

23 the sewer fund, the sewer district fund, or the sewer outlet purifying
24 plant and dumping ground fund, or any other fund that may be legally
25 available, of such county, city or town, as the case may be.

1 **SEC. 4. Appropriation.** There is hereby appropriated out of the
2 state funds now available for the division of emergency relief of the
3 state board of social welfare the sum of \$125,000.00, or as much thereof
4 as may be needed, which sum shall be available to the state conserva-
5 tion commission for the purposes of this act when the project for which
6 this appropriation has been made is approved by the federal govern-
7 ment and when the federal government has made available its funds
8 for the development of this project.

1 **SEC. 5. Constitutionality.** If any section, subsection, clause, sent-
2 ence or phrase of this act is for any reason held to be unconstitutional
3 and/or invalid such decision shall not affect the validity of the re-
4 maining portions of this act.

1 **SEC. 6.** Nothing in this act shall be construed as creating any
2 obligation on the state for maintenance or cost of operation of said
3 sewage diversion system.

1 **SEC. 7. Publication.** This act, being deemed of immediate impor-
2 tance, shall be in full force and effect from and after its passage and
3 publication in the Everly News, a newspaper published in Everly,
4 Iowa, and in the Spirit Lake Beacon, a newspaper published in Spirit
5 Lake, Iowa.

Senate File 278. Approved May 13, 1937.

I hereby certify that the foregoing act was published in the Everly News, May 27,
1937, and the Spirit Lake Beacon, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 101

CIVIL ENGINEERS

S. F. 77

AN ACT to amend, revise and codify chapter eighty-nine (89) of the code of Iowa, 1935, relating to the practice of professional engineering and land surveying; creating a board of engineering examiners and defining the duties and qualifications of the members of such board; defining the terms "professional engineering" and "land surveying;" and providing for the examination and registration of persons engaged in the practice of professional engineering and land surveying; and providing penalty for violations of this act.

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

1 **SECTION 1.** That chapter eighty-nine (89) of the code of Iowa,
2 1935, be amended, revised and codified to read as follows:

3 **1854. Registered engineers and surveyors.** No person shall prac-
4 tice professional engineering or land surveying in the state unless he
5 be a registered professional engineer or a registered land surveyor
6 as provided in this chapter, except as permitted by the last section
7 thereof.

8 1855. **Terms defined.** The "board" means the Iowa state board
9 of engineering examiners provided by this chapter.

10 The term "*professional engineer*" as used in this chapter shall
11 mean a person, who, by reason of his knowledge of mathematics, the
12 physical sciences, and the principles of engineering, acquired by
13 professional education and/or practical experience, is qualified to
14 engage in engineering practice as hereinafter defined.

15 The practice of "*professional engineering*" within the meaning
16 and intent of this chapter includes any professional service, such as
17 consultation, investigation, evaluation, planning, designing, or re-
18 sponsible supervision of construction in connection with structures,
19 buildings, equipment, processes, works, or projects, wherein the pub-
20 lic welfare, or the safeguarding of life, health or property is or may
21 be concerned or involved, when such professional service requires
22 the application of engineering principles and data.

23 The mere execution, as a contractor, of work designed by a pro-
24 fessional engineer, or the supervision of the construction of such
25 work as a foreman or superintendent shall not be deemed to be active
26 practice in engineering work.

27 The term "*land surveyor*" as used in this chapter shall mean a person
28 who engages in the practice of land surveying as hereinafter defined.

29 The practice of "*land surveying*" within the meaning and intent
30 of this chapter includes surveying of areas for their correct determi-
31 nation and description and for conveyancing, or for the establish-
32 ment or reestablishment of land boundaries and the platting of lands
33 and subdivisions thereof.

34 1856. **Board of engineering examiners—qualifications.** There is
35 hereby created a state board of engineering examiners consisting of
36 five (5) members who shall be appointed by the governor. Each
37 member of the board shall be a professional engineer at least thirty-
38 five (35) years of age, and shall have been a resident of this state
39 for at least three (3) years immediately preceding his appointment
40 and shall have had at least ten (10) years' active practice preceding
41 his appointment and during such time shall have had charge of engi-
42 neering work as principal or assistant for at least two (2) years,
43 and shall be a member in good standing of a recognized state or na-
44 tional engineering society. No two members of said board shall be
45 from the same branch of the profession of engineering.

46 1857. **Appointment and tenure.** Appointments to said board shall
47 be made as follows:

48 1. Two members on July 1, 1925, and each four years thereafter.

49 2. Three members on July 1, 1927, and each four years thereafter.

50 1858. **Vacancies—how filled.** Vacancies in the membership of the
51 board caused by death, resignation, or removal from office, shall be
52 filled by an appointment from the governor for the unexpired portion
53 of the term.

54 1859. **Official seal—by laws.** The board shall adopt and have an
55 official seal which shall be affixed to all certificates or registration
56 granted and may make all by-laws and rules, not inconsistent with
57 law, necessary for the proper performance of its duty.

58 1860. **Attorney general to assist—general powers.** Such board,
59 or any committee thereof, shall be entitled to the counsel and to the
60 services of the attorney general, and shall have power to compel the

61 attendance of witnesses, and may take testimony and proofs and
62 may administer oaths concerning any matter within its jurisdiction.

63. **1861. Compensation and expenses.** Each member of the board
64 shall receive as compensation the sum of ten (10) dollars per day
65 for the time actually spent in traveling to and from, and in attend-
66 ing sessions of the board and its committees, and shall receive all
67 necessary traveling and incidental expenses incurred in the discharge
68 of his duties, but in no event shall the state be chargeable with any
69 expense incurred under the provisions of this chapter.

70. **1862. Organization of the board—meetings—quorum.** The board
71 shall elect annually from its members a chairman and a vice chair-
72 man. The secretary of the executive council, or one of his assist-
73 ants, to be designated by him, shall act as secretary of said board.
74 The board shall hold at least one stated meeting on the first Tues-
75 day of December of each year, and special meetings shall be called
76 at other times by the secretary at the request of the chairman or
77 three members of the board. At any meeting of the board, three
78 members shall constitute a quorum. The board shall have power to
79 employ such additional clerical assistants and incur such office ex-
80 pense as may be necessary to properly carry out the provisions of
81 this chapter.

82 **1863. Annual report.** At the time provided by law, the board
83 shall submit to the governor a written report of its transactions for
84 the preceding year, and shall file with the secretary of state a copy
85 thereof, together with a complete statement of the receipts and ex-
86 penditures of the board, attested by the affidavits of the chairman
87 and the secretary, and a complete list of those registered under this
88 chapter with their addresses and the dates of their certificates of
89 registration. Said report shall be printed by the state and a copy
90 mailed to, and placed on file in the office of the clerk of each incorpo-
91 rated city or town in the state and in the office of the auditor of each
92 county therein.

93 **1864. Secretary—duties of.** The secretary shall keep on file a
94 record of all certificates of registration granted and shall make annu-
95 ally such revisions of said record as may be necessary. In revising
96 said record the secretary shall communicate annually by mail with
97 every professional engineer and surveyor registered hereunder, as
98 provided in section eighteen hundred sixty-nine b1 (1869-b1).

99 **1865. Engineering examiners' fund.** The secretary shall collect
100 and account for all fees provided for by this chapter and pay the
101 same to the state treasurer who shall keep such moneys in a separate
102 fund to be known as the fund of the board of engineering examiners,
103 which shall be continued from year to year and shall be drawn on
104 only for the expenses and compensation of said board of examiners
105 as provided in this chapter.

106 **1866. Applications and examination fees.** Applications for reg-
107 istration shall be on forms prescribed and furnished by the board,
108 shall contain statements made under oath, showing the applicant's
109 education and detail summary of his technical work, and shall con-
110 tain not less than five references, of whom three or more shall be
111 engineers having personal knowledge of his engineering experience.
112 The examination fee shall be fifteen (15) dollars which shall accom-
113 pany the application. Should the board deny the issuance of a cer-

114 tificate of registration to any applicant who has appeared for ex-
115 amination, the initial fee deposited shall be retained as an applica-
116 tion fee.

117 1866a. **General requirements for registration.** The following shall
118 be considered as minimum evidence satisfactory to the board that the
119 applicant is qualified for registration as a professional engineer, or
120 land surveyor, respectively, to-wit:

121 (1) As a professional engineer:

122 a. Graduation from an approved course in engineering of four years
123 or more in an approved school or college; and a specific record of an
124 additional two years or more of practical experience in engineering
125 work of a character satisfactory to the board.

126 b. Successfully passing a written, or written and oral, examination
127 designed to show knowledge and skill approximating that attained
128 through graduation from an approved four year engineering course;
129 and a specific record of six years or more of practical experience in
130 engineering work.

131 (2) As a land surveyor:

132 a. Graduation from an approved course in surveying in an approved
133 school or college; and an additional two years or more of practical
134 experience in land surveying work.

135 b. Successfully passing a written, or written and oral, examination
136 in surveying prescribed by the board; and a specific record of six years
137 or more of practical experience in land surveying work. The practical
138 experience required in this section may be obtained under the exemp-
139 tion provisions of section 1876 hereof.

140 In considering the qualifications of applicants, responsible charge
141 of engineering teaching may be construed as responsible charge of
142 engineering work. The satisfactory completion of each year of an
143 approved course in engineering in an approved school or college, with-
144 out graduation, shall be considered as equivalent to a year of practical
145 experience. Graduation in a course other than engineering from a
146 college or university of recognized standing shall be considered as
147 equivalent to two years of practical experience; provided, however,
148 that no applicant shall receive credit for more than four years of prac-
149 tical experience because of educational qualifications.

150 Any person having the necessary qualifications prescribed in this
151 chapter to entitle him to registration shall be eligible for such regis-
152 tration though he may not be practicing his profession at the time of
153 making his application.

154 Provided, that no person shall be eligible for registration as a pro-
155 fessional engineer, or land surveyor, who is not of good character
156 and reputation.

157 1867. **Examinations—report required.** Examinations for regis-
158 tration shall be given at stated or called meetings of the board. The
159 scope of the examinations and the methods of procedure shall be pre-
160 scribed by the board. As soon as practicable, after the close of each
161 examination, a report shall be filed in the office of the secretary of the
162 board by the members conducting such examinations. Said report
163 shall show the action of the board upon each application, whereupon
164 the secretary of the board shall notify each applicant of the result of
165 his examination.

166 **1868. Seal—certificate evidence of registration.** Each registrant
167 shall provide himself with a suitable seal with a uniform inscription
168 thereon formulated by the board, with which he shall stamp all plans,
169 specifications, surveys, and reports made or issued by him. A certifi-
170 cate of registration provided for in this chapter shall be presumptive
171 evidence that the person named therein is legally registered.

172 **1869. Certificate.** To any applicant who shall have passed the
173 examination as a professional engineer and who shall have paid an
174 additional fee of ten (10) dollars, the board shall issue a certificate of
175 registration as a professional engineer signed by the chairman and
176 secretary of the board under the seal of such board, which certificate
177 shall authorize the applicant to practice professional engineering as
178 defined in this chapter. Such certificate shall not carry with it the
179 right to practice land surveying, unless specifically so stated in said
180 certificate, which permission shall be granted by the board without
181 additional fee in cases where the applicant duly qualifies as a land
182 surveyor as prescribed by the rules of said board.

183 **1869-b1. Expirations and renewals.** Certificates of registration
184 shall expire on the last day of the month of December following their
185 issuance or renewal and shall become invalid on that date unless re-
186 newed. It shall be the duty of the secretary of the board to notify
187 every person registered under this chapter, of the date of expiration of
188 his certificate and the amount of the fee that shall be required for its
189 renewal for one year; such notice shall be mailed at least one month in
190 advance of the date of the expiration of said certificate. Renewal may
191 be effected at any time during the month of December by the payment
192 of a fee of two (2) dollars. The failure on the part of any registrant
193 to renew his certificate annually in the month of December as required
194 above shall not deprive such a person of the right of renewal, but the
195 fee to be paid for the renewal of a certificate after the month of De-
196 cember shall be increased two (2) dollars per year for each year or
197 fraction of a year that payment of renewal is delayed; provided, how-
198 ever, that the maximum fee for delayed renewal shall not exceed ten
199 (10) dollars.

200 **1870. Land surveyors' certificate.** To any applicant who shall have
201 passed the examination as a land surveyor and who shall have paid an
202 additional fee of ten (10) dollars, the board shall issue a certificate
203 of registration signed by its chairman and secretary under the seal of
204 the board, which certificate shall authorize the applicant to practice
205 land surveying as defined in this chapter and to administer oaths to
206 his assistants and to witnesses produced for examination, with refer-
207 ence to facts connected with land surveys being made by such land
208 surveyor.

209 **1871. Foreign registrants.** The board shall from time to time ex-
210 amine the requirements for registration of professional engineers and
211 land surveyors in other states, territories, and countries, and shall
212 record those in which in the judgment of the board standards not lower
213 than those provided by this chapter are maintained. The secretary of
214 the board upon presentation to him of satisfactory evidence, by any
215 person, that he holds a certificate of registration issued to him by
216 proper authority in any state, territory or country so recorded, and
217 upon the receipt of a fee of ten (10) dollars, shall issue to such person
218 a certificate of registration to practice professional engineering or

219 land surveying as provided by this chapter, signed by the chairman
220 and the secretary under the seal of the board, whereupon the person to
221 whom such certificate is issued shall be entitled to all the rights and
222 privileges conferred by the certificate issued after examination by the
223 board.

224 1872. **Revocation of certificate.** The board shall have the power by
225 a four-fifths vote of the entire board to revoke the certificate of any
226 professional engineer or land surveyor registered hereunder, found
227 guilty of any fraud or deceit in his practice, or guilty of any fraud
228 or deceit in obtaining his certificate, or in case he is found by the same
229 vote to be incompetent.

230 1873. **Procedure.** Proceedings for the revocation of a certificate
231 of registration shall be begun by filing with the secretary of the board
232 written charges against the accused. The board shall designate a time
233 and place for a hearing, and shall notify the accused of this action
234 and furnish him a copy of all charges at least thirty days prior to the
235 date of the hearing. The accused shall have the right to appear per-
236 sonally or by counsel, to cross-examine witnesses or to produce wit-
237 nesses in his defense.

238 1874. **Expenditures.** Warrants for the payment of expenses and
239 compensations provided by this chapter shall be issued by the state
240 comptroller upon presentation of vouchers drawn by the chairman and
241 secretary of the board and approved by said comptroller, but at no
242 time shall the total amount of warrants exceed the total amount of
243 the examination and registration fees collected as herein provided.

244 1875. **Injunction.** Any person who is not legally authorized to
245 practice in this state according to the provisions of this chapter,
246 and shall practice, or shall in connection with his name use any desig-
247 nation tending to imply or designate him as a professional engineer
248 or land surveyor, may be restrained by permanent injunction.

249 1875-b1. **Violations.** Any person who violates such permanent in-
250 junction or presents or attempts to file as his own the certificate of
251 registration of another, or who shall give false or forged evidence of
252 any kind to the board, or to any member thereof, in obtaining a certifi-
253 cate of registration, or who shall falsely impersonate another practi-
254 tioner of like or different name, or who shall use or attempt to use a
255 revoked certificate of registration, shall be deemed guilty of a misde-
256 meanor and shall be punished by a fine of not less than one hundred
257 (100) dollars nor more than five hundred (500) dollars, or by impris-
258 onment* for three (3) months, or by both such fine and imprisonment.

259 1876. **Applicability of chapter.** This chapter shall not apply to
260 any full-time employee of any corporation while doing work for that
261 corporation, except in the case of corporations offering their services
262 to the public as professional engineers or land surveyors.

263 Corporations engaged in designing and bulding works for public or
264 private interests not their own shall be deemed to practice professional
265 engineering within the meaning of this chapter. With respect to such
266 corporations all principal designing or constructing engineers shall
267 hold certificates of registration hereunder. This chapter shall not
268 apply to corporations engaged solely in building said work. This
269 chapter shall not apply to any professional engineer or land surveyor

*Note: Place of imprisonment not fixed in enrolled bill.

270 working for the United States government, nor to any professional
 271 engineer or land surveyor employed as an assistant to a professional
 272 engineer or land surveyor registered under this chapter, nor to the
 273 operation and/or maintenance of power and mechanical plants or sys-
 274 tems, nor to any professional engineer or land surveyor from without
 275 this state until a reasonable length of time as prescribed by the rules
 276 of the board shall have elapsed to permit the registration of such a
 277 person under this chapter, provided that, before practicing within this
 278 state, he shall have applied for the issuance to him of a certificate of
 279 registration and shall have paid the fee prescribed in this chapter.

Senate File 77. Approved May 1, 1937.

CHAPTER 102

UNEMPLOYMENT COMPENSATION LAW

S. F. 447

AN ACT to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for appeal and judicial review of disputed claims; to create an unemployment compensation commission and to provide for its appointment and compensation and to prescribe its powers and duties; to provide for the appointment and compensation of personnel and the maintenance and other expenses of such commission; to authorize reciprocal benefit arrangements with other states or the federal government; to prohibit the waiver of rights and benefits arising hereunder; to regulate alienation of benefits; to regulate attorneys' fees in cases arising under this act; to provide for the transfer of state employment service, and to prescribe its powers, duties and functions; to establish an unemployment administration fund; to fix the penalty for failure to comply with or for violation of this act; to retain the right to amend or repeal this act; to amend and re-enact all of the provisions of senate file 1 enacted by the 46th General Assembly of Iowa in Extraordinary Session, as amended by senate file 191 of the acts of the 47th General Assembly of Iowa, to conform to the provisions of this act; and to repeal acts in conflict herewith, and for other purposes.

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

SHORT TITLE

1 SECTION 1. This act shall be known and may be cited as the "Un-
 2 employment Compensation Law".

DECLARATION OF STATE PUBLIC POLICY

1 SEC. 2. As a guide to the interpretation and application of this act,
 2 the public policy of this state is declared to be as follows: Economic
 3 insecurity due to unemployment is a serious menace to the health,
 4 morals, and welfare of the people of this state. Involuntary unem-
 5 ployment is therefore a subject of general interest and concern which
 6 requires appropriate action by the legislature to prevent its spread
 7 and to lighten its burden which now so often falls with crushing force
 8 upon the unemployed worker and his family. The achievement of
 9 social security requires protection against this greatest hazard of our
 10 economic life. This can be provided by encouraging employers to
 11 provide more stable employment and by the systematic accumulation
 12 of funds during periods of employment to provide benefits for periods