

CHAPTER 146.

INSURANCE COMMISSIONER AND DEPARTMENT OF INSURANCE.

S. F. 522.

AN ACT to establish an insurance department, providing for an insurance commissioner, defining his duties, fixing his compensation and determining his term of office. [Additional to chapters four (4), five (5), six (6), seven (7), eight (8) and nine (9) of title nine (IX) of the code, relating to insurance.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Appointment by governor—ratification by senate—bond—compensation. That there is hereby created and established a department to be known as the "Insurance Department of Iowa". The chief officer of said department shall be styled "Commissioner of Insurance", and shall be appointed by the governor on or before the first day of July, 1914; said officer to serve until February 1, 1915. On or before the date of the expiration of the term of office of the commissioner hereby provided for, the governor shall nominate, and with the consent of two-thirds of the members of the senate in executive session, appoint a person for commissioner, who shall be selected solely with regard to his qualifications and fitness to discharge the duties of this position. No nomination shall be considered by the senate until the same shall have been referred to a committee of five, not more than three of whom shall belong to the same political party, to be appointed by the president of the senate without formality of a motion, which committee shall report to the senate in executive session, which report shall be made at any time when called for by the senate. The consideration of nominations by the senate shall not be had on the same legislative day that the nominations are so referred. Subsequent appointments shall be made as above provided, and except to fill vacancies, shall be for a period of four (4) years. He shall be subject to removal only under and according to the provisions of chapter seventy-eight (78) of the acts of the thirty-third general assembly, as amended. The governor shall fill as in the first instance any vacancy which may arise in this office. Before entering upon the discharge of the duties of his office, the commissioner of insurance shall give a bond in the penal sum of twenty-five thousand dollars (\$25,000.00), conditioned as provided for in section eleven hundred eighty-three (1183) of the code, the same to be approved by the executive council and filed in the office of the secretary of state. He shall devote his entire time to the duties of his office and shall receive an annual salary of three thousand dollars (\$3,000.00).

SEC. 2. Office—supplies. The executive council shall provide the insurance department of Iowa with suitable quarters at the seat of government and shall furnish said department with furniture, books, supplies, printing and stationery necessary to carry out the provisions of this act. All desks, chairs, filing cases and other furniture, and all books, papers, records and securities of whatsoever kind, and all other property of every character now in the office of the auditor of state and relating to or connected with the business and supervision of insurance in this state shall be transferred, delivered and surrendered to the commissioner of insurance upon the second secular day of January, 1915.

SEC. 3. Deputy—bond—compensation—examiners—clerks and assistants. The commissioner of insurance is hereby directed to appoint a deputy commissioner to assist him in his work, who shall serve during the pleasure of the commissioner of insurance and receive an annual salary of eighteen hundred dollars (\$1800.00). Before entering upon the duties of his office, the deputy commissioner shall give a bond in the penal sum of ten thousand dollars (\$10,000.00) conditioned as provided in section eleven hundred eighty-three (1183) of the code, the same to be approved by the executive council and filed with the secretary of state.

The commissioner of insurance is also empowered and directed to appoint two insurance examiners and the necessary assistant examiners all as referred to and provided for in section eighteen hundred twenty-one-c (1821-c), supplement to the code, 1907, as amended by chapter eighty (80), acts of the thirty-fourth general assembly; also a security clerk with an annual salary of sixteen hundred (\$1600.00); a fee clerk with an annual salary of fourteen hundred dollars (\$1400.00); a general insurance clerk with an annual salary of twelve hundred dollars (\$1200.00); two stenographers with an annual salary of nine hundred dollars (\$900.00) each; and such other clerks and assistants as shall be needed in the performance of the duties of his office; and he may contract such expenses as may be necessary in the performance of his official duties, including all actual and necessary expenses incurred in attending meetings of the insurance commissioners and such other expense as shall be approved by the executive council; but the total amount to be so expended for such contingent expenses shall not exceed the sum of one thousand dollars (\$1000.00) annually and there is hereby appropriated out of any funds in the state treasury not otherwise appropriated two thousand dollars (\$2000.00) annually or so much thereof as may be necessary to meet the expenses thus incurred.

All salaries herein provided for shall be paid in the same manner as are the salaries of other state officers out of the general revenues of the state and on the first day of each month all such salaries and other expenses as are indicated herein shall be paid by warrant drawn by the auditor of state upon the treasurer of state.

SEC. 4. Commissioner—duties—powers. The commissioner of insurance shall be the head of the insurance department of Iowa and shall have general control, supervision and direction of all insurance business transacted in the state of Iowa and shall be charged with the execution of the laws of this state relating to insurance; and all powers now vested in and all duties imposed upon the auditor of this state relating in any way to insurance matters, shall, from and after the taking effect of this act, be vested in and made incumbent upon the commissioner of insurance herein provided for.

SEC. 5. Records—reports—securities. All books, records, files, documents, reports, and securities and all papers of every kind and character relating to the business of insurance and now enjoined and required by law to be delivered to or to be filed or be deposited with the auditor of state shall, from and after the taking effect of this act, be delivered to and filed or deposited with the said commissioner of insurance.

SEC. 6. Fees. All fees and charges of every character whatsoever which are now required by law to be paid to the auditor of state by insurance companies and associations shall from and after the taking effect of this act be payable to the insurance commissioner whose duty it shall be to account for

and pay over the same to the treasurer of state at the time and in the manner as now provided for by law for the auditor of state.

SEC. 7. **Acts in conflict repealed.** All acts or parts of acts in so far as they are in conflict herewith are hereby repealed.

Approved April 23 A. D. 1913.

CHAPTER 147.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

S. F. 3.

AN ACT relating to employers' liability for personal injury sustained by employees in line of duty, fixing compensation therefor, securing the payment thereof, providing for the appointment of a commissioner and defining his duties.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Employers—employees—exceptions. (a) Except as by this act otherwise provided, it shall be conclusively presumed that every employer as defined by this act has elected to provide, secure and pay compensation according to the terms, conditions, and provisions of this act for any and all personal injuries sustained by an employee arising out of and in the course of the employment; and in such cases the employer shall be relieved from other liability for recovery of damages or other compensation for such personal injury, unless by the terms of this act otherwise provided; but this act shall not apply to any household or domestic servant, farm or other laborer engaged in agricultural pursuits, nor persons whose employment is of a casual nature.

(b) **Compulsory.** Where the state, county, municipal corporation, school district, cities under special charter and commission form of government is the employer, the terms, conditions and provisions of this act for the payment of compensation and amount thereof for such injury sustained by an employee of such employer shall be exclusive, compulsory and obligatory upon both employer and employee.

(c) **Terms rejected.** An employer having the right under the provisions of this act to elect to reject the terms, conditions and provisions thereof and in such case exercises the right in the manner and form by this act provided, such employer shall not escape liability for personal injury sustained by an employe of such employer when the injury sustained arises out of and in the usual course of the employment because:

(1) **Risks assumed.** The employe assumed the risks inherent in or incidental to or arising out of his or her employment; or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work, or the risks arising from the failure of the employer to furnish reasonably safe tools or appliances, or because the employer exercised reasonable care in selecting reasonably competent employes in the business.

(2) **Negligence.** That the injury was caused by the negligence of the employe.