

## THE LEGISLATION OF THE EXTRA SESSION OF THE FORTIETH GENERAL ASSEMBLY OF IOWA

Activity incident to codification of the laws of Iowa began in 1919. Members of the Thirty-eighth General Assembly hoped that an extra session would be called for the purpose of codification, but Governor W. L. Harding failed to call the special session in 1920, as did Governor N. E. Kendall in 1921 or 1922. Moreover, in his biennial message of 1923 Governor Kendall stated that study of the subject had confirmed his conviction that revision could be effected at the regular session of the legislature.<sup>1</sup>

Many Senators and Representatives were of a contrary opinion, but finally it was agreed that as much of the work of codification as possible should be done during the regular session with the understanding that if the task were not completed at the end of the one hundred day period a special session would be convened. Accordingly a special message on the general status of code revision was sent to the Governor from each of the houses on April 16, 1923, which set forth that it had been found to be impossible to complete the task within the one hundred day limit.<sup>2</sup>

On the same day the Governor issued his proclamation calling the Fortieth General Assembly in special session to convene at ten o'clock in the morning of April 18th for the purpose of concluding the "revision and recodification" of the law.<sup>3</sup>

<sup>1</sup> *Journal of the Senate*, 1923, p. 43.

<sup>2</sup> *Journal of the Senate*, 1923, pp. 1610, 1611; *Journal of the House of Representatives*, 1923, pp. 1810, 1811.

<sup>3</sup> *Journal of the House of Representatives*, 1923, pp. 1809, 1810; *Journal of the Senate*, 1923, p. 1611.

The legislature met, as provided by the call of the Governor, on April 18, 1923, and adjourned without day on July 30, 1924. During this time, however, recesses were taken from April 18, 1923, to December 4, 1923; from December 22, 1923, to December 27, 1923; from December 31, 1923, to January 2, 1924; and from February 28, 1924, to March 5, 1924; and from April 26, 1924, to July 22, 1924.<sup>4</sup>

Indeed the session may be divided into three periods: the first on April 18, 1923, when emergency business was transacted; the second, from December 4, 1923, to April 26, 1924, during which time the code revision was completed and a number of other measures adopted; and the third from July 22 to July 30, 1924, which was devoted to the correction of errors and attending to other matters relative to completion of codification of the law.

The great task of the special session of the Fortieth General Assembly was the codification of the law but a number of emergency measures and temporary acts were also passed, particularly during the period from December 4, 1923, to April 26, 1924. Indeed, an act approved on April 12, 1924, directed the printing board to prepare and cause to be printed a volume of the session laws of the extra session of the Fortieth General Assembly. This law directed that only the special acts and those taking effect on publication be printed in the volume.<sup>5</sup> Later in the session another act was passed which provided for the publication of a supplement to this volume to contain the acts adopted subsequent to July 22, 1924.<sup>6</sup>

The session laws as published consist of one hundred and

<sup>4</sup> *Journal of the House of Representatives, 1923-1924 (Extra Session)*, pp. 10, 200, 212, 938, 1711; *Journal of the Senate, 1923-1924 (Extra Session)*, pp. 8, 204, 230, 795, 1542.

<sup>5</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 1.

<sup>6</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 83.

five chapters. Of this number thirteen chapters were the result of Code Commission bills and were printed in this volume because of their immediate need and because of the requirement that they should become effective upon publication. These measures are chapters five, dealing with primary election laws; six, relative to corporations; seven, city elections; eight and twenty-five, highways; nine, insurance; ten, banking; eleven, coöperative associations; thirteen, electric transmission lines; sixteen and seventeen, schools and school districts; nineteen, compensation of county attorneys; and seventy-eight, cities and towns. In addition to these it should be noted that chapter twenty-three, dealing with the subject of bovine tuberculosis, originated as House File Number 68a — being related to the subject dealt with in File Number 68 of the Code Commission bills. Since all bills numbering from one to two hundred and eighty-three were code bills this measure, although strictly not a code bill was treated as such. Thus fourteen of the one hundred and five temporary or special acts of the extra session of the Fortieth General Assembly as published in the session laws may be disposed of summarily as being code bills, although a few of these will be further discussed in connection with other subjects. Chapter twelve, dealing with policemen's and firemen's pension funds, although introduced by the Code Commission, was designated as House File Number 296 and accordingly was not included as one of the regular code bills. One of the acts of the extra session corrected errors in the cross references contained in sections 4124, 4158, 4164, and 5777 of the *Compiled Code of 1919*.<sup>7</sup>

*Publication and Distribution of the Code.*—In addition to the acts which provided for the publication of special

<sup>7</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 82.

acts and those taking effect on publication the special session also passed a law for the publication of the new code. It described the make-up and set forth the contents of the volume. The Code Editor was to put copy into proper shape and to this end was given power to correct typographical, grammatical, and clerical errors as well as to transpose and divide sections when necessary. The duty of having the volume printed as soon as possible was assigned to the State Printing Board, and a code supervising committee composed of three members of the House of Representatives and two members of the Senate appointed by the presiding officers of their respective houses was created to exercise general supervision of editing, printing, and binding the code. Finally, an appropriation to pay the expenses of publishing the code was made.<sup>8</sup>

To save the expense of a special session for future code revision, provision was made whereby the Code Editor shall prepare a new edition of the code after each even-numbered regular session of the General Assembly and the Printing Board is directed to "forthwith cause the same to be printed." This will give Iowa a new code every four years.

The method of distributing volumes of the code and session laws was altered. The duty of selling copies and of making free distribution was given to the Superintendent of Printing. Under the old law the former activity was entrusted to the county auditor while the Secretary of State was given charge of the latter. Some changes were also made in the number of copies of the code and of the volumes of session laws to be distributed to various agencies. For example the State Library will henceforth receive one hundred and twenty-five copies instead of one hundred and fifty copies and the Historical Department and State His-

<sup>8</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 3.

torical Society will each receive five copies instead of ten as provided in the old law.<sup>9</sup> Late in the session an act was passed amending the law relative to distribution of the code, and fixing the selling price at five dollars. By the provisions of another act the Superintendent of Printing was authorized to refund any amount in excess of five dollars which had been paid for a code.<sup>10</sup>

The duties of the Supreme Court Reporter as editor of the code in regard to recommendations to the legislature for change in the form of laws and the preparation of current acts for publication were collected and restated. Provision was also made for referring his recommendations to committees of the legislature.

*Duties of Superintendent of Printing.*—The duties of the Superintendent of Printing were amended by adding the duty of having custody of and taking charge of the distribution and sale of all codes, session laws, books of annotations, tables of corresponding sections, digests, and reports of the Supreme Court. He was also directed to perform duties which are incident to his position or which are ordered by the Printing Board. Finally he was specifically made responsible on his bond for the public property coming into his possession.<sup>11</sup>

*The State Legislature.*—The most important measure relating to the General Assembly passed at the special session is perhaps the joint resolution which proposes to amend Section 34 of Article III of the Constitution of Iowa so that no county shall be entitled to more than one Senator. The resolution also directs that this measure be

<sup>9</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 3, Secs. 1-29.

<sup>10</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 84, 85.

<sup>11</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 3, Secs. 21-25.

published according to law and refers it to the next General Assembly.<sup>12</sup>

Another joint resolution provided that the services of all officers and employees of the special session should be paid for at the same rate as in the regular session of the General Assembly. The action of the Retrenchment and Reform Committee in selecting certain extra help for the session was approved and compensation was provided for the persons selected.<sup>13</sup>

The legislators also amended the law relative to their compensation for service at an extra session by providing that they should be paid semi-monthly instead of at the close of the session.<sup>14</sup>

*The Budget.*— A very comprehensive budget system for State and local governmental agencies was provided. The office of Director of the Budget was created. The Director is to be appointed by the Governor for a term of six years and his appointment must be confirmed by a two-thirds vote of the Senate. He is required to give a bond of ten thousand dollars to be approved by the Governor and may be removed by the Governor for malfeasance in office. The approval of a majority of the Senate is necessary for removal, however, when that body is in session and at other times the Director may be suspended by the Governor who may make an appointment to fill the vacancy thus created subject to the approval of the Senate at its next meeting.

The Director is made responsible for carrying out the provisions of the budget law. To this end he is given power, with the approval of the Executive Council, to employ a State Accountant and such assistants as are neces-

<sup>12</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 76.

<sup>13</sup> *Acts of the Fortieth General Assembly* (Extra Session), Chs. 73, 74, 75.

<sup>14</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 26.

sary. He is also empowered to conduct hearings and can compel the production of evidence.

The several departments of the government are directed to furnish to the Budget Director on or before the first day of August of even-numbered years statements of their respective receipts, expenditures, and askings for the ensuing biennium. Hearings upon these statements for the benefit of public officials and taxpayers are to be conducted and by the first of November of even-numbered years the Director must have prepared and filed in his office the State budget report. This report must set forth the askings of each department or agency of the State government for the next biennium, together with the Director's recommended appropriation for each and his reason for any increases or decreases. The report must also contain a statement of expenditures and appropriations made during the two preceding biennial periods and statements of receipts for the same period. Finally, the report must set forth the estimated income from taxes and other sources for the ensuing biennium.

This report, together with an appropriation bill and an explanation of its contents also prepared by the Director, must be submitted to the Governor on or before the first day of December in even-numbered years. The Governor is directed to submit the report and the bill to the General Assembly at the time of delivering his biennial message. This bill must then be referred to the Appropriations Committees of the two houses.

It will be noted from this general description that Iowa has installed the executive type of budget, headed by a Director appointed by the Governor. This really makes the Governor responsible for the preparation of the budget. Although the law does forbid any other department or agency of government except the Governor to present ask-

ings or to suggest sources of revenue to the legislature except upon request of either house or of a standing committee it does not forbid the legislators from introducing other appropriation bills nor does it say that the General Assembly shall refrain from considering such measures.<sup>15</sup>

The budget law also provides for stopping permanent annual appropriations and contains specific appropriations for various agencies of the government but stipulates that these are to run only until July 1, 1925.

The Director of the Budget is also instructed to audit the accounts of the several departments of the State government annually, the work to be carried out through the State Accountant who must report the financial condition of each agency.<sup>16</sup>

Before any county, city, town, township, school district, the State Fair Board, the State Board of Education, or the State Board of Control may let a contract for public improvements costing more than \$5000 a public notice must be given that a contract is to be let and interested persons must be given an opportunity to appear at a public hearing and file objections to the proposed plans, specifications, or terms of the contract. After hearing the objections the governing body must make its decisions in the matter. Appeals may be taken to the Budget Director from the decisions of the councils of second class cities or towns, and from boards of consolidated or urban independent school districts if the amount of the contract is more than \$10,000. If the amount of the contract is more than \$25,000 contracts made by cities of the first class, the State Fair Board, the State Board of Education, and the State Board of Control may likewise be appealed. An appeal from any of the last

<sup>15</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 4, Secs. 1-30.

<sup>16</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 4, Secs. 31-37, 82-122.

three agencies must be considered by an appeal board composed of the Director of the Budget and two other persons appointed in the same manner as the Budget Director but for a term of four years.

A similar process must be complied with before bonds may be issued by these governmental agencies. The law provides specifically that contracts which are let or bonds which are issued contrary to the provisions of the law shall be void.<sup>17</sup>

This method of letting contracts and issuing bonds is designed to give taxpayers control over expenditures by the agencies to which it applies. The chapter of the budget law known as the "local budget law" is designed to give them control over tax levies also. Before taxes may be levied by any public body or corporation the tax levying agency of such body shall prepare a budget showing estimates of expenditures and receipts for the next year. These must be published and an opportunity for hearing the objections of taxpayers must be given. The board must then make its decision in the matter and certify the budgets to the county auditor who must certify these local budgets to the Budget Director and make abstracts of them to be published in the financial report of the county. In the closing days of the session an act was passed amending the law relative to the local budget, and a section was added stipulating that supplemental estimates of particular funds might be made for levies of taxes for future years when authorized by law.

In the performance of these activities the various tax-levying agencies are under the supervision of the Budget Director who is directed to exercise supervision over them and to prescribe for them all necessary rules, instructions,

<sup>17</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 4, Secs. 38-59a.

forms, and schedules. Failure on the part of any officer to perform the duties required of him by the budget law is defined as a misdemeanor and constitutes sufficient cause for his removal from office. Finally it should be mentioned that the Director must make an annual report to the Governor concerning his administration of the budget system.<sup>18</sup>

*Elections.*—The primary election law was codified and adopted in substantially the same form as the code bill. No radical changes were made in the primary election law except that the nominations for offices which become vacant subsequent to the time of filing nomination papers for the primary election and prior to the time of holding the conventions may be made by the respective conventions. The new law was also extended to cover nominations of candidates for special elections.

A few other changes were made but the principal difference between the former law and the law as it now stands is that its provisions have been rearranged, more clearly stated, the sections made shorter, and that it has been harmonized with other legal provisions.<sup>19</sup> The law was declared in effect on publication so that it would be available for the primary election of 1924.

*Appropriations.*—It was the intention of the budget law to repeal all permanent annual appropriations made by the legislature for the various institutions under the State government. In order to supply these institutions with funds during the time to elapse until the first budget appropriations should be made by the General Assembly, existing appropriations of this character were continued until July

<sup>18</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 4, Secs. 60–81, Ch. 86.

<sup>19</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 5.

1, 1925.<sup>20</sup> Some other appropriations were also made by the Fortieth General Assembly at its special session. These are set forth in the following table.

APPROPRIATIONS BY THE EXTRA SESSION OF THE FORTIETH GENERAL ASSEMBLY			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
3	Printing of codes, session laws, documents, and reports	Amount necessary	
27	Iowa School for the Deaf Emergency appropriation for support and maintenance	\$10,000.00	Available May 1, 1924
	Emergency appropriation for support and maintenance	15,000.00	Available August 1, 1924
	Emergency appropriation for support and maintenance	5,000.00	Available any time subsequent to June 1, 1924, but prior to March 1, 1925
28	Iowa State College of Agriculture and Mechanic Arts, extension of heating system, equipment for heating plant, water plant, and sewage system	10,000.00	Lump sum
29	Drainage assessment against State property incident to the drainage of Tow Head Lake in Calhoun County	22,000.00	Lump sum
30	Cost of advertising laws of extra session of the Fortieth General Assembly	2,000.00	Lump sum

<sup>20</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 4, Secs. 82-122.

CHAPTER	FOR WHAT	AMOUNT	PERIOD
30	Executive Council, cost of laundering towels for extra session of the Fortieth General Assembly	\$300.00	Lump sum
30	Pay for employees of House and Senate during recess of the General Assembly	Amount necessary	
30	John Hammill, Lieutenant Governor, as President of the Senate	\$20.00 per day	Duration of extra session
30	J. H. Anderson, Speaker of the House of Representatives	10.00 per day	Duration of extra session
30	L. W. Ainsworth, postage, telephone, and telegrams	\$16.00	Lump sum
30	A. C. Gustafson, postage, telephone, telegrams, and preliminary expenses	40.35	Lump sum
30	Des Moines Rubber Stamp Works, badges and rubber stamps	14.00	Lump sum
30	Chaplains, fees for extra session of Fortieth General Assembly	2,000.00	Lump sum
30	D. C. Mott, for services rendered at historical building during February, 1924	143.68	Lump sum
30	T. C. Cessna, C. F. Letts, and John Hansen for expenses to investigate Willetts farm	30.00	Lump sum
31	Lieutenant Governor Hammill, telephone, telegrams, and express	23.07	Lump sum
31	Compensation to eighteen clerks at \$4.00 per day each	76.00	Lump sum
31	Expenses incident to investigation of office of Superintendent of Public Instruction	Amount necessary	
31	Witness fees and stenographic service incident to investigation of Insurance Department	\$528.20	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
31	Traveling expenses of members of Board of Parole	\$500.00	Until January 1, 1925
31	L. W. Ainsworth, for postage	5.00	Lump sum
32	Executive Council, to purchase farm at Mt. Pleasant	72,000.00	
71	Emergency appropriation to the Department of Agriculture for the Weather and Crop Service	200.00	
72	Expenses of members of Iowa Child Welfare Commission appointed by Governor Kendall	2,500.00	
89	Fred L. Maytag, salary as Director of the Budget	972.23	Lump sum
89	Margaret Dickey, service as stenographer	225.00	Lump sum
90	Funds to be used in carrying into effect the provisions of the budget law	Amount necessary	Until June 30, 1925
101	L. W. Ainsworth, for postage	\$ 1.75	Lump sum
101	A. C. Gustafson, telephone, telegraph, and postage	3.30	Lump sum
101	Underwood Typewriter Co., for rent on typewriters	15.00	Lump sum
101	Office Equipment Co., for rent on typewriters	15.00	Lump sum
101	Typewriter Exchange, for rent on typewriters	12.50	Lump sum
101	Employees	150.00	
101	Employees	Amount necessary	Until close of extra session
102	W. F. Wiley, janitor service	\$4.00 per day	Until close of extra session
102	Otha Blue, janitor service	4.00 per day	Until close of extra session

CHAPTER	FOR WHAT	AMOUNT	PERIOD
102	S. L. Harvey, janitor service	\$4.00 per day	Until close of extra session
102	George Lacey, janitor service	4.00 per day	Until close of extra session
102	W. N. Neff, elevator service	4.00 per day	Until close of extra session
102	Frank Blagburn, assistant postmaster	4.00 per day	Until close of extra session
102	Ella Johnson, assistant matron	3.00 per day	Until close of extra session
103	Mileage to officers of the extra session	Amount necessary	Until close of extra session

*Poll Tax.*— The law relative to the payment of road poll tax was modified so as to apply to able bodied male residents of the township outside the limits of cities and towns instead of only to citizens.<sup>21</sup>

*Compensation of the County Attorney.*— The salary schedule for county attorneys fixed by the Fortieth General Assembly was changed so as to allow in addition to their regular compensation the fees allowed attorneys in suits for the county on written instruments where judgment is obtained, attorney's fees in criminal cases, and fees for fines collected where he appears for the State, but not otherwise.<sup>22</sup>

*City or Town Plats.*— The law relative to platting of subdivisions or additions to cities and towns was modified so that the statement that the land to be platted is free from incumbrance and that the fee title is in the proprietor must

<sup>21</sup> *Acts of the Fortieth General Assembly (Extra Session), Ch. 21.*

<sup>22</sup> *Acts of the Fortieth General Assembly (Extra Session), Ch. 19.*

now be made by a reputable attorney instead of by the county recorder. Moreover, when the plat is filed with the city clerk the statement that the plat is made with the consent of the proprietor must not only be signed by the owner himself but if he is married by his spouse also.

The provisions of the law relative to platting for assessment and taxation by the county auditor when owners of land fail to do so was changed by leaving out the statement that the powers of the auditor did not apply to real estate situated in cities acting under special charters, so that the powers of the auditor in this regard would seem to be extended to these municipalities also.

When three persons take steps to have a city or town area resurveyed because of loss of plat or because the plat is deemed to be defective they must not only have the consent of the original proprietor if he is alive and known, as provided by the old law, but must also have an order from the district court to the effect that the resurvey is necessary. Provision is made for filing objections in the matter and the court must make the final order.

*Funds for Policemen's and Firemen's Pensions.*—The law authorizing cities and towns to levy taxes for firemen's and policemen's pension funds was modified by giving the council of any commission governed city with more than one hundred and twenty-five thousand inhabitants — Des Moines — power to levy a tax of one-half mill for each of these funds in addition to the one-half mill tax which any city or town coming under the provisions of the law is authorized to levy. Another provision, however, specifies that no city may levy an amount for either of these funds so as to create a balance of more than ten thousand dollars at the end of any fiscal year.<sup>23</sup>

<sup>23</sup> *Acts of the Fortieth General Assembly (Extra Session), Chs. 12, 78.*

*Elections in Commission Governed Cities.*—The law regulating nomination and election of officers for commission governed cities was codified. No changes in the content of the law were made but they were rearranged, shortened, and the statement of the law was improved.<sup>24</sup>

*Taxation in Special Charter Cities.*—The law relative to taxation in special charter cities was amended and codified, setting forth in detail the manner in which tax levies should be made, the percentage upon which they are based and the proportion which shall be paid into the county and city treasury respectively.<sup>25</sup>

*Taxation for Parks.*—The law authorizing taxation for the maintenance of parks in commission governed cities was also amended. The result of this change is that armories are now included among the buildings for the erection of which the city council can authorize a tax levy.<sup>26</sup>

*Improvement Bonds.*—The former law relative to the issuance of improvement bonds by cities under commission form of government was likewise amended. The purpose of this change was to correct an error where reference was made to the preceding section of the law, instead of to the "second" preceding section.<sup>27</sup>

*Certification of Teachers.*—A joint resolution approved by the Governor on April 28, 1924, provides that no regulations or orders issued by the State Superintendent of Public Instruction or by the Board of Educational Exam-

<sup>24</sup> Acts of the Fortieth General Assembly (Extra Session), Ch. 7.

<sup>25</sup> Acts of the Fortieth General Assembly (Extra Session), Ch. 92.

<sup>26</sup> Acts of the Fortieth General Assembly (Extra Session), Ch. 93.

<sup>27</sup> Acts of the Fortieth General Assembly (Extra Session), Ch. 91.

iners in regard to educational qualifications of teachers shall be retroactive so as to apply to any teacher who has had three years of successful teaching experience. Moreover, after the qualifications of any person as a teacher in any type of school has once been approved regulations above referred to can not prevent such a person from continuing to teach in the school for which he has qualified.

Although no school may be deprived of State aid because it employs the teachers referred to in the preceding paragraph the law may not be construed to limit the power of any board of education in selecting and discharging teachers.<sup>28</sup>

*School Taxes and Bonds.*— Chapter eighteen of the *Acts of the Extra Session of the Fortieth General Assembly* provided for the publication of the code revision bill in regard to school taxes and bonds and caused that law to go into effect by publication on April 23, 1924, instead of ninety days after the date of final adjournment of the session on July 30, 1924.<sup>29</sup>

*Historical Department.*— Section five (5) House File Number 114 set forth the powers of the Board of Trustees in assigning space in the Historical Building. In the closing days of the session a law was passed which slightly amended this section.<sup>30</sup>

*The State Banking Department.*— A number of changes were made in the law relative to the State Banking Department. The organization or reorganization of savings banks and trust companies within the State was made subject to

<sup>28</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 77.

<sup>29</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 18.

<sup>30</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 100.

the approval of the Superintendent of Banking. Any person aggrieved by the action of the Superintendent, however, may appeal to the Executive Council within ten days after the action has been taken. The Executive Council must then fix the date for hearing and render the final decision in the matter.

The Superintendent was given authority to fix the compensation of the deputy superintendent of banking and of all bank examiners at a sum not to exceed \$3800 and upon his recommendation the Executive Council may increase the pay of these officers but not over \$600 annually nor so as to make the salary greater than \$4800. Salaries and expenses are still to be paid out of the fees collected for making the examinations. The Superintendent is also directed to furnish to the Auditor of State a list of salaries paid by the Department.<sup>31</sup>

*Prison Labor Contracts.*— A joint resolution was passed which legalized the action of the State Board of Control in cancelling contracts with the Reliance Manufacturing Company and the Sterling Company for the employment of prisoners in the State Penitentiary and the Men's Reformatory. According to this action the contracts were cancelled on July 1, 1924. The Board of Control, however, was authorized to make new contracts but these could not extend beyond July 1, 1927. This provision was vigorously opposed by organized labor on the grounds that it was unfair competition and an attempt was made to take from the Board of Control the power to let contracts for prison labor. This failed, but a compromise was effected so that after July 1, 1927, prison labor shall be used only to produce supplies needed by the State and municipalities. The Board of Control and the legislature deemed the three years

<sup>31</sup> *Acts of the Fortieth General Assembly (Extra Session), Ch. 15.*

necessary in order to make necessary changes in the manufacturing establishments of the two institutions so that they could be utilized in so-called "non-competitive labor". The terms of these contracts must be such, however, as to be equivalent to contracts made for free labor.<sup>32</sup>

*Legalizing Acts.*— Of the ninety-one measures other than code bills enacted by the Fortieth General Assembly at its extra session forty-one were legalizing acts. Eleven of these legalize the transfer of funds by governing bodies: one by the county treasurer, four by the boards of directors of school districts, one by township trustees, two by city councils, and three by county boards of supervisors.<sup>33</sup> Two of these eleven also legalize the levy of the tax by which the funds transferred were raised.<sup>34</sup> Six acts were required to legalize elections held for the purpose of authorizing the issues of bonds: two for school districts<sup>35</sup> and four for various purposes of city government.<sup>36</sup> Three acts legalize acts and proceedings of county boards of supervisors.<sup>37</sup> Warrants issued by city councils were legalized in three instances<sup>38</sup> and in two of these the issuance of negotiable bonds also.<sup>39</sup> In one instance warrants issued by a board of supervisors were validated,<sup>40</sup> and in one case a city ordi-

<sup>32</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 49; *The Des Moines Register*, January 5, 1924, p. 10.

<sup>33</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 38, 45, 46, 50, 53, 55, 63, 65, 67, 70, 105.

<sup>34</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 53, 65.

<sup>35</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 51, 54.

<sup>36</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 40, 56, 59, 60.

<sup>37</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 39, 61, 62.

<sup>38</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 57, 58, 66.

<sup>39</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 57, 58.

<sup>40</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 35.

nance granting franchises was legalized.<sup>41</sup> A cemetery tax levied by the county board of Monroe County was also legalized,<sup>42</sup> while in another instance the certifications and levy of taxes and assessments on property by municipalities was made legal.<sup>43</sup>

The act of the school board of the independent district of Waterloo in failing to separate the bond fund from the general fund of the district in certifying the levy to the county auditor and in the published statement was made legal.<sup>44</sup>

Ray C. Robey incurred an indebtedness of \$1719.16 in attorney's fees while preventing the board of directors of the independent consolidated school district of Waterville from entering a contract for the sale of school bonds that would have caused the district to pay \$8580.75 as premium for selling the bonds. By his act he saved the district \$6880 and the board voted to reimburse him for the expenses incurred. This act of the board was legalized.<sup>45</sup>

Two acts were required to legalize appropriations made by the General Assembly to the State Board of Control. Appropriations to that body had been made in 1917 and 1919 by joint resolution instead of by bill. This action was validated.<sup>46</sup>

Two legalizing acts relate to the acts of banks performed after their articles of incorporation had expired. The directors of the St. Anthony Savings Bank, and of the Farmers' Savings Bank of Beaconsfield were not aware of the fact that the articles of incorporation of their institu-

<sup>41</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 104.

<sup>42</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 64.

<sup>43</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 87.

<sup>44</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 52.

<sup>45</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 37.

<sup>46</sup> *Acts of the Fortieth General Assembly* (Extra Session), Chs. 47, 48.

tion had expired in 1922. The legislature legalized the acts performed by these banks subsequent to that time and in addition authorized a renewal of their articles of incorporation.<sup>47</sup>

An act was passed to legalize the consolidation of the Keokuk and Hamilton Bridge Company with the Hancock County Bridge Company and another act amended the legalizing act in which the name of the Keokuk and Hamilton Bridge Company appears as the Keokuk and Hamilton Mississippi River Bridge Company.<sup>48</sup>

The acts performed by Laura Smith Day as a notary public under her maiden name, Laura Smith, subsequent to her marriage but prior to the expiration of her commission as notary public were validated.<sup>49</sup> A general act to validate the acts of any notary public under similar circumstances was also passed<sup>50</sup> and a third act specifies that the acknowledgements and certifications of instruments to which a corporation is a party are valid even when the notary public making the acknowledgement or certification is a stock holder or officer in the corporation.<sup>51</sup>

Another legalizing act of a general nature validates the proceedings of the boards of supervisors and petitions relative to the establishment of the county area tuberculosis eradication plan that were performed prior to January 1, 1924. The county treasurer is specifically authorized to collect the taxes levied for this purpose.<sup>52</sup>

An act was also passed which legalized the acts of the Secretary of Agriculture in enrolling counties under the

<sup>47</sup> *Acts of the Fortieth General Assembly* (Extra Session), Chs. 68, 69.

<sup>48</sup> *Acts of the Fortieth General Assembly* (Extra Session), Chs. 41, 42.

<sup>49</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 43.

<sup>50</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 34.

<sup>51</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 36.

<sup>52</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 24.

accredited area plan for the eradication of bovine tuberculosis, and declared that such enrollment was valid.<sup>53</sup>

Fred L. Maytag was appointed acting Director of the Budget, and Joseph Mattes and W. P. Dawson acting members of the appeal board. These men entered upon their respective duties before their appointment was confirmed by the Senate. A law was passed legalizing such acts as they performed prior to the confirmation.<sup>54</sup>

*Validation of Land Titles.*—Three laws were passed for the purpose of authorizing the Governor and Secretary of State to issue patents for land to which there was not a clear title.<sup>55</sup>

*Motor Carriers.*—A law passed by the Fortieth General Assembly, which defined “motor carriers”, exempted from the operation of the law carriers used to convey farm products “in the vicinity of and from a distributing point”. This provision was changed so that carriers used to convey farm products are exempt from the operation of the law no matter where the products are being conveyed.<sup>56</sup>

*Sale of Land by Executive Council.*—The Executive Council was authorized to sell three lots of ground which had been acquired by the State in connection with the extension of the Capitol grounds. Prior to the sale, however, the Executive Council was to apply to the Chief Justice of the Supreme Court for the appointment of three disinterested persons as appraisers who should make a report to the Council of the value of the land. The sale could then be

<sup>53</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 94.

<sup>54</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 88.

<sup>55</sup> *Acts of the Fortieth General Assembly* (Extra Session), Chs. 44, 80, 81.

<sup>56</sup> *Acts of the Fortieth General Assembly* (Extra Session), Ch. 2.

made but the compensation not less than the sum fixed by the appraisers.<sup>57</sup>

*Chiropractic.*— The law requiring the Treasurer of State to pay into the State treasury on June 30 of each year any surplus, exceeding five hundred dollars in the fund created to pay the expenses of chiropractic examiners was changed so as to make it necessary for the Treasurer to perform this duty on the first day of January.<sup>58</sup>

*Bovine Tuberculosis.*— The law authorized the State Department of Agriculture to coöperate with the Federal government for the purpose of eradicating tuberculosis from the dairy and beef cattle of the State. Provision is made for testing, appraising, and disposing of infected animals, and stipulates the amount of indemnity to which the owner is justly entitled. The law relative to this subject as set forth during the early part of the session was again considered and slightly amended just prior to the final adjournment of the session.<sup>59</sup>

*Sanitation of Depots.*— The law relative to inspection and sanitation of depots and waiting rooms was amended by taking the duty of inspection out of the hands of the hotel inspector and his deputies and placing it under the control of the Department of Agriculture.<sup>60</sup>

*Removal from Hospitals for Insane.*<sup>61</sup>— House File Number 84, dealing with charitable, correctional, and penal insti-

<sup>57</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 79.

<sup>58</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 22.

<sup>59</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Chs. 23, 95.

<sup>60</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 97.

<sup>61</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 99.

tutions, was also amended to authorize the removal of insane patients to State hospitals by hospital attendants.

*Insurance Premium Tax Refund.*—The laws passed by the Thirty-ninth and Fortieth General Assemblies to provide for refund of taxes on insurance premiums erroneously collected was repealed and the Treasurer of State was directed to pay any unexpended balance of appropriations for this purpose into the general fund of the State.<sup>62</sup>

*Jurisdiction over Juvenile Court Cases.*—The law relative to neglected and dependent children was amended so as to give the municipal court in counties having a population of less than one hundred thousand jurisdiction over juvenile court cases within its jurisdiction. Formerly only the district court and superior court had such power.<sup>63</sup>

*Report of the Commission on Land Titles.*—The Fortieth General Assembly passed an act creating a Commission on Land Titles for the purpose of investigating the laws of Iowa and those of other States with reference to titles to and property rights in real estate. It also directed that the report of this Commission be made to the special session of the Fortieth General Assembly or to the Forty-first General Assembly. This law was amended so as to eliminate the provision for report to the extra session of the Fortieth General Assembly.<sup>64</sup>

*Inspection Fees for Scales.*—House File Number 261 of the acts of the Extra Session of the Fortieth General Assembly was a bill for the regulation and inspection of foods,

<sup>62</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 33.

<sup>63</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 20.

<sup>64</sup> *Acts of the Fortieth General Assembly (Extra Session)*, Ch. 14.

drugs, and other articles. An act was passed which amended this measure with regard to the fees to be charged for the inspection of scales.<sup>65</sup>

*Supreme Court Abstracts.*—House File Number 246 of the acts of the Extra Session of the Fortieth General Assembly was a bill relative to procedure in the Supreme Court. The law relative to time of filing abstracts was slightly changed by striking out the word “within” before the phrase “five (5) months after the entry of judgment or order appealed from.”<sup>66</sup>

JACOB VAN EK

THE STATE UNIVERSITY OF IOWA  
IOWA CITY IOWA

<sup>65</sup> *Acts of the Fortieth General Assembly (Extra Session), Ch. 96.*

<sup>66</sup> *Acts of the Fortieth General Assembly (Extra Session), Ch. 98.*