

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

13 of unemployment, thus maintaining purchasing power and limiting  
 14 the serious social consequences of poor relief assistance. The legis-  
 15 lature, therefore, declares that in its considered judgment the public  
 16 good, and the general welfare of the citizens of this state require the  
 17 enactment of this measure, under the police powers of the state, for  
 18 the compulsory setting aside of unemployment reserves to be used for  
 19 the benefit of persons unemployed through no fault of their own.

### BENEFITS

1 SEC. 3 (a). **"Payment of benefits"**—Twenty-four months after the  
 2 date when contributions first accrue under this act, benefits shall  
 3 become payable from the fund. All benefits shall be paid through  
 4 employment offices, in accordance with such regulations as the com-  
 5 mission may prescribe.

1 SEC. 3 (b). **"Weekly benefit amount for total unemployment"**—  
 2 Each eligible individual who is totally unemployed (as defined in sec-  
 3 tion 19 (j) (1)) in any week shall be paid with respect to such week  
 4 benefits at the rate of fifty per centum of his full-time weekly wages  
 5 but not more than \$15.00 per week, nor less than either five dollars  
 6 (\$5.00), or his full-time weekly wage, whichever is the lesser.

1 SEC 3 (c). **"Weekly benefit amount for partial unemployment"**—  
 2 Each eligible individual who is partially unemployed (as defined in sec.  
 3 19 (j) (2)), in any week shall be paid with respect to such week a  
 4 partial benefit. Such partial benefit shall be an amount which, if  
 5 added to his wages (as defined in sec. 19 (m)) for such week, would  
 6 exceed his weekly benefit amount (as defined in sec. 19 (o)) by (\$2.00)  
 7 two dollars.

1 SEC. 3 (d). **"Determination of full-time weekly wage"**—(1) The  
 2 full-time weekly wage of any individual means the weekly wages that  
 3 such individual would receive if he were employed at the most recent  
 4 wage rate earned by him in employment by an employer in his base  
 5 period and for the customary scheduled full-time week prevailing for  
 6 his occupation in the enterprise in which he last earned wages in em-  
 7 ployment by an employer during his base period.

8 (2) If the commission finds that the full-time weekly wage, as above  
 9 defined, would be unreasonable or arbitrary or not readily determin-  
 10 able with respect to any individual, the full-time weekly wage of such  
 11 individual shall be deemed to be one-thirteenth of his total wages in  
 12 employment by employers in that quarter in which such total wages  
 13 were highest during his base period.

1 SEC. 3 (e). **"Duration of benefits"**—The maximum total amount of  
 2 benefits payable to any eligible individual during any benefit year  
 3 shall not exceed the balance credited to his account with respect to  
 4 wages earned in employment by employers during his base period, or  
 5 fifteen times his weekly benefit amount, whichever is the lesser. The  
 6 commission shall maintain a separate account for each individual who  
 7 earns wages in employment by an employer subsequent to December  
 8 31, 1936. After the expiration of each calendar quarter, the commis-  
 9 sion shall credit each such account with one-sixth of such wages earned  
 10 by such individual during such quarter, or sixty-five dollars (\$65.00),

11 whichever is the lesser. Benefits paid to an eligible individual shall  
 12 be charged against amounts which have been credited to his account  
 13 on the basis of wages earned in employment by employers during his  
 14 base period and which have not previously been charged hereunder,  
 15 in the same chronological order as such wages were earned.

1 SEC. 3 (e-1). If the commission finds in determining the duration  
 2 of benefits with respect to any individual as provided in section 3 (e)  
 3 that the duration of such individuals' benefits, beginning with the  
 4 first day of his benefit year, is not sufficient to pay him benefits up  
 5 to and including the first day of the calendar quarter next following  
 6 the first day of his benefit year, the earnings, if any, of such individual  
 7 in employment by an employer in the period between the last day of  
 8 his base period, as first determined, and the first day of his benefit  
 9 year, shall be credited and used in determining his duration of benefits.

1 SEC. 3 (f) (1). "Part-time workers"—As used in this subsection  
 2 the term "part-time worker" means an individual whose normal work  
 3 is in an occupation in which his services are not required for the  
 4 customary scheduled full-time hours prevailing in the establishment  
 5 in which he is employed, or who, owing to personal circumstances, does  
 6 not customarily work the customary scheduled full-time hours prevail-  
 7 ing in the establishment in which he is employed.

8 (2) The commission shall prescribe fair and reasonable general  
 9 rules applicable to part-time workers, for determining their full-time  
 10 weekly wage, and the total wages in employment by employers required  
 11 to qualify such workers for benefits.

#### BENEFIT ELIGIBILITY CONDITIONS

1 SEC. 4. An unemployed individual shall be eligible to receive bene-  
 2 fits with respect to any week only if the commission finds that:

3 (a) He has registered for work at and thereafter has continued to  
 4 report at an employment office in accordance with such regulations as  
 5 the commission may prescribe.

6 (b) He has made a claim for benefits in accordance with the pro-  
 7 visions of section 6 (a) of this act.

8 (c) He is able to work, and is available for work.

9 (d) Prior to any week for which he claims benefits he has been  
 10 totally unemployed for a waiting period of two weeks (and for the  
 11 purposes of this subsection, two weeks of partial unemployment shall  
 12 be deemed to be equivalent to one week of total unemployment). Such  
 13 weeks of total or partial unemployment or both need not be consecu-  
 14 tive. No week shall be counted as a week of total unemployment for  
 15 the purposes of this subsection:

16 (1) if benefits have been paid with respect thereto;

17 (2) unless the individual was eligible for benefits with respect  
 18 thereto in all respects except for the requirements of subsections (b)  
 19 and (e) of this section;

20 (3) unless it occurs within the thirteen consecutive weeks pre-  
 21 ceding the week for which he claims benefits, provided that this con-  
 22 dition shall not interrupt the payment of benefits for consecutive weeks  
 23 of unemployment nor require any individual to accumulate more than  
 24 five waiting period weeks during any five consecutive calendar  
 25 quarters;

26 (4) unless it occurs after benefits first could become payable to any  
27 individual under this act.

1 SEC. 4 (e). He has within the first four out of the last five com-  
2 pleted calendar quarters immediately preceding the first day of his  
3 benefit year, earned wages in employment by employers equal to not  
4 less than fifteen times his weekly benefit amount, provided, however,  
5 if the commission finds that he is not eligible under the above pro-  
6 vision they may find him eligible if he has within the four calendar  
7 quarters, including the incompleated current calendar quarter immedi-  
8 ately preceding the first day of his benefit year, earned wages in em-  
9 ployment by employers equal to not less than fifteen times his weekly  
10 benefit amount.

#### DISQUALIFICATION FOR BENEFITS

1 SEC. 5. An individual shall be disqualified for benefits: (a) For  
2 the week in which he has left work voluntarily without good cause,  
3 if so found by the commission, and for not less than one nor more than  
4 the five weeks which immediately follow such week (in addition to  
5 the waiting period), as determined by the commission according to  
6 the circumstances in each case.

1 SEC. 5 (b). For the week in which he has been discharged for mis-  
2 conduct connected with his work, if so found by the commission, and  
3 for not less than the one nor more than the nine weeks which immedi-  
4 ately follow such week (in addition to the waiting period), as de-  
5 termined by the commission in each case according to the seriousness  
6 of the misconduct.

1 SEC. 5 (c). If the commission finds that he has failed, without  
2 good cause, either to apply for available, suitable work when so di-  
3 rected by the employment office or the commission or to accept suitable  
4 work when offered him, or to return to his customary self-employ-  
5 ment (if any) when so directed by the commission. Such disqualifi-  
6 cation shall continue for the week in which such failure occurred and  
7 for not less than the one nor more than the five weeks which imme-  
8 diately follow such week (in addition to the waiting period), as de-  
9 termined by the commission according to the circumstances in each  
10 case.

11 (1) In determining whether or not any work is suitable for an  
12 individual, the commission shall consider the degree of risk involved  
13 to his health, safety, and morals, his physical fitness and prior train-  
14 ing, his experience and prior earnings, his length of unemployment  
15 and prospects for securing local work in his customary occupation, and  
16 the distance of the available work from his residence, and any other  
17 factor which it finds bears a reasonable relation to the purposes of  
18 this subsection.

19 (2) Notwithstanding any other provision of this act, no work shall  
20 be deemed suitable and benefits shall not be denied under this act to  
21 any otherwise eligible individual for refusing to accept new work  
22 under any of the following conditions:

23 (a) if the position offered is vacant due directly to a strike, lock-  
24 out, or other labor dispute;

25 (b) if the wages, hours, or other conditions of the work offered are  
26 substantially less favorable to the individual than those prevailing  
27 for similar work in the locality;

28 (c) if as a condition of being employed, the individual would be  
 29 required to join a company union or to resign from or refrain from  
 30 joining any bona-fide labor organization.

1 SEC. 5 (d). For any week with respect to which the commission  
 2 finds that his total or partial unemployment is due to a stoppage of  
 3 work which exists because of a labor dispute at the factory, establish-  
 4 ment, or other premises at which he is or was last employed, provided  
 5 that this subsection shall not apply if it is shown to the satisfaction  
 6 of the commission that:

7 (1) he is not participating in or financing or directly interested  
 8 in the labor dispute which caused the stoppage of work; and

9 (2) he does not belong to a grade or class of workers of which,  
 10 immediately before the commencement of the stoppage, there were  
 11 members employed at the premises at which the stoppage occurs, any  
 12 of whom are participating in or financing or directly interested in the  
 13 dispute:

14 Provided, that if in any case separate branches of work which are  
 15 commonly conducted as separate businesses in separate premises are  
 16 conducted in separate departments of the same premises, each such  
 17 department shall, for the purposes of this subsection, be deemed to  
 18 be a separate factory, establishment, or other premises.

1 SEC. 5 (e). For any week with respect to which he is receiving  
 2 or has received remuneration in the form of:

3 (1) Wages in lieu of notice;

4 (2) Compensation for temporary partial disability under the work-  
 5 men's compensation law of any state or under a similar law of the  
 6 United States; or

7 (3) Old-age benefits under title II of the social security act, as  
 8 amended, or similar payments under any act of congress:

9 Provided, that if such remuneration is less than the benefits which  
 10 would otherwise be due under this act, he shall be entitled to receive  
 11 for such week, if otherwise eligible, benefits reduced by the amount  
 12 of such remuneration.

#### CLAIMS FOR BENEFITS

1 SEC. 6 (a). **Filing**—Claims for benefits shall be made in accordance  
 2 with such regulations as the commission may prescribe.

1 SEC. 6 (b). **Initial determination**—A representative designated by  
 2 the commission, and hereinafter referred to as a deputy, shall prompt-  
 3 ly examine the claim and, on the basis of the facts found by him, shall  
 4 either determine whether or not such claim is valid, and if valid, the  
 5 week with respect to which benefits shall commence, the weekly benefit  
 6 amount payable and the maximum duration thereof, or shall refer  
 7 such claim or any question involved therein to an appeal tribunal or  
 8 to the commission, which shall make its determinations with respect  
 9 thereto in accordance with the procedure described in subsection (c)  
 10 of this section, except that in any case in which the payment or denial  
 11 of benefits will be determined by the provisions of section 5 (d) of  
 12 this act, the deputy shall promptly transmit his full finding of fact  
 13 with respect to that subsection to the commission, which, on the basis

14 of the evidence submitted and such additional evidence as it may re-  
15 quire, shall affirm, modify, or set aside such findings of fact and trans-  
16 mit to the deputy a decision upon the issues involved under that sub-  
17 section. The deputy shall promptly notify the claimant and any other  
18 interested party of the decision and the reasons therefor. Unless  
19 the claimant or other interested party, within five calendar days after  
20 the delivery of such notification, or within seven calendar days after  
21 such notification was mailed to his last-known address, files an appeal  
22 from such decision, such decision shall be final and benefits shall be  
23 paid or denied in accordance therewith. If an appeal is duly filed,  
24 benefits with respect to the period prior to the final determination of  
25 the commission, shall be paid only after such determination; provided:  
26 That if an appeal tribunal affirms a decision of a deputy, or the com-  
27 mission affirms a decision of an appeal tribunal, allowing benefits, such  
28 benefits shall be paid regardless of any appeal which may thereafter be  
29 taken, but if such decision is finally reversed, no employer's account  
30 shall be charged with benefits so paid.

1 **SEC. 6 (c). Appeals**—Unless such appeal is withdrawn, an appeal  
2 tribunal, after affording the parties reasonable opportunity for fair  
3 hearing, shall affirm or modify the findings of fact and decision of  
4 the deputy. The parties shall be duly notified of such tribunal's de-  
5 cision, together with its reasons therefor, which shall be deemed to  
6 be the final decision of the commission, unless within ten days after  
7 the date of notification or mailing of such decision, further appeal is  
8 initiated pursuant to subsection (e) of this section.

1 **SEC. 6 (d). Appeal tribunals**—To hear and decide disputed claims,  
2 the commission shall establish one or more impartial appeal tribunals  
3 consisting in each case of either a salaried examiner or a body con-  
4 sisting of three members, one of whom shall be a salaried examiner,  
5 who shall serve as chairman, one of whom shall be a representative of  
6 employers and the other of whom shall be a representative of em-  
7 ployees; each of the latter two members shall serve at the pleasure of  
8 the commission and be paid a fee, as fixed by the commission per day  
9 of active service on such tribunal, plus necessary expenses. No person  
10 shall participate on behalf of the commission in any case in which he  
11 is an interested party. The commission may designate alternates to  
12 serve in the absence or disqualification of any member of an appeal  
13 tribunal. The chairman shall act alone in the absence or disqualifica-  
14 tion of any other member and his alternates. In no case shall the hear-  
15 ings proceed unless the chairman of the appeal tribunal is present.

1 **SEC. 6 (e). Commission review**—The commission may on its own  
2 motion affirm, modify, or set aside any decision of an appeal tribunal  
3 on the basis of the evidence previously submitted in such case, or di-  
4 rect the taking of additional evidence, or may permit any of the parties  
5 to such decision to initiate further appeals before it. The commission  
6 shall permit such further appeal by any of the parties interested in a  
7 decision of an appeal tribunal which is not unanimous and by the  
8 deputy whose decision has been overruled or modified by an appeal  
9 tribunal. The commission may remove to itself or transfer to another  
10 appeal tribunal the proceedings on any claim pending before an ap-  
11 peal tribunal. Any proceeding so removed to the commission shall be

12 heard in accordance with the requirements of sec. 6 (c), by the full  
13 membership of the commission, or, in the absence or disqualification of  
14 the labor representative or the employer representative on the commis-  
15 sion, by the public representative acting alone. The commission shall  
16 promptly notify the interested parties of its findings and decision.

1     **SEC. 6 (f). Procedure**—The manner in which disputed claims shall  
2 be presented, the reports thereon required from the claimant and from  
3 employers, and the conduct of hearings and appeals shall be in accord-  
4 ance with rules prescribed by the commission for determining the  
5 rights of the parties, whether or not such rules conform to common  
6 law or statutory rules of evidence and other technical rules of pro-  
7 cedure. A full and complete record shall be kept of all proceedings  
8 in connection with a disputed claim. All testimony at any hearing  
9 upon a disputed claim shall be recorded, but need not be transcribed  
10 unless the disputed claim is further appealed.

1     **SEC. 6 (g). Witness fees**—Witnesses subpoenaed pursuant to this  
2 section shall be allowed fees and necessary traveling expenses at a  
3 rate fixed by the commission, which fees shall be charged to the un-  
4 employment compensation administration fund of the commission.

1     **SEC. 6 (h). Appeal to courts**—Any decision of the commission in  
2 the absence of an appeal therefrom as herein provided shall become  
3 final ten days after the date of notification or mailing thereof, and  
4 judicial review thereof shall be permitted only after any party claim-  
5 ing to be aggrieved thereby has exhausted his remedies before the  
6 commission as provided by this act. The commission shall be deemed  
7 to be a party to any judicial action involving any such decision, and  
8 may be represented in any such judicial action by any qualified at-  
9 torney who is a regular salaried employee of the commission or who  
10 has been designated by the commission for that purpose, or at the  
11 commission's request, by the attorney general.

1     **SEC. 6 (i). Court review**—Within ten days after the decision of the  
2 commission has become final, any party aggrieved thereby may secure  
3 judicial review thereof by commencing an action in the district court  
4 of the county in which the aggrieved party was last employed or re-  
5 sides, against the commission for the review of its decision, in which  
6 action any other party to the proceeding before the commission shall  
7 be made a defendant. In such action, a petition which need not be  
8 verified, but which shall state the grounds upon which a review is  
9 sought, shall be served on a member of the commission or upon such  
10 person as the commission may designate and such service shall be  
11 deemed completed service on all parties, but there shall be left with  
12 the party so served as many copies of the petition as there are de-  
13 fendants and the commission shall forthwith mail one such copy to  
14 each such defendant. With its answer, the commission shall certify  
15 and file with said court all documents and papers and a transcript  
16 of all testimony taken in the matter, together with its findings of fact  
17 and decision therein. The transcript as certified and filed by the com-  
18 mission shall be the record on which the appeal shall be heard, and no  
19 additional evidence shall be heard. In the absence of fraud the find-  
20 ings of fact made by the commission within its powers shall be con-  
21 clusive. The commission may also, in its discretion, certify to such

22 courts, questions of law involved in any decision by it. Such actions,  
23 and the questions so certified, shall be heard in a summary manner  
24 and shall be given precedence over all other civil cases except cases  
25 arising under the workmen's compensation law of this state.

1 **SEC. 6 (j). Decision on appeal**—Any order or decision of the com-  
2 mission may be modified, reversed, or set aside on one or more of the  
3 following grounds and on no other:

4 1. If the commission acted without or in excess of its powers.

5 2. If the order or decree was procured by fraud.

6 3. If the facts found by the commission do not support the order  
7 or decree.

8 4. If there is not sufficient competent evidence in the record to war-  
9 rant the making of the order or decision.

1 **SEC. 6 (k). Judgment or order remanding**—When the district court,  
2 on appeal, reverses or sets aside an order or decision of the commis-  
3 sion, it may remand the case to the commission for further proceedings  
4 in harmony with the holdings of the court, or it may enter the proper  
5 judgment, as the case may be. Such judgment or decree shall have the  
6 same force and effect as if action had been originally brought and  
7 tried in said court.

1 **SEC. 6 (l). Appeal**—An appeal may be taken from any final order,  
2 judgment, or decree of the district court to the supreme court of Iowa,  
3 in the same manner, but not inconsistent with the provisions of this  
4 act, as is provided in civil cases. It shall not be necessary in any  
5 judicial proceeding under this section, to enter exceptions to the rul-  
6 ings of the commission and no bond shall be required for entering  
7 such appeal. Upon the final determination of such judicial proceed-  
8 ing, the commission shall enter an order in accordance with such de-  
9 termination. A petition for judicial review shall not act as a super-  
10 sedeas or stay unless the commission shall so order.

### CONTRIBUTIONS

1 **SEC. 7 (a). Payment**

2 (1) On and after July 1, 1936, contributions shall accrue and be-  
3 come payable by each employer with respect to wages payable for  
4 employment as defined in section 19 (g) occurring during such calen-  
5 dar year except that for the six months period beginning July 1, 1936,  
6 such contributions shall accrue and become payable solely from em-  
7 ployers with respect to wages payable for employment occurring on  
8 and after July 1, 1936. Such contributions shall become due and be  
9 paid to the commission for the fund at such time and in such manner  
10 as the commission may prescribe. Contributions required from an  
11 employer shall not be deducted, in whole or in part, from the wages  
12 of individuals in his employ.

13 (2) In the payment of any contribution, a fractional part of a cent  
14 shall be disregarded unless it amounts to one-half cent or more, in  
15 which case it shall be increased to one cent.

1 **SEC. 7 (b). Rate of contribution by employers.** Each employer  
2 shall pay contributions equal to the following percentages of wages  
3 payable by him with respect to employment:

4 (1) One and eight-tenths percentum with respect to employment  
5 for the six months' period beginning July 1, 1936, provided that if the



6 total of such contributions at such one and eight-tenths percentum  
7 rate equals less than nine-tenths of one percentum of the annual pay-  
8 roll of any employer for the calendar year 1936, such employer shall  
9 pay, at such time as the commission shall prescribe, an additional lump  
10 sum contribution with respect to employment for such six months'  
11 period beginning July 1, 1936, equal to the difference between nine-  
12 tenths of one percentum of his annual payroll for the calendar year  
13 1936 and the total of his contributions at such one and eight-tenths  
14 percentum rate for such six months' period beginning July 1, 1936,  
15 and provided further that in no event shall employers' contributions  
16 at such one and eight-tenths percentum rate exceed nine-tenths of  
17 one percentum of his annual payroll for the calendar year 1936.

18 (2) One and eight-tenths percentum with respect to employment  
19 in the calendar year 1937;

20 (3) Two and seven-tenths percentum with respect to employment  
21 during the calendar years 1938, 1939, 1940, 1941; and

22 (4) With respect to employment after December 31, 1941, the per-  
23 centage determined pursuant to subsection (c) of this section.

1 **SEC. 7 (c). Future rates based on benefit experience.**

2 (1) The commission shall maintain a separate account for each  
3 employer, and shall credit his account with all the contributions which  
4 he has paid on his own behalf. But nothing in this act shall be con-  
5 strued to grant any employer or individuals in his service prior claims  
6 or rights to the amounts paid by him into the fund either on his own  
7 behalf or on behalf of such individuals. Benefits paid to an eligible  
8 individual shall be charged against the account of his most recent  
9 employers, against whose accounts the maximum charges hereunder  
10 have not previously been made, in the inverse chronological order in  
11 which the employment of such individual occurred, but the maximum  
12 amount so charged against the account of any employer shall not ex-  
13 ceed one-sixth of the wages payable to such individual by each such  
14 employer for employment which occurs on and after the first day of  
15 such individual's base period, or (\$65.00) sixty-five dollars per com-  
16 pleted calendar quarter or portion thereof, whichever is the lesser.  
17 The commission shall by general rules prescribe the manner in which  
18 benefits shall be charged against the accounts of several employers for  
19 whom an individual performed employment during the same week.

20 (2) The commission may prescribe regulations for the establish-  
21 ment, maintenance, and dissolution of joint accounts by two or more  
22 employers, and shall, in accordance with such regulations and upon  
23 application by two or more employers to establish such an account, or  
24 to merge their several individual accounts in a joint account, main-  
25 tain such joint account as if it constituted a single employer's account.

26 (3) Each employer's rate shall be two and seven-tenths percentum,  
27 except as otherwise provided in the preceding or following provisions  
28 of this section. No employer's rate shall be less than two and seven-  
29 tenths percentum after Dec. 31, 1937, unless and until there shall have  
30 been three calendar years after he becomes liable for contributions  
31 under this act throughout which any individual in his employ could  
32 have received benefits if eligible.

33 (4) Each employer's rate for the twelve months commencing Jan-  
34 uary 1 of any calendar year, after December 31, 1941, shall be de-  
35 termined on the basis of his record up to the beginning of such cal-

36 endar year. If, at the beginning of such calendar year, the total of  
 37 all his contributions, paid on his own behalf, for all past years exceeds  
 38 the total benefits charged to his accounts for all such years, his con-  
 39 tribution rate shall be:

40 (a) One and eight-tenths percentum, if such excess equals or ex-  
 41 ceeds ( $7\frac{1}{2}$ ) seven and one-half but is less than (10) ten percentum of  
 42 his average annual pay roll (as defined in section 19 (a) (2));

43 (b) Nine-tenths of (1) one percentum, if such excess equals or  
 44 exceeds (10) ten percentum of his average annual pay roll. If the  
 45 total of his contributions, paid on his own behalf for all past periods  
 46 or for the past sixty consecutive calendar months, whichever period  
 47 is more advantageous to such employer for the purposes of this para-  
 48 graph, is less than the total benefits charged against his account during  
 49 the same period, his rate shall be ( $3\frac{6}{10}$ ) three and six-tenths per-  
 50 centum.

51 (5) No employer's rate for the period of twelve months commenc-  
 52 ing January 1 of any calendar year after December 31, 1937, shall be  
 53 less than ( $2\frac{7}{10}$ ) two and seventh-tenths percentum, unless the total  
 54 assets of the fund, excluding contributions not yet paid at the begin-  
 55 ning of such calendar year, exceed the total benefits paid from the fund  
 56 within the last preceding calendar year; and no employer's rate shall  
 57 be less than ( $1\frac{8}{10}$ ) one and eight-tenths per centum unless such  
 58 assets at such time were at least twice the total benefits paid from the  
 59 fund within such last preceding year.

#### PERIOD, ELECTION, AND TERMINATION OF EMPLOYER'S COVERAGE

1 SEC. 8 (a). Any employing unit which is or becomes an employer  
 2 subject to this act within any calendar year shall be subject to this  
 3 act during the whole of such calendar year.

1 SEC. 8 (b). Except as otherwise provided in subsection (c) of this  
 2 section, an employing unit shall cease to be an employer subject to  
 3 this act, as of the 1st day of January of any calendar year, if it files  
 4 with the commission, prior to the 5th day of January of such year, a  
 5 written application for termination of coverage, and the commission  
 6 finds that there was no fifteen different weeks within the preceding  
 7 calendar year, within which such employing unit employed eight or  
 8 more individuals in employment subject to this act. For the purpose  
 9 of this subsection, the two or more employing units mentioned in  
 10 paragraph (2) or (3) or (4) of section 19 (f) shall be treated as a  
 11 single employing unit.

1 SEC. 8 (c) (1). An employing unit, not otherwise subject to this  
 2 act, which files with the commission its written election to become an  
 3 employer subject hereto for not less than two calendar years, shall  
 4 with the written approval of such election by the commission, become  
 5 an employer subject hereto to the same extent as all other employers,  
 6 as of the date stated in such approval, and shall cease to be subject  
 7 hereto as of January 1 of any calendar year subsequent to such two  
 8 calendar years, only if at least thirty days prior to such 1st day of  
 9 January, it has filed with the commission a written notice to that  
 10 effect.

11 (2) Any employing unit for which services that do not constitute  
 12 employment as defined in this act are performed, may file with the  
 13 commission a written election that all such services performed by  
 14 individuals in its employ in one or more distinct establishments or  
 15 places of business shall be deemed to constitute employment for all  
 16 the purposes of this act for not less than two calendar years. Upon  
 17 the written approval of such election by the commission, such services  
 18 shall be deemed to constitute employment subject to this act from  
 19 and after the date stated in such approval. Such services shall cease  
 20 to be deemed employment subject hereto as of January 1, of any cal-  
 21 endar year subsequent to such two calendar years, only if at least  
 22 thirty days prior to such 1st day of January such employing unit has  
 23 filed with the commission a written notice to that effect.

#### UNEMPLOYMENT COMPENSATION FUND

1 SEC. 9 (a). **Establishment and control**—There is hereby established  
 2 as a special fund, separate and apart from all public moneys or funds  
 3 of this state, an unemployment compensation fund, which shall be  
 4 administered by the commission exclusively for the purposes of this  
 5 act. This fund shall consist of: (1) all contributions collected under  
 6 this act, together with any interest thereon collected pursuant to  
 7 section 14 of this act; (2) all fines and penalties collected pursuant  
 8 to the provisions of this act; (3) interest earned upon any moneys in  
 9 the fund; (4) any property or securities acquired through the use  
 10 of moneys belonging to the fund; and (5) all earnings of such prop-  
 11 erty or securities. All moneys in the fund shall be mingled and un-  
 12 divided.

1 SEC. 9 (b). **Accounts and deposits**—The state treasurer shall be  
 2 ex-officio treasurer and custodian of the fund and shall administer  
 3 such fund in accordance with the directions of the commission. The  
 4 state comptroller shall issue warrants upon the fund pursuant to the  
 5 order of the commission and such warrants shall be paid from the  
 6 fund by the treasurer. The treasurer shall maintain within the fund  
 7 three separate accounts: (1) A clearing account, (2) an unemploy-  
 8 ment trust fund account, and (3) a benefit account. All moneys pay-  
 9 able to the fund shall, upon receipt thereof by the commission, be  
 10 forwarded to the treasurer who shall immediately deposit them in the  
 11 clearing account. Refunds payable pursuant to section 14 of this act  
 12 shall be paid by the treasurer from the clearing account upon war-  
 13 rants issued by the comptroller under the direction of the commission.  
 14 After clearance thereof, all other moneys in the clearing account shall  
 15 be immediately deposited with the secretary of the treasury of the  
 16 United States of America to the credit of the account of this state in  
 17 the unemployment trust fund, established and maintained pursuant  
 18 to section 904 of the social security act as amended, any provisions of  
 19 law in this state relating to the deposit, administration, release or  
 20 disbursement of moneys in the possession or custody of this state to  
 21 the contrary notwithstanding. The benefit account shall consist of  
 22 all moneys requisitioned from this state's account in the unemploy-  
 23 ment trust fund. Except as herein otherwise provided moneys in the  
 24 clearing and benefit account may be deposited by the treasurer, under  
 25 the direction of the commission, in any bank or public depository in  
 26 which general funds of the state may be deposited, but no public

27 deposit insurance charge or premium shall be paid out of the fund.  
28 The treasurer shall give a separate bond conditioned upon the faithful  
29 performance of his duties as custodian of the fund in an amount fixed  
30 by the governor and in form and manner prescribed by law. Premiums  
31 for said bond shall be paid from the administration fund.

1 **SEC. 9 (c). Withdrawals**—Moneys shall be requisitioned from this  
2 state's account in the unemployment trust fund solely for the payment  
3 of benefits and in accordance with regulations prescribed by the com-  
4 mission. The commission shall from time to time requisition from  
5 the unemployment trust fund such amounts, not exceeding the amounts  
6 standing to the account of this state therein, as the commission deems  
7 necessary for the payment of benefits for a reasonable future period.  
8 Upon receipt thereof the treasurer shall deposit such moneys in the  
9 benefit account, and shall disburse such moneys upon warrants drawn  
10 by the comptroller pursuant to the order of the commission for the  
11 payment of benefits solely from such benefit account. Expenditures  
12 of such moneys from the benefit account and refunds from the clear-  
13 ing account shall not be subject to any provisions of law requiring  
14 specific appropriations or other formal release by state officers of  
15 money in their custody. All warrants issued by the comptroller for  
16 the payment of benefits and refunds shall bear the signature of the  
17 comptroller. Any balance of moneys requisitioned from the unemploy-  
18 ment trust fund which remains unclaimed or unpaid in the benefit ac-  
19 count after the expiration of the period for which such sums were  
20 requisitioned shall either be deducted from estimates for, and may be  
21 utilized for the payment of, benefits during succeeding periods, or,  
22 in the discretion of the commission, shall be redeposited with the sec-  
23 retary of the treasury of the United States of America, to the credit  
24 of this state's account in the unemployment trust fund, as provided in  
25 the subsection (b) of this section.

1 **SEC. 9 (d). Management of funds in the event of discontinuance of**  
2 **unemployment trust fund**—The provisions of subsections (a), (b), and  
3 (c) to the extent that they relate to the unemployment trust fund  
4 shall be operative only so long as such unemployment trust fund  
5 continues to exist and so long as the secretary of the treasury of the  
6 United States of America continues to maintain for this state a separate  
7 book account of all funds deposited therein by this state for benefit  
8 purposes, together with this state's proportionate share of the earn-  
9 ings of such unemployment trust fund, from which no other state is  
10 permitted to make withdrawals. If and when such unemployment  
11 trust fund ceases to exist, or such separate book account is no longer  
12 maintained, all moneys, properties, or securities therein belonging  
13 to the unemployment compensation fund of this state shall be trans-  
14 ferred to the treasurer of the unemployment compensation fund, who  
15 shall hold, invest, transfer, sell, deposit, and release such moneys, prop-  
16 erties, or securities in a manner approved by the commission, in  
17 accordance with the provisions of this act: Provided, That such  
18 moneys shall be invested in the following readily marketable classes  
19 of securities; such securities as are authorized by the laws of the state  
20 of Iowa for the investment of trust funds. The treasurer shall dis-  
21 pose of securities and other properties belonging to the unemploy-  
22 ment compensation fund only under the direction of the commission.

## UNEMPLOYMENT COMPENSATION COMMISSION

1     **SEC. 10(a). Unemployment compensation commission**—There is  
2 hereby created a commission to be known as the Iowa unemployment  
3 compensation commission. The commission shall consist of three (3)  
4 members who shall devote their entire time to the duties of their  
5 office; one of whom shall be a representative of labor, one of whom  
6 shall be a representative of employers, and one of whom shall be im-  
7 partial and shall represent the public generally. During his term of  
8 membership on the commission no member shall serve as an officer  
9 or committee member of any political party organization, and not  
10 more than two members of the commission shall be members of the  
11 same political party. Each of the three (3) members of the com-  
12 mission shall be appointed by the governor immediately after the  
13 effective date of this act, subject to approval by a two-thirds vote of  
14 the members of the senate in executive session, and shall serve for  
15 a term of six (6) years, or until his successor is appointed and qual-  
16 fied, except that

17     (1) Any member appointed to fill a vacancy occurring prior to the  
18 expiration of the term for which his predecessor was appointed shall  
19 be appointed for the remainder of such term, and

20     (2) The terms of the members first appointed after the date of  
21 enactment of this act shall expire, as designated by the governor at  
22 the time of appointment, one member on June 30, 1939, and one mem-  
23 ber on June 30, 1941, and one member on June 30, 1943, or in each  
24 of the foregoing instances until his successor is appointed and qualified.

25     The governor may at any time, after notice and hearing, remove  
26 any commissioner for gross inefficiency, neglect of duty, malfeasance,  
27 misfeasance, or nonfeasance in the performance of his duties as a  
28 member of the commission. Before entering upon the discharge of  
29 his official duties, each member of the commission shall take and sub-  
30 scribe to an oath of office, which shall be filed in the office of the sec-  
31 retary of state. Any vacancy occurring for any cause in the mem-  
32 bership of this commission shall be filled for the unexpired term by  
33 appointment by the governor subject to approval by a two-thirds vote  
34 of the members of the senate in executive session at the next regular  
35 session of the legislature. Each member of the commission shall be  
36 entitled to receive as compensation for his services the sum of \$4500.00  
37 per year, payable monthly. In addition to the compensation herein-  
38 before prescribed, each member of the commission shall be entitled  
39 to receive the amount of his traveling and other necessary expenses  
40 actually incurred while engaged in the performance of his official  
41 duties. For the purposes of this act the first meeting in January shall  
42 be designated the annual meeting. Two members of the commission  
43 shall constitute a quorum for the transaction of business. At its  
44 first meeting, and at each annual meeting held thereafter, the com-  
45 mission shall organize by the election of a chairman and vice chair-  
46 man from its own number, each of whom, except those first elected,  
47 shall serve for a term of one year and until his successor is elected.  
48 The commission shall adopt and use an official seal for the authentica-  
49 tion of its orders and records. The commission shall establish and  
50 maintain its principal place of business in the city of Des Moines.

1     **SEC. 10 (b). Secretary.**—The commission shall select and appoint a  
2 secretary of the commission. He shall serve at the pleasure of the

3 commission and shall perform such duties and receive a salary not  
 4 to excede\* \$2400.00 per year. Before entering upon the discharge of  
 5 his official duties the secretary shall execute a bond, payable to the  
 6 state of Iowa in such amount and with such sureties as shall be ap-  
 7 proved by the commission, conditioned upon the faithful discharge  
 8 of his official duties, and he shall likewise take and subscribe an oath,  
 9 which shall be endorsed upon his official bond, and the bond and oath  
 10 when so executed shall be filed in the office of the secretary of state.

1 SEC. 10 (c). **Divisions**—The commission shall establish two co-  
 2 ordinate divisions: the Iowa state employment service division created  
 3 pursuant to section 12 of this act, and the unemployment compensa-  
 4 tion division. Each division shall be responsible for the discharge  
 5 of its distinctive functions. Each division shall be a separate ad-  
 6 ministrative unit with respect to personnel, budget and duties, but  
 7 shall coordinate one with the other in such manner as the commission  
 8 may prescribe.

#### ADMINISTRATION

1 SEC. 11 (a). **Duties and powers of commission**—It shall be the duty  
 2 of the commission to administer this act; and it shall have power and  
 3 authority to adopt, amend, or rescind such rules and regulations, to  
 4 employ such persons, make such expenditures, require such reports,  
 5 make such investigations, and take such other action as it deems  
 6 necessary or suitable to that end. Such rules and regulations shall  
 7 be effective upon publication in the manner, not inconsistent with the  
 8 provisions of this act, which the commission shall prescribe. Not  
 9 later than the 15th day of February of each year, the commission shall  
 10 submit to the governor a report covering the administration and  
 11 operation of this act during the preceding calendar year and shall make  
 12 such recommendations for amendments to this act as the commission  
 13 deems proper. Such report shall include a balance sheet of the moneys  
 14 in the fund. Whenever the commission believes that a change in  
 15 contribution or benefit rates will become necessary to protect the  
 16 solvency of the fund, it shall promptly so inform the governor and  
 17 the legislature, and make recommendations with respect thereto.

1 SEC. 11 (b). **Regulations and general and special rules**—General  
 2 and special rules may be adopted, amended, or rescinded by the com-  
 3 mission only after public hearing or opportunity to be heard thereon,  
 4 of which proper notice has been given. General rules shall become  
 5 effective ten days after filing with the secretary of state and publica-  
 6 tion in one or more newspapers of general circulation in this state.  
 7 Special rules shall become effective ten days after notification to or  
 8 mailing to the last known address of the individuals on concerns af-  
 9 fected thereby. Regulations may be adopted, amended, or rescinded  
 10 by the commission and shall become effective in the manner and at  
 11 the time prescribed by the commission. Each employer shall post and  
 12 maintain printed statements of all regulations in places readily ac-  
 13 cessible to individuals in his service, and shall make available to each  
 14 such individual at the time he becomes unemployed a printed state-  
 15 ment of such regulations relating to the filing of claims for benefits.

\*Note: According to enrolled bill.

16 Such printed statements shall be supplied by the commission to each  
17 employer without cost to him.

1     **SEC. 11 (c). Publication**—The commission shall cause to be printed  
2 for distribution to the public the text of this act, the commission's  
3 regulations and general rules, its annual reports to the governor, and  
4 any other material the commission deems relevant and suitable and  
5 shall furnish the same to any person upon application therefor.

1     **SEC. 11 (d). Personnel**—Subject to other provisions of this act, the  
2 commission is authorized to appoint, fix the compensation, but not to  
3 exceed for any employee twenty-four hundred dollars (\$2400.00) per  
4 year except the compensation for certified public accountants, actuaries  
5 which shall not exceed thirty-six hundred dollars (\$3600.00) per  
6 year, and legal counsel which shall not exceed four thousand dollars  
7 (\$4000.00) per year, provided, however, that the above scale of com-  
8 pensation shall not apply to the Iowa state employment service divi-  
9 sion provided for in sec. 12 (a) of this act, and prescribe the duties  
10 and powers of such officers, accountants, attorneys, experts, and other  
11 persons as may be necessary in the performance of its duties. The  
12 commission shall classify its positions and shall establish salary  
13 schedules and minimum personnel standards for the positions so  
14 classified. All positions shall be filled by persons selected and ap-  
15 pointed on the basis of competency and fitness for the position to be  
16 filled. The commission shall not appoint or employ any person who  
17 is an officer or committee member of any political party organization  
18 or who holds or is a candidate for any elective public office. The  
19 commission shall establish and enforce fair and reasonable regula-  
20 tions for appointments, promotions and demotions based upon rat-  
21 ings of efficiency and fitness and for terminations for cause. The  
22 commission may delegate to any such person so appointed such power  
23 and authority as it deems reasonable and proper for the effective  
24 administration of this act, and may in its discretion bond any person  
25 handling moneys or signing checks hereunder. Not more than sixty  
26 per cent of the employees of the said commission shall be members  
27 of any one political party.

1     **SEC. 11 (e). Advisory councils**—The commission may appoint a  
2 state advisory council and local advisory councils, composed in each  
3 case of an equal number of employer representatives and employee  
4 representatives who may fairly be regarded as representatives because  
5 of their vocation, employment, or affiliations, and of such members  
6 representing the general public as the commission may designate.  
7 Such councils shall aid the commission in formulating policies and  
8 discussing problems related to the administration of this act and in  
9 assuring impartiality and freedom from political influence in the  
10 solution of such problems. Such advisory councils shall serve without  
11 compensation, but shall be reimbursed for any necessary expenses.

1     **SEC. 11 (f). Employment stabilization**—The commission with  
2 the advice and aid of such advisory councils as it may appoint, and  
3 through the appropriate divisions, shall take all appropriate steps to  
4 reduce and prevent unemployment; to encourage and assist in the  
5 adoption of practical methods of vocational training, retraining and

6 vocational guidance; to investigate, recommend, advise, and assist  
7 in the establishment and operation, by municipalities, counties, school  
8 districts, and the state, of reserves for public works to be used in times  
9 of business depression and unemployment; to promote the reemploy-  
10 ment of unemployed workers throughout the state in every other way  
11 that may be feasible; and to these ends to carry on and publish the  
12 results of investigations and research studies.

1     **SEC. 11 (g). Records and reports**—Each employing unit shall keep  
2 true and accurate work records, containing such information as the  
3 commission may prescribe. Such records shall be open to inspection  
4 and be subject to being copied by the commission or its authorized  
5 representatives at any reasonable time and as often as may be neces-  
6 sary. The commission may require from any employing unit any  
7 sworn or unsworn reports, with respect to persons employed by it,  
8 which the commission deems necessary for the effective administration  
9 of this act. Information thus obtained shall not be published or be  
10 open to public inspection (other than to public employees in the per-  
11 formance of their public duties) in any manner revealing the employ-  
12 ing unit's identity, but any claimant at a hearing before an appeal  
13 tribunal or the commission shall be supplied with information from  
14 such records to the extent necessary for the proper presentation of  
15 his claim. Any employee or member of the commission who violates  
16 any provision of this section shall be fined not less than (\$20.00)  
17 twenty dollars nor more than (\$200.00) two hundred dollars, or im-  
18 prisoned for not longer than ninety days, or both.

1     **SEC. 11 (h). Oaths and witnesses**—In the discharge of the duties  
2 imposed by this act, the chairman of an appeal tribunal and any duly  
3 authorized representative or member of the commission shall have  
4 power to administer oaths and affirmations, take depositions, certify  
5 to official acts, and issue subpoenas to compel the attendance of wit-  
6 nesses and the production of books, papers, correspondence, memo-  
7 randa, and other records deemed necessary as evidence in connection  
8 with a disputed claim or the administration of this act.

1     **SEC. 11 (i). Subpoenas**—In case of contumacy by, or refusal to  
2 obey a subpoena issued to any person, any court of this state within  
3 the jurisdiction of which the inquiry is carried on or within the juris-  
4 diction of which said person guilty of contumacy or refusal to obey  
5 is found or resides or transacts business, upon application by the  
6 commission, or appeal tribunal, or any member or duly authorized  
7 representative thereof, shall have jurisdiction to issue to such person  
8 an order requiring such person to appear before the commission, or  
9 an appeal tribunal, there to produce evidence if so ordered or there  
10 to give testimony touching the matter under investigation or in ques-  
11 tion; any failure to obey such order of the court may be punished by  
12 said court as a contempt thereof. Any person who shall without  
13 just cause fail or refuse to attend and testify or to answer any lawful  
14 inquiry or to produce books, papers, correspondence, memoranda, and  
15 other records, if it is in his power to do so, in obedience to a subpoena,  
16 shall be punished by a fine of not more than (\$200.00) two hundred  
17 dollars or by imprisonment, for not longer than sixty days, or by  
18 both such fine and imprisonment, and each day such violation continues  
19 shall be deemed to be a separate offense.



1     **SEC. 11 (j). Protection against self-incrimination**—No person shall  
2 be excused from attending and testifying or from producing books,  
3 papers, correspondence, memoranda, and other records before the  
4 commission, or an appeal tribunal, or in obedience to a subpoena in  
5 any cause or proceeding provided for in this act, on the ground that  
6 the testimony or evidence, documentary or otherwise, required of him  
7 may tend to incriminate him or subject him to a penalty or forfeiture;  
8 but no individual shall be prosecuted or subjected to any penalty of  
9 forfeiture for or on account of any transaction, matter, or thing concern-  
10 ing which he is compelled, after having claimed his privilege  
11 against self-incrimination, to testify or produce evidence, documentary  
12 or otherwise, except that such individual so testifying shall not be  
13 exempt from prosecution and punishment for perjury committed in  
14 so testifying.

1     **SEC. 11 (k). State-federal cooperation**—In the administration of  
2 this act, the commission shall cooperate to the fullest extent consistent  
3 with the provisions of this act, with the federal social security board,  
4 created by the social security act, passed by congress and approved  
5 August 14, 1935, as amended; shall make such reports, in such form  
6 and containing such information as the federal social security board  
7 may from time to time require, and shall comply with such provisions  
8 as the federal social security board may from time to time find neces-  
9 sary to assure the correctness and verification of such reports; and  
10 shall comply with the regulations prescribed by the federal social  
11 security board governing the expenditures of such sums as may be  
12 allotted and paid to this state under title III of the social security act  
13 for the purpose of assisting in administration of this act. Upon  
14 request therefor the commission shall furnish to any agency of the  
15 United States charged with the administration of public works or  
16 assistance through public employment, the name, address, ordinary  
17 occupation, and employment status of each recipient of benefits and  
18 such recipient's rights to further benefits under this act.

#### EMPLOYMENT SERVICE

1     **SEC. 12 (a). State employment service**—The Iowa state employ-  
2 ment service, as provided in chapters 75 and 77 of the code of Iowa,  
3 is hereby transferred to the commission as a division thereof, which  
4 shall establish and maintain free public employment offices in such  
5 number and in such places as may be necessary for the proper adminis-  
6 tration of this act and for the purpose of performing such duties as  
7 are within the purview of the act of Congress entitled "An act to  
8 provide for the establishment of a national employment system and  
9 for cooperation with the states in the promotion of such system, and  
10 for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C.,  
11 title 29, sec. 49, as amended). The said division shall be administered  
12 by a full-time salaried director, who shall be charged with the duty  
13 to cooperate with any official or agency of the United States having  
14 powers or duties under the provisions of the said act of Congress, as  
15 amended, and to do and perform all things necessary to secure to this  
16 state the benefits of the said act of Congress, as amended, in the pro-  
17 motion and maintenance of a system of public employment offices.  
18 The Iowa state employment service division is hereby designated and  
19 constituted the agency of this state for the purposes of said act. The

20 commission is directed to appoint the director, other officers and em-  
 21 ployees of the Iowa state employment service. Such appointment shall  
 22 be made in accordance with regulations prescribed by the director  
 23 of the United States employment service. If this act shall become  
 24 inoperative for the reason prescribed in section 24 of this act, the  
 25 Iowa state employment division shall not be affected thereby, but such  
 26 division shall, upon the happening of such contingency, be deemed to  
 27 be a division of the bureau of labor of the state of Iowa, with the same  
 28 force and effect as if this act had not been passed, and that all funds  
 29 and property made available to the Iowa state employment service  
 30 division under this act shall under such contingency become, and shall  
 31 be declared to be, the funds and property of the Iowa state employment  
 32 service of the bureau of labor of Iowa.

1     **SEC. 12 (b). Financing**—All moneys received by this state under  
 2 the said act of Congress, as amended, shall be paid into the special  
 3 “employment service account” in the unemployment compensation ad-  
 4 ministration fund, and said moneys are hereby made available to the  
 5 Iowa state employment service to be expended as provided by this  
 6 section and by said act of Congress. For the purpose of establishing  
 7 and maintaining free public employment offices, said division is  
 8 authorized to enter into agreements with any political subdivision of  
 9 this state or with any private, nonprofit organization, and as a part  
 10 of any such agreement the commission may accept moneys, services,  
 11 or quarters as a contribution to the employment service account.

#### UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

1     **SEC. 13 (a). Special fund**—There is hereby created in the state  
 2 treasury a special fund to be known as the unemployment compensa-  
 3 tion administration fund. All moneys which are deposited or paid  
 4 into this fund are hereby appropriated and made available to the  
 5 commission. All moneys in this fund shall be expended solely for  
 6 the purpose of defraying the cost of the administration of this act,  
 7 and for no other purpose whatsoever. The fund shall consist of all  
 8 moneys appropriated by this state, and all moneys received from the  
 9 United States of America, or any agency thereof, including the social  
 10 security board and the United States employment service, or from  
 11 any other source, for such purpose. All moneys in this fund shall  
 12 be deposited, administered, and disbursed, in the same manner and  
 13 under the same conditions and requirements as is provided by law for  
 14 special funds in the state treasury. Any balances in this fund shall  
 15 not lapse at any time, but shall be continuously available to the com-  
 16 mission for expenditure consistent with this act. The state treasurer  
 17 shall give a separate and additional bond conditioned upon the faithful  
 18 performance of his duties in connection with the unemployment com-  
 19 pensation administration fund in an amount and with such sureties  
 20 as shall be fixed and approved by the governor. The premiums for  
 21 such bond and the premiums for the bond given by the treasurer of  
 22 the unemployment compensation fund under section 9 of this act,  
 23 shall be paid from\* the moneys in the unemployment administration  
 24 fund.

\* Note: In accordance with enrolled bill.

1     **SEC. 13 (b). Employment service account**—A special “Employment  
2 service account” shall be maintained as a part of the unemployment  
3 compensation administration fund for the purpose of maintaining the  
4 public employment offices established pursuant to section 12 of this  
5 act and for the purpose of cooperating with the United States employ-  
6 ment service. There is hereby transferred to the employment service  
7 account of the unemployment compensation administration fund, the  
8 unexpended balance of any money heretofore appropriated or received  
9 for the Iowa state employment service. In addition, there shall be  
10 paid into such account the moneys designated in section 12(b) of  
11 this act, and such moneys as are apportioned for the purpose of this  
12 account from any moneys received by this state under title III of  
13 the social security act, as amended.

#### COLLECTION OF CONTRIBUTIONS

1     **SEC. 14 (a). Interest on past-due contributions**—Contributions un-  
2 paid on the date on which they are due and payable, as prescribed by  
3 the commission, shall bear interest at the rate of 1 per centum per  
4 month from and after such date until payment plus accrued interest  
5 is received by the commission, provided that the commission may  
6 prescribe fair and reasonable regulations pursuant to which such  
7 interest shall not accrue with respect to contributions required for the  
8 calendar year 1936. Interest collected pursuant to this subsection  
9 shall be paid into the unemployment compensation fund.

1     **SEC. 14 (b). Collection**—If, after due notice, any employer defaults  
2 in any payment of contributions or interest thereon, the amount due  
3 shall be collected by civil action in the name of the commission, and  
4 the employer adjudged in default shall pay the costs of such action.  
5 Civil actions brought under this section to collect contributions or  
6 interest thereon from an employer shall be heard by the court at the  
7 earliest possible date and shall be entitled to preference upon the  
8 calendar of the court over all other civil actions except petitions for  
9 judicial review under this act and cases arising under the workmen’s  
10 compensation law of this state.

1     **SEC. 14 (c). Priorities under legal dissolutions or distributions**—  
2 In the event of any distribution of an employer’s assets pursuant to  
3 an order of any court under the laws of this state, including any  
4 receivership, assignment for benefit of creditors, adjudicated insol-  
5 vency, composition, or similar proceeding, contributions then or there-  
6 after due shall be paid in full prior to all other claims except taxes  
7 and claims for wages preferred as provided by statute. In the event  
8 of an employer’s adjudication in bankruptcy, judicially confirmed ex-  
9 tension proposal, or composition, under the federal bankruptcy act  
10 of 1898, as amended, contributions then or thereafter due shall be  
11 entitled to such priority as is provided in section 64(b) of that act  
12 (U. S. C., title II, sec. 104(b), as amended).

1     **SEC. 14 (d). Refunds**—If not later than one year after the date on  
2 which any contributions or interest thereon became due, an employer  
3 who has paid such contributions or interest thereon shall make appli-  
4 cation for an adjustment thereof in connection with subsequent con-  
5 tribution payments, or for a refund thereof because such adjustment

6 cannot be made, and the commission shall determine that such contri-  
 7 butions or interest or any portion thereof was erroneously collected,  
 8 the commission shall allow such employer to make an adjustment  
 9 thereof, without interest, in connection with subsequent contribution  
 10 payments by him, or if such adjustment cannot be made the commis-  
 11 sion shall refund said amount, without interest, from the fund. For  
 12 like cause and within the same period, adjustment or refund may be  
 13 so made on the commission's own initiative.

#### PROTECTION OF RIGHTS AND BENEFITS

1 SEC. 15 (a). **Waiver of rights void**—Any agreement by an indi-  
 2 vidual to waive, release, or commute his rights to benefits or any other  
 3 rights under this act shall be void. Any agreement by any individual  
 4 in the employ of any person or concern to pay all or any portion of an  
 5 employer's contributions, required under this act from such employer,  
 6 shall be void. No employer shall directly or indirectly make or require  
 7 or accept any deduction from wages to finance the employer's con-  
 8 tributions required from him, or require or accept any waiver of any  
 9 right hereunder by any individual in his employ. Any employer or  
 10 officer or agent of an employer who violates any provision of this sub-  
 11 section shall, for each offense, be fined not less than (\$100) one hun-  
 12 dred dollars nor more than (\$1,000) one thousand dollars or be im-  
 13 prisoned for not more than six months, or both.

1 SEC. 15 (b). **Limitation of fees**—No individual claiming benefits  
 2 shall be charged fees of any kind in any proceeding under this act by  
 3 the commission or its representatives or by any court or any officer  
 4 thereof. Any individual claiming benefits in any proceeding before  
 5 the commission, or an appeal tribunal or a court may be represented by  
 6 counsel or other duly authorized agent; but no such counsel or agent  
 7 shall either charge or receive for such services more than an amount  
 8 approved by the commission. Any person who violates any provisions  
 9 of this subsection shall, for each such offense, be fined not less than  
 10 (\$50) fifty dollars nor more than (\$500) five hundred dollars, or im-  
 11 prisoned for not more than six months, or both.

1 SEC. 15 (c). **No assignment of benefits; exemptions**—Any assign-  
 2 ment, pledge, or encumbrance of any right to benefits which are or  
 3 may become due or payable under this act shall be void, and such rights  
 4 to benefits shall be exempt from levy, execution, attachment, or any  
 5 other remedy whatsoever provided for the collection of debt; and  
 6 benefits received by any individual, so long as they are not mingled  
 7 with other funds of the recipient, shall be exempt from any remedy  
 8 whatsoever for the collection of all debts. Any waiver of any exemp-  
 9 tion provided for in this subsection shall be void.

1 SEC. 16 (a). **Penalties**—Whoever makes a false statement or rep-  
 2 resentation knowing it to be false or knowingly fails to disclose a  
 3 material fact, to obtain or increase any benefit or other payment  
 4 under this act, either for himself or for any other person, shall be  
 5 punished by a fine of not less than (\$20.00) twenty dollars nor more  
 6 than (\$50.00) fifty dollars or by imprisonment for not longer than  
 7 thirty days, or by both such fine and imprisonment; and each such false  
 8 statement or representation or failure to disclose a material fact shall  
 9 constitute a separate offense.

1 SEC. 16 (b). Any employing unit or any officer or agent of an em-  
2 ploying unit or any other person who makes a false statement or  
3 representation knowing it to be false, or who knowingly fails to dis-  
4 close a material fact, to prevent or reduce the payment of benefits to  
5 any individual entitled thereto, or to avoid becoming or remaining  
6 subject hereto, or to avoid or reduce any contribution or other pay-  
7 ment required from an employing unit under this act, or who wilfully  
8 fails or refuses to make any such contributions or other payment or  
9 to furnish any reports required hereunder or to produce or permit  
10 the inspection or copying of records as required hereunder, shall be  
11 punished by a fine of not less than (\$20.00) twenty dollars nor more  
12 than (\$200.00) two hundred dollars, or by imprisonment for not  
13 longer than sixty days, or by both such fine and imprisonment; and  
14 each such false statement or representation or failure to disclose a  
15 material fact, and each day of such failure or refusal, shall constitute  
16 a separate offense.

1 SEC. 16 (c). Any person who shall wilfully violate any provisions  
2 of this act or any rule or regulation thereunder, the violation of which  
3 is made unlawful or the observance of which is required under the  
4 terms of this act, and for which a penalty is neither prescribed herein  
5 nor provided by any other applicable statute, shall be punished by a  
6 fine of not less than (\$20.00) twenty dollars nor more than (\$200.00)  
7 two hundred dollars or by imprisonment for not longer than sixty  
8 days, or by both such fine and imprisonment, and each day such viola-  
9 tion continues shall be deemed to be a separate offense.

1 SEC. 16 (d). Any person who, by reason of the nondisclosure or  
2 misrepresentation by him or by another, of a material fact (irrespec-  
3 tive of whether such nondisclosure or misrepresentation was known  
4 or fraudulent) has received any sum as benefits under this act while  
5 any conditions for the receipt of benefits imposed by this act were not  
6 fulfilled in his case, or while he was disqualified from receiving bene-  
7 fits, shall, in the discretion of the commission, either be liable to have  
8 such sum deducted from any future benefits payable to him under this  
9 act or shall be liable to repay to the commission for the unemployment  
10 compensation fund, a sum equal to the amount so received by him,  
11 and such sum shall be collectible in the manner provided in section  
12 14 (b) of this act for the collection of past-due contributions.

#### REPRESENTATION IN COURT

1 SEC. 17 (a). In any civil action to enforce the provisions of this  
2 act, the commission and the state may be represented by any qualified  
3 attorney who is a regular salaried employee of the commission and is  
4 designated by it for this purpose or, at the commission's request, by  
5 the attorney general. In case the governor designates special counsel  
6 to defend on behalf of the state, the validity of this act, the expenses  
7 and compensation of such special counsel employed by the commission  
8 in connection with such proceeding may be charged to the unemploy-  
9 ment compensation administration fund.

1 SEC. 17 (b). All criminal actions for violations of any provision  
2 of this act, or of any rules or regulations issued by the commission  
3 pursuant thereto, shall be prosecuted by the prosecuting attorney of  
4 any county in which the employer has a place of business or the viola-

5 tor resides, or, at the request of the commission, shall be prosecuted  
6 by the attorney general.

1 SEC. 18. **Non-liability of state**—Benefits shall be deemed to be due  
2 and payable under this act only to the extent provided in this act and  
3 to the extent that moneys are available therefor to the credit of the  
4 unemployment compensation fund, and neither the state nor the com-  
5 mission shall be liable for any amount in excess of such sums.

#### DEFINITIONS

1 SEC. 19. As used in this act, unless the context clearly requires  
2 otherwise:

1 SEC. 19 (a) (1). "*Annual pay roll*" means the total amount of  
2 wages payable by an employer (regardless of the time of payment)  
3 for employment during a calendar year.

4 (2) "*Average annual pay roll*" means the average of the annual pay  
5 rolls of any employer for the last three or five years, whichever aver-  
6 age is higher.

1 SEC. 19 (b). "*Benefits*" means the money payments payable to an  
2 individual, as provided in this act, with respect to his unemployment.

1 SEC. 19 (c). "*Commission*" means the unemployment compensation  
2 commission established by this act.

1 SEC. 19 (d). "*Contributions*" means the money payments to the  
2 state unemployment compensation fund required by this act.

1 SEC. 19 (e). "*Employing unit*" means any individual or type of  
2 organization, including any partnership, association, trust, estate,  
3 jointstock company, insurance company or corporation, whether  
4 domestic or foreign, or the receiver, trustee in bankruptcy, trustee or  
5 successor thereof, or the legal representative of a deceased person,  
6 which has or subsequent to January 1, 1936, had in its employ one or  
7 more individuals performing services for it within this state. All  
8 individuals performing services within this state for any employing  
9 unit which maintains two or more separate establishments within this  
10 state shall be deemed to be employed by a single employing unit for  
11 all the purposes of this act. Whenever any employing unit contracts  
12 with or has under it any contractor or subcontractor for any work  
13 which is part of its usual trade, occupation, profession, or business,  
14 unless the employing unit as well as each such contractor or subcon-  
15 tractor is an employer by reason of section 19 (f) or section 8 (c)  
16 of this act, the employing unit shall for all the purposes of this act be  
17 deemed to employ each individual in the employ of each such con-  
18 tractor or subcontractor for each day during which such individual  
19 is engaged in performing such work; except that each such contractor  
20 or subcontractor who is an employer by reason of section 19 (f) or  
21 section 8 (c) of this act shall alone be liable for the contributions  
22 measured by wages payable to individuals in his employ, and except  
23 that any employing unit who shall become liable for and pay contribu-  
24 tions with respect to individuals in the employ of any such contractor  
25 or subcontractor who is not an employer by reason of section 19 (f)  
26 or section 8 (c) of this act, may recover the same from such contractor  
27 or subcontractor, except as any contractor or subcontractor who would

28 in the absence of the foregoing provisions be liable to pay said con-  
 29 tributions, accepts exclusive liability for said contributions under an  
 30 agreement with such employer made pursuant to general rules of the  
 31 commission. Each individual employed to perform or to assist in per-  
 32 forming the work of any agent or employee of an employing unit shall  
 33 be deemed to be employed by such employing unit for all the purposes  
 34 of this act, whether such individual was hired or paid directly by such  
 35 employing unit or by such agent or employee, provided the employing  
 36 unit had actual or constructive knowledge of such work.

1 SEC. 19 (f). "*Employer*" means:

- 2 (1) Any employing unit which for some portion of a day in each  
 3 of fifteen different weeks within either the current or the preceding  
 4 calendar year, excepting the calendar year 1935 (whether or not such  
 5 weeks are or were consecutive) has or had in employment eight or  
 6 more individuals (not necessarily simultaneously and irrespective of  
 7 whether the same individuals are or were employed in each such day);  
 8 (2) Any employing unit which acquired the organization, trade  
 9 or business, or substantially all the assets thereof, of another which  
 10 at the time of such acquisition was an employer subject to this act;  
 11 (3) Any employing unit which acquired the organization, trade  
 12 or business, or substantially all the assets thereof, of another employ-  
 13 ing unit and which, if treated as a single unit with such other employ-  
 14 ing unit, would be an employer under paragraph (1) of this sub-  
 15 section;  
 16 (4) Any employing unit which together with one or more other  
 17 employing units, is owned or controlled (by legally enforceable means  
 18 or otherwise) directly or indirectly by the same interests, or which  
 19 owns or controls one or more other employing units (by legally enforce-  
 20 able means or otherwise), and which, if treated as a single unit  
 21 with such other employing unit, would be an employer under para-  
 22 graph (1) of this subsection;  
 23 (5) Any employing unit which, having become an employer under  
 24 paragraph (1), (2), (3) or (4), has not, under section 8, ceased to be  
 25 an employer subject to this act; or  
 26 (6) For the effective period of its election pursuant to section 8  
 27 (c) any other employing unit which has elected to become fully sub-  
 28 ject to this act.

1 SEC. 19 (g). Except as otherwise provided in this subsection (g),  
 2 "*employment*" means service, including service in interstate com-  
 3 merce, performed for wages or under any contract of hire, written  
 4 or oral, express or implied.

- 5 (2) The term "*employment*" shall include an individual's entire  
 6 service, performed within or both within and without this state if:  
 7 (a) the service is localized in this state, or  
 8 (b) the service is not localized in any state but some of the service  
 9 is performed in this state and (i) the base of operations, or, if there  
 10 is no base of operations, then the place from which such service is  
 11 directed or controlled, is in this state; or (ii) the base of operations  
 12 or place from which such service is directed or controlled is not in  
 13 any state in which some part of the service is performed, but the  
 14 individual's residence is in this state.

15 (3) Services performed within this state but not covered under  
16 paragraph (2) of this subsection shall be deemed to be employment  
17 subject to this act if contributions are not required and paid with  
18 respect to such services under an unemployment compensation law  
19 of any other state or of the federal government.

20 (4) Services not covered under paragraph (2) of this subsection,  
21 and performed entirely without this state, with respect to no part of  
22 which contributions are required and paid under an employment com-  
23 pensation law of any other state or of the federal government, shall  
24 be deemed to be employment subject to this act if the individual per-  
25 forming such services is a resident of this state and the commission  
26 approves the election of the employing unit for whom such services  
27 are performed that the entire service of such individual shall be  
28 deemed to be employment subject to this act.

29 (5) Service shall be deemed to be localized within a state if

30 (a) the service is performed entirely within such state, or

31 (b) the service is performed both within and without such state,  
32 but the service performed without such state is incidental to the indi-  
33 vidual's service within the state, for example, is temporary or transi-  
34 tory in nature or consists of isolated transactions.

35 (6) Services performed by an individual for wages shall be deemed  
36 to be employment subject to this act unless and until it is shown to  
37 the satisfaction of the commission that

38 (a) such individual has been and will continue to be free from con-  
39 trol or direction over the performance of such services, both under his  
40 contract of service and in fact.

41 (7) The term "*employment*" shall not include:

42 (a) Service performed in the employ of this state, or of any political  
43 subdivision thereof, or of any instrumentality of this state or its  
44 political subdivisions;

45 (b) Service performed in the employ of any other state or its politi-  
46 cal subdivisions, or of the United States government, or of an instru-  
47 mentality of any other state or states or their political subdivisions  
48 or of the United States.

49 (c) Service with respect to which unemployment compensation is  
50 payable under an unemployment compensation system established by  
51 an act of Congress; provided, that the commission is hereby authorized  
52 and directed to enter into agreements with the proper agencies under  
53 such act of Congress, which agreements shall become effective ten  
54 days after publication thereof in the manner provided in section 11

55 (b) of this act for general rules, to provide reciprocal treatment to  
56 individuals who have, after acquiring potential rights to benefits under  
57 this act, acquired rights to unemployment compensation under such  
58 act of Congress, or who have, after acquiring potential rights to un-  
59 employment compensation under such act of Congress, acquired rights  
60 to benefits under this act.

61 (d) Agricultural labor;

62 (e) Domestic service in a private home;

63 (f) Service performed as an officer or member of the crew of a  
64 vessel on the navigable waters of the United States;

65 (g) Service performed by an individual in the employ of his son,  
66 daughter, or spouse, and service performed by a child under the age  
67 of twenty-one in the employ of his father or mother;



68 (h) Service performed in the employ of a corporation, community  
69 chest, fund, or foundation, organized and operated exclusively for  
70 religious, charitable, scientific, literary, or educational purposes, or  
71 for the prevention of cruelty to children or animals, no part of the net  
72 earnings of which inures to the benefit of any private shareholder or  
73 individual.

1 SEC. 19 (h). "*Employment office*" means a free public employment  
2 office, or branch thereof, operated by this state or maintained as a  
3 part of a state-controlled system of public employment offices.

1 SEC. 19 (i). "*Fund*" means the unemployment compensation fund  
2 established by this act, to which all contributions required and from  
3 which all benefits provided under this act shall be paid.

1 SEC. 19 (j). "**Total and partial unemployment**".

2 (1) An individual shall be deemed "*totally unemployed*" in any  
3 week with respect to which no wages are payable to him and during  
4 which he performs no services (other than odd jobs or subsidiary work  
5 for which no wages as used in this subsection are payable to him).

6 (2) An employee shall be deemed "*partially unemployed*" in any  
7 week of less than full-time work if his wages payable for such week  
8 fail to equal two dollars more than the weekly benefit amount he would  
9 be entitled to receive if totally unemployed and eligible.

10 (3) As used in this subsection, the term "*wages*" shall include only  
11 that part of wages for odd jobs or subsidiary work, or both, which  
12 is in excess of three dollars (\$3.00) in any one week.

13 (4) An individual's week of unemployment shall be deemed to com-  
14 mence only after his registration at an employment office, except as  
15 the commission may by regulation otherwise prescribe.

1 SEC. 19 (k). "*State*" includes, in addition to the states of the  
2 United States of America, Alaska, Hawaii, and the District of Co-  
3 lumbia.

1 SEC. 19 (l). "*Unemployment compensation administration fund*"  
2 means the unemployment compensation administration fund estab-  
3 lished by this act, from which administration expenses under this act  
4 shall be paid.

1 SEC. 19 (m). "*Wages*" means all remuneration payable for per-  
2 sonal services, including commissions and bonuses and the cash value  
3 of all remuneration payable in any medium other than cash. The  
4 reasonable cash value of remuneration payable in any medium other  
5 than cash, shall be estimated and determined in accordance with rules  
6 prescribed by the commission.

1 SEC. 19 (n). "*Week*" means such period or periods of seven con-  
2 secutive calendar days ending at midnight, or as the commission may  
3 by regulations prescribe.

1 SEC. 19 (o). "**Weekly benefit amount**". An individual's "*weekly*  
2 "*benefit amount*" means the amount of benefits he would be entitled to  
3 receive for one week of total unemployment. An individual's weekly  
4 benefit amount, as determined for the first week of his benefit year,  
5 shall constitute his weekly benefit amount throughout such benefit  
6 year.

1 SEC. 19 (p). "*Benefit year*" with respect to any individual means  
2 the fifty-two consecutive week period beginning with the first day of  
3 the week with respect to which benefits are first payable to him, and  
4 thereafter, the fifty-two consecutive week period beginning with the  
5 first day of the first week with respect to which benefits are next pay-  
6 able to him after the termination of his preceding benefit year.

1 SEC. 19 (q). "*Base period*" means the period beginning with the  
2 first day of the nine completed calendar quarters immediately pre-  
3 ceding the first day of an individual's benefit year and ending with  
4 the last day of the next to the last completed calendar quarter imme-  
5 diately preceding any week with respect to which benefits are payable.

1 SEC. 19 (r). "*Calendar quarter*" means the period of three consecu-  
2 tive calendar months ending on March 31, June 30, September 30 or  
3 December 31, excluding, however, any calendar quarter or portion  
4 thereof which occurs prior to January 1, 1937, or the equivalent thereof  
5 as the commission may by regulation prescribe.

1 SEC. 20. "*Reciprocal benefit arrangements*"—The commission is  
2 hereby authorized to enter into arrangements with the appropriate  
3 agencies of other states or the federal government whereby potential  
4 rights to benefits accumulated under the unemployment compensation  
5 laws of several states or under such a law of the federal government,  
6 or both, may constitute the basis for the payment of benefits through  
7 a single appropriate agency under terms which the commission finds  
8 will be fair and reasonable as to all affected interests and will not  
9 result in any substantial loss to the fund.

1 SEC. 21. "*Saving clause*"—The general assembly reserves the right  
2 to amend or repeal all or any part of this act at any time; and there  
3 shall be no vested private right of any kind against such amendment  
4 or repeal. All rights, privileges, or immunities conferred by this act  
5 or by acts done pursuant thereto shall exist subject to the power of  
6 the General Assembly to amend or repeal this act at any time.

1 SEC. 22. "*Separability of provisions*"—If any provision of this act,  
2 or the application thereof to any person or circumstance, is held in-  
3 valid, the remainder of this act and the application of such provision  
4 to other persons or circumstances shall not be affected thereby.

1 SEC. 23. "*Constitutionality*"—If any section, subsection, clause,  
2 sentence or phrase of this act is for any reason held to be unconstitu-  
3 tional and invalid, such decision shall not affect the validity of the  
4 remaining portions of this act. The General Assembly hereby declares  
5 that in the passage of this act, it is the expressed intent of the General  
6 Assembly to provide for contributions from any and all employers  
7 as herein defined, as far as the same is constitutional and valid, and  
8 the General Assembly hereby further declares that it would have  
9 passed this act and each section, subsection, clause, sentence and phrase  
10 hereof irrespective of whether any one or more of the sections, sub-  
11 sections, clauses, sentences or phrases hereof be declared unconstitu-  
12 tional or invalid.

1 SEC. 24. "*Termination*"—If at any time title IX of the social se-  
2 curity act, as amended, shall be amended or repealed by Congress or

3 held unconstitutional by the Supreme Court of the United States, with  
 4 the result that no portion of the contributions required under this act  
 5 may be credited against the tax imposed by said title IX, in any such  
 6 event the operation of the provisions of this act requiring the payment  
 7 of contributions and benefits shall immediately cease, the commission  
 8 shall thereupon requisition from the unemployment trust fund all  
 9 moneys therein standing to its credit, and such moneys, together with  
 10 any other moneys in the unemployment compensation fund shall be  
 11 refunded, without interest and under regulations prescribed by the  
 12 commission, to each employer by whom contributions have been paid,  
 13 proportionately to his pro rata share of the total contributions paid  
 14 under this act. Any interest or earnings of the fund shall be available  
 15 to the commission to pay for the costs of making such refunds. When  
 16 the commission shall have executed the duties prescribed in this section  
 17 and performed such other acts as are incidental to the termination  
 18 of its duties under this act, the provisions of this act, in their entirety,  
 19 shall cease to be operative.

1 SEC. 25. The provisions of senate file 1 of the 46th General Assem-  
 2 bly of Iowa in Extraordinary Session, as amended by senate file 191  
 3 of the 47th General Assembly of Iowa, are hereby amended and re-  
 4 enacted to conform to the provisions of this act as hereinbefore set out.  
 5 All acts or parts of acts in conflict herewith are hereby repealed in-  
 6 sofar as they are inconsistent with the provisions of this act, and of  
 7 the provisions of senate file 1 of the 46th General Assembly of Iowa  
 8 in Extraordinary Session, as amended by senate file 191 of the 47th  
 9 General Assembly of Iowa, as herein amended and re-enacted.

1 SEC. 26. "Effective date"—This act being deemed of immediate im-  
 2 portance, shall be in force and effect from and after its passage and  
 3 publication in the Bulletin Journal, a newspaper published at Inde-  
 4 pendence, Iowa, and in The Press, a newspaper published at Man-  
 5 chester, Iowa.

Senate File 447. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Bulletin, Independence,  
 May 20, 1937, and The Press, Manchester, May 20, 1937.

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

## CHAPTER 103

### UNEMPLOYMENT COMPENSATION LAW

#### S. F. 191

AN ACT to amend sections 10 (a) and 10 (b) of Senate File No. 1, acts of the Forty-  
 sixth General Assembly, extraordinary session (approved December 24, 1936) and  
 relating to administration of the unemployment insurance law.

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

1 SECTION 1. That sections 10 (a) and 10 (b), senate file No. 1, acts  
 2 of the Forty-sixth General Assembly in extraordinary session are  
 3 hereby repealed and that there be enacted as a substitute therefor  
 4 the following: