

CHAPTER 292.

BOARD OF ARBITRATION FOR SETTLEMENT OF DISPUTES BETWEEN EMPLOYERS AND EMPLOYES.

H. F. 611.

AN ACT authorizing the appointment of a board of arbitration and conciliation for the settlement of disputes between employers and employees, providing the powers, duties and compensation of such board and setting forth the manner in which the investigation of disputes shall be made and the publication and recording of the decision and finding of said board and making appropriation therefor. [Additional to chapter fourteen (14) of title twenty-one (XXI) of the code, relating to arbitration.]

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

SECTION 1. Board of arbitration—petition filed with governor. Whenever any dispute arises between any person, firm, corporation, or association of employers and their employees or association of employees, of this state, except employers or employees having trade relations directly or indirectly based upon inter-state trade relations operating through or by state or international boards of conciliation, which has or is likely to cause a strike or lockout, involving ten (10) or more wage earners and the parties thereto are unable to adjust the same, and which does or is likely to interfere with the due and ordinary course of business, or which menaces the public peace, or which jeopardizes the welfare of the community, either or both parties to the dispute, or the mayor of the city, or the chairman of the board of supervisors of the county in which said employment is carried on, or on petition of any twenty-five (25) citizens thereof, over the age of twenty-one (21) years, or the commissioner of the bureau of labor, after investigation, may make written application to the governor for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this act. Provided, however, the manager of the business of any person, firm, corporation or association of such employers, or any organization representing such employees, or if such employees are not members of any organization, then a majority of such employees affected may make the application as provided in this act, but in no case shall more than twenty (20) employees be required to join in such application.

SEC. 2. Arbitrators—how appointed. The governor shall at once upon application made to him as herein provided and upon his being satisfied that the dispute comes within the provisions of section one (1) of this act, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation and make request upon each party to the dispute that each of them recommend within three (3) days from the date of notice, the names of five (5) persons who have no direct interest in such dispute and are willing and ready to act as members of the board, and the governor shall appoint from each list submitted one (1) of such persons recommended. Should either of the parties fail or neglect to make any recommendation within the said period, the governor shall, as soon thereafter as possible, appoint a fit person who shall be deemed to be appointed on the recommendation of either of the said parties. The members of the board so appointed shall within five (5) days of their appointment recommend to the governor the name of one (1) person who is ready and willing to act as a third member of the board, and upon failure or neglect upon their part to make such recommendation

within the said period, or upon the failure or refusal of the person so recommended to act, the governor shall as soon thereafter as possible appoint some person to act as the third member of the board.

SEC. 3. Application—terms binding. In all cases when the application is made by both parties to the dispute, they shall set forth in the application whether or not they agree to be bound by the decision of the board of arbitration and conciliation; and if both parties agree to be so bound by such decision, then the same shall be binding and enforceable as set out in section seven (7) of this act.

SEC. 4. Oath—organization—compensation. Each member of the board, shall, before entering upon the duties of his office, be sworn to a faithful and impartial discharge thereof: They shall organize at once by the choice of one (1) of their number as chairman, and one (1) of their number as secretary, and shall have power to employ all necessary clerks and stenographers to properly carry out the duties of their appointment. The members of the board shall receive a compensation of five dollars (\$5.00) per diem for the time actually employed, together with their traveling and other necessary expenses, the same to be payable out of the state treasury upon warrants drawn by the state auditor.

SEC. 5. Evidence—authority to summon witnesses—fees—how paid. For the purpose of this inquiry the board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths and of requiring witnesses to give evidence or solemn affirmation and to produce books, papers and other documents or things as the board may deem requisite to the full investigation of the matters into which it is inquiring, as is vested in the district court in civil cases.

Any member of the board may administer an oath, and the board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

A subpoena or any notice may be delivered or sent to any sheriff, constable or any police officer who shall forthwith serve the same, and make due return thereof, according to directions. Witnesses in attendance and officers serving subpoenas or notices shall receive the same fees as are allowed in the district court, payable from the state treasury, upon the certificate of the board that such fees are due and correct, upon warrants drawn by the auditor of state. The board shall have the same power and authority to maintain and enforce order at the hearings and obedience to its writs of subpoena as is by law conferred upon the district court for like purposes.

SEC. 6. Investigation—written decision—where filed—open for public inspection. The board shall as soon as practical, visit the place where the controversy exists, and make careful inquiry into the cause, and the said board may, with the consent of the governor conduct such inquiry beyond the limits of the state. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both of the parties to the dispute to adjust said controversy, and make a written decision thereof, which shall at once be made public and open to public inspection and shall be recorded by the secretary of the board, and a copy of such report shall be filed in the office of the clerk of the city or town in which the controversy arose and shall be open for public inspection.

SEC. 7. Investigation—time limited—decision—binding for one year. The board of arbitration and conciliation shall within ten (10) days from the date of their appointment unless such time shall be extended by the governor, complete the investigation of any controversy submitted to them, and during the pendency of such period neither party shall engage in any strike or lockout.

Any decision made by the board shall date from the date of the appointment of the board and shall be binding upon the parties who join in the application as herein provided for a period of one year.

SEC. 8. Decision—where filed—publication. Within five (5) days after the completion of the investigation, unless the time is extended by the governor for good cause shown the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report to the governor of their findings of fact and of their recommendation to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the bureau of labor and shall be published at a rate of not to exceed thirty-three and one-third ($33\frac{1}{3}$) cents per ten (10) lines of brevier type or its equivalent, in two (2) newspapers of general circulation in the county in which the business is located upon which the dispute arises. All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the governor of the state and shall only be subject to inspection upon his order.

SEC. 9. Expenses—how paid. The expenses incurred under the provisions of this act shall be audited by the executive council and shall be paid out of any money in the state treasury not otherwise appropriated upon warrants drawn by the auditor of state.

SEC. 10. In effect. This act, being deemed of immediate importance shall be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 18 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader April 25, 1913 and in the Des Moines Capital April 23, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 293.

WRIT OF HABEAS CORPUS.

S. F. 166.

AN ACT to amend section forty-four hundred twenty (4420) of the code relating to applications for writ of habeas corpus.

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

SECTION 1. Application—to whom made. That section forty-four hundred twenty (4420) of the code is hereby amended by adding thereto the following:

When the applicant is an inmate of or confined in a state institution the provisions of this section relating to the court to which or the judge to whom applications must be made are mandatory, and the convenience or preference of an attorney or witness or other person interested in the release of the applicant shall not be a sufficient reason to authorize a more remote court or judge to assume jurisdiction.

Approved March 31 A. D. 1913.