

# A BILL

FOR AN ACT PRESCRIBING THE LIABILITY OF EMPLOYERS FOR ACCIDENTAL BODILY INJURIES OR DEATH SUSTAINED BY THEIR EMPLOYEES; PROVIDING FOR COMPENSATION FOR ACCIDENTAL BODILY INJURIES TO OR DEATH OF EMPLOYEES AND METHODS OF PAYMENT OF SAME; RESTRICTING THE RIGHT OF RECOVERY TO THE COMPENSATION AS PROVIDED; PROVIDING FOR A REVIEW OF AWARDS THEREOF; PROVIDING FOR THE CREATION OF THE BUREAU OF INDUSTRIES AND FIXING ITS POWERS; PROVIDING FOR SAFETY DEVICES AND SAFEGUARDS; PROVIDING DUTIES OF EMPLOYERS AND EMPLOYEES AND FIXING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR HEARINGS BEFORE SUCH BUREAU AND FOR ACTIONS AGAINST IT; FIXING THE BUREAU'S POWERS IN RESPECT TO INDUSTRIAL ACCIDENTS AND MAKING APPROPRIATIONS FOR CARRYING OUT OF THIS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

## PART I.

Section 1. In any action at law to recover damages from any employer for accidental  
2 bodily injury, or death, sustained by an employe as defined herein, arising out of and in the  
3 course of his employment, it shall not be a defense:

4 (a) That the injury was caused in whole or in part by the negligence of a fellow employe;

5 (b) That the injured employe had assumed the risk inherent in or incidental to, or arising  
6 out of his employment; or the risk arising from the failure of the employer to provide and  
7 maintain a reasonably safe place of work, reasonably safe tools or appliances; or the risk  
8 arising from the failure of the employer to exercise reasonable care in selecting reasonably  
9 competent employes;

10 (c) That the injured employe was negligent; unless and except it shall appear that the in-  
11 jury was the result of the injured employe's intention to cause the injury; or the wilful failure  
12 of the injured employe to use a guard or protection against accidental injury required by any  
13 statute and provided by the employer for the use of such employe; or of the wilful failure of  
14 the injured employe to use a reasonable and proper guard or protection against accidental in-  
15 jury which has been voluntarily furnished for his use by the employer; or of wilful disobed-  
16 ience by the injured employe of reasonable orders of employer; or of voluntary, intentional

17 and needless exposure of himself to danger; or of operating machinery without orders or  
18 permission of employer; or that the injury was sustained by the injured employe while he was  
19 under the influence of any intoxicating liquors, drugs or narcotics.

Sec. 2. In all actions at law brought to recover damages from any employer for bodily in-  
2 jury to, or the death of, any employe arising out of and in the course of his employment, the  
3 burden of proof to establish the employe's intention to cause the injury, or the employe's wil-  
4 ful failure to use the guards or protection furnished by the employer, or that the injury was  
5 sustained through the employe's wilful disobedience or voluntary, intentional and need-  
6 less exposure to danger, or while the employe was under the influence of intoxicating liquors,  
7 drugs or narcotics, shall rest upon the employer.

Sec. 3. This act or amendments thereto shall not apply to actions at law to recover dam-  
2 ages for bodily injury, or death, sustained in the course of his employment by

- 3 (a) Any household domestic servant;
- 4 (b) Any farm or other laborer engaged in agricultural pursuits;
- 5 (c) Persons whose employment is of a casual nature and who are employed otherwise than  
6 for the purpose of the employer's trade, profession, business or occupation.

Sec. 4. Every employer as defined herein shall have the right to contract with any or all of  
2 his employes to pay the compensation as hereinafter provided for accidental bodily injury, or  
3 death, sustained by an employe, arising out of and in the course of the employment, and there-  
4 by relieve himself from all other liability for the payment of damages on account of such bod-  
5 ily injury or death. Every employe as defined herein shall have the right to contract for him-  
6 self and his dependents with his employer to accept the compensation as hereinafter provided  
7 in lieu of all other rights of action or remedies at law for damages on account of bodily injury,  
8 or deaths, sustained by such employe, arising out of and in the course of his employment.  
9 When any employer and employe have contracted as herein provided, then the liability of the  
10 employer shall be fixed to the compensation as hereinafter provided and the right of the em-  
11 ploye, his heirs or dependents, shall be fixed to the recovery of the compensation as herein-  
12 after provided to the exclusion of all other rights or remedies.

Sec. 5. Every contract of hiring, express or implied, made between any employer and any  
2 employe as hereinafter defined, after this act becomes effective, shall be construed to show  
3 that the employer has contracted to pay the compensation and that the employe has contracted  
4 for himself, his heirs or dependents, to accept the compensation as hereinafter provided, unless  
5 either one or both of the parties shall have given notice in writing to the bureau of industries  
6 of his or their refusal to so contract. In case the employer refuses to contract to pay the com-  
7 pensation as hereinafter provided then a copy of the written notice as provided for above shall  
8 be posted in a conspicuous place in his plant, shop, yard, office or place of business and such re-  
9 fusals shall be effective continuously thereafter unless revoked as hereinafter provided. In case



6 the compensation for bodily injury, or death, as provided by chapter.....of the laws  
7 of the.....general assembly.

8 Dated.....

9 Signed.....

10 State of Iowa,  
11 }  
12 .....County, } ss.

13 The undersigned, being first duly sworn, deposes and says that a true, correct and verbatim  
14 copy of the foregoing notice was, on the.....day of.....,  
15 19.... , served on the within named employer of the undersigned by delivering said notice  
16 to.....  
(Name of person served)

17 .....  
18 Subscribed and sworn (or affirmed) to before me by the said.....  
19 this.....day of....., 19.....

20 .....  
21 ,  
Notary Public.

Sec. 9. When any employer has refused to contract to pay, or any employe has refused to  
2 contract to accept compensation as provided by this act, by having filed and posted or served  
3 the notice required, such employer or employe may at any time thereafter waive such refusal  
4 by giving notice in writing of such waiver to the bureau of industries and posting or serving  
5 notice of such waiver in the same manner as provided for the posting or serving of notices  
6 in section 5 hereof, and such waiver shall become effective upon such notice; but such waiver  
7 shall not effect in any manner whatsoever any claim or action arising out of any bodily injury,  
8 or death sustained prior to the date of such waiver.

Sec. 10. Any employer who has contracted to pay compensation as provided herein and  
2 who thereafter at any time gives notice as provided herein of his refusal to continue the con-  
3 tract, shall not be relieved from the payment of any compensation which may have accrued  
4 on account of, or become due for, or in based on any bodily injury, or death, sustained be-  
5 tween the date when this act becomes effective and the date upon which the refusal becomes  
6 effective.

Sec. 11. In any action at law brought against any employer who has agreed to contract to  
2 pay compensation as provided by this act, to recover damages for bodily injury, or death,  
3 sustained by any employe who has refused to contract to accept the compensation as provided  
4 by this act by filing and serving the notice as provided in sections 5, 7 and 8 hereof, such  
5 employer then shall not be deprived of any of the common law defenses nor shall the pro-  
6 visions of chapter 219 of the laws of the thirty-third (33d) general assembly be pleaded  
7 against him or apply in any such action.

Section 12. (1) The term "employer" as used in part I of this act shall be synonymous

2 with "master" and shall include and apply to any person, partnership, association, cor-  
3 poration, trustee, receiver, or the legal representatives of a deceased employer engaged in  
4 occupations, trades, callings, businesses or pursuits which are carried on by them for the sake  
5 of pecuniary gain or profit and having any person in their service for hire. It shall include  
6 "the owner or lessee of premises, who is virtually the proprietor or operator of the trade,  
7 profession, business or occupation carried thereon but who by reason of there being an inde-  
8 pendent contractor is not the direct employer of the employes there employed; provided, how-  
9 ever, that the term "employer" as used in part I of this act shall not include those engaged  
10 in agricultural pursuits, or those who bear the relation of principal to a contractor or sub-  
11 contractor employed for purposes other than for the direct operation of the trade, profession,  
12 business or occupation of such principal.

13 (2) The term "employee" as used in part I of this act shall be synonymous with "serv-  
14 ant" or "workman" and shall include the singular and plural of both sexes. Any reference  
15 to an employe shall, in case the employe is dead, include his dependents as hereinafter de-  
16 fined, or his legal representatives, or, where the employe is a minor or incompetent, it shall  
17 include his guardian or next friend. It shall include and apply to:

18 Every person who may be in the service of any person, partnership, association, corpora-  
19 tion, trustee, receiver or the legal representatives of a deceased employer, under any contract  
20 of hire, express or implied, oral or written, including aliens, and also including minors who  
21 are legally permitted to work under the laws of the state, who, for the purpose of this act,  
22 shall be considered the same and have the same power to contract as adult employes; pro-  
23 vided, that any person employed as a household domestic servant or farm or other laborer  
24 engaged in agricultural pursuits, or one whose employment is of a casual nature and who is  
25 employed otherwise than for the purpose of the employer's trade, profession, business or oc-  
26 cupation, or any person holding an elective official position with a corporation or one who sus-  
27 tains only the relation of contractor or sub-contractor to the employer, shall not be consid-  
28 ered as an employe within the provisions of part I of this act, nor shall the employes of  
29 contractors or sub-contractors employed by a principal for purposes other than for the  
30 direct operation of the principal's trade, profession, business or occupation be held to be  
31 employes of such principal.

32 (3) The term "bodily injury" as used in this act, shall mean such injury as shall result  
33 immediately from external, violent and accidental means and shall include death resulting di-  
34 rectly and independently of all other causes, from such injury, but it shall not include any  
35 disease which does not arise immediately and directly from or out of a bodily injury caused by  
36 external, violent and accidental means.

37 (4) The term "employment" as used in part I of this act shall include only such employ-  
38 ment, service or work in trades, professions, businesses or occupations which are carried on  
39 by an employer, as defined herein, for the sake of pecuniary gain or profit.

40 (5) The words "bodily injury, or death, sustained by an employe arising out of and in the  
41 course of his employment," shall include only such bodily injury as is sustained while on the  
42 premises which are provided by, used by and in control of the employer for the purposes of  
43 his trade, profession, business or occupation and while in the performance of the employe's  
44 duties in his employment, and which shall arise directly out of and be the result of the hazard  
45 of the employer's trade, profession, business or occupation; and shall also include such in-  
46 jury as may be sustained elsewhere in places where the employer's trade, profession, busi-  
47 ness or occupation requires the presence of such employe and subjects him to the dangers  
48 incident to or arising out of the hazards of the trade, profession, business or occupation of  
49 the employer.

50 (6) For the purposes of this act, wilful negligence shall consist of (1) deliberate act or  
51 deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety,  
52 or (3) intoxication, operating as the proximate cause of injury.

Sec. 13. If bodily injury, or death, arising out of the employment as herein provided, is  
2 sustained by an employe who has not refused to contract to accept compensation of an em-  
3 ployer who has not refused to contract to pay compensation as herein provided, then com-  
4 pensation for such injury, or death, shall be based upon and paid in accordance with the  
5 following schedule; unless otherwise provided

6 (a) During the first four (4) weeks after the bodily injury, the employer shall furnish or  
7 cause to be furnished, if so requested by an injured employe or by any person acting in his  
8 behalf, reasonable medical, surgical and hospital services and medicines, as and when needed,  
9 but such services shall not, however, exceed one hundred dollars (\$100) in value.

10 (b) Compensation payments shall be payable at the places and on the days whereon the  
11 wages of the employe were usually paid, unless otherwise provided herein, but nothing here-  
12 in shall interfere with any other arrangement for the time and place of payment of compen-  
13 sation which may be mutually agreed upon by the employer and the person or persons en-  
14 titled to compensation as shown by a signed agreement which shall be filed with the bureau  
15 of industries.

16 (c) No compensation shall be due or payable under this act for any bodily injury which  
17 does not by itself disable and prevent an employe from earning full wages for a period of at  
18 least two (2) weeks, but if such disability extends beyond the period of two (2) weeks, compen-  
19 sation shall begin on the fifteenth (15th) day after such bodily injury and shall be based as  
20 follows:

21 (d) For bodily injury producing total disability, there shall be paid during the period for  
22 which such total disability continues, but not longer than three hundred (300) weeks, fifty per  
23 cent (50 per cent) of the average weekly wages received by such employe, subject to a maxi-  
24 mum compensation of ten dollars (\$10.00) per week and to a minimum compensation of five  
25 dollars (\$5.00) per week; provided, that if at the time of injury the employe receives wages

26 of less than five dollars (\$5.00) per week, then he shall receive the full amount of such wages  
27 per week.

28 (e) For bodily injury resulting in partial permanent disability, the compensation shall be  
29 based upon the extent of such disability. In cases included by the following schedule the dis-  
30 ability in each such case shall be deemed to continue only for the period as specified by such  
31 schedule, and the compensation for such an injury shall be the payment at the rate of fifty  
32 per cent (50 per cent) of the average weekly wages for such period and such compensation  
33 shall be held to be in full payment for such injury, excepting, however, medical and hospital  
34 services, as hereinbefore provided.

35 SCHEDULE.

36 For the loss of the major arm, by severance, at or above the elbow, one hundred and fifty  
37 (150) weeks.

38 For the loss of the minor arm, by severance, at or above the elbow, one hundred and thirty-  
39 five (135) weeks.

40 For the loss of the major hand, by severance, at or above the wrist, one hundred and twen-  
41 ty-five (125) weeks.

42 For the loss of the minor hand, by severance, at or above the wrist, one hundred and ten  
43 (110) weeks.

44 For the loss of a leg, by severance, more than six inches above the ankle, one hundred and  
45 thirty-five (135) weeks.

46 For the loss of a foot, by severance, at or within six inches above the ankle, one hundred  
47 (100) weeks.

48 For the permanent extinction of the entire sight of an eye, sixty (60) weeks.

49 For the loss, by severance, of a thumb, thirty (30) weeks.

50 For the loss, by severance, of a first finger, commonly called index finger, twenty-five (25)  
51 weeks; second finger, twenty (20) weeks; third finger, fifteen (15) weeks; fourth finger, ten  
52 (10) weeks.

53 The loss, by severance, of one entire phalanx of a thumb or of two entire phalanges of a  
54 finger shall be considered as equal to the loss of one-half of such thumb or finger and com-  
55 pensation shall be for one-half of the above named periods; provided, however, that in no  
56 case shall the amount to be paid for more than one finger on one hand exceed the amount  
57 provided in this schedule for the loss of a minor hand.

58 For the loss of a great toe, by severance, twenty (20) weeks. For the loss of any other  
59 toe, by severance, ten (10) weeks.

60 The loss, by severance, of one entire phalanx of the great toe or of two entire phalanges  
61 of any other toe, shall be considered equal to the loss of one-half of such toe and compensa-

62 tion shall be for one-half of the above named periods; provided, however, that in no case shall  
63 the amount to be paid for more than one toe on one foot exceed the amount provided in this  
64 schedule for the loss of a foot.

65 In all other cases of partial permanent disability the compensation shall bear such rela-  
66 tion to the periods named above as the disability sustained bears to those produced by the in-  
67 juries named.

68 (f) The loss, by severance, of both hands or both feet or of one hand and one foot, or the  
69 permanent extinction of the entire sight of both eyes, by reason of one and the same accident,  
70 shall constitute total disability and compensation shall be payable according to clause "(d),"  
71 section 13 hereof.

72 (g) In all other cases of permanent disability which are not classified in the preceding  
73 clauses and which directly and continuously after a period of total disability, result in a  
74 loss in wages by preventing an injured employe from earning as great average weekly wages  
75 as he earned prior to the time of receiving the injury, then compensation to the extent of  
76 fifty per cent (50 per cent) of the difference between his average weekly wages before the in-  
77 jury and the average weekly wages he is able to earn thereafter, shall be paid, but such com-  
78 pensation, together with any paid for a total disability, shall not extend beyond three hun-  
79 dred (300) weeks or exceed in total the sum of three thousand (\$3,000) dollars.

Sec. 14. The amounts of compensation payable in any event shall be subject to the limita-  
2 tions as to maximum and minimum compensation as are stated in clause "(d)," section 13,  
3 foregoing.

Sec. 15. Should the employer and the employe be unable to agree upon the period of com-  
2 pensation in cases not specifically covered by the foregoing schedule the period of compensa-  
3 tion shall be settled according to the provisions of section 17 hereof.

Sec. 16. After an injury, the employe, if so requested by his employer, shall submit himself  
2 for an examination at some reasonable time and place, and as often as may be reasonably re-  
3 quired, to a legally qualified physician or physicians furnished by the employer. If the em-  
4 ploye shall desire, he shall, at his own cost, be entitled to have a physician or physicians of his  
5 own selection, present to participate in such examination. The refusal of any injured em-  
6 ploye to submit to such examination shall deprive him of all rights to compensation during the  
7 continuance of such refusal. When the right to compensation is thus suspended no compensa-  
8 tion shall be payable in respect to the period of such suspension but such period shall be in-  
9 cluded in calculating the period of disability and reduce the compensation accordingly.

Sec. 17. Whenever a legally qualified physician employed by the employer and any legally  
2 qualified physician employed by the employe, acting jointly or together with the duly ap-  
3 pointed and acting county physician of the county wherein the injured employe may reside,

4 shall certify or a majority of them shall certify that the injured employe is capable of per-  
5 forming some kind or kinds of work, then the period of total disability shall be considered as  
6 terminated and compensation for such total disability shall cease.

Sec. 18. If after such termination of total disability an employe refuses to work at some  
2 occupation in which he is capable of employment after such work is furnished or secured for  
3 him by his employer, he shall not be entitled to compensation during the continuance of his  
4 refusal to work.

Sec. 19. Any physician in pursuance to and for the purpose of this act only, who shall make  
2 any examination or shall be present at any examination of any injured employe, shall, if re-  
3 quired by either employer or employe, testify as to the result thereof.

Sec. 20. Upon written request by either an employer or an injured employe, it shall be the  
2 duty of any physician who has attended, been consulted by or examined any injured employe  
3 pursuant to the purpose of this act, to furnish a copy of any report he shall have made to  
4 the party who makes the request within seven (7) days after the date of such request.

Sec. 21. Any employer shall have the right in any case of death to an employe, resulting  
2 or alleged to have resulted from bodily injury arising out of and in the course of employment,  
3 to require an autopsy to be made at his expense and the coroner or other proper officer of the  
4 state or county shall order and enforce such requirement. Any duly qualified physician em-  
5 ployed by the employer may be present at such autopsy.

Sec. 22. When an employe is entitle to compensation under this act for bodily injury re-  
2 ceived and his death ensues from any cause not resulting directly, and independently of all other  
3 causes, from the bodily injury for which he was entitled to compensation, then any unpaid com-  
4 pensation not then due for such bodily injury shall cease and all liability therefore shall  
5 terminate.

Sec. 23. If bodily injury arising out of and in the course of the employment as herein pro-  
2 vided shall result directly and independently from all other causes in the death of any em-  
3 ploye, within three hundred (300) weeks of the time when such bodily injury was received,  
4 and such employe at the time of his death leaves persons who were wholly or partially  
5 dependent upon his weekly wages for their support at the time of his death, there shall be paid  
6 to such dependents as are herein specified compensation for a period of not more than  
7 three hundred (300) weeks, as follows, to-wit:

7½ (1) If a widow and there is now child then living under the age of 16 years, there shall be  
8 paid to such dependent widow a weekly payment equal to thirty-five per cent (35 per cent) of  
9 the average weekly wages of the deceased husband; provided, that no common law wife of  
10 such deceased employe shall be considered as his widow and that no widow shall be regarded  
11 as a dependent who has not lived with or been supported by such deceased employe within the  
12 period of twelve (12) months preceding the occurrence of such bodily injury.

13 (2) If there is a child or children of the deceased under the age of 16 years, living with  
14 such dependent widow, there shall be paid to such dependent widow for the benefit of such  
15 child or children a weekly payment equal to fifteen per cent (15 per cent) of the average  
16 weekly wages of the deceased employe.

17 (3) If the deceased employe leaves no widow, or widower but does leave any child or chil-  
18 dren under the age of 16 years, there shall be paid for the benefit of such child or children  
19 compensation as follows, to wit:

20 If there be one such child, compensation equal to twenty per cent (20 per cent) of the aver-  
21 age weekly wages of the deceased employe and,

22 For each additional child an additional payment equal to ten per cent (10 per cent) of the  
23 average weekly wages of the deceased employe; but such compensation shall not exceed in  
24 total more than fifty per cent (50 per cent) of the average weekly wages of such deceased em-  
25 ploye.

26 If the the number of such children is subsequently reduced to less than four (4) the  
27 amount of such compensation shall be correspondingly diminished.

28 If the deceased employe leaves a widower who by reason of physical infirmity is depend-  
29 ent entirely upon such deceased employe's weekly wages for support and has been so depend-  
30 ent for at least six months immediately preceding such death, then such widower shall be  
31 paid the compensation as is provided for widow or for a widow and children, in clauses 1 and  
32 2 of this section.

33 (4) If the deceased employe leaves no dependent widow, widower, dependent children en-  
34 titled to compensation hereunder but does leave a parent or parents who at the time of the  
35 bodily injury were wholly dependent upon the deceased employe's weekly wages for support,  
36 there shall be paid to each of such parents a compensation equal to fifteen per cent (15 per  
37 cent) of the average weekly wages of the deceased employe.

38 (5) If the deceased employe leaves no dependent widow, widower, dependent child or de-  
39 pendent parent entitled to any compensation hereunder, but does leave a brother or brothers  
40 or a sister or sisters who at the time of such bodily injury were wholly dependent upon the  
41 deceased employe's average weekly wages for support, there shall be paid to such dependent  
42 relatives compensation as follows, to wit:

43 If there be one such relative, compensation equal to fifteen per cent (15 per cent) of the  
44 average weekly wages of the deceased employe.

45 If there be more than one such relative, then compensation of thirty per cent (30 per cent)  
46 of such average weekly wages, to be divided between all such dependent relatives, share and  
47 share alike.

48 (6) If any of the parents or brothers or sisters of the deceased employe were only par-  
49 tially dependent upon such deceased employe's weekly earnings for their support at the time

50 of the bodily injury, such partially dependent relatives shall be paid compensation equal to  
51 such a proportion of the compensation hereinbefore specified as payable to persons of the  
52 same class of consanguinity who are wholly dependent, as the sums which were being con-  
53 tributed weekly by the deceased employe toward their support at the time of the bodily  
54 injury, bore to such deceased employe's average weekly wages.

55 (7) If there are no dependents entitled to compensation as provided herein, the employer  
56 shall be only liable for the necessary burial expenses not exceeding one hundred dollars  
57 (\$100) in value, without deduction of any amounts paid for disability compensation or for  
58 medical or hospital service.

59 (8) The term dependents as used herein shall only apply to persons who at the time  
60 of the injury which resulted in the death of the employe were actual residents of the United  
61 States or Canada.

62 (9) The payment of compensation to any dependent shall cease upon the death or mar-  
63 riage of such dependent or whenever such dependent shall cease to be dependent upon such  
64 compensation for support. If the dependent be a child, such compensation shall cease when  
65 such child reaches the age of 16 years.

66 (10) No compensation, on account of the death of an injured employe shall be required in  
67 excess of ten dollars (\$10.00) per week nor for any period exceeding three hundred (300)  
68 weeks nor in an aggregate amount during such period of more than three thousand dollars  
69 (\$3,000). Any compensation, excluding medical and hospital services, as provided herein,  
70 which has been paid to any injured employe before his death, on account of such bodily in-  
71 jury which results, as provided herein, in his death, shall diminish in proportion any com-  
72 pensation which may become due hereunder to the dependents of the deceased employe.

73 (11) Whenever the payment of compensation is made to a widow for the use of herself,  
74 or for the use of herself or child or children, a written receipt therefor shall acquit the em-  
75 ployer. Wherever payment is made to any person 16 years of age or over, the written receipt  
76 of such person shall acquit the employer. Where payment is made to a minor under the age of  
77 16 years, the same shall be made to a duly appointed and qualified guardian of such minor, or  
78 to a trustee, as hereinafter provided, and the receipt of such guardian or trustee shall acquit  
79 the employer.

80 Whenever a commissioner of compensation shall recommend or a party at interest shall  
81 request, the appointment of a trustee to receive and disburse compensation payments for the  
82 benefit of parties entitled thereto, the district court being satisfied of the necessity or expedi-  
83 ency of such appointment, may name some suitable person or corporation to act as such trust-  
84 tee.

85 Said trustee may be required by the court to give bond in form and amount with surety or  
86 sureties approved by the court, for the faithful performance of the duties of trustee, and the

87 fees of said trustee, if any, shall be fixed by the court, and said trustee may at any time be  
88 removed by said court for cause shown and a new trustee appointed in his stead.

Sec. 24. (1) The term "total disability" as used in this act shall be defined to be total men-  
2 tal or physical disability resulting directly, and independent of all other causes, from a bod-  
3 ily injury as defined in clause 4, section 12 of this act, which shall continuously and wholly  
4 prevent an employe from performing any and every kind of duty pertaining to any occu-  
5 pation.

6 (2) The terms "average weekly wages" as used in this act is defined to be one fifty-second  
7 (1-52) part of the average annual earnings of the employe. If the injured employe has not  
8 worked in the employment in which he was working at the time of the accident, whether for  
9 the same employer or not, during substantially the whole of the year immediately preceding  
10 his injury, his average annual earnings shall consist of three hundred times the average daily  
11 wage or salary which he had earned in such employment during the days when so employed.  
12 If the injured employe has not worked in such employment during substantially the whole  
13 of such immediately preceding year, his average annual earnings shall consist of three hun-  
14 dred times the average daily wage or salary which an employe of the same class working sub-  
15 stantially the whole of such immediately preceding year in the same or a similar employment  
16 in the same or a neighboring place, shall have earned in such employment during the days  
17 when so employed. In cases where the foregoing methods of arriving at the average annual  
18 earnings of the injured employe cannot reasonably and fairly be applied, such annual earn-  
19 ings shall be taken at such sum as, having regard to the previous earnings of the injured em-  
20 ploye, and of other employes of the same or most similar class, working in the same or most  
21 similar employment, in the same or neighboring locality, shall reasonably represent the an-  
22 nual earning capacity of the injured employe at the time of the accident in the employment  
23 in which he was working at such time. As to employes in employments in which it is the cus-  
24 tom to operate only for a part of the whole number of working days in each year such num-  
25 ber shall be used instead of three hundred (300) as a basis for computing the annual earnings,  
26 provided, the minimum number of days which shall be used for the basis of the year's work  
27 shall not be less than one hundred and fifty (150). The fact that an employe has suffered a  
28 previous disability, or received compensation therefor, shall not preclude compensation for  
29 a later bodily injury or for death from such later bodily injury, but in determining compen-  
30 sation for the later bodily injury or death therefrom, his average annual earnings shall be  
31 such sum as will reasonably represent his annual earning capacity at the time of the later  
32 bodily injury in the employment in which he was working at such time, and shall be arrived  
33 at according to and subject to the limitations of the provisions of this section.

Sec. 25. Any employer, who has contracted to pay compensation for bodily injury, or death,  
2 as provided by this act, may enter into an agreement with such of his employes who have con-

3 tracted to accept the compensation provided for by this act for bodily injury, or death, sus-  
4 tained in the course of their employment in lieu of all other rights and remedies therefor,  
5 to provide a scheme or plan of compensation, benefits or insurance in lieu of the compensa-  
6 tion provided for in this act, but such scheme or plan shall be subject to the approval of the  
7 executive council. Approval of such scheme or plan shall only be granted by the executive  
8 council on the condition that the proposed scheme or plan shall not provide for less compen-  
9 sation benefits to any injured employe or to any and all dependents of such injured employe,  
10 than are provided for by sections 13 and 23 of this act. The payment of compensation un-  
11 der such scheme or plan shall be made in the same manner and at the same time as provided  
12 by this act.

13 (a) If any such scheme or plan provided for any contribution of money by any or all em-  
14 ployes, then such scheme or plan shall confer such greater benefits in addition to the compen-  
15 sation as is provided by this act as shall be commensurate with and equivalent to such con-  
16 tribution.

17 (b) If such scheme or plan meets with the approval of the executive council and it shall  
18 so approve such scheme or plan, it shall issue to such employer a certificate permitting such  
19 employer to contract with any or all of his employes to substitute such scheme or plan for the  
20 compensation as provided by this act for a period to be fixed by said executive council. Any  
21 such scheme or plan may be terminated, by said executive council or any judge of the district  
22 court for the county in which the chief office of the employer is located, if such scheme or plan  
23 be not fairly administered or if there is any other good and substantial reason for such ter-  
24 mination; but such scheme or plans shall not be so terminated until a reasonable notice of  
25 all charges of unfair administration or other grounds alleged in the complaint is given to all  
26 parties interested and they have had a fair opportunity to produce evidence and be heard on  
27 all matters at issue.

28 (c) The certificate of the executive council approving such scheme or plan shall be posted  
29 in some conspicuous place in the shop, yard or office of the employer, together with a schedule  
30 showing the compensation payments and other benefits to be paid thereunder, and the rate of  
31 contribution, if any, required of any employe to the funds thereof.

32 (d) When contributions to such funds are received from any employe, a receipt showing  
33 the amount and purpose of such contribution shall be delivered to the employe by the em-  
37 ployer.

Sec. 26. Every employer who has agreed to contract to pay compensation as provided by  
2 this act or under some duly approved scheme or plan as herein provided, shall be required to  
3 guarantee the payment of compensation by one of the following methods, to wit:

4 (a) By furnishing satisfactory proof to the auditor of state of his financial solvency and  
5 financial ability to pay the compensation as by this act provided or as by him proposed in the

6 scheme or plan to be substituted therefor, and to make such payments directly to his employes  
7 or their dependents as they may become entitled to receive the same under the terms and condi-  
8 tions of this act, or

9 (b) By insuring the liability for the payment of the compensation in any mutual associa-  
10 tion organized under the laws of the state of Iowa and duly authorized to grant such insur-  
11 ance in this state, or,

12 (c) By insuring the liability for the payment of the compensation in any insurance company  
13 duly authorized to grant such insurance in the state of Iowa.

Sec. 27. Any employer under the provisions of this act, who shall guarantee the payment  
2 of compensation by insuring the liability therefor in either a mutual association or an insur-  
3 ance company as provided in clauses (b) and (c) of section 26 shall furnish to the executive  
4 council a certificate issued by such association or company, setting forth the terms and con-  
5 ditions of such insurance. If such certificate is not approved by the executive council or if for  
6 any other good and sufficient reason the auditor shall refuse to approve such insurance, the  
7 employer shall be compelled to furnish other or additional insurance as shall be deemed neces-  
8 sary by the executive council.

Sec. 28. Nothing in this act shall affect any existing contract for insurance or affect the  
2 organization of any mutual association or other insurance company in the state of Iowa, or  
3 any arrangement now existing between an employer and his employes providing for the pay-  
4 ment to such employes, their dependents or representatives, of any sick, accident or death  
5 benefit, in addition to the compensation as provided for by this act; but no compensation due  
6 under this act shall be reduced by any insurance, contributions or other benefits whatsoever  
7 due to or received by the person entitled to compensation. Any person entitled to compensation  
8 shall have the right to recover such compensation as by this act provided, in his own name  
9 from any mutual association or insurance company authorized to do business in the state of  
10 Iowa which has insured the payment of the compensation for the employer, provided, how-  
11 ever, that payment in whole of such compensation by either the employer, the mutual associa-  
12 tion, or the insurance company, shall to the extent of such payment be a bar to recovery  
13 against the other parties of the amount so paid.

Sec. 29. In any case where the period of compensation can be determined definitely either  
2 party may, upon due notice to the other, apply to any judge of the district court for the county  
3 in which the accident occurred for an order commuting future payments to a lump sum.  
4 And such judge may make such an order when it shall be shown to his satisfaction that the  
5 payment of a lump sum in lieu of future monthly or weekly payments, as the case may be,  
6 will be for the best interest of the person or persons receiving or dependent upon said com-  
7 pensation, or that the continuance of periodical payments will as compared with lump sum  
8 payments entail undue expense or undue hardship upon the employer liable therefor.

9 Where the commutation is ordered, the court shall fix the lump sum to be paid at an amount  
10 which will equal the total sum of the probable future payments capitalized at their present  
11 value and upon the basis of interest, calculated at 5 per cent per annum. Upon the payment  
12 of such amount the employer shall be discharged from all further liability on account of  
13 such injury or death, for which said compensation was being paid, and be entitled to a duly  
14 executed release, upon filing which the liability of such employer under any agreement, award,  
15 finding or judgment shall be discharged of record.

Sec. 30. No compensation payment under this act shall be assignable or be subject to attach-  
2 ment or garnishment, or be held liable in any way for debts. Any compensation awarded un-  
3 der this act shall constitute a first lien upon all property of the employer liable therefor  
4 paramount to all other claims excepting for wages and taxes and those made upon contracts  
5 existing on the date on which the injury occurred. Such liens shall be enforced by order of  
6 court. The payment of the compensation as required by the act shall by itself release and  
7 discharge such lien.

Sec. 31. It shall be the duty of an injured employe who has contracted with his employer  
2 to accept the compensation as provided by this act, to immediately, upon the happening of an  
3 accident resulting in bodily injury as defined herein, or as soon thereafter as practicable, and  
4 not later than thirty days from the date of such accident, and likewise, in case of an employe's  
5 death by reason of such accident, it shall be the duty of one or more of the dependents of such  
6 employe, within thirty days thereafter, to give or cause to be given to the employer written  
7 notice of the accident causing such bodily injury or death, stating in ordinary language the  
8 time, place and particulars thereof, the name of the injured or deceased employe, his class of  
9 service, the address of the injured employe or the person giving the notice; provided, that  
10 when it is made to appear that the party herein required to give such written notice has  
11 been prevented from giving it through or by reason of mental or physical incapacity, ignor-  
12 ance of law or fact, or the fraud or deceit of some other person, the written notice may be  
13 given after the expiration of thirty days, but not later in any event than ninety days, after  
14 the date of such accident or death; and in the absence of such written notice the employer  
15 shall not be liable to pay compensation under this act, and shall be relieved from all lia-  
16 bility therefor. No defect or inaccuracy in the written notice herein required shall be deemed  
17 material, unless the employer shall show that he was prejudiced thereby, and then only to  
18 the extent of such prejudice. The notice required herein may be served personally or by  
19 registered mail upon the employer.

Sec. 32. The notice of a bodily injury or death, as required by section 31, shall be con-  
2 strued as notice of claim for the compensation as provided for by this act.

Sec. 33. After fifteen days from the date of a bodily injury, the employer and the injured  
2 employe may at any time by agreement settle and adjust the compensation due under this

3 act. In case of an injured employe's death as herein provided, an agreement may be made be-  
4 tween the employer and any of the dependents of the deceased employe covering the com-  
5 pensation to which such dependent is entitled hereunder. All agreements shall be executed  
6 in writing in triplicate, and shall specify the nature of the disability, the average weekly  
7 wages as determined by clause 2, section 24, the period of disability, if any, and the compen-  
8 sation per week to be paid, which shall not be less than the compensation provided for by this  
9 act. One copy may be retained by the employer and one copy thereof may be retained by  
10 the employe or dependent, and the third copy shall be filed with the bureau of industries.  
11 An agreement or award of compensation may be modified at any time by a subsequent agree-  
12 ment. Any modification or alteration of such agreement shall be made in writing, and shall  
13 be executed and filed in the same manner as is provided above for the original agreement.  
14 If, after an agreement for compensation is made as provided herein, any employer shall, for  
15 thirty days after written demand is made therefor, fail to make the payment or otherwise  
16 comply with the terms of the agreement, the employe, or a dependent entitled to such com-  
17 pliance, may maintain an action in any court to enforce such agreement as originally made,  
18 or as subsequently modified as provided herein, or shall have the option of treating the settle-  
19 ment or agreement as rescinded, and may then enforce the claim for compensation under the  
20 provisions of this act. No agreement for compensation due under this act shall be valid ex-  
21 cept as in this section provided. In case an agreement is entered into as provided for in this  
22 section such agreement may be commuted to a lump sum as provided in section 29 of this  
23 act.

Sec. 34. If no agreement or settlement is made as provided in section 33 of this act, and in  
2 case of dispute or failure to agree upon any claim for compensation or any other question aris-  
3 ing under this act, either the employer or the employe or any of his dependents, in case of his  
4 death, may submit such dispute or questions to the Bureau of Industries. The procedure in such  
5 case shall be substantially as follows: Either party may present a petition setting forth the  
6 names and residences of the parties, and the facts relating to the employment at the time of the  
7 bodily injury, the amount of wages received at the time of the injury and prior thereto, notice of  
8 the occurrence of the bodily injury, and any other facts which may be deemed necessary and  
9 proper for the information of the bureau of industries and stating the matter or matters in dis-  
10 pute and the contention of the petitioner with reference thereto, which petition shall be veri-  
11 fied under oath by the petitioner. Upon the presentation of such petition the same shall be filed,  
12 and the bureau of industries shall fix the time and place for hearing in the county wherein the  
13 bodily injury occurred, or at some other place in the state upon which the employer and the  
14 other party or parties may agree. Such hearing shall not be less than fourteen days after the  
15 date of filing of such petition. A copy of such petition shall be served within four days after  
16 such date of filing upon the adverse party by the petitioner, either personally or by registered

17 mail. Within seven days after such service of such copy of petition, the adverse party shall file  
18 an answer to such petition with the bureau of industries, and if requested by the petitioner,  
19 shall furnish him a copy thereof. Such answer shall admit or deny every material averment  
20 of such petition, and shall state the contention of the defendant with reference to the matters  
21 in dispute. Such answer shall be verified in like manner as is required for the petition. At  
22 the time and place fixed for the hearing, or any adjournment thereof, the commissioner of the  
23 the bureau of industries, or a person appointed by him as referee shall hear such witnesses as  
24 may be presented by either party, and shall decide the merits of the controversy.

Sec. 35. Within ten days following such hearing, the commissioner, or the referee acting for  
2 him, shall file with the clerk of the district court for the county in which the employer has his  
3 office, or in which the injury occurred, his findings in such controversy, together with all plead-  
4 ings in the case and all exhibits introduced in evidence before him. Such findings shall be in  
5 writing, and shall state the kind and period of disability, the average weekly wages as defined  
6 by this act which were earned by the employe at the time of the bodily injury, the amount of  
7 compensation which he finds to be due, if any, to the employe, or his dependents in case of his  
8 death, and such other matters as are proper and necessary for the full information of the parties  
9 interested therein. Copies of such findings shall be sent by the commissioner by mail to the pe-  
10 titioner and the defendant.

Sec. 36. If either the employer or the injured employe, or his dependents in case of his death,  
2 refuse to accept and comply with the findings of the commissioner or the referee acting for  
3 him, as filed, then any or all parties may appeal to the district court of the county in which  
4 such findings have been filed, and the court shall hear and determine the appeal as a summary  
5 proceeding without a jury. In all such summary proceedings the county attorney of the county  
6 in which such cause is to be heard as hereinbefore provided, shall as a part of his official duties  
7 appear and act as attorney for the injured employe or his dependents, as the case may be. Such  
8 appearance of the county attorney shall not in any way limit or preclude the right of such in-  
9 jured employe or his dependent or dependents to be represented by any attorney selected and  
10 paid for by him or them. It shall be unlawful for any county attorney to accept any compen-  
11 sation for his services in such proceedings or for any attorney employed by such injured em-  
12 ploye or such dependent or dependents to accept any contingent fee therein, and the amount  
13 of such attorney's fees shall be fixed by the court and entered as part of the record, and in case  
14 of an appeal upon a question of law, such fee shall be determined by the court and be entered  
15 of record. Such appeal shall be had only upon the appellant serving a notice of appeal on the  
16 opposite party or his attorney of record in the same manner as required by the statute of this  
17 state for original notices, and notice shall be given not less than ten days before such appeal  
18 can be heard. The cause on appeal shall be tried on the pleadings filed with the referee, and

19 upon such evidence as may be adduced in the district court on the trial of ordinary cases, but  
20 as to other matters the trial shall be as provided in summary proceedings so far as applicable.

Sec. 37. In case of personal injury, all claims for compensation shall be forever barred unless  
2 within one year after the bodily injury the parties shall have agreed upon the compensation pay-  
3 able under this act, or unless within one year after the injury proceedings have been begun as  
4 provided in sections 34 and 36 of this act. In cases of death, all claims for compensation shall  
5 be forever barred, unless within one year after the death the parties shall have agreed upon the  
6 compensation under this act, or unless within one year after the death proceedings shall have  
7 been begun as provided in sections 34 and 36 hereof. Where, however, payments of compensa-  
8 tion have been made in any case, said limitation shall not take effect until the expiration of one  
9 year from the time of the making of the last payment.

Sec. 38. In case any employe for whose bodily injury or death compensation is payable under  
2 this act shall at the time of the injury be employed and paid jointly by two or more employers  
3 subject to the provisions of this act, such employers shall contribute the payment of such com-  
4 pensation in the proportion of their several wage liability to such employe; provided, however,  
5 that nothing in this section shall prevent any arrangement between such employers for a dif-  
6 ferent distribution as between themselves of the ultimate burden of such compensation.

Sec. 39. If one or more, but not all such employers, shall have agreed to pay compensation  
2 under this act, then the liability of such of them as have so agreed shall be to pay that pro-  
3 portion of the entire compensation due as their proportionate wage liability bears to the en-  
4 tire wages of the employe; provided, however, that the payment of compensation by such em-  
5 ployer or employers, shall not bar the right of recovery against any other joint employer.

6 (a) Any defendant who shall pay any judgment rendered against him in an action arising  
7 upon or growing out of any injury covered by this act, but not rendered under this act, shall  
8 have credit, for the amount so paid, on any judgment rendered against him for amounts paid  
9 by joint employer under this act, and no mention of the same shall be permitted to be made  
10 to the jury.

11 (b) Wherever an injury for which compensation is payable under this act occurs under cir-  
12 cumstances creating a legal liability to pay damages in respect thereof in some person other  
13 than the employer of the injured workman, such workman may proceed either against the em-  
14 ployer for compensation under this act or at law against the third person so liable, or such  
15 workman may proceed against both the employer and the third person, but he shall not col-  
16 lect from both; and any employer paying compensation under the circumstances described in  
17 this section may collect in his own name or in that of the injured workman the indemnity  
18 paid, from the third person in whom exists legal liability for damages.

Sec. 40. Every employer as defined in clause 1 of section 12 of this act shall hereafter  
2 keep a record of all bodily injuries, fatal or otherwise, received by his employes, arising out of

3 and in the course of their employment. Within two days after the occurrence of an accident  
4 resulting in a bodily injury which disables an employe for over one day, a report thereof shall  
5 be made in writing to the bureau of industries on blanks to be procured from it for that pur-  
6 pose. The said reports shall contain the name and nature of the business of the employer,  
7 the location of his place of business or work, the name, age, sex and occupation of the injured  
8 employe, and shall state the time, the nature and cause of the bodily injury, and such other  
9 information as may be required by the bureau of industries. Any employer as defined by this  
10 act who refuses or neglects to make the record and report as required by this section, shall  
11 be punished by a fine of not more than fifty dollars for each offense.

Sec. 41. This act shall not effect any cause of action existing or pending before the date  
2 it becomes effective.

Sec. 42. The provisions of this act shall not apply to persons engaged in interstate or for-  
2 eign commerce for whom a rule of liability or method of compensation has been or may be  
3 established by the congress of the United States.

Sec. 43. All acts or parts of acts inconsistent with part 1 of this act are to be deemed re-  
2 placed by this act, and to that extent are hereby repealed.

Sec. 44. If any of the provisions of Part I of this act or any part thereof shall be re-  
2 pealed or adjudged invalid or unconstitutional by the supreme court of this state or of the  
3 United States, the period of time intervening between the occurrence of any injury or death  
4 and the repeal or final adjudication of invalidity shall not be computed as a part of the time  
5 limited by law for the commencement of any action relating to such bodily injury or death,  
6 and the party entitled to bring such action shall not be prejudiced by reason of any pro-  
7 ceedings had or taken under this act; but the amount of compensation which may have been  
8 paid for such bodily injury or death shall be deducted from any judgment for damages ren-  
9 dered on account of such bodily injury or death.

Sec. 45. If any provision of Part I of this act shall be declared invalid or unconstitutional  
2 by the supreme court of this state or of the United States, then all other provisions of Part  
3 I hereof shall fail and be of no effect.

Sec. 46. Any person who may be appointed by the commissioner as referee under the pro-  
2 visions of this act to decide a controversy between an employer and an injured employe, his  
3 dependent or dependents, shall receive in full for all services rendered as such referee as  
4 provided herein a sum to be fixed by the bureau of industries, but in no event exceeding the  
5 sum of ten dollars per day, which compensation shall be paid by the state the same as the  
6 compensation of the commissioner.

Sec. 47. There is appropriated out of any moneys in the treasury, not otherwise appro-  
2 priated, the sum of five thousand dollars per annum, or so much thereof as may be neces-  
3 sary for the carrying out of the provisions of Part I of this act. All payments which shall

4 be made from such appropriation shall be drawn upon a warrant drawn by the auditor of  
5 state on the treasurer of state on the certificate of the commissioner showing for what pur-  
6 pose each warrant is to be or has been used, and no indebtedness shall be created in excess  
7 of said appropriation.

Sec. 48. Any person who shall fraudulently secure or attempt to secure or assist, or abet  
2 another in securing or attempting to secure, any compensation to which such person making  
3 a claim therefor is not lawfully entitled under the provisions of this act, shall be deemed  
4 guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county  
5 jail for a period not less than thirty days or for a longer period than one year, or be fined  
6 in an amount of not less than \$50 or exceeding \$500.

Sec. 49. The provisions of Part I of this act shall take effect and be in force from and  
2 after the first day of January in the years 1914.

PART II.

2     Sec. 50. There shall be and is hereby created a bureau to be known as “The Bureau of Indus-  
3 tries.” This bureau shall supercede and perform all of the duties heretofore performed by the  
4 bureau of labor statistics, the mine inspectors, and the inspector of hotels, as hereinafter pro-  
5 vided.

6     Sec. 51. The bureau shall consist of the following departments:

- 2     1. Statistical department;
- 3     2. Mine inspection department;
- 4     3. General inspection department;
- 5     4. Employment and labor department;
- 6     5. Hotel inspection department.

7     Sec. 52. The statistical department shall collect, assort, systematize and present in annual re-  
8 ports to the governor, statistical details relating to all industries in the state and pertaining to  
9 the commercial, social and educational conditions of employes, the safety and hygienic condi-  
10 tions of mines, factories, mills, shops and other permanent places of work, the employment of  
11 children, the employment of females, the number of hours of labor exacted, the prosperity of the  
12 different industries, and, as fully as practicable, it shall collect and publish reliable information  
13 and reports of the conditions of the manufacturing and mechanical industries of each county,  
14 the needs and opportunities for the establishment of industries in the different counties, and  
15 the sites offering natural or acquired advantages for the profitable location and operation of  
16 different branches of industry. It shall by correspondence with interested parties impart such  
information as may tend to induce the location of mechanical and productive plants within the  
state, together with such other information as shall tend to increase the production and conse-  
quent employment of producers. It shall annually tabulate and publish details of all accidents  
occurring to employes in the state, resulting in bodily injuries, the periods of disability occa-  
sioned thereby, the cause, nature and results of such injury and such other data as may be re-  
quired to furnish the fullest information possible.

2     Sec. 53. The mine inspection department shall perform the duties of the present mine inspec-  
3 tors and shall consist of the organization as at present in effect, which organization is not to be  
4 changed or its duties restricted or its authority modified by anything in this act.

5     Sec. 54. The general inspection department shall make periodical inspections of all factories,  
6 shops, mills, stores, business houses and other permanent places of work wherein any mechan-  
7 ical or manual labor is employed. It shall administer and enforce the laws relating to child la-  
8 bor, employment of females, hours of employment, safeguarding of machines and all other laws  
9 protecting the life, health, safety and welfare of employes in employment and places of employ-  
10 ment. It shall investigate, ascertain, declare and prescribe what safety devices, safeguards

7 or other means or methods of protection are best adapted to render workmen of every employ-  
8 ment and place of employment safe and to protect their welfare as required by law or lawful ord-  
9 ers. It shall establish and maintain museums of safety and hygiene in which shall be exhibited  
10 safety devices, safeguards and other means and methods for the protection of life, health, safe-  
11 ty and welfare of workmen; it shall ascertain and fix such reasonable standards of safety de-  
12 vices and safeguards and shall prescribe, modify and enforce such reasonable orders for the  
13 adoption of safety devices, safeguards and other means or methods of protection which are to  
14 be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders rela-  
15 tive to the protection of life, health, safety and welfare of workmen in employments and perma-  
16 nent places of employment.

Sec. 55. The employment and labor department shall enforce the laws relating to employment  
2 agencies. It shall do all in its power to promote the voluntary arbitration, mediation and con-  
3 ciliation of all disputes between employes and employers, and to prevent lock-outs, boycotts,  
4 blacklisting, discriminations and legal proceedings in matters of employment, and shall do all  
5 in its power to bring together employers seeking employes and workman seeking employment,  
6 to make known the opportunities for self-employment in the state, and to aid in inducing mi-  
7 nors to undertake promising skilled employment.

Sec. 56. The hotel inspection department shall consist of the organization as provided in  
2 chapter 168 of the 33rd general assembly, and its powers, duties and authority shall not be af-  
3 fected by this act except as is expressly provided herein.

Sec. The bureau of industries shall be under the control of a commissioner, who shall  
2 quadrennially be appointed by the governor, with the advice of the executive council. His term  
3 of office shall commence on the 1st day of April, 1913, and continue for four years, or until his  
4 successor is appointed and qualified. The commissioner may be removed by the governor with  
5 the advice of the executive council. Any vacancies shall be filled in the same manner as is pro-  
6 vided for the original appointment, but the tenure of office shall continue only for the balance of  
7 the quadrennial period, or until his successor shall be appointed and qualified, unless otherwise  
8 removed as provided herein. The commissioner shall give bond in the sum of \$10,000, to be ap-  
9 proved by the governor, conditioned upon the faithful discharge of his duties. The commis-  
10 sioner shall have the power, jurisdiction and authority, subject to the approval of the governor,  
11 to employ, promote and remove deputies, clerks, inspectors and other assistants, to fix their  
12 compensation, if the same be not fixed herein—and to assign them their duties; to appoint ad-  
13 visors who shall, without compensation, assist the bureau in the execution of its duties; to re-  
14 tain and to assign to their duties any and all of the deputies, inspectors, clerks and other em-  
15 ployes of the bureau of labor statistics. Nothing herein contained shall give the commissioner  
16 any power or authority over the mine inspection or hotel inspection departments. The commis-  
17 sioner shall prepare, and, with the advice of the executive council, adopt reasonable rules and

18 regulations for the government of all employes under his direction. He shall, with the consent of  
19 the executive council, formulate rules and regulations to govern the mode and manner of investi-  
20 gations and hearings, and such rules shall be effective ten days after their publication. A copy  
21 of such rules and regulations shall be delivered to every citizen making application therefor, and  
22 a copy delivered with every notice of hearing.

Sec. 58. The annual salary of the commissioner shall be \$3,000, and the actual expenses  
2 when absent from his office in the discharge of his official duties. The commissioner shall ap-  
3 point two deputies, whose annual salaries shall be \$1800, and actual traveling expenses when  
4 absent from home in the discharge of their official duties. Each deputy commissioner shall be-  
5 fore entering upon his official duties furnish a bond to the state of Iowa, to be approved by  
6 the governor, in the sum of \$2,000, conditioned upon the faithful discharge of his duties.  
7 The Commissioner shall appoint six factory inspectors, whose annual salaries shall be \$1500,  
8 and actual traveling expenses when absent from home in the discharge of their duties. Each  
9 factory inspector shall before entering upon his official duties furnish a bond to the state of  
10 Iowa, to be approved by the governor, in the sum of \$2,000, condition upon the faithful  
11 discharge of his duties. The bureau shall be furnished by the state with all necessary of-  
12 fices, furniture, postage, stationery and other necessary supplies. The bureau shall furnish  
13 to the inspectors all necessary postage and stationery. All salaries and expenses provided  
14 for herein are to be paid as the salaries and expenses of other state officers are provided  
15 for. The expense accounts to be rendered monthly by the commissioner, the deputies and in-  
16 spectors, shall be audited by the executive council.

Sec. 59. The commissioner shall divide the state into six inspection districts, arranging  
2 as nearly as practicable so that there will be about the same number of mechanical and man-  
3 ufacturing industries in each district; and he shall assign to each district a factory inspector  
4 who shall reside in such district. He shall require the factory inspectors to make and report,  
5 under rules to be adopted, periodical inspections of each and every factory, mill, shop, or  
6 other permanent place of employment. He shall, upon receiving notice of any accident re-  
7 sulting in bodily injury to any workman and causing over one week's disability or in the  
8 death of such workman, instruct the factory inspector in the district in which such accident  
9 occurs, or, if necessary, any other inspector or deputy to make an investigation as to the  
10 cause of the accident and the facts relating thereto and report the findings to the bureau.

Sec. 60. With the consent of the governor the commissioner may appoint as an inspector  
2 at large, a woman fully qualified for the position and whose salary shall be fixed at not over  
3 \$1200 per year and actual traveling expenses when absent from home in the discharge of  
4 her official duties and who shall give bond to the state of Iowa to be approved by the gov-  
5 ernor in the sum of \$1,000, conditioned upon the faithful discharge of her duties. It shall  
6 be the duty of such inspector at large to inspect stores or other places of permanent em-

7 ployment with the regard to the employment of child labor, female workers, sanitary con-  
8 ditions and other laws for the protection of life, health, safety and welfare of workers.

Sec. 61. The commissioner shall place one deputy in charge of the statistical department  
2 and one in charge of the general inspection department subject to the general supervision  
3 of the commissioner. The commissioner shall give his particular attention to the employ-  
4 ment and labor department and such department shall be directly under his management.

Sec. 62. The commissioner shall form a board composed of himself as chairman and with  
2 at least four other persons whom he shall select from time to time from his deputies, factory  
3 inspectors or advisors, which board shall fix such reasonable standards of safety devices,  
4 safeguards, means or methods for the protection of life, health, safety and welfare of employes  
5 as may be necessary to successfully guard the life, health, safety and welfare of workers  
6 in mechanical or manufacturing plants or other permanent places of work. Such standards  
7 as shall be fixed by said board may be changed or modified by subsequent resolutions of  
8 such board. All resolutions fixing such standards or modifying or changing such standards  
9 shall be signed by all members of the board at any meeting in which any standards are fixed,  
10 changed or modified and such resolutions shall be in writing and dated and filed as permanent  
11 records of the bureau.

Sec. 63. The commissioner, the deputies and factory inspectors shall have the power to  
2 issue subpoenas, administer oaths and take testimony in all matters relating to the duties  
3 herein required by said bureau, said testimony to be taken in some suitable place in the vi-  
4 cinity to which such testimony is applicable. Witnesses subpoenaed and testifying before the  
5 commissioner, the deputies or factory inspectors shall be paid the same fee as witnesses be-  
6 fore a justice court and the payment of such witness fees shall be paid out of the general  
7 funds of the state by order of the commissioner. Any person duly subpoenaed under the pro-  
8 visions of this section who shall wilfully neglect or refuse to attend or testify at the time and  
9 place named in the subpoena, shall be guilty of a misdemeanor and upon conviction thereof  
10 before any court of competent jurisdiction shall be punished by a fine not exceeding \$50 and  
11 costs of prosecution or by imprisonment in the county jail not exceeding thirty days.

Sec. 64. Upon a petition by any person that any employment or place of employment is  
2 not safe or is injurious to the welfare, health, life or limb of any employe the commissioner  
3 shall proceed with or without notice to have such investigation made as may be necessary  
4 to determine the matter complained of. Whenever the commissioner, the deputies or any of  
5 the factory or other inspectors shall learn of any employment or permanent place of em-  
6 ployment which is not safe or is injurious to the welfare, health, life or safety of any em-  
7 ploye, he may of his own motion summarily investigate the same with or without notice and  
8 enter such order as may be necessary relative thereto. The commissioner, the deputies or  
9 any inspector shall have the power to enter any factory, mill, shop, store, business house,

10 or other permanent place of employment for the purpose of gathering facts, information and  
11 statistics, and to examine into the methods of protection for workmen and the sanitary con-  
12 ditions in and around such places. If the commissioner, the deputies or any inspector, shall  
13 learn of the violation of or neglect to comply with the laws governing the employment of  
14 children, females, the hours of work or the laws or lawful orders respecting the safety of  
15 employes or the laws respecting the preservation of health and welfare of employes, he shall  
16 give written notice to the owner or person in charge of such place of such offense or neglect  
17 and if the same is not remedied within thirty days after service of such notice, such officer  
18 shall make written complaint to the county attorney of the county in which such place of  
19 employment is situated whereupon that officer shall immediately institute the proper pro-  
20 ceedings against the persons guilty of such offense or neglect. Any owner or person in charge  
21 of such place of employment who shall refuse to allow any such officer of the bureau to  
22 enter such place of employment or who shall hinder or in any way deter or prevent such  
23 officer from collecting such information or making any inspection of such place of employ-  
24 ment shall be deemed guilty of a misdemeanor and upon conviction thereof, before any court  
25 of competent jurisdiction, shall be punished by a fine not exceeding \$100 and costs of prose-  
26 cution or by imprisonment in the county jail not exceeding sixty days.

Sec. 65. At any hearing which may be called by the commissioner, the deputies or any of  
2 the factory inspectors, the findings shall be filed in the office of the bureau and the com-  
3 missioner or his deputies may enter such order relative thereto as may be necessary to ren-  
4 der such employment or permanent place of employment safe and not injurious to the life,  
5 health, safety and welfare of the workmen therein.

Sec. 66. If a machine, equipment or any part thereof is in a dangerous condition or is  
2 not guarded according to the standard fixed by the board as herein provided, the use thereof  
3 shall be prohibited by the commissioner, the deputy or the factory inspector and a notice  
4 of such prohibition of the use of such machine shall be attached thereto. Upon the attach-  
5 ment of such notice to any machine or other equipment, the use of such machine or equip-  
6 ment shall be immediately discontinued and such machine or equipment shall not be used  
7 or the notice removed until such machine or equipment has been made safe and the required  
8 safeguard provided. The removal of such notice as has been affixed as provided herein be-  
9 fore such machine or equipment is made safe and the required safeguard provided, or the  
10 direction to operate, or operation of such machine or equipment, by any employer or em-  
11 ployee before the same has been made safe and the required safeguard provided, shall be  
12 deemed a misdemeanor and any person guilty of issuing such directions to operate or oper-  
13 ating such machine or equipment, upon conviction thereof, shall be punished by a fine of  
14 not exceeding fifty dollars (\$50.00) and costs of prosecution, or imprisonment in the county  
15 jail not exceeding sixty days.

Sec. 67. The term "factory, mill, shop, yard, store, business house, permanent place of employment" as used in Part II of this act, shall be defined to mean a place of employment wherein any person or persons are employed at manual or mechanical labor and shall include wholesale and retail stores and warehouses; provided, however, that nothing herein shall be construed to apply to any place of employment wherein only, persons only engaged in clerical service or as domestic servants, other than hotel servants, and farm or other laborer engaged in agricultural pursuits are employed.

Sec. 68. It shall be the duty of every owner, operator, or manager of every factory, mill, shop, store, business house or other permanent place of employment where workers are employed to make to the bureau upon its request and upon blanks furnished by said bureau, such reports and returns as said bureau may require for the purpose of compiling such statistics and other information as is contemplated by this act and any owner, operator or manager shall make such reports or returns within thirty days of the receipt of such blanks furnished by the bureau and to certify under oath as to the correctness thereof. Any owner, operator or manager as herein stated, who shall neglect or refuse to furnish to the bureau such reports or returns as may be required by the blanks furnished by such bureau, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100 and costs of prosecution, or imprisonment in the county jail not exceeding thirty days.

Sec. 69. No use shall be made of the name of individuals, firms or corporations supplying the information called for by the bureau and such information shall be kept confidential and not for the purpose of disclosing personal affairs. Any officer or employe of the bureau violating this provision shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500 and costs of prosecution or by imprisonment in the county jail not exceeding one year.

Sec. 70. No report or return made to the said bureau in accordance with the provisions of this act and no schedule, record or report returned by any of the officers or employes shall be destroyed within five years of the collection or receipt thereof. At the expiration of five years all reports, schedules and records accumulating in said bureau during the said period considered by the commissioner as of no value may then be destroyed by the authority of the executive council.

Sec. 71. It shall be the duty of the owner, agent, superintendent or other person having charge of any factory, mill, shop, store, yard, or other establishment wherein machinery or elevators are used, to make provisions to prevent injuries to persons who use or may come in contact with such machinery or elevator therein or any part thereof as follows:

(1) They shall case or box all shafting operating horizontally within 8 feet of any floor or platform upon which workmen are permanently engaged in work, or operating perpendicu-

7 larly or otherwise between, from or through floors, or when operating near a passageway  
8 or directly over and within 2 feet of the heads of the employes.

9 (2) They shall enclose with substantial railings or casings all exposed cog wheels, gear-  
10 ing, fly wheels, balance, belt and band wheels, main or other belts transmitting power to  
11 any kind of machinery and all openings through floors through which such wheels or belts  
12 may operate. For the purpose of this section all ropes, chains or other devices for trans-  
13 mitting power shall be considered as belts.

14 (3) They shall cover, cut off or counter sink all keys, bolts, set screws and all parts of  
15 wheels, shafting or other revolving machinery projecting unevenly beyond the surface of  
16 such revolving machinery.

17 (4) They shall case in all unused openings of elevators and elevator shafts to a height at  
18 least of 7 feet and shall place such gates or floor doors as shall be required by this act on each  
19 floor where entrance to the elevator carriage is obtained. They shall keep such gates or doors  
20 in good repair and examine frequently and keep in sound condition the ropes, gearing and  
21 other parts of elevators.

22 (5) They shall close stair openings on each floor, except where access to the stairs is ob-  
23 tained and shall rail such stairs between floors.

24 (6) They shall enclose or close all hatchways, hoistways, or other openings in floors, ac-  
25 cording to the standards fixed by the Bureau.

26 (7) They shall light the hallways, rooms, approaches to rooms, basements and other  
27 places wherein sufficient daylight is not obtainable.

28 (8) They shall guard all saws, wood-cutting, wood shaping, metal cutting, metal shaping,  
29 and all other dangerous machinery, according to the standards fixed by the bureau.

30 (9) They shall provide mechanical shifters for shifting belts and poles and other appliances  
31 for removing, replacing and repairing belts and wherever practicable loose pulleys shall be pro-  
32 vided.

33 (10) They shall equip with hand railing all runways and stagings used for oiling and other  
34 purposes when more than five feet above the floor.

35 (11) They shall provide counter-shafting in each room separate from the engine room with  
36 tight and loose pulleys and other suitable appliances for disconnecting machinery when in op-  
37 eration.

38 (12) They shall provide emery wheels or belts of solid emery, leather, leather covered, felt,  
39 canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum or  
40 other similar substance or cotton wheels used as buffs, with suction blowers and pipes or simi-  
41 lar apparatus placed beside or under such wheels or belts in such manner and of such size as will  
42 protect the employes from particles of dust produced and caused thereby.

43 (13) They shall provide each emery wheel with a sheet or cast iron hood or hopper of such  
44 form and so applied as to prevent injury to employes and that the dust or refuse therefrom will  
45 be carried off by a blower and suction pipe attached to such hood or hopper. Nothing in this  
46 section shall apply to emery or other wheels upon which water is used at the point of grinding  
47 contact, small emery wheels used temporarily for tool grinding or small shops employing not  
48 more than one man at work upon an emery wheel which does not create dust enough in the opin-  
49 ion of the commissioner, the deputies or factory inspectors to be injurious to its operator or  
50 other employes. No female shall be employed in operating, assisting to operate or using any  
51 of the wheels or belts specified in this or the preceding sub-division of this section.

52 (14) They shall provide all tumbling barrels used for rumbling, cleaning or polishing  
53 castings, with blowers and pipes of sufficient capacity, and placed in such manner as to protect  
54 the person or persons using them or employed in the room wherein such tumbling barrels are  
55 situated from the particles of dust produced or caused thereby, and to carry away such particles  
56 of dust arising from or thrown off by such barrels while in operation, directly to the exterior of  
57 the building or to some tight receptacle placed to receive and confine such particles of dust.

58 (15) They shall provide all stamping, punching, embossing and forming presses with safety  
59 devices according to the standards fixed by the bureau.

60 (16) They shall provide all mangles, roll-feed and similar machines with such standards of  
61 safeguards as shall be adopted by the bureau.

62 (17) All machinery of every description and all parts of all mechanical equipment shall be  
63 guarded in accordance with the standards fixed by the bureau.

64 (18) They shall provide all vats, pans, tanks, or structures filled with molten metal or hot  
65 or cold liquids, with such safeguards as shall be ordered by the bureau.

Sec. 72. In all other places of employment it shall be the duty of the owners, agents or man-  
2 agers to provide such standards of safeguards as shall be adopted by the bureau.

Sec. 73. No person under the age of fourteen years shall be employed with or without wages  
2 or compensation in any mine, manufacturing establishment, factory, mill, shop, laundry,  
3 slaughter house, packing house, warehouse or in any store or mercantile establishment wherein  
4 more than three persons are employed. No person under the age of sixteen years shall be per-  
5 mitted to operate any freight or passenger elevator. No person under sixteen years of age and  
6 no female under eighteen years of age shall be permitted or directed to clean machinery while  
7 in motion. No person under sixteen years of age shall be permitted to operate or assist in op-  
8 erating machinery of any kind. No person under sixteen years of age shall be employed in any  
9 of the places as defined in section 67 hereof before the hour of six o'clock in the morning or after  
10 the hour of eight o'clock in the evening, and if such person is employed exceeding five hours in  
11 each day, a noon intermission of not less than thirty minutes shall be given between the hours  
12 of eleven and one o'clock. No person under sixteen years of age shall be employed more than

13 eight hours in any one day, exclusive of the noon intermission. The provisions of this section  
14 shall not apply to persons employed in husking sheds or other places connected with canning  
15 factories where vegetables or grain are prepared for canning, and in which no machinery is  
16 operated.

Sec. 74. All laws relating or referring to the bureau of labor statistics, the commissioner of  
2 the bureau of labor statistics, his deputy, or factory inspectors, shall apply to and be deemed to  
3 relate and refer to the bureau of industries so far as the said laws are applicable thereto.

Sec. 75. All orders of the bureau of industries, the commissioner, the deputies or factory in-  
2 spectors in conformity with law shall be enforced and shall be prima facie lawful and all such  
3 orders shall be valid and in force and prima facie reasonable and lawful until they are found  
4 otherwise in an action brought for that purpose pursuant to the provisions of section 82 hereof  
5 or until altered or revoked by the bureau.

Sec. 76. All general orders shall take effect within thirty days after their publication in the  
2 official state papers. Special and individual orders shall take effect as therein directed.

3 (1) The commissioner may, upon application of any employer, owner or manager, grant such  
4 time as may be shown to be reasonably necessary for the compliance with any order.

5 (2) Any person may petition the bureau for an extension of time which the commissioner  
6 may grant if upon proper showing in his opinion such an extension of time is necessary.

Sec. 77. No action, proceeding or suit to set aside, vacate or amend any order of the bureau,  
2 or to enjoin the enforcement thereof, shall be brought, unless the plaintiff shall have applied  
3 to the commissioner for a hearing thereon at the time and as provided in section 84 hereof.

Sec. 78. Every day during which any person or persons, corporation, or any officer, agent  
2 or employe thereof, shall fail to observe and comply with any order of the bureau, or to per-  
3 form any duty provided for by this act, shall constitute a separate and distinct violation of  
4 such order or of the provisions of this act.

Sec. 79. Every order of the bureau shall, in every prosecution for violation thereof, be con-  
2 clusively presumed to be just, reasonable and lawful, unless prior to the institution of prose-  
3 cution for such violation an action shall have been brought to vacate and set aside such order,  
4 as provided in section 82 hereof.

Sec. 80. A full and complete record shall be kept of all proceedings had before the commis-  
2 sioner of any investigation or other matter pertaining to any rule or order, and all testimony  
3 shall be taken down by a stenographer and filed with the bureau.

Sec. 81. For the purpose of making any investigation with regard to any employment, place  
2 of employment or accident resulting in bodily injury to a workman, the commissioner shall  
3 have power to appoint by an order in writing any deputy, factory inspector, or any other com-  
4 petent person, as an agent, whose duty shall be prescribed in such order. In the discharge of  
5 his duties, such agent shall have every power whatsoever of an inquisitorial nature granted in

6 this act to the commissioner, and the same powers granted by law to a court commissioner rela-  
7 tive to the taking of depositions.

Sec. 82. A substantial compliance with the requirements of this act shall be sufficient to give  
2 effect to the orders of the bureau, and they shall not be declared inoperative, illegal or void for  
3 any omission of a technical nature in respect thereto. Any employer or other person being  
4 dissatisfied with any order of the bureau may commence action in the district court of the  
5 county in which any special or individual order may have been applied, or in the district court  
6 of Polk county, with respect to general orders, to vacate and set aside any such order on the  
7 ground that the order is unlawful or that any such order is unreasonable, in which action the  
8 complaint shall be served with the original notice of action.

Sec. 83. The answer of the commissioner to the complaint shall be served within ten days  
2, after service of the original notice, whereupon said action shall be at issue and stand ready for  
3 trial upon ten days' notice to either party. All such actions shall have precedence over any civil  
4 cause of a different nature pending in such court, and the district court shall always be deemed  
5 open for the trial thereof, and the same shall be tried and determined as other civil actions. No  
6 injunction shall issue suspending or staying an order of the commissioner except upon appli-  
7 cation to the district court of Polk county.

Sec. 84. Any employer or other person, either by reason of ownership or occupancy of any  
2 property affected by any order of the bureau, may petition for a hearing on the reasonable-  
3 ness of any such order. Such petition for hearing shall be a verified petition filed with the  
4 bureau, setting out specifically and in full detail the order upon which a hearing is desired, and  
5 every reason why such order is unreasonable, and every issue to be considered by the commis-  
6 sioner on the hearing. The petitioner shall be deemed to have finally waived all objections to  
7 any irregularities or illegalities in the order upon which a hearing is sought, other than those set  
8 out in the petition. All hearings before the commissioner shall be open to the public. Upon re-  
9 ceipt of the petition, if the issues raised in such petition have theretofore been adequately con-  
10 sidered, the commissioner shall determine the same by confirming without hearing his previous  
11 determination; or if such hearing is necessary to determine the issues raised, the commissioner  
12 shall order a hearing thereon and consider and determine the matter or matters in question at  
13 such times and places as he shall prescribe. Notice of the time and place of such hearing shall  
14 be given to the petitioner and to such other persons as the commissioner may find directly inter-  
15 ested in such decision. If upon such investigation it shall be found that the order complained of  
16 is unjust or unreasonable, the commissioner shall substitute therefor such other order as shall  
17 be just and reasonable. Whenever at the time of the final determination upon such hearing it  
18 shall be found that further time is reasonably necessary for compliance with the order of the  
19 bureau, the commissioner shall grant such time as shall be reasonably necessary for such com-  
20 pliance.

Sec. 85. Nothing contained in this act shall be construed to deprive the commissioners, board of aldermen, city council, board of trustees or village board of any village or city, or the board of health of any municipality, of any power or jurisdiction over or relative to any place of employment; provided that whenever the bureau shall have by an order fixed the standard of safety or any hygienic condition for employment or places of employment, such order shall, upon the filing by the bureau of a copy thereof with the clerk of the city or village to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by such order. Thereafter no local officer shall make or enforce any order contrary thereto. Any person affected by any local order in conflict with an order of the bureau may, in the manner provided in section 84 herein, petition the bureau for a hearing, on the ground that such local order is unreasonable and in conflict with the order of the bureau. The petition for such hearing shall conform to the requirements set forth for a petition in section 84 hereof. Upon receipt of such petition the commissioner shall order a hearing thereon to consider and determine the issues raised, and such hearing shall be in the city or town where the local order appealed from was made. Notice of the time and place for such hearing shall be given to the petitioner and such other persons as the commissioner may find directly interested in such hearing, including the clerk of the city or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the bureau, the commissioner may modify the order, and shall substitute for the local order appealed from such other order as shall be reasonable and legal in the premises.

Sec. 86. Upon the request of the commissioner, the attorney-general or any county attorney of the county in which the investigation, hearing or trial, had under the provisions of part II of this act, is pending, shall aid therein and prosecute, under the supervision of the commissioner, all necessary actions or proceedings for the enforcement of part II of this act, and all other laws of the state relating to the protection of the life, health, safety and welfare of employes, and for the punishment of the violations thereof.

Sec. 87. (1) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the bureau, or any other determination arrived at or decision made by such bureau.

(2) The term "bureau" as used herein shall refer to the bureau of industries, the commissioner, the deputies or the inspectors thereof.

(3) The term "general order" shall mean and include such order as applies generally throughout the state to all persons, employments or places of employment as are contemplated by part II of this act.

(4) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of commissioners, board of aldermen, city council, trustees and boards of

11 any city or town, or the board of health of any municipality, or an order or direction of any of.  
12 ficer thereof, on any matter over which the bureau is given jurisdiction hereby.

13 (5) The term "welfare" shall mean and include comfort, decency and moral well-being.

14 (6) The terms "safe" and "safety" as applied to an employment or place of employment,  
15 shall mean the freedom from danger to the life, health or safety of the employes as the nature  
16 of the employment will reasonably permit.

Sec. 88. No employe shall remove, displace, damage, destroy or carry off any safety device  
2 or safeguard furnished and provided for use in any employment or place of employment, nor  
3 interfere in any way with the use thereof by any other person; nor shall any employe interfere  
4 with the use of any method or process adopted for the protection of any employe in such em-  
5 ployment or place of employment, nor fail to do every other thing reasonably necessary to pro-  
6 tect the life, health, safety and welfare of his fellow employes. The violation of this section  
7 shall be deemed a misdemeanor, and upon conviction thereof the guilty person shall be subject  
8 to a fine of not less than twenty-five dollars and costs of prosecution, or imprisonment in the  
9 county jail for not exceeding fifteen days.

Sec. 89. If any employer, employe or other person shall violate any provision or provisions  
2 of this act, or shall do anything prohibited by this act, or shall fail or refuse to perform any  
3 duty required by this act, within the time prescribed by law or by order of the bureau, or shall  
4 fail, refuse or neglect to obey any lawful order given or made by the commissioner, the depu-  
5 ties or factory inspectors, then such employer, employe or other persons shall be deemed guilty  
6 of a misdemeanor, and in all cases wherein no penalty has been specifically prescribed in this  
7 act shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one  
8 hundred dollars and costs of prosecution, or be imprisoned in the county jail for not less than  
9 one week or over two months.

Sec. 90. A sum sufficient to carry out the provisions of part II of this act, not exceeding twen-  
2 ty-five thousand dollars annually is appropriated out of any money in the treasury not otherwise  
3 appropriated.

Sec. 91. That sections 2469, 2470, 2471 and 2472 of the supplement to the code of 1907, sec-  
2 tions 2473, 2474, 2475 and 2476 of the code, sections 2477, 2477-a, 2477-c, 2477-f, 4999-a2, 4999-a4  
3 and 4999-a5 of the supplement to the code of 1907, are hereby repealed.

Sec. 92. All acts and parts of acts in conflict with the provisions of part II of this act are, for  
2 the purpose of this act, hereby repealed.

Sec. 93. This act being deemed of immediate importance, part II hereof shall take effect and  
2 be in force from and after its publication in the Register and Leader and the Des Moines Daily  
3 News, newspapers published in the city of Des Moines, Iowa.