

# A BILL

FOR AN ACT FOR THE PREVENTION OF ACCIDENTS, PROVIDING INDEMNITY TO EMPLOYEES, CREATING A FUND FOR THE PURPOSE, SECURING CONTRIBUTIONS THERETO, CREATING A BOARD AND FIXING THEIR POWERS AND DUTIES RELATING TO THE SUBJECT MATTERS OF THIS ACT.

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

## PART I.

Section 1. (a) When five or more employees, as defined by this act, are employed by the same employer in the same general employment and in the usual and ordinary transaction of business, the rights and remedies and the terms, conditions and provisions of this act as to such employer and as to each of such employees shall be exclusive, compulsory and obligatory. Every such employer and every such employee shall contribute to an indemnity fund, as herein provided. Such indemnity fund shall be for the purpose of indemnifying employees who become incapacitated by reason of accidental injury or sickness while employed by any such employer.

(b) Every such employer shall be relieved from liability for recovery of damages, or other compensation, for personal injuries received during the course of the employment, unless by the terms of this act otherwise provided.

(c) Every employer of less than five employees may contribute to the indemnity fund, in which case the employees of such employer shall likewise contribute to said indemnity fund, and the right and remedies of each shall be the same as in the case of more than five employees. Upon electing to accept the terms, conditions and provisions of this act such employer of less than five employees shall give written notice of his election by posting the same in some conspicuous place where the employment is carried on, and within three days thereafter by mailing or delivering a true copy of such notice to the district industrial commissioner of the district of employment, and mailing triplicate copies of same to the Iowa state industrial commission, state house, Des Moines, Iowa. Such notice shall be substantially in the following form:

22

EMPLOYER'S NOTICE TO ACCEPT.

23 To the employees of the undersigned and to the district industrial commissioner and to the  
24 Iowa state industrial commission:

25 You and each of you are hereby notified that the undersigned elects to accept the terms,  
26 conditions and provisions relative to employee's indemnity, as provided by chapter . . . . of the  
27 acts of the . . . . . general assembly, and acts amendatory thereof.

28 (Signed) . . . . .

29 State of Iowa, . . . . . county, ss.

30 The undersigned, being first duly sworn, on oath deposes and says that a true, correct and  
31 verbatim copy of the foregoing notice was on the . . . . . day of . . . . ., 19..  
32 (State where)

33 (Signed) . . . . .

34 Subscribed and sworn to before me by . . . . . this . . . . . day of . . . . ., 19..

35 (Signed) . . . . .

36 Notary Public.

37 The employer shall keep such notice posted in a conspicuous place where the business is  
38 carried on, and same shall apply to employees subsequently employed in the same manner as  
39 to the employees in the employ at the time notice was given. This election shall become ef-  
40 fectice at the first tax premium date following the first full tax period after receipt of said  
41 notice by the state industrial commission.

42 (d) Whenever an employer employs five or more employees, as herein provided, and where  
43 the employer of less than five employees has elected to come under this act, as herein pro-  
44 vided, every contract to hire, express or implied, shall be construed as an implied agreement  
45 between them on the part of the employee to accept indemnity, and on the part of each to  
46 contribute toward the indemnity fund in the manner, as provided by this act.

Sec. 2. Acceptance of act when made, until notice to the contrary.

2 (a) When an employer of less than five employees has given notice in compliance with this  
3 act electing to accept the terms thereof, such election shall continue until the close of the next  
4 succeeding tax premium period after the period written notice to the contrary shall have been  
5 given in like manner, as provided for notice of acceptance.

Sec. 3. Indemnity—when not allowed. No indemnity under this act shall be allowed for  
2 an injury caused:

3 (a) By the employee's willful intention to injure himself or to him if he attempt to will-  
4 fully injure another, nor shall indemnity be allowed to employees if the injury is sustained  
5 while intoxicated, or under the influence of narcotic drugs.

6 (b) No indemnity under this act shall be allowed for any sickness or incapacity resulting  
7 from the use of alcoholic liquors, narcotics or immoral conduct.

Sec. 4. (a) The rights and remedies provided in this act for an employee on account of  
2 an injury shall be exclusive of all other rights and remedies of such employee, his personal  
3 or legal representatives, dependents or next of kin, at common law or otherwise, on account  
4 of accidental injury or death; and all employees affected by this act shall be limited to the  
5 compensation afforded by the terms, conditions and provisions of this act.

6 (b) No employee affected by this act shall have a right of recovery against his employer  
7 for damages or compensation for injuries received growing out of and in the course of his  
8 employment.

Sec. 5. Liability of intermediate parties. When an employee under this act receives an  
2 injury for which indemnity is payable under this act, and which injury was caused under cir-  
3 cumstances creating a legal liability on the part of some person other than the employer under  
4 the act to pay damages in respect thereof:

5 (a) The employee, or his dependents or legal representatives, may take proceedings both  
6 against that person to recover damages and against the state industrial commission for indem-  
7 nity. The amount of indemnity to which he is entitled under this act shall be reduced by  
8 the amount of damage recovered.

9 (b) If the employee, or beneficiary, in such case recovers indemnity under this act the state  
10 industrial commission shall be entitled to indemnity from the person so liable to pay damages,  
11 as aforesaid, and shall be subrogated to the rights of the employee to recover therefor.

Sec. 6. Notice to employer and district industrial commissioner and Iowa state industrial  
2 commission of sickness or injury and limitation.

3 (a) Unless the employe, or some one on his behalf, or some of the defendants, or some one  
4 on their behalf, shall give written notice to the employer, the district industrial commission-  
5 er and the Iowa state industrial commission of such employe's sickness or injury within  
6 fifteen days of the occurrence of the injury or date sickness commences, then no indemnity  
7 shall be paid until and from the date such notice is given; but if the notice is given within  
8 thirty days of the occurrence of injury or date taken sick, no want, failure or inaccuracy of  
9 a notice shall be a bar to obtaining indemnity, unless the employer, or district industrial  
10 commissioner or the Iowa state industrial commission shall show that prejudice had resulted  
11 from such want, defect, or inaccuracy, and then only to the extent of such prejudice; provided,  
12 that if the employe or beneficiary shall show that his failure to give prior notice was due to  
13 mistake, inadvertence, ignorance of fact or law, or inability; or to the fraud, misrepresen-  
14 tation or deceit of another; or to any other reasonable cause or excuse, then indemnity may  
15 be allowed unless, and then to the extent only that the employer, district industrial commis-  
16 sioner or the Iowa state industrial commission shall show that prejudice had resulted from  
17 such failure to receive such notice. Provided further: Unless notice is given within ninety  
18 days after stopping work by reason of sickness or injury, no indemnity shall be allowed.  
19 No form of notice shall be required, but may substantially conform to the following form:

20 FORM OF NOTICE OF SICKNESS OR INJURY.

21 To....., district industrial commissioner and the Iowa state  
(Injury or sickness)  
22 industrial commission.

23 You and each of you are hereby notified that on or about the.....day of.....,  
24 19..., at..... o'clock ..M., ....., was....., and that the  
(Injured—taken sick)  
25 nature of such.....to the best knowledge and belief of the undersigned is  
(Injury or sickness)  
26 as follows:

27 (In case of accident state fully how, when and where same occurred and cause, if known.)

28 (In case of sickness state nature and cause, if known, whether or not physician was called,  
29 his name and treatment being given.)

30 and that indemnity shall be claimed therefor.

31 (Signed).....

32 (b) No variation of this form of notice shall be material if notice is sufficient to advise  
33 the employer, the district industrial commissioner and the Iowa industrial commission that  
34 the employe, by name, received an injury at or about a certain time, at or near a certain  
35 place, or was taken sick on or about a certain time, giving nature and state of the injury or  
36 sickness. Notice served upon one on whom original notice may be served in civil cases, or on  
37 an employer at the office at the place of business of the employer and copy delivered to or  
38 mailed to the district industrial commissioner and copy mailed to the Iowa state industrial  
39 commission, state house, Des Moines, Iowa, shall be a compliance of this act.

40 (c) A notice required to be given to the employer may be served by any person over six-  
41 teen years of age, who shall make a return upon a copy of the notice properly sworn to  
42 showing the date of service and upon whom served, but no special form of the return serv-  
43 ice of the notice shall be required. It shall be sufficient if the facts thereof can be reason-  
44 ably ascertained. The return of service may be amended at any time.

45 (d) The notice provided for under this section shall be effective only from the date same is  
46 received by the district industrial commissioner and no indemnity nor benefit shall be paid for  
47 any time lost prior to such date. Provided, however, that if the incapacity result from acci-  
48 dental injury and notice be received by the district commissioner within 48 hours after ac-  
49 cident occurred then the notice shall be operative from the time of the accident and indemnity  
50 shall begin at said time.

Sec. 7. If an employe of any employer under this act receives an injury or is taken sick  
2 while actually employed, indemnity shall be paid, as provided herein.

3 (a) The indemnity provided for in this act shall be paid on a basis of the reduced earn-  
4 ing capacity caused by such sickness or injury, and in accordance with the schedule, unless  
5 otherwise provided, and shall be figured on the average weekly earnings for the tax pre-

6 mium period next preceding the period incapacity occurred. No indemnity shall be paid,  
7 however, on a basis of a greater average weekly earnings than \$25 per week.

8 (b) Medical and hospital services. At any time during the first ten days after an occu-  
9 pational injury sufficiently severe to necessitate stopping work and until the expiration of  
10 ten days of incapacity caused by such injury, the employer, if requested by the employe or  
11 anyone for him, or if ordered by the court, or the district industrial commissioner of the Iowa  
12 state industrial commission shall furnish reasonable surgical, medical and hospital service  
13 and supplies up to \$50.00. In all such cases the employer shall have the right to designate any  
14 reputable physician or surgeon regularly licensed to practice under the laws of this state,  
15 and to designate the hospital, should hospital care be required. Such physician or surgeon,  
16 as well as the hospital, designated by the employer shall be subject to the approval of the  
17 district industrial commissioner. Should employe refuse to accept the services of the phy-  
18 sician or surgeon engaged by the employer, or refuse to be taken to the hospital designated by  
19 the employer, then the employer shall be relieved from any liability under this sub-division.

20 (c) Indemnity in case of death. For death resulting from occupational injury the indem-  
21 nity under this act shall be as follows:

22 The reasonable expense of employe's last sickness and burial, not to exceed \$100.00 in  
23 addition to any other indemnity. If the employe leaves no dependents this shall be the only  
24 indemnity. Provided, however, that if death be caused by any injury received in the regu-  
25 lar course of employment, and such injury was produced by reason of the failure or negli-  
26 gence of the employer to comply with the statutory requirements regarding safety devices  
27 for workmen, such offending employer may be required to pay the full death benefit, as pro-  
28 vided in subdivision "(d)", section 7 of this act to workmen's indemnity fund, and the Iowa  
29 state industrial commission shall have the right of recovery thereof.

30 (d) Indemnity to dependents in case of death. If death results from occupational injury  
31 the dependents of the employe wholly dependent upon his earnings for support at the time  
32 of the injury shall be entitled to a weekly indemnity of 60 per cent of the employe's average  
33 weekly earnings, but not more than \$15.00 per week, nor less than \$5.00 per week for a  
34 period of 50 weeks, and thereafter at the rate of 30 per cent of said average weekly earning,  
35 but not more than \$7.50 per week, nor less than \$2.50 per week for 500 weeks.

36 (e) If the employe leaves dependents only partially dependent upon his earnings for sup-  
37 port at the time of such occupational injury, the weekly indemnity to be paid, as aforesaid,  
38 shall be equal to the same proportion of the weekly indemnity for the benefit of persons  
39 wholly dependent as the amount contributed by the employe to such partial dependents bears  
40 to the earnings of the deceased at the time of such injury.

41 (f) When weekly indemnity has been paid to such injured employe before his death, the  
42 indemnity to dependents shall begin from the date of the last of such payments, but shall not  
43 continue more than 500 weeks from the date of the injury.

44 (g) In the event of death from occupational injury of an employe, a minor whose earnings  
45 were received by the parent, the indemnity to be paid the parent shall be two-thirds of the  
46 amount provided for payment in subdivision "d," section 7, hereof. This indemnity shall  
47 continue not more than 550 weeks from the date of the injury, or until such time as such minor,  
48 if living, should have reached the age of sixteen years.

49 (h) Indemnity to incapacitated employe. No indemnity except as provided in subdivision  
50 "(b)" in section 7 of this act shall be paid for sickness or injury which does not incapacitate  
51 the employe for a period of more than ten days from earning full wages, but if incapacity  
52 extends beyond a period of ten days indemnity shall begin on the eleventh day after stopping  
53 work.

54 (i) For occupational injury producing temporary disability the indemnity shall equal 60 per  
55 cent of the average weekly earnings, subject to a maximum indemnity of \$15.00 and a min-  
56 imum of \$5.00 per week, provided that if such earnings were less than \$5.00 per week, then he  
57 shall receive the full amount per week. This indemnity shall be paid during such disability  
58 but shall not extend beyond 50 weeks.

59 (j) For complete disability caused by an occupational injury the indemnity shall be 60 per  
60 cent of employe's average weekly earnings subject to a maximum indemnity of \$15.00 per  
61 week and a minimum of \$5.00 per week, provided such average weekly earnings be less than  
62 \$5.00 per week, then he shall receive the full amount per week. This indemnity shall be paid  
63 during the first 50 weeks of such disability. Should such disability extend beyond fifty weeks  
64 indemnity shall be paid thereafter during such disability at the rate of 30 per cent of the aver-  
65 age weekly earnings, not, however, to exceed \$7.50 per week, nor less than \$2.50 per week  
66 up to the age of 70 years.

67 (k) For disability from occupational injury partial in character and permanent in quality,  
68 the indemnity shall be based upon such disability.

69 For all cases whether resulting from occupational injury, or otherwise, included in the fol-  
70 lowing schedule, indemnity shall be paid as follows:

71 1. For the loss of a thumb, 60 per cent of the weekly earnings during 40 weeks.

72 2. For the loss of a first finger, called the index finger, 60 per cent, of the weekly earn-  
73 ings during 30 weeks.

73½ 3. For the loss of a second finger, 60 per cent of the weekly earnings during 25 weeks.

74 4. For the loss of a third finger, 60 per cent of the weekly earnings during 20 weeks.

75 5. For the loss of a fourth finger, commonly called the little finger, 60 per cent of the  
76 weekly earnings during 15 weeks.

77 6. The loss of the first phalanx of the thumb, or any finger, shall be equal to the loss of  
78 one-half of said thumb or finger, and the indemnity therefor shall be one-half of the amount  
79 above specified.

80 7. The loss of more than one phalanx shall be considered as the loss of the entire finger  
81 or thumb, provided, however, that in no case shall the amount received for more than one  
82 finger exceed the amount provided in this schedule for the loss of a hand.

83 8. For the loss of a great toe, 60 per cent of the weekly earnings during 25 weeks.

84 9. For the loss of one of the toes other than the great toe, 60 per cent of the weekly earn-  
85 ings during 15 weeks.

86 10. The loss of the first phalanx of any toe shall be considered equal to the loss of one-  
87 half of such toe and the indemnity shall be one-half the amount above specified.

88 11. The loss of more than one phalanx of any toe shall be considered as the loss of the  
89 entire toe.

90 12. For the loss of a hand, 60 per cent of the weekly earnings during 50 weeks and there-  
91 after at the rate of 30 per cent of the weekly earnings during 100 weeks.

92 13. For the loss of an arm by severance above the elbow, 60 per cent of the weekly earn-  
93 ings during 50 weeks, and thereafter 30 per cent of the weekly earnings for 300 weeks.

94 14. For the loss of a foot by severance at or above the ankle, 60 per cent of the weekly  
95 earnings for 50 weeks and thereafter 30 per cent of the weekly earnings for 150 weeks.

96 15. For the loss of a leg by severance at or above the knee, 60 per cent of the weekly earn-  
97 ings during 50 weeks, and thereafter 30 per cent of the weekly earnings for 250 weeks.

98 16. For the loss of an eye, 60 per cent of the weekly earnings for 50 weeks, and thereafter  
99 30 per cent of the weekly earnings for 100 weeks.

100 17. The loss of both hands or both feet, or of one hand and one foot by severance at or  
101 above the wrist or ankle, or the loss of both eyes, shall constitute complete disability to be  
102 compensated according to the provisions of clause "(j)" section 7, hereof.

103 18. In all cases where an employe receives an occupational injury resulting in an indem-  
104 nity under this schedule he shall, in addition to such indemnity, receive compensation for  
105 loss of time caused by said injury of an amount equal to 60 per cent of his average earnings.  
106 This indemnity shall be paid employe during the reasonable time required for his wounds  
107 to heal, in no case, however, to exceed 12 weeks.

108 19. For other cases, in this clause "(k)" the indemnity shall bear such relation to the  
109 amount stated in the schedule as the disability bears to those produced by the injury named  
110 in the schedule. The amount of indemnity to be paid in cases not covered by this schedule,  
111 or otherwise classified in this act, shall be settled according to provisions of this act as in  
112 cases of disagreement.

113 20. Maximum and minimum amounts. The amounts specified in this clause "(k)" and  
114 the subdivision thereof, shall be subject to the same limitations as to maximum and mini-  
115 mum weekly indemnity as are stated in clause "(i)" section 7 hereof, and the terms "weekly  
116 earnings" shall mean the average weekly earnings on which the contribution for the pre-  
117 ceding period was paid, in no case, however, to exceed the sum of \$25 per week.

Sec. 8. In case of death from occupational injury or in cases of known permanent incapacity and after indemnity therefor has been paid under this act for a period of at least fifty weeks, the state industrial commission may, at its discretion, pay to the dependents of such deceased employe, or to the employe permanently incapacitated, a lump sum equal to the then present value of the indemnity in such cases provided, based on expectancy as shown in standard mortality tables.

This discretion shall only be exercised in those cases where hardship might otherwise result.

Sec. 9. Sick benefit. (a) No employe shall receive a sick benefit under this act except for time lost by reason of sickness after four weeks after he shall have first contributed to the indemnity fund.

(b) Any employe under this act who paid his premium tax at the preceding assessment date and who shall by reason of sickness while actually employed during any period become incapacitated from performing the regular duties of his regular occupation or employment for a period longer than ten days, shall be entitled to a weekly indemnity of an amount equal to 60 per cent of the average weekly earnings on which his tax for the period next preceding was based. This benefit shall be paid for the period of such incapacity after the said first ten days of incapacity, not, however, to exceed 50 weeks.

(c) Before any employe shall be entitled to a benefit under this section, he, or someone on his behalf, shall give written notice to his employer, the district industrial commissioner and the state industrial commission of such incapacity. Such written notice shall be in the form set out in section 6 of this act.

Sec. 10. Should any employe under this act suffer incapacity from an attack of any chronic disease he shall be paid a sick benefit for the preliminary attack only and no benefit shall be paid such employe for any succeeding attack of the same malady.

Sec. 11. Death indemnity from causes other than occupational injury. (a) Funeral benefits. Should death result from sickness the indemnity shall be the reasonable expense of the last sickness and burial, not to exceed \$100.00.

Sec. 12. Where an employe is entitled to indemnity under this act from an injury received and death ensues from any cause not resulting from the injury, payments of the unpaid indemnity for such injury shall cease, and all liability shall terminate. In such case, however, the funeral benefit provided for in section 11 of this act shall apply.

Sec. 13. Examination of incapacitated employe as to physical condition. During incapacity for any cause of an employe under this act the employe shall, if so requested by his employer, the district industrial commissioner or the state industrial commission, at some reasonable time and place within the state, and as often as may be reasonably requested, submit himself to an examination by a physician, or physicians, authorized to practice under the laws of this state, without cost to such employe. If the employe desire, he shall at his own cost,

7 be entitled to have a physician, or physicians, of his own selection present to participate in  
8 such examination. The refusal of the employe to submit to such examination shall deprive him  
9 of any right of indemnity during the continuance of such refusal. When the right of indem-  
10 nity is thus suspended no compensation shall be payable in respect of the period of suspen-  
11 sion. Should such examination be made at the request of the employer, such requesting em-  
12 ployer shall bear the reasonable expense thereof. Should the industrial commission, or the  
13 district industrial commissioner request the examination, the reasonable expense of same shall  
14 be borne by the state.

Sec. 14. Measure of responsibility. The compensation herein provided be the measure of  
2 the responsibility which the employer has assumed for injuries or death that may occur to em-  
3 ployes in his employment, subject to the provisions of this act. It shall not be in any way  
4 reduced by contribution from employes other than as herein provided.

Sec. 15. Compensation to incapacitated employes—how figured. Every employe under this  
2 act who shall be unable to perform the regular duties of his employment because of accidental  
3 injury or sickness, shall be paid compensation from the indemnity fund, subject to the excep-  
4 tions herein contained. The compensation to incapacitated employes shall be figured on a  
5 weekly basis, and of an amount for each week of incapacity equal to 60 per cent of the  
6 average weekly earnings of such employe during the previous assessment period, but in no  
7 case on a basis of average weekly earnings greater than \$25.00 per week.

8 Should the incapacity of any employe be less than total and not covered by the schedule  
9 set up in sub-division (k)" of section 7 hereof, his indemnity under this act shall be such  
10 per cent of the full indemnity as his reduced earning capacity bears to his average earning  
11 capacity for the previous period.

12 In computing the indemnity to be paid to any employe, who, before the incapacity for  
13 which he claims compensation, was disabled and drawing indemnity under the terms of this  
14 act, the indemnity for each subsequent incapacity shall be apportioned according to the pro-  
15 portion of the incapacity or disability caused by the respective injuries which he may have  
16 suffered.

Sec. 16. In this act, unless the context otherwise requires, the following definitions shall  
2 apply:

3 (a) "Employer" includes and applies to any person, firm, partnership, association or cor-  
4 poration within the state furnishing employment to five or more employes, or to less than five  
5 where the employer has elected to accept the terms of this act; and also state, county, muni-  
6 pal corporation, cities under special charter and under commission form of government, and  
7 school districts and legal representatives of a deceased employer.

8 (b) "Workman" is used synonymous with "employe" and means any person who has en-  
9 tered into the employment of, or works under contract of services, express or implied, or

10 apprenticeship for an employer, irrespective of class of service performed, but shall not include  
11 an official elected or appointed by the state, county, municipal corporation, school district, city  
12 under special charter or commission form of government, provided that one who sustains the  
13 relation of contractor with any person, firm, association, corporation or the state, county,  
14 school district, municipal corporation, city under special charter or commission form of gov-  
15 ernment, shall not be considered an employe thereof.

16 (c) The term "workman" shall include the singular and plural of both sexes. Any refer-  
17 ence to a workman who has been incapacitated shall, where the workman is dead, include a  
18 reference to his dependents as herein defined, legal representatives, or where the workman  
19 is a minor or incompetent, to his guardian or next friend.

20 (d) The following shall be presumed to be wholly dependent upon the deceased employe:

21 1. The surviving spouse until remarriage, unless it be shown the survivor wilfully deserted  
22 deceased without fault on the part of the deceased; and if it be shown that the survivor has  
23 deserted deceased without fault on the part of the deceased, the survivor shall not be re-  
24 garded as a dependent in any degree.

25 2. Child, or children, under 16 years of age, and over said age if physically or mentally  
26 incapacitated from earning, whether or not actually dependent upon the parent for support at  
26½the time of his or her death.

27 3. A parent of a minor employe entitled to the earnings of the employe at the time when  
28 incapacity occurred, subject to the provision of sub-division "(g)," section 7 hereof, and lim-  
29 ited to the time when such minor reaches the age of 16 years, or if deceased would have  
30 reached such age.

31 4. If the deceased employe leaves dependent surviving spouse, the full compensation shall  
32 be paid to said spouse until remarriage, or death; but if the dependent spouse should remarry  
33 or die before payment is paid in full the balance remaining shall be paid to the dependent  
34 child, or children, wholly dependent, if any. If no dependent child, or children, then payment  
35 shall be made to partial dependents, if any.

36 5. In all other cases questions of dependency, in whole or in part, shall be determined in  
37 accordance as the facts may be at the time of incapacity. In such other cases if there be more  
38 than one person wholly dependent, the death benefit shall be equally divided among them,  
39 and persons partially dependent, if any, shall receive no part thereof. If there be no one  
40 wholly dependent and more than one person partially dependent, the death benefit shall be  
41 divided among them according to the relative extent of their dependency. Provided, however,  
42 that when a lump sum is paid, as contemplated by this act, the court or commision making  
43 distribution thereof, shall take into consideration the contingent rights of partial beneficiaries,  
44 or the rights of those who may become such after a wholly dependent child, or children, become  
45 16 years of age.

46 6. Step-parents shall be regarded in this act as parents.

47 7. Adopted child, or children, or step-child or children, shall be regarded in this act the  
48 same as if the issue of the body.

49 (e) "Injury," or "personal injury," include death resulting from injury.

50 (f) Sickness, unless context otherwise requires shall include incapacity for any cause other  
51 than from occupational injury.

52 (g) "Occupational injury" shall mean any injury received during the regular course of the  
53 employment or occupation, and shall include injuries to employe whose services are being per-  
54 formed on, in or about the premises which are occupied, used or controlled by the employer,  
55 and also injuries to those who are engaged elsewhere in places where their employer's busi-  
56 ness requires their presence and subjects them to dangers incident to the business.

57 (h) The words "injury" and "personal injury" shall not include injury caused by the wil-  
58 ful act of a third person directed against an employe for reasons personal to such employe  
59 or because of his employment.

60 (i) They shall not include a disease

61 (j) The word "court" whenever used in this act, unless the context shows otherwise, shall  
62 be taken to mean the district court.

Sec. 17. Nothing in this act contained shall effect or disturb the continuance of any exist-  
2 ing, nor prevent the organization of, any insurance, mutual aid, or relief association or de-  
3 partment; whether maintained in whole or in part by the employer, or whether maintained  
4 by the employes and employer, where the indemnities or benefits equal or exceed the indem-  
5 nities or benefits provided by this act. Provided, however, that in all such cases the em-  
6 ployer shall bear all expense of administration of such insurance, mutual aid, benefit or re-  
7 lief association, and shall guarantee the payment of all indemnities or benefits in a manner  
8 satisfactory to the Iowa state industrial commission; provided further, that the amounts con-  
9 tributed to any such insurance, mutual aid, benefit or relief association, by the employe shall  
10 in no case exceed the premium tax required by this act. The Iowa state industrial commis-  
11 sion shall at all times have supervision and control over any such insurance, mutual aid,  
12 benefit or relief association, and may require a reasonable reserve to be set up. Such associa-  
13 tion shall render to the commission such reports as the commission may require and shall  
14 publish at its expense any records, statistics, or reports of its affairs that the commission  
15 may request.

16 (b) No employe or beneficiary shall have the power to waive any of the provisions of this  
17 act in regard to the amount of indemnity which may be payable to such employe or beneficiary  
18 hereunder to whom the act applies.

Sec. 18. Exemption. (a) No indemnity, nor benefit, nor any part thereof paid to any  
2 employe under this act not an indemnity, nor benefit, nor any part thereof due an employe

3 under this act shall be subject to attachment, levy, garnishment or satisfaction of debts.

Sec. 19. Indemnity—when due—how paid. (a) No indemnity under this act shall be paid  
2 any employe incapacitated by injury or sickness until his claim has been passed upon and  
3 allowed by the district industrial commissioner. In cases of no dispute the employe, or some-  
4 one on his behalf, shall fill out a report under oath, of the injury or sickness. This report  
5 shall then be signed by the employer. For incapacity from accidental injury there shall be  
6 attached to said report statements under oath from two or more workmen who shall be eye  
7 witnesses to the accident, if any there be. The reports of the injured employe and the fellow  
8 workmen shall describe the accident, and as far as possible, its cause; and the fellow work-  
9 men shall state whether or not, in their opinion, the claim shall be paid. In case of incapacity  
10 from sickness under this act the employe, or someone on his behalf, shall make report under  
11 oath and secure the employer's signature thereto, which as in cases of injury, shall be in the  
12 nature of a recommendation that the claim be or be not paid. To this report of sickness  
13 shall be attached the report of the attending physician and of the person, or persons in at-  
14 tendance. When all said reports and statements have been secured by the employe, or some-  
15 one on his behalf, they shall be handed or forwarded to the district industrial commissioner  
16 of the district of the employment. The district industrial commissioner shall then canvass the  
17 reports and if satisfied that the claim be a just one he shall certify the claim to the county  
18 auditor and the Iowa state industrial commission. The county auditor shall then issue war-  
19 rants on the state treasurer against the indemnity fund to pay the claim, and all warrants  
20 shall be countersigned by the district industrial commissioner.

21 Should the district industrial commission see fit he may require further reports or make  
22 further investigation of the facts on which the claim is based. All reports required by this act  
23 shall be made on forms provided by the Iowa state industrial commission and the commission  
24 shall provide each district industrial commissioner and each employer with a reasonable sup-  
25 ply of all forms of reports which shall at all times be at the disposal of employes when  
26 needed. In case an incapacitated employe is unable to secure the necessary report blanks,  
27 he may on reasonable showing of such fact, make his report and secure statements from his  
28 fellow workmen in such form as he is able, and any reasonable compliance with the spirit of  
29 this section shall be a compliance hereof.

30 Should the employe be unable to secure the recommendation of his employer or his fellow  
31 workmen or eye witnesses he may have a hearing on his claim as by this act provided for  
32 cases of dispute.

33 Should the workmen's indemnity fund become exhausted during any period, the state shall  
34 advance out of the funds of the state, not otherwise appropriated, an amount sufficient to meet  
35 the demands on such funds for the current period. Any amounts so advanced by the state  
36 shall be paid back out of the contributions to the indemnity fund for the succeeding period.

1       Sec. 20. Should the duties of an employe in the regular course of his occupation or employ-  
2 ment require him to leave the state he shall, never the less, be entitled to indemnity under  
3 this act if his absence from the state be but temporary, or for brief intervals, and if he  
4 continue to maintain a residence within the state.

5       Should such employe become incapacitated from any cause while thus temporarily beyond  
6 the state he shall give notice of such incapacity as set forth in section 6 of this act and the state  
7 commission shall require such reports of attending physicians and others as it, in the exercise  
8 of a judicious and careful management of the funds, may require.

9       Sec. 21. Indemnity fund—how created. (a) All contributions to the indemnity fund shall  
2 be made by assessments levied against each employe and employer affected by this act. All  
3 assessments shall be levied by the state industrial commission bimonthly in advance and shall  
4 be due and payable on the first day of January, March, May, July, September and Novem-  
5 ber of each year, commencing the first day of....., 19....

6       (b) The half premium tax for each assessment shall be figured by the state industrial com-  
7 mission. At least ten days prior to the close of each bimonthly period the commission shall  
8 notify each employer of the rate for the next succeeding period.

9       (c) Every employe shall pay to his employer and each employer shall collect from each  
10 of his employes the full amount of each employe's assessment. Every employer shall then  
11 pay to the county treasurer of the county of the employment on the assessment date the full  
12 amount of all sums due from his employes, together with the sum of his own assessment.

13       (d) Assessments shall be due and payable promptly on the days above named and shall  
14 become delinquent five days thereafter. Should any employer refuse or fail or neglect to pay  
15 the county treasurer within five days after due date of any assessment the full amount due  
16 from himself and each of his employes, then the state industrial commission shall have the  
17 right of recovery against such employer for the full amount, as aforesaid, with interest there-  
18 on at the rate of one per cent per month.

19       Sec. 22. Assessments—how figured. (a) The amount to be raised on each assessment date  
2 shall be determined by the state industrial commission from statistics and records available.  
3 Should the available records and statistics be incomplete or not furnish sufficient data to be  
4 of practical service then the commission shall form estimates founded on the best information  
5 procurable.

6       It shall be the duty of the commission to require reports from employers and keep all rec-  
7 ords necessary to the end that it may compile statistics sufficiently thorough and complete so  
8 as that estimates based on them shall prove workably correct and practical.

9       (b) The commission shall fix and determine, as nearly as may be, the average amount of  
10 time lost from occupation per individual per working day in Iowa by reason of incapacity  
11 caused by sickness and non-occupational injuries. In arriving at such average daily time

12 lost the commission shall find the average total time lost from occupation each year per  
13 individual from sickness and non-occupational injuries. In doing so the commission shall  
14 consider and include the total time to be paid for under this act in indemnities or benefits  
15 to an employe, his dependents or representatives.

16 The average total time lost per individual per year from sickness and non-occupational in-  
17 juries determined as above shall then be divided by 300 to determine the average loss of time  
18 per individual per working day.

19 (c) In determining average time lost in paying indemnities or benefits under this act fifty  
20 weeks, or three hundred days, shall be considered a full working year and six days a full  
21 working week. Sundays and holidays shall be excluded both in figuring time lost and in pay-  
22 ing indemnities or benefits.

23 (d) The state industrial commission shall determine the average amount of time lost per  
24 individual per working day from incapacity caused by occupational injuries for each position  
25 or occupation. In figuring time lost per individual per day from occupational injury the com-  
26 mission shall find the average total time lost from occupation each year per individual from  
27 occupational injuries and shall consider and include the total time to be paid for under this  
28 act in indemnities or benefits to the injured employe, his dependents or representatives.

29 The average time lost per individual per working day shall be determined by dividing by  
30 300 as in cases of sickness and non-occupational injuries.

31 (e) The commission shall then set up a hazard ratio in decimal form carried out four  
32 places for each position of employment, which shall be determined by dividing the average  
33 time lost from occupational injuries per individual per working day in the particular position of  
34 employment by the average time lost per individual per day from sickness and non-occupa-  
35 tional injury.

Sec. 23. Instructions to state industrial commission and detail method of setting up assess-  
2 ment. (a) Having determined the average daily time lost by employes in Iowa from occu-  
3 pation caused by incapacity from sickness and non-occupational injury and the sum required  
4 to pay the indemnities and benefits set up in this act for such incapacities the commission  
5 shall fix the rate which will yield the required sum when multiplied by the pay roll, or earn-  
6 ings, of all employes in the state.

7 (b) Having established the sickness and non-occupational injury premium rate, as above,  
8 and having found the hazard ratio of each position of employment within the state, the com-  
9 mission will multiply such premium rate by the hazard ratio of each position of employment,  
10 then add to the product the premium rate and divide this sum by two. The quotient thus  
11 found shall be the half rate, or assessment tax, which shall be paid by the employer and the  
12 employe on the earnings of said employe during the period for which said assessment tax  
13 rate is to apply.

14 The assessment tax rate thus found for each position of employment will, when applied on  
15 the earnings of any employe in the state, give the tax, or sum required from the employe to  
16 compensate him for time lost from employment by reason of sickness, non-occupational acci-  
17 dents and occupational accidents while actually employed. The tax to be paid by the employer  
18 for each employe shall while employe is employed by the same amount as that required from  
19 the employe.

20 (c) At least ten days prior to an assessment date the commission shall send to each em-  
21 ployer a schedule of the half premium tax rates, as determined in sub-division "(b)" of this  
22 section; which shall be the rate to be charged on all earnings of employes during the following  
23 period which period shall be indicated at the head of said schedule. This schedule shall first  
24 state the premium rate for sickness and non-occupational injuries shall state beginning date  
25 and ending date in the period, and exact number of working days in the period and shall list  
26 each position of employment in the state, and after each position shall appear the half  
27 premium tax rate for that position, and shall be used throughout the period for which it ap-  
28 plies to determine the amount to be paid by each employe and by each employer on account of  
29 each employe. The employer will multiply the wage or earnings, for the time he employs, of  
30 each employe by the half premium rate of his position of employment and collect the amount  
31 thus determined from the employe. The employer will put with each sum so collected an equal  
32 amount as his own assessment tax, together with any sums paid to him by employe for time  
33 unemployed, as provided in sub-division "(e)" of this section, and transmit the total sum  
34 thus determined to the county treasurer at assessment due date.

35 (d) Whenever an employer collects from an employe any sum by way of assessment tax he  
36 shall give to said employe a receipted statement in writing showing the number of days, or  
37 fraction thereof, worked by the employe during the then current period. This statement  
38 shall also state the amount due the employe for such time of employment the position of the  
39 employment in which the employe was employed, if in more than one position of employment,  
40 then each shall be given and time employed in each, and wages, or earnings, earned by em-  
41 ploye in such position. The statement shall also give the then current assessment tax rate  
42 of said position of employment, and the amount collected by the employer from the employe  
43 by reason thereof with the assessment date for which said tax is to apply. This statement  
44 shall be on blank furnished by the state industrial commission and the commission may at any  
45 time amend the requirements of this statement if found necessary to better accomplish the  
46 purposes and objects desired.

47 (e) Should an employe be unemployed during a portion of any period he may secure himself  
48 against sickness and non-occupational injury during the portion of the period not employed by  
49 paying to his employer or to the county treasurer at assessment due date the full amount  
50 of sickness and non-occupational injury tax, determined as follows:

51 By dividing total amount received as earnings during the current period or last period  
52 employed, if not employed during current period, by the number of days worked during same  
53 period to get the average daily earnings; multiply this average daily earnings by number of  
54 days not employed to get the amount the employe would have earned if employed. Multiply  
55 this amount by the sickness and non-occupational injury tax rate to get amount of tax em-  
56 ploye must contribute to secure compensation for sickness and non-occupational injuries for  
57 time unemployed.

58 At the time of paying his assessment tax for sickness and non-occupational injury, as afore-  
59 said, the party collecting same shall give the employe a statement showing number of days  
60 employed during the period; average daily earnings while employed; position of employment  
61 for the period; number of days unemployed and the prevailing tax rate for sickness and non-  
62 occupational injury for period in question. This statement shall be on blanks furnished by the  
63 commission, and items of information required may be amended, as provided in subdivision  
64 “(d)” hereof.

Sec. 24. This act shall not apply, nor in anywise effect, any action now pending or hereafter  
2 instituted to recover for injuries sustained or occurring prior to the time when this act became  
3 effective in all its parts.

Sec. 25. The provisions of this act shall apply to employers and employes as defined in  
2 this act engaged in intrastate commerce and also those engaged in interstate or foreign com-  
3 merce for whom a rule or method of compensation has been or may be established by the con-  
4 gress of the United States, only to the extent that their mutual connection with intrastate  
5 commerce shall be clearly separable and distinguishable from interstate or foreign commerce.

Sec. 26. Prorating indemnities. Should any employe coming under this act carry any sick-  
2 ness or accident insurance in any sickness, accident, relief or benefit company of whatever na-  
3 ture, he shall be eligible to indemnity under this act only to the extent of the excess which he  
4 might otherwise receive under this act over the amount received from such other source.

Sec. 27. The state industrial commission may at their discretion and in times of prosperity  
2 provide for a reserve fund of an amount not to exceed the sum paid out for indemnities and  
3 benefits during preceding year. In setting up this reserve fund the commission shall have  
4 the right to make the levy for any succeeding period on a basis whereby the sum secured shall  
5 exceed the period requirements by not more than 20 per cent. In times of business depres-  
6 sion the commission may, in its discretion, reduce the levy to a point to produce an amount not  
7 less than 50 per cent of the period requirements.

PART II.

1 Section 1. Commission—appointment of. There is hereby created a commission which shall  
2 be known as the Iowa industrial commission, consisting of three members, not more than two  
3 of whom shall be of the same political party, to be appointed by the governor and with the  
4 consent of the senate. The term of office of the members of the commission shall be six years,  
5 except when first constituted. One shall serve for two years, one for four years and one for  
6 six years; term of each to be decided by lot among themselves. Thereafter one member shall  
7 be appointed at the expiration of any term of office for the full term of six years. Appoint-  
8 ments may be made to fill vacancies or otherwise, when the senate is not in session, but shall be  
9 acted upon at the next session thereof. The member drawing the two year term shall act as  
10 chairman of the commission and thereafter the member whose term will first expire from time  
11 to time, shall serve in that capacity. Provided, that if an appointment be made to fill a  
12 vacancy from any cause of a member while filling the position of chairman, the member whose  
13 term will next expire shall succeed to the office of chairman. In case a vacancy occurs from  
14 any cause the governor shall make an appointment to fill the vacancy within thirty days there-  
15 after.

16 No member of the commission during his term of office shall be financially interested in any  
17 enterprise employing labor. Each member of the commission shall devote all his time to the  
18 duties of his office.

19 Sec. 2. Salary and expenses of commission. The salary and actual necessary expenses of  
2 the commission shall be paid by the state, and it shall be provided with adequate and necessary  
3 office rooms, furniture, equipment, supplies and other necessities in the transaction of the busi-  
4 ness. The salary of each member of the commission shall be \$.....per annum. The  
5 commission may appoint a secretary and other assistants and clerical help as may be required  
6 and needed and fix their compensation, provided, that the salary of the secretary shall not ex-  
7 ceed \$..... per annum. The salary and actual personal expense accounts of the mem-  
8 bers of the commission shall be itemized and sworn to by the member claiming payment there-  
9 of, which shall first be approved by the chairman of the commission and filed as other current  
10 bills as provided by statute, and warrant therefor shall be issued by the auditor upon the treas-  
11 urer of state for the payment thereof at the end of each calendar month, provided, however,  
12 that the expense accounts may be audited and allowed and paid at the end of each week.

13 The commission shall provide itself with a seal which shall be used to authenticate its orders,  
14 decisions and other proceedings deemed necessary, upon which shall be inscribed the words  
15 "Iowa industrial commission, seal," and the date of organization. All other accounts made,  
16 through or under the commission for salaries, or expenditures, unless otherwise by this act  
17 provided, shall be itemized and sworn to by the party entitled thereto audited by the commis-  
18 sion approved by the chairman, attested by the secretary, filed as other bills are required

19 by the statute and a warrant shall issue therefor by the auditor of state upon the treasurer  
20 who shall pay the same out of the funds appropriated for the use of the commission, as by this  
21 act provided. The salaries of all persons under the commission shall be audited, allowed and  
22 paid at the end of each month, and expense accounts may be audited, allowed and paid at the  
23 end of each week. The commission shall have the power to remove the secretary or any  
23½ other person appointed to office by it, at any time the commission may see fit.

24 Before entering upon their duties, each member of the commission shall qualify by taking  
25 the oath of their office that he will faithfully and impartially, without fraud, fear or favor dis-  
26 charge the duties of his office incumbent upon him as provided by the law of the state of Iowa  
27 to the best of his ability and undertaking.

28 There is hereby appropriated out of any money, not otherwise appropriated, for the use of  
29 the commission as contemplated within the terms of this act or acts amendatory thereof, or  
30 other statutes relating to the commission on its duties and responsibilities empowered by  
31 law, the sum of \$....., annually and in addition thereto the executive council shall  
32 provide and furnish the commission with such printing as may be reasonable and necessary in  
33 the transaction of its business within the contemplation of law.

Sec. 3. District Industrial Commissioner. There is hereby created the office of district indus-  
2 trial commissioner in each judicial district of the state to be appointed by the district judge,  
3 or judges, of the district, and for a term of four years. The district judge, or judges of the  
4 judicial district shall also have the power to fill any vacancy in the office of district commis-  
5 sioner. No one except a resident of the judicial district shall be eligible to the position of  
6 district commissioner.

7 Before entering upon his duties the district commissioner shall give bond in an amount re-  
8 quired by the district court and with sureties acceptable to said court. The court may at its  
9 discretion at any time require additional sureties or increase the amount. The district com-  
10 missioner shall also take his oath of office that he will support the constitution of the United  
11 States and of the state of Iowa, and will faithfully and impartially, without fraud, fear or  
12 favor, discharge the duties of his office incumbent upon him, as provided by the laws of the  
13 state of Iowa to the best of his ability and understanding.

14 The district commissioner shall at all times be subject to the rules and regulations of the  
15 industrial commission and shall stand in the nature of a district representative of such com-  
16 mission, as well as the representative of the employers and employees in said district.

17 He shall see that the rules and regulations of the Iowa industrial commission are enforced;  
18 that all monies due from employers and employees in the district by way of contributions to  
19 the indemnity fund are collected and paid promptly; render assistance to employees asking  
20 aid or information regarding method of perfecting claims for indemnity; preside as chair-  
21 man of all committees on arbitration in his district; secure evidence, subpoenae witnesses,

22 compel their attendance, administer oaths and examine any books and records of the parties  
23 to a proceeding, or investigation as relates to question in dispute, and due, and perform such  
24 other and further duties and render such reports as may from time to time be required by the  
25 industrial commission.

26 He shall cause to be published once each week in some newspaper of general circulation in  
27 the locality of the employment, the name of each employee in the locality being paid an in-  
28 demnity or benefit under this act, together with the nature of each incapacity.

29 Each district commissioner shall be paid by each county in his district as salary, an amount  
30 per annum equal to . . . . . per cent of the total tax paid into the indemnity fund by all  
31 employers and employees within the county. He shall also be allowed by each county, his  
32 necessary expenses occasioned by his duties within the county. The salary of the commis-  
33 sioner in each county together with his expense shall be audited and paid by the board of  
34 supervisors out of the county funds.

Sec. 4. All records, statistics and information in possession of the bureau of labor statis-  
2 tics and of mine inspection are and all property belonging to either is hereby transferred to  
3 the industrial commission, and said bureau of labor statistics and department of mine inspec-  
4 tion are hereby abolished.

Sec. 5. Rules and Regulations. The commission may make rules and regulations not in-  
2 consistent with this act for carrying out the provisions of the act. Process and procedure  
3 under this act shall be summary as reasonably may be. The commission, or any member  
4 thereof, and each district commissoner, shall have the power to subpoenae witnesses, admin-  
5 ister oaths and to examine such parts of the books and records of the parties to a proceed-  
6 ing or investigation as relates to the question in dispute or under investigation. The fees for  
7 attending as a witness before the industrial commission shall be \$1.50 per diem; for attend-  
8 ing before an arbitration committee, \$1.00 per diem; in both cases five cents per mile for trav-  
9 eling to and from the place of hearing. The district court is hereby empowered to enforce  
10 by proper proceedings the provisions of this section relating to the attendance and testimony  
11 of witnesses and examination of books and records. The commission shall make biennial re-  
12 ports to the governor who shall transmit the same to the general assembly, in which, among  
13 other things, the commission shall recommend such changes in the law covered by this act as  
14 it may deem necessary. The commission shall also prepare annual reports giving an account  
15 of all monies received from tax premiums and amount paid out in indemnities to workmen  
16 and dependents, listing separately the amounts paid for occupational accidents and for sick-  
17 ness and non-occupational accidents. These reports shall be sufficiently complete to give a  
18 clear statement of the management of the fund during the year. The annual reports shall be  
19 published in each district of the state.

Sec. 6. Compensation Agreement. When no dispute arises concerning the claim of an in-

2 capacitated employe and all reports are furnished the district commissioner, as provided in  
3 section . . . . ., part 1, hereof, and when approved by him the claim shall be enforceable un-  
4 der the provisions of this act.

Sec. 7. Committee on Arbitration. If the employe, or representatives or dependents of  
2 deceased employe, be unable to secure the recommendation of the employer or to secure the  
3 statements and recommendations of his fellow workmen, as provided in section . . . . ., part  
4 1 hereof, in regard to his indemnity under this act, a committee on arbitration shall be formed,  
5 each party to choose one arbitrator. The district commissioner shall in all cases be the third  
6 member and shall act as chairman of the committee. If a vacancy occurs it shall be filled by  
7 the party whose representative is unable to act.

Sec. 8. Oath of Arbitrator. The arbitrators appointed shall be sworn by the district com-  
2 missioner to take the following oath:

3 I, . . . . . do solemnly swear (or affirm) that I will faithfully perform  
4 my duty as arbitrator and will not be influenced in my decision by any feeling of friendship  
5 or partiality towards either party.

6 (Signed) . . . . .

Sec. 9. Appointment of Arbitrators. It shall be the duty of the district commissioner upon  
2 notification by the employe that he is otherwise unable to perfect his claim, to request both  
3 parties to appoint their respective representatives on the committee of arbitration; if either  
4 party does not appoint its member on this committee within three days after notification as  
5 above provided, or after a vacancy has occurred, the district commissioner shall fill the va-  
6 cancy and notify the parties to that effect.

Sec. 10. Arbitrators to Investigate. The committee on arbitration shall make such inquir-  
2 ies and investigations as it shall deem necessary. The hearings of the committee shall be in  
3 the city, town or places where the injury occurred, or in case of sickness, then where most  
4 convenient to such employe, and the decision of the committee, together with the statement  
5 of all evidence submitted before it, its findings of fact, rulings of law and any other matters  
6 pertinent to questions arising before it shall be filed with the industrial commission. Unless  
7 a claim for a review is filed by either party within five days the decision shall be enforce-  
8 able under the provisions of this act. The district commissioner shall then certify to the  
9 county auditor of the county of the employment the claim as found by the board of arbitra-  
10 tion and the county auditor shall issue warrants to pay the same drawn on the state treas-  
11 urer and attested by the district commissioner.

Sec. 11. Appointment of Physician. The industrial commission, or any member thereof,  
2 or the district commissioner may in its discretion appoint a duly qualified impartial physi-  
3 cian to examine an incapacitated employe and make report. The fee for this service shall be  
4 two dollars, to be paid by the state together with the traveling expenses, but the commission.

5 may allow additional reasonable amount in extraordinary cases.

Sec. 12. Arbitrator's Fees and Taxation of Costs. The arbitrators named by or for the  
2 parties to the dispute shall each receive five dollars as a fee for his services, but the indus-  
3 trial commission, or any member thereof, may allow additional reasonable amounts in extra-  
4 ordinary cases. Each party shall pay his own arbitrator. All other costs incurred in the hear-  
5 ing before the board of arbitrators shall be paid by the state. If either party be represented by  
6 an attorney at law such party shall pay his own attorney's fees.

Sec. 13. Review of Decision of Arbitrators. If a claim for review is filed, the industrial  
2 commission shall hear the parties and may hear evidence in regard to any or all matters perti-  
3 nent thereto and may revise the decisions of the committee on arbitration in whole or in  
4 part, or may refer the matter back to the committee for further findings of fact, and shall  
5 file its decisions with the records of the proceedings and notify the parties thereof. The hear-  
6 ing by the industrial commission shall take place in the locality of the employment. No party  
7 shall as a matter of right be entitled to a second hearing upon any question of fact.

Sec. 14. Certified Copy to District Court. Any party in interest may present certified cop-  
2 ies of an order or decision of the commission or a decision of an arbitration committee from  
3 which no claim for review has been filed within the time allowed therefor, or a memorandum  
4 of agreement approved by the district commissioner and all papers in connection therewith  
5 in the district court of the county of the employment, whereupon said court shall render a  
6 decree in accordance therewith and notify the parties. Such decree shall have the same ef-  
7 fect and in all proceedings in relation thereto shall thereafter be the same, as though ren-  
8 dered in a suit duly heard and determined by said court, except that there shall be no appeal  
9 therefrom upon questions of fact, either where the decree is based upon a decision of an ar-  
10 bitration committee or a memorandum of agreement or a decision of the commission and  
11 that there shall be no appeal from a decree based upon an order or decision of the commis-  
12 sion which has not been presented to the court within ten days after the notice of the filing  
13 thereof by the commission. Upon the presentation to the court of a certified copy of a decis-  
14 ion of the industrial commission, ending, diminishing or increasing a weekly payment under  
15 the provisions of this act, the court shall revoke or modify the decree to conform to such  
16 decision.

Sec. 15. (a) Any indemnity to be paid under this act may be reviewed by the industrial  
2 commission at the request of the employer or the employee, and on such review it may be  
3 ended, diminished or increased subject to the maximum or minimum amounts provided for in  
4 this act if the commission finds the condition of the employee warrants such action.

(b) Any notice to be given by the commission or court provided for in this act shall be in  
6 writing, but the service thereof shall be sufficient if deposited in the mail, addressed to the  
7 last known address of the parties.

Sec. 16. Record of Injuries and Reports. Every employer shall hereafter keep a record of  
2 all injuries, fatal or otherwise, sustained by his employees in the course of their employment,  
3 and of all other accidents or sickness causing incapacity. Within forty-eight hours, not  
4 counting Sundays and legal holidays, after knowledge by the employer of the occurrence of  
5 an occupational accident resulting in personal injury, or of other accident or sickness caus-  
6 ing incapacity, a report shall be made in writing by the employer to the industrial commis-  
7 sion and the district commissioner on blanks to be procured from the commission for that  
8 purpose.

9 Upon the termination of the disability of the incapacitated employee, or, if such disability  
10 extends beyond a period of sixty days, at the expiration of such period the employer shall  
11 make a supplemental report on blanks to be procured from the commission for that purpose.  
12 The said reports shall contain the name and nature of the business of the employer, the lo-  
13 cation of the establishment, the name, age, sex and occupation of the incapacitated employee,  
14 and shall, if incapacity results from occupational injury, state the date and hour of the acci-  
15 dent, the nature and cause of the injury, and such other information as may be required by  
16 the commission. Any employer who refuses or neglects to make the report required by this  
17 section may be punished by a fine of not more than fifty dollars for each offense.

Sec. 17. At each premium tax paying date every employer affected by this act and every  
2 employer who has elected to come under this act shall make a report to the district commis-  
3 sioner and to the state industrial commission, which report shall be subscribed and sworn to  
4 by the employer and shall give the name of each employee employed during the period just  
5 closed, the employe's position of employment, number of days and fraction thereof worked  
6 by each employee during the period and the total wage, or earnings, and amount of premium  
7 tax collected from each employee. Thus far the employer's report shall relate only to occu-  
8 pational time of each employee. Should any employee pay his employer a sickness premium  
9 to cover time not employed, the employer's report shall include by reason thereof the num-  
10 ber of days employee was unemployed during the period, daily average earnings while em-  
11 ployed, total amount lost by reason of idleness and amount paid by employee on account of  
12 his sickness and non-occupational premium. The industrial commission may require such  
13 other or further facts to be covered in this report as it at any time may demand.

14 Any employer who shall fail, or refuse or neglect to make such report within five days  
15 after each premium tax payment date, and any employer who shall, in his report intentionally  
16 misstate or misrepresent any matters covered by the report or omit or fail to correctly re-  
17 port on every employee employed during the period shall be punished by a fine of fifty dollars  
18 for each offense.

Sec. 18. It shall be unlawful for any district commissioner or for any member of the com-  
2 mission during his term of office to serve upon any committee of any political party or to es-

3 pouse the election or appointment of any person for any political office, or to contribute to  
4 any campaign fund of any political party campagne fund of any person who is a candidate  
5 for election or appointed to any political office. Any person violating this section shall be  
6 deemed guilty of a misdemeanor and upon conviction therefor shall be fined one hundred  
7 dollars.

Sec. 19. It shall be unlawful for any person who is a candidate for the appointment as  
2 district commissioner or as a member of the commission to make any promise to another, ex-  
3 press or implied, in consideration of the assistance or influence given or recommendation  
4 made that the candidate will, if appointed to such office, vote to appoint such person or one  
5 for whom he may recommend to an office within the power of the county advisor the commis-  
6 sion to appoint. A violation thereof shall be deemed a misdemeanor and upon conviction  
7 thereof the person shall be fined one hundred dollars.

Sec. 20. All sums collected by way of fines under this act shall be turned into the indem-  
2 nity fund.

Sec. 21. All recommendations to the governor of any person asking the appointment of an-  
2 other as a member of the commission, and all recommendations to the district judge asking  
3 the appointment of another as district commissioner shall be reduced to writing signed by  
4 the person presenting the same, which shall be filed by the governor or the clerk of the dis-  
5 trict court in his office and open at all reasonable times for public inspection, and all recom-  
6 mendations made by any person to the commission for the appointment of another within  
7 the power of the commission to appoint, shall be reduced to writing and signed by the person  
8 presenting the same and filed by the commissioner and open at all reasonable times and  
9 hours for public inspection. Any person recommending the appointment of another within  
10 the contemplation of this act and refusing to reduce the same to writing, it shall be the duty  
11 of the person to whom the recommendation is made, to make a brief memorandum thereof  
12 stating the name of the person recommended and the name of the person who made the same,  
13 which shall be filed as by this act in other cases provided.

Sec. 22. Upon conviction of any member of the commission for a violation of the duties  
2 imposed by this act, the governor shall immediately declare the office vacant and appoint an-  
3 other to fill the vacancy in the same manner as provided for original appointments.

4 If the provisions of this act, or any part thereof, shall be re-appealed or adjudged invalid  
5 or unconstitutional by the supreme court of Iowa, or the supreme court of the United States,  
6 the period of time intervening between the occurrence of any injury or death and re-appeal or  
7 the final adjudication of invalidity shall not be computed as a part of the time limited by law  
8 for the commencement of any action relating to such injury or death; and the party entitled  
9 to bring such action shall not be prejudiced by reason of any proceedings had or taken under

10 this act, but the amount of any compensation which may have been paid for such injury shall  
11 be deducted from any judgment for damages recovered on account of such injury.

Sec. 23. The invalidity of any portion of this act shall in no way effect any valid portion  
2 not inconsistent therewith which can be given effect without such invalid part.

Sec. 24. All acts or parts of acts inconsistent with this act or any portion hereof are hereby  
2 repealed.