

# CHAPTER 37

## MEMORIAL HALLS AND MONUMENTS

Referred to in §11.1, 331.361, 331.427, 331.441, 331.461, 347.13, 347.23A, 347.24

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### 37.1 Memorial buildings and monuments.

Memorial buildings and monuments designed to commemorate the service rendered by soldiers, sailors, and marines of the United States may be erected and equipped at public expense in the manner provided by [this chapter](#) by:

1. Any county which has not heretofore made an appropriation for such purpose under any prior law.
2. Any city operating under any form of government.  
[C97, §435, 436; C24, 27, 31, 35, 39, §483; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.1]

### 37.2 Petition.

The petition for the erection and equipment of any such hall or monument shall request the submission of the proposition to a vote of the people and shall:

1. When it is proposed to erect the same at the expense of the county, be signed by ten percent of the registered voters thereof as shown by the election register used in the last preceding general election, or by a majority of the members of the Grand Army of the Republic, the Spanish-American War Veterans Association, Veterans of World War I, the American Legion, Disabled American Veterans of the World War, Veterans of Foreign Wars of the United States, Marine Corps League and American Veterans of World War II (AMVETS) of the county.
2. When it is proposed to erect the same at the expense of a city be subject to the provisions of [section 362.4](#).
3. Set forth therein the purpose of the memorial proposed, as outlined in [section 37.18](#).  
[C97, §435; C24, 27, 31, 35, 39, §484; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.2]  
[95 Acts, ch 67, §53](#)  
Referred to in [§35A.12](#)

### 37.3 Election.

Upon the filing of the requisite petition, the city council shall cause the proposition to be submitted at a regular election, or at a special election to be called if requested in the petition, in substantially the following form:

Shall the city of ..... erect and equip (or purchase and equip) a memorial building (or erect a monument) as provided in [chapter 37](#) of the Code for the purpose of ..... (set forth purpose of memorial as outlined in [section 37.18](#)) and issue bonds in

the sum of ..... dollars to cover the expense of the building or monument (or levy a tax of ..... per thousand dollars of assessed value for a period of ..... years to defray the expense of the building or monument)?

[C24, 27, 31, 35, 39, §485; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.3]  
83 Acts, ch 123, §41, 209

#### 37.4 Notice.

Notice of the election shall be given by publication in one newspaper published or having general circulation in the city as provided in [section 362.3](#). The notice shall state the purpose of the memorial proposed as outlined in [section 37.18](#).

[C97, §435; C24, 27, 31, 35, 39, §486; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.4]  
83 Acts, ch 123, §42, 209

#### 37.5 Reserved.

#### 37.6 Bonds.

Bonds issued by a county for the purposes of [this chapter](#) shall be issued under [sections 331.441 through 331.449](#) relating to general county purpose bonds. Bonds issued by a city shall be issued under [sections 384.24 through 384.36](#) relating to general corporate purpose bonds of a city.

[C24, 27, 31, 35, 39, §488; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §37.6; 81 Acts, ch 117, §1004]

2018 Acts, ch 1026, §18

Referred to in [§37.28](#)

City bonds, chapter 384, subchapter III

Section amended

#### 37.7 Reserved.

#### 37.8 Levy for maintenance.

For the development, operation, and maintenance of a building or monument constructed, purchased, or donated under [this chapter](#), a city may levy a tax not to exceed eighty-one cents per thousand dollars of assessed value on all the taxable property within the city, as provided in [section 384.12, subsection 2](#).

[C24, 27, 31, 35, 39, §490; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §37.8; 81 Acts, ch 117, §1005]

83 Acts, ch 123, §43, 209

#### 37.9 Commissioners appointed — vacancies — request for appropriation.

1. When the proposition to erect a building or monument under [this chapter](#) has been carried by a majority vote, the board of supervisors or the city council, as the case may be, shall appoint a commission consisting of not less than five and not more than eleven members, in the manner and with the qualifications provided in [this chapter](#), which shall have charge and supervision of the erection of the building or monument, and when erected, the management and control of the building or monument.

2. On or before January 15 of each year, a commission which manages and controls a county memorial hospital shall prepare and submit to the county auditor a request for an appropriation for the next fiscal year from the general fund for the operation and maintenance of the county memorial hospital. On or before January 20, the county auditor shall submit the request to the county board of supervisors. The board of supervisors may adjust the commission's request and may make an appropriation for the county memorial hospital as provided in [section 331.427, subsection 3, paragraph "b"](#). For the purposes of public notice, the commission is a certifying board and is subject to the requirements of [sections 24.3 through 24.5, sections 24.9 through 24.12, and section 24.16](#).

3. The term of office of each member shall be three years, and any vacancies occurring in the membership shall be filled in the same manner as the original appointment.

4. Commencing with the commissioners appointed to take office after January 1, 1952, the terms of office of the commissioners shall be staggered so that all commissioners' terms will not end in the same year. Thereafter, the successors in each instance shall hold office for a term of three years or until a successor is appointed and qualified.

5. The commissioners having the management and control of a memorial hospital shall, within ten days after their appointment, qualify by taking the usual oath of office, but no bonds shall be required of them. The commissioners shall organize by electing a chairperson, secretary, and treasurer. The secretary shall immediately report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the commission. The commission shall meet as necessary to adequately oversee the operation of the hospital. A majority of the commission members shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings. The commissioners of a memorial hospital shall have all of the powers and duties necessary to manage, control, and govern the memorial hospital including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions conflict with [this chapter](#).

6. Memorial hospital funds shall be received, disbursed, and accounted for in the same manner and by the same procedure as provided by [section 347.12](#).

[C97, §436; C24, 27, 31, 35, 39, §491; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.9]  
[86 Acts, ch 1200, §1](#); [89 Acts, ch 296, §9](#); [95 Acts, ch 114, §1](#); [99 Acts, ch 36, §1](#); [2000 Acts, ch 1154, §7](#); [2007 Acts, ch 21, §1](#); [2009 Acts, ch 110, §2](#)

Referred to in [§37.15, 37.21, 331.321](#)

#### **37.10 Qualification — appointment.**

1. Each commissioner, except for a memorial hospital commissioner, shall be a veteran, as defined in [section 35.1](#), and be a resident of the county in which the memorial hall or monument is located. Each commissioner for a memorial hospital shall be a resident of this state and reside within the memorial hospital's service area.

2. Each commission member shall be appointed by the mayor with approval of the council or by the chairperson of the county board of supervisors in the case of a county or joint memorial building or monument.

[C97, §436; C24, 27, 32, 35, 39, §492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.10]  
[89 Acts, ch 296, §10](#); [96 Acts, ch 1216, §28](#); [99 Acts, ch 36, §2](#); [99 Acts, ch 180, §13](#); [99 Acts, ch 208, §47](#); [2012 Acts, ch 1084, §1](#)

Referred to in [§331.321](#)

**37.11 through 37.14** Reserved.

#### **37.15 Ex officio voting member.**

If a memorial hall or building is a city hall, coliseum, or auditorium, the mayor of the city may be an ex officio voting member of the commission created in [section 37.9](#).

[C24, 27, 31, 35, 39, §497; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.15]  
[95 Acts, ch 114, §2](#)

Referred to in [§331.321](#)

#### **37.16 Disbursement of funds — purchasing regulations — reports.**

All funds voted under the provisions of [this chapter](#) shall be disbursed by the county or city officers, only with the approval of the commission. However, the commission may adopt purchasing regulations to govern the purchase of specified goods and services without the prior approval of the commission. The purchasing regulations shall conform to generally accepted practices followed by public purchasing officers. The commission shall report to and make settlement with the board of supervisors or the city council, as the case may be, at the time and in the manner required of county and city officers.

[C97, §436; C24, 27, 31, 35, 39, §498; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.16]  
[92 Acts, ch 1024, §1](#)

**37.17 Gifts and bequests.**

Gifts and bequests to any county or city, or to the commission, for any of the purposes provided in [this chapter](#), may be accepted and the property shall be used in accordance with the provisions of [this chapter](#), and as may be expressly designated by the donor.

[C24, 27, 31, 35, 39, §499; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.17]

**37.18 Name — uses.**

1. Any such memorial hall or building shall be given an appropriate name and shall be available so far as practical for the following purposes:

a. The special accommodations of soldiers, sailors, marines, nurses, and other persons who have been in the military or naval service of the United States.

b. For military headquarters, memorial rooms, library, assembly hall, gymnasium, natatorium, club room, and rest room.

c. County or city hall offices for any county or municipal purpose, community house, recreation center, memorial hospital, and municipal coliseum or auditorium.

d. Similar and appropriate purposes in general community and neighborhood uses, under the control and regulation of the custodians thereof.

e. Athletic contests, sport and entertainment spectacles, expositions, meetings, conventions and all food and beverage services incident thereto.

2. The term “*memorial hall*” or “*memorial building*” as in [this chapter](#) provided shall also mean and include such parking grounds, ramps, buildings or facilities as the commission may build, acquire by purchase or lease or gift to be used for purposes not inconsistent with the uses as set out in [this section](#).

[C24, 27, 31, 35, 39, §500; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.18]

[2008 Acts, ch 1032, §201](#)

Referred to in [§37.2](#), [37.3](#), [37.4](#)

**37.19 Reserved.****37.20 Funds, monuments, and memorials previously initiated.**

1. In any case of funds heretofore raised or in the process of being raised, by tax levy or other provision of law heretofore existing, for any of the purposes provided by [this chapter](#), the board of supervisors or the city council, as the case may be, shall cause such funds to be used and applied to all intents and purposes for the acquisition of necessary ground and the purchase, erection, construction or reconstruction and equipment of such monument or memorial building in the same manner and to the same extent as if such funds had been raised for said purpose by a bond issue, as provided in [this chapter](#), and all the provisions of [this chapter](#) shall apply to said funds.

2. All other provisions of [this chapter](#) shall apply to any monument or memorial heretofore constructed or hereafter constructed from funds raised under any provision of law heretofore existing.

3. In all cases covered by [this section](#), the taking effect of [this chapter](#) shall fix the time for the selection and appointment of the commissioners to all intents and purposes the same as an election on the proposition to erect a memorial building or monument, as provided in [this chapter](#).

[C24, 27, 31, 35, 39, §502; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.20]

[2017 Acts, ch 54, §76](#)

Section enacted in 40 Ex GA, SF 19 (1924)

**37.21 Joint memorials.**

Any city may join with the county or township in which such city is located in the joint erection or purchase of memorial buildings or monuments and suitable ground and equipment therefor, and the maintenance thereof, providing the council of such city and the board of supervisors of such county or the township trustees can so agree, but in cases where commissioners have already been appointed under [section 37.9](#), such agreement shall be between such commissioners, but if only one of such parties has appointed commissioners, then such agreement shall be between the commissioners already appointed and the council

of such city or the board of supervisors of such county or the township trustees, as the case may be.

[C27, 31, 35, §502-b1; C39, §502.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.21]  
Referred to in §360.4

### **37.22 Unexpended funds.**

Whenever in any county, funds have been raised by taxation for the purpose of erecting and maintaining memorial buildings or monuments, and said funds are under control of a commission as provided in [this chapter](#), and said funds have remained unexpended for a period of five years or more, and when no unpaid obligation exists against said funds, the said commission, or a majority of the members thereof, may disburse said funds for the erection, purchase or improvement of one or more memorial buildings, monuments, parks, playgrounds, swimming pools, homes or club rooms for duly incorporated and acting posts or chapters of veterans' organizations operating under a United States congressional charter, in the county.

[C31, 35, §502-c1; C39, §502.2; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.22]  
Referred to in §37.24, 37.26

### **37.23 Contract to repay.**

When such erection, purchase or improvement has been made, the commission shall take from the posts or chapters which are beneficiaries of such erection, purchase or improvement, the promissory obligation of such posts or chapters to repay the amount expended by the commission with or without annual interest, together with such security as the commission may require.

[C31, 35, §502-c2; C39, §502.3; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.23]  
Referred to in §37.26

### **37.24 Investment of funds.**

Funds not disbursed as provided in [section 37.22](#) may be invested by said commission in such securities as are authorized by [section 636.23](#).

[C31, 35, §502-c3; C39, §502.4; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.24]  
Referred to in §37.26

### **37.25 Accumulations.**

All interest accumulations shall become part of the principal fund and all uninvested funds shall be kept on deposit with the county treasurer.

[C31, 35, §502-c4; C39, §502.5; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.25]  
Referred to in §37.26

### **37.26 General powers.**

For the purpose of carrying out the provisions of [sections 37.22 to 37.25](#), the commission shall have authority to receive and to convey title to real estate, to take mortgage or other security and to release or transfer the same.

[C31, 35, §502-c5; C39, §502.6; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.26]

### **37.27 Nursing homes with memorial hospitals.**

If a memorial building has been constructed for the purpose of a hospital pursuant to [this chapter](#), additions for hospital purposes, and nursing homes to be operated in conjunction with the hospital may be erected or acquired by following the procedure outlined in [chapter 347](#) and by issuing general county purpose bonds in accordance with [sections 331.441 to 331.449](#), with the commissioners acting in the same manner and fashion as the hospital trustees under [chapter 347](#), and with the procedure in all other respects to be identical.

[C62, 66, 71, 73, 75, 77, 79, 81, S81, §37.27; 81 Acts, ch 117, §1006]

### **37.28 Anticipatory warrants.**

If the funds raised under [this chapter](#) are insufficient for any fiscal year to pay the principal and interest due in that year on bonds issued for hospital purposes under [section 37.6](#) and to pay the expenses of the operation and maintenance of the hospital and any

other hospital expenses authorized by [this chapter](#) for the fiscal year, the commission may issue anticipatory warrants drawn on the funds to be raised. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not exceeding that permitted by [chapter 74A](#). These warrants are not a general obligation of any political subdivision which owns the hospital.

[C79, 81, S81, §37.28; [81 Acts, ch 117, §1007](#); [82 Acts, ch 1104, §2](#)  
[83 Acts, ch 123, §44, 209](#)

### **37.29 Contents of warrants.**

All tax anticipatory warrants shall be signed by the chairperson of the commission and attested by the auditor of a political subdivision which owns the hospital with the auditor's official seal attached thereto, and dated as of the date of sale, and shall not be sold for less than par value. The warrants may be drawn and sold from time to time as the need for funds to carry out the purpose of [this chapter](#) arises.

[C79, 81, §37.29]

### **37.30 Registration — call.**

All anticipatory warrants drawn under [this chapter](#) shall be numbered consecutively, be registered in the office of the treasurer of a political subdivision which owns the hospital and be subject to call in numerical order at any time when sufficient money derived from the tax levied is in the hands of the treasurer to retire any of the warrants together with accrued interest.

[C79, 81, S81, §37.30; [81 Acts, ch 117, §1008](#); [82 Acts, ch 1104, §3](#)  
[83 Acts, ch 123, §45, 209](#)

Referred to in [§331.552](#)