

THE LEGISLATION OF THE FORTY-SEVENTH GENERAL ASSEMBLY OF IOWA

The Constitution of Iowa provides that the General Assembly shall convene biennially, commencing on the second Monday in January following each general election, unless otherwise convened by proclamation of the Governor.¹ In pursuance of this provision the Forty-seventh General Assembly convened at the State Capitol in Des Moines on Monday, January 11, 1937. It remained in session until April 27th, a period of one hundred and eight days. Clocks were stopped, however, on April 20th and all subsequent legislation was enacted as of that date. During the legislative period there were fifteen Sundays and sixteen other days — including ten Saturdays — when the General Assembly did not convene. Accordingly the houses were actually in session only seventy-seven days.

The Forty-seventh General Assembly was typical of Iowa Assemblies in that it was composed largely of farmers and attorneys. The House of Representatives consists of one hundred and eight members. In the Forty-seventh General Assembly, forty-three Representatives were farmers and sixteen were attorneys. The Senate consists of fifty members. Of these Senators nineteen were farmers and thirteen were attorneys. The Iowa General Assembly was predominantly Republican for many years following the Civil War. In recent years, however, the Democratic party had controlled both houses. In the House of Representatives of the Forty-seventh General Assembly there were fifty-four Democrats and fifty-four Republicans. The Speaker, however, was elected by the Democrats. In the

¹ *Constitution of Iowa*, Article III, Section 2.

Senate there were twenty-two Democrats and twenty-eight Republicans at the opening of the session. This was changed slightly by a vacancy caused by the death of Senator T. F. Driscoll, a Democrat, who was succeeded by Senator Stanley Hart, a Republican.

During the legislative session, 536 bills and 6 joint resolutions were introduced in the Senate, and 552 bills and 16 joint resolutions in the House — a total of 1088 bills and 22 joint resolutions. Of this number 171 Senate bills and 3 Senate joint resolutions, and 107 House bills and 2 House joint resolutions — a total of 283 measures — passed both houses and became operative. Seventy-seven of these measures were appropriation bills to provide funds for the administration of State government and for the adjustment of claims against the State. Forty-two of the measures were legalizing acts, passed to clarify matters of procedure in corporate bodies and to make adjustments in local government. Several measures were passed solely for the purpose of making corrections in the Code and session laws previously enacted or for the enactment of special laws. Three measures passed by the General Assembly were vetoed by Governor Nelson G. Kraschel.²

TAXATION AND FINANCE

For the protection of homeowners and to encourage the purchase of homes in Iowa, the Forty-seventh General Assembly passed the "Homestead Tax Exemption Act". This measure, consisting of twenty-four sections, went into effect by publication on March 25, 1937, and operates to relieve the tax burden on homesteads up to an assessed valuation of \$2500.

Section 6943-f63 of the *Code of 1935* provides that three

² *Index and History of Senate and House Bills and Joint Resolutions of the Forty-seventh General Assembly; Legislative Directory of Forty-seventh General Assembly.*

per cent of the funds from the income, corporation, and sales taxes shall be used for administrative purposes. The Forty-seventh General Assembly amended this section to provide \$2,000,000 annually for emergency poor relief and \$5,504,000 annually for old age pensions. The balance of this fund shall be held by the Treasurer of the State "and shall be designated as the homestead credit fund and shall be distributed by the treasurer of state on warrants drawn by the comptroller" upon the direction of the State Board of Assessment and Review in accordance with the provisions of the Homestead Exemption Act.

It is estimated that approximately \$18,000,000 will be available for distribution under this law and that the distribution will be substantially as follows:

Administrative expenses	\$ 500,000
Emergency poor relief	2,000,000
Old age pension	5,500,000
Homestead tax credit	10,000,000

It is further estimated that the valuation of Iowa homesteads, excluding any valuation in excess of \$2500, is about four hundred million dollars. Accordingly, if ten million dollars is available for distribution there will be a tax refund on such homesteads amounting to about 25 mills.³

In accordance with a recent amendment to the law any aggrieved taxpayer may petition the local board of review for a revaluation of his property, but no reduction or increase is to be made for prior years. Appeals may be taken to the district court of the county in which the board holds its sessions within twenty days of its adjournment.

Public hearings are to be held by the State Board for the purpose of examining witnesses and accounts relative to taxation. No bank or loan company is, however, required to divulge information concerning the property of an individual, gained as part of a business transaction.

³ *Acts of the Forty-seventh General Assembly, Ch. 195.*

It is no longer necessary for the Board of Assessment and Review to give a ten-day notice of its intention to increase the valuation of a piece of property. The State Board may order any county board of equalization to raise or lower the value of property within its jurisdiction.

The former law in regard to the correction of errors, irregularities, or omissions in the assessment of property by the State Board and the procedure of appealing its decisions was repealed.

Applications and appeals pending before the Board of Assessment and Review when the act was passed are not to be affected by the law.⁴

The two per cent retail sales tax, which was originally passed as a temporary measure by the Extra Session of the Forty-fifth General Assembly in 1934 and amended and continued by the Forty-sixth General Assembly in 1935, was reenacted by the Forty-seventh General Assembly and the temporary provisions were removed.

This law imposes a tax "upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise", except as otherwise provided, "sold at retail in the state to consumers or users". This applies to the furnishing or selling of gas, electricity, water, and community service, also to the sale of tickets or admissions to places of amusement and athletic events, except as otherwise provided.

For the administration of this law the retailer is required, on or before the twentieth of the month following the close of each quarterly period to make a return to the Board of Assessment and Review showing the gross receipts, the amount of the tax, and such other data as may be required.

The law as reenacted is substantially like the former law,

⁴ *Acts of the Forty-seventh General Assembly*, Ch. 188.

except in respect to those sections which deal with the allocation of funds. The new law provides that all revenues arising from it shall be placed in a special tax fund and shall be apportioned as provided in Section 6943-f63 of the Code as amended and in the Homestead Tax Exemption Act passed by the Forty-seventh General Assembly. In these acts allocations are made to emergency poor relief, old age pensions, and homestead tax credits.⁵

Section 2 of Chapter 196 of the *Acts of the Forty-seventh General Assembly* — the Sales Tax Act — contained the provision that the owner of every new motor vehicle or new trailer purchased within sixty days previous to an application for original registration in this State should furnish to the county treasurer a sworn statement from the firm, person, or corporation from which such vehicle was purchased, stating that the Iowa State sales tax has been paid. In the absence of such sworn statement the county treasurer was directed to refuse registration until a sum equal to the sales tax were paid.

After the measure was passed, this section of the law was repealed by a separate legislative enactment. The substance of this provision was, however, enacted in Section 6 of the "Use Tax Act" described below.⁶

The collection of the Iowa sales tax became difficult in 1935 and 1936 particularly in border areas of the State where many purchasers crossed State lines to purchase goods tax free. This was especially noticeable in northern Iowa where numerous and widespread purchases were made in southern Minnesota. To prevent this type of tax evasion and to require all Iowa purchasers to assume equal tax burdens, the Forty-seventh General Assembly passed a "Use Tax Act".

⁵ *Acts of the Forty-seventh General Assembly*, Ch. 196.

⁶ *Acts of the Forty-seventh General Assembly*, Chs. 197, 198.

This law provides for an excise tax of 2 per cent on the use of tangible personal property in this State — such tax being payable directly to the county treasurer, to a retailer, or to the State Board of Assessment and Review.

This law does not apply to purchases made in Iowa which are subject to the usual 2 per cent sales tax. It does not apply to property in interstate transportation or interstate commerce, nor to personal property upon which the State imposes and collects a special tax, whether in the form of a license tax, stamp tax, or otherwise. Neither does it apply to property brought into the State by non-residents for their use, nor to property used in the operation of street railways not readily obtainable in Iowa.

This tax as it applies to new motor vehicles shall be paid by the owner thereof to the county treasurer from whom the original certificate of registration is obtained. No original certificate of registration shall be issued until this tax is paid.

Every retailer maintaining a place of business in this State and making sales of goods not exempted by this law shall collect the tax imposed and make returns and payment of such tax to the Board of Assessment and Review. In order to make effective a tax on goods purchased out of the State, the law provides that any person who uses any property upon which a tax is imposed shall be liable therefor, and shall on or before the 20th of the month next succeeding each quarterly period pay such tax and make returns to the Board of Assessment and Review. Failure to comply with this provision of the law subjects the purchaser to an additional 5 per cent tax and to 1 per cent interest for each month of delay after the first month.

Any retailer who fails to make reports as required by law shall be subject to a fine of \$100 or imprisonment for 30 days, and any person who files a false report may be sub-

jected to a fine of from \$500 to \$5000 and imprisonment not exceeding one year.⁷

Several sections of the *Code of 1935* were amended by the Forty-seventh General Assembly to assess a tax on non-residents for income derived from sources within the State of Iowa, and to provide for the collection and administration of such tax.

Section 6943-f5 of the *Code of 1935* provides for an income tax based upon a graduated income scale, to be assessed against residents of Iowa. This section as amended provides that beginning on the first day of January, 1937, a similar tax shall be assessed "upon that part of the income of any nonresident which is derived from any property, trust, or other source within this state, including any business, trade, profession or occupation carried on within this state".

Section 6943-f8 which deals with gross income was amended to make it clear that the amended law applies to only such gross income "as is derived from any property, trust or other source within this state." In a similar manner other Code sections were amended to make them conform with the purpose and intent of the legislature.⁸

Another amendment to the income tax law by the Forty-seventh General Assembly increased the amount of personal exemptions and set up the following schedule:

For a single individual, ten dollars.

For husband and wife or head of a family, twenty dollars.

For each child under the age of twenty-one years who is actually supported by and dependent upon the taxpayer, and for each additional dependent, five dollars.

⁷ *Acts of the Forty-seventh General Assembly*, Ch. 198; *The Des Moines Register*, April 3, June 20, 1937.

⁸ *Acts of the Forty-seventh General Assembly*, Ch. 184.

Under the former law these exemptions were six dollars, twelve dollars, and two dollars respectively.

This law also increased the minimum individual income that must be reported. Formerly a single person receiving a salary of six hundred dollars was required to file an income report. The minimum salary that must be reported under the new law is one thousand dollars. The minimum salary to be reported by the head of a family was increased from eleven hundred to fifteen hundred dollars.⁹

The board of supervisors of each county shall annually levy a tax of not to exceed one and one-half mills on the dollar for "ordinary county revenue". To meet temporary emergencies the Forty-seventh General Assembly passed a measure which provides that in all counties where one and one-half mills will not produce revenue sufficient to equal the budget requirements to be paid from the general county fund, such counties for the years 1937 and 1938 are authorized "to levy for ordinary county revenue a tax not in excess of three (3) mills" or as much thereof as may be required to meet the budget requirements.

Before such levy in excess of one and one-half mills is made, a complete itemized statement of expenditures contemplated by the county shall be submitted to the State Comptroller for his approval. No such levy in excess of one and one-half mills shall be made unless approved by the Comptroller, "and unless the total tax levy for all county purposes will not exceed the average tax levy for all county purposes for the preceding two years."¹⁰

The Iowa tax sale law provides that when property is placed on tax sale and there is no bidder, or when the bid is for a sum less than the taxes plus the interest and penalties due, the county may bid the amount due it and thereby pro-

⁹ *Acts of the Forty-seventh General Assembly*, Ch. 185.

¹⁰ *Acts of the Forty-seventh General Assembly*, Ch. 189.

tect its own financial interests. A recent amendment to this law provides that if, prior to the passage of this law, real estate had been thus bid in by the county and not assigned by it, all delinquent taxes, including subsequent taxes added to the tax sale record, might be combined into one item for all taxes and costs and the property might be redeemed for such amount "exclusive of penalties and interest".

To facilitate payment, the owner may, within six months of the effective date of this law (April 22, 1937) make a written agreement to pay current taxes and all delinquent taxes, and thereby secure an extension of time for making payment. The law provides that upon such agreement, signed and filed with the county auditor and upon the payment of one-tenth of the amount due and an agreement to pay the balance in nine equal annual installments with 6 per cent interest the county shall suspend further proceedings as long as there is no further default. Moreover, upon the payment of the full amounts required to be paid under such agreement, the county auditor shall issue the certificate of redemption as provided by law.

If the owner fails to enter into a contract within the time prescribed, or if he fails to meet the installments stipulated in the contract, the county, after giving due notice, may sell the certificate of sale for not less than the full amount of the purchase price of such certificate.¹¹

The law relative to tax deeds was amended by the Forty-seventh General Assembly to provide that restrictions running with the title to real estate, limiting the use of property, or the type, character, or location of buildings, shall not be affected by the issuance of a tax deed. Section 7286 of the *Code of 1935* provides that when a tax deed is signed by the county treasurer and acknowledged and recorded in accordance with the law it "shall vest in the purchaser all

¹¹ *Acts of the Forty-seventh General Assembly*, Ch. 191.

the right, title, interest, and estate of the former owner in and to the land conveyed". In accordance with a recent amendment such conveyance shall, however, be "subject to all restrictive covenants, resulting from prior conveyances in the chain of title to the former owner".¹²

Section 7330 of the *Code of 1935* provides that in each county the court shall appoint annually three competent residents and freeholders of the county to act as appraisers of all property within their jurisdiction which is charged or sought to be charged with an inheritance tax. A recent amendment to this law provides that each appraiser shall be entitled to compensation for his services at the rate of \$5 per day and shall be allowed mileage at the rate of 5 cents per mile for the distance traveled in going to and returning from the place of appraisal. The costs of such appraisal shall be charged to the estate of the decedent, to be paid out of the property appraised, or by the owner of it.¹³

One act of the Forty-seventh General Assembly provided that the first installment of all taxes payable in 1937 was not to be listed as delinquent until July 1, 1937. Payment before this date might be made without interest as a penalty. Any penalty which was paid before this act became operative was to be applied as a payment on the second installment. If the first installment was not paid by July 1, 1937, it was to draw interest as a penalty from April 1, 1937, at the rate of three-fourths of one per cent per month until paid.¹⁴

Section 370 of the *Code of 1935* provides that the amount of income for the several funds other than taxation shall be estimated before any municipality levies a tax upon prop-

¹² *Acts of the Forty-seventh General Assembly*, Ch. 192.

¹³ *Acts of the Forty-seventh General Assembly*, Ch. 193.

¹⁴ *Acts of the Forty-seventh General Assembly*, Ch. 199.

erty. The Forty-seventh General Assembly enacted an amendment to this section stipulating the manner of computing this estimate. It also established the method of computing the amount to be raised by taxation in cities over 75,000 population. Section 5663 of the Code dealing with the authority of city officials was also changed to agree with this act.

Violation of this act is to be grounds for removal of any councilman who votes for expenditures contrary to the provisions of this section, and shall be punishable as a misdemeanor.¹⁵

An "annual" tax of two dollars on each citizen twenty-one years of age and upwards residing within the State was provided by Section 5296-f34 of the *Code of 1935* — this tax money to be used for the payment of old age assistance. The Forty-seventh General Assembly amended this law to provide that this tax should extend only until December 31, 1936, and authorized a refund of any such tax levied for the year 1937 and paid between January 1, 1937, and the effective date of this law on April 8, 1937.

In lieu of this head tax, money for the old age assistance fund was provided by allocations made from the income, corporation, and sales taxes as amended by the Forty-seventh General Assembly.¹⁶

In accordance with a recent amendment to the law relative to taxation and tax suspension, whenever a person has been issued a certificate of old age assistance and is receiving monthly or quarterly payments of assistance from the old age assistance fund, "such person shall be deemed to be unable to contribute to the public revenue". This law also provides that the Old Age Assistance Commission shall notify the board of supervisors of the county in which the

¹⁵ *Acts of the Forty-seventh General Assembly*, Ch. 92.

¹⁶ *Acts of the Forty-seventh General Assembly*, Chs. 139, 195 (Section 1).

property owned by the assisted person is located of the granting of such aid. The board of supervisors shall, in turn, without the filing of a petition, order the county treasurer to suspend collection of all taxes assessed against the property of such person for such time as he may remain the recipient of aid from the old age assistance fund.¹⁷

Seven sections of the *Code of 1935* were repealed and seven sections were amended by the Forty-seventh General Assembly to alter and clarify the law relative to public deposits. The law as amended provides that no bank or trust company shall directly or indirectly, pay any interest to any public officer on any deposit of public funds, and no officer shall take or receive any such interest.

In place of interest, depositories shall pay for the benefit of the State sinking fund such assessments as may be fixed by the Treasurer of State, with the approval of the Executive Council. Such assessments shall not be more than two per cent and not less than one-half of one per cent per annum, computed on ninety per cent of the collected daily balances.

On or before the tenth of each month each depository shall compute, upon the basis of the assessment rate so fixed, and shall pay to the county treasurer the amount of the assessment for the benefit of the State sinking fund.¹⁸

The annual road poll tax of three dollars was repealed by the Forty-seventh General Assembly. Previously it had been levied upon every male person between the ages of twenty-one and forty-five who resided in the county outside the corporate limits of cities and towns. All provisions in the *Code of 1935* relating to the method of collecting and mode of paying the road poll tax were repealed.¹⁹

¹⁷ *Acts of the Forty-seventh General Assembly*, Ch. 186.

¹⁸ *Acts of the Forty-seventh General Assembly*, Ch. 194.

¹⁹ *Acts of the Forty-seventh General Assembly*, Ch. 129.

THE FORTY-SEVENTH GENERAL ASSEMBLY 359

APPROPRIATIONS BY THE FORTY-SEVENTH GENERAL ASSEMBLY			
FOR MAINTENANCE OF STATE GOVERNMENT AND STATE OFFICERS FOR EACH YEAR OF THE BIENNIUM			
CHAPTER	FOR WHAT	1935-1937	1937-1939
1	Department of Agriculture		
	Agricultural Department	\$121,215	\$121,215
	Animal Health and Veterinary	137,500	137,500
	Beef Producers' Association	5,000	5,000
	Corn and Small Grain Growers' As- sociation	2,500	2,500
	Iowa State Dairy Association	5,000	5,000
	For 4-H Calf Clubs	2,000	
	Horticultural Society	5,000	6,300
	Poultry Association	17,500	19,500
	Board of Veterinary Examiners	400	400
	Horse Breeders' Association	5,000	5,000
	Weather and Crop Bureau	7,634	7,000
	Swine Breeders' Association		5,000
	State Entomologist	7,400	7,400
	Total	\$316,149	\$321,815
33	Secretary of Agriculture For the elimination of grasshoppers, chinch bugs, and similar pests		25,000 (lump sum)
1	Agricultural Societies	120,000	126,000
1	Board of Assessment and Review To administer chain store tax	64,543 25,000 (lump sum)	55,000
1	Attorney General and Department of Justice	93,500	110,000
5	For law enforcement (From liquor control act fund)		26,000
1	Attorney General Litigation concerning primary roads (From primary road fund)	15,000	15,000
14	Radio broadcasting station	20,000 (lump sum)	3,500 (lump sum)
1	Auditor of State County and Municipal Examiners	90,000 \$7 per diem	88,000 \$7 per diem

CHAPTER	FOR WHAT	1935-1937	1937-1939
1	Board of Barbers Examiners	15,520	16,520
1	Commission for the Blind	10,750	10,000
1	Board of Chiropractic Examiners	1,680	2,000
1	State Comptroller Salaries and expenses	40,365	47,000
	Refunding warrants (From tax on motor vehicle fuel)	2,500	
	Additional help (From tax on motor vehicle fuel)		2,500
	Board of Conservation	110,000	
1	Conservation Commission		165,000
100	Purification of lakes		125,000 ²⁰ (lump sum)
22	Civilian Conservation Corps and Works Progress Administration		250,000
1	Board of Cosmetology Examiners	12,540	14,340
1	Custodian	75,810	75,810
1	Board of Dental Examiners	2,400	2,400
1	District Court Judges	372,500	372,500
73	Additional appropriation	10,000 (lump sum)	5,500 (lump sum)
1	Board of Embalmers Examiners	970	1,200
1	Board of Engineering Examiners	900	900
1	Executive Council	250,235	260,235
1	State Fair Board	60,000	60,000
	Public works project	26,250	
7	Poultry industries building (From Capitol improvement and re- pair fund)		35,000 ²¹
1	State Fire Marshal	17,000	17,000
48	Emergency and additional service		1,000
1	General Contingent Fund	80,000	250,000
1	Geological Survey	10,000	11,500
1	Governor (salary and expenses)	20,406	20,406

²⁰ Contingent on gift by Federal government.

²¹ Contingent on Federal grant of \$55,000.

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CHAPTER	FOR WHAT	1935-1937	1937-1939
1	Grand Army of the Republic	750	750
75	For National Encampment		12,000
1	Health Department	76,880	75,580
	State Highway Commission ²²		
134	Highway Safety Patrol (Motor Vehicle Department, Office of Secretary of State)	Amount necessary	Amount necessary
1	Historical Department	29,300	30,000
1	Historical Society	28,000	33,000
1	Industrial Commission	25,900	30,090
	To pay claims of highway employees (From primary road fund)	15,000	15,000
	To pay claims of employees of Liquor Control Commission (From liquor control act fund)		10,000
1	Insurance Department	44,125	47,500
	Insurance Department Examiners	per diem	per diem
1	Bureau of Labor	18,240	18,250
	Public employment office ²³	60,450	
1	Library Commission	19,500	19,500
1	State Library	41,916	41,916
1	Board of Medical Examiners	1,000	1,000
1	Board of Mine Examiners	1,500	1,500
1	Mine Inspectors	16,500	20,000
1	National Guard	212,650	233,659.25
	Additional armory rentals	4,160	
		(lump sum)	
	Camp Dodge fire loss	25,000	
		(lump sum)	
11	Reimbursements		6,265.44
19	Water supply system at Camp Dodge		8,800
	Board of Nurses Examiners ²⁴	5,400	

²² The State Highway Commission and its work are financed from the proceeds of the tax on motor vehicles and motor vehicle fuel. For the distribution of this money see the *Code of 1935*, Sec. 4999.

²³ See Unemployment Compensation Commission for the 1937-1939 appropriation for employment service.

²⁴ This Board of Nurses Examiners, reorganized in 1935, is apparently financed by fees.

CHAPTER	FOR WHAT	1935-1937	1937-1939
1 195	Old Age Assistance Commission Pension fund	1,000,000	Funds from Sales Tax
	Revolving fund	25,000 (lump sum)	
1	Board of Optometry Examiners	750	500
1	Board of Osteopathic Examiners	1,560	1,600
1	Board of Parole	27,910	35,480
1	Board of Pharmacy Examiners	14,400	14,400
1	Pioneer Lawmakers	75	75
1	Board of Podiatry Examiners	395	400
	Presidential Electors	150	
1 38	State Printing Board Salaries State printing Emergency appropriation	14,620 129,150	15,000 136,000 30,000 (lump sum)
1	Superintendent of Public Instruction Salaries and expenses State aid	39,434 401,450	40,000 401,450
1	Board of Railroad Commissioners	60,600	58,000
1	Secretary of State	48,700	46,700
31	State Department of Social Welfare For salaries and maintenance \$40,000 For the needy blind 110,000 For child welfare 5,000 (From Board of Control funds)		155,000
1	Soldiers' Bonus Board		3,750
1	Supreme Court	83,400	83,800
1	Clerk of Supreme Court	9,090	9,219
1	Reporter of Supreme Court and Code Editor	11,676	11,500
1	Treasurer of State	81,500	85,000

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CHAPTER	FOR WHAT	1935-1937	1937-1939
55	Unemployment Compensation Commission		77,500
1	Commission on Uniform Laws		400
1	Board of Vocational Education	35,040	55,000
FOR THE BOARD OF CONTROL AND INSTITUTIONS UNDER IT FOR EACH YEAR OF THE BIENNIUM			
CHAPTER	FOR WHAT	1935-1937	1937-1939
1	Board of Control	\$72,466	\$73,236
1	State Hospital and Colony for Epileptics at Woodward	250,522	260,000
7	Public works project	61,250	
7	Repairs and equipment		28,750
1	Institution for Feeble-Minded at Glenwood	327,484	310,000
7	Repairs and equipment		4,000
1	State Hospital for Insane at Cherokee	348,461	315,000
7	Public works project	26,250	
7	Repairs and equipment		64,750
1	State Hospital for Insane at Clarinda	293,317	290,000
7	Public works project	99,750	
7	Repairs and equipment		14,700
1	State Hospital for Insane at Independence	329,878	315,000
7	Repairs and equipment		18,000
1	State Hospital for Insane at Mt. Pleasant	319,140	312,000
7	New building		215,000
7	Repairs and equipment		36,000
1	State Juvenile Home at Toledo	119,069	119,568
7	Repairs and equipment		1,000
1	State Penitentiary at Fort Madison	469,151	412,500
7	Public works project	4,375	
7	Repairs and equipment		68,000
1	Men's Reformatory at Anamosa	375,451	335,000
7	Repairs and equipment		25,000
1	Women's Reformatory at Rockwell City	56,610	48,000

CHAPTER	FOR WHAT	1935-1937	1937-1939
1	State Sanitarium at Oakdale	219,494	246,885
	Public works project	43,750	
7	Repairs and equipment		18,000
1	Iowa Soldiers' Home at Marshalltown	205,595	192,371
1	Iowa Soldiers' Orphans' Home at Dav- enport	188,060	190,000
1	Training School for Boys at Eldora	177,585	181,797
7	Repairs and equipment		9,000
1	Training School for Girls at Mitchell- ville	76,961	76,960
	Public works project	7,000	
	Emergency Fund	14,000	
	Additional Emergency Fund	100,000	
1	Road Fund	10,000	10,000
	Total for Board of Control	4,195,619	4,190,517
FOR BOARD OF EDUCATION AND INSTITUTIONS UNDER IT FOR EACH YEAR OF THE BIENNIUM			
CHAPTER	FOR WHAT	1935-1937	1937-1939
1	Board of Education	\$54,712	\$54,000
1	State University of Iowa	1,950,000	2,092,500
	President	10,000	10,000
	Public works project	60,000	
7	Buildings and equipment		62,500
1	Medical and Surgical Treatment of In- digents at University Hospital	940,994	965,000
1	Iowa State College of Agriculture	1,931,000	2,031,000
	President	9,000	9,000
	Public works project	60,000	
7	Buildings and equipment		110,000
1	Iowa State Teachers College	563,000	616,500
	President	7,000	7,000
	Public works project	30,000	
	Deficiency appropriation	60,000	
	(lump sum)		
7	Building and equipment		50,000

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CHAPTER	FOR WHAT	1935-1937	1937-1939
1	Iowa State School for the Deaf	207,000	217,000
	Public works project	15,750	
7	Buildings and equipment		8,000
1	Iowa School for the Blind	105,000	112,000
	Public works project	21,000	
7	Buildings and equipment		27,500
1	Psychopathic Hospital	100,000	104,000
	Bacteriological Laboratory	12,226	
1	State Bacteriological Laboratory and State Hygienic Laboratory		40,000
1	Soldiers' tuition	4,000	2,000
88	World War orphans' aid	2,500	\$150 per child annually
	Aid for blind students	1,000 (lump sum)	
	Total for Board of Education	6,113,682	6,518,000

MISCELLANEOUS EXPENSES CONNECTED WITH THE
LEGISLATIVE SESSION

CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
4	Election Contests	
	Peaco vs. Judd and Bulow	\$1,277.68
	Campbell vs. Woods	216.10
	McLean vs. Latchaw	212.82
	Hadley vs. Peisen	235.33
	Oehmke vs. Dykhouse	758.28
	Aldrich vs. Blue	568.25
	Peel vs. O'Neill	260.53
	Harnagel vs. Brown	167.20
	Peyton vs. Moore	1,259.09
	Total	\$4,955.28
5	Miscellaneous Expenses of General Assembly	
	L. C. Smith Typewriter Company	737.75
	Underwood Elliott Fisher Company	330.00
	Royal Typewriter Company	60.00
	Remington-Rand Typewriter Company	92.88
	Des Moines Rubber Stamp Works	144.10

CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
	A. C. Gustafson, supplies	156.85
	Walter H. Beam, supplies	67.00
	Zaisers, rentals	51.75
	Gaar Brothers Typewriter Company	67.50
	Western Union Telegraph Company	5.50
	Glenn Curtis, telegrams	1.80
	Mary L. Huntley, services	per diem
	Executive Council	
	Postage, etc.	2,500.00
	To repair voting machines	2,500.00
	Koch Brothers, supplies	5.77
	Otilla Waldschmitt, extra service	100.00
	Annetta Hjelmeland, extra service	100.00
	Elaine Lawrence, extra service	50.00
	Marcella Killmar, extra service	100.00
	Grace Brinkmeyer, extra service	100.00
	Dorothy Jane Rennert, extra service	50.00
	A. E. Augustine, expenses for car	14.75
	J. J. Gillespie, expenses	36.00
	Tangney-McGinn Hotels Company	20.20
	State Historical Department, photographs	200.00
	Mrs. Henry Lewis, service	39.60
	J. E. Snedden, service	12.00
	Charles Royer, service	202.50
	American Laundry	87.01
	Officers after adjournment	Amount necessary
MISCELLANEOUS APPROPRIATIONS FOR PUBLIC PURPOSES		
CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
2	Guards and turnkeys at State Penitentiary, refund of salary cuts	\$36,506.78
3	Guards and turnkeys at Men's Reformatory	32,669.28
47	Inaugural expenses	424.41
59	Jones County, expense of coroner's inquest at Mens' Reformatory	31.15
77	Ames, assessment on State property	4,427.21
20	Repair Iowa Monument in National Cemetery at Andersonville, Georgia	500.00

THE FORTY-SEVENTH GENERAL ASSEMBLY 367

CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
23	Des Moines, repayment of pavement costs	2,661.25
16	Iowa City, State's share of sewage disposal plant	110,561.26
26	Iowa City, assessment on State property	1,918.27
28	Muscatine County, drainage of State lands	2,583.13
28	Louisa County, drainage of State lands	1,548.42
54	Mills County, drainage of State lands	1,173.20
34	Robert Collatt, services during fire at Hospital at Mt. Pleasant	50.00
	Roy Shitley, services during fire at Hospital at Mt. Pleasant	50.00
	Claude C. Taft, services during fire at Hospital at Mt. Pleasant	50.00
43	Tama Independent School District, tuition for children of Federal employee	747.19
36	To pay State employees entitled to awards under workman's compensation law	7,000.00
60	Maurice Flanagan, labor at State House	55.00
64	James E. Risdien, services rendered for Attorney General	797.50
APPROPRIATIONS FROM PRIMARY ROAD FUND FOR CLAIMS CONNECTED WITH HIGHWAY CONSTRUCTION AND MAINTENANCE		
CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
17	D. I. Goehring, collision with State truck	\$14.39
	Mrs. Kendall Burch, collision with State truck	25.18
	Willard Poland, collision with State truck	27.32
	Wallace A. Carr, flood damage due to broken tile on highway	80.00
10	John Marth, fence damaged by snow plow	5.00
	George W. Smith, flood damage along highway	100.00
	Mrs. S. L. Lieby, cutting trees along highway	15.00
	W. A. Gay, damage done by snow fence	8.00
	C. H. Otte, damage to water pipes along highway	70.42
	Mrs. Tillie Deater, damage to drainage tile along highway	229.82
	H. R. Staats, damage to auto during construction of highway	11.87

CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
	Henry E. Meis, damage to building by blasting along highway	15.00
18	Dr. E. F. Rambo, medical aid to D. Myron Tripp injured on highway	5.00
	Dr. W. B. Lewis, medical aid to D. Myron Tripp	20.00
	Dr. Ben G. Budge, medical aid to D. Myron Tripp	25.00
8	Pointer Brewing Co., collision with State truck	62.88
	A. B. Hamilton, collision with State truck	50.00
	H. F. Voights, collision with State tractor	69.95
	A. A. Thompson, collision with State truck	35.00
	Paul Delaplaine, collision with State truck	5.00
	E. C. Sodergren, collision with State truck	25.00
	H. R. Pratt, collision with State truck	51.96
	Russell Jensen, collision with snow plow	20.90
	Wayne Fisher, collision with road maintainer	11.38
	Steven Saxby, collision with State car	40.00
	F. I. Easton, collision with State truck	30.65
	Continental Baking Co., collision with State truck	150.00
21	George W. Cox, damage to house caused by snow plow	7.18
	Max E. King, damage to house caused by snow plow	8.49
32	C. O. Melvin, death of son in highway construction truck (From general fund)	1,052.65
9	Elizabeth Maasdam, collision with State car	80.00
	Younkin Automotive Service, collision with State truck	27.95
	Otis Rector, collision with State truck	80.20
	Joe Menges, collision with State truck	12.50
	F. W. McKinley, collision with State truck	19.00
	P. E. Graham, collision with State truck	51.71
	Ronald O. Cole, collision with State truck	46.55
	H. E. Pilon, collision with State truck	4.75
	Emmet L. Morris, damage to car on highway	60.50
72	Drs. Ivan T. Schultz and Nelle T. Schultz Medical services to Saxby family, injured on highway	15.25
12	Harry R. Denton, loss of hog due to snow fence	30.00
	Vince Tellin, collision with State truck	7.00
	O. L. Smith, damage to horse by snow fence	40.00
	M. R. Terhune, collision with State truck	6.00
	W. W. Stranahan, collision with road maintainer	21.68

THE FORTY-SEVENTH GENERAL ASSEMBLY 369

CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
6	C. H. White, death of L. E. White due to dynamite used by Highway Commission employees	1,600.00
	George O. Van Allen, White's attorney	100.00
	F. S. Finley, White's attorney	100.00
	Middle States Utilities Co., collision with State truck	200.00
	Callender Telephone Co., damage to cable along highway	28.95
	Gretus Asmus, collision with State truck	103.25
	Geraldine Satre, collision with State truck	74.00
	Palmer Plumbing Co., collision with State car	67.37
	John F. Shea, collision with State truck	18.43
	Bituminous Paving Mat. Corporation, collision with State car	15.41
	D. M. Vandeline, collision with State truck	144.71
	Mathieson Insurance Agency, collision with truck	16.01
	27	Vera D. Tripp, expenses incident to the death of D. Myron Tripp, attorney for Highway Commission
Will Wickett, collision with State truck		88.77
24	Earl, Leonard, and Mrs. Bonnie Frisk, damages for car falling through bridge	498.75
	Joe H. Smith, for car breaking through bridge	44.35
58	Harry R. Frankle, damages to car from collision "with a State highway patrolman" (From funds of Motor Vehicle Department)	48.70
30	John Terpstra, collision with State car	21.00
	Walter L. Wickett, collision with State truck	18.00
	Lyle E. Davis, colt killed at highway culvert	25.00
57	J. C. Hull and Son, property damage in road construction	500.00
15	E. R. Wald, injury to Mrs. Wald by operation of snow plow	100.00
	Dr. B. L. Basinger medical services for Mrs. Wald	23.50
	F. D. Cox, collision with State truck	5.67
	D. H. Anderson, collision with State truck	53.65
45	Hazel A. Todd, collision with State truck	112.20
63	Key City Refrigerator Line, collision with State truck	116.00
	Total claims paid due to highway work	\$6,928.85

TO PAY MISCELLANEOUS CLAIMS		
CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
1	Frederick M. Hull (Biennial appropriations since 1894) Each year \$360	\$720.00
1	Marjorie Ball, injury on State fair grounds (Biennial appropriation since 1927) Each year \$200	400.00
35	Ira Dalton, injury at Men's Reformatory (From support fund of Men's Reformatory)	550.00
39	R. A. Quinn, injury as State employee in collision with stalled truck	1,200.00
50	Bezer Lodge No. 135, damages caused by log (From funds appropriated for Conservation Commission)	5,600.00
51	Ed Beeman, injury at State prison (From funds appropriated for State Penitentiary)	150.00
56	Emery Brownfield, injury at Men's Reformatory (From funds appropriated for Reformatory)	500.00
71	Richard Nelson, injury at Men's Reformatory (From funds appropriated for Reformatory)	500.00
46	Luella Sherling, injury by stray bullet of policeman	2,500.00
29	Ella Talbott, death of husband, injured while engaged in Iowa and Polk County Relief administration	2,400.00
52	Iver Hopperstad, death of son in State Hospital for Epileptics	1,000.00
37	George Clancy, collision with State truck (From funds appropriated to Conservation Commission)	84.00
41	William M. Schneider, collision with truck driven by State employee	154.62
42	Howell-Schrader Drug Company, collision with State truck (From funds appropriated for State Board of Assessment and Review)	12.85
70	Willie Claussen, collision with car driven by State employee	500.00

THE FORTY-SEVENTH GENERAL ASSEMBLY 371

CHAPTER	TO WHOM AND FOR WHAT	AMOUNT
49	Emmet F. Ivory, car damaged by cavalry horse	101.50
44	J. W. Houchin, refund of gasoline tax	30.00
65	Citizens Savings Bank, Avoca, refund of interest	547.30
76	Avoca State Bank, refund of interest	803.21
68	Mat Gallagher, refund on car license	2.50
74	Midwest Finance Corporation, refund of truck license	30.00
67	H. W. Haskell, injury in National Guard	131.00
61	W. L. Murphy, injury in National Guard	800.00
69	Raymond L. Barr, injury in National Guard	1,000.00
66	Mrs. Emily A. Nicoll, death of husband in National Guard	200.00
62	Cleon A. Ferger, contraction of asthma in National Guard	500.00
13	Fred Skilling, killing of infected mule	125.00
	William Durant, killing of infected horse	100.00
	Mrs. William Meyers, killing of infected horse	75.00
	John Kirsch, killing of two infected horses	100.00
	H. M. Colwell, killing of infected horse	75.00
	William C. Hawley, killing of infected horse	80.00
	Joe Yetmar, killing of infected horse	200.00
	Chris Olsen, killing of infected horse	75.00
	C. E. Baxter, investigating disease in pigs	11.60
53	O. F. Shadle, loss of mules and wagon while employed by Conservation Commission	400.00
40	Anna Dirksen Eygabroad, illegal confinement at Women's Reformatory	135.00
25	John W. Abel, money earned as inmate at Hospital for Insane at Mt. Pleasant	1,278.00

STATE GOVERNMENT AND ADMINISTRATION

Section 389 of the *Code of 1935* provides that "the comptroller shall exercise general supervision over the certifying boards and levying boards of all municipalities with respect to budgets". The Forty-seventh General Assembly

created a State Appeal Board to take over the State Comptroller's functions in regard to the local budgets.

The State Appeal Board is to consist of the Comptroller, the Auditor of State, and the Treasurer of State. From time to time this Board may appoint qualified deputies to act for it. An annual meeting of the Board is to be held on the second Tuesday of January. Section 377 of the Code provides that the local certifying or taxing board shall, before a budget is finally adopted, hold a public meeting at which any taxpayer may object to the proposed budget. The new law provides that protests may be made to the county auditor by a specified number of persons affected by a proposed budget and such protests shall be transmitted to the State Board. If the procedure established by law has been followed, and preliminary objections properly made, the Appeal Board shall set a date for an initial hearing of the protest. When a deputy is appointed to hear the protest, he shall submit a full report to the State Board.

"It shall be the duty of the State Board to review and finally pass upon all proposed budget expenditures, tax levies and tax assessments from which appeal is taken and it shall have power and authority to approve, disapprove or reduce all such proposed budgets, expenditures and tax levies so submitted to it upon appeal, as herein provided; but in no event may it increase such budget, expenditure, tax levies or assessments or any item contained therein." Furthermore, the Board shall have authority to make all rules and methods of procedure necessary to carry out the provisions of this act. After hearing an appeal the State Board shall notify the county auditor of its decision and its decision shall be final.²⁵

Section 113 of the *Code of 1935*, dealing with the examination of public accounts, was repealed by the Forty-sev-

²⁵ *Acts of the Forty-seventh General Assembly, Ch. 91.*

enth General Assembly and a substitute section was enacted. The new law provides that "the auditor of state shall cause the financial condition and transactions of all county and city offices, including cities acting under special charter, and all school offices other than those in rural and village independent districts and school townships to be examined at least once each year by the state examiners of accounts."

The law further provides that any township, municipal, or school corporation which does not receive an annual examination of accounts may, upon application to the Auditor of State, receive such an examination. Upon the request of twenty-five per cent or more of the taxpayers of a municipal or township corporation, or if there are less than one hundred taxpayers in such a corporation, upon a showing of facts, an examination may be granted. School corporations, where such an examination is not required, may apply for one through the county superintendent of schools.²⁶

In 1921 the Thirty-ninth General Assembly established a Bonus Board, consisting of the State Auditor, the State Treasurer, the Adjutant General, and the Adjutant of the Iowa Department of the American Legion. It was the duty of this Board to assist in the distribution of the soldiers' bonus in accordance with the law. The Forty-seventh General Assembly passed a measure which assigned to this board a new duty. In accordance with this law any money hereafter appropriated for aiding in the education of children of soldiers, sailors, marines, or nurses is to be known as the World War orphans' educational aid fund, and such fund shall be administered by the Bonus Board. A sum not to exceed \$150.00 per year may be expended on any child of a man or woman who died while in the military service of

²⁶ *Acts of the Forty-seventh General Assembly, Ch. 89.*

the United States between April 6, 1917, and July 2, 1921, if such child has lived in the State two years preceding application. The money is to defray tuition and fees of institutions of a college level or such business or vocational training schools as the Bonus Board shall approve.

Application is to be made to the Bonus Board and its decision is to be final. However, no one is to be eligible for benefits until he has graduated from a course of training equivalent to high school instruction.²⁷

A new law passed by the Forty-seventh General Assembly relative to taxation provides that on "August first the state comptroller, shall, for each year of the biennium, certify to the state board of assessment and review, the amount of money to be levied for general state taxes."²⁸

The Congress of the United States has provided that two or more States may enter into agreements for mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies. Consequently the Forty-seventh General Assembly empowered the Governor of Iowa "to enter into compacts and agreements with other states, through their duly constituted authorities, in reference to reciprocal supervision of persons on parole or probation and for the reciprocal return of such persons to the contracting states for violation of the terms of their parole or probation."²⁹

The Forty-seventh General Assembly provided for the organization of the Iowa Swine Producers' Association and gave it certain benefits under the law, provided it files with the Department of Agriculture verified proof of its organization. The association must give the names of the president, vice president, secretary, and treasurer, certify that

²⁷ *Acts of the Forty-seventh General Assembly*, Ch. 88.

²⁸ *Acts of the Forty-seventh General Assembly*, Ch. 87.

²⁹ *Acts of the Forty-seventh General Assembly*, Ch. 85.

five hundred persons are members, and give such other information as the Department may require.

The association shall act through an executive committee, composed of the president, secretary, and treasurer of the association, the Dean of the Division of Agriculture or a designated faculty member of the Iowa State College of Agriculture and Mechanic Arts, and the Secretary of Agriculture. The executive committee may employ one or more competent persons to serve full time at its pleasure. Officers of the association are to serve without pay, but shall receive necessary expenses while engaged in the business of the association.³⁰

The Forty-seventh General Assembly supplemented Section 2746 of the *Code of 1935* by providing that any person who receives a dead animal from another person "for the purpose of obtaining the hide, skin, or grease" must be the operator or employee of a licensed disposal plant. Application for a license must be accompanied by a fee of one hundred dollars instead of twenty-five dollars as previously required. After certification of fitness a plant license shall be issued upon the payment of an additional one hundred dollars. It is further provided that the Secretary of Agriculture "shall not issue license for disposal plant not located within the boundaries of the state of Iowa". If the operator remains responsible and the disposal plant complies with the Code provisions and Department regulations, an original license may be renewed for each subsequent calendar year upon the payment of one hundred dollars.³¹

A measure was adopted to recodify part of Section 2590 of the 1935 Code. This act relates to the Weather Division of the Department of Agriculture and concerns the gathering and publication of agricultural statistics.

³⁰ *Acts of the Forty-seventh General Assembly*, Ch. 111.

³¹ *Acts of the Forty-seventh General Assembly*, Ch. 109.

The new law provides a Weather Division under the supervision of a director appointed by the Secretary of Agriculture. He shall be an officer of the United States Weather Bureau, if one be detailed by the Federal government for that purpose. The duties of the Weather Division shall be as follows: "in cooperation with the United States weather bureau, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology and climatology of the state"; establish volunteer weather stations in each county, appoint the observers, supervise such stations, and receive reports of meteorological events and tabulate same for permanent records; issue weekly weather and crop bulletins from April first to October first of each year; and publish monthly weather reports, containing meteorological matter in its relationship to agriculture, transportation, commerce, and the general public.

There shall be a Division of Agricultural Statistics in charge of a director appointed by the Secretary of Agriculture, "and who shall be an officer of the United States bureau of agricultural economics, if one be detailed for that purpose by the federal government." The Division, in cooperation with the United States Bureau of Agricultural Economics, shall compile and publish such statistics "as will generally promote knowledge of the agricultural industry in the state of Iowa." These statistics, when published, shall be the official agricultural statistics for the State of Iowa.³²

The Forty-seventh General Assembly, recognizing the importance of national and State planning and the work accomplished by an unofficial agency, created a permanent State Planning Board.

There are to be ten regular members of the Planning

³² *Acts of the Forty-seventh General Assembly*, Ch. 108.

Board: the State Geologist, the State Commissioner of Public Health, the State Superintendent of Public Instruction, one member appointed by the President of the State College from the faculty of the Agricultural Division, one member appointed by the President of the State University from the commerce faculty, one member appointed by the State Highway Commission, one member appointed by the State Conservation Commission, and three members appointed by the Governor, one of whom is to be chairman of the Greater Iowa Commission (also appointed by the Governor). Persons of special qualifications may be appointed by the Board as additional members for one-year terms, but the membership of the Board is not to exceed fifteen at any time.

The term of office for the regular members is to be at the pleasure of the appointing agencies, except that the Governor's appointments are to be for three-year terms. The Board members are to receive no compensation except necessary expenses in the discharge of their duties. No appropriation was made for the State Planning Board, however, and no provision was made for such expenses. Rules of procedure are to be made by the Board and a public record is to be kept.

All necessary personnel, their duties and compensation, are to be fixed by the Board. Any money appropriated by the national government or any public or private source for this purpose may be utilized by the Board.

The duties of the State Planning Board are set forth as follows: to make investigations in regard to the resources of Iowa and plans for their future utilization, to assist the Governor and General Assembly by making available information it may have, to advise with the various State departments and agencies, to assemble, prepare, and maintain an up-to-date file of base maps of the State, to file in the

State Land Office basic data in regard to land, to assist in county and municipal planning and zoning, and to report findings and expenditures to the Governor and legislature not later than the first of December of each year.³³

Section 3293 of the *Code of 1935* provides that the number and compensation of subordinate officers of the Board of Control shall be determined by that Board. Such employees shall be appointed and discharged by the chief executive officer. To this section the Forty-seventh General Assembly added the provision that "these employees, except physicians and surgeons, shall be bona fide residents and citizens of the state of Iowa at the time of employment. An exception to this provision of residence may be granted by the board for the sole purpose of securing professional and/or scientific services which are unavailable from among the citizens of the state of Iowa."³⁴

House File 133, as passed by the Forty-seventh General Assembly, changed the name of the "Board of Railroad Commissioners" to the "Iowa State Commerce Commission". This law included changes in more than twenty sections of the Code and in acts of the Forty-seventh General Assembly wherever the name Board of Railroad Commissioners appears. The measure, however, is one of Code revision and does not change the substance of the law.³⁵

The fees for the publication of notices and other matter required by law are prescribed by the Code. The Forty-seventh General Assembly provided that all controversies in regard to the measurements of type shall be referred to the State Printing Board and its decisions shall be final.³⁶

Section 235 of the *Code of 1935* provided for a free dis-

³³ *Acts of the Forty-seventh General Assembly*, Ch. 235.

³⁴ *Acts of the Forty-seventh General Assembly*, Ch. 116.

³⁵ *Acts of the Forty-seventh General Assembly*, Ch. 205.

³⁶ *Acts of the Forty-seventh General Assembly*, Ch. 226.

tribution of codes and other legal publications. This section was repealed by the Forty-seventh General Assembly and a substitute section was enacted. The new law provides that the Superintendent of Printing may distribute gratuitously to interested persons the *Code of 1897* and all codes issued subsequently which have been replaced by a newly issued code. All session laws which antedate the publication of the last issued code by at least four years are, likewise, to be available for free distribution. In each case, however, a reserve of each publication may be fixed by the Executive Council to be kept. Such reserve is to be distributed only upon order of the Executive Council.³⁷

Chapter 62-B 1 of the *Code of 1935* give a preference to domestic products and labor. It provides that public officials "shall use only those products and provisions grown and coal produced within the state of Iowa, when they are found in marketable quantities in the state and are of a quality reasonably suited to the purpose intended, and can be secured without additional cost over foreign products or products of other states". The General Assembly amended this law so as to make it more specific and more rigid in so far as it applies to the purchase of coal.

The law as amended provides that any board or officers of the State or its political subdivisions (except municipally-owned public utilities, school townships, and rural independent districts) are to use coal mined in Iowa provided the coal is of a suitable quality, does not impair the efficiency of the machinery already set up, and the producer has complied with the mining and workmen's compensation laws of the State.

Under the new law, purchasers of coal for public purposes in excess of three hundred dollars are required to advertise for bids in the official newspaper of the county. The

³⁷ *Acts of the Forty-seventh General Assembly*, Ch. 90.

advertisement shall state the time and place of receiving such bids and the quality and description of the coal needed. A contract shall be entered into with the lowest bidder who shall furnish qualified sureties as a guarantee for the faithful performance of the contract.

Bids for such advertised coal shall give the name of the producer, the location of the mine, and evidence of complying with the workmen's compensation and mining laws of the State. Violation of any provision of this act shall render a contract null and void.³⁸

ELECTIONS

Section 758 of the *Code of 1935* provided that in any election all names except presidential electors shall be on a single ballot. The Forty-seventh General Assembly amended this provision by stating that in any election where voting machines are used and where it is impossible to list all candidates on the machine ballot, the county auditor, city clerk, or town clerk may provide a separate printed ballot for the township ticket.³⁹

Previous to the session of the Forty-seventh General Assembly, absent voters' ballots were recorded upon the voting machine by the judges. Thus the voting machine recorded all votes in the same manner as if the absentees had voted in person. A recent amendment to this law provides for the keeping of a record book in which shall be posted the total votes cast for a candidate and the votes for and against any proposition submitted to the voters. A separate and distinct record shall be kept of the results of the voting machine, the absent voters' ballots, and the total vote cast. This record shall be signed by all of the judges.⁴⁰

³⁸ *Acts of the Forty-seventh General Assembly*, Ch. 93.

³⁹ *Acts of the Forty-seventh General Assembly*, Ch. 94.

⁴⁰ *Acts of the Forty-seventh General Assembly*, Ch. 95.

Section 13315 of the *Code of 1935* made it unlawful for any person or organization to solicit money or other thing of value to aid in elections, from members of the Board of Control or from the employees of institutions under its jurisdiction. The Forty-seventh General Assembly enacted a substitute measure making it unlawful to directly or indirectly solicit or demand from "any member of the board of control or any employee of any commission, board or agency created under the statutes of Iowa" money or anything of value for election purposes. Nor may money be solicited "for the purpose of paying expenses of any political organization or any person seeking election to public office."

It is also unlawful for any person or political organization to use for election purposes funds donated by a non-resident person, firm, or corporation. Neither may a motor vehicle owned by the State or its political subdivisions be used for campaign and election purposes and no State officer, State appointive official, or State employee may leave his employment to solicit votes for another or to conduct a campaign during the hours of his employment. This provision does not, however, apply to an officer or employee who is a candidate for political office and who may be engaged in a campaign for himself.⁴¹

A measure was enacted in regard to the election of the various officials on the municipal court judiciary ballot. Previous to this enactment names were placed on the ballot in alphabetical order. The new law provides that the names of the candidates shall be arranged and printed on primary and general election ballots as follows: "All precincts shall be arranged in numerical order. The surnames of all candidates for an office shall, for the first precinct in the list, be alphabetically arranged; thereafter for each suc-

⁴¹ *Acts of the Forty-seventh General Assembly, Ch. 232.*

ceeding precinct the name appearing first in the last preceding precinct shall be placed last so that the name that was second before the change shall be first after the change."⁴²

HIGHWAY AND MOTOR VEHICLE LEGISLATION

The law regulating the use of motor vehicles like motor transportation itself has made great strides forward during the last thirty years. The first motor vehicle law in Iowa was written by the Thirtieth General Assembly in 1904. This law consisted of two pages. It provided for a maximum speed limit of 20 miles per hour (15 miles per hour in cities and towns). It also stipulated that, when requested or signalled to do so, the operator of a motor vehicle should bring his car to a stop and allow it to remain stationary while a horse-drawn vehicle approaching from the opposite direction passed.

Since 1904 the motor vehicle laws have been amended at every legislative session and completely rewritten at least three times. It remained for the Forty-seventh General Assembly, however, to give to Iowa a new, comprehensive, and detailed motor vehicle law comparable to the national uniform motor vehicle code. This measure⁴³ consists of 554 sections, embraces 90 pages of the session laws, and is a thorough revision of laws relative to motor traffic in Iowa.

The new law contains many sub-divisions each of which is clearly set forth in the text. Among these sub-divisions are: the Department of Motor Vehicles; the Safety Patrol; registration; anti-theft laws; operators' and chauffeurs' licenses; law of the road; power of local authorities; traffic signs; accidents; driving while intoxicated and reckless driving; right-of-way; equipment; clearance and identifica-

⁴² *Acts of the Forty-seventh General Assembly*, Ch. 225.

⁴³ *Acts of the Forty-seventh General Assembly*, Ch. 134.

tion lights; procedure upon arrest; and reports in criminal cases.

An attempt was made to establish a separate State department to be known as the "Department of Motor Vehicles", with a commissioner appointed by the Governor. This plan was not adopted, however, and administration of the motor vehicle law was left in the office of the Secretary of State. A division of that office was created, however, to be known as the "Motor Vehicle Department", and a Commissioner, to be appointed by the Secretary of State, was provided. This Commissioner shall appoint such deputies, subordinate officers, clerks, investigators, and other employees as may be necessary for the administration and enforcement of the law, and shall appoint a chief of the Division of Highway Safety and Patrol and also the subordinate officers and employees therein. All such appointments shall be subject to the approval of the Secretary of State. Subject to the approval of the Secretary of State, the Commissioner is also authorized to make such rules and regulations as are necessary to carry out the provisions of the motor vehicle law, and for the purpose of enforcing this law he shall be deemed a peace officer.

Prior to 1937, Iowa maintained a Highway Safety Patrol consisting of 53 men. Under the new law, the Motor Vehicle Department was authorized to increase the personnel of this patrol to 128 men. The Commissioner of Motor Vehicles was authorized to designate a chief of patrol, a first and second assistant, and not to exceed fourteen men, from the patrol, as supervisory officers. The salaries of these men are fixed as follows: chief of patrol, \$250 per month; assistant chiefs, \$165 per month; supervisors, \$135 per month; patrolmen with less than one year's service, \$100 per month; patrolmen after one year's service, \$125 per month.

Under the subject, registration, the law provides for registration of motor vehicles through the office of the county treasurer. Quadruple receipts are issued by the county treasurer for registration fees. One of these is given to the registrant, two are forwarded to the Motor Vehicle Department, and one is retained in the office of the county treasurer. Provision is also made for the display of license plates and for obtaining duplicates in case the original plates are lost or destroyed.

The anti-theft law provides that every sheriff, chief of police, or peace officer, upon receiving reliable information that a motor vehicle has been stolen, shall immediately report such theft to the Motor Vehicle Department, and if any such officer receive information that a car that has been reported stolen has subsequently been recovered, he shall report this fact. The Department shall at least once a week compile and publish a list of motor vehicles that have been reported stolen and those reported recovered, and send a copy of such list to the peace officers throughout the State.

The law sets forth in detail the registration fees that shall be charged for various types of motor vehicles. "The annual fee for all motor vehicles except motor trucks, hearses, motorcycles, and motor bicycles shall be equal to one per cent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department." The registration fees for trucks with pneumatic tires range from \$15 per year for trucks of one-ton capacity to a fee of \$300 per year for trucks of six-ton capacity. For trucks equipped with solid rubber tires the fee is somewhat higher. Trailers weighing less than a thousand pounds and having a loading capacity of less than one thousand pounds are not subject to a registration fee. Fees on other trailers range from \$1 for a wagon-box trailer to \$70 for trailers with six-ton capacity.

The new law raised the minimum age limit for drivers of motor vehicles from 15 years to 16 years of age. Minors between the ages of 14 years and 16 years may, however, obtain a license to drive a motor vehicle to and from school. The driver's license fee was advanced from 25 cents to 50 cents for each license, but the license is for a two-year period. The chauffeur's license fee is two dollars and the license expires on December 31st of each year.

In the formulation of the new law considerable discussion centered around the section of the law designed to prohibit hitch-hiking. The law as finally passed does not prohibit this practice, but it provides that no "person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle". Nothing in this section or this act, however, shall be construed so as to prevent any pedestrian from standing on that portion of the highway not ordinarily used for traffic, for the purpose of soliciting a ride.

No specific speed limit is fixed by the law for motor traffic outside of cities and towns, the law stipulating only that "any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law."

The following speed limits, however, are prescribed: twenty miles per hour in any business or school district; twenty-five miles per hour in any residence district; and thirty-five miles per hour for any motor vehicle drawing

another vehicle. Trucks with a gross weight in excess of 5000 pounds and equipped with pneumatic tires shall not exceed a 40-mile speed limit. If solid rubber tires are used the speed limit is 20 miles per hour. The law also provides that motor vehicles shall not be driven so slowly as "to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law."

The new law imposes a heavy penalty on any person convicted of operating a motor vehicle on the public highway while in an intoxicated condition or of driving in a reckless manner:

"Whoever, while in an intoxicated condition or under influence of narcotic drugs, operates a motor vehicle upon the public highways of this state, shall, upon conviction or a plea of guilty, be punished, for the first offense by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period of not to exceed one year, or by both such fine and imprisonment; for the second offense by a fine of not less than five hundred dollars, nor more than one thousand dollars, or by imprisonment in the penitentiary for a period of not to exceed one year, or by both such fine and imprisonment; and for a third offense by imprisonment in the penitentiary for a period not to exceed three years. . . .

"Any person who drives any vehicle in such maner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

"Every person convicted of reckless driving shall be punished upon a conviction by imprisonment⁴⁴ for a period of not more than thirty days, or by fine of not less than twenty-five dollars, nor more than one hundred dollars."

In order to protect automobile dealers, and to place the

⁴⁴ The place of imprisonment is not fixed.

sale of motor vehicles on a uniform and legally regulated basis, the Forty-seventh General Assembly passed a new law known as the "motor vehicle dealers licensing act". This law provides that no person shall engage in the business of selling at retail new motor vehicles in Iowa "unless he is authorized by a contract in writing between himself and the manufacturer or distributor", and unless the Motor Vehicle Department "has licensed the person as a motor vehicle dealer in this state".

The law also provides that no person, other than a licensed dealer in new motor vehicles, shall engage in the business of selling at retail used motor vehicles until the Motor Vehicle Department has issued a license to such person as a used motor vehicle dealer.

Under this law dealers are required to observe certain specified rules of conduct, and penalties are prescribed for a breach of the law. An annual license fee of \$5.00 is required of each dealer. Moneys accumulating from these fees shall be placed in the "Motor Vehicle Dealers License Fund", and shall be used to administer the law. Any accumulated sum in excess of \$10,000 shall be credited to the general fund of the State at the end of each fiscal year.⁴⁵

Motor vehicle operators' licenses prior to 1937 were issued to expire on June thirtieth of the odd-numbered years. An amendment to the law, passed by the Forty-seventh General Assembly, provides for their expiration on July fifth instead.

All licenses which had not been previously revoked and which were to expire on June 30, 1937, were extended to July 5, 1937.⁴⁶

Section 5093-f4 of the *Code of 1935* provides that a tax on motor vehicle fuel shall be paid to the State by the dis-

⁴⁵ *Acts of the Forty-seventh General Assembly*, Ch. 135.

⁴⁶ *Acts of the Forty-seventh General Assembly*, Ch. 133.

tributor or person first receiving it in the State. This law was amended by the Forty-seventh General Assembly to provide for the posting of prices of motor fuel and fuel oil. It was made unlawful for any distributor to deviate from the posted price by means of rebates, discounts, premiums, or otherwise. The amended law provides that every distributor of motor vehicle fuel or fuel oil shall keep posted in a conspicuous place "the price per gallon of each grade of motor vehicle fuel and fuel oil offered for sale, the amount of state license fee per gallon thereon, the federal excise tax per gallon thereon, and the total thereof". If any rebate, discount, commission or other concession is granted by distributors of such nature as will reduce the cost or price to any purchaser, "the conditions, quantity and amount of such rebate, discount, commission or other concession shall be posted as a part of the posted price".

This law also amended Section 5093-f31 of the *Code of 1935* to provide that it shall be unlawful for any distributor "to change or alter the price placard until it shall have been posted for a period of twenty-four hours except to meet a posted competitive price in that community".⁴⁷

A legislative measure passed by the Forty-seventh General Assembly provides that the "state highway commission shall designate the street or streets which shall constitute the primary road extensions in any city or town of the state of Iowa, which city or town is separated from the remainder of the state of Iowa by a river more than five hundred feet in width from bank to bank." The laws of the State in regard to the construction, reconstruction, and maintenance of such roads, the purchase and condemnation of the right of way, and the expenditure of primary road funds shall be the same for such highways as if the roads designated were not separated from the rest of the State.

⁴⁷ *Acts of the Forty-seventh General Assembly*, Ch. 136.

This act became effective by publication in a Council Bluffs and an Avoca paper and was apparently intended for these cities.⁴⁸

SCHOOL LEGISLATION

The Forty-seventh General Assembly made provision for Iowa to receive any Federal funds appropriated to help the States with a more effective program of public education. The Superintendent of Public Instruction shall keep such records as are necessary to qualify under the Federal law. In the treasury of the State there shall be a special fund to which the Federal grants shall be accredited. The Treasurer shall also keep such records as are required by law.

Each school year, in October and April, the funds credited to such special fund shall be distributed to the several public school corporations of the State in the proportion which the total number of teacher units for each school corporation for the preceding school year bears to the total number of teacher units for the State for such school year. The manner of computing the teacher units is defined by law.

A refund shall be paid by the school corporation receiving tuition for non-resident pupils to the school corporation paying such tuition.⁴⁹

A recent amendment to the school laws of Iowa provides that a child who has become a public charge and who is being cared for by a licensed children's boarding home shall be provided with school facilities. Even if the domicile of the child is in another school district than the one in which the boarding home is located it may attend school in the latter district, and if this district does not maintain a school of the classification suitable for the child, it may attend any

⁴⁸ *Acts of the Forty-seventh General Assembly, Ch. 128.*

⁴⁹ *Acts of the Forty-seventh General Assembly, Ch. 126.*

approved public school that will receive it. Upon requisition by the Superintendent of Public Instruction and upon warrants drawn by the Comptroller, the State Treasurer shall pay the tuition of such child from State funds not otherwise appropriated. If the child was in the district when the biennial school census was taken, the semi-annual apportionments shall be deducted from the tuition due the district under the provision of this act. The Superintendent of Public Instruction may require such reports as are necessary to carry out the provisions of the law.⁵⁰

In accordance with a recent amendment relative to school textbooks, the board of directors of every school corporation is now allowed to loan such textbooks as are necessary to pupils free or to rent them at a reasonable fee. A previous Code provision provides for the sale of textbooks to pupils at cost. The Forty-seventh General Assembly also established the method of keeping textbooks and supplies and the regulations governing their sale. At the close of each school year the board of directors shall make a complete settlement with each bonded depository within the county.

Should a majority of electors in a county decide upon county uniformity for textbooks such textbooks may be purchased by the county and sold through legal depositories as provided for by the Forty-seventh General Assembly. Any school corporation under county uniformity may purchase such textbooks as have been adopted through the county board of education. And these textbooks may be loaned or rented to pupils. When textbooks have been loaned or rented the pupils and their parents are responsible for their care.⁵¹

Section 4488 of the *Code of 1935* was amended by the

⁵⁰ *Acts of the Forty-seventh General Assembly*, Ch. 123.

⁵¹ *Acts of the Forty-seventh General Assembly*, Ch. 124.

Forty-seventh General Assembly to provide that the permanent school fund may be loaned by the county auditor at a rate not less than four per cent rather than the previous minimum of five per cent. County auditors shall make an annual report to the State Comptroller of the amount of all sales and resales made during the year previous, of the sixteenth section, five-hundred-thousand-acre grant, escheat estates, and lands taken under foreclosure of school fund mortgages. The Comptroller shall charge the same to the counties with interest from the date of such sale or resale to January first, at a rate of three and one-half per cent per annum. This rate is a reduction of one per cent of the interest formerly fixed by law.

Each county having permanent school funds under its control shall be charged an annual interest rate of three and one-half per cent, the interest to be levied for the previous year or for such part of it as the funds were under county control. All interest collected above the three and one-half per cent charged by the State shall be transferred to the general county fund.⁵²

Section 4239-a3 of the *Code of 1935* provides that members of the school boards and treasurers of all school corporations shall not receive compensation for official service. This law was amended by the Forty-seventh General Assembly so that in school townships, rural or village independent districts, and consolidated districts that contain a city or town having a population less than one thousand, the board may pay a legally qualified school treasurer a reasonable compensation.⁵³

A recent amendment to the law relative to the school census provides that between the first and fifteenth days of June in each even-numbered year the sub-director of each

⁵² *Acts of the Forty-seventh General Assembly*, Ch. 125.

⁵³ *Acts of the Forty-seventh General Assembly*, Ch. 122.

school township shall prepare a school census on blanks provided for that purpose by the Superintendent of Public Instruction. Such blanks shall contain the information prescribed. And by the twentieth of June "the subdirector shall send this list to the secretary of the school township who shall make full record thereof as required by law."

The secretary of each school corporation shall enter in a book prepared by the Superintendent of Public Instruction shall send this list to the secretary of the school township the school census. Such census shall contain the data set forth by the enactment of the Forty-seventh General Assembly. The secretary shall file with the county superintendent on blanks prepared for that purpose by the Superintendent of Public Instruction a complete report concerning the school corporation.⁵⁴

The Forty-seventh General Assembly provided that school boards may now allow busses, used for transporting children to and from school, to be used also for extra-curricular activities. Provided that these extra-curricular activities are made a part of the regular school program by the board, and that the busses transporting students to and from those extra-curricular activities are accompanied by a faculty member.⁵⁵

The fee for the renewal of third grade teaching certificates, in accordance with a recent amendment, shall be two dollars instead of one dollar as provided by a former law. Each applicant for a teaching certificate and applicants for a certificate of graduation for the normal course in a county shall also pay a fee of two dollars instead of the one dollar previously fixed.⁵⁶

The Iowa State Board of Education was authorized by

⁵⁴ *Acts of the Forty-seventh General Assembly*, Ch. 121.

⁵⁵ *Acts of the Forty-seventh General Assembly*, Ch. 120.

⁵⁶ *Acts of the Forty-seventh General Assembly*, Ch. 119.

the Forty-seventh General Assembly to purchase real estate for an experimental farm. The additional lands are necessary in order to accommodate the work which the Iowa State College has undertaken in conjunction with the United States Department of Agriculture. An act of Congress, approved on July 2, 1862, authorizes the States to undertake and purchase experimental farms.

The State Board of Education was authorized to expend not to exceed \$44,000 from the permanent endowment fund of the Iowa State College to pay for this land.⁵⁷

SOCIAL WELFARE

The Federal "Social Security Act" in its provisions regarding child welfare, old age assistance, and aid to the blind provided that each State should establish or designate some single State agency to supervise or administer the operation of the program. Because of a long-felt need and because of the provision of the Federal law, the Forty-seventh General Assembly established a State Department of Social Welfare.⁵⁸

The State Board of Social Welfare as constituted by the new law is composed of five members appointed by the Governor with the consent of two-thirds of the Senate in executive session. At least one member shall be a woman; no two are to be from the same congressional district; and not more than three are to be members of the same political party. The term of office is four years. Each member is to receive fifteen dollars per day for each day he devotes to the actual performance of his duties, but the total sum of compensation cannot exceed twelve hundred dollars per year.

The State Board shall have authority to administer old

⁵⁷ *Acts of the Forty-seventh General Assembly*, Ch. 127.

⁵⁸ *Acts of the Forty-seventh General Assembly*, Ch. 151.

age assistance, aid to the blind, aid to dependent children, child welfare, and emergency relief. The Board shall prepare and print yearly reports as to the administration of the acts under its control; cooperate with the Federal Social Security Board; exercise general supervision over the county boards of social welfare; and furnish information to the public concerning its jurisdiction and work.

The Board shall appoint a Secretary to serve at its pleasure and to perform such duties as it may require. His salary shall not exceed three thousand dollars per year. All employees of the Board must have been residents of Iowa for at least two years, and must be selected from those who qualified in an examination given by or under the direction of the Board.

Three divisions are created within the Department: a division of old age assistance; a division of emergency relief; and a division incorporating aid to the blind, aid to dependent children, and child welfare. Each division has a superintendent who serves at the pleasure of the Board and is to receive a salary not in excess of thirty-six hundred dollars per year.

County boards of social welfare are also established. In counties of less than thirty-three thousand population, a board of three members is to be appointed, at least one of whom shall be a woman and no more than two from the same political party; in counties of more than thirty-three thousand the board shall consist of five members, at least one of whom shall be a woman and no more than three may belong to the same political party. The members are appointed by the county board of supervisors for a term of one year. Compensation is three dollars per day and not to exceed ninety dollars yearly in the smaller counties, nor one hundred and twenty dollars in the larger ones. This remuneration is to come from the general fund of the county.

The duty of the county board is to direct old age assistance, aid to the blind, aid to dependent children, and emergency relief in the county. A county director and such personnel as shall be approved by the State Board shall be appointed by the county board upon the basis of fitness. Applicants for positions must be legal residents of Iowa for at least two years prior to such application. The compensation of county board employees is to be fixed by the county board, subject to approval by the board of supervisors and the State Board of Social Welfare, and shall be paid from funds made available by the State Board.

The provisions of the Federal Social Security Act made it necessary for the Forty-seventh General Assembly to revise the procedure of administering old age assistance in Iowa, established by the Forty-fifth General Assembly in extraordinary session and revised and amended by the Forty-sixth General Assembly.⁵⁹

A Division of Old Age Assistance is created under the State Department of Social Welfare. The State Welfare Board shall appoint a superintendent responsible for administering old age assistance. It is his duty to appoint, with the approval of the State Board, all necessary personnel. These provisions supersede the previous ones concerned with the administration of old age assistance by a State Commission and county boards. Investigations of the status of the aged in the various counties is to be conducted by old age assistance investigators appointed by the county boards of social welfare.

The newly created State Board of Social Welfare shall require of the Superintendent of the Old Age Division the following: a report of the total number of recipients; the amounts paid in cash; cash receipts and disbursements; total number of applications; the number granted and the

⁵⁹ *Acts of the Forty seventh General Assembly, Ch. 137.*

number denied; the number cancelled; and any other necessary information. The State Board is to cooperate with the Federal Social Security Board, furnish information to acquaint the public with the operation of the act, and fix the salaries of the personnel of the Department.

The amount of assistance is to be determined by circumstances, but in no case shall it exceed twenty-five dollars a month when added to other sources of income. Under the revised law old age assistance shall be granted to individuals only upon the following conditions: an applicant must have a residence or domicile in the State of Iowa; have attained the age of sixty-five years; be a citizen of the United States or have been a resident of the United States for the last twenty-five years; have had an uninterrupted domicile for nine years preceding application; have had five years residence during the nine year domicile; have supported his wife, if a husband, and not deserted her husband, if a wife; not be an inmate of any public institution; have no individual or society able to support him; have been found unable to earn an annual income of three hundred dollars; and found not to need continuous institutional care.

Persons with real property assessed at two thousand dollars, or with three hundred dollars cash or more are not eligible for assistance under the act. In the case of a married couple the amount is four hundred and fifty dollars.

The value of any property which does not produce a reasonable income shall be computed according to law for purposes of granting assistance. Upon the death of an individual, his estate shall be subject to a second class claim (public rates and taxes) by the State amounting to the total sum of assistance paid. Property belonging to persons receiving old age assistance is subject to transfer to the State for payment of any claims held by the State. Such procedure is, however, subject to the rights of a surviving spouse. Ad-

ministrators or executors are to pay any lien (as prescribed by the act) or claim when so ordered by the court.

Any insurance policy may be assigned to the "commission" (State Board) if the recipient of benefits believes he cannot maintain future payments.

The county welfare board is to investigate all applications for benefits. It shall then make a recommendation to the State Division of Old Age Assistance as to the amount of benefit to be allowed. If necessary the Division may make a supplementary investigation. The State Division will then allow or disallow the county board's recommendation. An aggrieved applicant may appeal his case to the State Board and then to the courts in accordance with the procedure established by law. A rejected applicant may not reapply for assistance until a year has elapsed.

A certificate stating the amount of assistance is to be given to each applicant. This certificate shall be good for two years, subject to review by the State Division. Payments are to begin on the day fixed by the State Welfare Board.

Any increase in the amount of property belonging to recipients shall be made known to the county board which will make future recommendations to the State Division. Failure to so notify the county board is to be subject to a penalty as prescribed by law.

Upon the death of a recipient of assistance the funeral expenses of the deceased may be paid by the State. Such payment is not to exceed one hundred dollars and is to become part of the claim for assistance granted.

A recipient of assistance is to receive no other aid from the State or from its political subdivisions except for fuel, dental care, nursing, osteopathic, chiropractic, medical, and surgical assistance, and hospitalization.

If, upon the testimony of a reputable witness, an individ-

ual receiving or applying for assistance is shown to be incapable of taking care of himself and his money, a guardian shall be appointed. The appointment is to be made by the district court through the county attorney, upon recommendation of the State Board of Social Welfare.

All records concerning applications are the property of the State of Iowa and are confidential, subject to inspection only for purposes of administering this act or under the order of a court. Falsifying an application is to be punished as a misdemeanor.

With the establishment of a State Department of Social Welfare, the previous Code provisions concerning the supervision of child welfare by the State Board of Control were repealed and a bill to establish a sub-division of child welfare, under the State Department of Social Welfare was enacted as a substitute.⁶⁰ This law provides for a Sub-division of Child Welfare under the supervision of the superintendent in charge of the division having charge of aid to the blind, dependent children, and child welfare. The superintendent shall, under rules and regulations adopted by the State Board, carry on the administrative and executive duties of the sub-division. He is: to appoint the necessary personnel, subject to the approval of the State Welfare Board; to provide information; to submit an annual budget; and to cooperate with county departments within the State.

In regard to child welfare, the State Board of Social Welfare is authorized: to review the acts and decisions of the Sub-division of Child Welfare; to cooperate with the government of the United States in strengthening child welfare services within the State; to gather information so as to determine the need for such services; to apply for and receive funds as allotted to the State by the United States; to

⁶⁰ *Acts of the Forty-seventh General Assembly, Ch. 118.*

make budget estimates; to coöperate with the counties; to aid in enforcing all laws in respect to children; and to cooperate with the juvenile courts and the State Board of Control.

The duties of the Sub-division of Child Welfare within the State Department of Social Welfare are: to plan and supervise all public child welfare services; to make reports and to furnish information to any Federal agencies charged with problems of child care; to make rules and regulations for the supervision of private child-caring agencies; to supervise and inspect private institutions for the care of dependent, neglected, and delinquent children; to approve county and private institutions to which children may be legally committed; to receive annual reports from juvenile courts and institutions concerned with child welfare; to receive information concerning and to keep a record of adoptions; to license and inspect maternity hospitals, private boarding homes for children, and private child placing agencies.

All previous Code provisions respecting maternity hospitals, children's boarding homes, child-placing agencies, neglected and dependent children, and adoption are now subject to the Sub-division of Child Welfare instead of the State Board of Control.

County aid to the blind is now in charge of the State Board of Social Welfare and the county boards of social welfare. To be eligible for assistance a person must have the following qualifications: be eighteen years of age or over; be a citizen of the United States or have made application for citizenship; have resided in Iowa for five years during the last nine; and have resided one year immediately preceding application; not be an inmate of a public institution; not be soliciting alms in any part of the State; not be receiving old age assistance; not have made a trans-

fer of property for the purpose of becoming eligible for assistance; and not have enough income or resources to provide a reasonable subsistence. The amount of assistance is to be determined by circumstances and under the regulations of the State Board of Social Welfare, but in no case is the amount to exceed thirty dollars per month.

In regard to aid for the blind, the State Board of Social Welfare is to have the following duties: be responsible for the efficient administration of this act; prescribe the qualifications required of county board employees; designate the procedure for determining the blindness of the applicant; cooperate with the Federal Social Security Board and qualify for Federal aid for the blind; and cooperate with other agencies for the prevention of blindness. The county boards are to cooperate with the State agency and, after approval by the State Board, submit to the county board of supervisors a budget of estimated expenditures.

Application for assistance must be made in the county where the applicant resides. The application is to be investigated and an examination conducted by an approved ophthalmologist. The findings shall then be sent to the State Board and the decision as to what amount of assistance is recommended will be indicated in accordance with rulings of that body. Any assistance granted under this act is not assignable. Any applicant has the right to appeal his case to the State Board. A reconsideration of any case may be made by the county board as prescribed by rulings of the State Board.

Any individual may be provided treatment to aid in the prevention of blindness, provided he qualifies under other provisions of the act. Any individual unable to use the assistance judiciously may have a guardian appointed upon recommendation of the county welfare board. If during the time assistance is given, a dependent becomes possessed of

property or income he shall notify the county board. After an investigation the board shall recommend whether payments are to continue or are to be suspended.

Upon the death of any recipient, the State Board may, if necessary, finance the expenses of burial provided such expenses do not exceed one hundred dollars. After deducting the expenses of burial and last sickness, a recipient's estate shall be charged with the amounts paid under this act.

The county shall pay one-fourth of all administrative services in regard to aid to the blind within the county (all the compensation of county welfare board members) and one-fourth of the assistance payable to blind persons. The State is to pay the remaining three-fourths and to establish a fund for aid to the blind which will receive the money appropriated by the State.⁶¹

One of the major purposes of the Social Security Act passed by Congress and signed by the President in August, 1935, was to enable the States to establish programs of unemployment compensation. Such programs were to be embodied in State laws. The Federal act merely provides that where the Social Security Board has approved a State plan the employers, taxed by the Federal government one per cent in 1936, two per cent for 1937, and three per cent after 1937, may deduct the amount paid to the State from the total Federal tax, but this deduction may not exceed 90 per cent of the tax due the Federal government. The cost of administering unemployment insurance shall, however, be paid by the Federal government.

A satisfactory State law for unemployment insurance must have been passed and approved by December 31, 1936. Failure to pass such a law meant that the Federal tax collected in a State went into the general treasury of the United States and the tax money was lost to the State.⁶²

⁶¹ *Acts of the Forty-seventh General Assembly*, Ch. 144.

⁶² See the Federal Social Security Act of 1935, Secs. 301-303, 901-910.

Consequently Governor Clyde L. Herring, on December 16, 1936, called an "extraordinary session" of the General Assembly to meet at Des Moines, on Monday, December 21st. During the session an "Unemployment Compensation Law" was passed, but it was hastily drafted to meet the time requirement of the Federal act, and an early revision was expected.

The Forty-seventh General Assembly meeting in the early months of 1937 undertook to rewrite the recently enacted law providing for unemployment insurance.⁶³ Under the new law, benefits are to be paid to unemployed through State employment offices and may begin twenty-four months after the first payments accrue under the act. Each eligible unemployed person is to receive from five to fifteen dollars a week, according to his full time weekly wage. Partial unemployment is to be paid for by partial payments.

After a waiting period of two weeks an individual is eligible for benefits. He must be registered at and continue to report to an employment office. Furthermore he must be able to work and be available for work and he must have earned, within a prescribed period, a sum equal to fifteen times his weekly benefit. An applicant is to be disqualified for benefits: if he has left work voluntarily; if he has been discharged for misconduct; if he fails to apply for suitable work when so directed by the Unemployment Compensation Commission (suitable work is that not dangerous to the health, morals, and safety of individuals, or labor not carrying disadvantageous wages and hours); if he is participating in or helping finance a labor dispute; and if he is receiving benefits under the Workmen's Compensation Law of any State or benefits from the old age pension fund established by the Federal Social Security Act.

⁶³ *Acts of the Forty-seventh General Assembly*, Ch. 102.

Claims for benefits are to be made in accordance with the procedure set down by the Commission. Such claims shall be examined and allowed or disallowed by a deputy. Appeals from the deputy's decision may be carried to an appeal tribunal, subsequently to the Commission, and finally to the courts.

In conformity with Federal legislation, the Iowa law applies to employers of eight or more employees for at least fifteen weeks during the year. Services rendered for the State or Federal government or for a political subdivision of the State or Federal government, agricultural labor, domestic service in a private home, and services of a religious or charitable nature are exempt from the provisions of the law. Employers are required to pay a sum equal to 1.8 per cent of their payrolls for the last six months of 1936 and contribute enough additional to make nine-tenths of one per cent of their total payroll for the year 1936. The rate for 1937 is 1.8 per cent and for 1938 and for each year thereafter up to and including 1941 2.7 per cent. After 1941 the rate is to be based upon "benefit experience" as provided by law. The merit rating is such that occupations with the highest amount of unemployment pay the highest rate.

A fund separated from other public funds and administered by the Unemployment Compensation Commission of Iowa is to receive the moneys thus paid. This Commission is to be composed of three members appointed for six years by the Governor with the consent of the Senate. The act is to be administered by the Commission and it is given the duty of making necessary regulations and all subordinate appointments on the basis of fitness in accordance with the law.⁶⁴

As provided by the Federal act, unemployment exchange

⁶⁴ This section in regard to the Unemployment Compensation Commission was enacted earlier in the session and was reënacted in the general law.— *Acts of the Forty-seventh General Assembly*, Ch. 103.

offices are to be established to cooperate in a national employment system. The appointment of a director and the method of financing are enumerated in the act.

HEALTH AND SAFETY

A measure passed by the Forty-seventh General Assembly prohibits the sale or use of fireworks except in certain specified cases. The council of any city or town or the trustees of any township may, however, grant a permit for the display of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by proper authorities, when such fireworks display shall be handled by competent operators. Sales of fireworks may be made for such displays only and after the required permit has been issued. No permit is required, however, for the display of fireworks at the State Fair Grounds by the State Fair Board, nor for displays made by county and district fairs receiving State aid.

The types of fireworks restricted by this measure include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, and other fireworks of like construction. This law does not restrict the sale or handling of fireworks to be shipped out of the State.⁶⁵

Section 1387 of the *Code of 1935* provides that if an employee is injured, the employer if "requested" to do so, is required, in addition to other compensation, to furnish reasonable medical aid for a period of four weeks. The Forty-seventh General Assembly amended this law to provide that an employer "with notice or knowledge of an injury" to an employee is required to furnish reasonable surgical, medical, osteopathic, chiropractic, nursing, and hospital services and supplies. In exceptional cases the Industrial Commis-

⁶⁵ *Acts of the Forty-seventh General Assembly*, Ch. 181.

sioner shall fix the amount which in no case shall exceed six hundred dollars to be expended for such services. Charges believed to be excessive may be referred to the Industrial Commissioner for adjustment.⁶⁶

The Forty-seventh General Assembly enacted a section additional to Chapter 148 of the *Code of 1935*, dealing with the adulteration of foods. The term "ice milk", "imitation ice cream", or "frozen malted milk", as used in this chapter shall include all frozen products other than milk sherbet and fruit ice made in semblance of ice cream and containing less than ten per cent of butterfat. These products shall be pasteurized as defined by law. They shall not contain added color nor fats other than butterfat.

Ice milk or imitation ice cream shall be sold only in the manufacturer's package or wrapper. It is to be labeled according to law and sold in establishments displaying signs prescribed by this act.

A further provision states: "Milk sherbet shall contain not less than two per cent of butterfat and four per cent of milk solids. Fruit ice shall contain not less than four tenths of one per cent of fruit acid."⁶⁷

Because the production and distribution of coal is of public interest, because accidents often occur in mines that the State mine inspectors do not know exist, and because it is necessary to keep an accurate record of the opening and operation of mines, the Forty-seventh General Assembly amended the mining law so as to provide for more rigid restrictions upon mine operators.

The amended law provides that any person or firm contemplating the opening of a coal mine for produce or sale must first obtain a permit from the State Mine Inspector of the district in which the intended mine is to be located. A

⁶⁶ *Acts of the Forty-seventh General Assembly*, Ch. 98.

⁶⁷ *Acts of the Forty-seventh General Assembly*, Ch. 112.

suitable application form is to be provided. This form is to include the name of the operator, post office address, location of mine, kind of power to be used for hoisting and haulage, kind of opening, name of supervising official, and number of years of actual mining experience. The applicant is to provide all necessary information and when these provisions have been complied with a license is to be issued free of charge.

Failure to comply with these provisions shall make it the duty of the State Mine Inspector to file a complaint with the county attorney to enjoin further operation of the mine until the operator complies with the law. The provisions of this act do not apply to any person who shall mine coal on his own property for his own personal use.⁶⁸

In recent years many coal mine accidents have resulted from blasting while workmen were in the mine. To avoid such accidents in the future the Forty-seventh General Assembly amended the law so as to place a ban upon such operation. The amended law provides that no person shall do any blasting in any coal mine of this State until all persons except the shot firer or firers are out of the mine.⁶⁹

Section 2812 of the *Code of 1935* provides for certain license fees to be paid by hotels and restaurants. An amendment passed by the Forty-seventh General Assembly makes this law applicable to movable lunch stands to be operated only at fairs, street fairs, or carnivals. The fee for a State license for such transient or movable lunch stands shall be three dollars for each location or ten dollars per year, at the option of the applicant. No fee is to be levied on any church, charitable, or non-profit organization maintaining such a stand.⁷⁰

⁶⁸ *Acts of the Forty-seventh General Assembly*, Ch. 96.

⁶⁹ *Acts of the Forty-seventh General Assembly*, Ch. 97.

⁷⁰ *Acts of the Forty-seventh General Assembly*, Ch. 110.

A new statute dealing with the service of process provides that "any defendant in any criminal action pending or to be brought in any court in the state of Iowa may be served with process, either civil or criminal, in any other action pending or to be brought against him in the courts of this state while he is present in this state, either voluntarily or involuntarily". The provisions of this chapter shall apply to cases pending or not disposed of when the measure was enacted. All such processes served shall have the same validity as if this statute had been enacted prior to the service thereof.⁷¹

The law relative to procedure under the power of eminent domain provides that when private property is taken for public use, a commission of six resident freeholders shall be named to assess the damages. Such assessment when thus made shall be final unless an appeal is made. Any party interested may, within thirty days after the assessment is made, appeal therefrom to the district court, by giving the adverse party, his agent or attorney, and the sheriff written notice of the appeal.

This law was recently amended by adding the following provisions: "Such notice of appeal shall be served in the same manner as an original notice. In case of condemnation proceedings instituted by the state highway commission, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general, or the special assistant attorney general acting as counsel to said commission, or the chief engineer for said commission. When service of notice of appeal cannot be made as provided in this section, the district court of the county in which the real estate is situated, or a judge thereof, on application, shall direct what notice shall be sufficient."⁷²

⁷¹ *Acts of the Forty-seventh General Assembly, Ch. 234.*

⁷² *Acts of the Forty-seventh General Assembly, Ch. 203.*

Section 13352 of the *Code of 1935* provides that to constitute a prison breach — escape from the penitentiary or a reformatory — “it is not necessary that the prisoner be within any walls or inclosure nor that there shall be any actual breaking nor that he be in the presence or actual custody of any officer or other person.” The Forty-seventh General Assembly made this provision applicable to jail breaks.⁷³

The Forty-seventh General Assembly enacted a substitute measure defining the punishment of contempt of court. The punishment where not otherwise specifically provided for shall be as follows: in the Supreme Court, by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding six months, or by both; in a court of record, by a fine not exceeding five hundred dollars or by imprisonment in a county jail not exceeding six months, or by both; in all other courts by a fine not exceeding ten dollars.⁷⁴

Section 13008 of the *Code of 1935* provides a punishment for any person who commits larceny in the nighttime “in any dwelling house, store, or any public or private building”. This law was amended by the Forty-seventh General Assembly to make it applicable to offenses committed in any building “or other construction of any type or character”.⁷⁵

Keeping slot machines shall be considered a violation of the laws of the State of Iowa and such offense shall be punished by a fine not less than fifty nor more than three hundred dollars or by imprisonment in the county jail not exceeding one year or both. The Forty-seventh General Assembly further provided that no one shall, in any manner or for any purpose whatever, except under proceedings to destroy the same, have, keep, or control any machine used

⁷³ *Acts of the Forty-seventh General Assembly*, Ch. 233.

⁷⁴ *Acts of the Forty-seventh General Assembly*, Ch. 227.

⁷⁵ *Acts of the Forty-seventh General Assembly*, Ch. 229.

for gambling, or any slot machine or device with an element of chance attending such operation.⁷⁶

When a divorce is decreed, the court may make such order in relation to the children, property, parties, and the maintenance of the parties as appears to be right. Subsequent changes may be made if circumstances render them expedient. Section 10482 of the *Code of 1935* provides that if any party against whom such a decree has been entered, shall wilfully disobey the decree, or secrete his property, he may be cited and punished for contempt of court. The Forty-seventh General Assembly amended this law to provide that such punishment may include commitment to the county jail for a period of time not to exceed thirty days for each offense.⁷⁷

The Forty-seventh General Assembly passed an act relating to the civil liability of owners, lessees, licensees, and operators of radio broadcasting stations. Neither the owners nor their agents or employees shall be liable for any damages for any defamatory statement published or uttered in or as part of any broadcast by one other than such persons. However, such owner, operator, employee, or agent shall exercise due care to prevent the publication or utterance of such defamatory statements.⁷⁸

CONSERVATION

Section 1703-e8 of the *Code of 1935* provides that the Conservation Commission shall adopt and enforce such rules and regulations as it may deem advisable pertaining to the equipment and operation of boats used for hire on the inland waters of the State. The Forty-seventh General Assembly repealed this section and added to Chapter 85 of the

⁷⁶ *Acts of the Forty-seventh General Assembly*, Ch. 231.

⁷⁷ *Acts of the Forty-seventh General Assembly*, Ch. 224.

⁷⁸ *Acts of the Forty-seventh General Assembly*, Ch. 238.

Code a long list of rules and regulations. Penalty for a violation of the rules as thus set forth shall be one hundred dollars fine or thirty days imprisonment.⁷⁹

Under the new law, boats are placed in seven classes for the purpose of designating the kind and type of equipment necessary for safe operation. The law designates the proper kind of lights for boats in each class and stipulates that "no person shall operate any boat on any of the waters of the state under the jurisdiction of the commission in such a manner as to endanger life and property". Boat races and regattas may be held upon State waters only upon being licensed by the Commission. The manner of maintaining buoys is specifically set forth in the chapter.

Craft licensed by the United States and operated under Federal authority are exempt from the provisions of this law. All navigation accidents are to be reported to the nearest police officer and to the Commission. The number of passengers and crew under the provisions of the amended law shall not exceed the licensed limit, and boats failing to pass inspection are to be removed from public waters.

The Forty-seventh General Assembly also wrote a series of rules and regulations in regard to fish and game and gave the Conservation Commission authority to make all rules necessary to carry into effect the powers and duties vested in the Commission. Administrative orders shall be made only after an investigation and are effective only after publication in a newspaper of general circulation in the State or in the territory affected. A copy of such administrative orders shall also be filed with the Secretary of State.

The Forty-seventh General Assembly, likewise, defined the conditions under which game, protected non-game birds, fur-bearing animals, mussels, frogs, spawn, or fish may be taken or killed.

⁷⁹ *Acts of the Forty-seventh General Assembly*, Ch. 99.

Under the amended law it is unlawful to use a ferret or any mechanical device for chasing animals from their dens. And "no person shall at any time shoot any rifle on or over any of the public waters or public highways of the state." Any person having lawful possession of game may keep same not to exceed ten days after the close of the open season for such game.

Game breeders are to be licensed and to conduct their business according to law. The Commission may, after an investigation, issue to any person a scientific collector's license. Such a collector is exempt from certain provisions of the act.

The General Assembly also set forth the possession limit, the daily catch limit, the open season, and the minimum length or weight of the various kinds of fish taken in any waters of the State. The fishing season for certain lakes is defined by law. The manner and procedure of fishing, such as bait and kind of hooks and lines, are regulated by law. Commercial fishing is to be conducted according to law, as to kind of tackle, seines, and nets. Catching of mussels for commercial purposes must be sanctioned by a license from the Conservation Commission.

Trapping seasons for fur-bearing animals are enumerated for each kind of animal. Furs, hides, or skins may be held only for 10 days after a season closes, but upon specific application to the Commission hides may be held for a longer time. Licensed fur dealers are exempt from certain provisions of this act.

The General Assembly enacted into law certain rules and regulations in regard to public parks previously left to the Conservation Commission. Protection of property, traffic regulations, and camping rules are established by law.

Removal of ice, sand, gravel, stone, wood, or other natural material from any lands or waters under the jurisdic-

diction of the Commission must be made only upon agreement with the Commission. The manner and procedure of such removal is defined by law.

Conservation officers have authority also over violations of the motor vehicle law and over other public offenses committed in their presence.

To provide for the protection of the State water, commonly known as the "Iowa great lakes system" in Dickinson County, and to provide sewers and sewer diversion works in that area the Forty-seventh General Assembly appropriated \$125,000 from the funds allocated to the State Board of Social Welfare to be expended by the State Conservation Commission whenever the Federal government makes its funds available. The specific powers and duties of the Commission in carrying out this program were set forth in the law.⁸⁰

DRAINAGE

Chapter 282 of the *Code of 1935* which deals with benefited water districts was repealed by the Forty-seventh General Assembly and a substitute chapter consisting of thirty-four sections was enacted. The new law provides that the board of supervisors of any county shall, on the petition of twenty-five per cent of the resident property owners in any proposed benefited water district, grant a hearing relative to the establishment of such a district.

When the board receives such petition it shall fix a time for a public hearing which shall be within twenty days of the date of the petition and shall publish notice of such meeting. On the day fixed for the hearing the board shall by resolution establish the benefited district or disallow the petition, or for adequate reason it may defer action for ten days. A benefited district established as herein provided

⁸⁰ *Acts of the Forty-seventh General Assembly*, Ch. 100.

may include part or all of any incorporated city or town together with or without surrounding territory.

When the board shall have established a benefited district, it shall appoint a competent disinterested civil engineer to make surveys and present a preliminary report of the proposed project. When the preliminary plans have been approved by the board, a date, not more than thirty days after such approval, shall be set for an election within the district "to determine whether or not the proposed improvement shall be constructed and to choose candidates for the offices of trustee within the district."

If the result of the election is in favor of the improvement, the board shall instruct the engineer to complete plans and specifications, and when these are completed the board shall advertise for bids in accordance with the law. Provision is also made for assessments within the district and also for a one-half mill annual tax to pay interest and deficiencies when they arise.

When the construction, assessment, and bond sale have been completed, and final settlement made with the contractor, the management of the utility shall automatically go to three trustees.⁸¹

In accordance with a new measure passed by the Forty-seventh General Assembly, levee and drainage districts are authorized to maintain an action in law or equity for the purpose of recovering or preventing damages, either in the form of an impairment of functions or an increase in operating costs, resulting from the construction or operation of locks, dams, and pools in the Mississippi or Missouri rivers. Such districts may make settlement by written contract. They may receive appropriations that are made by Congress to pay for the increased cost of drainage or levee districts, and "may agree to the construction and maintenance

⁸¹ *Acts of the Forty-seventh General Assembly, Ch. 148.*

of present equipment" as a part of the damages or as a means of lessening the damages which will be suffered by the district. Such districts are further authorized to employ such legal and engineering counsel as may be needed, and to pay for these out of the award of damages or out of the maintenance fund of the district.⁸²

For the purpose of refinancing, adjusting, composing, and refunding the indebtedness of any drainage district found to be in financial distress, the governing body, or board of supervisors as the case may be, is authorized to enter into agreements with the creditors, for the reduction and composition of its outstanding indebtedness, and to negotiate a loan with which to make settlement. This law was recently amended to apply to "levee districts" as well as "drainage districts".⁸³

The law dealing with highway drainage districts provides that upon request of the city or town council, it shall be the duty of the board of supervisors to relinquish "all authority and control of the drainage district which is within the corporate limits" of the city or town. The Forty-seventh General Assembly added to this law the provision that whenever such jurisdiction and control is relinquished, the board of supervisors shall transfer to the city or town all funds held by the county treasurer which were derived from assessments in the drainage district within the corporate limits.⁸⁴

BANKS AND LOAN ASSOCIATIONS

Section 9246 of the 1935 Code provides that should the capital stock of any State or savings bank become impaired by losses or otherwise, "the superintendent of banking may

⁸² *Acts of the Forty-seventh General Assembly*, Ch. 204.

⁸³ *Acts of the Forty-seventh General Assembly*, Ch. 202.

⁸⁴ *Acts of the Forty-seventh General Assembly*, Ch. 201.

require an assessment upon the stockholders, and shall address an order to the several members of the board of directors of such bank, fixing the amount of assessment required". Because of the effect of the depression, the relief of shareholders under the National Banking Act of 1933 and 1935, and a lack of faith in shareholder liability, this section of the Code dealing with such liability was repealed by the Forty-seventh General Assembly.

Any assessment liability referred to in said sections shall, on and after July 4, 1937, cease with respect to any shares issued prior to December 1, 1933, and as to any shares issued at any time subsequent to said date in lieu of shares issued prior to said date, by any State incorporated banking institution which shall be transacting the business of banking on July 4, 1937. Nothing in this act shall affect any claim now existing against said banking institution, provided that all further claims arising under the repealed sections shall be fully barred from and after January 1, 1938.⁸⁵

Many State banks, savings banks, and trust companies have been reorganized pursuant to law. Many such reorganizations provide for the creation of a trust fund made up of segregated assets to be administered by trustees, subject to the local court. To assist the Superintendent of Banking in enforcing these provisions and to protect the interests of the certificate-holders the Forty-seventh General Assembly passed an act to provide for such enforcement and to prescribe the method of terminating a trust by the Superintendent of Banking and the supervision of the trust while in operation.⁸⁶

The Iowa law provides that whenever a bank operated within the State has been or shall hereafter be closed and

⁸⁵ *Acts of the Forty-seventh General Assembly, Ch. 219.*

⁸⁶ *Acts of the Forty-seventh General Assembly, Ch. 218.*

placed in the hands of a receiver, the board of supervisors shall remit all unpaid taxes on the "capital stock" of the bank. A recent amendment to this law provides that the unpaid taxes on the "surplus and undivided profits" of the bank shall likewise be remitted.⁸⁷

Code provisions relating to the powers of building and loan or savings and loan associations were amended by the Forty-seventh General Assembly. Such associations may now issue shares of stock to members to be paid for in single, monthly, optional, or irregular payments. The articles of incorporation may provide that stock shall be treated as issued in proportion to the amounts paid in by and credited to members without regard to any par value. Any building and loan association may "obtain, continue and pay for insurance of its shares with Federal Savings and Loan Insurance Corporation".

"Building and loan or savings and loan associations may be effected by conversion of federal savings and loan associations as authorized by the laws of the United States of America and regulations made thereunder, subject to approval of the auditor of state." The procedure authorizing conversion to a State association is defined by law.

"Any such association may invest an amount not to exceed five per cent of its paid in capital stock in unincumbered real estate for use wholly or partly as its business office."

The secretary of every association shall mail to each shareholder an annual report stating the condition of the business.

Employees handling funds or securities shall be bonded to the amount deemed necessary by the board of directors. The percentage of the assets that may be used for expenses was redefined for associations with assets over eight hundred

⁸⁷ *Acts of the Forty-seventh General Assembly*, Ch. 187.

thousand dollars. Fiduciaries may invest funds in building and loan associations incorporated under the laws of Iowa or in associations organized under the laws of the United States of America.

The method of incorporating new associations is defined by law. Provision for dividends is made in the articles of incorporation and shall be issued in accordance with the law.⁸⁸

Section 9330 of the *Code of 1935* relating to the limitation of stock issuance of building and loan associations was amended by the Forty-seventh General Assembly. The amended section provides that this limitation shall not apply to shares issued to the Home Owners' Loan Corporation or to any other governmental agency or instrumentality.⁸⁹

INSURANCE

The Forty-seventh General Assembly enacted a substitute measure relating to the deposit of securities with the Commissioner of Insurance to cover the valuation of policies of life insurance companies and associations. The law now provides that any Iowa company "may file a verified statement of the total amount of loans secured by its policies, and evidence of such indebtedness shall be checked by the commissioner at least semi-annually". Such verified statement shall be taken and considered as a security to be deposited in accordance with the law. Cash on hand not in excess of five per cent of the requirement may be included in the deposit. Deposits of securities may be made in excess of the amounts required.⁹⁰

The Forty-seventh General Assembly enacted a substitute measure relating to the investment of funds by life insur-

⁸⁸ *Acts of the Forty-seventh General Assembly*, Ch. 220.

⁸⁹ *Acts of the Forty-seventh General Assembly*, Ch. 221.

⁹⁰ *Acts of the Forty-seventh General Assembly*, Ch. 212.

ance companies and associations. Funds required to be deposited with the Commissioner of Insurance shall be invested in the following described securities: Federal and Territorial obligations; State and municipal obligations; Canadian governmental and municipal obligations; public utility obligations; railroad obligations; real estate bonds and mortgages; real estate for the accommodation of the home office; policy loans; collateral loans; substitution of certificates of sale and satisfactory evidences of ownership of real estate; and substitution of contracts of sale and purchase money mortgages or purchase money deeds of trust in amounts approved by the Insurance Commissioner.

Other fixed obligations are eligible for deposit if they bear a fixed rate of interest and are issued or guaranteed by any corporation incorporated and operated in accordance with the law. Such securities shall not be eligible for deposit in amounts in excess of the sums set forth by law.⁹¹

Section 8906 of the *Code of 1935* was amended to provide additional financial requirements to be complied with by mutual insurance companies prior to the issuance of a certificate of authority. Such companies shall have in cash or in authorized securities, surplus in an amount not less than five thousand dollars. The Commissioner of Insurance may require an additional surplus but not an amount to exceed twenty-five thousand dollars. These surplus requirements are not applicable to a company which establishes and maintains a guaranty fund as provided by law. This law does not affect companies already approved by the Commissioner of Insurance.⁹²

Qualifications for surety in bail cases are defined by law. The Forty-seventh General Assembly provided that insurance companies other than life doing business in this State

⁹¹ *Acts of the Forty-seventh General Assembly*, Ch. 213.

⁹² *Acts of the Forty-seventh General Assembly*, Ch. 214.

under Section 8940 of the *Code of 1935* may act as surety in bail cases and need not be a resident, householder, or freeholder within the State. Nor does such a company need to qualify under the Code provisions for surety.⁹³

Insurance companies organized and operating under Chapter 406 of the *Code of 1935* shall be required to maintain a reserve, as defined by law, for unearned premiums and assessments. County mutuals and associations operating on a post loss basis and not charging advance assessments are excepted from this provision.

An association previously organized shall not be required to maintain the unearned premium reserve until December 31, 1940, but such associations must have established by December 31, 1937, a reserve equal to at least one-fourth of the reserve required by law; by December 31, 1938, at least one-half of such reserve, and by December 31, 1939, at least three-fourths of such reserve.⁹⁴

The Forty-seventh General Assembly passed an act to prohibit certain life, health, and accident insurance companies or associations which issue contracts, the performance of which is contingent upon the payment of assessments or calls made upon their members, from doing business within this State. Fraternal and beneficiary associations are excepted and associations now authorized to do business within this State are excepted, if a life insurance company or association shall value their assessment policies or certificates of membership as yearly renewable term policies according to the standard of valuation of life insurance policies prescribed by the laws of Iowa.⁹⁵

The Forty-seventh General Assembly enacted a substitute measure relating to loans by life insurance companies

⁹³ *Acts of the Forty-seventh General Assembly*, Ch. 215.

⁹⁴ *Acts of the Forty-seventh General Assembly*, Ch. 216.

⁹⁵ *Acts of the Forty-seventh General Assembly*, Ch. 217.

on stock of life insurance companies and certain other companies. No such company shall invest in or make any loan upon its own stock or the stock of any other life insurance company as collateral. Neither shall it directly or indirectly make any loan to or invest any of its funds in the property of any corporation, firm, association, or trustees, if any officer of the insurance company is an officer or director of such corporation or association, a member of such firm, or a trustee of such trustees.⁹⁶

AGRICULTURE

The 1935 Code provided that any seed corn offered for sale as hybrid must represent "the first generation of a cross between strains of different parentage and involving inbred lines of corn and (or) their combinations." To this section the Forty-seventh General Assembly added the provision that the container having the hybrid corn shall have the identifying symbols or numbers, with explanations if necessary, clearly indicating the specific combination used in the production of the corn.⁹⁷

A substitute measure was enacted for the Code provisions relating to the eradication and control of weeds. Primary and secondary noxious weeds are defined by law. The Secretary of Agriculture shall appoint the head of the botany and plant pathology section of the Iowa Agricultural Experimental Station as State Botanist whose duty shall be to cooperate in developing a constructive weed eradication program. The board of supervisors of each county shall appoint for a period not to exceed one year a county weed commissioner or one commissioner for each township and fix the salaries. In incorporated cities and towns the city council may appoint a similar commissioner and fix his sal-

⁹⁶ *Acts of the Forty-seventh General Assembly*, Ch. 210.

⁹⁷ *Acts of the Forty-seventh General Assembly*, Ch. 113.

ary subject to approval by the county board. All such salaries are paid from the county general fund. Subject to the approval of the board, the weed commissioner may hire the labor necessary and utilize the equipment needed for the performance of his duties. Before the first of November of each year the weed commissioner shall make to the board of supervisors a report as defined by law.

The Secretary of Agriculture shall have the authority and responsibility to cooperate in the control and extermination of noxious weeds. The county board of supervisors shall be responsible for the enforcement of the provisions of this chapter. Each year a program for the control of weeds may be prescribed but such program shall be published in the official county newspaper and contain such items as are stated by law.

Each owner or person in possession of lands shall cooperate in the control of weeds. Loss to crops or property caused by a reasonable destruction of weeds shall be borne by the property owner. In case a property owner fails to destroy weeds pursuant to an order of the board of supervisors, the board shall cause them to be eradicated by the county and the cost shall be assessed against the property in accordance with the law.

House File 79 was introduced to amend the law relative to the noxious weeds by striking all of paragraph 2, Section 4819, *Code of 1935*, and enacting a substitute. This measure was approved on May 1, 1937. Five days later, on May 6th, the above law making substantial change in the noxious weed law was approved. This latter measure repealed all of Section 4819 and enacted a substitute. Accordingly the passage of House File No. 79 was of no effect and the law now stands as set forth in Chapter 131 of the *Acts of the Forty-seventh General Assembly*.⁹⁸

⁹⁸ *Acts of the Forty-seventh General Assembly*, Chs. 131, 132.

BUSINESS AND INVESTMENTS

The Iowa Securities Act — Chapter 393-C1 of the *Code of 1935* — provides that no securities except of a class specifically exempted or unless sold in any transaction exempt under Section 8581-c5 of the Code, shall be sold within this State unless such securities shall be registered in accordance with the Iowa law. Section 8581-c5 enumerates ten transactions which shall be exempt from the above mentioned rule. The Forty-seventh General Assembly amended this law by adding an additional exemption. The amended law provides that the sale by a registered dealer of any security acquired in the ordinary and usual course of business, when such security is part of an issue which has therefore been sold to the public in compliance with the law, or any security issued in exchange for such security under a bona fide plan of reorganization of a corporation by a court order, shall constitute an exempt transaction.

This law also defines the power of the Secretary of State to prescribe a limitation on commissions to be paid by or on behalf of an issuer of securities.⁹⁹

An applicant registering his securities under the Iowa Securities Act as amended by the Forty-seventh General Assembly shall pay to the State a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold here. The fee is not to be less than twenty-five dollars nor more than three hundred dollars unless the amount of securities to be sold is in excess of one million dollars. For amounts over that sum the fee is to be five hundred dollars.

Par value is to be computed as follows. For no par value stock it is to be the price at which the stock is to be offered to the public; for par value stock, offered to the public at a price greater than the stipulated par value, legal par value shall be computed at the higher price.

⁹⁹ *Acts of the Forty-seventh General Assembly, Ch. 208.*

Fees for the registration of dealers or salesmen are to be paid at the time the information and application is filed with the Secretary of State.¹⁰⁰

A foreign mutual company authorized to carry on the insurance business may have its surplus as required by law in notes or bonds secured by mortgages or unincumbered real estate. The Forty-seventh General Assembly provided, however, that such security must be worth at least one and two-thirds times the amount loaned thereon.¹⁰¹

Section 12644-c14 of the *Code of 1935* in regard to the investment of funds by guardians of veterans was repealed and a substitute measure enacted. The new law provides that the funds of the estate shall be invested under orders of the court, in securities in which the guardian has no interest. Eligible securities and the manner of notifying the veterans' administration is provided for by legislative enactment.¹⁰²

CORPORATIONS

Section 8365 of the *Code of 1935* provides that the charter of a corporation for pecuniary profit may be renewed within three months before or after the time for its termination if a majority of the votes cast at any regular election, or special election called for that purpose, are in favor of such renewal. This law was amended by the Forty-sixth General Assembly in 1935 to provide that any such corporation whose charter expired in 1934, 1935, or 1936 should be given an extended corporate existence for two years from the date of expiration.

The Forty-seventh General Assembly again amended this act to provide that a corporation may, by unanimous vote

¹⁰⁰ *Acts of the Forty-seventh General Assembly*, Ch. 209.

¹⁰¹ *Acts of the Forty-seventh General Assembly*, Ch. 211.

¹⁰² *Acts of the Forty-seventh General Assembly*, Ch. 228.

of the stockholders, renew its charter under provisions of Section 8365, and that they should be exempted from the prohibition against renewals as passed by the Forty-sixth General Assembly.¹⁰³

The law relating to railroads was amended by the Forty-seventh General Assembly to prohibit the abandonment of railway stations without the approval of the Board of Railroad Commissioners. The law as amended provides that it shall be unlawful for any railroad operating in Iowa to abandon any station, discontinue any agency, or remove any depot, without filing notice of such intention with the Board of Railroad Commissioners. When such notice is filed any person interested may file written objections and request a public hearing. Upon such hearing the Board may prohibit the abandonment or discontinuance of the station or agency, or may make such other order as is warranted by the evidence produced at the hearing.

Under the provisions of Chapter 205 of the *Acts of the Forty-seventh General Assembly* this matter will now be handled by the Iowa State Commerce Commission instead of the Board of Railroad Commissioners.¹⁰⁴

The Code provision in regard to unfair discrimination in sales was amended by the Forty-seventh General Assembly. Commerce or commercial services, excepting those the rate of which is now subject to control of cities or towns or other governmental agency, are subject to the provisions of the law. The act is to prevent unfair discrimination between localities and unfair competition between businesses. Due allowance must be made, however, for the difference in the cost of furnishing service in different localities.¹⁰⁵

¹⁰³ *Acts of the Forty-sixth General Assembly*, Ch. 93; *Acts of the Forty-seventh General Assembly*, Ch. 207.

¹⁰⁴ *Acts of the Forty-seventh General Assembly*, Ch. 206.

¹⁰⁵ *Acts of the Forty-seventh General Assembly*, Ch. 222.

MORATORIUMS AND EXEMPTIONS

The Forty-fifth General Assembly enacted a measure "relating to the extension of the period of redemption of real estate in all real estate foreclosure actions" pending where deeds of conveyance had not been granted. Two years later the Forty-sixth General Assembly, feeling that the emergency still existed, extended the law until March 1, 1937.¹⁰⁶

The emergency causing the enactment of these laws still existing, in the opinion of the Forty-seventh General Assembly, a measure relating to the extension of the period of redemption from the sale under a foreclosure of real estate was reënacted. This act provides that unless a good cause can be shown to the contrary, the period of redemption shall be extended until March 1, 1939.

Defendant mortgagors or grantors of deeds of trust who have been granted extensions of the period of redemption are, if these have not been revoked, to be notified by mail of the enactment of this act. If an application for extension is not made before March 1, 1937, the previous extension is to expire. Upon application the court or judge of any court is to provide for the notice and hearing for the extension of the redemption period. The filing of an application automatically extends this period until the case is disposed of by the court.¹⁰⁷

Another continuing act passed by the Forty-seventh General Assembly relates to foreclosure of real estate mortgages and deeds of trust. This measure, which originated as Senate File No. 15 and was amended by Senate File No. 183, reënacted provisions passed by the Forty-fifth General Assembly and renewed by the Forty-sixth. The new law

¹⁰⁶ *Acts of the Forty-fifth General Assembly*, Ch. 179; *Acts of the Forty-sixth General Assembly*, Ch. 110.

¹⁰⁷ *Acts of the Forty-seventh General Assembly*, Chs. 78, 79.

provides that unless good cause is shown to the contrary, and upon proper application, actions now pending or hereafter commenced for the foreclosure of real estate or deeds of trust are to be continued to March 1, 1939. Rents, profits, or incomes from said property are to be paid to and distributed by the clerk of the district court. All acts or parts of acts in conflict with these provisions are suspended while this act is in effect.¹⁰⁸

Section 11760 of the *Code of 1931* set forth an extensive list of articles which were to be exempt from execution in actions for the payment of debts. The Forty-fifth and Forty-sixth General Assemblies extended those exemptions. The Forty-seventh General Assembly passed a similar measure. Under the provision of the new law a debtor who is a resident of the State of Iowa and the head of a family may "have set off to him livestock, farm products, farm utensils or machinery, household goods, or other property owned by him, in the aggregate value not to exceed the sum of \$500.00, and hold said property exempt from general execution until March 1, 1939." Household goods not to exceed \$100.00, whether or not pledged for debt may be included in this exemption. This measure also provided that the exemption provisions of the two previous sessions of the General Assembly should be extended until March 1, 1939.

Whenever the debtor claims the additional exemptions as provided in this act the value of the property claimed for exemption is to be determined by three appraisers. The provisions of this act are not to apply to debtors who availed themselves of the provisions of exemption provided by the Forty-fifth and Forty-sixth General Assemblies. Neither shall this act apply to executions or attachments that were levied on or before March 16, 1933, upon certain

¹⁰⁸ *Acts of the Forty-seventh General Assembly*, Chs. 80, 81.

property specified by the Forty-fifth General Assembly, nor shall it affect the remedies for existing obligations as against property then in existence, except household goods not to exceed one hundred dollars in value. Acts or parts of acts in conflict with these provisions are suspended while this act is in effect.¹⁰⁹

PROFESSIONS

Chapter 89 of the Code was amended and rewritten by the Forty-seventh General Assembly.¹¹⁰ The new law provides that "No person shall practice professional engineering or land surveying in the state unless he be a registered professional engineer or a registered land surveyor". A Board of Engineering Examiners is established, consisting of five members appointed by the Governor. The following qualifications for members are prescribed: at least thirty-five years of age; a resident of this State for at least three years previous to appointment; at least ten years of active practice preceding appointment, during which time he should have had two years work as principal or assistant; and a member in good standing of a recognized State or national engineering society. No two members of the Board shall be from the same branch of the profession of engineering.

Appointments to the Board shall be made in the odd-numbered years. Vacancies for unexpired terms are to be filled by appointment by the Governor.

The Board may make all rules and regulations, not inconsistent with law, necessary for the performance of its duties. The services of the Attorney General shall be available for this Board.

Compensation for Board members shall be ten dollars

¹⁰⁹ *Acts of the Forty-fifth General Assembly*, Ch. 177; *Acts of the Forty-sixth General Assembly*, Ch. 109; *Acts of the Forty-seventh General Assembly*, Ch. 82.

¹¹⁰ *Acts of the Forty-seventh General Assembly*, Ch. 101.

per day while traveling to and from and during sessions. The Board is to elect a chairman and vice chairman from its own members; the Secretary of the Executive Council or one of his assistants is to be secretary of the Board; there is to be one special meeting on the first Tuesday of December of each year and special meetings upon call; and three members of the Board constitute a quorum. Such clerical help as is necessary may be employed by the Board.

The Board shall submit to the Governor an annual report of the year's transactions and the secretary is to keep a list on file of all certificates granted and shall collect and account for all fees paid to the Board. Such fees are to be turned over to the Treasurer of State to be kept in a fund known as the engineering examiners' fund.

Application for registration shall be upon forms provided by the Board and upon the payment of a fifteen dollar fee.

The following shall be considered as sufficient evidence for granting a professional engineer's certificate: graduation from an approved course of four years or more in engineering and a specific record of two years practical experience; or successfully passing a written, or written and oral, examination and a specific record of six years or more of practical experience in engineering work. Evidence for granting a land surveyor's certificate shall be: graduation from an approved course of surveying in an approved school or college, and an additional two years or more of practical engineering work; or successfully passing a written, or oral and written, examination and specific evidence of six years of practical experience. In considering qualifications, responsible charge of engineering teaching may be construed as responsible charge of engineering work; a year completed without graduation may be construed as a year of practical experience, graduation from an approved course other than engineering may be construed as two

years of practical experience. However, no applicant may receive credit for more than four years of practical experience because of educational qualifications. And no person is eligible for registration who is not a person of good character and reputation.

Examinations shall be given at stated intervals and the Examiners' reports shall be filed with the secretary of the Board who shall notify applicants of the result. Successful applicants may, upon the payment of an additional fee of ten dollars, receive a certificate of registration. The procedure for the renewal of expired certificates and the revoking of certificates is set forth by law.

Any person not legally authorized to practice engineering in this State may be restrained by a permanent injunction. Violation of this act shall be punished by a fine of not less than one hundred dollars nor more than five hundred, or by three months imprisonment, or by both fine and imprisonment.

The provisions of this act shall not apply to employees of corporations while doing work for that corporation, except corporations offering their services as professional engineers or land surveyors; nor shall it apply to engineers and surveyors of the United States government; nor to assistants of registered engineers or surveyors; nor to the operation "and/or" maintenance of power and mechanical plants or systems; nor to an engineer or surveyor from without the State until a reasonable time has elapsed for registration.

Chapter 117 of the *Code of 1935* was repealed by the Forty-seventh General Assembly, and a substitute measure in regard to podiatry was enacted. The act applies to those who publicly profess to be, or who publicly assume the duties of, podiatrists. "A podiatrist is one who examines or diagnoses or treats ailments of the human foot, medically or

surgically." The act does not apply to physicians, surgeons, osteopaths, or osteopathic surgeons authorized to practice in this State. Podiatrists licensed previous to the taking effect of this act are also exempt, as are those who sell or manufacture corrective shoes, arch supports, drugs, or medicine for use on the foot.

Applicants for a license to practice podiatry must possess the following qualifications: be a graduate of an accredited high school; present a diploma from an approved school of podiatry; pass an examination in subjects set forth by law and others as may be required by the Board of Examiners; and, after January 1, 1938, present satisfactory evidence of eight months of internship in a recognized school, hospital, clinic, or office.

A school of podiatry, to have a recognized standing, must require a course of study covering a period of at least eight months in each of three calendar years, and after January 1, 1940, the school must have as an entrance requirement one year's study in a recognized college, junior college, university, or academy.

"A license to practice podiatry shall not authorize the licensee to amputate the human foot or perform any surgery on the human body at or above the ankle, or use any anesthetics other than local." Each licensee must designate his profession as "practice limited to the foot".¹¹¹

Chapter 124-C 1 of the *Code of 1935* restricts the maintenance and operation of funeral homes to persons legally licensed as embalmers. The Forty-seventh General Assembly amended this law to provide that any heir or legal representative of a licensed embalmer may maintain a funeral home for a period of two years after the death of such licensed embalmer. A licensed embalmer shall be employed to operate the home during the two-year period and the

¹¹¹ *Acts of the Forty-seventh General Assembly*, Ch. 104.

State Department of Health is to be notified of such employment by the licensee.¹¹²

The Forty-seventh General Assembly amended Chapter 124-C1 of the Code by adding the following provision: "It is further provided that nothing in the provisions of this act shall apply to any person, firm, or legally established funeral home other than cooperative burial associations, except that each such legally established funeral home shall comply with the provisions of this chapter as to state control, licenses, and license fees, engaged in the undertaking business on July 4, 1935."

The Code Editor was directed to insert following Section 2534 a provision in regard to the renewal fee for one licensed to practice embalming. An additional \$4.00 is to be paid for the renewal of an embalming license and such money shall be used by the Board of Embalming Examiners at such time as said examiners or the Iowa funeral directors association conducts a state-wide educational meeting for its members.¹¹³

The penalty of a fine not to exceed one hundred dollars or not to exceed thirty days in jail for a violation of the Code provisions with respect to public health was extended to the profession of barbering as well as cosmetology. Violation of the barbering and cosmetological chapters of the Code shall be subject to a fine not to exceed one hundred dollars or not to exceed thirty days in the county jail.¹¹⁴

Sections 3151 to 3169 of the *Code of 1935* pertaining to the sale and distribution of narcotic drugs was repealed by the Forty-seventh General Assembly and a substitute measure was enacted. "It shall be unlawful for any person to manufacture, possess, have under his control, sell, pre-

¹¹² *Acts of the Forty-seventh General Assembly*, Ch. 107.

¹¹³ *Acts of the Forty-seventh General Assembly*, Ch. 106.

¹¹⁴ *Acts of the Forty-seventh General Assembly*, Ch. 105.

scribe, administer, dispense, or compound any narcotic drug, except as authorized in this act."

Manufacturers and wholesalers of narcotics must obtain a license from the Iowa Pharmacy Examiners. The fee for such a license shall be five dollars, with an annual renewal fee of two dollars. Pharmacists, physicians, dentists, and veterinarians in the regular course of their profession are not affected by this provision. Qualifications for licenses shall be as follows: the applicant must be of good moral character; properly equipped to carry on the business described in his application; must not have been convicted during the preceding five years of wilful violation of any law of the United States, or of any State in regard to narcotics; and must not be a drug addict. The Pharmacy Examiners may revoke or suspend any license for cause.

Upon an official written order, a duly licensed manufacturer or wholesaler may dispense or sell narcotic drugs to any of the following persons: a manufacturer, wholesaler, pharmacist, or pharmacy owner; a physician, dentist, or veterinarian; a person in charge of a hospital, for use only in that hospital; and a person in charge of a laboratory, for use in that laboratory for scientific or medical purposes. A duly licensed manufacturer or wholesaler of narcotics may sell such products to any of the following persons: an employee of any governmental area, upon a properly written order as defined by the Federal narcotic laws, when that official uses the drug in the official discharge of his duties; the master or licensed physician of a ship or aircraft; and a person in a foreign country if the Federal narcotic laws have been obeyed. The method and procedure of making out the official order is defined by law. Only in the discharge of his duties may the person granted the narcotics dispense or administer them in the State of Iowa.

Prescribed records shall be kept by wholesalers, manu-

facturers, pharmacists, physicians, dentists, veterinarians, and other persons authorized to administer or dispense narcotics. The kind of labels and the manner of attaching them to containers with narcotic contents is defined by law. And a legally authorized person may possess narcotics only in the original container.

The provisions of this act do not apply to common carriers or individuals legally transporting narcotics, nor to public officers in the official discharge of their duties, nor to incidental employees aiding authorized dispensers or administrators of narcotics.

No person shall keep a common nuisance which is resorted to by drug addicts. Narcotic drugs the lawful possession of which cannot be established shall be delivered to State officials or as otherwise provided for by this act. The official or board licensing any person convicted shall be notified whenever such licensee is convicted. The court may suspend or revoke such license at its discretion. After a proper application and a showing of good cause such license may be reinstated.

Records made necessary by this act shall be confidential. And no person shall attempt to get narcotics by fraud or deceit. The penalty for a first violation of this act shall be a fine not to exceed one thousand dollars or imprisonment in jail not to exceed two years, or both. Subsequent offenses shall carry a fine not to exceed two thousand dollars, or imprisonment not to exceed ten years, or both.¹¹⁵

Section 3174 of the *Code of 1935* provides that no one shall sell at retail certain enumerated poisons unless he ascertains that the purchaser is aware of the nature of the poisons. The Forty-seventh General Assembly substituted a measure which states that only licensed pharmacists may retail certain enumerated poisons. The licensed

¹¹⁵ *Acts of the Forty-seventh General Assembly, Ch. 114.*

pharmacist must ascertain that the poison is for a proper purpose, that the purchaser is aware of its nature, and that the date of sale, the name, and address of the purchaser, the name of the poison, the purpose for which purchased, and the name of the seller are kept in a "poison register". Such data shall be kept for five years and shall be open to the peace officers and Pharmacy Examiners of the State.

All poisons shall be marked and properly labeled in accordance with the law. Containers or packages containing ammonia water, concentrated lye, denatured alcohol, formaldehyde, and commercial hydrochloric, nitric, sulphuric, or oxalic acids shall be also marked poison in accordance with the law.

This enactment in regard to poison shall not apply in the following cases: to proprietary medicines, not poisonous and sold in the original package; to the filling of prescriptions from, or the sale to, properly licensed persons for drugs dispensed as an incident to the practice of their profession; to insecticides, fungicides, and commercial feeds as defined by law; and to any proprietary preparation intended for use in destroying some of the lower animals, provided the preparation is sold in accordance with the provisions of this chapter.

It shall be unlawful to sell poisons to persons known to be of unsound mind or to be under the influence of intoxicants. Nor shall poisons be sold to any minor under sixteen years of age unless upon the written order of some responsible person known to the seller or deliverer. Such written order shall contain all the information necessary for the "poison register".¹¹⁶

COUNTY GOVERNMENT

Chapter 274 of the *Code of 1935* provides that the county

¹¹⁶ *Acts of the Forty-seventh General Assembly, Ch. 115*

board of supervisors shall select the newspapers in which public notices shall be published. This selection shall be made from newspapers published and having the largest number of bona fide yearly subscriptions within the county. The Forty-seventh General Assembly added a new section to this law, providing that in determining the number of subscribers, the board shall consider only those subscribers "listed by the publisher in accordance with the postal laws and regulations, and who have been on the list at least three consecutive months prior to date of application."

This law also provides that in counties having a population of more than fifty thousand, divided into two divisions for court purposes, the supervisors shall select three official newspapers in each division, not more than two of which shall be published in the same city or town. In counties having less than fifty thousand population, divided into two divisions for court purposes, two such newspapers shall be selected in each division.¹¹⁷

In the interest of hospital management the Forty-first General Assembly, in 1925, passed an act which was general in form, but which in fact applied to hospitals located in Des Moines and Polk County. This law authorized hospital trustees to consolidate and combine under one management all public hospital service in the county. Section 5368-a5 of the *Code of 1935*, a codification of this law, provides that immediately upon the consolidation of such service and upon certification by the board of hospital trustees to the board of supervisors for the increased county levy provided by law, the authority of the city to make a levy for the hospital fund and the hospital maintenance fund shall cease. The original law also provided that upon such consolidation, the authority of the board of supervisors to contract for furnishing medical or dental attention should likewise

¹¹⁷ *Acts of the Forty-seventh General Assembly*, Ch. 145.

cease. This latter provision of the law was repealed by the Forty-seventh General Assembly. Accordingly, under the present law, the board of supervisors of Polk County may contract for medical and dental service, notwithstanding any arrangement which may be made for consolidated city-county hospital management.¹¹⁸

Chapter 257 of the *Code of 1935* deals with the office of the county recorder. The Forty-seventh General Assembly amended this law by adding two sections relative to the keeping of records in conformity with the Federal Social Security Act. The new law provides that any person "who is registered under the federal social security act may have such record permanently recorded in the office of the county recorder, upon payment of a fee of twenty-five cents." It further stipulates that "there shall be kept in connection with such record an alphabetical index, referring to the name of the person so registered under the federal social security act."¹¹⁹

To provide for the improvement of secondary roads, the county board of supervisors may, upon petition, establish road assessment districts. Such petition shall intelligently describe the lands within said proposed district and the road or roads desired to be improved, and shall give a general description of the nature of the improvement. The petitions shall be signed by thirty-five per cent of the owners of the lands within the proposed district who are residents of the county. The Forty-seventh General Assembly amended this last provision by adding that "where none of the land owners within the proposed district are residents of the county, by thirty-five per cent of such non-resident owners."¹²⁰

¹¹⁸ *Acts of the Forty-seventh General Assembly*, Ch. 143.

¹¹⁹ *Acts of the Forty-seventh General Assembly*, Ch. 138.

¹²⁰ *Acts of the Forty-seventh General Assembly*, Ch. 130.

Section 4755-b26 of the *Code of 1935*, which deals with the improvement of primary roads in cities and towns, was repealed by the Forty-seventh General Assembly and a substitute section enacted in lieu thereof. The new law provides that the State Highway Commission, subject to the approval of the city council, shall have authority "to construct, reconstruct, improve and maintain extensions of the primary road system within any city or town, including cities under special charter, provided that such improvement shall not exceed in width that of the primary road system and the amount of funds expended in any one year shall not exceed twenty-five per cent of the primary road construction fund." The law also stipulates that the location of the primary road extensions shall be determined by the State Highway Commission.¹²¹

A law giving disabled veterans preference in the matter of operating news stands at county courthouses was passed by the Forty-seventh General Assembly. The new law provides that upon the application of any honorably discharged soldier, sailor, marine, or nurse, who was disabled in war, the board of supervisors of any county shall "cause to be reserved in the court house of the county a reasonable amount of space in the lobby of the court house to be used by the applicant rent free as a stand for the sale of news, tobaccos, and candies." Should there be more than one applicant for such reserved space, the board of supervisors shall make the award to the person in their opinion most deserving of it. The supervisors shall prescribe the regulations by which the stands shall be operated.¹²²

In Osceola County a question arose concerning the use of funds voted for certain primary road improvements, but not needed in their entirety for that purpose. The Forty-

¹²¹ *Acts of the Forty-seventh General Assembly*, Ch. 154.

¹²² *Acts of the Forty-seventh General Assembly*, Ch. 153.

seventh General Assembly passed a law to clarify this situation. The new law provides that any county which has issued primary road bonds for road improvement, "and thereafter has an unexpended balance of bond proceeds" is authorized to expend such balance, with the consent of the State Highway Commission, for improving any other roads in the county which are designated as primary roads at the time of the expenditure.¹²³

Sections 5348 to 5368 of the *Code of 1935* provide for the establishment and maintenance of a county public hospital upon the approval of the voters at a special election called for that purpose. The Forty-seventh General Assembly amended this law to provide that such a proposition when presented at a special election shall not be deemed carried unless the proposition "receives not less than sixty per cent (60%) of the total vote cast at said election."¹²⁴

Prior to 1937, Section 5353 of the Code provided for a tax levy of "one-half mill for the improvement and maintenance" of county hospitals. This levy may now be increased to "one mill for the improvement, maintenance and replacements".¹²⁵

Section 5359 in the chapter of the Code dealing with county public hospitals enumerates the powers and duties of the board of hospital trustees. One of the functions of the board is that of accepting property by gift, devise, bequest, or otherwise. This law was amended by the Forty-seventh General Assembly to provide that if the board of trustees "deems it advisable", it may, at public sale, "sell or exchange any property so accepted upon a concurrent vote of a majority of all members of the board", and apply the proceeds or property received in exchange, to the pur-

¹²³ *Acts of the Forty-seventh General Assembly*, Ch. 152.

¹²⁴ *Acts of the Forty-seventh General Assembly*, Ch. 140.

¹²⁵ *Acts of the Forty-seventh General Assembly*, Ch. 141.

poses of maintaining and operating the county public hospital.¹²⁶

A recent amendment to the law relating to public exhibitions gave boards of supervisors power "to regulate or prohibit in any county, outside the limits of a city or town, the public exhibition, for any price, gain, or reward, of any traveling show, circus, rodeo, or other public display of any kind."

The law also provides that no person shall exhibit any traveling show, circus, or rodeo in such area until he shall have obtained a license from the county auditor, upon the payment to the county treasurer of such sum as may be fixed by the board of supervisors, but such sum shall not exceed one hundred dollars.¹²⁷

Section 7539 of the *Code of 1935* provides that when a levee, ditch, drain, or change of any natural watercourse crosses a public highway, necessitating moving or building or rebuilding any secondary road bridge, the board of supervisors shall move, build, or rebuild such structure and pay the costs from the secondary road fund. This law was mandatory, but was amended by the Forty-seventh General Assembly to make it optional. The law now requires that such change shall be made only "when in the exercise of sound discretion it appears that it will promote the general public welfare".¹²⁸

"No sale, contract, or lease, where the transfer of title to personal property is made to depend on any condition shall be valid against any creditor or purchaser of the vendee or lessee in actual possession obtained in pursuance thereof, without notice, unless the same be in writing, executed by the vendor and vendee, or by the lessor and lessee, ac-

¹²⁶ *Acts of the Forty-seventh General Assembly*, Ch. 142.

¹²⁷ *Acts of the Forty-seventh General Assembly*, Ch. 190.

¹²⁸ *Acts of the Forty-seventh General Assembly*, Ch. 200.

knowledge by the vendor or vendee, or by lessor or lessee." The Forty-seventh General Assembly provided that such notice must be duly recorded by, or filed and deposited with, the recorder of deeds of the county where the vendee or lessee resides if he be a resident of this State at the time of the execution of the instrument. If he is not a resident, the notice is to be filed in the county where the property is situated at that time.¹²⁹

Section 3595 of the *Code of 1935* provides: "Insane persons and persons legally liable for their support shall remain liable for the support of such insane. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligations herein created as to all sums advanced by the county." Section 3596 provides that in actions to enforce this claim a certificate from the superintendent of the hospital stating the sums charged shall be presumptively correct. The Forty-seventh General Assembly amended this section to provide that such certificates of charges for the care of the insane be sent to the county auditor for collection.¹³⁰

Chapter 277 of the Code provides for a domestic animal fund from which claims for the killing or injury of domestic animals by wolves or dogs shall be paid. Section 5457 of the Code provides that when the balance in this fund, after paying warrants for the above mentioned claims, exceeds five hundred dollars, the board of supervisors may order the excess transferred to the general fund of the county. The Forty-seventh General Assembly amended this law by adding the provision that the board of supervisors "may" use the excess or any part of it "in payment of the claim or claims of duly organized societies for the prevention of cruelty to animals within the county for the care,

¹²⁹ *Acts of the Forty-seventh General Assembly*, Ch. 223.

¹³⁰ *Acts of the Forty-seventh General Assembly*, Ch. 117.

keep and maintenance of abandoned or injured domestic animals or fowls."¹³¹

Section 5413 of the *Code of 1935* provides that the board of supervisors "shall" allow and pay bounties for "wild animals" caught and killed within the county. Animals upon which bounty shall be paid include the wolf, lynx, wild cat, and pocket gopher. This law was amended by the Forty-seventh General Assembly to require the payment of a bounty of ten cents for each crow and a similar bounty of ten cents for each European starling. Section 5414 provides for optional bounties. This section was amended to remove the crow and European starling from the list.

In considering this law it should be noted that Section 5413 formerly referred to "wild animals" only. The amendment adds two wild birds to the list for which bounty shall be paid, but does not change the general provision of the law to include "wild birds". It should be further noted that Section 5414 of the Code does not refer to the "European starling" although the amendment purports to strike these words from that section.¹³²

To relieve distress in drought areas, the Forty-seventh General Assembly passed a measure which authorized the board of supervisors in any county to establish an "Emergency Feed Loan Fund", which shall be administered under the supervision of the county treasurer.

For the purpose of creating this fund the board is authorized to provide a sum not in excess of \$75,000 by the sale of anticipatory warrants. Such warrants shall be signed by the chairman of the board of supervisors and attested by the county auditor with the official seal of the county, and shall draw interest at the rate of not to exceed three per cent per annum.

¹³¹ *Acts of the Forty-seventh General Assembly*, Ch. 147.

¹³² *Acts of the Forty-seventh General Assembly*, Ch. 146.

Any person desiring to procure a feed loan from this fund shall make a written application setting forth his residence, the amount and kind of property owned by him, at the date of making application. The board shall inspect the application, make such investigation as it deems advisable and reject or approve the application as its judgment may dictate.

The law further provides that counties authorized to accept from the Federal government any money made available for feed purposes shall place such money in the fund herein created. Such money shall then be used for the purpose of retiring existing warrants or for making loans under this law.¹³³

A new measure passed by the Forty-seventh General Assembly authorizes the board of supervisors to acquire limestone quarries and sell lime to farmers for agricultural purposes.

This measure provides that when the board of supervisors is presented with a petition signed by fifty or more owners of farms within the county or by any number of owners of farms who request the sale of lime aggregating not less than 5000 tons, and when a quarry can be purchased that will produce lime more cheaply than it can be purchased outside the county, the board may purchase a quarry for the county to supply this demand.

The board shall also have authority to acquire such equipment as may be needed to operate the quarry. It may quarry, pulverize, and sell, or purchase and resell lime to farmers either for cash or upon a credit basis provided for in this act. If sales are made on a credit basis a lien is taken against the land and payment is made through special assessments.

In order to finance this project, the board is authorized to

¹³³ *Acts of the Forty-seventh General Assembly, Ch. 149.*

issue anticipatory warrants. These shall be signed by the chairman of the board of supervisors, attested by the county auditor, and shall bear interest at a rate not to exceed three and one-half per cent.

The price of agricultural lime to the farmer shall be fixed by the board of supervisors. But it shall not be less than the actual cost of production at the quarry, with ten per cent added for depreciation, together with the cost of transportation of the lime to the farm of the applicant.¹³⁴

CITIES AND TOWNS

Section 5694 of the *Code of 1924* provided that except in cases specifically excluded, the civil service law should apply to all appointive officers and employees in commission governed cities with a population of 100,000 or more. In all other cities it applied only to certain members of the police and fire departments. Thus the law affected appointments in Des Moines, but only in a very limited way did it apply to other cities of Iowa. This with slight changes remained the law until 1937.

The Forty-seventh General Assembly, however, repealed Section 5694 of the Code and enacted a substitute section. The new law is made to apply "in cities under any form of government having a population of more than fifteen thousand". This includes the sixteen municipalities in Iowa which are classified as cities of the first class. The law does not apply, however, to the appointment of city clerk, city solicitor, assessor, treasurer, auditor, civil engineer, health physician, chief of police, or market master. Neither does it apply to commissioners, election officials, laborers, nor to the secretary of the mayor or of any commissioner. In cities other than those of the first class, the law applies to members of the police and fire departments, except that

¹³⁴ *Acts of the Forty-seventh General Assembly*, Ch. 150.

it does not apply to chiefs of police, janitors, clerks, stenographers, secretaries, or casual employees.

Under the new law, the city council in cities having a population of less than 8000 may, by ordinance, adopt the provision of the civil service law. If such adoption is made the council may appoint a civil service commission, or it may provide by ordinance for the exercise of the duties of the commission by the council itself.

The chairman of the commission for each biennial period shall be the member whose term first expires. In cities having a population of more than 75,000 the commission shall appoint a clerk of the commission. In other cities the city clerk shall serve as clerk of the commission.

A major change in the law passed by the Forty-seventh General Assembly requires that "the chief of the police department shall be appointed from active members of the department who hold civil service seniority right as patrolmen and have had five years service in the department". This restriction does not apply to chiefs of police serving as such at the time of the passage of the law. The amended law also provides that the "chief of the fire department shall be appointed from the chief's civil service eligible list and shall hold full civil service rights as chief."

In cities under the commission plan of government the superintendent of public safety, with the approval of the city council, shall appoint chiefs of the police and fire departments. In cities under the city manager plan the manager shall make such appointments, and in all other cities such appointments shall be made by the mayor.

The law also provides for preferences because of seniority in service, also for demotion or suspension as well as for removal of an appointee from office because of neglect of duty, disobedience, misconduct, or incompetence.¹³⁵

¹³⁵ *Acts of the Forty-seventh General Assembly, Ch. 156.*

House File No. 258 was introduced in the Forty-seventh General Assembly on February 23, 1937, to amend Section 5694 of the Code. It provides that in cities of the first class under the manager plan, a chief of the fire department who has served continuously in that position for five years or more shall be deemed to be entitled to benefits under the civil service law. This measure was passed and approved on May 1, 1937. Meanwhile, on April 13th, Chapter 156 of the *Acts of the Forty-seventh General Assembly* had repealed Section 5694 and enacted a substitute for it. Thus it seems that House File No. 258 was not effective because it amended a section of the Code previously repealed.

This section as rewritten, however, seems to provide for the essential features asked in House File No. 258.¹³⁶

Senate File No. 172 was likewise introduced to amend Section 5694 of the Code. This measure would have added to the law the provision that "in cities acting under special charter with a population of fifty thousand (50,000) or more (Davenport), the provisions of this chapter (the chapter dealing with civil service) shall apply to the city electrician, electrical inspector and superintendent of the police and fire alarm systems." This law, like the one above mentioned, was passed after Section 5694 of the Code had been repealed and rewritten by Chapter 156 of the *Acts of the Forty-seventh General Assembly*.¹³⁷

Chapter 294 of the *Code of 1935* deals with river front improvement commissions. Section 5819 gives such commissioners authority to acquire title to the bed of "meandered" streams. The Forty-seventh General Assembly passed a measure that gives similar authority to acquire title to streams that are "not meandered".¹³⁸

¹³⁶ *Acts of the Forty-seventh General Assembly*, Ch. 157.

¹³⁷ *Acts of the Forty-seventh General Assembly*, Ch. 158.

¹³⁸ *Acts of the Forty-seventh General Assembly*, Ch. 160.

To give the city of Davenport complete jurisdiction of its river front for purposes of improvement and for the protection of property rights, the Forty-seventh General Assembly gave to the city title to the bed and banks of the Mississippi River and islands and filled or made lands within the following specified boundaries: (1) in the channel of the Mississippi, the boundary of the State of Iowa; (2) on and along the Iowa shore of the river, the line on shore which is the most distant line from the boundary to which the bed or banks of the river have at any time extended; and (3) and (4) at the upper and lower corporate limits of the city of Davenport, lines extending from the former city limits to the State boundary line.¹³⁹

Under the Iowa law, cities and towns are authorized to pay annual dues to the League of Iowa Municipalities. Section 5683 of the *Code of 1935* sets forth a graduated scale of dues to be paid by the various cities, depending upon the population of the municipality. This section of the law was repealed by the Forty-seventh General Assembly and a new law enacted setting forth a new and higher rate. The maximum amount of dues paid under the former law was \$60 per year — the amount authorized in all cities of more than fifty thousand population. Under the new law cities from fifty thousand to eighty thousand are authorized to pay \$90 annually, those from eighty to one hundred thousand, \$100, and all cities over one hundred thousand population, \$150.

Under the former law a city was authorized to send not more than two officials to the annual meeting of the League. Under the amended law from two to five officials may be sent, depending upon the population of the city.¹⁴⁰

Section 5835 of the *Code of 1935* provides that cities having a population of not over forty thousand and towns may

¹³⁹ *Acts of the Forty-seventh General Assembly*, Ch. 84.

¹⁴⁰ *Acts of the Forty-seventh General Assembly*, Ch. 155.

levy each year a tax of not to exceed one-half mill for the purpose of providing a fund for the maintenance of a municipal band. This law was amended by the Forty-seventh General Assembly to provide that when "a band incorporated not for profit" is so maintained or employed throughout the entire year and provides the youth of the community with instruction and training in band music, an additional tax of not to exceed one-half mill may be levied without further authorization by an election.¹⁴¹

Sub-section 8, Section 5858 of the *Code of 1935* provides that local boards of library trustees shall have exclusive control of the expenditures of all taxes levied for library purposes, and the expenditure of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library fund. This law was amended by the Forty-seventh General Assembly to include also all moneys from fines and rentals collected under the rules of the board.¹⁴²

Paragraph 19 of Section 6211 of the Code authorizes cities and towns to make a tax levy for library purposes. The Forty-seventh General Assembly added the provision that "any monies appropriated to the library fund and not expended during the fiscal year shall remain part of the library fund for the ensuing year, without re-appropriation, and will be available for expenditure by the board of trustees."¹⁴³

Paragraph 19, Section 6211 of the Code provides that when a free public library has been established, a tax not exceeding "one and one fourth mills" may be levied, which shall be used only for library maintenance. This law has now been amended to provide that such levy "may be not to

¹⁴¹ *Acts of the Forty-seventh General Assembly*, Ch. 161.

¹⁴² *Acts of the Forty-seventh General Assembly*, Ch. 162.

¹⁴³ *Acts of the Forty-seventh General Assembly*, Ch. 168.

exceed two and one-half ($2\frac{1}{2}$) mills in any city of more than ten thousand population and less than 75,000 population and having situated therein a state-owned educational institution with a regular attendance of more than three thousand students, and also a state commission regularly employing more than one hundred heads of families". A similar provision authorizes a tax levy of "one and one half mills" in such cities for a library building fund.

This law although general in form was obviously written to apply only to the city of Ames.¹⁴⁴

The law relating to the government of cities under the commission plan was amended by the Forty-seventh General Assembly to provide additional library and art gallery facilities for Des Moines. The new law provides that in commission governed cities having a population of 125,000 or more, the council, with the concurrence of the park board, may "provide a site in any park or public grounds" for the location of buildings to be used "for a public library, public art gallery or art museum, or for a library, art gallery or art museum to be erected, owned and kept by individuals, associations or corporations for public use and not for private profit."¹⁴⁵

Chapter 300 of the *Code of 1935* sets forth the law with regard to municipal hospitals. Section 5869 deals with the election and duties of the treasurer. This section was repealed by the Forty-seventh General Assembly and a new section was enacted as a substitute. The new law provides that the city treasurer shall be the treasurer of the board of hospital trustees. As such he "shall receive and disburse all funds under the control of said board as ordered by it, but shall receive no additional compensation for his services." The treasurer shall give bond in the form and

¹⁴⁴ *Acts of the Forty-seventh General Assembly*, Ch. 171.

¹⁴⁵ *Acts of the Forty-seventh General Assembly*, Ch. 175.

amount required by the board. This shall be in addition to the bond required of him as city treasurer.¹⁴⁶

Paragraph 26, Section 6211 of the *Code of 1935* authorizes cities and towns to levy taxes for the purpose of "constructing hospitals or purchasing sites therefor and for the retirement of bonds issued in payment thereof". A slight amendment was made in this law. The present law authorizes a tax levy for the purpose of "purchasing sites for hospitals or sites with building or buildings thereon which may be acquired for hospital purposes and constructing or reconstructing buildings to be used for hospitals, and for the retirement of bonds issued in payment thereof." Other sections of the law were amended to conform with this change and to authorize the purchase of sites having buildings already constructed.¹⁴⁷

The Forty-third General Assembly in 1929 authorized certain cities to participate in the construction and maintenance of interstate bridges, and to issue revenue bonds for that purpose. This law as codified in Chapter 302-C1 of the *Code of 1935* was amended by the Forty-seventh General Assembly by adding a new section which provides for issuance of "refunding" revenue bonds.

This law stipulates that any city "which has heretofore or shall hereafter issue revenue bonds under the provisions of this act, is hereby authorized to provide for the issuance of revenue refunding bonds of the city for the purpose of refunding any such revenue bonds then outstanding." Moreover, it shall not be necessary to submit the proposition of issuing refunding bonds to a vote of the people. No such refunding bonds shall be issued, however, except to refund the bonds which have matured or will mature within three months, unless they be issued at a rate of interest at

¹⁴⁶ *Acts of the Forty-seventh General Assembly*, Ch. 163.

¹⁴⁷ *Acts of the Forty-seventh General Assembly*, Ch. 167.

least one-fourth of one per cent less than the rate of interest borne by the bonds to be refunded. Provision is also made for fixing a rate of toll at such bridges, sufficient in amount to pay the interest and principal of the refunding bonds as they become due, and to maintain, repair, and operate the bridge.

This law specifically provides that its provisions shall be applicable to cities operating under special charter.¹⁴⁸

Section 5904-c1 of the *Code of 1935* provides that cities and towns may grant franchises to operate and maintain street bus and motor transportation lines to carry passengers for hire on a plan similar to street railways. This section also provides that in cities in which street railways are in actual operation no franchise may be granted unless the proposition shall receive at an election an affirmative majority vote equal to at least 40 per cent of the total number of the electors of the city voting at the last preceding general election.

This latter provision was repealed by the Forty-seventh General Assembly and a new provision was enacted. The new law permits no such franchise to be granted, extended, or renewed unless "a majority of the legal electors voting thereon vote in favor of the same at a general, city or town, or special election called for that purpose". This law is made applicable to cities operating under special charter.¹⁴⁹

The Forty-fourth General Assembly in 1931 passed the so-called Simmer Law by which cities and towns were authorized to erect public utility plants and to pay for them out of the future earnings of the plant. The Forty-fifth General Assembly, Extra Session, added to this law a provision which authorized municipalities to issue negotiable,

¹⁴⁸ *Acts of the Forty-third General Assembly*, Ch. 195; *Acts of the Forty-seventh General Assembly*, Ch. 164.

¹⁴⁹ *Acts of the Forty-seventh General Assembly*, Ch. 165.

interest-bearing revenue bonds payable from and secured by the net earnings of the plant. The Forty-seventh General Assembly further amended this law by providing for the issuance of "refunding" bonds and the exchange of these for outstanding bonds.¹⁵⁰

Paragraph 10, Section 6211 of the *Code of 1935* provides that any town shall have power to levy a tax of one and three-fourths mills, to pay the amount due or to become due on a contract for electric light or power. The Forty-seventh General Assembly passed a law to provide that any incorporated town "having a population of at least six hundred, and not exceeding seven hundred and fifty" may, with the written consent of the Comptroller, "levy, for the years 1937 and 1938", or for either of these years, a tax of one mill in excess of the amount authorized in the Code. This law was general in form but was temporary in nature and was made to apply specifically to the town of Inwood. Had this levy been made without this authorization, as is sometimes done to meet an emergency, a legislative act would have been necessary to validate the levy.¹⁵¹

Special charter cities may grant individuals or private corporations authority to erect, maintain, or purchase waterworks, gasworks, electric light or power plants or street railway or telephone systems, for a term of not more than twenty-five years. In accordance with a recent amendment to this law, however, no such franchise shall be granted or authorized "unless a majority of the electors voting thereon shall vote in favor of same at a general or special election."¹⁵²

In order that cities might meet the emergencies of snow

¹⁵⁰ *Acts of the Forty-fourth General Assembly*, Ch. 158; *Acts of the Forty-fifth General Assembly, Extra Session*, Ch. 74; *Acts of the Forty-seventh General Assembly*, Ch. 166.

¹⁵¹ *Acts of the Forty-seventh General Assembly*, Ch. 169.

¹⁵² *Acts of the Forty-seventh General Assembly*, Ch. 180.

removal, the Forty-seventh General Assembly passed a measure which provides that in cities having a population of less than 125,000 a tax of not to exceed one-half mill may be levied exclusively for the removal of snow and ice from the streets.¹⁵³

Early in the legislative session a similar measure was passed to enable Sioux City to meet unusual demands on the budget because of the excessive snowfall. This law provided that cities with a population between 75,000 and 90,000, for the fiscal year from April 1, 1936, to March 31, 1937, might increase their budget \$40,000 "in addition to amounts otherwise permitted by law." Authority was also given to issue warrants in anticipation of the collection of this levy.¹⁵⁴

Firemen employed in the fire department of cities of the first class, including cities under special charter, shall not be required to remain on duty for periods of time which aggregate in each month more than an average of twelve hours per day, and no single period of time, or shift, shall exceed twenty-four hours in length, provided that in cases of serious emergencies such firemen may be required to remain on duty until such emergency has passed. Prior to 1937 this law was applicable only in cities having a population of 25,000 or more. The Forty-seventh General Assembly amended the law so as to make it applicable to all cities of the first class.¹⁵⁵

Section 6326-f9 of the *Code of 1935* provides that on or before the first day of July each year boards of fire trustees and boards of police trustees shall certify to the superintendent of public safety the amounts of money which will become due and payable during the next year to the pension

¹⁵³ *Acts of the Forty-seventh General Assembly*, Ch. 170.

¹⁵⁴ *Acts of the Forty-seventh General Assembly*, Ch. 83.

¹⁵⁵ *Acts of the Forty-seventh General Assembly*, Ch. 172.

accumulation fund and the expense fund. The amounts so certified shall be included by the superintendent of public safety in his annual budget estimate and shall be appropriated by the city and transferred to the retirement fund for the ensuing year.

To cover requirements prior to the date when the regular appropriation is due under the above law, such amounts as are necessary "shall be paid into the pension accumulation fund and expense fund by special appropriations to the retirement system". This law was amended by the Forty-seventh General Assembly to provide that such cities "shall annually levy a tax sufficient in amount to cover such appropriations".¹⁵⁶

Section 6578 of the *Code of 1935* which deals with parks and cemeteries in commission governed cities was amended by the Forty-seventh General Assembly so as to make the general law relative to parks and park commissioners applicable in such cities.¹⁵⁷

Chapter 293 of the *Code of 1935* which deals with the powers and duties of park commissioners was also amended by the Forty-seventh General Assembly by adding additional powers. The amended law provides that park boards shall "have authority to lease under reasonable rules and requirements a particular park or portion thereof, under their jurisdiction, for a period not in excess of ten days, to charitable, fraternal and patriotic organizations, for the purpose of permitting such organizations to conduct celebrations, anniversaries and entertainments."¹⁵⁸

Commission governed cities are authorized to levy an annual tax of not more than five-eighths of a mill on the dollar for the purpose of caring for and improving the parks or

¹⁵⁶ *Acts of the Forty-seventh General Assembly*, Ch. 173.

¹⁵⁷ *Acts of the Forty-seventh General Assembly*, Ch. 174.

¹⁵⁸ *Acts of the Forty-seventh General Assembly*, Ch. 159.

cemeteries or both parks and cemeteries owned by the city. In accordance with a recent amendment to this law the "collection of such tax or part thereof may be anticipated for a period not to exceed ten years". The law also provides that the provision of the Code relative to the anticipation of taxes in cities under the general law shall apply, so far as applicable, to cities under the commission form of government.¹⁵⁹

In commission governed cities the council may, by an affirmative vote of two-thirds of its members, lease for one year any city property that is not needed for immediate use. Prior to 1937 the law provided that in commission governed cities "under thirty thousand inhabitants" property that was not likely to be sooner needed might, by a two-thirds vote of the council, be leased for a period of "twenty" years for industrial purposes. The Forty-seventh General Assembly amended this law to make it applicable to all commission governed cities and all special charter cities and increased the authorized lease period from "twenty" to "twenty-five" years.¹⁶⁰

Section 6669 of the *Code of 1935* sets forth the duties of the city manager under the manager form of government. Sub-section 12 of that section provides that, with certain enumerated exceptions, he shall manage all municipal water plants, lighting, heating, or power plants, and transportation enterprises. The Forty-seventh General Assembly set forth an additional exception applicable to "cities where the voters have decided by ballot to place the management of the municipal water works in the hands of a board of trustees as provided in chapter three hundred twelve (312), Code, 1935."¹⁶¹

¹⁵⁹ *Acts of the Forty-seventh General Assembly*, Ch. 176.

¹⁶⁰ *Acts of the Forty-seventh General Assembly*, Ch. 177.

¹⁶¹ *Acts of the Forty-seventh General Assembly*, Ch. 178.

Chapter 308-A1 of the *Code of 1935* provides that when the boundary limits of cities or towns join, and such cities or towns are located upon or adjacent to a river or stream which furnishes drainage, such cities or towns are authorized to contract with each other for the joint use of municipal services. Chapter 308-D1 provided for the assessment and collection of sewer rentals. The Forty-seventh General Assembly amended the law relating to cities operating under special charters in such manner as to make these two chapters of general municipal law "applicable to special charter cities having a population of fifty thousand (50,000) or more".

This amendment affects only the city of Davenport since no other special charter city has a population in excess of 50,000.¹⁶²

In the interest of fire protection and fire prevention in cities and towns, the Forty-seventh General Assembly passed a measure to aid in the training of firemen. The law provides that any city or town which maintains a paid or volunteer fire department may pay the expenses of such number of firemen as it may desire to send to any meeting of firemen for the purpose of studying fire prevention and extinguishment. Such meetings may include attendance of firemen at the annual or regional fire schools conducted or sponsored by the Iowa State College of Agriculture and Mechanic Arts.¹⁶³

MISCELLANEOUS

The 1935 Code provision in regard to the unlawful wearing of military badges was repealed by the Forty-seventh General Assembly and a substitute measure was enacted. Without due authorization, no person shall wear the badge

¹⁶² *Acts of the Forty-seventh General Assembly*, Ch. 179.

¹⁶³ *Acts of the Forty-seventh General Assembly*, Ch. 182.

or insignia of the military order of the Loyal Legion of the United States, the Grand Army of the Republic, the United Spanish American War Veterans, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans of the World War, or any other organization or auxiliary thereof, composed of members or former members of the military or naval forces of the United States. Violation of this provision is a misdemeanor punishable by imprisonment not to exceed thirty days or by a fine not to exceed one hundred dollars.¹⁶⁴

Certain land in Lucas County had been purchased by John Batie in 1853, but no patent had ever been issued to Batie or to any other person, firm, or corporation. In order to remedy an obvious defect in the land title the Forty-seventh General Assembly directed the Governor and Secretary of State to issue a patent or conveyance to the land in question.¹⁶⁵

By virtue of a foreclosure proceedings the State of Iowa acquired certain lots in the town of Sidney in Fremont County, for the rights and benefit of the school fund of that county. In an attempted sale of this land by officers of Fremont County, objection was made by the purchasers and grantees to the legality of title. To clarify this matter and furnish a legal title, the Forty-seventh General Assembly passed a measure which directed the Governor to execute to purchasers and grantees thereof, a patent conveying to them the land in question.¹⁶⁶

LEGALIZING ACTS

Sections 8365 to 8368 of the *Code of 1935*, relating to corporations operating for pecuniary profits, provide that a

¹⁶⁴ *Acts of the Forty-seventh General Assembly*, Ch. 230.

¹⁶⁵ *Acts of the Forty-seventh General Assembly*, Ch. 86.

¹⁶⁶ *Acts of the Forty-seventh General Assembly*, Ch. 252.

corporate charter may be renewed within three months before or after the expiration of a previous charter. In order to obtain such renewal there must be a majority vote of the stockholders in favor of such renewal, certain stock must be purchased, a certificate of renewal must be filed with the Secretary of State, and fees must be paid in accordance with the law.

At the expiration of the corporate existence of Weber & Sons Button Company, Muscatine, renewal articles were not filed with the Secretary of State within the time limitation prescribed by the Code. Later all provisions of the law, except the provision relative to the time of filing, were complied with and application was made for a renewal of the charter. The Forty-seventh General Assembly passed an act to legalize the proceedings of the corporation and authorized the Secretary of State to issue a certificate of renewal "which shall have the same effect as though issued upon proper application by said corporation".¹⁶⁷

Similar acts were passed for the benefit of the Farmers' Mutual Fire and Lightning Insurance Association of Wineshiek County,¹⁶⁸ the Farmers Lumber Company of Rhodes,¹⁶⁹ the Greeley Mutual Fire Insurance Association of Exira,¹⁷⁰ the Dukes-Law Company of Centerville,¹⁷¹ and the Farmers' Mutual Fire and Lightning Insurance Association of Dallas Center.¹⁷²

In four instances legalizing acts were passed relative to the transfer of funds by boards of supervisors. In November, 1934, the board of supervisors of Monroe County tem-

¹⁶⁷ *Acts of the Forty-seventh General Assembly*, Ch. 269.

¹⁶⁸ *Acts of the Forty-seventh General Assembly*, Ch. 267.

¹⁶⁹ *Acts of the Forty-seventh General Assembly*, Ch. 273.

¹⁷⁰ *Acts of the Forty-seventh General Assembly*, Ch. 263.

¹⁷¹ *Acts of the Forty-seventh General Assembly*, Ch. 277.

¹⁷² *Acts of the Forty-seventh General Assembly*, Ch. 270.

porarily transferred \$10,000 from the county bond fund to the general county fund of that county. In November, 1935, they transferred \$6000 and in January, 1936, an additional \$2000 from the State insane fund to the county fund. Tax money not being available for the repayment of these amounts, and there being no apparent need in the funds from which they were transferred, a bill was passed by the Forty-seventh General Assembly to make these transfers permanent.¹⁷³ In Muscatine County, in 1936, a similar transfer of \$16,062.54 was made from the insane fund of the county to the poor relief fund. This was also legalized by an act of the Forty-seventh General Assembly.¹⁷⁴

In Boone County in 1934 the board of supervisors transferred \$13,002 from the county insane fund to the poor fund of the county, and in 1935 they transferred an additional sum of \$3,248.96 in the same manner.¹⁷⁵ In like manner, in 1935, the board of supervisors in Lucas County transferred \$10,000 from the State insane fund of Lucas County to the general fund of that county.¹⁷⁶ In each of these cases questions having arisen as to the legality of these transfers and the expenditure of the money, a legalizing act was passed to validate the transactions.

In 1936 the board of supervisors of Wapello County incurred debts aggregating some \$36,000 for items payable from the maintenance fund and the construction fund of the county, for the purpose of maintaining roads, bridges, culverts, the repair of machinery, and the carrying out of a local WPA project. At the time the indebtedness was incurred, funds were not available for payment. When moneys were available, in 1937, the board of supervisors au-

¹⁷³ *Acts of the Forty-seventh General Assembly*, Ch. 236.

¹⁷⁴ *Acts of the Forty-seventh General Assembly*, Ch. 278.

¹⁷⁵ *Acts of the Forty-seventh General Assembly*, Ch. 257.

¹⁷⁶ *Acts of the Forty-seventh General Assembly*, Ch. 276.

thorized the county auditor and county treasurer to make payments for the indebtedness incurred in 1936. A question having arisen relative to the legality of such authorization, the Forty-seventh General Assembly passed an act legalizing the transactions and authorizing the county auditor and county treasurer to make payment from the funds collected in 1937.¹⁷⁷

In February, 1937, the board of supervisors of Jones County issued warrants against the general fund of that county in the sum of \$25,000, and provided for a tax levy to pay this sum with interest. The warrants were issued for the purpose of providing furniture, furnishings, and equipment for the new courthouse in Jones County. Doubts having arisen about the legality of the warrants, the proceedings for issuing them, and provisions for payment, an act was passed to legalize all proceedings and make the warrants legal and binding.¹⁷⁸

Legalizing acts were likewise enacted to correct irregularities in the following cases and to make the transactions legal and binding. In Appanoose County the board of supervisors in 1936 incurred an indebtedness of \$19,732.96 in the general fund for the payment of salaries and expenses. In 1937 these claims were refiled and allowed by the supervisors.¹⁷⁹ In 1929 and 1930 the board of supervisors of Taylor County authorized the payment of \$800 for extraordinary service of the county treasurer and the deputy county treasurer.¹⁸⁰ In Muscatine County a payment of \$252 to Charles Leu for services as clerk of the grand jury was authorized by the board of supervisors.¹⁸¹ In Novem-

¹⁷⁷ *Acts of the Forty-seventh General Assembly*, Ch. 242.

¹⁷⁸ *Acts of the Forty-seventh General Assembly*, Ch. 256.

¹⁷⁹ *Acts of the Forty-seventh General Assembly*, Ch. 243.

¹⁸⁰ *Acts of the Forty-seventh General Assembly*, Ch. 246.

¹⁸¹ *Acts of the Forty-seventh General Assembly*, Ch. 272.

ber, 1936, an election was held in Palo Alto County to authorize the issuance of primary road bonds in an amount not to exceed \$500,000. In pursuance of this election, the board of supervisors issued such bonds.¹⁸² In Story County the board of supervisors during the years 1934 and 1935 used moneys aggregating \$32,427.41 from the insane fund of that county for the maintenance of the county home.¹⁸³ In Webster County a similar situation prevailed during the years 1934, 1935, and 1936, involving a total expenditure of \$22,036.40 from the county insane fund.¹⁸⁴

Prior to May 4, 1932, the board of supervisors of Hancock County held title, for the use and benefit of the permanent school fund, to certain real estate in Hancock County. On that date the board executed and delivered to purchasers thereof what purported to be a warranty deed to this land. Improvements were made upon the property, but subsequently a question of the legal sufficiency of the transaction was raised. In order to quiet title to this land the Forty-seventh General Assembly passed an act to legalize the proceedings and authorized the Governor and Secretary of State to issue to the purchasers a patent to the land.¹⁸⁵

In February, 1936, the board of supervisors of Monroe County entered into a contract with Cyrus Hall for the purchase and removal of stone on the Hall farm to be used for the surfacing of secondary roads in Monroe County. The stone was shipped in accordance with the contract and an indebtedness of \$1,070.45 was thus incurred by the county. Mr. Hall, however, was a member of the board of supervisors at the time of the execution of the contract and a purchase from him was not in accordance with the law.

¹⁸² *Acts of the Forty-seventh General Assembly*, Ch. 264.

¹⁸³ *Acts of the Forty-seventh General Assembly*, Ch. 262.

¹⁸⁴ *Acts of the Forty-seventh General Assembly*, Ch. 259.

¹⁸⁵ *Acts of the Forty-seventh General Assembly*, Ch. 249.

The materials having been obtained and used by the county, the Forty-seventh General Assembly passed a measure authorizing the board of supervisors to pay for them.¹⁸⁶

During the calendar years of 1932 to 1936, inclusive, the proceedings of boards of supervisors and delinquent tax lists of the several counties of the State were published and payment was made for such publication by the boards of supervisors. Later there arose a question of the legality of the amounts paid, because of a misunderstanding on the part of newspaper publishers and boards of supervisors as to how charges for publication should be computed under the statute. To clarify this matter and remove doubts as to the validity of payment the Forty-seventh General Assembly passed a legalizing act in which the payments made were "declared to be legal and valid", notwithstanding that the publication charges "were computed on a basis not authorized by statute".¹⁸⁷

At least twelve measures were enacted by the Forty-seventh General Assembly to legalize acts of various city councils. During the months of January, February, and March of 1936 excessive snowfalls in Sioux City created an emergency and it was necessary for the city council to raise additional funds for the purpose of cleaning the streets. Accordingly the council authorized the issuance of warrants in an amount not to exceed one hundred thousand dollars to be used for that purpose. Pursuant to instructions the city auditor issued such warrants in the sum of \$62,684.20. A question of legality of the action of the council having arisen, a bill was passed by the Forty-seventh General Assembly legalizing the procedure and making legal and binding the warrants issued.¹⁸⁸

¹⁸⁶ *Acts of the Forty-seventh General Assembly*, Ch. 237.

¹⁸⁷ *Acts of the Forty-seventh General Assembly*, Ch. 268.

¹⁸⁸ *Acts of the Forty-seventh General Assembly*, Ch. 255.

Section 6223 of the *Code of 1935* provides that loans may be negotiated and warrants in a limited amount may be issued by a municipality in anticipation of its revenues. Because of the general unemployment situation and the excessive snowfall during the winters of 1935 and 1936 the city council of Humboldt incurred an indebtedness and issued warrants and certificates of indebtedness to the amount of \$4,936.45 in excess of appropriations and anticipated revenues. This was also somewhat in excess of the amount authorized by law. The citizens of Humboldt having received and enjoyed the benefits of these expenditures, the Forty-seventh General Assembly passed a measure to make the obligations legal and binding.¹⁸⁹

A similar situation arose in Dubuque where the city council issued warrants to the amount of \$20,119.37 to meet the unemployment emergency and to provide for the removal of snow. These obligations were likewise made legal and binding by the passage of a legalizing act.¹⁹⁰

To prevent the recurrence of issuing warrants in excess of the amount authorized by law, the Forty-seventh General Assembly passed a law authorizing an increased budget in certain cities for the year 1936-1937. This law provides that any city operating under the manager plan, having a population of 30,000 or more, may increase its budget for the fiscal year 1936 and 1937 by making a levy of \$30,000 in addition to that otherwise authorized by law. The law was so worded as to be general in form, but applies specifically to the city of Dubuque. It is to be noted, too, that this is not strictly a legalizing act, but an authorization to expend a sum which if spent without this authorization would require a legalizing act to make it binding.¹⁹¹

¹⁸⁹ *Acts of the Forty-seventh General Assembly*, Ch. 239.

¹⁹⁰ *Acts of the Forty-seventh General Assembly*, Ch. 244.

¹⁹¹ *Acts of the Forty-seventh General Assembly*, Ch. 183.

In 1935 and 1936 the city of Mount Pleasant, by action of its city council, with the aid of the Federal Works Progress Administration and by the use of local funds available to the city, erected a city hall and jail at a cost of \$48,000. In carrying forward this project the council did not, in every respect, comply with the statute which authorizes such building. The work having been completed and paid for, however, a measure was passed by the Forty-seventh General Assembly to legalize, confirm, and ratify the action of the council.¹⁹²

The city council of Cedar Rapids entered upon a program of purchasing a site, and building and equipping a jail and police station, and on March 4, 1937, by resolution the council authorized the issuance of bonds to the amount of \$80,000. Doubts having arisen concerning the validity and legal sufficiency of the proceedings and the provisions made for a tax levy to meet these obligations, a measure was passed to legalize the action taken.¹⁹³

In the city of Osceola a flood destroyed the dam which impounded water at the municipal reservoir, thus creating an emergency which jeopardized the health and safety of the community. To meet this situation the city council, by resolution on March 30, 1937, authorized the issuance and sale of public improvement bonds to the amount of \$15,500 and made provision for a tax levy to repay the same. These proceedings, although not authorized by the laws of Iowa, were approved and made legal by a measure passed by the Forty-seventh General Assembly.¹⁹⁴

In the town of Albert City a similar situation arose in connection with the municipally owned water plant. The water there became unsafe for human consumption and to

¹⁹² *Acts of the Forty-seventh General Assembly*, Ch. 260.

¹⁹³ *Acts of the Forty-seventh General Assembly*, Ch. 253.

¹⁹⁴ *Acts of the Forty-seventh General Assembly*, Ch. 258.

meet this emergency and provide for the needed repairs the town council authorized the borrowing of funds in a sum not to exceed \$10,000. To avoid legal complications and to render this indebtedness legal and binding, the Forty-seventh General Assembly passed an act legalizing the procedure, and the bonds issued in accordance therewith.¹⁹⁵

In Storm Lake it became necessary to make extensive repairs in the municipal water system. To pay for these repairs, bonds were issued and a maximum schedule of water rates was fixed by the city council to be in effect until the bonds were paid. This rate schedule was not sufficient to pay expenses and provision was made by ordinance of the city council for a higher rate. This action was legalized, but there was a provision that the council might reduce the rates if it deemed this advisable.¹⁹⁶

In Waukon the Pioneer Fire Company petitioned the city council for the use of the second story of the city hall to be used as a meeting place and clubroom. The room was furnished and equipped for that purpose at a cost of \$500, and warrants for that amount were issued by the city. A measure was passed by the Forty-seventh General Assembly which declared these warrants to be legal and valid.¹⁹⁷

The city of Dubuque, in response to public demand, authorized the establishment of a swimming pool as a WPA project. No bonds were issued and the only indebtedness incurred was a contribution made by the city to be used with Federal funds. No election was held, however, and a question of the legality of the proceedings was in question. A legalizing act was passed to make the action valid and binding.¹⁹⁸

¹⁹⁵ *Acts of the Forty-seventh General Assembly*, Ch. 248.

¹⁹⁶ *Acts of the Forty-seventh General Assembly*, Ch. 240.

¹⁹⁷ *Acts of the Forty-seventh General Assembly*, Ch. 266.

¹⁹⁸ *Acts of the Forty-seventh General Assembly*, Ch. 275.

The former town of Cedar Heights has been annexed to Cedar Falls and now constitutes the fifth ward of that city. Prior to the annexation the town of Cedar Heights had a bonded indebtedness of \$29,000. When the annexation was made the city council of Cedar Falls refunded \$25,000 of the indebtedness and provided for a general tax levy on the property of the fifth ward sufficient to pay the principal and interest in a period of ten years. The Forty-seventh General Assembly passed a measure to legalize and validate the procedure.¹⁹⁹

Two measures were passed by the Forty-seventh General Assembly to legalize elections to authorize municipal improvements. On November 16, 1936, the town of Manning held an election to authorize the expenditure of \$12,000 to build a swimming pool.²⁰⁰ On December 11, 1936, an election was held in Iowa City to authorize the expenditure of \$35,000 for erecting, purchasing, or remodeling a city hall, to be used for general community and municipal purposes.²⁰¹ Question of the legality of the proceedings having arisen in each of these cases, a law was passed to legalize the proceedings and the bond issue.

On August 20, 1935, pursuant to a petition duly presented and notice given, the voters of the consolidated Independent School District of Smithland voted for a bond issue and tax levy for schoolhouse improvement. In accordance with this vote, the board of directors issued bonds in the amount of \$9000 and provided for a tax levy to repay them. Doubts having arisen as to the legal sufficiency of the ballot and the proceedings by which this expenditure was approved, a measure was passed to legalize the action taken.²⁰²

¹⁹⁹ *Acts of the Forty-seventh General Assembly*, Ch. 241.

²⁰⁰ *Acts of the Forty-seventh General Assembly*, Ch. 265.

²⁰¹ *Acts of the Forty-seventh General Assembly*, Ch. 254.

²⁰² *Acts of the Forty-seventh General Assembly*, Ch. 250.

The board of directors of Concordia School District, on July 1, 1936, certified to the board of supervisors of Des Moines County, the sum of \$3000 for school purposes. Subsequently the board of supervisors levied a tax sufficient to raise substantially the sum requested. Because of a question concerning the legality of this procedure, a legalizing act was necessary.²⁰³

In the Beebeetown Consolidated School District, a school election was held on March 8, 1937, under the provisions of Chapter 225 of the *Code of 1935*, and in accordance with the results of that election, bonds to the extent of \$10,000 were issued for the purpose of improving and equipping the school building. In each of these cases doubts having arisen concerning the legal sufficiency of the proceedings, the Forty-seventh General Assembly passed a legalizing act to confirm and validate the action.²⁰⁴

On July 8, 1935, the electors of the Independent School District of Hartley authorized a bond issue of \$66,000 to be used, together with Federal funds, for the erection of a school building. The aggregate cost as stated on the ballot was not to exceed \$130,000. The building was later completed by the use of approximately \$66,000 from the bond issue, \$62,100 Federal funds, and \$7,500 derived from a transfer from the general school fund to the school building fund made with the approval of the State Comptroller — a total expenditure of \$145,026.14. This amount being in excess of that authorized by a vote of the people, the General Assembly passed a legalizing act to approve and validate the proceedings.²⁰⁵

Because of a fire which destroyed the building and equipment of the Elkader Independent School District, it was

²⁰³ *Acts of the Forty-seventh General Assembly*, Ch. 261.

²⁰⁴ *Acts of the Forty-seventh General Assembly*, Ch. 271.

²⁰⁵ *Acts of the Forty-seventh General Assembly*, Ch. 245.

necessary for the board of directors of that district to issue warrants for \$24,700 "in excess of the revenue anticipated" for the fiscal year ending June 30, 1937. The money having been spent to meet an emergency, the transaction was legalized and validated by the Forty-seventh General Assembly. The board was also authorized to issue new warrants to procure funds to pay the outstanding warrants. The new paper was to be issued "at the lowest interest rate at which such warrants can be sold, but not in excess of five percent per annum".²⁰⁶

Sections 11664 to 11668-c1 inclusive of the *Code of 1935* prescribe the manner in which execution sales shall be made. Sales having been made without strict compliance with this law, a legalizing act was passed by the Forty-seventh General Assembly to remedy the defects. The bill applies to all execution sales heretofore had "wherein the execution officer has failed to endorse on the execution the day and hour when received, the levy, sale or other act done by virtue thereof", also to all cases where the officer has failed to endorse a proper description of the property, or has failed to give proper notice. The legalizing act makes all of these cases to be "legal and valid in all particulars as if all the provisions of the law had been in all respects strictly and fully complied with" at the time of the acts or sales.²⁰⁷

In July, 1933, R. A. Hawk made application for appointment as a notary public and paid to an insurance company the legally required fee to be transmitted to the Governor of the State for the issuance of the notary commission. He also paid the fee for a notary bond. Three years later he discovered that the commission had not been issued nor the bond written. Meanwhile he had performed many notarial

²⁰⁶ *Acts of the Forty-seventh General Assembly*, Ch. 247.

²⁰⁷ *Acts of the Forty-seventh General Assembly*, Ch. 251.

acts. To prevent these acts from being declared invalid the Forty-seventh General Assembly passed a law which declared them to be "of the same force and effect as though they were had in full compliance with the laws of Iowa relating to notaries public". This law also directed the Governor to issue the commission for the period specified.²⁰⁸

JOINT RESOLUTIONS

During the session of the Forty-seventh General Assembly, twenty-two joint resolutions were introduced, sixteen originated in the House and six in the Senate. Only five of these measures were passed.

Section 19 of the *Code of 1935* provides that the compensation of officers and employees of the General Assembly shall be fixed by joint resolution at the opening of the session, or as soon thereafter as is convenient. Pursuant to this requirement Senate Joint Resolution No. 1 was introduced to fix the compensation schedule. This was passed and became effective by publication on February 4, 1937. After its passage certain corrections were necessary and Senate Joint Resolution No. 2 was passed to make the necessary changes in the original schedule. Thus two of the five joint resolutions passed deal with matters of legislative compensation.²⁰⁹

Another joint resolution passed by the Forty-seventh General Assembly directed and authorized the Greater Iowa Commission "to continue its efforts in behalf of a Greater Iowa". This resolution also directed the Executive Council "to request the co-operation of the appropriate governmental agencies in the further development of the program of the Commission".²¹⁰

²⁰⁸ *Acts of the Forty-seventh General Assembly*, Ch. 274.

²⁰⁹ *Acts of the Forty-seventh General Assembly*, Chs. 279, 282.

²¹⁰ *Acts of the Forty-seventh General Assembly*, Ch. 280.

House Joint Resolution No. 1 authorized the payment of chaplains at the rate of \$5 per day in each house. An appropriation of State funds sufficient to cover the payments was contained in the resolution. Provision was made, however, that no member or employee of the General Assembly should be entitled to compensation for services as chaplain.²¹¹

The fifth joint resolution which passed the General Assembly was one by which legislative assent was given to the Bankhead-Jones Act. This was a congressional act relating to coöperative agriculture. The purposes of the act and the money authorized by it were subject to legislative assent of the several States and Territories. This joint resolution was passed to give Iowa's assent to the Federal act.²¹²

VETOES

Three measures passed by the Forty-seventh General Assembly were vetoed by Governor Kraschel. The most important of these was the farm-to-market road bill. This bill was designed to coöperate with the Federal government in an extensive program of secondary road constructions. Governor Kraschel favored the program as a whole and objected only to the mechanics of the bill. The measure as drawn would have diverted funds from the primary road fund and did not provide a maintenance fund. The Governor thought the measure was "completely unworkable", and expressed the hope that another measure might be introduced and passed. The General Assembly, however, adjourned without the passage of such measure.²¹³

Senate File No. 49 was introduced to amend Section 1043

²¹¹ *Acts of the Forty-seventh General Assembly*, Ch. 281.

²¹² *Acts of the Forty-seventh General Assembly*, Ch. 283.

²¹³ Senate File No. 143 of the Forty-seventh General Assembly; *Journal of the Senate*, 1937, pp. 792-795; *The Des Moines Register*, March 25, 1937.

of the *Code of 1935* so as to make the county liable for costs in election contests over county offices if judgment were assessed against the incumbent or if the election were set aside. This measure was passed by the General Assembly but was vetoed by the Governor. In vetoing the bill Governor Kraschel approved the intent of the measure, but expressed the belief that such a law would be disadvantageous to the contestant, and that an incumbent might unnecessarily increase the expense of a contest if he were not liable for the costs.²¹⁴

The third bill vetoed by the Governor was one which provided for the publication of a list of all State employees and their salaries. The Governor thought that the cost of publishing such a list might well be avoided and vetoed the measure, calling attention to the fact that a complete record of all employees, titles, and the salaries paid is a matter of public record in the office of the State Comptroller.²¹⁵

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JACK T. JOHNSON

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IOWA CITY IOWA

²¹⁴ Senate File No. 49 of the Forty-seventh General Assembly; *Journal of the Senate*, 1937, p. 543.

²¹⁵ House File No. 171 of the Forty-seventh General Assembly; *The Des Moines Register*, May 9, 1937.