

CHAPTER 363

DISPUTES BETWEEN GOVERNMENTAL AGENCIES

H. F. 594

AN ACT prohibiting litigation between governmental agencies.

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

1 SECTION 1. Any litigation between administrative departments,
2 commissions or boards of the state government is prohibited. All dis-
3 putes between said governmental agencies shall be submitted to a
4 board of arbitration of three members to be composed of two members
5 to be appointed by the departments involved in the dispute and a third
6 member to be appointed by the governor. The decision of the board
7 shall be final.

Approved April 27, 1959.

CHAPTER 364

CHARITABLE TRUSTS

H. F. 718

AN ACT relating to charitable trusts and the supervision thereof by the attorney general.

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

1 SECTION 1. The words "charitable trust" as used in this chapter
2 shall mean any fiduciary relationship with respect to property arising
3 as a result of a manifestation of an intention to create it and sub-
4 jecting the person by whom the property is held to equitable duties
5 to deal with the property for charitable, educational or religious pur-
6 poses.

1 SEC. 2. The attorney general shall be notified of all judicial pro-
2 ceedings affecting, or in any manner dealing with, a trustee who holds
3 in trust within the state property given, devised, or bequeathed for
4 charitable, educational or religious purposes, and who administers or
5 is under a duty to administer the same in whole or in part for said
6 purposes within the state, and shall be deemed to be an interested
7 party thereto.

1 SEC. 3. In addition to his common law and statutory duties the
2 attorney general shall prepare and maintain a register of all chari-
3 table trusts heretofore or hereafter established or active in the state.

1 SEC. 4. The register hereby established shall be open to the in-
2 spection of any person at such reasonable times and for such legiti-
3 mate purposes as the attorney general may determine. Upon the
4 registration of each charitable trust there shall be paid to the attor-
5 ney general for the use of the state a fee of five (5) dollars.

1 SEC. 5. The attorney general shall make such rules and regula-
2 tions as may be reasonable or necessary to secure records and other

3 information for the operation of the register and for the supervision,
4 investigation and enforcement of charitable trusts.

1 SEC. 6. The attorney general may investigate at any time chari-
2 table trusts for the purpose of determining and ascertaining whether
3 they are being administered in accordance with law and with the
4 terms and purposes thereof. For the purposes of such investigation
5 the attorney general may require any person, agent, trustee, fiduci-
6 ary, beneficiary, institution, association, or corporation administer-
7 ing a trust or having an interest therein, or knowledge thereof, to
8 appear at such time and place as the attorney general may designate,
9 then and there under oath to produce for the use of the attorney gen-
10 eral any and all books, memoranda, papers of whatever kind, docu-
11 ments of title or other evidence of assets or liabilities which may be
12 in the ownership or possession or control of such person, agent, trust-
13 tee, fiduciary, beneficiary, institution, association, or corporation, and
14 to furnish such other available information relating to said trust as
15 the attorney general may require.

1 SEC. 7. Whenever the attorney general may require the attend-
2 ance of any such person, agent, trustee, fiduciary, beneficiary, insti-
3 tution, association, or corporation, as provided in this chapter, he
4 shall issue a notice setting the time and place when such attendance
5 is required and shall cause the same to be delivered or sent by regis-
6 tered mail to such person, agent, trustee, fiduciary, beneficiary, insti-
7 tution, association, or corporation at least twenty (20) days before
8 the date fixed in the notice for such attendance.

1 SEC. 8. If any person, agent, trustee, fiduciary, beneficiary, insti-
2 tution, association, or corporation receiving such notice, neglects to
3 attend or to remain in attendance so long as may be necessary for the
4 purposes for which the notice was issued, or refuses to produce such
5 books, memoranda, papers of whatever kind, documents of title or
6 other evidence of assets or liabilities or to furnish such available
7 information as may be required, any judge of the district court for
8 the county within which the inquiry is carried on or within which
9 said person, agent, trustee, fiduciary, beneficiary, institution, associ-
10 ation, or corporation transacts business, upon application of the at-
11 torney general shall have jurisdiction to issue to such person, agent,
12 trustee, fiduciary, beneficiary, institution, association or corporation
13 an order requiring such person, agent, trustee, fiduciary, beneficiary,
14 institution, association, or corporation to appear before the attorney
15 general there to produce for the use of the attorney general evidence
16 in accordance with the terms of such notice, and failure to obey such
17 order of the district court may be punished by said court as a con-
18 tempt thereof.

1 SEC. 9. No person shall be excused from testifying or from pro-
2 ducing any book or paper in any investigation or inquiry by or upon
3 any hearing before the attorney general, when ordered to do so by
4 the attorney general, upon the ground that the testimony or evidence,
5 book or document required of him may tend to incriminate him or
6 subject him to a penalty or forfeiture; but no person shall be prose-
7 cuted, punished or subjected to any penalty or forfeiture for or on
8 account of any act, transaction, matter or thing concerning which

9 under oath, after claiming his privilege, he shall by order of the
10 attorney general have testified or produced documentary evidence.

1 SEC. 10. Any fiduciary holding property subject to equitable
2 duties to deal with such property for charitable, educational or re-
3 ligious purposes shall annually, on or before July first, unless other-
4 wise directed by the attorney general, make to him a written report
5 for the last preceding fiscal year of such trust showing the property
6 so held and administered, the receipts and expenditures in connection
7 therewith, the names and addresses of the beneficiaries thereof and
8 such other information as the attorney general may require. Refusal
9 for two (2) successive years to file such a report shall constitute a
10 breach of trust and the attorney general shall take such action as
11 may be appropriate to compel compliance herewith.

1 SEC. 11. Regardless of any language in the agreement, deed, will
2 or other instrument creating a charitable trust, no trustee or trustees
3 of such a trust shall be exonerated from liability for failure to exer-
4 cise reasonable care, diligence and prudence.

1 SEC. 12. The provisions of this chapter shall not be applicable to
2 charitable, religious and educational institutions holding funds in
3 trust exclusively for their own charter or corporate purposes nor to
4 trusts in which the charitable interest is contingent upon the happen-
5 ing of an uncertain future event; provided, however, that upon the
6 happening of said event vesting the charitable interest such trust
7 shall thereafter be subject to all the provisions hereof.

Approved May 15, 1959.

CHAPTER 365

CHIEF JUSTICE OF THE SUPREME COURT

S. F. 154

AN ACT relating to the appointment, term and authority of the chief justice of the
state.

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

1 SECTION 1. Section six hundred eighty-four point four (684.4),
2 Code 1958, is hereby repealed and the following enacted in lieu there-
3 of:
4 "The members of the supreme court shall select one (1) of their
5 number to be chief justice, to serve as such throughout the remainder
6 of his then term of office. He shall be eligible for reselection. The
7 chief justice shall appoint one (1) of the other members of the court
8 to act in his place and stead in case of his absence or inability to act
9 and, when so acting, such member shall have all the rights, duties and
10 powers given by law to the chief justice."

Approved February 19, 1959.