of said road; now, therefore,

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

1 SECTION 1. The jurisdiction of the property forming a part of the  
 2 Woodward state hospital and school located at Woodward, Iowa, more  
 3 specifically described as:

4 The north 85 feet of the southwest quarter, section 30, T82N, R26W  
 5 of the fifth principal meridian, containing 2.85 acres, more or less;  
 6 exclusive of present established highways; also commencing at the  
 7 northwest corner of the southeast quarter, section 30, T82N, R26W of  
 8 the fifth principal meridian, thence east 622 feet, thence south 33 feet  
 9 to point of beginning, thence south 20° 19' east 106.63 feet, thence  
 10 east 600 feet, thence north 69° 41' east 106.63 feet, thence west 800  
 11 feet to point of beginning, containing 0.60 acres, more or less, exclu-  
 12 sive of present established highways, all in Boone County, Iowa, is  
 13 hereby transferred from the state of Iowa to Boone County, Iowa, to  
 14 be used by Boone County for road purposes.

Approved April 8, 1963.

## CHAPTER 338

### MAHASKA COUNTY LEGALIZING ACT

H. F. 67

AN ACT authorizing a patent to issue to the Northwest quarter of the Northwest quarter of the Southeast quarter of section one (1), Township seventy-four (74), Range seventeen (17), west of the Fifth Principal Meridian, Mashaska\* County, Iowa.

WHEREAS, the state of Iowa issued a patent dated January 1, 1851, which was filed September 1, 1879, and recorded in Book 23, page 285, of the Mahaska county records. Under this patent the state of Iowa granted a patent to Moses Nowels and in the description it stated that it conveys

\*According to enrolled Act.

government Lot six (6) of Section one (1), Township seventy-four (74), Range seventeen (17), when in fact there is no government Lot six (6) in Section one (1) of said township. The patent should have conveyed Lot four (4) of Section one (1), Township seventy-four (74), Range seventeen (17); and

WHEREAS, the present legal description of said parcel of land is now northwest quarter of the northwest quarter of the southeast quarter of Section one (1), Township seventy-four (74), Range seventeen (17), west of the Fifth Principal Meridian, Mahaska county, Iowa, and the legal title is in Goldie Chilcote; and

WHEREAS, it does appear from a chain of title to said real estate that the present owner Goldie Chilcote, and her predecessors in title, have been in the open, continuous, visible, notorious, peaceable and adverse possession of said land since September 1, 1879, and have made valuable improvements thereon and claimed it as their own since said date and to the exclusion of all others, and no claims adverse to their claim of ownership have been made by anyone since said date; and

WHEREAS, the state of Iowa has no claim upon said property adverse to that of the said Goldie Chilcote, although the apparent title thereto still remains in the state of Iowa; now, therefore,

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

- 1 SECTION 1. That the governor and secretary of state of the state
- 2 of Iowa be and they are hereby authorized and directed to execute and
- 3 deliver to Goldie Chilcote a patent conveying the Northwest Quarter
- 4 of the Northwest Quarter of the Southeast Quarter of Section one (1),
- 5 Township seventy-four (74), Range seventeen (17), west of the Fifth
- 6 Principal Meridian, Mahaska County, Iowa.

Approved February 18, 1963.

## CHAPTER 339

### LAND PATENT IN LOUISA COUNTY

H. F. 72

AN ACT authorizing and directing the issuance of a patent to certain real estate to Howard J. Greene and Alice E. Greene.

WHEREAS, as a result of the foreclosure of a school fund mortgage, a sheriff's deed was issued to the State of Iowa dated August 21, 1936, recorded in book 186 page 17, office of recorder of Louisa County, Iowa, conveying lots 5 and 6 of the subdivision of the SW  $\frac{1}{4}$  of section 18 and the north 4 acres of the east 21 acres of the south 24 acres of government lot 10 in the SW  $\frac{1}{4}$  of section 18 (otherwise described as lot 3 and the south 1 acre of lot 4 of the subdivision of the SW  $\frac{1}{4}$  of section 18), all in TWP 75N, R4W of the 5th P. M.; and

WHEREAS, on September 2, 1942, the State of Iowa issued patent No. 728 to Harold Fay Reed intending to convey all of said real estate, but the words: (otherwise described as lot 3 and the south 1 acre of lot 4 of the

subdivision of the SW  $\frac{1}{4}$  of section 18), were inadvertently omitted therefrom; and

WHEREAS, said Harold Fay Reed and his successors in interest entered into possession of all of said real estate and have paid taxes thereon; and

WHEREAS, Howard J. Greene and Alice E. Greene, husband and wife, as successors in interest of said Harold Fay Reed, are the present owners in possession of all of said real estate; and

WHEREAS, the north 4 acres of the east 21 acres of the south 24 acres of government Lot 10 in SW  $\frac{1}{4}$  of said section 18, in fact does not describe the same real estate as Lot 3 and the south 1 acre of Lot 4 of the subdivision of the SW  $\frac{1}{4}$  of said section 18, the omission of part of the description from the patent creates a cloud on the title thereto; and

WHEREAS, the omission of a part of the description from the patent aforesaid was inadvertent and should be corrected; NOW THEREFOR\*,

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

1 SECTION 1. That the governor and secretary of state of the State  
2 of Iowa are hereby authorized and directed to issue a patent to lot 3  
3 and the south 1 acre of lot 4 of the subdivision of the SW  $\frac{1}{4}$  of Sec. 18,  
4 TWP 75N, R4W of the 5th P. M., Louisa County, Iowa, to Howard J.  
5 Greene and Alice E. Greene, husband and wife.

Approved February 27, 1963.

\*According to enrolled Act.

## CHAPTER 340

### LAND PATENT

#### S. F. 208

AN ACT to authorize and directing the issuance of a patent to certain real estate to Edith F. Hoskinson and Hessel LaVerne Hoskinson, by the governor and secretary of state.

WHEREAS, it appears of record that real estate described as,

A part of the northwest quarter of the southeast quarter, and a part of the northeast quarter of the southwest quarter of section 14, township 72 north, range 14 west, in Wapello county, Iowa, described as follows, to-wit:

Commencing at a point on the east and west center line of said section 14, which is 151.3 feet east from the center of said section; thence south 44° west 809 feet or to a point on the northeast right-of-way line of the C.R.I. & P.R.R.; thence south 51° 05' east along said right-of-way line 65.16 feet; thence north 44° 05' east to the east and west center line of said section 14; thence west along said center line to the place of beginning, was with other property mortgaged by C. C. Edgington and Elnora A. Edgington to Wapello county, Iowa, for benefit of the school fund for said county, and,

WHEREAS, said mortgage was foreclosed by foreclosure found in Docket 114, page 350, Chancery No. 16441 Wapello county clerk of court office; and,

WHEREAS, at the execution sale thereunder, Wapello county bid said property in and subsequently took sheriff's deed thereof to Wapello county, Iowa, and,

WHEREAS, Wapello county, Iowa, sold and deeded the aforescribed real estate to Amy F. Wilson; and,

WHEREAS, the amount bid for said real estate has been duly accounted for by Wapello county to the school fund of the state of Iowa, and,

WHEREAS, it appears that through error or oversight that no patent was ever issued by the state of Iowa covering said aforescribed real estate relinquishing and conveying the rights of the state of Iowa in and to the above described real estate, but that the owners of record of said aforescribed real estate understood and believed that they owned and had been conveyed said aforescribed real estate, and,

WHEREAS, by mesne conveyances a part of said real estate as hereinafter described has been conveyed to Edith F. Hoskinson and Hessel LaVerne Hoskinson; NOW, THEREFORE,

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

1 SECTION 1. That the governor of the state of Iowa and the secre-  
2 tary of state of the state of Iowa are hereby authorized and directed  
3 to issue a patent of the following described real estate, to-wit:

4 Part of section 14, township 72 north, range 14 west of the 5th  
5 P. M., in Wapello county, Iowa, described as follows, to-wit:

6 Commencing at a point on the east and west center line of said  
7 section 14, which is 151.3 feet east from the center of said section;  
8 thence south 44° west 809 feet or to a point on the northeast  
9 right-of-way line of the C.R.I. & P.R.R.; thence south 51° 5' east  
10 along said right-of-way line 65.16 feet; thence north 44° 5' east  
11 to the east and west center line of said section 14; thence west  
12 along said center line to the place of beginning, excepting there-  
13 from that part thereof lying southwesterly of a line extending  
14 across the above described premises northwesterly and south-  
15 easterly parallel to the southwesterly line of West Second Street  
16 in the city of Ottumwa, Iowa, and 280 feet distant therefrom  
17 measured at right angles to the southwesterly line of said West  
18 Second Street,

19 to Edith F. Hoskinson and Hessel LaVerne Hoskinson.

1 SEC. 2. Nothing in this Act shall be deemed or construed to affect  
2 pending litigation.

1 SEC. 3. This Act being deemed of immediate importance, it shall  
2 take effect and be in force from and after its passage and publication  
3 in the Ottumwa Daily Courier, a newspaper published at Ottumwa,  
4 Iowa, and in The Blakesburg Excelsior, a newspaper published at  
5 Blakesburg, Iowa.

Approved March 22, 1963.

Pursuant to the authority vested in the undersigned Secretary of State of Iowa, under the provisions of section 3.9, Code of Iowa 1962, the Ottumwa Daily Courier,

Ottumwa, Iowa, being nonexistent the Ottumwa Courier, a newspaper published in Ottumwa, Iowa, is designated to publish the foregoing Act, Senate File 208.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, Senate File 208, was published in the Ottumwa Courier, Ottumwa, Iowa, March 28, 1963, and in The Blakesburg Excelsior, Blakesburg, Iowa, April 4, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 341

### LAND PATENT

#### S. F. 207

AN ACT to authorize and directing the issuance of a patent to certain real estate to board of park commissioners of the city of Ottumwa, Iowa, by the governor and secretary of state.

WHEREAS, it appears of record that real estate described as,

A part of the northwest quarter of the southeast quarter, and a part of the northeast quarter of the southwest quarter of section 14, township 72 north, range 14 west, in Wapello county, Iowa, described as follows, to-wit:

Commencing at a point on the east and west center line of said section 14, which is 151.3 feet east from the center of said section; thence south 44° west 809 feet or to a point on the northeast right-of-way line of the C.R.I. & P.R.R.; thence south 51° 05' east along said right-of-way line 65.16 feet; thence north 44° 05' east to the east and west center line of said section 14; thence west along said center line to the place of beginning, was with other property mortgaged by C. C. Edgington and Elnora A. Edgington to Wapello county, Iowa, for benefit of the school fund for said county, and,

WHEREAS, said mortgage was foreclosed by foreclosure found in Docket 114, page 250, Chancery No. 16441 Wapello county clerk of court office; and,

WHEREAS, at the execution sale thereunder, Wapello county bid said property in and subsequently took sheriff's deed thereof to Wapello county, Iowa, and,

WHEREAS, Wapello county, Iowa, sold and deeded the aforescribed real estate to Amy F. Wilson; and,

WHEREAS, the amount bid for said real estate has been duly accounted for by Wapello county to the school fund of the state of Iowa, and,

WHEREAS, it appears that through error or oversight that no patent was ever issued by the state of Iowa covering said aforescribed real estate relinquishing and conveying the rights of the state of Iowa in and to the above described real estate, but that the owners of record of said aforescribed real estate understood and believed that they owned and had been conveyed said aforescribed real estate, and,

WHEREAS, by mesne conveyances, a part of said real estate as herein-after described has been conveyed to the board of park commissioners of the city of Ottumwa, Iowa; NOW, THEREFORE,

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

1 SECTION 1. That the governor of the state of Iowa and the secre-  
2 tary of state of the state of Iowa are hereby authorized and directed  
3 to issue a patent of the following described real estate, to-wit:

4 Part of section 14, township 72 north, range 14 west of the 5th  
5 P. M., in Wapello county, Iowa, described as follows, to-wit:

6 Starting at a point on the east and west center line of said sec-  
7 tion 14, which is 151.3 feet east from the center of said section;  
8 thence on a line south 44° west to a point that is 280 feet south-  
9 westerly of the southwesterly line of West Second Street in the  
10 city of Ottumwa, Iowa, measured at right angles to the south-  
11 westerly line of said West Second Street, said point being the  
12 point of beginning for the tract herein described; thence south  
13 44° west 671.4 feet to the point of intersection with the north-  
14 easterly line of the right-of-way of the C.R.I. & P.R.R.; thence  
15 southeasterly along the northeasterly line of said right-of-way  
16 65.16 feet; thence north 44° 05' east to a point 280 feet south-  
17 westerly of the southwesterly line of West Second Street in the  
18 city of Ottumwa, Iowa, measured at right angles to said street;  
19 thence northwesterly parallel to and 280 feet distant from the  
20 southwesterly line of said West Second Street to point of begin-  
21 ning,

22 to the board of park commissioners of the city of Ottumwa, Iowa.

1 SEC. 2. Nothing in this Act shall be deemed or construed to affect  
2 pending litigation.

1 SEC. 3. This Act being deemed of immediate importance, it shall  
2 take effect and be in force from and after its passage and publication  
3 in the Ottumwa Daily Courier, a newspaper published at Ottumwa,  
4 Iowa, and in The Blakesburg Excelsior, a newspaper published at  
5 Blakesburg, Iowa.

Approved March 22, 1963.

Pursuant to the authority vested in the undersigned Secretary of State of Iowa, under the provisions of section 3.9, Code of Iowa 1962, the Ottumwa Daily Courier, Ottumwa, Iowa, being nonexistent the Ottumwa Courier, a newspaper published in Ottumwa, Iowa, is designated to publish the foregoing Act, Senate File 207.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, Senate File 207, was published in the Ottumwa Courier, Ottumwa, Iowa, March 28, 1963, and in The Blakesburg Excelsior, Blakesburg, Iowa, April 4, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 342

### CERRO GORDO COUNTY REAL ESTATE CONVEYANCES

H. F. 84

AN ACT to enable the executive council acting for the state of Iowa, to exchange real estate conveyances with Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased, of Cerro Gordo County thereby placing on record correct descriptions of lands occupied by the respective parties.

WHEREAS, erroneous descriptions were used in the conveyances consummating an exchange of lands between the state of Iowa and Ellen M.

Peterson, widow and heir of Harry A. Peterson, deceased, in January and February of 1953, and

WHEREAS, the affected lands are in drainage district number forty (40), Cerro Gordo County, and the erroneous descriptions cause difficulty in levying equitable drainage assessments; and

WHEREAS, the state conservation commission has erected a fence along the boundary line accepted by the conservation commission and Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased but incorrectly described in conveyances; now therefore,

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

1 SECTION 1. The executive council may, upon the recommendation  
2 of the conservation commission, convey to Ellen M. Peterson, widow  
3 and heir of Harry A. Peterson, deceased, of Cerro Gordo county, Iowa,  
4 all of the state of Iowa's title in and to that part of the west half (W  
5  $\frac{1}{2}$ ) of the southeast quarter (SE  $\frac{1}{4}$ ) of section six (6), township  
6 ninety-six (96) north, range twenty-one (21) west of the 5th P.M.,  
7 Cerro Gordo County, Iowa, particularly described as commencing at  
8 the center of said section six (6), thence east three hundred eighty-five  
9 (385.00) feet to the point of beginning, thence south zero degrees  
10 eight minutes (0° 08') east one hundred eighty and ninety-two hun-  
11 dredths (180.92) feet, thence south fifteen degrees nineteen minutes  
12 (15° 19') east two hundred fifty-eight and fourteen hundredths  
13 (258.14) feet, thence south forty-two degrees eighteen minutes (42°  
14 18') east two hundred fifty-two and ninety-six hundredths (252.96)  
15 feet, thence south zero degrees fifty-four minutes (0° 54') west four  
16 hundred and seventeen hundredths (400.17) feet, thence south eighty-  
17 nine degrees fifty-two minutes (89° 52') west two hundred forty-seven  
18 and two hundredths feet (247.02), thence south sixty-four degrees  
19 three minutes (64° 03') west one hundred ninety and seventy-three  
20 hundredths (190.73) feet, thence south ten degrees thirty-eight min-  
21 utes (10° 38') west two hundred twenty-five and fifty-two hundredths  
22 (225.52) feet to the south line of the northwest quarter (NW  $\frac{1}{4}$ ) of  
23 the southeast quarter (SE  $\frac{1}{4}$ ) of said section six (6), thence south  
24 ten degrees thirty-eight minutes (10° 38') west two hundred ninety-  
25 seven and thirty-three hundredths (297.33) feet, thence south seven-  
26 teen degrees forty minutes (17° 40') east one thousand eighty and  
27 ninety-four hundredths (1080.94) feet to the south line of said section  
28 six (6), thence south eighty-nine degrees fifty-seven minutes (89° 57')  
29 east eight hundred seventy-six and fifty-three hundredths (876.53)  
30 feet along said south line to the southeast corner of the west half  
31 (W  $\frac{1}{2}$ ) of the southeast quarter (SE  $\frac{1}{4}$ ) of said section six (6),  
32 thence north zero degrees seven minutes (0° 07') east two thousand  
33 six hundred forty-four and ninety-eight hundredths (2644.98) feet to  
34 the northeast corner of the west half (W  $\frac{1}{2}$ ) of the southeast quarter  
35 (SE  $\frac{1}{4}$ ) of said section six (6), thence west nine hundred thirty and  
36 thirty hundredths (930.30) feet to the place of beginning.

37 Providing, and in the event only, that Ellen M. Peterson, single and  
38 widow of Harry A. Peterson, conveys to the state of Iowa, by quit-  
39 claim deed, all their right, title and interest to that part of the west  
40 half (W  $\frac{1}{2}$ ) of the southeast quarter (SE  $\frac{1}{4}$ ) of section six (6),



41 township ninety-six (96) north, range twenty-one (21) west of the  
 42 5th P.M., Cerro Gordo county, particularly described as beginning at  
 43 the center of said section six (6), thence east three hundred eighty-  
 44 five (385.00) feet, thence south zero degrees eight minutes (0° 08')  
 45 east one hundred eighty and ninety-two hundredths (180.92) feet,  
 46 thence south fifteen degrees nineteen minutes (15° 19') east two hun-  
 47 dred fifty-eight and fourteen hundredths (258.14) feet, thence south  
 48 forty-two degrees eighteen minutes (42° 18') east two hundred fifty-  
 49 two and ninety-six hundredths (252.96) feet, thence south zero degrees  
 50 fifty-four minutes (0° 54') west four hundred and seventeen hun-  
 51 dredths (400.17) feet, thence south eighty-nine degrees fifty-two min-  
 52 utes (89° 52') west two hundred forty-seven and two hundredths  
 53 (247.02) feet, thence south sixty-four degrees three minutes (64° 03')  
 54 west one hundred ninety and seventy-three hundredths (190.73) feet,  
 55 thence south ten degrees thirty-eight minutes (10° 38') west two  
 56 hundred twenty-five and fifty-two hundredths (225.52) feet to the  
 57 south line of the northwest quarter (NW  $\frac{1}{4}$ ) of the southeast quarter  
 58 (SE  $\frac{1}{4}$ ) of said section six (6), thence south ten degrees thirty-eight  
 59 minutes (10° 38') west two hundred ninety-seven and thirty-three  
 60 hundredths (297.33) feet, thence south seventeen degrees forty min-  
 61 utes (17° 40') east one thousand eighty and ninety-four hundredths  
 62 (1080.94) feet to the south line of said section six (6), thence north  
 63 eighty-nine degrees fifty-seven minutes (89° 57') west four hundred  
 64 thirty-seven and fifty-six hundredths feet to the south quarter corner  
 65 of said section six (6), thence north zero degrees five and one-half  
 66 minutes (0° 5 $\frac{1}{2}$ ') east two thousand six hundred forty-three and  
 67 ninety-six hundredths feet (2643.96) to the place of beginning.

68 The conveyance granted by the state of Iowa shall be signed by the  
 69 governor and the secretary of state with the great seal of the state  
 70 attached.

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 Mason City  
 3 Globe-Gazette, a newspaper published at Mason City, Iowa, and The  
 4 Clear Lake Mirror-Reporter, a newspaper published at Clear Lake,  
 5 Iowa.

Approved February 18, 1963.

I hereby certify that the foregoing Act, House File 84, was published in the Mason City Globe-Gazette, Mason City, Iowa, February 22, 1963, and in The Clear Lake Mirror-Reporter, Clear Lake, Iowa, February 27, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 343

## CONSERVATION COMMISSION RELEASE OF EASEMENT

H. F. 573

AN ACT enabling the state conservation commission to release an easement in favor of the people of the state of Iowa which presently encumbers the property of Henrietta G. Pitman, L. G. Pitman, Clarence P. Mc Connell, and Loveta Opal Mc Connell.

WHEREAS, in 1938 the people of the state of Iowa were given an easement across "All that part of Lot Fifteen (15), Lakeshore Addition to Lake View, Iowa, lying east of west line of sidewalk as now located across said lot", for the purpose of dredging Blackhawk Lake; and

WHEREAS, the purpose for which the easement was given has been fulfilled and the easement should now be released; now, therefore,

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

1 SECTION 1. The state conservation commission is hereby directed  
2 and authorized to prepare and execute for and in the name of the state  
3 of Iowa a properly worded release of an easement in favor of the people  
4 of the state of Iowa that presently encumbers "All that part of Lot  
5 Fifteen (15), Lakeshore Addition to Lake View, Iowa, lying east of  
6 west line of sidewalk as now located across said lot". The easement to  
7 be released is recorded in Book 8, page 438 of town lot deeds, in the  
8 office of the county recorder of Sac county, Iowa.

1 SEC. 2. The state conservation commission is further directed to  
2 safeguard the property rights of the state of Iowa with respect to  
3 land created by the state along the shore of Blackhawk Lake.

Approved April 29, 1963.

## CHAPTER 344

## BENTON-LINN FIRE DISTRICT LEGALIZING ACT

H. F. 113

AN ACT to legalize and validate the proceedings for the organization and establishment of the Benton-Linn Benefited Fire District, in the counties of Benton and Linn, state of Iowa, and declaring said district a duly and legally organized corporate body as provided by law.

WHEREAS, the Benton-Linn Benefited Fire District, in the counties of Benton and Linn, state of Iowa, was organized and established on or about May 2nd, 1962, pursuant to the provisions of chapter three hundred fifty-seven A (357A), Code 1962, and the existence of said district is of general public interest and vital to the public interest and welfare of the area contained within its boundaries; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings for the organization and establishment of said district, and it is deemed advisable and necessary to put such doubts and

all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken in connection  
2 with the organization, creation, and establishment of the Benton-Linn  
3 Benefited Fire District, in the counties of Benton and Linn, state of  
4 Iowa, are hereby declared to be valid, legal and sufficient to create and  
5 establish the body corporate and politic known as the Benton-Linn  
6 Benefited Fire District in the counties of Benton and Linn, state of  
7 Iowa, and the same are hereby legalized, validated, and confirmed, and  
8 said benefited fire district is declared to be a legal entity under the  
9 provisions of and for the purposes contemplated in chapter three hun-  
10 dred fifty-seven A (357A), Code 1962.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in the Cedar  
3 Valley Daily Times, a newspaper published at Vinton, Iowa, and the  
4 Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa,  
5 without expense to the state.

Approved February 27, 1963.

I hereby certify that the foregoing Act, House File 113, was published in the Cedar Valley Daily Times, Vinton, Iowa, March 6, 1963, and in the Cedar Rapids Gazette, Cedar Rapids, Iowa, March 5, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 345

### LEVEE DISTRICT LEGALIZING ACT

S. F. 442

AN ACT to legalize the acts and proceedings of the board of trustees of the Iowa River-Flint Creek Levee District No. 16 of Des Moines and Louisa counties, Iowa, in relation to proceedings had in said levee district for adoption of a flood control project in co-operation with the United States Corps of Engineers and action taken thereunder, the levying of an assessment for special benefits in the sum of three hundred fifty thousand (350,000) dollars by the boards of supervisors of Des Moines and Louisa counties, Iowa, on April 1, 1963, upon request and certification of said board of trustees to pay for said levee district's share of the costs and authorizing the issuance of levee warrants on April 1, 1963, in anticipation of the collection of said assessment.

WHEREAS, the Iowa River-Flint Creek levee district no. 16 of Des Moines and Louisa counties, Iowa, was heretofore duly established as an intercounty district and has been operating under chapter four hundred sixty-six (466) of the Code; and

WHEREAS, doubts have arisen as to certain acts and proceedings of the board of trustees of said levee district, as the governing body thereof, in respect to the specific matters referred to in the preamble hereof; and

WHEREAS, it is deemed advisable to put such doubts regarding the legality of such acts and proceedings forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all acts and proceedings of the board of trustees  
2 of the Iowa River-Flint Creek levee district no. 16 of Des Moines and  
3 Louisa counties, Iowa, in relation to proceedings had in said levee dis-  
4 trict for adoption of a flood control project in co-operation with the  
5 United States corps of engineers and action taken thereunder, the  
6 levying of an assessment for special benefits in the sum of three hun-  
7 dred fifty thousand (350,000) dollars by the boards of supervisors of  
8 Des Moines and Louisa counties, Iowa, on April 1, 1963, upon request  
9 and certification of said board of trustees to pay for said levee dis-  
10 trict's share of the costs and authorizing the issuance of levee war-  
11 rants on April 1, 1963, in anticipation of the collection of said assess-  
12 ment, are hereby legalized, validated and confirmed.

1 SEC. 2. Nothing in this Act shall in any way affect pending litiga-  
2 tion.

1 SEC. 3. This Act being deemed of immediate importance shall take  
2 effect and be in full force and effect from and after its publication in  
3 the Burlington Hawk-Eye, a newspaper published at Burlington, Iowa,  
4 and The Wapello Republican, a newspaper published at Wapello, Iowa.

Approved May 2, 1963.

I hereby certify that the foregoing Act, Senate File 442, was published in the Burling-  
ton Hawk-Eye, Burlington, Iowa, May 10, 1963, and in The Wapello Republican, Wapello,  
Iowa, May 16, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 346

### AREA SIX SCHOOL LEGALIZING ACT

H. F. 16

AN ACT to legalize and validate the proceedings of the board of directors of the Area Six Community School District, in the county of Muscatine, state of Iowa, authorizing and providing for the issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the Area Six Community School District, in the county of Muscatine, state of Iowa, that at a special school election held in and for said school district on April 23, 1962, the proposition of issuing bonds of said school district in the sum of six hundred thousand dollars for the purpose of carrying out a school building program consisting of building and furnishing two new Elementary School Buildings and procuring sites therefor was approved by more than sixty percent of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors

thereafter by resolution authorized and provided for the issuance of school building bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the board of  
2 directors of the Area Six Community School District, in the county of  
3 Muscatine, state of Iowa, preliminary to and in connection with the  
4 election on said bonds held in said school district on April 23, 1962, and  
5 providing for the issuance and delivery of school building bonds of  
6 said school district in the amount of six hundred thousand dollars pur-  
7 suant to said election, and for the levy of taxes to pay said bonds and  
8 interest thereon, are hereby legalized, validated and confirmed and  
9 said school building bonds issued, sold and delivered pursuant to and in  
10 accordance with said proceedings are hereby declared to be legal and  
11 to constitute the valid and binding obligations of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The  
3 Muscatine Journal, a newspaper published at Muscatine, Iowa, and  
4 The West Liberty Index, a newspaper published at West Liberty, Iowa,  
5 without expense to the state.

Approved February 14, 1963.

I hereby certify that the foregoing Act, House File 16, was published in The Muscatine Journal, Muscatine, Iowa, February 21, 1963, and in The West Liberty Index, West Liberty, Iowa, February 28, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 347

### AREA SIX SCHOOL LEGALIZING ACT

#### H. F. 15

AN ACT to legalize and validate the proceedings for the organization, establishment of boundaries, and operation of the Area Six Community School District, in the county of Muscatine, state of Iowa, and declaring said district a duly and legally organized and operating corporate body as provided by law.

WHEREAS, pursuant to proceedings taken by the county superintendent of schools and the county board of education of Muscatine County, Iowa, an election was held on February 24, 1961, at which the voters approved the proposition of establishing a new school district to be known as the Area Six Community School District by uniting territory formerly lying within five school corporations; and

WHEREAS, a complete written description of the boundaries of the new Area Six Community School District was filed with the county auditor of Muscatine County, Iowa, and a new school corporation was organized in accordance with the county plan, effective July 1, 1961, which has been operating for over six months with a five man board of directors and which is known and has been officially designated as the "Area Six Community School District, in the County of Muscatine, State of Iowa"; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization, establishment and operation of said Area Six Community School District, in the County of Muscatine, State of Iowa, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken in connection  
2 with the organization, creation and establishment of the school cor-  
3 poration now known and identified as the "Area Six Community School  
4 District, in the County of Muscatine, State of Iowa," including its  
5 board of directors and the operation of the affairs of said school dis-  
6 trict by a board of directors consisting of five members, be and the  
7 same are hereby legalized, validated and confirmed and said school dis-  
8 trict is hereby declared to constitute a legal school corporation created  
9 in conformity with the provisions of chapter two hundred seventy-five  
10 (275), Code of Iowa, 1958, as amended, and the boundaries of said  
11 Area Six Community School District as now shown by the records of  
12 the county auditor of Muscatine County, Iowa, are hereby declared to  
13 be the legally established boundaries of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The  
3 Muscatine Journal, a newspaper published at Muscatine, Iowa, and  
4 The West Liberty Index, a newspaper published at West Liberty, Iowa,  
5 without expense to the state.

Approved February 14, 1963.

I hereby certify that the foregoing Act, House File 15, was published in The Muscatine Journal, Muscatine, Iowa, February 21, 1963, and in The West Liberty Index, West Liberty, Iowa, February 28, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 348

## CENTERVILLE SCHOOL LEGALIZING ACT

## S. F. 20

AN ACT to legalize and validate the special election of the Independent School District of Centerville, in the county of Appanoose, state of Iowa, held on December 12, 1961, for the issuance of sixty-nine thousand (69,000) dollars of school bonds.

WHEREAS, on December 12, 1961, a special election of the voters of the independent school district of Centerville, in the county of Appanoose, state of Iowa, was held pursuant to the call of the board of directors of the school district following the filing of a petition with the board, at which election the proposition of the issuance of sixty-nine thousand (69,000) dollars of school bonds of the district, for the purpose of purchasing lots two (2) and three (3), block nineteen (19), Drake's fourth addition to Centerville, Iowa, together with buildings and improvements thereon and to remodel and equip the premises for the housing of the Centerville community college, was submitted; and

WHEREAS, at the election the proposition was approved by more than sixty (60) percent of the total votes cast for or against the proposition, there being nine hundred ninety-three (993) affirmative votes and one hundred sixty (160) negative votes; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the election and it is advisable to put such doubts and all other doubts that might arise concerning the election forever at rest: NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the board of direc-  
 2 tors of the independent school district of Centerville, in the county of  
 3 Appanoose, state of Iowa, preliminary to and in connection with the  
 4 call of the special election held on December 12, 1961, for the submis-  
 5 sion of the proposition of the issuance of sixty-nine thousand (69,000)  
 6 dollars of school bonds for the purpose of purchasing lots two (2) and  
 7 three (3), block nineteen (19), Drake's fourth addition to Centerville,  
 8 Iowa, together with the buildings and improvements thereon and to  
 9 remodel and equip the premises for the housing of the Centerville  
 10 community college, including also the petition, the election ballot, the  
 11 election itself and the adoption of the proposition at the election by the  
 12 voters of the school district, are hereby legalized, validated and con-  
 13 firmed, and shall constitute full authority for the board of directors of  
 14 the school district to issue the bonds for the aforesaid proposition  
 15 authorized at the election, in an amount not to exceed sixty-nine thou-  
 16 sand (69,000) dollars and the bonds, when issued, shall constitute  
 17 valid and binding obligations of the school district.

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 Moulton Weekly Tribune, a newspaper published at Moulton, Iowa,

4 and in The Moravia Union, a newspaper published at Moravia, Iowa,  
5 all without expense to the state of Iowa.

Approved February 5, 1963.

I hereby certify that the foregoing Act, Senate File 20, was published in the Moulton Weekly Tribune, Moulton, Iowa, February 14, 1963, and in The Moravia Union, Moravia, Iowa, February 14, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify as an amendment to the foregoing certification that the correct names of the newspapers designated to publish the foregoing Act, Senate File 20, are the Weekly Tribune, Moulton, Iowa, and The Moravia Union, Moravia, Iowa.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 349

### CHARITON SCHOOL LEGALIZING ACT

#### S. F. 12

AN ACT to legalize and validate the proceedings of the board of directors of the Chariton Community School District, in the county of Lucas, state of Iowa, authorizing and providing for the issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the Chariton Community School District, in the county of Lucas, state of Iowa, that at a special school election held in and for said school district on December 11, 1962, the proposition of issuing bonds of said school district in the amount of six hundred ninety thousand dollars (\$690,000) for the purpose of carrying out a school building program consisting of building and furnishing two new elementary school buildings and repairing and altering the existing elementary school building located at Williamson, Iowa, was approved by more than sixty per cent (60%) of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors thereafter by resolution authorized and provided for the issuance of school building bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the board of  
2 directors of the Chariton Community School District, in the county of  
3 Lucas, state of Iowa, preliminary to and in connection with the election  
4 on said bonds held in said school district on December 11, 1962, and  
5 providing for the issuance and delivery of school building bonds of said  
6 school district in the amount of six hundred ninety thousand dollars  
7 (\$690,000) pursuant to said election, and for the levy of taxes to pay  
8 said bonds and interest thereon, are hereby legalized, validated and  
9 confirmed and said school building bonds issued, sold and delivered



10 pursuant to and in accordance with said proceedings are hereby de-  
 11 clared to be legal and to constitute the valid and binding obligations  
 12 of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
 2 force and effect from and after its passage and publication in The Albia  
 3 Union-Republican, a newspaper published at Albia, Iowa, and The  
 4 Knoxville Journal, a newspaper published at Knoxville, Iowa, without  
 5 expense to the state.

Approved February 20, 1963.

I hereby certify that the foregoing Act, Senate File 12, was published in The Albia Union-Republican, Albia, Iowa, February 28, 1963, and in The Knoxville Journal, Knoxville, Iowa, March 5, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 350

### WEST DELAWARE SCHOOL LEGALIZING ACT

#### S. F. 236

AN ACT to legalize and validate the purchase, platting and sale of certain real estate owned by the West Delaware County Community School District in the county of Delaware, state of Iowa, and to authorize conveyance of legal title thereto.

WHEREAS, the board of directors of West Delaware County Community School District, in the county of Delaware, state of Iowa, heretofore purchased certain real estate, and

WHEREAS, said board of directors of said school district caused said real estate to be platted, and

WHEREAS, said school district for many years has owned certain other real estate, and

WHEREAS, said board of directors of said school district determined that certain portions of said real estate were not needed for school purposes, and

WHEREAS, at a special election held on April 24, 1962, the following propositions were submitted to the voters of said school district:

"1. Shall the West Delaware County Community School District, in the County of Delaware, State of Iowa, sell Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), being the whole of Block A and Block B of School Subdivision of the City of Manchester, Delaware County, Iowa, the proceeds of such sale to go into the school fund of the District?"

"2. Shall the West Delaware County Community School District, in the County of Delaware and State of Iowa, sell Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Two Hundred Sixty-eight (268), Two Hundred Sixty-nine (269), Two Hundred Seventy (270) and Two Hundred Seventy-

one (271) of the City of Manchester, Delaware County, Iowa, the proceeds of such sale to go into the school fund of the District?"; and

WHEREAS, at said election said propositions carried by a majority of the total votes cast for and against said propositions at said election, and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings concerned and of the power and authority of said Board of Directors and of said school district to purchase, plat and sell certain portions of said real estate, and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. The purchase by the board of directors of the West  
2 Delaware County Community School District, in Delaware county,  
3 state of Iowa, of the following described real estate:

4 That portion of the South Quarter (S $\frac{1}{4}$ ) of the Northwest Quarter  
5 (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ), and of the North Half  
6 (N $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter  
7 (NW $\frac{1}{4}$ ) of Section Twenty-eight (28), and of the South Quarter (S $\frac{1}{4}$ )  
8 of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ),  
9 and of the North Half (N $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the  
10 Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-nine (29), Township  
11 Eighty-nine (89) North, Range Five (5) West of the Fifth P. M. in  
12 Delaware county, Iowa, which commences at the Northeast corner of  
13 Sunnyside Addition to the city of Manchester, extending East along  
14 the South side of Acers Street 1157 feet, thence South perpendicular  
15 to the South line of Acers Street a distance of 981 feet, thence West  
16 parallel with the South line of Acers Street a distance of 1157 feet, to  
17 the East line of Sunnyside Addition, thence North along the East line  
18 of Sunnyside Addition 981 feet to point of beginning:  
19 by deed of date February 2, 1961, and filed in Book 82, on Page 45, in  
20 the office of the recorder of Delaware county, Iowa, is hereby legalized,  
21 validated, ratified and confirmed.

1 SEC. 2. The platting by the board of directors of said school dis-  
2 trict of the hereinbefore described real estate by plat of record in Plat  
3 Book 2, in Pages 95 and 96, in the office of the recorder of Delaware  
4 county, Iowa, is hereby legalized, validated, ratified and confirmed.

1 SEC. 3. The board of directors of the West Delaware county Com-  
2 munity School District, in Delaware county, state of Iowa, is hereby  
3 authorized and empowered to sell at private sale, at not less than the  
4 appraised value thereof, the following described real estate situated  
5 in Delaware county, state of Iowa:

6 a. Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6),  
7 Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve  
8 (12), being the whole of Block A and Block B of School Subdivision  
9 of the city of Manchester, Delaware county, Iowa.

10 b. Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Two  
11 Hundred Sixty-eight (268), Two Hundred Sixty-nine (269), Two Hun-

12 dred Seventy (270) and Two Hundred Seventy-one (271) of the city  
 13 of Manchester, Delaware county, Iowa;  
 14 and to execute valid and legal conveyances therefor, all of which is  
 15 hereby legalized, validated, authorized, ratified and confirmed, and  
 16 that such several conveyances, when executed and delivered, shall  
 17 convey valid title to the respective parties of land described therein.

1 SEC. 4. The proceeds of such sale or sales shall become a part of  
 2 the building fund of said school district.

1 SEC. 5. 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 Hopkin-  
 4 ton Leader, a newspaper published at Hopkinton, Iowa.

Approved April 5, 1963.

I hereby certify that the foregoing Act, Senate File 236, was published in The Manchester Press, Manchester, Iowa, April 18, 1963, and in The Hopkinton Leader, Hopkinton, Iowa, April 25, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 351

### NORTHEAST HAMILTON SCHOOL LEGALIZING ACT

#### S. F. 366

AN ACT to legalize and validate the proceedings for the organization and establishment of the Northeast Hamilton Community School District in the counties of Hamilton and Wright, state of Iowa, and fixing the boundaries thereof and declaring said district a duly and legally organized corporate body as provided by law.

WHEREAS, pursuant to proceedings taken by the superintendent of schools of Hamilton county, Iowa, and the joint boards of education of Hamilton and Wright counties, Iowa, an election was held on September 20, 1961, at which the voters approved the proposition of establishing a new school district to be known as the Northeast Hamilton Community School District by uniting territory then lying within the boundaries of the following described area:

The southeast quarter of section 33; the south half of the southwest quarter and the southeast quarter of section 34; the south half and the south half of the northwest quarter of section 35, all in Vernon township, Wright county, Iowa.

All of Williams township, Hamilton county, Iowa.

Sections 1, 2, 3, 4, the east half of section 5, the northeast quarter of section 8, sections 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, the northeast quarter of section 29, sections 25, 26, 27, 28, 33, 34, 35, and 36, all in Blairsburg township, Hamilton county, Iowa.

All of Liberty township, Hamilton county, Iowa, except section 36, the south half of section 25, the east half of section 33, the southeast quarter of section 28, the west half and the southeast quarter of section 27 and the

northwest quarter of the northwest quarter and the southwest quarter of section 34 thereof.

Sections 13, 14, the east half and the southwest quarter of section 23, sections 24, 25, 26, all of section 27 except the northwest quarter of the southwest quarter thereof, the east half of the southeast quarter of section 33, sections 34, 35 and 36, all in Independence township, Hamilton county, Iowa.

The north half of the northeast quarter and the northeast quarter of the northwest quarter of section 3, the north half and the southeast quarter of section 2, section 1, section 12, the east half and the east half of the west half of section 11, the north half of the northeast quarter of section 15, the north half of the northwest quarter and the east half of section 14, and the north half of the north half of section 13, all in Hamilton township, Hamilton county, Iowa.

Sections 5, 6, the west half of the northwest quarter and the north half of the northeast quarter of section 7, all in Lyon township, Hamilton county, Iowa.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, the north half, the southeast quarter and the north half of southwest quarter of section 12, the east half of section 13, sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, the southwest quarter of section 26, the south half and the west half of the northwest quarter of section 27, the north half and the southwest quarter of section 28, sections 29, and 30, all in Rose Grove township, Hamilton county, Iowa.

WHEREAS, pursuant to said election, and the favorable results thereof, officials were elected, descriptions of the boundaries of the new Northeast Hamilton Community School District were filed with the county auditors of Hamilton and Wright counties, Iowa, and a new school corporation was organized in accordance with the county plan for reorganization; that said district has been in operation for more than six months and which is known and has been officially designated as the "Northeast Hamilton Community School District, in the counties of Hamilton and Wright, state of Iowa", and

WHEREAS, doubts may arise in the future concerning the validity and legal sufficiency of the proceedings taken for the organization and establishment of said Northeast Hamilton Community School District in the counties of Hamilton and Wright, state of Iowa, and it is deemed advisable and necessary to put any doubts that may arise concerning the same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken in connection with the  
2 organization, creation and establishment of the school corporation now  
3 known and identified as the "Northeast Hamilton Community School  
4 District, in the counties of Hamilton and Wright, state of Iowa" are  
5 hereby legalized, validated and confirmed and said school district is  
6 hereby declared to constitute a legal community school corporation  
7 created in conformity with the provisions of chapter two hundred  
8 seventy-five (275) of the Code and the boundaries of said Northeast  
9 Hamilton Community School District as now shown by the records of

10 the county auditors of Hamilton and Wright counties, state of Iowa,  
 11 are hereby declared to be the legally established boundaries of said  
 12 school district.

Approved April 30, 1963.

## CHAPTER 352

### HLV SCHOOL LEGALIZING ACT

#### S. F. 24

AN ACT to legalize and validate the proceedings of the board of directors of the HLV Community School District, in the counties of Iowa and Poweshiek, state of Iowa, authorizing and providing for the issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the HLV Community School District, in the counties of Iowa and Poweshiek, state of Iowa, that at a special school election held in and for said school district on December 7, 1962, the proposition of issuing bonds of said school district in the amount of four hundred twenty-five thousand dollars (\$425,000) for the purpose of carrying out a school building program consisting of building and furnishing an addition to the existing junior-senior high school building, equipping and remodeling the existing junior-senior high school building and improving a site already owned for an athletic field was approved by more than sixty per cent (60%) of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors thereafter by resolution authorized and provided for the issuance of school building bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest;  
 NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the board of  
 2 directors of the HLV Community School District, in the counties of  
 3 Iowa and Poweshiek, state of Iowa, preliminary to and in connection  
 4 with the election on said bonds held in said school district on Decem-  
 5 ber 7, 1962, and providing for the issuance and delivery of school  
 6 building bonds of said school district in the amount of four hundred  
 7 twenty-five thousand dollars (\$425,000) pursuant to said election, and  
 8 for the levy of taxes to pay said bonds and interest thereon, are hereby  
 9 legalized, validated and confirmed and said school building bonds is-  
 10 sued, sold and delivered pursuant to and in accordance with said pro-  
 11 ceedings are hereby declared to be legal and to constitute the valid and  
 12 binding obligations of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
 2 force and effect from and after its passage and publication in The  
 3 Victor Record, a newspaper published at Victor, Iowa, and The Montezuma  
 4 Republican, a newspaper published at Montezuma, Iowa, with-  
 5 out expense to the state.

Approved February 14, 1963.

I hereby certify that the foregoing Act, Senate File 24, was published in The Victor Record, Victor, Iowa, February 21, 1963, and in The Montezuma Republican, Montezuma, Iowa, February 28, 1963.

MELVIN D. SYNHORST, *Secretary of State*.

## CHAPTER 353

### MARION SCHOOL LEGALIZING ACT

H. F. 590

AN ACT to legalize the action of the Marion Rural Community School District in changing the name of the school district.

WHEREAS, doubts have arisen as to the validity of changing the name of the Marion Rural Community School District, Linn County, Iowa, to Linn-Mar Community School District, Linn County, Iowa, and it is deemed advisable to put such doubts and others that might arise concerning same forever at rest; now, therefore

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

1 SECTION 1. The action of the legally constituted school board of  
 2 the Marion Rural Community School District in changing the name to  
 3 Linn-Mar Community School District is hereby declared to be duly and  
 4 legally performed by them in the course of their official duties and the  
 5 action is hereby declared to be legal and binding on the school district.

Approved May 6, 1963.

## CHAPTER 354

### PARKERSBURG SCHOOL LEGALIZING ACT

S. F. 427

AN ACT to legalize and validate the proceedings for the organization and establishment of the Community School District of Parkersburg in the counties of Butler and Grundy, state of Iowa, and fixing the boundaries thereof and declaring said district a duly and legally organized corporate body as provided by law.

WHEREAS, pursuant to proceedings taken by the county superintendent of schools of Butler county, Iowa and the joint county boards of education of Butler and Grundy counties, Iowa, an election was held on March 14, 1962, at which the voters approved the proposition of establishing a new school district to be known as the Community School District of Parkersburg, in

the counties of Butler and Grundy, state of Iowa, by uniting territory then lying within the boundaries of the following school districts, or parts thereof:

Community School District of Parkersburg in the counties of Butler and Grundy, state of Iowa

Rural Independent No. 3, Beaver township, Grundy county

Part of Rural Independent No. 4, Beaver township, Grundy county

Part of Rural Independent No. 5, Beaver township, Grundy county;

and

WHEREAS, pursuant to the favorable results of said election, officials were elected, descriptions of the boundaries of the new Community School District of Parkersburg in the counties of Butler and Grundy, state of Iowa, were filed with the county auditors of Butler and Grundy counties, Iowa, and a new school corporation was organized in accordance with the county plans as amended effective July 1, 1962, which has been operating for over six months and which is known and has been officially designated as the "Community School District of Parkersburg in the counties of Butler and Grundy, state of Iowa"; and

WHEREAS, doubts may arise in the future concerning the validity and legal sufficiency of the proceedings taken for the organization and establishment of said Community School District of Parkersburg in the counties of Butler and Grundy, state of Iowa, and it is deemed advisable and necessary to put any doubts that may arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken in connection with the  
2 organization, creation and establishment of the school corporation now  
3 known and identified as the "Community School District of Parkers-  
4 burg, in the counties of Butler and Grundy, state of Iowa" are hereby  
5 legalized, validated and confirmed and said school district is hereby  
6 declared to constitute a legal community school corporation created in  
7 conformity with the provisions of chapter two hundred seventy-five  
8 (275), Code 1962, and the boundaries of said Community School Dis-  
9 trict of Parkersburg as now shown by the records of the county audi-  
10 tors of Butler and Grundy counties, state of Iowa, are hereby declared  
11 to be the legally established boundaries of said school district.

Approved May 6, 1963.

## CHAPTER 355

### SOUTH HAMILTON SCHOOL LEGALIZING ACT

S. F. 389

AN ACT to legalize and validate the proceedings for the attachment of certain land in Hamilton county, Iowa, to the South Hamilton Community School District, in the counties of Hamilton and Boone, state of Iowa, and declaring the boundaries of said school district to be legally established.

WHEREAS, a school corporation which is known and has been officially designated as the "South Hamilton Community School District, in the counties of Hamilton and Boone, state of Iowa," was organized under the provisions of chapter two hundred seventy-five (275), Code 1958, effective July 1, 1959, and complete written descriptions of the boundaries of said South Hamilton Community School District were filed with the county auditors of Hamilton and Boone counties, Iowa; and

WHEREAS, the boundaries of said school district have not been changed since its organization as aforesaid, except that pursuant to authority contained in section two hundred seventy-five point one (275.1) and section two hundred seventy-five point five (275.5), Code 1958, as amended by chapter one hundred eighty-nine (189) and chapter one hundred ninety (190) of the Acts of the Fifty-eighth General Assembly, the Hamilton county board of education, by resolution adopted on June 11, 1962, ordered the attachment to said school district, effective July 1, 1962, of the following described areas, to-wit: the northeast quarter (NE- $\frac{1}{4}$ ) of section 8, township 87 north, range 24 west of the 5th P.M., the west half (W- $\frac{1}{2}$ ) and the southeast quarter (SE- $\frac{1}{4}$ ) of section 27, the southeast quarter (SE- $\frac{1}{4}$ ) of section 28, the east half (E- $\frac{1}{2}$ ) of section 33, and the northwest quarter of the northwest quarter (NW- $\frac{1}{4}$  NW- $\frac{1}{4}$ ) and the southwest quarter (SW- $\frac{1}{4}$ ) of section 34, township 88 north, range 24 west of the 5th P.M., all in Hamilton county, Iowa, and thereafter the Boone county board of education, by resolution adopted on July 3, 1962, concurred in the action of the Hamilton county board of education attaching said areas to the South Hamilton Community School District and complete written descriptions of the boundaries of the new and enlarged South Hamilton Community School District were filed with the county auditors of Hamilton and Boone counties, Iowa; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the attachment of the aforesaid areas of land to the South Hamilton Community School District, in the counties of Hamilton and Boone, state of Iowa, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Hamilton  
2 county board of education and the Boone county board of education  
3 relating to and in connection with the attachment to the South Ham-  
4 ilton Community School District of the following described areas, to-  
5 wit: the northeast quarter (NE- $\frac{1}{4}$ ) of section 8, township 87 north,  
6 range 24 west of the 5th P.M., the west half (W- $\frac{1}{2}$ ) and the southeast  
7 quarter (SE- $\frac{1}{4}$ ) of section 27, the southeast quarter (SE- $\frac{1}{4}$ ) of sec-  
8 tion 28, the east half (E- $\frac{1}{2}$ ) of section 33, and the northwest quarter  
9 of the northwest quarter (NW- $\frac{1}{4}$  NW- $\frac{1}{4}$ ) and the southwest quarter  
10 (SW- $\frac{1}{4}$ ) of section 34, township 88 north, range 24 west of the 5th  
11 P.M., all in Hamilton county, Iowa, are hereby legalized, validated and  
12 confirmed, and the boundaries of said South Hamilton Community  
13 School District, in the counties of Hamilton and Boone, state of Iowa,  
14 as now shown by the records of the county auditors of Hamilton and



15 Boone counties, Iowa, are hereby declared to be the legally established  
16 boundaries of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its publication in The Jewell Record,  
3 a newspaper published at Jewell, Iowa, and in the Ellsworth News, a  
4 newspaper published at Ellsworth, Iowa, without expense to the state.

Approved April 30, 1963.

I hereby certify that the foregoing Act, Senate File 389, was published in The Jewell Record, Jewell, Iowa, May 23, 1963, and in the Ellsworth News, Ellsworth, Iowa, May 29, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 356

### STARMONT SCHOOL LEGALIZING ACT

#### S. F. 2

AN ACT to legalize and validate the proceedings for the organization and establishment of the Starmont Community School District of Strawberry Point, Arlington and Lamont in the counties of Clayton, Fayette, Buchanan and Delaware, state of Iowa, and fixing the boundaries thereof and declaring said district a duly and legally organized corporate body as provided by law.

WHEREAS, pursuant to proceedings taken by the county superintendent of schools of Clayton county, Iowa and the joint county boards of education of Clayton, Fayette, Buchanan and Delaware counties, Iowa, an election was held on May 21, 1962, at which the voters approved the proposition of establishing a new school district to be known as the Starmont Community School District by uniting territory then lying within the boundaries of the following school districts, or parts thereof:

Arlington Independent, Fairfield Township, Fayette County  
Lamont Community, Buchanan, Delaware and Fayette Counties  
Strawberry Point Community, Clayton and Delaware Counties  
Rural Independent No. 1, Fairfield Township, Fayette County  
Part of Rural Independent No. 2, Fairfield Township, Fayette County  
Part of Rural Independent No. 3, Fairfield Township, Fayette County  
Rural Independent No. 5, Fairfield Township, Fayette County  
Rural Independent No. 6, Fairfield Township, Fayette County  
Rural Independent No. 7, Fairfield Township, Fayette County  
Rural Independent No. 8, Fairfield Township, Fayette County  
Rural Independent No. 1, Putnam Township, Fayette County  
Rural Independent No. 4, Putnam Township, Fayette County  
Rural Independent No. 5, Putnam Township, Fayette County  
Rural Independent No. 6, Putnam Township, Fayette County  
Rural Independent No. 8, Putnam Township, Fayette County  
Part of Rural Independent No. 7, Putnam Township, Fayette County  
Part of Rural Independent No. 11, Putnam Township, Fayette County  
Part of Rural Independent No. 1, Scott Township, Fayette County

Rural Independent No. 4, Smithfield Township, Fayette County  
 Part of Rural Independent No. 6, Smithfield Township, Fayette County  
 Rural Independent No. 9, Smithfield Township, Fayette County  
 Rural Independent No. 6, Sperry Township, Clayton County; and

WHEREAS, pursuant to the favorable results of said election, officials were elected, descriptions of the boundaries of the new Starmont Community School District were filed with the county auditors of Clayton, Fayette, Buchanan and Delaware counties, Iowa, and a new school corporation was organized in accordance with the county plans as amended effective, July 1, 1962, which has been operating for over six months and which is known and has been officially designated as the "Starmont Community School District, in the Counties of Clayton, Fayette, Buchanan and Delaware, state of Iowa"; and

WHEREAS, doubts may arise in the future concerning the validity and legal sufficiency of the proceedings taken for the organization and establishment of said Starmont Community School District, in the counties of Clayton, Fayette, Buchanan and Delaware, state of Iowa, and it is deemed advisable and necessary to put any doubts that may arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken in connection with  
 2 the organization, creation and establishment of the school corporation  
 3 now known and identified as the "Starmont Community School Dis-  
 4 trict, in the counties of Clayton, Fayette, Buchanan and Delaware,  
 5 state of Iowa" are hereby legalized, validated and confirmed and said  
 6 school district is hereby declared to constitute a legal community  
 7 school corporation created in conformity with the provisions of chap-  
 8 ter two hundred seventy-five (275), Code of Iowa, 1962, and the boun-  
 9 daries of said Starmont Community School District as now shown by  
 10 the records of the county auditors of Clayton, Fayette, Buchanan and  
 11 Delaware counties, Iowa, are hereby declared to be the legally estab-  
 12 lished boundaries of said school district.

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 Arlington News, a newspaper published at Arlington, Iowa and  
 4 The Lamont Leader, a newspaper published at Lamont, Iowa, without  
 5 expense to the state.

Approved January 29, 1963.

I hereby certify that the foregoing Act, Senate File 2, was published in The Arlington News, Arlington, Iowa, January 31, 1963, and in The Lamont Leader, Lamont, Iowa, January 31, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 357

## TRAER-CLUTIER SCHOOL LEGALIZING ACT

## H. F. 548

AN ACT to legalize and validate the proceedings for the organization and establishment of the boundaries of the Traer-Clutier Community School District, in the county of Tama, state of Iowa, and declaring said district a duly and legally organized corporate body as provided by law.

WHEREAS, pursuant to proceedings taken by the county superintendent of schools of Tama county, Iowa, and the county board of education of Tama county, Iowa, an election was held February 21, 1961, at which the voters approved the proposition of establishing a new school district to be known as the Traer-Clutier Community School District by uniting territory formerly lying within five school corporations; and

WHEREAS, a complete written description of the boundaries of the new and enlarged Traer-Clutier Community School District was filed with the county auditor of Tama county, Iowa, and a new school corporation was organized in accordance with the county plan, effective July 1, 1961, which has been operating for over six months and which is known and has been officially designated as the "Traer-Clutier Community School District, in the county of Tama, state of Iowa"; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and establishment of said Traer-Clutier Community School District, in the county of Tama, state of Iowa, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. All proceedings heretofore taken in connection with the  
2 organization, creation and establishment of the school corporation now  
3 known and identified as the "Traer-Clutier Community School District,  
4 in the county of Tama, state of Iowa" are hereby legalized, validated  
5 and confirmed and said school district is hereby declared to constitute  
6 a legal school corporation created in conformity with the provisions of  
7 chapter two hundred seventy-five (275), Code of Iowa, 1958, as  
8 amended, and the boundaries of said Traer-Clutier Community School  
9 District as now shown by the records of the county auditor of Tama  
10 county, Iowa, are hereby declared to be the legally established boun-  
11 daries of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The  
3 Traer Star Clipper, a newspaper published at Traer, Iowa and The  
4 Gladbrook Tama-Northern, a newspaper published at Gladbrook, Iowa,  
5 without expense to the state.

Approved April 4, 1963.

I hereby certify that the foregoing Act, House File 548, was published in The Traer Star Clipper, Traer, Iowa, April 12, 1963, and in The Gladbrook Tama-Northern, Gladbrook, Iowa, April 12, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 358

## TRAER-CLUTIER SCHOOL LEGALIZING ACT

H. F. 549

AN ACT to legalize and validate the proceedings of the board of directors of the Traer-Clutier Community School District, in the county of Tama, state of Iowa, authorizing and providing for the issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the Traer-Clutier Community School District, in the county of Tama, state of Iowa, that at a special school election held in and for said school district on February 15, 1963, the proposition of issuing bonds of said school district in the sum of five hundred thousand dollars for the purpose of carrying out a school building program consisting of building and furnishing an elementary school building and building and furnishing additions to an existing school house situated in Traer, Iowa, was approved by more than sixty per cent of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors thereafter by resolution authorized and provided for the issuance of school building bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the board of  
2 directors of the Traer-Clutier Community School District, in the coun-  
3 ty of Tama, state of Iowa, preliminary to and in connection with the  
4 election on said bonds held in said school district on February 15, 1963,  
5 and providing for the issuance and delivery of school building bonds  
6 of said school district in the amount of five hundred thousand dollars  
7 pursuant to said election, and for the levy of taxes to pay said bonds  
8 and interest thereon, are hereby legalized, validated and confirmed and  
9 said school building bonds issued, sold and delivered pursuant to and  
10 in accordance with said proceedings are hereby declared to be legal and  
11 to constitute the valid and binding obligations of said school district.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The  
3 Traer Star Clipper, a newspaper published at Traer, Iowa, and The  
4 Gladbrook Tama-Northern, a newspaper published at Gladbrook, Iowa,  
5 without expense to the state.

Approved April 4, 1963.

I hereby certify that the foregoing Act, House File 549, was published in The Traer Star Clipper, Traer, Iowa, April 12, 1963, and in The Gladbrook Tama-Northern, Gladbrook, Iowa, April 12, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 359

## CERRO GORDO COUNTY LEGALIZING ACT

S. F. 149

AN ACT to legalize the proposed sale of certain real estate owned by the county of Cerro Gordo, state of Iowa and to authorize conveyance of legal title thereto.

WHEREAS, the County of Cerro Gordo, State of Iowa is desirous of conveying real estate owned by the County of Cerro Gordo to the State of Iowa for Iowa Highway Safety Patrol purposes for a nominal consideration; and

WHEREAS, doubts have arisen concerning the legality of the proposed sale of said real estate; NOW, THEREFORE,

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

1 SECTION 1. The proposed sale by the County of Cerro Gordo, State  
2 of Iowa, of the following described real estate and including the follow-  
3 ing described conditions:  
4 Commencing at the West  $\frac{1}{4}$  Corner Section 7-T96N-R20W thence  
5 North on the west line said Section 7 a distance of 177.5 feet  
6 thence S 89 50'E a distance of 60 ft. to proposed Right-of-Way  
7 line & Point of Beginning. Thence S 89 50'E a distance of 200 ft.  
8 thence North a distance of 250 ft., thence N 89 50 W a distance  
9 of 200 feet to proposed Right-of-Way Line thence South on Right-  
10 of-Way Line a distance of 250 feet to point of beginning. Said  
11 parcel containing 1.148 acres more or less. If ever the above de-  
12 scribed real estate shall cease to be used by the Iowa Highway  
13 Safety Patrol for a district office, the above described real estate  
14 shall revert to the said County of Cerro Gordo, Iowa,  
15 is hereby authorized and allowed.

Approved March 22, 1963.

## CHAPTER 360

## CERRO GORDO COUNTY REAL ESTATE SALE

S. F. 356

AN ACT to legalize the proposed sale of certain real estate owned by the county of Cerro Gordo, state of Iowa and to authorize conveyance of legal title thereto.

WHEREAS, the county of Cerro Gordo, state of Iowa is desirous of conveying real estate owned by the county of Cerro Gordo to the Mental Health Center of North Iowa for a nominal consideration for the purpose of treating mental diseases; and

WHEREAS, doubts have arisen concerning the legality of the proposed sale of said real estate; NOW, THEREFORE,

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

1 SECTION 1. The proposed sale by the county of Cerro Gordo, state  
 2 of Iowa, to the Mental Health Center of North Iowa, an Iowa corpora-  
 3 tion, of the following described real estate and including the following  
 4 described conditions:

5 Commencing at the west  $\frac{1}{4}$  corner section 7-T96N-R20W thence  
 6 north on the west line said section 7 a distance of 427.5 feet thence S  
 7 89 50'E a distance of 60 feet to proposed right of way line & point of  
 8 beginning. Thence S 89 50'E a distance of 200 ft. thence north a dis-  
 9 tance of 250 ft., thence N 89 50'W a distance of 200 feet to proposed  
 10 right of way line thence south on right of way line a distance of 250  
 11 feet to point of beginning. Said parcel containing 1.148 acres more or  
 12 less. If ever the above described real estate shall cease to be used by  
 13 the Mental Health Center of North Iowa, for purpose of treating  
 14 mental diseases, the above described real estate shall revert to the said  
 15 county of Cerro Gordo, Iowa, is hereby authorized and allowed.

Approved April 29, 1963.

## CHAPTER 361

### CHICKASAW COUNTY LEGALIZING ACT

#### S. F. 406

AN ACT to legalize and validate the proceedings of the board of supervisors of Chickasaw county providing for the vacation of certain secondary highways within said county.

WHEREAS, on the 26th day of June, 1954 at 10:00 a.m. the Chickasaw county board of supervisors vacated the following described secondary highways:

Commencing at the west quarter corner of section 11, township 96 north, range 12 west of the 5th P.M. in said county and running southeasterly through the south one-half ( $S\frac{1}{2}$ ) of said section 11 and terminating at a point 43 rods east of the south quarter ( $S\frac{1}{4}$ ) corner of said section 11, township 96, range 12.

Commencing at the east quarter ( $E\frac{1}{4}$ ) corner of section 34, township 97 north, range 12 west of the 5th P.M. in said county, thence northwesterly approximately 140 rods and terminating at a point 40 rods east of the northwest corner of the southwest quarter ( $SW\frac{1}{4}$ ) of the northeast quarter ( $NE\frac{1}{4}$ ) of said section 34, township 97, range 12.

Commencing at the north quarter ( $N\frac{1}{4}$ ) corner of section 4, township 96 north, range 12 west of the 5th P.M. in said county, thence east three-quarters ( $E\frac{3}{4}$ ) of a mile and terminating at the northeast corner of the northwest quarter ( $NW\frac{1}{4}$ ) of the northwest quarter ( $NW\frac{1}{4}$ ) of section 3, township 96 north, range 12 west of the 5th P.M. in said county.

WHEREAS, on the 2nd day of August, 1956 at 10:00 a.m. the Chickasaw county board of supervisors vacated the following described secondary highways:

Commencing at the northeast corner of section 17, township 96 north, range 12 west of the 5th P.M. in said county, thence south terminating

approximately 450 feet north of the southeast corner of said section 17, township 96 north, range 12.

Commencing at a point approximately 1117 feet east of the northwest corner of section 6, township 95 north, range 12 west of the 5th P.M. in said county, thence east, terminating at the west right of way line of U. S. Highway No. 63. Also, that portion of the county road located in the northeast quarter (NE $\frac{1}{4}$ ) of said section 6, described as running northerly from U. S. Highway No. 63 to the north line of said section 6, township 95 north, range 12.

Commencing at the northwest corner of section 2, township 95 north, range 11 west of the 5th P.M. in said county, thence east approximately 2100 feet along the north line of said section 2, township 95 north, range 11 and terminating at this point.

WHEREAS, on the 8th day of June, 1959 at 10:00 a.m. the Chickasaw county board of supervisors vacated the following described secondary highways:

Commencing at the northwest corner of section 19, township 96 north, range 13 west of the 5th P.M. in said county, thence south three-quarters (S  $\frac{3}{4}$ ) mile terminating at the northwest (NW) corner of the southwest one-quarter (SW $\frac{1}{4}$ ) of the southwest one-quarter (SW $\frac{1}{4}$ ) of section 19, township 96 north, range 13 west.

Commencing at the northwest (NW) corner of section 17, township 95 north, range 13 west of the 5th P.M. in said county, thence west one mile, terminating at the northwest (NW) corner of section 18, township 95 north, range 13 west.

Commencing at the northwest (NW) corner of section 32, township 95 north, range 13 west of the 5th P.M. in said county, thence south one mile, terminating at the southwest (SW) corner of said section 32, township 95 north, range 13 west.

Commencing at the northwest (NW) corner of section 3, township 94 north, range 13 west of the 5th P.M. in said county, thence east .47 mile, terminating at a point .03 mile west of the north one-quarter (N $\frac{1}{4}$ ) corner of said section 3, township 94 north, range 13 west.

Commencing at a point .06 mile east of the north one-quarter (N $\frac{1}{4}$ ) corner of section 7, township 94 north, range 14 west of the 5th P.M. in said county, thence south .46 of a mile, terminating at a point .06 of a mile east and .46 mile south of the north one-quarter (N $\frac{1}{4}$ ) corner of said section 7, township 94 north, range 14 west.

Commencing at a point 40 rods west of the north one-quarter (N $\frac{1}{4}$ ) corner of section 16, township 94 north, range 14 west of the 5th P.M. in said county, thence, west 120 rods, terminating at the northwest (NW) corner of said section 16, township 94 north, range 14 west.

Commencing at a point one and one-half (1 $\frac{1}{2}$ ) rods east of the southwest (SW) corner of section 3, township 94 north, range 14 west of the 5th P.M. in said county, thence north .34 of a mile, terminating at a point .16 of a mile south and one and one-half (1 $\frac{1}{2}$ ) rods east of the west one-quarter (W $\frac{1}{4}$ ) corner of said section 3, township 94 north, range 14 west.

Commencing at the northwest corner of section 13, township 94 north, range 12 west of the 5th P.M. in said county, thence south one mile ter-

minating at the southwest corner of said section 13, township 94 north, range 12 west.

Commencing at the southeast (SE) corner of the southeast one-quarter (SE $\frac{1}{4}$ ) of the southwest one-quarter (SW $\frac{1}{4}$ ) of section 29, township 95 north, range 14 west, thence south 14 rods, thence west until it intersects Chickasaw and Nashua road, 14 rods south of the southwest (SW) corner of the southeast one-quarter (SE $\frac{1}{4}$ ) of the southwest one-quarter (SW $\frac{1}{4}$ ) of the said section 29, township 95 north, range 14 west.

Commencing at the west one-quarter (W $\frac{1}{4}$ ) corner of section 11, township 95 north, range 11 west of the 5th P.M. in said county, thence south one-half (S $\frac{1}{2}$ ) mile, terminating at the southwest corner of said section 11, township 95 north, range 11 west.

Commencing at the southwest (SW) corner of section 31, township 97 north, range 11 west of the 5th P.M. in said county, thence east on said section line to a point 20 feet west of the southeast (SE) corner of the southwest one-quarter (SW $\frac{1}{4}$ ) of the southwest one-quarter (SW $\frac{1}{4}$ ), thence north to termination at a point 20 feet west and 10 feet north of the northeast (NE) corner of the northwest one-quarter (NW $\frac{1}{4}$ ) of the southwest one-quarter (SW $\frac{1}{4}$ ) of said section 31, township 97 north, range 11 west.

Commencing at the southwest corner of the northwest one-quarter (NW $\frac{1}{4}$ ) of the northeast one-quarter (NE $\frac{1}{4}$ ) of section 29, township 96 north, range 11 west of the 5th P.M. in said county, thence east .95 of a mile terminating at a point .05 of a mile west of the southeast (SE) corner of the north one-half (N $\frac{1}{2}$ ) of the northwest one-quarter (NW $\frac{1}{4}$ ) of section 28, township 96 north, range 11 west.

WHEREAS, the procedure as set forth in section three hundred six point five (306.5), Code 1962, was followed and a date for hearing at the above times set as provided by statute, notice of the proposed vacations published in a newspaper of general circulation in Chickasaw county as provided in section three hundred six point six (306.6), Code 1962, hearings held at the date, place, and time set forth in the said notices and as set out above, and any and all claims for damages of adjacent landowners compromised and settled at the time of said hearings, and

WHEREAS, no entry has been made in the record books of Chickasaw county including the highway record book or minute book of the county board of supervisors regarding the motion to vacate the said highways or the hearings vacating the same, and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings due to the failure to have proper record thereof;  
NOW, THEREFORE,

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

- 1 SECTION 1. That all of the proceedings heretofore taken by the
- 2 board of supervisors of Chickasaw county, Iowa providing for the
- 3 vacation of the afore described secondary highways are hereby de-
- 4 clared to be legal and to constitute valid and binding vacations of the
- 5 afore described secondary highways.

Approved May 6, 1963.



## CHAPTER 362

## FRANKLIN COUNTY HOSPITAL LEGALIZING ACT

H. F. 586

AN ACT to legalize and validate the acceptance, organization, and establishment of the county public hospital in county of Franklin, state of Iowa, and to declare said hospital a duly erected hospital as provided by law.

WHEREAS, pursuant to proceedings taken by the board of supervisors of Franklin County, Iowa, the question concerning whether to establish a County Public Hospital and acquire all of the assets and assume the liabilities of the Lutheran Hospital Association, Inc. of Hampton, Iowa, and further to levy a tax for the maintenance and equipping of the said hospital, all pursuant to Chapter three hundred forty-seven (347) of the 1962 Code of Iowa, was presented to the voters at the General Election, November 6, 1962, and approved by them, a petition having been filed prior to said election with the said board of supervisors asking that said question be submitted to the voters at the next general election; and

WHEREAS, the said hospital was encumbered by a mortgage originally in the amount of sixty thousand dollars (\$60,000) reduced at the time of the acceptance to forty-nine thousand dollars (\$49,000); and

WHEREAS, doubts may arise concerning the validity and legal sufficiency of the election acceptance, organization and establishment of said County Public Hospital, in the county of Franklin, State of Iowa, and it is deemed advisable, necessary and in the public interest to put such doubts and all others that might arise concerning the same forever at rest; Now therefore,

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

1 SECTION 1. The election acceptance, organization, and establish-  
2 ment of the said County Public Hospital of the county of Franklin,  
3 State of Iowa, are hereby legalized, validated and confirmed, and the  
4 acceptance of the said County Public Hospital is hereby declared to  
5 constitute a legal erection of a County Public Hospital, and deemed to  
6 be a legally established county hospital and as such all the provisions  
7 of Chapter 347, Code 1962, as it is or may be amended shall be avail-  
8 able to it in the operation, financing, and conduct thereof; and the said  
9 mortgage encumbrance in the amount of forty-nine thousand dollars  
10 (\$49,000) to be payable out of the county public hospital fund all  
11 within the provisions of chapter three hundred forty-seven (347),  
12 Code 1962.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in Hampton  
3 Chronicle, a newspaper published at Hampton, Iowa, and The Sheffield  
4 Press, a newspaper published at Sheffield, Iowa, without expense to the  
5 state.

Approved May 6, 1963.

I hereby certify that the foregoing Act, House File 586, was published in the Hampton Chronicle, Hampton, Iowa, May 23, 1963, and in The Sheffield Press, Sheffield, Iowa, May 23, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 363

## GUTHRIE COUNTY LEGALIZING ACT

S. F. 80

AN ACT to legalize and validate the special election of Guthrie County, Iowa, held on June 4, 1962, for the construction of a court house and the issuance of \$417,000.00 bonds for such purpose and the levy of an annual tax of not to exceed one and one-half mills to pay the principal and interest on such bonds.

WHEREAS, on the 16th day of April, 1962, the board of supervisors of Guthrie County, Iowa, called a special election of the voters of said county for June 4, 1962, on the following question:

"Shall the County of Guthrie in the State of Iowa, erect a new Court House and issue bonds in the amount of \$417,000.00 to pay the cost thereof, and shall a tax be levied upon all the taxable property within said County from year to year at a rate not to exceed one and one-half mills, in any one year, in addition to all other taxes, commencing with the levy for the year 1963, to pay the principal and interest of said Bonds, for a period not to exceed twenty years?"

and,

WHEREAS, at said election said proposition was approved by more than sixty percent of the total votes cast for or against said proposition; and,

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is advisable to put such doubts and all other doubts that might arise concerning such election forever at rest; Now, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the board of super-  
2 visors of Guthrie county, Iowa, preliminary to and in connection with  
3 the call of the special election held on June 4, 1962, for the submission  
4 of the said proposition of the erection of a new court house and the is-  
5 suance of \$417,000.00 to pay the cost thereof and the levy of an annual  
6 tax of not to exceed one and one-half mills per annum for the payment  
7 of the principal and interest on said bonds, including also the notice of  
8 election, the election ballot, the election staff and the adoption of said  
9 proposition at said election by the voters of said county, are hereby  
10 legalized, validated and confirmed, and shall constitute full authority  
11 for the board of supervisors of said county to issue said bonds for the  
12 aforesaid proposition authorized at said election, in the amount of  
13 \$417,000.00, and to levy annually the tax to pay the principal and  
14 interest thereon, and said bonds, when issued, shall constitute valid  
15 and binding obligations of Guthrie county, Iowa.

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 Guthrie Center Times, a newspaper published in Guthrie Center, Iowa,  
4 and in The Guthrie County Vedette, a newspaper published in Panora,  
5 Iowa, all without expense to the state of Iowa.

Approved March 15, 1963.

I hereby certify that the foregoing Act, Senate File 80, was published in The Guthrie Center Times, Guthrie Center, Iowa, March 21, 1963, and in The Guthrie County Vedette, Panora, Iowa, March 21, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 364

### WRIGHT COUNTY LEGALIZING ACT

#### H. F. 234

AN ACT to legalize the proceedings of the board of supervisors of Wright County in connection with a contract made with the D. C. Taylor Company of Cedar Rapids, Iowa, for the repair of the west and north elevations of the Wright County courthouse located in Clarion, Iowa.

WHEREAS, on March 20, 1962 the records show that the Wright County board of supervisors entered into a contract with the D. C. Taylor Company of Cedar Rapids, Iowa, to repair the West and North elevations of the Wright County courthouse located at Clarion, Iowa; and

WHEREAS, the contract price agreed upon of four thousand seven hundred ninety dollars (\$4,790.00) was consummated contrary to Section three hundred thirty-two point seven (332.7), Iowa Code, 1962; and

WHEREAS, the work was completed as specified by such contract in May of 1962 and as such was accepted by the Wright County board of supervisors; and

WHEREAS, the legality of such contract has been questioned thereby causing payment to be denied the D. C. Taylor Company of Cedar Rapids, Iowa; NOW THEREFORE:

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

1 SECTION 1. All proceedings heretofore taken by the board of super-  
2 visors of Wright County in connection with and pertaining to the com-  
3 pletion of the contract entered into by the said board of supervisors  
4 with the D. C. Taylor Company of Cedar Rapids, Iowa, for the repair  
5 of the west and north elevations of the Wright County courthouse  
6 located in Clarion, Iowa, are hereby declared to be legal and to con-  
7 stitute a valid and binding obligation of Wright County.

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 Belmond Independent, a newspaper published at Belmond, Iowa, and  
4 the Eagle Grove Eagle, a newspaper published at Eagle Grove, Iowa,  
5 without expense to the state.

Approved March 18, 1963.

I hereby certify that the foregoing Act, House File 234, was published in the Belmond Independent, Belmond, Iowa, April 11, 1963, and in the Eagle Grove Eagle, Eagle Grove, Iowa, April 11, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 365

## BLACK HAWK COUNTY LEGALIZING ACT

S. F. 176

AN ACT to legalize the proposed sale of certain real estate owned by the city of Cedar Falls, county of Black Hawk, state of Iowa, and to authorize conveyance of legal title thereto.

WHEREAS, the City Council of the City of Cedar Falls, County of Black Hawk, State of Iowa, is desirous of conveying real estate owned by said City of Cedar Falls to the State of Iowa for Iowa Highway Safety Patrol purposes for a nominal consideration; and

WHEREAS, doubts have arisen concerning the legality of the proposed sale of said real estate; NOW, THEREFORE,

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

- 1 SECTION 1. That a conveyance by the city of Cedar Falls, Iowa to
- 2 the state of Iowa for Iowa Highway Patrol purposes of the following
- 3 described real estate:
- 4 Block eleven (11), O. E. Mullarky's Addition to Cedar Falls, Iowa,
- 5 to have and to hold as long as the same shall be used by the Iowa
- 6 Highway Safety Patrol. If ever the above described real estate shall
- 7 cease to be used by the Iowa Highway Safety Patrol, the above de-
- 8 scribed real estate shall revert to said city of Cedar Falls, Iowa, is
- 9 hereby authorized and allowed.

Approved March 22, 1963.

## CHAPTER 366

## DAVENPORT LEGALIZING ACT

H. F. 443

AN ACT to legalize and validate the proceedings of the city council of the city of Davenport, in Scott County, Iowa, authorizing and providing for the issuance, sale and delivery of motor vehicle parking facilities revenue bonds of said city to defray the cost of acquiring additional off-street motor vehicle parking facilities in and for said city and the provisions made for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said city.

WHEREAS, it appears from the records of the City Council of the City of Davenport, in Scott County, Iowa, that pursuant to notice published in a newspaper printed and published in the City of Davenport, Iowa, and having a general circulation in said City, the City Council thereof has by ordinance authorized and provided for the issuance, sale and delivery of motor vehicle parking facilities revenue bonds of said City in the amount of one million six hundred thousand dollars (\$1,600,000) to defray the cost of constructing two ramp style parking structures for the off-street parking of motor vehicles in and for said City, and by said ordinance provided for the payment of the principal of and interest on said bonds from the net revenues of the system of public motor vehicle parking facilities of said City; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings and the provisions made for the payment of said bonds and the interest thereon and it is deemed advisable to put said doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the City  
2 Council of the City of Davenport, in Scott County, Iowa, authorizing  
3 and providing for the issuance, sale and delivery of motor vehicle park-  
4 ing facilities revenue bonds of said City of Davenport, Iowa, in the  
5 amount of one million six hundred thousand dollars (\$1,600,000) and  
6 providing for the payment of the principal of and interest on said  
7 bonds from the net revenues derived from the operation of the system  
8 of public motor vehicle parking facilities of said City are hereby legal-  
9 ized, validated and confirmed and said motor vehicle parking facilities  
10 revenue bonds issued, sold and delivered pursuant to and in accordance  
11 with said proceedings are hereby declared to be legal and to constitute  
12 valid and binding obligations of said city payable solely and only from  
13 such net revenues, but said bonds shall not be a corporate indebtedness  
14 of said City, nor shall said city be authorized to levy ad valorem taxes  
15 to pay either principal thereof or interest thereon.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The Daily  
3 Times, a newspaper published at Davenport, Iowa, and the Bettendorf  
4 News, a newspaper published at Bettendorf, Iowa, without expense to  
5 the state.

Approved March 29, 1963.

I hereby certify that the foregoing Act, House File 443, was published in The Daily Times, Davenport, Iowa, April 2, 1963, and in the Bettendorf News, Bettendorf, Iowa, April 4, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 367

### DENISON LEGALIZING ACT

H. F. 168

AN ACT to legalize and validate the proceedings of the city council of the city of Denison, in Crawford County, Iowa, authorizing and providing for the issuance of airport bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said city.

WHEREAS, it appears from the records of the city council of the city of Denison, in Crawford County, Iowa, that at a special election held in and for said city on October 19, 1962, the proposition of issuing bonds of said city in the amount of sixty thousand dollars (\$60,000) for the purpose of paying the cost, to that amount, of improving the municipal airport of said city was approved by more than sixty-five per cent (65%) of the total

number of votes cast for and against said proposition, and in reliance upon said election said city council thereafter by resolution authorized and provided for the issuance of airport bonds of said city in the amount of sixty thousand dollars (\$60,000) for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the city council of the city of Denison, in Crawford County, Iowa, preliminary to  
2 and in connection with the election on said bonds held in said city on  
3 October 19, 1962, and providing for the issuance and delivery of  
4 airport bonds of said city in the amount of sixty thousand dollars  
5 (\$60,000) pursuant to said election, and for the levy of taxes to pay  
6 said bonds and interest thereon, are hereby legalized, validated and  
7 confirmed and said airport bonds issued, sold and delivered pursuant  
8 to and in accordance with said proceedings are hereby declared to be  
9 legal and to constitute the valid and binding obligations of said city.  
10

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The  
3 Denison Review, a newspaper published at Denison, Iowa, and The  
4 Denison Bulletin, a newspaper published at Denison, Iowa, without  
5 expense to the state.

Approved April 4, 1963.

I hereby certify that the foregoing Act, House File 168, was published in The Denison Review, Denison, Iowa, April 15, 1963, and in The Denison Bulletin, Denison, Iowa, April 18, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 368

### DENISON LEGALIZING ACT

H. F. 558

AN ACT to legalize and validate the proceedings of the city council of Denison in Crawford County, Iowa, authorizing and providing for the issuance of street improvement bonds for paving, sanitary sewer and water mains and extensions, and for the levy of special assessments against benefited property for the payment of said bonds, and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of the city of Denison, Iowa.

WHEREAS, it appears from the records of the city council of the city of Denison in Crawford County, Iowa, that by resolutions of necessity, the city of Denison, in accordance with Chapter 391A of the 1962 Code of Iowa, has provided for street improvements consisting of sanitary sewer, water

installations and extensions and pavement on Twenty-fourth Street from its intersection with East Broadway to Second Avenue North, said improvements to be paid for by special assessments levied against the benefited property owners; and

WHEREAS, the city council of the city of Denison, Iowa, has, by resolution, authorized and provided for the issuance and sale of special assessment bonds for the payment of said improvements, in amounts of one thousand two hundred dollars (\$1,200.00) for water mains and extensions, twelve thousand two hundred dollars (\$12,200.00) for paving, and five thousand dollars (\$5,000.00) for sanitary sewer; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings and provisions made for the issuance and sale of said bonds and for the levy and collection of special assessments to pay the principal of and interest on said bonds as the same become due, and it is deemed advisable to put such doubts and all others that might arise concerning same, forever at rest; now, therefore,

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

1 SECTION 1. All proceedings heretofore taken by the city council of  
2 Denison, in Crawford County, Iowa, providing for the issuance, sale  
3 and delivery of special assessment bonds of the city in the amounts of  
4 one thousand two hundred dollars (\$1,200.00) for water mains and  
5 extensions, five thousand dollars (\$5,000.00) for sanitary sewer and  
6 twelve thousand two hundred dollars (\$12,200.00) for paving, to pay  
7 the cost of the aforesaid street improvements, and for the levy of  
8 special assessments to pay said bonds and interest thereon, are hereby  
9 legalized, validated and confirmed and said special assessment bonds  
10 issued, sold and delivered pursuant to and in accordance with said pro-  
11 ceedings are hereby declared to be legal and to constitute valid and  
12 binding obligations of said city.

1 SEC. 2. This Act being of immediate importance shall be in full  
2 force and effect from and after its passage and publication in The  
3 Denison Bulletin, a newspaper published at Denison, Iowa, and The  
4 Denison Review, a newspaper published at Denison, Iowa, without  
5 expense to the state.

Approved April 17, 1963.

I hereby certify that the foregoing Act, House File 558, was published in The Denison Bulletin, Denison, Iowa, May 2, 1963, and in The Denison Review, Denison, Iowa, April 29, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 369

## MECHANICSVILLE LEGALIZING ACT

## S. F. 230

AN ACT to legalize the proceedings of the town council of the town of Mechanicsville, Iowa, in the passing of a resolution of necessity, as amended, and in connection with the making of a contract for street improvements with the Iowa Road Building Company in connection therewith, and to legalize said contract, and authorize its performance by said town council, and the financing thereof.

WHEREAS, on February 15, 1961, the town council of Mechanicsville, Iowa passed a resolution adopting a resolution of necessity, as amended, providing for street improvements in said town, and

WHEREAS, on March 22, 1961, the town council of Mechanicsville, Iowa entered into a contract for the construction of the improvements ordered by the said resolution of necessity, as amended, with the Iowa Road Building Company, which thereafter filed its performance bond, and

WHEREAS, an appeal was filed by resident property owners of said town, under chapter twenty-three (23) of the Code, with the state appeal board, which on April 28, 1961, made a ruling disapproving the said street improvement program, which ruling the Polk County, Iowa district court on June 28, 1961, ruled said board had no jurisdiction to render, and which later ruling was reversed by the Iowa Supreme Court on October 17, 1961, in a decision reported at 111 NW (2d) 317, and

WHEREAS, in a declaratory judgment action, the Cedar County, Iowa district court, on February 13, 1963, held the aforesaid contract to be valid and subsisting, except that the property owned by Mrs. Helen Simpson, Mrs. Beulah East, Mrs. Merle O'Connor and Mrs. Velma Taylor, could not be specially assessed or taxed to pay the cost thereof, and

WHEREAS, one hundred thirteen thousand four hundred seven and fifteen one-hundredths (113,407.15) dollars of work valued at contract unit prices had been done by the Iowa Road Building Company to October 17, 1961 and none since, and

WHEREAS, doubts have arisen concerning the fact said contract was not finally approved by the state appeal board, and concerning the power of the town council to order disbursement of the town's funds, to levy special assessments against benefitted property, and to issue and sell bonds to pay the cost of said improvement, and it is deemed advisable to put such doubts forever at rest; NOW, THEREFORE,

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

- 1 SECTION 1. All proceedings heretofore taken by the town council
- 2 of Mechanicsville, Iowa in connection with and pertaining to the exe-
- 3 cution of a contract with the Iowa Road Building Company on March
- 4 21, 1961 for the construction of street improvements in said town, and
- 5 said contract itself, are hereby legalized, validated and confirmed, and
- 6 shall constitute full authority for the said town council, upon comple-
- 7 tion and acceptance of said improvement, to order the disbursement
- 8 of funds of the said town, to levy special assessments against bene-
- 9 fitted property, and to issue and sell bonds in anticipation of the col-



10 lection of said assessments, and to issue general obligation bonds to  
11 pay for the balance of the cost of said improvements, in the manner  
12 otherwise prescribed by law to pay the cost thereof, and said bonds,  
13 when so issued shall be valid, legal and binding.

1 SEC. 2. This Act shall not authorize the levy of special assessments  
2 against benefitted property owned by Mrs. Helen Simpson, Mrs. Beulah  
3 East, Mrs. Merle O'Connor and Mrs. Velma Taylor as shown by the  
4 revised preliminary plat and schedule of assessments, 1961, on file in  
5 the office of the town clerk, or of any levy against their property to  
6 retire indebtedness incurred to provide funds to pay any part of the  
7 cost of said improvement.

1 SEC. 3. This Act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in The Anamosa  
3 Journal, a newspaper published at Anamosa, Iowa, and in The Pioneer-  
4 Press & Stanwood Herald, a newspaper published at Mechanicsville,  
5 Iowa, all without expense to the state of Iowa.

Approved April 3, 1963.

I hereby certify that the foregoing Act, Senate File 230, was published in The Anamosa Journal, Anamosa, Iowa, April 8, 1963, and in The Pioneer-Press & Stanwood Herald, Mechanicsville, Iowa, April 11, 1963.

MELVIN D. SYNHORST, *Secretary of State.*



**JOINT RESOLUTIONS  
AND  
RULES OF CIVIL PROCEDURE**



# JOINT RESOLUTIONS

## CHAPTER 370

### AMENDMENT TO CONSTITUTION OF U. S.

S. J. R. 16

A JOINT RESOLUTION ratifying a proposed amendment to the Constitution of the United States of America relating to qualifications of electors.

WHEREAS, both Houses of the Eighty-seventh Congress of the United States of America by a constitutional majority thereof made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

#### "JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES  
RELATING TO THE QUALIFICATIONS OF ELECTORS.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

#### "ARTICLE—

"Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation." THEREFORE,

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

1 SECTION 1. Ratification. That the said proposed amendment to  
2 the Constitution of the United States of America as set forth herein  
3 be and the same is hereby ratified and consented to by the state of  
4 Iowa and by the General Assembly thereof.

1 SEC. 2. Certification. *BE IT FURTHER RESOLVED AND*  
2 *ENACTED*, that the certified copies of this enactment and resolution  
3 be forwarded by the Governor of this state to the Secretary of State  
4 of the United States and to the presiding officers of each house of the  
5 Congress of the United States.

Approved April 29, 1963.

## CHAPTER 371

PROPOSED CONSTITUTIONAL AMENDMENT  
IN RE COMPOSITION OF THE GENERAL ASSEMBLY

(Second time passed by G. A.)

S. J. R. 1

A JOINT RESOLUTION proposing a constitutional amendment to the Constitution of the State of Iowa relating to the composition of the General Assembly, the basis of representation of the members thereof, and to amend such Constitution by repeal of section six (6), Article three (III) thereof, section thirty-four (34) of such Article three (III) thereof and the 1904 and 1928 amendments thereto, sections thirty-five (35) and thirty-six (36) of such Article three (III), and the 1904 amendment to each such section, and section thirty-seven (37) of said Article three (III), and proposing substitutes in lieu thereof.

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

1 SECTION 1. The following amendment to the Constitution of the  
2 State of Iowa is hereby proposed.

3 "Section six (6) of Article three (III), section thirty-four (34) of  
4 Article three (III) and the 1904 and 1928 amendments thereto, sec-  
5 tions thirty-five (35) and thirty-six (36) of Article three (III) and the  
6 1904 amendment to each such section, and section thirty-seven (37) of  
7 Article three (III) are hereby repealed and the following proposed in  
8 lieu thereof:

9 "Section 6. The senate shall consist of fifty-eight (58) senators,  
10 one (1) senator elected from each senatorial district. For each redis-  
11 tricting, changed senatorial districts shall be so classified by lot by the  
12 redistricting authority so that as nearly as possible one-half of the  
13 senators shall be elected every two (2) years.

14 "If a senatorial district is unchanged or is reduced in size and no  
15 new territory is added to it, and the incumbent senator resides in the  
16 district of reduced size or the unchanged district, he shall be permitted  
17 to complete the term for which he was elected, and the senatorial dis-  
18 trict shall remain in the same class of districts.

19 "The redistricting authority shall provide in its redistricting state-  
20 ment, law, or court order for the cutting short of terms of senators,  
21 where necessary. Any senator whose term is cut short by a redistrict-  
22 ing shall not be compensated for the uncompleted part of his term.

23 "Section 34. The house of representatives shall consist of ninety-  
24 nine (99) members, one (1) elected from each county as county lines  
25 existed on January 1, 1961.

26 "Section 35. Senatorial districts shall meet the following require-  
27 ments:

28 "1. Each shall have a population, as shown by the most recent de-  
29 cennial United States census, equal to that of every other district, a  
30 deviation of no more than ten (10) percent from the population unit  
31 (the state population divided by fifty-eight (58)) being allowed.

32 "2. Each shall consist of compact and contiguous territory; areas  
33 joined only at the point of a corner shall not be regarded as contig-  
34 uous.

35 "3. So far as practicable, a county shall not be divided unless it is  
36 entitled to more than one (1) district, and senatorial district lines

37 shall conform to township and voting district boundaries.

38 "Section 36. In 1965 and in the year ending in three (3) of each  
39 decade thereafter, the senatorial districts shall be redistricted.

40 "By November fifteen (15) in 1964 and in the year ending in two  
41 (2) of each decade thereafter, a ten (10) member redistricting com-  
42 mission shall be appointed to redistrict senatorial districts. The state  
43 central committee of the two (2) political parties casting the largest  
44 number of votes for governor in the last preceding election shall each  
45 appoint five (5) qualified voters. If a party fails to submit such names  
46 to the secretary of state by November fifteen (15), the supreme court  
47 shall promptly appoint the members from such party. Compensation  
48 for members of the commission shall be established by law.

49 "By February one (1) of the year following its appointment, the  
50 redistricting commission shall file with the secretary of state a state-  
51 ment of its action, including the boundaries and classification of sena-  
52 torial districts. To be valid, this statement must be signed by seven  
53 (7) members. The general assembly may amend this statement or  
54 enact a substitute, but such action must be taken by May one (1) of  
55 such year.

56 "If the redistricting commission does not file its redistricting state-  
57 ment by February one (1) of the year following its appointment, the  
58 general assembly shall redistrict the senatorial districts in a single  
59 legislative enactment by May one (1) of such year.

60 "If the commission and the general assembly fail to redistrict within  
61 the time allotted, the supreme court shall redistrict by October one  
62 (1) of such year. The action of the court shall be entered and certified  
63 to the secretary of state by court order, which shall be final.

64 "Before June one (1) of such year, any ten (10) members of the  
65 general assembly may petition the supreme court to determine whether  
66 the redistricting of the commission or the general assembly substan-  
67 tially complies with the redistricting provisions of the constitution.  
68 If the redistricting substantially complies, the court shall so notify  
69 the secretary of state, and the decision shall be final. If the court  
70 determines that the redistricting does not substantially comply, it  
71 shall redistrict as provided in the preceding paragraph of this section.

72 "Section 37. Redistricting shall take effect beginning for the nom-  
73 ination and election of senators for the next regular session of the  
74 general assembly following the adoption of the redistricting state-  
75 ment, law, or court order. When a congressional or senatorial district  
76 shall be composed of two (2) or more counties, it shall not be entirely  
77 separated by any county belonging to another district, and no county  
78 shall be divided in forming a congressional district."

1 SEC. 2. The foregoing amendment to the Constitution of the State  
2 of Iowa has been adopted and agreed to by the Fifty-ninth (59th)  
3 General Assembly, and having been referred by such Assembly to the  
4 Legislature to be chosen in the next general election, being the 60th  
5 General Assembly, and having been duly published in accordance with  
6 and in compliance with the direction of the Fifty-ninth (59th) Gen-  
7 eral Assembly, it is now adopted and agreed to by the Sixtieth (60th)  
8 General Assembly in this Joint Resolution, and shall be submitted to

9 the people at a special election to be held for that purpose on the first  
10 Tuesday in December in the year nineteen hundred sixty-three (1963)  
11 in accordance with the directions of Article X of the Constitution of  
12 Iowa. The submission at said special election shall in all respects be  
13 governed and conducted as prescribed by law and the Constitution of  
14 Iowa for the submission of a constitutional amendment at a general  
15 election.

## CHAPTER 372

### CONSTITUTIONAL CONVENTION AMENDMENT

(Second time passed by G. A.)

H. J. R. 1

A JOINT RESOLUTION proposing a constitutional amendment relating to constitutional convention.

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

1 SECTION 1. The following amendment to the Constitution of the  
2 State of Iowa is hereby proposed:  
3 Section three (3) of Article ten (X) of the Constitution of the State  
4 of Iowa is repealed and the following adopted in lieu thereof:  
5 Section 3. At the general election to be held in the year one  
6 thousand nine hundred and seventy, and in each tenth year thereafter,  
7 and also at such times as the General Assembly may, by law, provide,  
8 the question, "Shall there be a Convention to revise the Constitution,  
9 and propose amendment or amendments to same?" shall be decided by  
10 the electors qualified to vote for members of the General Assembly;  
11 and in case a majority of the electors so qualified, voting at such elec-  
12 tion, for and against such proposition, shall decide in favor of a Con-  
13 vention for such purpose, the General Assembly, at its next session,  
14 shall provide by law for the election of delegates to such Convention,  
15 and for submitting the results of said Convention to the people, in  
16 such manner and at such time as the General Assembly shall provide;  
17 and if the people shall approve and ratify such amendment or amend-  
18 ments, by a majority of the electors qualified to vote for members of  
19 the General Assembly, voting thereon, such amendment or amend-  
20 ments shall become a part of the constitution of this state. If two or  
21 more amendments shall be submitted at the same time, they shall be  
22 submitted in such a manner that electors may vote for or against each  
23 such amendment separately.



## CHAPTER 373

## CONSTITUTIONAL AMENDMENT ON EFFECTIVE DATE OF ACTS

(First time passed by G. A.)

H. J. R. 3

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the effective date of laws of the General Assembly passed at a general session.

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

1 SECTION 1. The following amendment to the constitution of the  
2 State of Iowa is hereby proposed:

3 Section twenty-six (26) of Article III is amended by striking from  
4 line four (4) the word "fourth" and inserting in lieu thereof the word  
5 "first".

1 SEC. 2. The foregoing proposed amendment to the constitution of  
2 the State of Iowa is hereby referred to the General Assembly to be  
3 chosen at the next general election, and the secretary of state is di-  
4 rected to cause the same to be published as provided by law for three  
5 (3) months previous to the time of making such choice.

## CHAPTER 374

## PRISON HONOR FARM APPROPRIATION

S. J. R. 4

A JOINT RESOLUTION to appropriate to the board of control over and above its usual appropriation, sufficient funds from the general fund of the state of Iowa to be used for the purchase of real estate located in Jasper County which is to be used as a prison honor farm, and to retain sufficient proceeds from the sale of the Clive prison honor farm located in Polk County, Iowa, to reimburse the general fund for such appropriation.

WHEREAS, the state board of control has purchased an option to purchase real estate located in Jasper county, Iowa, more particularly described as follows:

The W.  $\frac{1}{2}$  of the N. W. quarter of section 27, township 79 north, range 19 west of the fifth principal meridian, Jasper county, Iowa.

All of section 28, the E.  $\frac{1}{4}$  of section 29; the N. W.  $\frac{1}{4}$ , the W.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$ , the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$ , and beginning at the N. W. corner of the S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$ , thence run south 866 feet to a point on the west line of the E.  $\frac{1}{2}$  of E.  $\frac{1}{2}$  of said section, thence in a north-easterly direction to a point 658 feet east of said point of beginning, thence west on the south line of the N.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$  of said section to the place of beginning, the N. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$ , the S.  $\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$ , the S. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$ , the E.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$ , and the W.  $\frac{1}{2}$  of the S. E.  $\frac{1}{4}$ , all in section 33; and the N.  $\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  of section 34, all in township 79 north, range 19 west of the fifth principal meridian, Jasper county, Iowa, subject to any and all ease-

ments and permits now of record and/or in actual use and subject to public highways.

WHEREAS, the state board of control needs to purchase real estate to replace the Clive prison honor farm located in Polk county,

WHEREAS, the purchase price of the real estate to be purchased is three hundred eighty-four thousand (384,000) dollars, fifty thousand (50,000) dollars of which the state board of control has already paid, leaving a balance of three hundred thirty-four thousand (334,000) dollars yet to be paid,

WHEREAS, the state board of control is without sufficient funds to purchase the real estate,

WHEREAS, the Clive prison honor farm located in Polk county is to be sold by the board of control,

WHEREAS, it will take an indeterminate length of time to locate suitable purchasers for the Clive prison honor farm, NOW, THEREFORE:

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

1 SECTION 1. There is hereby appropriated to the state board of con-  
2 trol from the general fund of the state of Iowa the sum of three hun-  
3 dred thirty-four thousand (334,000) dollars for the purpose of pur-  
4 chasing the following described real estate located in Jasper county,  
5 Iowa:

6 The W.  $\frac{1}{2}$  of the N. W. quarter of section 27, township 79 north,  
7 range 19 west of the fifth principal meridian, Jasper county, Iowa.

8 All of section 28, the E.  $\frac{1}{4}$  of section 29; the N. W.  $\frac{1}{4}$ , the W.  $\frac{1}{2}$  of  
9 the N. E.  $\frac{1}{4}$ , the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$ , and beginning at the N. W.  
10 corner of the S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$ , thence run south 866 feet to a  
11 point on the west line of the E.  $\frac{1}{2}$  of E.  $\frac{1}{2}$  of said section, thence in a  
12 northeasterly direction to a point 658 feet east of said point of be-  
13 ginning, thence west on the south line of the N.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$  of  
14 said section to the place of beginning, the N. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of  
15 the S. W.  $\frac{1}{4}$ , the S.  $\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$ , the S. W.  $\frac{1}{4}$  of  
16 the S. W.  $\frac{1}{4}$ , the E.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$ , and the W.  $\frac{1}{2}$  of the S. E.  $\frac{1}{4}$ ,  
17 all in section 33; and the N.  $\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  of section 34, all in  
18 township 79 north, range 19 west of the fifth principal meridian,  
19 Jasper county, Iowa, subject to any and all easements and permits now  
20 of record and/or in actual use and subject to public highways. The  
21 real estate is to be under the supervision of the state board of control  
22 and is to be used as a prison honor farm.

1 SEC. 2. Three hundred thirty-four thousand (334,000) dollars of  
2 the proceeds to be derived from the sale of the Clive prison honor farm  
3 located in Polk County, Iowa, and recorded in Polk County, Iowa, as  
4 "State Farm Addition Plat One (1)" shall go to the general fund of  
5 the state of Iowa and any excess is to be expended pursuant to section  
6 two hundred eighteen point ninety-four (218.94), Code 1962, unless  
7 further encumbered by other legislative action.

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 Fayette

- 3 County Union, a newspaper published in West Union, Iowa, and The  
 4 Atlantic News-Telegraph, a newspaper published in Atlantic, Iowa.

Approved February 14, 1963.

I hereby certify that the foregoing Act, Senate Joint Resolution 4, was published in The Fayette County Union, West Union, Iowa, February 21, 1963, and in The Atlantic News-Telegraph, Atlantic, Iowa, February 16, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 375

### COMMERCIAL CODE STUDY COMMISSION

S. J. R. 17

A JOINT RESOLUTION to create a commercial code study committee to investigate the need of revising the laws of Iowa concerning sales; bills, notes and checks; bank deposits and collections; letters of credit; bulk transfers; warehouse receipts; bills of lading and other documents of title; investment securities, chattel mortgages; conditional sales and other secured transactions and to make an appropriation for such committee.

WHEREAS, the commercial law of this state is now found in case law developed over many years and in a number of separate statutes, so that the determination of a commercial law question can be a time-consuming and uncertain process, and

WHEREAS, with the exception of a few subjects as to which so-called "uniform" Acts have been adopted, the commercial law of this state is not the same as that of our neighboring states or of the great commercial states, to the inconvenience and risk of businessmen in this state carrying on multistate transactions, and

WHEREAS, as a result of advances in technology and changes in the economy, business methods have changed substantially since the early part of the century when many of the case law and statutory rules were developed, so that heretofore unsettled legal questions are presented and some of the old rules may cause unnecessary inconvenience, and

WHEREAS, in order to simplify, modernize and make uniform the commercial law of the several states, the National Conference of Commissioners on Uniform Laws and the American Law Institute have drafted the Uniform Commercial Code which is published in the 1962 edition of "Uniform Laws Annotated" and which would replace much of the present commercial law of any state adopting it, including the laws under sales; bills, notes and checks; bank deposits and collections; letters of credit; bulk transfers; warehouse receipts, bills of lading and other documents of title; investment securities, and chattel mortgages, conditional sales and other secured transactions, and

WHEREAS, the Uniform Commercial Code has been adopted in at least twenty-three states including the neighboring state of Illinois and is understood to be under consideration by the legislatures of at least eight other states including the neighboring states of Nebraska, Wisconsin, Minnesota and Missouri; NOW THEREFORE,

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

1 SECTION 1. A commercial code study committee consisting of  
2 eleven members is hereby created. The purpose of this committee  
3 shall be to study and review the findings of the American Law Insti-  
4 tute and its draft of the Uniform Commercial Code.

1 SEC. 2. The committee shall be composed of three members of the  
2 senate to be appointed by the president of the senate; three members  
3 of the house of representatives to be appointed by the speaker of the  
4 house; three members of the bar of Iowa to be selected by the govern-  
5 ing board of the state bar association; and two members appointed by  
6 the governing board of the state bankers' association. Vacancies shall  
7 be filled by the appointing authority.

1 SEC. 3. The committee shall hold its first organizational meeting  
2 the second Monday in July, 1963, at the statehouse in Des Moines at  
3 which time it shall choose a chairman from its members and shall  
4 adopt rules for the conduct of its meetings. The committee is author-  
5 ized to use the necessary personnel and facilities of any agency of the  
6 state and to employ such aids and employees as are necessary to con-  
7 duct its business and to fix the compensation of such employees. The  
8 committee may hold public hearings, shall have access to all official  
9 records, may subpoena witnesses and compel production of books,  
10 papers, or other documents pertaining to its investigation and study.  
11 Witnesses shall be entitled to witness fees and actual travel expenses  
12 as approved by the committee. The committee may appoint subcom-  
13 mittees to hold hearings and conduct investigations in any part of the  
14 state. Any member of the committee shall have power to administer  
15 oaths.

1 SEC. 4. The committee shall make a report of its findings and  
2 recommendations, accompanied by proposed legislation, to the gov-  
3 ernor and to all members of the next general assembly by December  
4 15, 1964.

1 SEC. 5. Members of the committee shall be reimbursed for their  
2 actual and necessary expenses incurred by them in the discharge of  
3 their duties. There is hereby appropriated from the general fund of  
4 the state the sum of ten thousand dollars or so much thereof as may  
5 be necessary to carry out the provisions of this Act. The compensa-  
6 tion of the employees and expenses of the committee and its author-  
7 ized expenditures shall be paid by warrants drawn by the state comp-  
8 troller on vouchers approved by the chairman or secretary of the  
9 committee and audited according to law.

Approved May 24, 1963.

## CHAPTER 376

## COURT STUDY COMMISSION

S. J. R. 18

A JOINT RESOLUTION to create an interim commission to study the court system of Iowa with a view to reorganization of the structure to secure the maximum utilization of personnel for the efficient handling of litigation.

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

1 SECTION 1. There is hereby created a commission to consist of  
2 thirteen (13) members: three (3) members of the Senate to be ap-  
3 pointed by the President of the Senate, three (3) members of the  
4 House to be appointed by the Speaker, three (3) members of the Iowa  
5 State Bar Association to be appointed by the President of the Iowa  
6 State Bar Association, three (3) district court judges and one justice  
7 of the Supreme Court to be appointed by the Iowa Supreme Court.  
8 The commission shall elect a chairman and such officers from its  
9 membership as it deems necessary.

1 SEC. 2. The commission shall make a detailed and comprehensive  
2 study of the court system of this state concerning the administration,  
3 organization and structure of the Iowa court system, redistricting of  
4 the judicial districts with particular emphasis on utilization of court  
5 personnel, justices of the peace, municipal and superior court systems,  
6 and the methods of handling minor litigation. The commission shall  
7 report its findings and recommendations to the next regular general  
8 assembly.

1 SEC. 3. The commission may employ research, office and steno-  
2 graphic assistants and hold meetings and hearings as may be neces-  
3 sary to accomplish the purposes set forth in this resolution.

1 SEC. 4. Members of the commission shall be paid their reasonable  
2 and necessary travel and subsistence, as incurred by them on vouchers  
3 approved by the chairman and secretary of the commission.

1 SEC. 5. There is hereby appropriated from the general fund the  
2 sum of five thousand dollars (\$5,000.00) or so much thereof as may be  
3 necessary to carry out the provisions of this Act.

Approved May 24, 1963.

## CHAPTER 377

## RULES OF CIVIL PROCEDURE

IN THE MATTER OF  
THE  
RULES OF CIVIL PROCEDUREREPORT OF  
THE SUPREME COURT  
OF  
THE STATE OF IOWA

*To the Sixtieth General Assembly of the State of Iowa:*

1 In accordance with sections 684.18 and 684.19, Code of Iowa,  
2 1962, the Supreme Court of Iowa has prescribed and herewith  
3 reports to you rules of practice and procedure in the nature of  
4 amendments to the following designated Rules of Civil Procedure.

5 Rule 94 is revised to read:

6 **94. Judicial notice—statutes.** Matters of which judicial notice is  
7 taken, including statutes of Iowa, need not be stated in any plead-  
8 ing. A pleading asserting any statute of another state, territory or  
9 jurisdiction of the United States, or a right derived therefrom, shall  
10 refer to such statute by plain designation and if such reference is  
11 made the court shall judicially notice such statute.

12 *Comment:* This change is to assure judicial notice of Iowa stat-  
13 utes without reference thereto in a pleading.

14 **Rule 149. Reading and signing.**

15 Rule 149(a) is revised to read:

16 (a) No oral deposition reported and transcribed by an official  
17 court reporter or certified shorthand reporter of Iowa need be sub-  
18 mitted to, read or signed by the deponent.

19 *Comment:* The addition of certified shorthand reporters is to in-  
20 crease the number of those available for taking oral depositions.

21 Rule 174 is revised to read:

22 **174. Jury fees.** If trial is by a jury after change pursuant to Rule  
23 167 the court shall certify the amount of county expenses incurred  
24 for meals, lodging, mileage and fees of jurors and the county where  
25 the action was brought shall pay the county where it was tried the  
26 difference between the sum so certified and the jury fee taxable as a  
27 part of the costs in the action.

28 *Comment:* This change is to permit a more reasonable reimburse-  
29 ment for jury expenses in civil cases transferred to another county  
30 under R. C. P. 167.

31 The Comment which follows each of the foregoing rules does not  
32 form a part of the rule but explains the reason for the change which  
33 has been made.

34 Respectfully submitted,  
35 THE SUPREME COURT OF IOWA  
36 s/ By T. G. GARFIELD  
37 T. G. Garfield, Chief Justice

38 Des Moines, Iowa  
39 January 24, 1963

40

## ACKNOWLEDGEMENTS

41 I, Carroll Lane, Secretary of the Senate of the State of Iowa,  
42 hereby acknowledge delivery to me on the 24th day of January,  
43 1963 of the foregoing report of the Supreme Court of Iowa per-  
44 taining to Amendments to the Rules of Civil Procedure.

45

s/ CARROLL A. LANE

46

Secretary of the Senate

47

Sixtieth General Assembly

48

of the State of Iowa

49 I, W. R. Kendrick, Chief Clerk of the House of Representatives  
50 of the State of Iowa, hereby acknowledge delivery to me on the  
51 24th day of January, 1963 of the foregoing report of the Supreme  
52 Court of Iowa pertaining to Amendments to the Rules of Civil  
53 Procedure.

54

s/ WILLIAM R. KENDRICK

55

Chief Clerk of the House

56

of Representatives,

57

Sixtieth General Assembly

58

of the State of Iowa

59

## CERTIFICATE

60 I, W. L. Mooty, do hereby certify that I am the President of the  
61 Senate of the Sixtieth General Assembly of the State of Iowa; and  
62 I, Carroll A. Lane, do hereby certify that I am the Secretary of the  
63 Senate of the Sixtieth General Assembly of the State of Iowa,  
64 and we do hereby jointly certify that as such President and Secre-  
65 tary that on the 24th day of January, 1963, the Supreme Court of  
66 the State of Iowa reported to said Senate, and filed with it, the  
67 attached and foregoing modifications, amendments, revisions and  
68 assitions\* to the Rules of Civil Procedure, heretofore reported by  
69 said Supreme Court to the Sixtieth General Assembly of the State  
70 of Iowa;

71 THAT the date of making said report to the Sixtieth General As-  
72 sembly was within the twenty days subsequent to the convening of  
73 the regular session of the Sixtieth General Assembly;

74 THAT no other report pertaining to the Rules of Civil Procedure  
75 was made or filed by said Supreme Court with said Senate;

76 THAT the herein above modifications, amendments, revisions and  
77 additions to the Rules of Civil Procedure were made and enacted at  
78 such regular session of said Sixtieth General Assembly.

\*According to enrolled Act.

79 Signed this 23rd day of May, 1963, being the last legislative day  
80 of the Sixtieth General Assembly.

81 s/ W. L. MOOTY  
82 W. L. Mooty  
83 President of the Senate  
84 s/ CARROLL A. LANE  
85 Carroll A. Lane  
86 Secretary of the Senate  
87 SENATE  
88 Sixtieth General Assembly\*  
89 of the State of Iowa

90

CERTIFICATE

91 I, Robert W. Naden, do hereby certify that I am the Speaker of  
92 the House of Representatives of the Sixtieth General Assembly of  
93 the State of Iowa; and I, William R. Kendrick, do hereby certify  
94 that I am the Chief Clerk of the House of Representatives of the  
95 Sixtieth General Assembly of the State of Iowa, and we do hereby  
96 jointly certify that as such Speaker and Chief Clerk that on the  
97 24th day of January, 1963, the Supreme Court of the State of Iowa  
98 reported to said House of Representatives, and filed with it, the  
99 attached and foregoing modifications, amendments, revisions and  
100 additions to the Rules of Civil Procedure, heretofore reported by  
101 said Supreme Court to the Sixtieth General Assembly of the State  
102 of Iowa;

103 THAT the date of making said report to the Sixtieth General As-  
104 sembly was within the twenty days subsequent to the convening of  
105 the regular session of the Sixtieth General Assembly;

106 THAT no other report pertaining to the Rules of Civil Procedure  
107 was made or filed by said Supreme Court with said House of Repre-  
108 sentatives;

109 THAT the herein above modifications, amendments, revisions and  
110 additions to the Rules of Civil Procedure were made and enacted at  
111 such regular session of said Sixtieth General Assembly.

112 Signed this 23rd day of May, 1963, being the last legislative day  
113 of the Sixtieth General Assembly.

114 s/ ROBERT W. NADEN  
115 Robert W. Naden  
116 Speaker of the House  
117 s/ WM. R. KENDRICK  
118 William R. Kendrick  
119 Chief Clerk  
120 HOUSE OF REPRESENTATIVES  
121 Sixtieth General Assembly  
122 of the State of Iowa

\*According to enrolled Act.





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