

Reported Recommending.....
Ind. Postponed.....
Passed Senate.....
Failed to Pass Senate.....
Passed House.....
Failed to Pass House.....

Senate File 461

February 24, 1941.
Passed on File.

By LABOR COMMITTEE.

A BILL FOR

An Act to amend the law as it appears in chapter seventy (70), seventy-one (71), and seventy-two (72), Code, 1939, relating to the Iowa Workmen's Compensation Act; to create a three member Commission to be known as the Industrial Commission; to provide for the appointment, and term of office, of such Commissioners; to abolish the offices of Industrial Commissioner and of Deputy Industrial Commissioner; to substitute the word "Commission" or "a member of the Commission" for the word "Commissioner" or the words "Industrial Commissioner" wherever the same appear throughout the above named chapters; to provide for a review of arbitration decisions by the full commission; and to repeal all acts, or parts of acts, insofar as they are inconsistent herewith.

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

1 Section 1. That the law as it appears in sections
2 fourteen hundred twenty-three (1423), fourteen hundred
3 twenty-four (1424), and fourteen hundred twenty-five
4 (1425), Code, 1939, is hereby repealed and the following
5 substituted therefor:
6 "There is hereby created a commission, to be known as
7 the Industrial Commission, which shall administer the Iowa
8 workmen's compensation act. The Commission shall consist

9 of three members, who devote their entire time to the
10 duties of their office. The members of said Commission
11 shall be appointed by the Governor, with the approval of
12 a two-thirds vote of the members of the Senate. The
13 Governor, prior to adjournment of the 49th General
14 Assembly of Iowa, shall appoint three commissioners: one
15 for a term of two years, one for a term of four years,
16 and one for a term of six years, from July 1st, 1941.
17 Upon the expiration of each term, as hereinbefore set
18 forth, the Governor, with like approval by the Senate,
19 shall appoint a successor for a term of six years, or
20 until a successor is appointed and qualified. Any members
21 appointed to fill a vacancy occurring prior to the
22 expiration of the term for which his predecessor was
23 appointed, shall be appointed for the remainder of such
24 term.

25 The Commission shall establish and maintain its
26 principal place of business in the City of Des Moines.

27 When this act shall become effective, there shall
28 thereupon and thereafter be vested in the Industrial
29 Commission all the powers and duties then exercised by
30 the Industrial Commissioner; and thereupon and thereafter,
31 whenever reference shall be made to the Commissioner, or
32 to the Industrial Commissioner, in the Iowa Workmen's
33 Compensation Statutes, as amended, then such reference
34 shall be construed as referring to the Industrial

35 Commission and shall thereafter only apply to such
36 commission, except as herein otherwise provided. The
37 office of Industrial Commissioner, or Commissioner, and
38 the office of Deputy Commissioner are hereby abolished
39 as of June 30th, 1941.

40 A majority of the commission shall constitute a
41 quorum for the transaction of business. The Governor
42 shall, at the time of appointment, designate the Chairman
43 of the Commission. Any one of the members of the Commission
44 may be appointed by the Chairman to act as Chairman of a
45 board of arbitration, or as the sole arbitrator in those
46 cases where the parties have failed to appoint arbitrators
47 or have waived the appointment of such arbitrators.

48 Any party aggrieved by the decision, or findings, of
49 a board of arbitration, or of the sole arbitrator, may,
50 within ten (10) days after the decision is filed with
51 the commission, file a petition for review, and such
52 review shall then be heard by the full commission. The
53 rules governing such review shall be the same as the
54 rules governing a review of arbitration proceedings as
55 now provided for in section fourteen hundred forty-seven
56 (1447) and fourteen hundred forty-eight (1448), Code, 1939,
57 except that hereafter the hearing on review shall be before
58 the full commission.”

1 Sec. 2. There is hereby stricken from the law as it
2 appears in chapters seventy (70), seventy-one (71) and

3 seventy-two (72), Code, 1939, the words "Iowa Industrial
4 Commissioner" and "Industrial Commissioner" and also the
5 word "Commissioner" whenever and wherever the same appears
6 in said above named chapters. Except as hereinafter
7 specifically provided, the word "Commission" shall be
8 substituted for the words so stricken as hereinbefore
9 provided. The pronoun "he" is changed to the pronoun
10 "it", whenever the context of the Workmen's Compensation
11 Statute so requires because of the change of the word
12 "Commissioner" to the word "Commission"

1 Sec. 3. That the law as it appears in sections
2 fourteen hundred and twenty-eight (1428) and fourteen
3 hundred and twenty-nine (1429), Code, 1939, be amended by
4 striking the word "Commissioner" wherever the same appears
5 in either lines two (2), five (5) and six (6) of section
6 fourteen hundred and twenty-eight (1428) and lines three
7 (3) and four (4) of section fourteen hundred and twenty-nine
8 (1429), and by substituting in each case for the word so
9 stricken the following:

10 "a member of the Commission".

1 Sec. 4. That the law as it appears in section
2 fourteen hundred and thirty-one (1431), Code, 1939, be
3 amended by striking therefrom the third subdivision
4 thereof and by renumbering the remaining subdivisions.

1 Sec. 5. That the law as it appears in sections

2 fourteen hundred and thirty-seven (1437) and fourteen
3 hundred and thirty-eight (1438), Code, 1939, be amended
4 by striking therefrom the words "Industrial Commissioner
5 or his deputy" and by substituting for the words so
6 stricken the following:

7 "the chairman of the Commission or some member thereof
8 designated by him,"

1 Sec. 6. That the law as it appears in section
2 fourteen hundred and thirty-seven (1437), Code, 1939, be
3 amended by striking therefrom the entire twelfth (12th)
4 line thereof and by substituting for the line so stricken
5 the following:

6 "be the Chairman of the Commission or some other
7 member appointed by him,"

1 Sec. 7. That the law as it appears in section fourteen
2 hundred and sixty-three (1463), Code, 1939, be further
3 amended by striking the word "Commissioner" found in the
4 first line thereof and by substituting for the word so
5 stricken the following:

6 "member of the Commission".

1 Sec. 8. The provisions of this act providing for the
2 appointment and confirmation of the members of the
3 original commission shall become effective upon publication,
4 as hereinafter provided; and the other provisions shall go
5 into effect and become operative on and after June 30, 1941.

1 Sec. 9. This act being deemed of immediate importance

2 shall take effect and be in force from and after the
3 publication in the, a newspaper
4 published in, Iowa, and a
5 newspaper published in, Iowa.