

6 Board of Optometry Examiners may reinstate such licensee to practice
 7 optometry upon presentation of satisfactory proof of postgraduate
 8 study of a standard approved by said Examiners, and payment of all
 9 fees due. Licensees residing and practicing in other states are not
 10 required to comply with the postgraduate requirement."

1 SEC. 5. Chapter one hundred twenty-two (122) of the Code is
 2 amended by adding thereto the following:

3 "It shall be unlawful for any person to dispense an ophthalmic lens
 4 or lenses, without first having obtained a written prescription or order
 5 therefor from a duly licensed practitioner referred to in this chapter,
 6 or other practitioner authorized to write said prescriptions or orders.
 7 Each such practitioner shall furnish his patient without charge a copy
 8 of his patient's prescription."

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

1 SEC. 7. For the purpose of this act, an ophthalmic lense shall mean
 2 one which has been ground to fill the requirements of a particular
 3 prescription.

Approved April 14, 1941.

CHAPTER 119

SOIL CONSERVATION DISTRICTS

H. F. 207

AN ACT to amend chapter one hundred twenty-five and one tenth (125.1), Code, 1939, and chapter ninety-two (92), Acts of the Forty-eighth General Assembly, relating to soil conservation districts; the powers, duties, and compensation of the state soil conservation committee; the election and terms of office of district commissioners, their powers, duties, and compensation; the discontinuance of soil conservation districts; and the biennial report to the governor; and to amend chapter seven and one tenth (7.1), Code, 1939, relating to submission of biennial estimate of expenditures to the state comptroller by the state conservation committee.

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

1 SECTION 1. Chapter one hundred twenty-five and one tenth (125.1),
 2 code, 1939, is hereby amended by striking therefrom the words "super-
 3 visor" and "supervisors" wherever they may appear therein and by
 4 inserting in lieu thereof the word "commissioner" or "commissioners",
 5 as the case may be, and the code editor is hereby authorized to make
 6 said changes.

1 SEC. 2. Section two thousand six hundred three and four hundredths
 2 (2603.04), code, 1939, is hereby amended by striking from line two

3 (2) of subsection five (5) the figures "2603.07" and inserting in lieu
4 thereof the figures "2603.06".

5 Said section is hereby further amended by striking subsection ten
6 (10) and inserting in lieu thereof the following:

7 "10. 'Landowner' includes any person, firm, or corporation who
8 shall hold title to three or more acres of land lying outside incorporated
9 cities or towns and within a proposed district or a district organized
10 under the provisions of this chapter."

11 Said section is hereby further amended by striking all of subsection
12 eleven (11) and by renumbering the following subsection.

1 SEC. 3. Section two thousand six hundred three and five hundredths
2 (2603.05), code, 1939, is hereby amended by striking from lines twenty-
3 three (23) and twenty-four (24) of subsection three (3) the following:
4 "Such per diem shall not exceed fifty days per year.", and by inserting
5 in lieu thereof the following: "The committee shall determine the
6 number of days for which any committee member may draw per diem
7 compensation, but the total number of days for which per diem com-
8 pensation is allowed for the entire committee shall not exceed one
9 hundred fifty (150) days per year."

1 SEC. 4. Section two thousand six hundred three and six hundredths
2 (2603.06), code, 1939, is hereby amended by striking therefrom sub-
3 sections three (3), four (4), five (5), and six (6) and inserting in lieu
4 thereof the following:

5 "3. After the committee has made and recorded a determination
6 that there is need, in the interest of health, safety, and public welfare,
7 for the organization of a district in a particular territory and has
8 defined the boundaries thereof, it shall consider the question whether
9 the operation of a district within such boundaries with the powers
10 conferred upon soil conservation districts in this chapter in admin-
11 istratively practicable and feasible. It shall be the duty of the com-
12 mittee to hold a referendum within the proposed district upon the
13 question of the creation of the district, and, at the same time, hold an
14 election to elect the first commissioners of the district, and to cause
15 due notice of such referendum and election to be given. Nomination
16 petitions may be filed with the state soil conservation committee to
17 nominate candidates for commissioners. Candidates for commis-
18 sioners shall be nominated at least ten (10) days prior to the date of
19 the election, unless the committee extends the time within which
20 nominating petitions may be filed. No such nominating petition shall
21 be accepted by the committee unless it shall be subscribed by twenty-
22 five (25) or more landowners of such proposed district. Such land-
23 owners may sign more than one such nominating petition to nominate
24 more than one candidate for commissioners. The referendum and
25 election shall be held by using ballots upon which the words 'For
26 creation of a soil conservation district of the lands below described
27 and lying in the county (ies) of.....,,
28 and.....' and 'Against creation of a soil con-
29 servation district of the lands below described and lying in the county
30 (ies) of.....,, and.....'
31 shall appear, with a square before each proposition, and a direction
32 to insert an X mark in the square before one or the other of said

33 propositions as the voter may favor or oppose creation of such district.
34 The ballot shall set forth the boundaries of such proposed district as
35 determined by the committee. The names of all nominees on behalf
36 of whom such nominating petitions have been filed within the time
37 herein designated shall also appear upon the ballots, arranged in
38 alphabetical order of the surnames, with a square before each name
39 and a direction to insert an X mark in the square before any three
40 (3) names to indicate the voter's preference. Only owners of land
41 within the boundaries of the territory as determined by the state
42 soil conservation committee shall be eligible to vote in such refer-
43 endum and election.

44 "4. The committee shall pay all expenses for the issuance of such
45 notices and the conduct of such hearings, referenda and elections,
46 and shall supervise and conduct such hearings, referenda and elections.
47 It shall issue appropriate regulations governing the conduct of such
48 hearings, referenda and elections, and provide for the registration,
49 prior to the date of the referendum and election, of all eligible voters,
50 or prescribe some other appropriate procedure for the determina-
51 tion of those eligible as voters in such referendum and election. No
52 informalities in the conduct of such referendum and election or in
53 any matters relating thereto shall invalidate said referendum and
54 election or the result thereof if notice thereof shall have been given
55 substantially as herein provided and said referendum and election
56 shall have been fairly conducted.

57 "5. The committee shall consider and determine whether the
58 operation of the district within the defined boundaries is adminis-
59 tratively practicable and feasible and shall publish the result of such
60 referendum. If the committee shall determine that the operation of
61 such district is not administratively practicable and feasible, it shall
62 record such determination and shall deny the petition for organiza-
63 tion of a district. If the committee shall determine that the operation
64 of such district is administratively practicable and feasible, it shall
65 record such determination and shall proceed with the organization
66 of the district in the manner hereinafter provided. In making such
67 determination the committee shall give due regard and weight to the
68 attitudes of the landowners and occupiers within the defined bound-
69 aries, and the number of landowners eligible to vote in such refer-
70 endum who shall have voted, the proportion of the votes cast in such
71 referendum in favor of the creation of the district to the total number
72 of votes cast, the income of the landowners and occupiers of the
73 proposed district, the probable expense of carrying on erosion-control
74 operations within such district, and such other economic and social
75 factors as may be relevant to such determination, having due regard
76 to the legislative determinations set forth in section two thousand
77 six hundred three and three hundredths (2603.03); provided, how-
78 ever, that the committee shall not have authority to determine that
79 the operation of the proposed district within the defined boundaries
80 is administratively practicable and feasible unless at least sixty-five
81 per cent (65%) of the votes cast in the referendum is in favor of the
82 creation of such district.

83 "6. If the committee shall determine that the operation of the
84 proposed district within the defined boundaries is administratively

85 practicable and feasible, it shall publish the results of the election
86 of commissioners. The three (3) candidates who shall have received
87 the largest number, respectively, of the votes cast in such election shall
88 be the elected commissioners for such district. The term of office
89 of each commissioner shall be six years, except that the terms of
90 the commissioners first elected shall be as follows: Six years for
91 the commissioner receiving the highest number of votes in the elec-
92 tion, four years for the commissioner receiving the second highest
93 number of votes in the election, and two years for the commissioner
94 receiving the third highest number of votes in the election. A com-
95 missioner shall hold office until his successor has been elected and
96 has qualified. Vacancies shall be filled for the unexpired term.
97 There shall be elected biennially one commissioner for the term of
98 six years to succeed the commissioner whose term of office expires.
99 The election of a successor to fill an unexpired term or for a full
100 term shall be made under regulations of the state soil conservation
101 committee and conducted by the commissioners of the district in the
102 same manner as hereinabove provided; or, at the discretion of the
103 committee, it may appoint a successor to fill the unexpired term of a
104 commissioner, but only for a term extending to the date of the next
105 election in the district held to elect a successor to a commissioner
106 for that district.

107 "Such district shall be a body corporate upon the taking of the
108 following proceedings: The three (3) commissioners shall present to
109 the secretary of state an application signed by them, which shall set
110 forth (and such application need contain no detail other than the mere
111 recitals): (1) that a petition for the creation of the district was
112 approved by the state soil conservation committee pursuant to the
113 provisions of this chapter, and that they are the duly elected com-
114 missioners; (2) the name and official residence of each of the com-
115 missioners; (3) the name which is proposed for the district; and
116 (4) the location of the proposed office of the commissioners of the
117 district. The application shall be subscribed and sworn to by each
118 of said commissioners before an officer authorized by the laws of
119 this state to take and certify oaths. The application shall be ac-
120 companied by a statement by the state soil conservation committee
121 which shall certify that a petition was filed, notice issued, and
122 hearing held as aforesaid; that the committee did duly determine
123 that there is need, in the interest of health, safety, and public welfare,
124 for a soil conservation district to function in the proposed territory
125 and did define the boundaries thereof; that notice was given and a
126 referendum held on the question of the creation of such district and
127 an election held to elect commissioners for such district, if created,
128 and that the results of such referendum showed sixty-five percent
129 (65%) of the votes cast in such referendum to be in favor of the
130 creation of the district; that thereafter the committee did duly deter-
131 mine that the operation of the proposed district is administratively
132 practicable and feasible. The said statement shall set forth the
133 boundaries of the district as they have been defined by the committee,
134 and the names of the duly elected commissioners.

135 "The secretary of state shall examine the application and state-
136 ment and, if he finds that the name proposed for the district is not

137 identical with that of any other soil conservation district of this state
138 or so nearly similar as to lead to confusion or uncertainty, he shall
139 receive and file them and shall record them in an appropriate book of
140 record in his office. If the secretary of state shall find that the name
141 proposed for the district is identical with that of any other soil con-
142 servation district of this state, or so nearly similar as to lead to
143 confusion and uncertainty, he shall certify such fact to the state soil
144 conservation committee, which shall thereupon submit to the secretary
145 of state a new name for the said district, which shall not be subject to
146 such defects. Upon receipt of such new name, free of such defects,
147 the secretary of state shall record the application and statement,
148 with the name so modified, in an appropriate book of record in his
149 office. When the application and statement have been made, filed and
150 recorded, as herein provided, the district shall constitute a body cor-
151 porate. The secretary of state shall make and issue to the said com-
152 missioners a certificate, under the seal of the state, of the due
153 organization of the said district, and shall record such certificate
154 with the application and statement. The commissioners shall also
155 cause such certificate to be recorded in the office of the county
156 recorder of each county in which the land of the district extends. The
157 boundaries of such district shall include the territory as determined
158 by the state soil conservation committee as aforesaid, but in no event
159 shall they include any area included within the boundaries of another
160 soil conservation district organized under the provisions of this
161 chapter."

162 Said section two thousand six hundred three and six hundredths
163 (2603.06) is further amended by striking from line one (1) of sub-
164 section seven (7) the word "eighteen" and inserting in lieu thereof
165 the word "six".

166 Said section two thousand six hundred three and six hundredths
167 (2603.06) is further amended by striking therefrom subsection eight
168 (8) and inserting in lieu thereof the following:

169 "8. Petitions for including additional territory within an existing
170 district may be filed with the state soil conservation committee, and
171 the proceedings herein provided for in the case of petition to organize
172 a district shall be observed in the case of petitions for such inclusion.
173 The committee shall prescribe the form for such petition, which shall
174 be as nearly as may be in the form prescribed in this chapter for
175 petitions to organize a district. In referenda upon petitions for such
176 inclusion, all landowners within the proposed area shall be eligible
177 to vote. Where the total number of landowners in the area proposed
178 for inclusion shall be less than twenty-five (25), the petition may be
179 filed when signed by seventy-five percent (75%) of the landowners
180 of such area, and in such case no referendum need be held."

181 Said section two thousand six hundred three and six hundredths
182 (2603.06) is further amended by striking therefrom lines twenty-
183 seven (27) to thirty (30), inclusive, and inserting in lieu thereof the
184 following:

185 "Where petitions are filed covering adjacent territory or parts
186 of the same territory, the state soil conservation committee may
187 consolidate all or any of such petitions."

1 SEC. 5. Section two thousand six hundred three and seven hun-

2 dredths (2603.07), code, 1939, is hereby repealed.

1 SEC. 6. Section two thousand six hundred three and eight hun-
2 dredths (2603.08), code, 1939, is hereby amended by striking lines
3 one (1) to twenty-three (23), inclusive, and inserting in lieu thereof
4 the following:

5 "The governing body of the district shall consist of three commis-
6 sioners who shall reside within the district or in cities or towns lying
7 within the outside boundaries of the district. The commissioners
8 shall designate a chairman and may, from time to time, change such
9 designation.

10 The commissioners of the respective districts shall submit to the
11 committee such statements, estimates, budgets, and other information
12 at such times and in such manner as the committee may require.

13 A commissioner shall receive no compensation for his services but
14 he may be paid expenses, including traveling expenses, necessarily
15 incurred in the discharge of his duties, if funds are available for that
16 purpose."

1 SEC. 7. Section two thousand six hundred three and nine hun-
2 dredths (2603.09), code, 1939, is hereby amended by inserting the
3 words "or occupier" after the word "owner" in line seven (7) of sub-
4 section two (2), line twelve (12) of subsection three (3), and line
5 five (5) of subsection four (4); also by inserting the words "or
6 occupiers" after the word "landowners" in lines two (2) and five (5)
7 and six (6) of subsection six (6), and line eight (8) of subsection
8 eleven (11); also by inserting the words "and occupiers" after the
9 word "owners" in line thirteen (13) of subsection eight (8).

1 SEC. 8. Section twelve (12) of chapter ninety-two (92), Acts of
2 Forty-eighth General Assembly, is hereby amended by striking all of
3 paragraph A after the word "Act" in line five (5) and inserting in
4 lieu thereof a period.

5 Said section is further amended by striking from paragraph B the
6 following: "1st, 1941," and inserting in lieu thereof the words "first
7 next preceding each biennial legislative session,".

1 SEC. 9. Chapter seven and one tenth (7.1), Code, 1939, is hereby
2 amended by adding thereto the following section:

3 "On or before September first next preceding each biennial legisla-
4 tive session, the state soil conservation committee shall submit to
5 the state comptroller, on official estimate blanks furnished for such
6 purposes, statements and estimates of the expenditure requirements
7 for each fiscal year of the ensuing biennium, and a statement of the
8 balance of funds, if any, available to the committee, and the estimates
9 of the committee as to the sums needed for its administrative and other
10 expenses."

1 SEC. 10. This act being deemed of immediate importance shall
2 take effect and be in force from and after its publication in the
3 Gravity Independent, a newspaper published at Gravity, Iowa, and in
4 The Union-Tribune, a newspaper published at Russell, Iowa.

Approved April 16, 1941.

I hereby certify that the foregoing act was published in the Gravity Independent, Gravity, Iowa, April 24, 1941, and the Union-Tribune, Russell, Iowa, April 24, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 120

SOIL CONSERVATION

S. F. 156

AN ACT to amend sections two thousand six hundred three and nine hundredths (2603.09) and two thousand six hundred three and twelve hundredths (2603.12), Code, 1939, relating to soil conservation.

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

1 SECTION 1. Section two thousand six hundred three and nine hun-
2 dredths (2603.09), Code, 1939, is hereby amended as follows:

3 1. Strike from line one (1) of subsection three (3) of said section
4 the word "central" and insert in lieu thereof the word "control".

5 2. Strike from line six (6) of subsection three (3) of said section
6 the word "subsection C of".

1 SEC. 2. Section two thousand six hundred three and twelve hun-
2 dredths (2603.12), Code, 1939, is hereby amended by striking all of the
3 last sentence of the third (3d) paragraph of said section.

Approved April 10, 1941.

CHAPTER 121

CONTROL AND ERADICATION OF BANG'S DISEASE

S. F. 505

AN ACT to provide for control and eradication of Bang's disease in cattle; to provide for the levy in each county of a tax to be placed in a fund to be known as the County Bang's Disease Eradication Fund; and repealing chapter eighty-seven (87), Acts of the 48th General Assembly.

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

1 SECTION 1. Definitions.

2 As used in this chapter:

3 "Department" means the Department of Agriculture.

4 "Condemned" applies to cattle reacting to a test applied for Bang's
5 disease.

6 "Official test" for Bang's disease includes all tests under the super-
7 vision of or authorization from the department.

8 "Owner" includes any person, firm, co-partnership, association or
9 corporation owning or leasing from another any livestock.

10 "Registered purebred" shall include cattle with a certificate from
11 herd books where registered.

1 SEC. 2. Rules and regulations.