

FILED FEB 10 1976

*Reprinted*  
SENATE FILE 1123

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 3-2-76 (April 77) Passed House, Date \_\_\_\_\_  
Vote: Ayes 46 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to establish a department of employment security,  
2 prescribe its duties, and to abolish the employment  
3 security commission.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section twenty-eight C point one (28C.1), Code  
2 1975, is amended to read as follows:

3 28C.1 COMMITTEE CREATED--DUTIES. The commissioner of  
4 the department of social services, the board of regents, the  
5 commissioner of health, the commissioner of the department  
6 of public instruction, vocational rehabilitation and the  
7 director of employment security ~~commission~~ shall meet together  
8 annually the first week in April. Such meetings shall be  
9 called by the commissioner of health acting as chairman of  
10 the annual meeting, for the purpose of co-ordinating and  
11 integrating activities which involve the personnel of two  
12 or more divisions, and shall designate one representative  
13 from each of their agencies as a member of an interagency  
14 liaison committee. This committee shall meet at least quart-  
15 erly to consider areas of mutual joint interest and  
16 responsibility. Minutes shall be kept of such meetings and  
17 made available to the legislature. It shall select a ~~chairman~~  
18 chairperson who shall be responsible to implement decisions  
19 reached by the committee. All activities, which would involve  
20 personnel from two or more of these agencies, shall be  
21 presented to each board concerned by the committee repre-  
22 sentative of that board or administrative head at any regular  
23 meeting or at the annual joint meeting. When approved by  
24 the board or administrative head of each agency involved,  
25 the activities will be implemented by the ~~chairman~~ chairperson  
26 of the interagency liaison committee which, however, may  
27 delegate responsibility to the most appropriate person for  
28 carrying out the work.

29 Sec. 2. Section ninety-two point twenty-one (92.21),  
30 unnumbered paragraph one (1), Code 1975, is amended to read  
31 as follows:

32 There is hereby established a committee on child labor.  
33 The committee shall consist of the labor commissioner who  
34 shall act as ~~chairman~~ chairperson, the superintendent of  
35 public instruction or ~~his~~ a designee, a ~~representative~~ director

1 of the  ~~Iowa~~   department of employment security commission   
2  ~~selected-by-the-commission~~   or a designee , and two persons  
3 representing the public and interested in child labor, to  
4 be appointed by the governor, without regard to political  
5 affiliation. The public representatives shall serve for a  
6 term of four years from July 1, 1970, and until their  
7 successors are appointed and qualify. The governor shall  
8 fill any public member's vacancy for any unexpired term.  
9 Public members shall receive a per diem of thirty dollars  
10 and actual and necessary expenses incurred in the performance  
11 of their official duties.

12 Sec. 3. Section ninety-four point two (94.2), unnumbered  
13 paragraph one (1), Code 1975, is amended to read as follows:

14 It shall be the duty of the  ~~commissioner~~   director of the   
15  department of employment security  through the free employment  
16 service to:

17 Sec. 4. Section ninety-six point three (96.3), subsection  
18 one (1), Code 1975, is amended to read as follows:

19 1. PAYMENT. Twenty-four months after the date when  
20 contributions first accrue under this chapter, benefits shall  
21 become payable from the fund; provided, that wages earned  
22 for services defined in section 96.19, subsection 7, paragraph  
23 "g" (3), irrespective of when performed, shall not be included  
24 for purposes of determining eligibility, under section 96.4  
25 or full-time weekly wages, under subsection 4 of this section,  
26 for the purposes of any benefit year commencing on or after  
27 July 1, 1939, nor shall any benefits with respect to  
28 unemployment occurring on and after July 1, 1939, be payable  
29 under subsection 5 of this section on the basis of such wages.  
30 All benefits shall be paid through employment offices in  
31 accordance with such regulations as the  ~~commission~~   department   
32  of employment security  may prescribe.

33 Sec. 5. Section ninety-six point five (96.5), subsection  
34 three (3), unnumbered paragraph one (1), Code 1975, is amended  
35 to read as follows:

1 If the ~~commission~~ department finds that he the individual  
2 has failed, without good cause, either to apply for available,  
3 suitable work when so directed by the ~~employment-office-or~~  
4 ~~the-commission~~ department or to accept suitable work when  
5 offered ~~him~~ the individual, or to return to his customary  
6 self-employment, if any.

7 Sec. 6. Section ninety-six point six (96.6), subsections  
8 two (2) and three (3), Code 1975, as amended by Acts of the  
9 Sixty-sixth General Assembly, 1975 Session, chapter ninety-  
10 two (92), section twelve (12), are amended to read as follows:

11 2. INITIAL DETERMINATION. A representative designated  
12 by the ~~commission~~ director shall promptly notify all interested  
13 parties to the claim of the filing thereof, and said parties  
14 shall have seven days from the date of mailing the notice  
15 of the filing of said claim by ordinary mail to the last known  
16 address to protest payment of benefits to said claimant.  
17 The representative shall promptly examine the claim and any  
18 protest thereto and, on the basis of the facts found by ~~him~~  
19 the representative, shall ~~either~~ determine whether or not  
20 such claim is valid, the week with respect to which benefits  
21 shall commence, the weekly benefit amount payable and the  
22 maximum duration thereof, and whether any disqualification  
23 shall be imposed, ~~-or-shall-refer-such-claim-or-any-question~~  
24 ~~involved-therein-to-an-appeal-tribunal-or-to-the-commission,~~  
25 ~~which-shall-make-its-determination-with-respect-thereto-in~~  
26 ~~accordance-with-the-procedure-described-in-subsection-3-of~~  
27 ~~this-section.~~ Unless the claimant or other interested party,  
28 after notification or within ten calendar days after such  
29 notification was mailed to his the claimant's last known  
30 address, files an appeal from such decision, such decision  
31 shall be final and benefits shall be paid or denied in  
32 accordance therewith. If ~~an-appeal-tribunal~~ a hearing officer  
33 affirms a decision of the representative, or the ~~commission~~  
34 appeal board affirms a decision of ~~an-appeal-tribunal~~ the  
35 hearing officer, allowing benefits, such benefits shall be

1 paid regardless of any appeal which may thereafter be taken,  
2 but if such decision is finally reversed, no employer's account  
3 shall be charged with benefits so paid.

4 3. APPEALS. Unless such appeal is withdrawn, an-appeal  
5 ~~tribunal~~ a hearing officer, after affording the parties reason-  
6 able opportunity for fair hearing, shall affirm or modify  
7 the findings of fact and decision of the deputy representative.  
8 The hearing shall be conducted pursuant to the provisions  
9 of chapter seventeen A (17A) of the Code relating to hearings  
10 for contested cases. The parties shall be duly notified of  
11 ~~such-tribunal's~~ the hearing officer's decision, together with  
12 ~~its~~ the hearings officer's reasons therefor, which shall be  
13 deemed to be the final decision of the commission department,  
14 unless within fifteen days after the date of notification  
15 or mailing of such decision, further appeal is initiated  
16 pursuant to subsection 5 of this section.

17 Sec. 7. Section ninety-six point six (96.6), subsection  
18 four (4), Code 1975, is amended by striking the subsection  
19 and inserting in lieu thereof the following:

20 4. APPEAL BOARD. To hear and decide disputed claims,  
21 there is established an appeal board panel. The appeal board  
22 panel shall consist of fifteen members appointed by the  
23 governor with the approval of two-thirds of the members of  
24 the senate. Five members shall be representatives of  
25 employers, five members shall be representatives of employees,  
26 and five members shall be impartial and shall represent the  
27 general public. The members shall serve six-year terms  
28 beginning on July first. For the initial appeal board panel,  
29 two members from each category shall be appointed to serve  
30 two-year terms, two members from each category shall be  
31 appointed to serve four-year terms, and one member from each  
32 category shall be appointed to serve a one-year term. No  
33 more than eight members of the appeal board shall be members  
34 of the same political party. Any vacancy in the membership  
35 occurring during a session of the general assembly shall be

1 filled in the same manner as the original appointment. Any  
2 vacancy in the membership occurring while the general assembly  
3 is not in session shall be filled by appointment by the  
4 governor which appointment shall expire thirty days after  
5 the general assembly next convenes. Within the thirty-day  
6 period, the governor shall transmit an appointment to the  
7 senate.

8 The names of the appeal board panel shall be placed on  
9 a list and for each case the director shall select by lot  
10 three persons from the list including one person who represents  
11 employers, one person who represents employees, and one person  
12 who represents the general public to serve as the appeal  
13 board. If any person appointed from the list fails to act,  
14 the director shall appoint another person from the list  
15 possessing the same qualifications as the person who is being  
16 replaced. No member of the appeal board for a particular  
17 case shall possess any interest in the case. The appeal board  
18 may meet at locations other than the seat of government.

19 The members of each appeal board selected shall select  
20 a chairperson from their membership.

21 The members of the appeal board shall meet as often as  
22 necessary. Meetings shall be set by the chairperson.

23 Members of the appeal board shall be paid forty dollars  
24 per day for each day of official business of the appeal board  
25 and shall receive actual and necessary expenses, including  
26 travel, from funds appropriated to the department.

27 Sec. 8. Section ninety-six point six (96.6), subsections  
28 five (5), six (6), seven (7), and eight (8), Code 1975, are  
29 amended to read as follows:

30 5. COMMISSION APPEAL BOARD REVIEW. The commission appeal  
31 board may on its own motion affirm, modify, or set aside any  
32 decision of ~~an appeal tribunal~~ a hearing officer on the basis  
33 of the evidence previously submitted in such case, or direct  
34 the taking of additional evidence, or may permit any of the  
35 parties to such decision to initiate further appeals before

1 it. The ~~commission~~ appeal board shall permit such further  
2 appeal by any of the parties interested in a decision of an  
3 ~~appeal-tribunal~~ a hearing officer and by the ~~deputy~~  
4 representative whose decision has been overruled or modified  
5 by an-~~appeal-tribunal~~ the hearing officer. ~~The-commission~~  
6 ~~may-remove-to-itself-or-transfer-to-another-appeal-tribunal~~  
7 ~~the-proceedings-on-any-claim-pending-before-an-appeal-tribunal-~~  
8 ~~Any-proceeding-so-removed-to-the-commission-shall-be-heard~~  
9 ~~in-accordance-with-the-requirements-of-subsection-3, by-the~~  
10 ~~full-membership-of-the-commission, or, in-the-absence-or~~  
11 ~~disqualification-of-the-labor-representative-or-the-employer~~  
12 ~~representative-on-the-commission, by-the-public-representative~~  
13 ~~acting-alone.~~ The appeal board shall hear the case pursuant  
14 to the requirements of subsection three (3) of this section.  
15 The ~~commission~~ appeal board shall promptly notify the  
16 interested parties of its findings and decision.

17 6. PROCEDURE. The manner in which disputed claims shall  
18 be presented, the reports thereon required from the claimant  
19 and from employers, and the conduct of hearings and appeals  
20 shall be in accordance with rules prescribed by the ~~commission~~  
21 ~~for-determining-the-rights-of-the-parties, whether-or-not~~  
22 ~~such-rules-conform-to-common-law-or-statutory-rules-of-evidence~~  
23 ~~and-other-technical-rules-of-procedure~~ department under chapter  
24 seventeen A (17A) of the Code. A full and complete record  
25 shall be kept of all proceedings in connection with a disputed  
26 claim. All testimony at any hearing upon a disputed claim  
27 shall be recorded, but need not be transcribed unless the  
28 disputed claim is further appealed. The record shall be  
29 retained for sixty days following the final date for appeal  
30 of a disputed claim and may be destroyed thereafter.

31 7. WITNESS FEES. Witnesses subpoenaed pursuant to this  
32 section shall be allowed fees and necessary traveling expenses  
33 at a rate fixed by the ~~commission~~ director, which fees shall  
34 be charged to the unemployment compensation administration  
35 fund of the ~~commission~~ department.

1        8. JUDICIAL REVIEW. A decision of the commission appeal  
2 board shall become final ten days after the date of  
3 notification or mailing thereof. Judicial review of any  
4 decision of the commission appeal board may be sought in  
5 accordance with the terms of the Iowa administrative procedure  
6 Act. The commission department may be represented in any  
7 such judicial review proceeding by any qualified attorney  
8 who is a regular salaried employee of the commission department  
9 or who has been designated by the commission department for  
10 that purpose, or at the commission's department's request,  
11 by the attorney general. Notwithstanding the terms of the  
12 Iowa administrative procedure Act, petitions for judicial  
13 review may be filed in the district court of the county in  
14 which the claimant was last employed or resides, provided  
15 that if the claimant does not reside in the state of Iowa  
16 the action shall be brought in the district court of Polk  
17 county, Iowa, and any other party to the proceeding before  
18 the commission appeal board shall be named in the petition.  
19 The commission department may also, ~~in its discretion,~~ certify  
20 to such courts, questions of law involved in any decision  
21 by it. Petitions for judicial review and the questions so  
22 certified shall be given precedence over all other civil cases  
23 except cases arising under the workmen's compensation law  
24 of this state. No bond shall be required for entering an  
25 appeal from any final order, judgment or decree of the district  
26 court to the supreme court.

27        Sec. 9. Section ninety-six point seven (96.7), subsec-  
28 tion one (1), paragraph b, Code 1975, is amended to read as  
29 follows:

30        b. Such contributions shall become due and be paid to  
31 the commission department for the fund at such times and in  
32 such manner as the commission director by regulation  
33 prescribes.

34        Sec. 10. Section ninety-six point seven (96.7), subsec-  
35 tion three (3), paragraph a, subparagraph six (6), Code 1975,

1 is amended to read as follows:

2 (6) As soon as practicable after the close of each calendar  
3 quarter, and in any event within forty days after the close  
4 of such quarter, the ~~commission~~ department shall notify each  
5 employer of the amount that has been charged to his the  
6 employer's account for benefits paid during such quarter.  
7 This statement to the employer shall show the name of each  
8 claimant to whom such benefit payments were made, the  
9 claimant's social security number, and the amount of benefits  
10 paid to such claimant. Any employer who has not been notified  
11 as provided in section 96.6, subsection 2, of the allowance  
12 of benefits to such claimants may within thirty days after  
13 the receipt of such statement appeal to the ~~commission~~ director  
14 for a hearing to determine the eligibility of the claimant  
15 to receive such benefits. The ~~commission-may-hear-the-case~~  
16 ~~or-may~~ director shall refer the same to ~~an-appeal-tribunal~~  
17 a hearing officer for hearing, ~~--in-either-case~~ and both the  
18 employer and the claimant shall receive notice of the time  
19 and place of such hearing.

20 Sec. 11. Section ninety-six point nine (96.9), subsec-  
21 tion six (6), Code 1975, is amended to read as follows:

22 6. MANAGEMENT OF FUNDS IN THE EVENT OF DISCONTINUANCE  
23 OF UNEMPLOYMENT TRUST FUND. The provisions of subsections  
24 1, 2, and 3 to the extent that they relate to the unemployment  
25 trust fund shall be operative only so long as such unemployment  
26 trust fund continues to exist and so long as the secretary  
27 of the treasury of the United States continues to maintain  
28 for this state a separate book account of all funds deposited  
29 therein by this state for benefit purposes, together with  
30 this state's proportionate share of the earnings of such  
31 unemployment trust fund, from which no other state is permitted  
32 to make withdrawals. If and when such unemployment trust  
33 fund ceases to exist, or such separate book account is no  
34 longer maintained, all moneys, properties, or securities  
35 therein, belonging to the unemployment compensation fund of

1 this state shall be transferred to the treasurer of the  
2 unemployment compensation fund, who shall hold, invest,  
3 transfer, sell, deposit, and release such moneys, properties,  
4 or securities in a manner approved by the ~~commission~~ director,  
5 treasurer of state, and governor, in accordance with the  
6 provisions of this chapter: Provided, that such moneys shall  
7 be invested in the following readily marketable classes of  
8 securities; such securities as are authorized by the laws  
9 of the state of Iowa for the investment of trust funds. The  
10 treasurer shall dispose of securities and other properties  
11 belonging to the unemployment compensation fund only under  
12 the direction of the ~~commission~~ director, treasurer of state,  
13 and governor.

14 Sec. 12. Section ninety-six point ten (96.10), Code 1975,  
15 is amended by striking this section and inserting in lieu  
16 thereof the following:

17 96.10 DEPARTMENT OF EMPLOYMENT SECURITY. There is estab-  
18 lished a department of employment security. The chief  
19 executive officer of the department is the director of  
20 employment security who shall be appointed by the governor  
21 with the approval of two-thirds of the members of the senate  
22 and shall serve at the pleasure of the governor. The director  
23 shall be selected solely on the ability to administer the  
24 duties and functions granted to the department and shall  
25 devote full time to the duties of director. If the office  
26 of director becomes vacant during a session of the general  
27 assembly, the vacancy shall be filled in the same manner as  
28 the original appointment. Any vacancy in the office of  
29 director occurring while the general assembly is not in session  
30 shall be filled by appointment by the governor which  
31 appointment shall expire thirty days after the general assembly  
32 next convenes. Within the thirty-day period, the governor  
33 shall transmit an appointment to the senate.

34 The salary of the director shall be set by the general  
35 assembly.

1 The director of the department may establish, consolidate,  
2 and abolish divisions of the department when necessary for  
3 the efficient performance of the various functions and duties  
4 of the department of employment security.

5 Sec. 13. Section ninety-six point eleven (96.11), subsec-  
6 tions one (1), two (2), and three (3), Code 1975, are amended  
7 to read as follows:

8 1. DUTIES AND POWERS OF COMMISSION DIRECTOR. It shall  
9 be the duty of the commission director to administer this  
10 chapter; and ~~it~~ the director shall have power and authority  
11 to adopt, amend, or rescind pursuant to chapter seventeen  
12 A (17A) of the Code such rules and ~~regulations~~, to employ  
13 such persons, make such expenditures, require such reports,  
14 make such investigations, and take such other action as it  
15 deems necessary or suitable to that end. ~~Such rules and~~  
16 ~~regulations shall be effective upon compliance with chapter~~  
17 ~~17A.~~ Not later than the fifteenth day of December of each  
18 year, the commission director shall submit to the governor  
19 a report covering the administration and operation of this  
20 chapter during the preceding fiscal year and shall make such  
21 recommendations for amendments to this chapter as the ~~commis-~~  
22 sion director deems proper. Such report shall include a  
23 balance sheet of the moneys in the fund. Whenever the  
24 commission director believes that a change in contribution  
25 or benefit rates will become necessary to protect the solvency  
26 of the fund, ~~it~~ the director shall promptly so inform the  
27 governor and the legislature, and make recommendations with  
28 respect thereto.

29 2. GENERAL AND SPECIAL RULES. ~~General and special rules~~  
30 ~~may be adopted, amended, or rescinded by the commission only~~  
31 ~~after public hearing or opportunity to be heard thereon, of~~  
32 ~~which proper notice has been given.--Special rules shall~~  
33 ~~become effective ten days after notification to or mailing~~  
34 ~~to the last known address of the individuals or concerns~~  
35 ~~affected thereby.--Regulations may be adopted, amended, or~~

1 ~~reissued-by-the-commission~~. Each employer shall post and  
2 maintain printed statements of all regulations rules of the  
3 department in places readily accessible to individuals in  
4 ~~his~~ the employer's service, and shall make available to each  
5 such individual at the time ~~he~~ the individual becomes  
6 unemployed a printed statement of such regulations rules  
7 relating to the filing of claims for benefits. Such printed  
8 statements shall be supplied by the ~~commission~~ department  
9 to each employer without cost to him.

10 3. PUBLICATION. The ~~commission~~ director shall cause to  
11 be printed for distribution to the public the text of this  
12 chapter, the ~~commission's-regulations-and~~ department's general  
13 rules, its annual reports to the governor, and any other  
14 material the ~~commission~~ director deems relevant and suitable  
15 and shall furnish the same to any person upon application  
16 therefor.

17 Sec. 14. Section ninety-six point eleven (96.11), subsec-  
18 tions four (4) and five (5), Code 1975, as amended by Acts  
19 of the Sixty-sixth General Assembly, 1975 Session, chapter  
20 ninety-two (92), section twenty (20), are amended by striking  
21 the subsections and inserting in lieu thereof the following:

22 4. PERSONNEL. The director shall provide for the employ-  
23 ment of such personnel as are necessary to carry out the func-  
24 tions of the department. Personnel shall be employed under  
25 the provisions of chapter nineteen A (19A) of the Code. The  
26 director, a deputy director, a confidential secretary, the  
27 members of the appeal board, and a secretary for each member  
28 if deemed necessary, shall be exempt from the merit system  
29 under the provisions of section nineteen A point three (19A.3)  
30 of the Code.

31 The director may bond any employee handling moneys or  
32 signing checks.

33 5. ADVISORY COUNCIL.

34 a. There is established an employment security advisory  
35 council composed of nine members appointed by the governor

1 and approved by two-thirds of the members of the senate.  
2 Three members shall be appointed to represent employees; three  
3 members shall be appointed to represent employers; and three  
4 members shall be appointed to represent the general public.  
5 Not more than five members of the advisory council shall be  
6 members of the same political party. The term of office shall  
7 be six years beginning on the first day of July following  
8 their appointment, except that for the initial board three  
9 members representing all three categories shall be appointed  
10 for two-year terms; three members representing all three  
11 categories shall be appointed for four-year terms; and three  
12 members representing all three categories shall be appointed  
13 for six-year terms. Members shall serve without compensation,  
14 but shall be reimbursed for actual and necessary expenses,  
15 including travel, incurred for official meetings of the  
16 advisory council from funds appropriated to the department.

17 Vacancies shall be filled for the unexpired term in the  
18 same manner as the original appointment.

19 b. The advisory council shall meet with the director at  
20 least quarterly to discuss problems relating to the adminis-  
21 tration of this chapter and may meet more often upon the call  
22 of the director.

23 The advisory council annually shall elect a chairman.

24 Sec. 15. Section ninety-six point eleven (96.11), subsec-  
25 tions six (6) through ten (10), and twelve (12), Code 1975,  
26 are amended to read as follows:

27 6. EMPLOYMENT STABILIZATION. The ~~commission~~ director  
28 with the advice and aid of ~~such~~ the advisory ~~councils-as-it~~  
29 ~~may-appoint~~ council, and through ~~its~~ the appropriate divisions  
30 of the department, shall take all appropriate steps to reduce  
31 and prevent unemployment; to encourage and assist in the  
32 adoption of practical methods of vocational training,  
33 retraining and vocational guidance; to investigate, recommend,  
34 advise, and assist in the establishment and operation, by  
35 municipalities, counties, school districts, and the state,

1 of reserves for public works to be used in times of business  
2 depression and unemployment; to promote the re-employment  
3 of unemployed workers throughout the state in every other  
4 way that may be feasible; and to these ends to carry on and  
5 publish the results of investigations and research studies.

6 7. RECORDS AND REPORTS. Each employing unit shall keep  
7 true and accurate work records, containing such information  
8 as the ~~commission~~ department may prescribe. Such records  
9 shall be open to inspection and be subject to being copied  
10 by the ~~commission~~ department or its authorized representatives  
11 at any reasonable time and as often as may be necessary.  
12 The ~~commission~~ director may require from any employing unit  
13 any sworn or unsworn reports, with respect to persons employed  
14 by ~~it~~ the department, which the ~~commission~~ director deems  
15 necessary for the effective administration of this chapter.  
16 Information thus obtained shall not be published or be open  
17 to public inspection, other than to public employees in the  
18 performance of their public duties or to an agent of the  
19 ~~commission~~ department designated as such in writing for the  
20 purpose of accomplishing certain functions of the ~~commission~~  
21 department, in any manner revealing the employing unit's  
22 identity, but any claimant at a hearing before ~~an appeal~~  
23 ~~tribunal or the commission~~ a hearing officer or the appeal  
24 board shall be supplied with information from such records  
25 to the extent necessary for the proper presentation of ~~his~~  
26 the claim. Any employee ~~or member~~ of the ~~commission~~ depart-  
27 ment or member of the appeal board who violates any provision  
28 of this section shall be fined not less than twenty dollars  
29 nor more than two hundred dollars, or imprisoned for not  
30 longer than ninety days, or both.

31 8. OATHS AND WITNESSES. In the discharge of the duties  
32 imposed by this chapter, the chairman of ~~an~~ the appeal ~~tribunal~~  
33 board and any duly authorized representative ~~or member~~ of  
34 the ~~commission~~ department shall have power to administer oaths  
35 and affirmations, take depositions, certify to official acts,

1 and issue subpoenas to compel the attendance of witnesses  
2 and the production of books, papers, correspondence, memoranda,  
3 and other records deemed necessary as evidence in connection  
4 with a disputed claim or the administration of this chapter.

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

27 10. PROTECTION AGAINST SELF-INCRIMINATION. No person  
28 shall be excused from attending and testifying or from  
29 producing books, papers, correspondence, memoranda, and other  
30 records before the ~~commission~~ department, or ~~an-appeal-tribunal~~  
31 the appeal board, or in obedience to a subpoena in any cause  
32 or proceeding provided for in this chapter, on the ground  
33 that the testimony or evidence, documentary or otherwise,  
34 required of ~~him~~ the person may tend to incriminate ~~him~~ the  
35 person or subject ~~him~~ the person to a penalty for forfeiture;

1 but no individual shall be prosecuted or subjected to any  
2 penalty of forfeiture for or on account of any transaction,  
3 matter, or thing concerning which he the individual is  
4 compelled, after having claimed his privilege against self-  
5 incrimination, to testify or produce evidence, documentary  
6 or otherwise, except that such individual so testifying shall  
7 not be exempt from prosecution and punishment for perjury  
8 committed in so testifying.

9 12. DESTRUCTION OF RECORDS. The Iowa department of employ-  
10 ment security eommission may destroy or dispose of such  
11 original reports or records as have been properly recorded  
12 or summarized in the permanent records of the eommission  
13 department and are deemed by the eommission director and the  
14 state records commission to be no longer necessary to the  
15 proper administration of this chapter. Wage records of the  
16 individual worker or transcripts therefrom may be destroyed  
17 or disposed of, if approved by the state records commission,  
18 two years after the expiration of the period covered by such  
19 wage records or upon proof of the death of the worker. Such  
20 destruction or disposition shall be made only by order of  
21 the Iowa-employment-security-eommission director in  
22 consultation with the state records commission and-such-order  
23 shall-be-spread-on-the-minutes-of-the-Iowa-employment-security  
24 eommission. Any moneys received from the disposition of such  
25 records shall be deposited to the credit of the employment  
26 security administration fund, subject to rules promulgated  
27 by the department.

28 Sec. 16. Section ninety-six point twelve (96.12),  
29 subsection one (1), Code 1975, is amended to read as follows:

30 1. DUTIES OF COMMISSION DEPARTMENT. The employment  
31 security-eommission department shall establish and maintain  
32 free public employment offices in such number and in such  
33 places as may be necessary for the proper administration of  
34 this chapter and for the purpose of performing such duties  
35 as are within the purview of the Act of Congress entitled

1 "An Act to provide for the establishment of a national  
 2 employment system and for co-operation with the states in  
 3 the promotion of such system, and for other purposes", approved  
 4 June 6, 1933, as amended, and known as the Wagner-Peyser Act  
 5 (48 Stat. L. 113;29 USC49). All duties and powers conferred  
 6 upon any other department, agency, or officer of this state  
 7 relating to the establishment, maintenance, and operation  
 8 of free employment offices shall be vested in the commission  
 9 department. The provisions of the said Act of Congress, as  
 10 amended, are hereby accepted by this state, in conformity  
 11 with section 4 of said Act, and this state will observe and  
 12 comply with the requirements thereof. The commission  
 13 department is hereby designated and constituted the agency  
 14 of this state for the purpose of said Wagner-Peyser Act.  
 15 ~~If this chapter shall become inoperative for the reason pre-~~  
 16 ~~scribed in section 96.21, the Iowa state employment division~~  
 17 ~~shall not be affected thereby, but such division shall, upon~~  
 18 ~~the happening of such contingency, be deemed to be a division~~  
 19 ~~of the bureau of labor of the state of Iowa, with the same~~  
 20 ~~force and effect as if this chapter had not been passed, and~~  
 21 ~~that all funds and property made available to the Iowa state~~  
 22 ~~employment service division under this chapter shall under~~  
 23 ~~such contingency become, and shall be declared to be, the~~  
 24 ~~funds and property of the Iowa state employment service of~~  
 25 ~~the bureau of labor of Iowa. The commission department may~~  
 26 ~~co-operate with or enter into agreements with the railroad~~  
 27 ~~retirement board with respect to the establishment,~~  
 28 ~~maintenance, and use of employment service facilities. The~~  
 29 ~~railroad retirement board shall compensate the commission~~  
 30 ~~department for such services or facilities in the amount~~  
 31 ~~determined by the commission department to be fair and~~  
 32 ~~reasonable.~~

33 Sec. 17. Section ninety-six point fourteen (96.14), subsec-  
 34 tion three (3), unnumbered paragraph eleven (11), Code 1975,  
 35 is amended to read as follows:

1 The courts of this state shall recognize and enforce lia-  
2 bilities for unemployment contributions, penalties, interest  
3 and benefit overpayments imposed by other states which extend  
4 a like comity to this state. The ~~commission-is-hereby~~  
5 ~~empowered-to~~ department may sue in the courts of any other  
6 jurisdiction which extends such comity to collect unemployment  
7 contributions, penalties, interest and benefit overpayments  
8 due this state. The officials of other states which, by  
9 statute or otherwise, extend a like comity to this state may  
10 sue in the district court to collect for such contributions,  
11 penalties, interest and benefit overpayments. In any such  
12 case the ~~chairman-of-the-commission~~ director of the department  
13 of this state, as agent for and on behalf of any other state,  
14 may institute and conduct such suit for such other state.  
15 Venue of such proceedings shall be the same as for actions  
16 to collect delinquent contributions, penalties, interest and  
17 benefit overpayments due under this chapter. A certificate  
18 by the secretary of any such state attesting the authority  
19 of such official to collect the contributions, penalties,  
20 interest and benefit overpayments, is conclusive evidence  
21 of such authority. The requesting state shall pay the court  
22 costs.

23 Sec. 18. Section ninety-seven point fifty-one (97.51),  
24 subsection one (1), unnumbered paragraph one (1), Code 1975,  
25 is amended to read as follows:

26 The treasurer of state is hereby made the custodian and  
27 trustee of this fund and shall administer the same in  
28 accordance with the directions of the ~~Iowa~~ department of  
29 employment security ~~commission~~, hereafter referred to as the  
30 "~~commission~~ department". It shall be the duty of the trustee:

31 Sec. 19. Section ninety-seven point fifty-two (97.52),  
32 Code 1975, is amended to read as follows:

33 97.52 ADMINISTRATION AGREEMENTS. The ~~Iowa~~ department  
34 of employment security ~~commission~~ is authorized to enter into  
35 arrangements with the appropriate federal ~~bureau-of-employment~~

1 ~~security agency~~ whereby services performed by the ~~commission~~  
 2 ~~department~~ and its employees both under sections 97.50 to  
 3 97.53 and under the Iowa employment security chapter shall  
 4 be equitably apportioned between the funds provided for the  
 5 administration of said chapters. The money spent for rentals,  
 6 supplies, and equipment used by the ~~commission department~~  
 7 in administering both chapters shall be equitably apportioned  
 8 and charged against said funds.

9 Sec. 20. Section ninety-seven B point three (97B.3), Code  
 10 1975, is amended to read as follows:

11 97B.3 ADMINISTRATION. The ~~Iowa~~ department of employment  
 12 security commission, hereinafter called the "commission depart-  
 13 ment", shall be vested with authority to administer the Iowa  
 14 public employees' retirement system.

15 Sec. 21. Section ninety-seven B point six (97B.6), Code  
 16 1975, is amended to read as follows:

17 97B.6 OLD RECORDS. The ~~Iowa-employment-security-commission~~  
 18 department may destroy or dispose of such original reports  
 19 or records as have been properly recorded or summarized in  
 20 the permanent records of the ~~commission department~~ and are  
 21 deemed by the ~~commission director~~ and state records commission  
 22 to be no longer necessary to the proper administration of  
 23 this chapter. Such destruction or disposition shall be made  
 24 only by order of the ~~Iowa-employment-security-commission-and~~  
 25 ~~such-order-shall-be-spread-on-the-minutes-of-the-Iowa~~  
 26 ~~employment-security-commission~~ director. Any moneys received  
 27 from the disposition of such records shall be deposited to  
 28 the credit of the public employees' retirement fund, subject  
 29 to rules promulgated by the department.

30 Sec. 22. Section ninety-seven B point seven (97B.7),  
 31 subsection two (2), unnumbered paragraph one (1), Code 1975,  
 32 is amended to read as follows:

33 The treasurer of the state of Iowa is hereby made the  
 34 custodian and trustee of this fund and shall administer the  
 35 same ~~in accordance with the directions of the commission~~.

1 It shall be the duty of the trustee:

2 Sec. 23. Section ninety-seven B point seven (97B.7),  
3 subsection two (2), paragraph b, subparagraph seven (7),  
4 unnumbered paragraph two (2), Code 1975, is amended to read  
5 as follows:

6 In the event of loss on the redemption or sale of securi-  
7 ties, where invested as prescribed by law, ~~neither~~ the trea-  
8 surer ~~nor the commission~~ shall not be personally liable, but  
9 such loss shall be charged against the retirement fund and  
10 there is hereby appropriated from such fund an amount as may  
11 be so required. Expenses incurred in the sale and purchase  
12 of securities belonging to the retirement fund shall be charged  
13 to the retirement fund and there is hereby appropriated from  
14 such fund an amount as may be so required and investment  
15 management expenses shall be charged to the investment income  
16 of the retirement fund and such expense shall otherwise be  
17 budgeted and appropriated in the same manner as administrative  
18 expenses for the rest of the system.

19 Sec. 24. Section ninety-seven B point seven (97B.7),  
20 subsection two (2), paragraphs c, d, e, and f, Code 1975,  
21 are amended to read as follows:

22 c. Disburse such trust funds upon warrants drawn by the  
23 comptroller ~~pursuant to the order of the commission.~~

24 d. To sell any securities or other property in the trust  
25 fund and reinvest the proceeds ~~in accordance with the direction~~  
26 ~~of the commission when such action may be deemed advisable~~  
27 ~~by the commission~~ for the protection of the trust fund or  
28 the preservation of the value of the investment. Such sale  
29 of securities or other property of the trust fund shall only  
30 be made after advice from the advisory board in the manner  
31 and to the extent provided in this chapter in regard to the  
32 purchase of investments.

33 e. To subscribe, ~~in accordance with the direction of the~~  
34 ~~commission,~~ for the purchase of securities for future delivery  
35 in anticipation of future income. Such securities shall be

1 paid for by such anticipated income or from funds from the  
2 sale of securities or other property held by the fund.

3 f. To pay for securities ~~directed-to-be-purchased-by-the~~  
4 ~~emmission~~ on the receipt of the purchasing bank's paid  
5 statement or paid confirmation of purchase.

6 Sec. 25. Section ninety-seven B point eight (97B.8), Code  
7 1975, is amended to read as follows:

8 97B.8 ADVISORY INVESTMENT BOARD. A board shall be  
9 established to be known as the "Advisory Investment Board  
10 of the Iowa Public Employees' Retirement System", hereinafter  
11 called the "board", whose duties shall be to advise and confer  
12 with the ~~emmission~~ treasurer of state in matters relating  
13 to the investment of the trust funds of the Iowa public  
14 employees' retirement system. The powers of the board shall  
15 be purely advisory and the ~~emmission~~ treasurer of state shall  
16 not be bound in the making of any investment by the recommenda-  
17 tions of the board. The board shall consist of seven members.  
18 Five of the members shall be appointed by the governor, one  
19 of whom shall be an executive of a domestic life insurance  
20 company, one an executive of a state or national bank operat-  
21 ing within the state of Iowa, the third shall be an executive  
22 of a major industrial corporation located within the state  
23 of Iowa, and two shall be active members of the system, one  
24 of whom shall be an employee of a school district, ~~county~~  
25 ~~school-system, joint-county-system~~ area education agency,  
26 or merged area and one of whom shall not be an employee of  
27 a school district, ~~county-school-system, joint-county-system~~  
28 area education agency, or merged area. The president of the  
29 senate shall appoint one member from the membership of the  
30 senate and the speaker of the house of representatives shall  
31 appoint one member from the membership of the house. The  
32 two members appointed by the president of the senate and the  
33 speaker of the house of representatives and the two active  
34 members of the system appointed by the governor shall be ex  
35 officio members of the board. The members who are executives

1 of a domestic life insurance company, a state or national  
2 bank and a major industrial corporation shall be paid their  
3 actual expenses incurred in performance of their duties and  
4 shall receive in addition thereto the sum of forty dollars  
5 for each day of service not exceeding forty days per year.  
6 Legislative members shall receive the sum of forty dollars  
7 for each day of service and their actual expenses incurred  
8 in the performance of their duties. The per diem and expenses  
9 of the legislative members shall be paid from funds  
10 appropriated under section 2.12. The members who are active  
11 members of the system shall be paid their actual expenses  
12 incurred in the performance of their duties as members of  
13 the board and performance of their duties as members of the  
14 board shall not affect their salaries, vacation or leaves  
15 of absence for sickness or injury. The appointive terms of  
16 the members appointed by the governor shall be for a period  
17 of six years dating from July 4 first of the year in which  
18 they are appointed. In the event of vacancy, through  
19 resignation or any other cause, in the membership of the  
20 board, the governor shall have the power of appointment.  
21 Appointees to this board shall be subject to confirmation  
22 by a two-thirds vote of the senate, but in the event of interim  
23 appointments, such confirmation shall be necessary at the  
24 next session of the senate.

25 Sec. 26. Section ninety-seven B point twenty-five (97B.25),  
26 Code 1975, is amended to read as follows:

27 97B.25 APPLICATIONS FOR BENEFITS. A representative  
28 designated by the ~~commission~~ director and hereinafter referred  
29 to as a deputy, shall promptly examine applications for  
30 retirement benefits and on the basis of facts found by him  
31 shall either determine whether or not such claim is valid  
32 and if valid, the month with respect to which benefits shall  
33 commence, the monthly benefit amount payable, and the maximum  
34 duration thereof. The deputy shall promptly notify the  
35 applicant and any other interested party of the decision and

1 the reasons therefor. Unless the applicant or other interested  
2 party, within thirty calendar days after such notification  
3 was mailed to his last known address, files an appeal from  
4 such decision, to ~~the appeal referee~~ a hearing officer as  
5 provided in section 97B.26, such decision shall be final and  
6 benefits shall be paid or denied in accord therewith.

7 Sec. 27. Section ninety-seven B point twenty-six (97B.26),  
8 Code 1975, is amended to read as follows:

9 97B.26 REFEREE HEARING OFFICER. Unless such appeal is  
10 withdrawn, ~~an appeal referee~~ a hearing officer to be designated  
11 by the ~~commission department~~ for this purpose, after affording  
12 the parties reasonable opportunity for fair hearing, shall  
13 affirm or modify the findings of fact and decision of the  
14 deputy. At said hearing all of the evidence taken and the  
15 proceedings had shall be taken and fully reported by a  
16 certified shorthand reporter. Said reporter shall promptly  
17 transcribe said evidence and proceedings and certify to same.  
18 The said transcript shall then be made available for use by  
19 the ~~commission~~ appeal board and by the courts at subsequent  
20 judicial review proceedings under the Iowa administrative  
21 procedure Act, if any. The parties shall be duly notified  
22 of ~~such referee's~~ the hearing officer's decision, together  
23 with his reasons therefor, which shall be deemed to be the  
24 final decision of the ~~commission~~ department unless, within  
25 thirty days after the date of notification or mailing of such  
26 decision, further appeal is initiated pursuant to section  
27 97B.27.

28 Sec. 28. Section ninety-seven B point twenty-seven  
29 (97B.27), Code 1975, is amended to read as follows:

30 97B.27 REVIEW OF DECISION. Anyone aggrieved by the  
31 decision of the ~~appeal referee~~ hearing officer may, at any  
32 time before ~~such appeal referee's~~ the hearing officer's  
33 decision becomes final, petition the ~~commission~~ department  
34 for review before the appeal board established in section  
35 ninety-six point six (96.6) of the Code of such appeal

1 ~~referee's~~ the hearing officer's decision. The ~~commission~~  
2 appeal board shall review the record made before the ~~appeal~~  
3 ~~referee hearing officer~~, but no additional evidence shall  
4 be heard. On the basis of such record the ~~commission~~ appeal  
5 board shall either affirm, modify, or reverse the decision  
6 of the ~~appeal-referee hearing officer~~ and shall determine  
7 the rights of the appellant on the basis of such record.  
8 It shall promptly notify the appellant and any other interested  
9 party by written decision.

10 Sec. 29. Section ninety-seven B point forty-three (97B.43),  
11 unnumbered paragraph two (2), Code 1975, as amended by Acts  
12 of the Sixty-sixth General Assembly, 1975 Session, chapter  
13 fifty (50), section fourteen (14), is amended to read  
14 as follows:

15 Any person with a record of thirty years as a public  
16 employee in the state of Iowa prior to July 1, 1947, and who  
17 is not eligible for prior service credit under other provisions  
18 of this section, shall be entitled to a credit for years of  
19 prior service in the determination of the retirement allowance  
20 payment under any of the provisions of this chapter, provided  
21 such public employee makes application to the department of  
22 employment security ~~commission~~ for such credit for prior  
23 public service, accompanied by such verification of ~~his~~ the  
24 person's claim as the ~~commission~~ department may require.  
25 ~~His~~ The person's allowance for prior service credits shall  
26 be computed in the same manner as otherwise provided in this  
27 section, but shall not exceed the sum of four hundred fifty  
28 dollars nor be less than three hundred dollars per annum.  
29 Any such person shall be entitled to receive retirement  
30 allowances computed as provided by this chapter, effective  
31 from the date of application to the ~~employment-security~~  
32 ~~commission~~ department, provided such application is approved.  
33 Beginning July 1, 1975 the amount of such person's retirement  
34 allowance payment received during June, 1975, as computed  
35 under this section shall be increased by two hundred percent

1 and the allowance for prior service credits shall not exceed  
 2 one thousand three hundred fifty dollars nor be less than  
 3 nine hundred dollars per annum. There is appropriated from  
 4 the general fund of the state to the department of employment  
 5 security ~~commission~~ from funds not otherwise appropriated  
 6 an amount sufficient to fund the provisions of this paragraph.

7 Sec. 30. Section ninety-seven B point sixty-eight (97B.68),  
 8 subsection one (1), Code 1975, is amended to read as follows:

9 1. From and after July 4, 1959, any person who is a member  
 10 of the federal civil service retirement program shall not  
 11 be eligible for membership in the Iowa public employees'  
 12 retirement system, and the provisions of this chapter shall  
 13 not apply to such employee. Any employee whose membership  
 14 in the federal civil service retirement program is subsequently  
 15 terminated shall immediately notify his or her employer and  
 16 the Iowa department of employment security commission of such  
 17 fact, and the employee shall become subject to the provisions  
 18 of this chapter on the date the notification is received by  
 19 the commission department.

20 ~~Any employee as defined in this chapter who is a member~~  
 21 ~~of the federal civil service retirement program on July 4,~~  
 22 ~~1959, shall notify his employer and the Iowa employment~~  
 23 ~~security commission of such fact. The employee's membership~~  
 24 ~~in the Iowa public employees' retirement system shall~~  
 25 ~~automatically terminate on July 4, 1959.~~

26 Sec. 31. Section ninety-seven C point fourteen (97C.14),  
 27 Code 1975, is amended to read as follows:

28 97C.14 ELECTED OFFICIALS--RETROACTIVE PAYMENTS. Any elec-  
 29 tive official of the state of Iowa, or any of its political  
 30 subdivisions, who becomes subject to federal social security  
 31 coverage under the provisions of the agreement referred to  
 32 in section 97C.3 shall, not later than October 1, 1953, pay  
 33 into the contribution fund established by section 97C.12 a  
 34 tax sufficient to pay in his the elective official's behalf  
 35 an amount equal to three percent of his or her compensation

1 received as a public official for each year or portion thereof  
2 that he the public elective official has served as a public  
3 elective official since January 1, 1951, not to exceed thirty-  
4 six hundred dollars for any year of service. The employ-  
5 ~~ment-security-commission~~ state agency shall collect the tax  
6 hereby imposed and the proceeds from such tax shall be used  
7 for the purpose of obtaining retroactive federal social  
8 security coverage for elective officials, for the period  
9 beginning January 1, 1951, in the same manner as is provided  
10 in the case of other public employees by the provisions in  
11 subsection 2 of section 97.51 in order to obtain retroactive  
12 federal social security coverage during this period of time,  
13 such contribution to be collected and guaranteed by the  
14 employer. The ~~employment-security-commission~~ state agency  
15 will pay any such amount contributed to provide for retroactive  
16 federal social security coverage for the individual in question  
17 in the same manner as other payments are made for retroactive  
18 coverage of public employees. Provided that no member of  
19 a county board of supervisors shall be deemed to be an elective  
20 official in a part-time position, but every member of a county  
21 board of supervisors shall be deemed to be an employee within  
22 the purview of this chapter and shall be eligible to receive  
23 all of the benefits provided by this chapter to which he the  
24 member may be entitled as an employee.

25 Sec. 32. Section six hundred one F point three (601F.3),  
26 subsection eight (8), Code 1975, is amended by striking the  
27 subsection and inserting in lieu thereof the following:

28 8. The director of the department of employment security.

29 Sec. 33. Sections thirteen point seven (13.7); sixty-eight  
30 B point two (68B.2), subsection four (4); eighty-five point  
31 thirty-one (85.31); eighty-five point thirty-four (85.34),  
32 subsection two (2); eighty-five point thirty-seven (85.37);  
33 ninety-six point twenty-five (96.25); ninety-six point twenty-  
34 six (96.26); ninety-seven point fifty-one (97.51), subsection  
35 one (1), paragraph c; ninety-seven point fifty-one (97.51),

1 subsection three (3); ninety-seven C point two (97C.2),  
2 subsection five (5); two hundred forty-nine C point fourteen  
3 (249C.14); and two hundred ninety-four point fifteen (294.15),  
4 unnumbered paragraph two (2), Code 1975, are amended by  
5 striking from such sections the words "employment security  
6 commission" and inserting in lieu thereof the words "department  
7 of employment security".

8 Sec. 34. Sections ninety-six point three (96.3), subsec-  
9 tion four (4), as amended by Acts of the Sixty-sixth General  
10 Assembly, 1975 Session, chapter ninety-two (92), section two  
11 (2); ninety-six point three (96.3), subsection five (5), as  
12 amended by Acts of the Sixty-sixth General Assembly, 1975  
13 Session, chapter ninety-two (92), section three (3); ninety-  
14 six point three (96.3), subsection six (6), paragraph b;  
15 ninety-six point four (96.4), subsection seven (7), as amended  
16 by Acts of the Sixty-sixth General Assembly, 1975 Session,  
17 chapter ninety-two (92), section four (4); ninety-six point  
18 seven (96.7), subsection three (3), paragraph a, subparagraph  
19 four (4); and ninety-six point seven (96.7), subsection three  
20 (3), paragraph b, unnumbered paragraph five (5), Code 1975,  
21 are amended by striking from such sections the word  
22 "commission" and inserting in lieu thereof the word "director".

23 Sec. 35. Sections ninety-six point four (96.4), unnum-  
24 bered paragraph one (1) and subsections one (1) and seven  
25 (7), as amended by Acts of the Sixty-sixth General Assembly,  
26 1975 Session, chapter ninety-two (92), section four (4);  
27 ninety-six point five (96.5), subsection one (1), unnumbered  
28 paragraph one (1), and paragraphs a and f, as amended by Acts  
29 of the Sixty-sixth General Assembly, 1975 Session, section  
30 five (5); ninety-six point five (96.5), subsection three (3),  
31 paragraph a; ninety-six point five (96.5), subsection four  
32 (4), unnumbered paragraph one (1), ninety-six point five  
33 (96.5), subsection five (5), paragraph c and unnumbered  
34 paragraph two (2); ninety-six point five (96.5), subsection  
35 seven (7), paragraph b, ninety-six point six (96.6), subsection

1 one (1); ninety-six point seven (96.7), subsection two (2),  
2 paragraph a; ninety-six point seven (96.7), subsection three  
3 (3), paragraph a, subparagraph one (1); ninety-six point seven  
4 (96.7), subsection three (3), paragraph b, unnumbered paragraph  
5 six (6); ninety-six point seven (96.7), subsection three (3),  
6 paragraph d, unnumbered paragraph one (1) and paragraph f;  
7 ninety-six point seven (96.7), subsection four (4), as amended  
8 by Acts of the Sixty-sixth General Assembly, 1975 Session,  
9 chapter ninety-two (92), section fifteen (15); ninety-six  
10 point seven (96.7), subsections five (5), six (6), and seven  
11 (7); ninety-six point seven (96.7), subsection eight (8),  
12 as amended by Acts of the Sixty-sixth General Assembly, 1975  
13 Session, chapter ninety-two (92), section sixteen (16); ninety-  
14 six point seven (96.7), subsection nine (9); ninety-six point  
15 seven (96.7), subsection ten (10), as amended by Acts of the  
16 Sixty-sixth General Assembly, 1975 Session, chapter ninety-  
17 two (92), section seventeen (17); ninety-six point seven  
18 (96.7), subsections eleven (11) through thirteen (13); ninety-  
19 six point eight (96.8), as amended by Acts of the Sixty-sixth  
20 General Assembly, 1975 Session, chapter ninety-two (92),  
21 sections eighteen (18) and nineteen (19); ninety-six point  
22 nine (96.9), subsections one (1) through four (4) and eight  
23 (8); ninety-six point eleven (96.11), subsection eleven (11);  
24 ninety-six point twelve (96.12), subsection two (2); ninety-  
25 six point thirteen (96.13); ninety-six point fourteen (96.14),  
26 subsections one (1) and two (2); ninety-six point fourteen  
27 (96.14), subsection three (3), unnumbered paragraphs three  
28 (3) through ten (10); ninety-six point fourteen (96.14),  
29 subsection five (5); ninety-six point fifteen (96.15),  
30 subsection two (2); ninety-six point sixteen (96.16),  
31 subsection four (4); ninety-six point seventeen (96.17), as  
32 amended by Acts of the Sixty-sixth General Assembly, 1975  
33 Session, chapter ninety-two (92), section twenty-six (26);  
34 ninety-six point eighteen (96.18); ninety-six point nineteen  
35 (96.19), subsection six (6), paragraphs g and j; ninety-six

1 point nineteen (96.19), subsection seven (7), paragraphs d  
2 and f; ninety-six point nineteen (96.19), subsection seven  
3 (7), paragraph g, subparagraphs two (2) and three (3); ninety-  
4 six point nineteen (96.19), subsection thirteen (13), as  
5 amended by Acts of the Sixty-sixth General Assembly, 1975  
6 Session, chapter ninety-two (92), section thirty-four (34);  
7 ninety-six point nineteen (96.19), subsections fourteen (14),  
8 eighteen (18), twenty-nine (29), thirty (30), and thirty-one  
9 (31); ninety-six point twenty (96.20); ninety-six point twenty-  
10 one (96.21); ninety-six point twenty-four (96.24); ninety-  
11 six point twenty-nine (96.29); ninety-seven point fifty-one  
12 (97.51), subsection one (1), paragraph b; ninety-seven B point  
13 four (97B.4); ninety-seven B point five (97B.5); ninety-seven  
14 B point seven (97B.7), subsection two (2), paragraph b,  
15 unnumbered paragraph one (1); ninety-seven B point seven  
16 (97B.7), subsection three (3); ninety-seven B point nine  
17 (97B.9); ninety-seven B point ten (97B.10); ninety-seven B  
18 point fourteen (97B.14) through ninety-seven B point twenty  
19 (97B.20); ninety-seven B point twenty-two (97B.22); ninety-  
20 seven B point twenty-three (97B.23); ninety-seven B point  
21 twenty-six (97B.26); ninety-seven B point twenty-eight  
22 (97B.28); ninety-seven B point twenty-nine (97B.29); ninety-  
23 seven B point thirty-three (97B.33); ninety-seven B point  
24 thirty-four (97B.34); ninety-seven B point thirty-six (97B.36);  
25 ninety-seven B point thirty-seven (97B.37); ninety-seven B  
26 point thirty-eight (97B.38); ninety-seven B point forty-one  
27 (97B.41), subsection one (1), paragraph a, as amended by Acts  
28 of the Sixty-sixth General Assembly, 1975 Session, chapter  
29 fifty (50), section four (4); ninety-seven B point forty-one  
30 (97B.41), subsection three (3), paragraph a, subparagraphs  
31 two (2) and three (3); ninety-seven B point forty-one (97B.41),  
32 subsections seventeen (17) and nineteen (19); ninety-seven  
33 B point forty-three (97B.43), unnumbered paragraph three (3),  
34 as amended by Acts of the Sixty-sixth General Assembly, 1975  
35 Session, chapter fifty (50), section fourteen (14); ninety-

1 seven B point forty-five (97B.45), as amended by Acts of the  
2 Sixty-sixth General Assembly, 1975 Session, chapter fifty  
3 (50), section fifteen (15); ninety-seven B point forty-six  
4 (97B.46), as amended by Acts of the Sixty-sixth General  
5 Assembly, 1975 Session, chapter fifty (50), section sixteen  
6 (16); ninety-seven B point forty-seven (97B.47); ninety-seven  
7 B point forty-eight (97B.48), subsection two (2); ninety-seven  
8 B point forty-nine (97B.49), subsections one (1) and two (2),  
9 as amended by Acts of the Sixty-sixth General Assembly, 1975  
10 Session, chapter fifty (50), section eighteen (18); ninety-  
11 seven B point fifty-one (97B.51); ninety-seven B point fifty-  
12 two (97B.52), as amended by Acts of the Sixty-sixth General  
13 Assembly, 1975 Session, chapter fifty (50), section twenty  
14 (20); ninety-seven B point fifty-three (97B.53), as amended  
15 by Acts of the Sixty-sixth General Assembly, 1975 Session,  
16 chapter fifty (50), section twenty-one (21); ninety-seven  
17 B point fifty-four (97B.54); ninety-seven B point fifty-five  
18 (97B.55); ninety-seven B point fifty-seven (97B.57) through  
19 ninety-seven B point sixty (97B.60); ninety-seven B point  
20 sixty-one (97B.61), as amended by Acts of the Sixty-sixth  
21 General Assembly, 1975 Session, chapter fifty (50), section  
22 twenty-two (22); ninety-seven B point sixty-four (97B.64);  
23 ninety-seven B point seventy (97B.70); ninety-seven B point  
24 seventy-one (97B.71); Acts of the Sixty-sixth General Assembly,  
25 1975 Session, chapters ninety-two (92), sections eleven (11),  
26 twenty-one (21) and twenty-four (24), and ninety-three (93),  
27 section two (2), are amended by striking from such sections  
28 the word "commission" and inserting in lieu thereof the word  
29 "department" and by striking from such sections the word  
30 "commission's" and inserting in lieu thereof the word  
31 "department's".

32 Sec. 36. Sections ninety-four point one (94.1), ninety-  
33 four point three (94.3), and ninety-seven B point sixty-six  
34 (97B.66), Code 1975, are repealed.

35 Sec. 37. The terms of office of persons appointed to serve



S-5257

1 Amend Senate File 1123 as follows:

2 1. Page 20, by inserting after line 5 the following  
3 section:

4 "Sec. \_\_\_\_ . Section ninety-seven B point eight  
5 (97B.8), Code 1975, is amended to read as follows:

6 97B.8 ADVISORY INVESTMENT BOARD. A board shall  
7 be established to be known as the "Advisory Invest-  
8 ment Board of the Iowa Public Employees' Retirement  
9 System", hereinafter called the "board", whose duties  
10 shall be to advise and confer with the ~~commission~~  
11 director in matters relating to the investment of  
12 the trust funds of the Iowa public employees'  
13 retirement system. The powers of the board shall  
14 be purely advisory and the ~~commission~~ director shall  
15 not be bound in the making of any investment by the  
16 recommendations of the board. The board shall consist  
17 of seven ~~five~~ members. ~~Five-of-the~~ The members shall  
18 be appointed by the governor, one of whom shall be  
19 an executive of a domestic life insurance company,  
20 one an executive of a state or national bank operat-  
21 ing within the state of Iowa, the third shall be an  
22 executive of a major industrial corporation located  
23 within the state of Iowa, and two shall be active  
24 members of the system, one of whom shall be an employee  
25 of a school district, ~~county-school-system,--joint~~  
26 county-system area education agency, or merged area  
27 and one of whom shall not be an employee of a school  
28 district, ~~county-school-system,--joint-county-system~~  
29 area education agency, or merged area. ~~The-president~~  
30 ~~of-the-senate-shall-appoint-one-member-from-the~~  
31 ~~membership-of-the-senate-and-the-speaker-of-the-house~~  
32 ~~of-representatives-shall-appoint-one-member-from-the~~  
33 ~~membership-of-the-house---The-two-members-appointed~~  
34 ~~by-the-president-of-the-senate-and-the-speaker-of~~  
35 ~~the-house-of-representatives-and-the~~ The two active  
36 members of the system appointed by the governor shall  
37 be ex officio members of the board. The members who  
38 are executives of a domestic life insurance company,  
39 a state or national bank and a major industrial  
40 corporation shall be paid their actual expenses  
41 incurred in performance of their duties and shall  
42 receive in addition thereto the sum of forty dollars  
43 for each day of service not exceeding forty days per  
44 year. ~~Legislative-members-shall-receive-the-sum-of~~  
45 ~~forty-dollars-for-each-day-of-service-and-their-actual~~  
46 ~~expenses-incurred-in-the-performance-of-their-duties-~~  
47 ~~The-per-diem-and-expenses-of-the-legislative-members~~  
48 ~~shall-be-paid-from-funds-appropriated-under-section~~  
49 ~~2-42-~~ The members who are active members of the  
50 system shall be paid their actual expenses incurred

1 in the performance of their duties as members of the  
 2 board and performance of their duties as members of  
 3 the board shall not affect their salaries, vacation  
 4 or leaves of absence for sickness or injury. The  
 5 appointive terms of the members appointed by the  
 6 governor shall be for a period of six years dating  
 7 from July 4 first of the year in which they are  
 8 appointed. In the event of vacancy, through  
 9 resignation or any other cause, in the membership  
 10 of the board, the governor shall have the power of  
 11 appointment. Appointees to this board shall be subject  
 12 to confirmation by a two-thirds vote of the senate,  
 13 but in the event of interim appointments, such  
 14 confirmation shall be necessary at the next session  
 15 of the senate."  
 16 2. By correcting internal references and renum-  
 17 bering sections as necessary.

S-5257 FILED & LOST (p. 696)  
 MARCH 2, 1976 (15-21)

BY JAMES REDMOND

S-5261

1 Amend the Redmond amendment, S-5257 to Senate  
 2 File 1123 as follows:  
 3 1. Page 1, line 2, by striking the figure  
 4 "20" and inserting in lieu thereof the figure "18".  
 5 2. Page 1, line 2, by striking the figure  
 6 "5" and inserting in lieu thereof the figure "30".

S-5261 FILED & WITHDRAWN (694)  
 MARCH 2, 1976

BY JAMES M. REDMOND

S-5263

1 Amend the Redmond amendment, S-5257 to Senate  
 2 File 1123 as follows:  
 3 1. Page 1, line 2, by striking the figure  
 4 "20" and inserting in lieu thereof the figure "18".  
 5 2. Page 1, line 2, by striking the figure  
 6 "5" and inserting in lieu thereof the figure "29".

S-5263 FILED - Adopted 2/2 (p. 694)  
 MARCH 2, 1976

BY JAMES M. REDMOND

S-5250

1 Amend Senate File 1123 as follows:

2 1. Page 4, by striking lines 20 through 35.

3 2. Page 5, by striking lines 1 through 26 and  
4 inserting in lieu thereof the following:

5 "4. APPEAL BOARD. To hear and decide disputed  
6 claims, there is established an appeal board. The  
7 appeal board shall consist of three members appointed  
8 by the governor with the approval of two-thirds of  
9 the members of the senate. One member shall be a  
10 representative of employers, one member shall be a  
11 representative of employees, and one member who shall  
12 be impartial and shall represent the general public.  
13 The members shall serve six-year terms beginning on  
14 July first. For the initial board, the member  
15 representing employers shall serve a two-year term,  
16 the member representing employees shall serve a four-  
17 year term, and the member representing the general  
18 public shall serve a term of six years. No more than  
19 two members of the appeal board shall be members of  
20 the same political party. Any vacancy in the  
21 membership occurring during a session of the general  
22 assembly shall be filled in the same manner as the  
23 original appointment. Any vacancy in the member-  
24 ship occurring while the general assembly is not in  
25 session shall be filled by appointment by the governor  
26 which appointment shall expire thirty days after the  
27 general assembly next convenes. Within the thirty-  
28 day period, the governor shall transmit an appointment  
29 to the senate.

30 The members of the appeal board shall select a  
31 chairperson and vice chairperson from their membership.

32 The appeal board shall meet as often as deemed  
33 necessary, but not less than one time per month.  
34 Meetings shall be set by a majority of the appeal  
35 board or upon the call of the chairperson and vice  
36 chairperson.

37 Members of the appeal board shall be paid forty  
38 dollars per day for each day of official business  
39 of the appeal board and shall receive actual and  
40 necessary expenses, including travel, from funds  
41 appropriated to the department."

S-5250 FILED - Amended by S 556 and  
MARCH 1, 1976 Adopted 13/2 (p. 693)

BY CALVIN O. HULTMAN  
W. R. RABEDEAUX  
CLOYD E. ROBINSON

S-5253

1 Amend Senate File 1123 as follows:

- 2 1. Page 17, lines 29 and 30, by striking the  
3 words ", hereafter referred to as the commission  
4 department" and inserting in lieu thereof the words  
5 "~~,-hereafter-referred-to-as-the-commission~~".  
6 2. Page 18, lines 12 and 13, by striking the  
7 words ", hereinafter called the commission department,"  
8 and inserting in lieu thereof the words "~~,-hereinafter~~  
9 ~~called-the-commission,~~".  
10 3. Page 30, by inserting after line 10 the  
11 following new section:  
12 "Sec. \_\_\_\_ . The Code editor is directed to strike  
13 the words "Iowa employment security department " and  
14 "department" wherever they appear in the Act and  
15 insert in lieu thereof the words "job service of  
16 Iowa"."  
17 4. By redesignating the sections as necessary.

S-5253 FILED - *Withdrawn 3/2 (p. 680)*  
MARCH 1, 1976

BY CLOYD E. ROBINSON

S-5254

1 Amend Senate File 1123 as follows:

- 2 1. Page 17, lines 29 and 30, by striking the  
3 words ", hereafter referred to as the commission  
4 department" and inserting in lieu thereof the words  
5 "~~,-hereafter-referred-to-as-the-commission~~".  
6 2. Page 18, lines 12 and 13, by striking the  
7 words ", hereinafter called the commission department,"  
8 and inserting in lieu thereof the words "~~,-hereinafter~~  
9 ~~called-the-commission,~~".  
10 3. Page 30, by inserting after line 10 the  
11 following new section:  
12 "Sec. \_\_\_\_ . The Code editor is directed to strike  
13 the word "department", wherever that term means the  
14 Iowa employment security department, and the words  
15 "Iowa employment security department" wherever those  
16 titles appear in the Act, and insert in lieu thereof the  
17 words "job service of Iowa"."  
18 4. By redesignating the sections as necessary.

S-5254 FILED - *Adopted 3/2 (p. 680)*  
MARCH 1, 1976

BY CLOYD E. ROBINSON

S-5255

1 Amend the Hultman et al. amendment, S-5250 to  
2 Senate File 1123 as follows:

- 3 1. Page 1, line 37, by inserting after the  
4 word "shall" the words "each be paid twenty-one  
5 thousand seven hundred fifty dollars until July 1,  
6 1978 and shall receive actual and necessary expenses.  
7 Thereafter each member shall".

S-5255 FILED - *Withdrawn 3/2 (685)*  
MARCH 2, 1976

BY CLOYD E. ROBINSON

S-5230

1 Amend Senate File 1123 as follows:

2 1. Page 1, line 7, by striking the words "director  
3 of employment security commission" and inserting in  
4 lieu thereof the words "employment-security-commission  
5 commissioner of the bureau of labor".

6 2. Page 1, by inserting after line 28 the following  
7 section:

8 "Sec. \_\_\_\_\_. Section ninety-one point five (91.5),  
9 Code 1975, is amended by striking subsection three  
10 (3) and inserting in lieu thereof the following:

11 3. All laws relating to unemployment compensation  
12 insurance and the state employment service."

13 3. Page 1, line 35, by striking the word  
14 "director".

15 4. Page 2, by striking line 1, and inserting in  
16 lieu thereof the words "of-the-Iowa-employment-security  
17 commission".

18 5. Page 2, line 2, by striking the words  
19 "commission or a designee," and inserting in lieu  
20 thereof the word "commission,".

21 6. Page 2, line 14, by striking the words  
22 "commissioner director of the" and inserting in lieu  
23 thereof the words "labor commissioner".

24 7. Page 2, line 15, by striking the words  
25 "department of employment security".

26 8. Page 2, lines 31 and 32, by striking the words  
27 "department of employment security" and inserting  
28 in lieu thereof the words "bureau of labor".

29 9. Page 3, line 1, by striking the word  
30 "department" and inserting in lieu thereof the word  
31 "bureau".

32 10. Page 3, line 4, by striking the word  
33 "department" and inserting in lieu thereof the word  
34 "bureau".

35 11. Page 3, line 12, by striking the word  
36 "director" and inserting in lieu thereof the word  
37 "commissioner".

38 12. Page 4, line 13, by striking the word  
39 "department" and inserting in lieu thereof the word  
40 "bureau".

41 13. Page 5, line 9, by striking the word "director"  
42 and inserting in lieu thereof the word "commissioner".

43 14. Page 5, line 14, by striking the word  
44 "director" and inserting in lieu thereof the word  
45 "commissioner".

46 15. Page 6, line 23, by striking the word  
47 "department" and inserting in lieu thereof the word  
48 "bureau".

49 16. Page 6, line 33, by striking the word  
50 "director" and inserting in lieu thereof the word

- 1 "commissioner".
- 2 17. Page 6, line 35, by striking the word
- 3 "department" and inserting in lieu thereof the word
- 4 "bureau".
- 5 18. Page 7, line 6, by striking the word
- 6 "department" and inserting in lieu thereof the word
- 7 "bureau".
- 8 19. Page 7, line 8, by striking the word
- 9 "department" and inserting in lieu thereof the word
- 10 "bureau".
- 11 20. Page 7, line 9, by striking the word
- 12 "department" and inserting in lieu thereof the word
- 13 "bureau".
- 14 21. Page 7, line 10, by striking the word
- 15 "department's" and inserting in lieu thereof the word
- 16 "bureau's".
- 17 22. Page 7, line 19, by striking the word
- 18 "department" and inserting in lieu thereof the word
- 19 "bureau".
- 20 23. Page 7, line 31, by striking the word
- 21 "department" and inserting in lieu thereof the word
- 22 "bureau".
- 23 24. Page 7, line 32, by striking the word
- 24 "director" and inserting in lieu thereof the word
- 25 "commissioner".
- 26 25. Page 8, line 4, by striking the word
- 27 "department" and inserting in lieu thereof the word
- 28 "bureau".
- 29 26. Page 8, line 13, by striking the word
- 30 "director" and inserting in lieu thereof the word
- 31 "commissioner".
- 32 27. Page 8, line 16, by striking the word
- 33 "director" and inserting in lieu thereof the word
- 34 "commissioner".
- 35 28. Page 9, line 4, by striking the word "director"
- 36 and inserting in lieu thereof the word "commissioner".
- 37 29. Page 9, line 12, by striking the word
- 38 "director" and inserting in lieu thereof the word
- 39 "commissioner".
- 40 30. Page 9, by striking lines 17 through 35 and
- 41 inserting in lieu thereof the following:
- 42 "96.10 ADMINISTRATION OF CHAPTER. The commissioner
- 43 of labor, hereinafter referred to as the commissioner,
- 44 shall administer the provisions of this chapter.
- 45 The word "bureau" when used in this chapter means
- 46 the bureau of labor."
- 47 31. Page 10, line 1, by striking the words
- 48 "director of the department" and inserting in lieu
- 49 thereof the word "commissioner".
- 50 32. Page 10, line 2, by striking the word

- 1 "department" and inserting in lieu thereof the word
- 2 "bureau".
- 3 33. Page 10, by striking line 4, and inserting
- 4 in lieu thereof the words "assigned under this
- 5 chapter."
- 6 34. Page 10, line 8, by striking the word
- 7 "DIRECTOR" and inserting in lieu thereof the word
- 8 "COMMISSIONER".
- 9 35. Page 10, line 9, by striking the word
- 10 "director" and inserting in lieu thereof the word
- 11 "commissioner".
- 12 36. Page 10, line 10, by striking the word
- 13 "director" and inserting in lieu thereof the word
- 14 "commissioner".
- 15 37. Page 16, line 30, by striking the word
- 16 "department" and inserting in lieu thereof the word
- 17 "bureau".
- 18 38. Page 16, line 31, by striking the word
- 19 "department" and inserting in lieu thereof the word
- 20 "bureau".
- 21 39. Page 10, line 18, by striking the word
- 22 "director" and inserting in lieu thereof the word
- 23 "commissioner".
- 24 40. Page 10, line 22, by striking the word
- 25 "director" and inserting in lieu thereof the word
- 26 "commissioner".
- 27 41. Page 10, line 24, by striking the word
- 28 "director" and inserting in lieu thereof the word
- 29 "commissioner".
- 30 42. Page 10, line 26, by striking the word
- 31 "director" and inserting in lieu thereof the word
- 32 "commissioner".
- 33 43. Page 11, line 3, by striking the word
- 34 "department" and inserting in lieu thereof the word
- 35 "bureau".
- 36 44. Page 11, line 3, by striking the word
- 37 "department" and inserting in lieu thereof the word
- 38 "bureau".
- 39 45. Page 11, line 10, by striking the word
- 40 "director" and inserting in lieu thereof the word
- 41 "commissioner".
- 42 46. Page 11, line 12, by striking the word
- 43 "department's" and inserting in lieu thereof the word
- 44 "bureau's".
- 45 47. Page 11, line 14, by striking the word
- 46 "director" and inserting in lieu thereof the word
- 47 "commissioner".
- 48 48. Page 11, line 22, by striking the word
- 49 "director" and inserting in lieu thereof the word
- 50 "commissioner".

- 1 49. Page 11, line 26, by striking the words  
2 "director, a deputy director" and inserting in lieu  
3 thereof the words "commissioner, a deputy  
4 commissioner".
- 5 50. Page 11, line 31, by striking the word  
6 "director" and inserting in lieu thereof the word  
7 "commissioner".
- 8 51. Page 12, line 16, by striking the word  
9 "department" and inserting in lieu thereof the words  
10 "bureau for the administration of this chapter".
- 11 52. Page 12, line 19, by striking the word  
12 "director" and inserting in lieu thereof the word  
13 "commissioner".
- 14 53. Page 12, line 22, by striking the word  
15 "director" and inserting in lieu thereof the word  
16 "commissioner".
- 17 54. Page 12, line 27, by striking the word  
18 "director" and inserting in lieu thereof the word  
19 "commissioner".
- 20 55. Page 12, line 30, by striking the word  
21 "department" and inserting in lieu thereof the word  
22 "bureau".
- 23 56. Page 13, line 8, by striking the word  
24 "department" and inserting in lieu thereof the word  
25 "bureau".
- 26 57. Page 13, line 10, by striking the word  
27 "department" and inserting in lieu thereof the word  
28 "bureau".
- 29 58. Page 13, line 12, by striking the word  
30 "director" and inserting in lieu thereof the word  
31 "commissioner".
- 32 59. Page 13, line 14, by striking the word  
33 "department" and inserting in lieu thereof the word  
34 "bureau".
- 35 60. Page 13, line 14, by striking the word  
36 "director" and inserting in lieu thereof the word  
37 "commissioner".
- 38 61. Page 13, line 19, by striking the word  
39 "department" and inserting in lieu thereof the word  
40 "burcau".
- 41 62. Page 13, line 21, by striking the word  
42 "department" and inserting in lieu thereof the word  
43 "bureau".
- 44 63. Page 13, lines 26 and 27, by striking the  
45 word "department" and inserting in lieu thereof the  
46 word "bureau".
- 47 64. Page 13, line 34, by striking the word  
48 "department" and inserting in lieu thereof the word  
49 "bureau".
- 50 65. Page 14, line 30, by striking the word

1 "department" and inserting in lieu thereof the word  
2 "bureau".

3 66. Page 15, line 9, by striking the words  
4 "department of employment security" and inserting  
5 in lieu thereof the words "ef-employment-security  
6 bureau".

7 67. Page 15, line 13, by striking the word  
8 "department" and inserting in lieu thereof the word  
9 "bureau".

10 68. Page 15, line 13, by striking the word  
11 "director" and inserting in lieu thereof the word  
12 "commissioner".

13 69. Page 15, line 21, by striking the word  
14 "director" and inserting in lieu thereof the word  
15 "commissioner".

16 70. Page 15, line 27, by striking the word  
17 "department" and inserting in lieu thereof the word  
18 "bureau".

19 71. Page 15, line 30, by striking the word  
20 "DEPARTMENT" and inserting in lieu thereof the word  
21 "BUREAU".

22 72. Page 15, line 31, by striking the word  
23 "department" and inserting in lieu thereof the word  
24 "bureau".

25 73. Page 16, line 9, by striking the word  
26 "department" and inserting in lieu thereof the word  
27 "bureau".

28 74. Page 16, line 13, by striking the word  
29 "department" and inserting in lieu thereof the word  
30 "bureau".

31 75. Page 16, line 25, by striking the word  
32 "department" and inserting in lieu thereof the word  
33 "bureau".

34 76. Page 17, line 5, by striking the word  
35 "department" and inserting in lieu thereof the word  
36 "bureau".

37 77. Page 17, line 12, by striking the words  
38 "director of the department" and inserting in lieu  
39 thereof the words "commissioner of the bureau".

40 78. Page 17, line 28, by striking the word "Iewa"  
41 and inserting in lieu thereof the words "Iowa public  
42 employees' retirement system".

43 79. Page 17, line 28, by striking the word "of".

44 80. Page 17, line 29, by striking the words  
45 "employment security" and inserting in lieu there-  
46 of the words "employment-security".

47 81. Page 17, by inserting after line 30 the fol-  
48 lowing section:

49 "Sec. \_\_. Section ninety-seven point fifty-one  
50 (97.51), subsection one (1), paragraph c, and sub-

1 section three (3), Code 1975, are amended to read  
2 as follows:

3 c. Disburse such trust funds upon warrants drawn  
4 by the comptroller pursuant to the order of the em-  
5 ployment-security-commission department.

6 3. The Iowa employment-security-commission public  
7 employees' retirement system department shall be  
8 vested with authority to administer the Iowa old-age  
9 and survivors' insurance liquidation fund and shall  
10 also administer all other provisions of this chapter."

11 82. Page 17, line 34, by striking the words "of  
12 employment security" and inserting in lieu thereof  
13 the words "employment-security".

14 83. Page 18, line 3, by striking the words "and  
15 under the Iowa employment security chapter" and in-  
16 sserting in lieu thereof the words "~~and-under-the-Iowa~~  
17 ~~employment-security-chapter~~".

18 84. Page 18, by striking lines 10 through 14 and  
19 inserting in lieu thereof the following: "1975, is  
20 amended by striking the section and inserting in lieu  
21 thereof the following:

22 97B.3 DEPARTMENT ESTABLISHED. There is established  
23 an Iowa state employees' retirement system department,  
24 hereinafter called the "department", to administer  
25 the provisions of this chapter and of chapter ninety-  
26 seven (97) of the Code. Employees of the depar tment  
27 shall be selected under the provisions of chapter  
28 nineteen A (19A) of the Code."

29 85. Page 18, by striking line 35 and inserting  
30 in lieu thereof the words "same in accordance with  
31 the directions of the commission director."

32 86. Page 19, line 7, by striking the word "~~neither~~"  
33 and inserting in lieu thereof the word "neither".

34 87. Page 19, line 8, by striking the words "~~nor~~  
35 ~~the-commission~~" and inserting in lieu thereof the  
36 words "nor the commission director".

37 88. Page 19, line 8, by striking the word "not".

38 89. Page 19, by striking line 23 and inserting  
39 in lieu thereof the words "comptroller pursuant to  
40 the order of the commission director".

41 90. Page 19, line 25, by striking the words "~~in~~  
42 ~~accordance-with-the-directien~~" and inserting in lieu  
43 thereof the words "in accordance with the direction".

44 91. Page 19, by striking line 26 and inserting  
45 in lieu thereof the words "of the commission director  
46 when such action may be deemed advisable".

47 92. Page 19, line 27, by striking the words "by  
48 ~~the-commission~~" and inserting in lieu thereof the  
49 words "by the commission director".

50 93. Page 19, line 33, by striking the words "7

1 ~~in accordance with the direction of the~~ and inserting  
2 in lieu thereof the words ", in accordance with the  
3 direction of the".

4 94. Page 19, line 34, by striking the word "~~com-  
5 mission~~" and inserting in lieu thereof the words "com-  
6 mission director".

7 95. Page 20, by striking from lines 3 and 4 the  
8 words "~~directed to be purchased by the commission~~"  
9 and inserting in lieu thereof the words "directed  
10 to be purchased by the commission director".

11 96. Page 20, line 12, by striking the words "trea-  
12 surer of state" and inserting in lieu thereof the  
13 word "director".

14 97. Page 20, line 15, by striking the words "trea-  
15 surer of state" and inserting in lieu thereof the  
16 word "director".

17 98. Page 22, line 19, by inserting after the word  
18 "board" the words "established under chapter ninety-  
19 six (96) of the Code".

20 99. Page 23, by inserting after line 9 the  
21 following:

22 "The director shall pay to the department of em-  
23 ployment security from funds appropriated to the de-  
24 partment all costs incurred in using the appeal board."

25 100. Page 23, line 21, by striking the word "of".

26 101. Page 23, line 22, by striking the words "em-  
27 ployment security" and inserting in lieu thereof the  
28 words "employment-security".

29 102. Page 24, line 4, by inserting after the words  
30 "to the" the words "Iowa public employees' retire-  
31 ment system".

32 103. Page 24, line 4, by striking the words "of  
33 employment" and inserting in lieu thereof the word  
34 "employment".

35 104. Page 24, line 5, by striking the word  
36 "security" and inserting in lieu thereof the word  
37 "security".

38 105. Page 24, line 16, by striking the words "of  
39 employment security" and inserting in lieu thereof  
40 the words "employment-security".

41 106. Page 25, by inserting after line 24 the  
42 following section:

43 "Sec. \_\_. Chapter ninety-seven B (97B), Code 1975,  
44 is amended by adding the following new sections:

45 NEW SECTION. The chief executive officer of the  
46 department is the director who shall be appointed  
47 by the governor with the approval of two-thirds of  
48 the members of the senate and shall serve at the  
49 pleasure of the governor. The director shall be  
50 selected solely on the ability to administer the

1 duties and functions of this chapter and shall devote  
2 full time to the duties of the director. If the  
3 office of director becomes vacant during a session  
4 of the general assembly, the vacancy shall be filled  
5 in the same manner as the original appointment. Any  
6 vacancy in the office of director occurring while  
7 the general assembly is not in session shall be filled  
8 by appointment by the governor which appointment shall  
9 expire thirty days after the general assembly next  
10 convenes. Within the thirty-day period, the governor  
11 shall transmit an appointment to the senate.

12 The salary of the director shall be set by the  
13 general assembly.

14 NEW SECTION. AGREEMENT FOR SERVICES. The direc-  
15 tor may execute an agreement with the director of  
16 the department of employment security for the  
17 department to utilize administrative services of the  
18 department of employment security. The director shall  
19 reimburse the department of employment security for  
20 the costs of the administrative services used."

21 107. Page 25, by striking lines 26, 27, and 28  
22 and inserting in lieu thereof the words "Code 1975,  
23 is amended by striking subsection eight (8)."

24 108. Page 25, by striking lines 34 and 35 and  
25 inserting in lieu thereof the word and figure "six  
26 (96.26);".

27 109. Page 26, line 1, by striking the words and  
28 figure "subsection three (3);".

29 110. Page 26, lines 6 and 7, by striking the words  
30 "department of employment security" and inserting in  
31 lieu thereof the words "bureau of labor".

32 111. Page 26, line 22, by striking the word  
33 "director" and inserting in lieu thereof the word  
34 "commissioner".

35 112. Page 28, line 10, by inserting after the  
36 figure "(96.24)" the word "and".

37 113. Page 28, by striking line 11 and inserting  
38 in lieu thereof the following: "six point twenty-  
39 nine (96.29), are amended by striking from such  
40 sections the word "commission" and inserting in lieu  
41 thereof the word "bureau" and by striking from such  
42 sections the word "commission's" and inserting in  
43 lieu thereof the word "bureau's"."

44 114. Page 28, by inserting after line 11 the  
45 following:

46 "Sec. \_\_\_\_ . Sections ninety-seven point fifty-one".

47 115. Page 28, line 12, by inserting after the  
48 word and letter "paragraph b" the words and figures  
49 "and subsections four (4) and six (6)".

50 116. Page 30, by striking lines 3 through 10.

- 1 117. Amend the title, line 1, by striking the  
2 words "establish a department of employment security".  
3 118. Amend the title, line 2, by striking the  
4 words "prescribe its duties, and to".  
5 119. Amend the title, line 3, by inserting after  
6 the word "commission" the words ", transfer certain  
7 of its functions to the bureau of labor and certain  
8 of its functions to an Iowa public employees'  
9 retirement system department".  
10 120. By renumbering sections as necessary.

S-5230 FILED. *Withdrawn 2/1 (657)*  
FEBRUARY 27, 1976

BY CLOYD E. ROBINSON

SENATE FILE 1123

S-5227

- 1 Amend Senate File 1123 as follows:  
2 1. Page 3, line 2, by striking the word "either"  
3 and inserting in lieu thereof the word "either".  
4 2. Page 3, line 3, by striking the words "employ-  
5 ment-office-or" and inserting in lieu thereof the  
6 words "employment office or".  
7 3. Page 3, by striking lines 4 through 6 and in-  
8 serting in lieu thereof the following: "the commis-  
9 sion department. The department in cooperation with  
10 the employment office shall, if possible, furnish  
11 each claimant with the names of three employers.  
12 The claimant shall apply and obtain the signatures  
13 of the employers designated by the department on forms  
14 provided by the department, to be eligible to receive  
15 benefits. A claimant shall obtain the signatures  
16 of the employers with whom applications are made,  
17 and the failure of the applicant to obtain the  
18 signature on claims forms provided by the department  
19 of at least three employers shall disqualify the  
20 applicant from further benefits until requalified.  
21 To requalify for benefits terminated under this  
22 provision the claimant shall earn, subsequent to  
23 disqualification, an amount not less than nine times  
24 the claimant's weekly benefit amount, provided the  
25 claimant is otherwise eligible. If the department  
26 finds that a claimant fails to accept suitable work  
27 when offered ~~him~~ the claimant, or to return to his  
28 customary self-employment, if any, the claimant shall  
29 be disqualified"

S-5227 FILED. *Adopted 2/1 (p. 659)*  
FEBRUARY 26, 1976 *24-20*

BY CALVIN O. HULTMAN  
RAY TAYLOR  
CLIFTON C. LAMBORN

S-5256

1 Amend the Hultman et al. amendment, S-5250 to  
2 Senate File 1123 as follows:  
3 1. Page 1, line 37, by inserting after the  
4 word "shall" the words "each be paid twenty one  
5 thousand seven hundred fifty dollars annually until  
6 July 1, 1978 and shall receive actual and necessary  
7 expenses. Thereafter each member shall".

S-5256 FILED & ADOPTED (p. 692)  
MARCH 2, 1976 24-21

BY CLOYD E. ROBINSON

SENATE FILE 1123

S-5264

1 Amend the Redmond amendment S-5257 to Senate  
2 File 1123 as follows:  
3 1. Page 1, line 17, by striking the words  
4 "seven five" and inserting in lieu thereof the word  
5 "seven".  
6 2. Page 1, line 23, after the word "Iowa,"  
7 the words "two of whom shall be impartial and repre-  
8 sent the public,".

S-5264 FILED & LOST (p. 696)  
MARCH 2, 1976 10-35

BY JAMES M. REDMOND

S-5244

1 Amend Senate File 1123 as follows:  
2 1. Page 5, line 3, by striking the word and  
3 figure "line 9" and inserting in lieu thereof the  
4 words and figures "lines 9 and 10".

S-5244 FILED & WITHDRAWN  
MARCH 1, 1976

BY CLOYD E. ROBINSON

S-5245

1 Amend the Hultman amendment S-5181, to Senate  
2 File 1123 as follows:  
3 1. Page 1, line 2 by striking the figure "34"  
4 and inserting in lieu thereof the figure "35".

S-5245 FILED & ADOPTED  
MARCH 1, 1976

BY CALVIN O. HULTMAN

S-5181

1 Amend Senate File 1123 as follows:

2 1. Page 4, by striking lines 20 through 34.

3 2. Page 5, by striking lines 1 through 26 and in-  
4 serting in lieu thereof the following:

5 "4. APPEAL BOARD. To hear and decide disputed  
6 claims, there is established an appeal board. The  
7 appeal board shall consist of five members appointed  
8 by the governor with the approval of two-thirds of  
9 the members of the senate. One member shall be a  
10 representative of employers who employ persons who  
11 are not affiliated with a labor union, organization,  
12 or association; one member shall be a representative  
13 of employers who employ persons who are affiliated  
14 with a labor union, organization, or association;  
15 one member shall be a representative of employees  
16 who are affiliated with a labor union, organization,  
17 or association; one member shall be a representative  
18 of employees who are not affiliated with a labor union,  
19 organization, or association; and one member who shall  
20 be impartial and shall represent the general public.  
21 The members shall serve six-year terms beginning on  
22 July first. For the initial board, the governor shall  
23 appoint one member representing employers and one mem-  
24 ber representing employees to a two-year term, one  
25 member representing employers and one member represent-  
26 ing employees to a four-year term, and the member  
27 representing the general public to a six-year term.  
28 No more than three members of the appeal board shall  
29 be members of the same political party. Any vacancy  
30 in the membership occurring during a session of the  
31 general assembly shall be filled in the same manner  
32 as the original appointment. Any vacancy in the  
33 membership occurring while the general assembly is  
34 not in session shall be filled by appointment by the  
35 governor which appointment shall expire thirty days  
36 after the general assembly next convenes. Within  
37 the thirty-day period, the governor shall transmit  
38 an appointment to the senate.

39 The members of the appeal board shall select a  
40 chairperson and vice chairperson from their member-  
41 ship.

42 The appeal board shall meet as often as deemed nec-  
43 essary, but not less than one time per month. Meetings  
44 shall be set by a majority of the appeal board or upon  
45 the call of the chairperson and vice chairperson.

46 Members of the appeal board shall be paid forty  
47 dollars per day for each day of official business of  
48 the appeal board and shall receive actual and necessary  
49 expenses, including travel, from funds appropriated to  
50 the department."

S-5181 FILED - Lost 3/1 (p. 661)  
FEBRUARY 19, 1976 18-26

BY CALVIN O. HULTMAN  
W. R. RABEDEAUX  
CLIFTON C. LAMBORN

SENATE FILE 1123

S-5182

1 Amend Senate File 1123 as follows:

2 1. Page 2, by inserting after line 32 the follow-  
3 ing section:

4 "Sec. \_\_\_\_ . Section ninety-six point five (96.5),  
5 subsection one (1), Code 1975, as amended by Acts of  
6 the Sixty-sixth General Assembly, 1975 Session, chapter  
7 ninety-two (92), section seven (7), is amended by  
8 striking paragraph h.

9 2. Page 3, line 6, by inserting after the word  
10 "any." the following: "The department shall, if  
11 possible, furnish each claimant with the names of  
12 three employers to which the claimant shall apply  
13 for employment. If the claimant does not apply as  
14 directed and receive the signatures of the employers  
15 upon forms furnished by the department the claimant  
16 shall be disqualified for benefits until requalified.  
17 A claimant shall obtain the signatures of the employers  
18 with whom applications are made to be eligible for  
19 benefits. To requalify for benefits terminated under  
20 this provision the claimant shall earn, subsequent to  
21 disqualification, an amount not less than nine times  
22 the claimant's weekly benefit amount, provided the  
23 claimant is otherwise eligible."

S-5182 FILED - *Hutchinson #1 (655)*  
FEBRUARY 19, 1976

BY CALVIN O. HULTMAN  
W. R. RABEDAUX  
CLIFTON C. LAMBORN  
RAY TAYLOR

SENATE FILE 1123

S-5248

1 Amend Senate File 1123 as follows:

2 1. Page 30, by inserting after line 10 the  
3 following new section:

4 "Sec. \_\_\_\_ . The code editor is directed to strike  
5 the words "Iowa Employment Security Commission"  
6 wherever they appear in the Code and insert in lieu  
7 thereof the words "Job Service of Iowa"."

8 2. By redesignating the sections as necessary.

S-5248 FILED - *Hutchinson 3/2 (680)*  
MARCH 1, 1976

BY CLOYD E. ROBINSON

S-5177

1 Amend the Hill of Jasper amendment, S-5133, to  
 2 Senate File 1123, as follows:

3 1. Page 1, by inserting after line 1, the following  
 4 amendment:

5 "\_\_\_\_. Page 19, by inserting after line 1 the  
 6 following section:

7 "Sec. \_\_\_\_ Section ninety-seven B point seven  
 8 (97B.7), subsection two (2), paragraph b, unnumbered  
 9 paragraph one (1), Code 1975, is amended to read as  
 10 follows:

11 Invest such portion of said trust funds as in the  
 12 judgment of the ~~commission~~ department are not needed  
 13 for current payment of benefits under this chapter  
 14 in interest-bearing securities issued by the United  
 15 States, or interest-bearing bonds issued by the state  
 16 of Iowa, or bonds issued by counties, school districts  
 17 or general obligations or limited levy bonds issued  
 18 by municipal corporations in this state as authorized  
 19 by law, or other investments authorized for life  
 20 insurance companies in this state including common  
 21 stocks issued or guaranteed by a corporation created  
 22 or existing under the laws of the United States or  
 23 any state, district, or territory thereof. The  
 24 treasurer of state may employ investment consultants  
 25 under the direction of the investment board for  
 26 assistance in investment. Investment is subject to  
 27 the following restrictions:""

28 2. Page 2, by inserting after line 5 the following  
 29 amendments:

30 "\_\_\_\_. Page 28, line 13, by striking the word  
 31 "ninety-seven".

32 \_\_\_\_\_. Page 28, by striking line 14.

33 \_\_\_\_\_. Page 28, line 15, by striking the words and  
 34 figure "unnumbered paragraph one (1);".

35 \_\_\_\_\_. By renumbering sections as necessary."

36 3. By renumbering amendments as necessary.

S-5177 FILED *[Signature]*

FEBRUARY 19, 1976

BY EUGENE M. HILL

SENATE FILE 1123

S-5178

1 Amend Senate File 1123 as follows:

2 1. Page 19, by inserting after line 1 the following  
3 section:

4 "Sec. \_\_\_\_ . Section ninety-seven B point seven  
5 (97B.7), subsection two (2), paragraph b, unnumbered  
6 paragraph one (1), Code 1975, is amended to read as  
7 follows:

8 Invest such portion of said trust funds as in the  
9 judgment of the ~~commission~~ department are not needed  
10 for current payment of benefits under this chapter  
11 in interest-bearing securities issued by the United  
12 States, or interest-bearing bonds issued by the state  
13 of Iowa, or bonds issued by counties, school districts  
14 or general obligations or limited levy bonds issued  
15 by municipal corporations in this state as authorized  
16 by law, or other investments authorized for life  
17 insurance companies in this state including common  
18 stocks issued or guaranteed by a corporation created  
19 or existing under the laws of the United States or  
20 any state, district, or territory thereof. The  
21 treasurer of state may employ investment consultants  
22 for assistance in investment. Investment is subject  
23 to the following restrictions:"

24 2. Page 28, line 13, by striking the word "ninety-  
25 seven".

26 3. Page 28, by striking line 14.

27 4. Page 28, line 15, by striking the words and  
28 figure "unnumbered paragraph one (1);".

29 5. By renumbering sections as necessary.

S-5178 FILED - *Adopted 2/19/76*  
FEBRUARY 19, 1976 BY EUGENE M. HILL

SENATE FILE 1123

S-5180

1 Amend Senate File 1123 as follows:

2 1. Page 18, by striking lines 30 through 35.

3 2. Page 19, by striking lines 1 through 35.

4 3. Page 20, by striking lines 1 through 35.

5 4. Page 21, by striking lines 1 through 24.

6 5. Page 28, line 14, by striking the word and  
7 letter "paragraph b,".

8 6. Page 28, line 16, by inserting after the figure  
9 "(97B.7)," the words, figure and letters "subsection  
10 two (2), paragraphs b, c, d, e, and f and".

11 7. Page 28, line 16, by inserting after the figure  
12 "(3);" the words and figures "ninety-seven B point  
13 eight (97B.8);".

S-5180 FILED - *Adopted 2/19/76*  
FEBRUARY 19, 1976

BY CALVIN O. HULTMAN  
W. R. RABEDEAUX

S-5155

1 Amend Senate File 1123 as follows:

2 1. Page 17, line 28, by striking the word "~~Iowa~~"  
3 and inserting in lieu thereof the words "Iowa public  
4 employees' retirement system".

5 2. Page 17, line 28, by striking the word "of".

6 3. Page 17, line 29, by striking the words  
7 "employment security" and inserting in lieu there-  
8 of the words "employment-security".

9 4. Page 17, by inserting after line 30 the fol-  
10 lowing section:

11 "Sec. \_\_. Section ninety-seven point fifty-one  
12 (97.51), subsection one (1), paragraph c, and sub-  
13 section three (3), Code 1975, are amended to read  
14 as follows:

15 c. Disburse such trust funds upon warrants drawn  
16 by the comptroller pursuant to the order of the em-  
17 ployment-security-commission department.

18 3. The Iowa employment-security-commission Iowa  
19 public employes' retirement system department shall  
20 be vested with authority to administer the Iowa old-  
21 age and survivors' insurance liquidation fund and  
22 shall also administer all other provisions of this  
23 chapter."

24 5. Page 17, line 34, by striking the words "of  
25 employment security" and inserting in lieu thereof  
26 the words "employment-security".

27 6. Page 18, line 3, by striking the words "and  
28 under the Iowa employment security chapter" and in-  
29 sserting in lieu thereof the words "and-under-the-Iowa  
30 employment-security-chapter".

31 7. Page 18, by striking lines 10 through 14 and  
32 inserting in lieu thereof the following: "1975, is  
33 amended by striking the section and inserting in lieu  
34 thereof the following:

35 97B.3 DEPARTMENT ESTABLISHED. There is established  
36 an Iowa state employees' retirement system department,  
37 hereinafter called the "department", to administer  
38 the provisions of this chapter and of chapter ninety-  
39 seven (97) of the Code. Employees of the department  
40 shall be selected under the provisions of chapter  
41 nineteen A (19A) of the Code.

42 8. Page 18, by striking line 35 and inserting  
43 in lieu thereof the words "same in accordance with  
44 the directions of the commission director."

45 9. Page 19, line 7, by striking the word "neither"  
46 and inserting in lieu thereof the word "neither".

47 10. Page 19, line 8, by striking the words "nor  
48 the-commission" and inserting in lieu thereof the  
49 words "nor the commission director".

50 11. Page 19, line 8, by striking the word "not".

1 12. Page 19, by striking line 23 and inserting  
2 in lieu thereof the words "comptroller pursuant to  
3 the order of the commission director".

4 13. Page 19, line 25, by striking the words "~~in~~  
5 ~~accordance-with-the-direction~~" and inserting in lieu  
6 thereof the words "in accordance with the direction".

7 14. Page 19, by striking line 26 and inserting  
8 in lieu thereof the words "of the commission director  
9 when such action may be deemed advisable".

10 15. Page 19, line 27, by striking the words "~~by~~  
11 ~~the-commission~~" and inserting in lieu thereof the  
12 words "by the commission director".

13 16. Page 19, line 33, by striking the words "~~7~~  
14 ~~in-accordance-with-the-direction-of-the~~" and inserting  
15 in lieu thereof the words ", in accordance with the  
16 direction of the".

17 17. Page 19, line 34, by striking the word "~~com-  
18 mission~~," and inserting in lieu thereof the words "com-  
19 mission director".

20 18. Page 20, by striking from lines 3 and 4 the  
21 words "~~directed-to-be-purchased-by-the-commission~~"  
22 and inserting in lieu thereof the words "directed  
23 to be purchased by the commission director".

24 19. Page 20, line 12, by striking the words "trea-  
25 surer of state" and inserting in lieu thereof the  
26 word "director".

27 20. Page 20, line 15, by striking the words "trea-  
28 surer of state" and inserting in lieu thereof the  
29 word "director".

30 21. Page 22, line 19, by inserting after the word  
31 "board" the words "established under chapter ninety-  
32 six (96) of the Code".

33 22. Page 23, by inserting after line 9 the  
34 following:

35 "The director shall pay to the department of em-  
36 ployment security from funds appropriated to the de-  
37 partment all costs incurred in using the appeal board."

38 23. Page 23, line 21, by striking the word "~~of~~".

39 24. Page 23, line 22, by striking the words "~~em-  
40 ployment security~~" and inserting in lieu thereof the  
41 words "employment-security".

42 25. Page 24, line 4, by inserting after the words  
43 "~~to the~~" the words "Iowa public employees' retire-  
44 ment system".

45 26. Page 24, line 4, by striking the words "~~of~~  
46 ~~employment~~" and inserting in lieu thereof the word  
47 "employment".

48 27. Page 24, line 5, by striking the word  
49 "~~security~~" and inserting in lieu thereof the word  
50 "security".

1 28. Page 24, line 16, by striking the words "of  
2 employment security" and inserting in lieu thereof  
3 the words "employment-security".

4 29. Page 25, by inserting after line 24 the follow-  
5 ing section:

6 "Sec. \_\_. Chapter ninety-seven B (97B), Code 1975,  
7 is amended by adding the following new sections:

8 NEW SECTION. The chief executive officer of the  
9 department is the director who shall be appointed  
10 by the governor with the approval of two-thirds of  
11 the members of the senate and shall serve at the  
12 pleasure of the governor. The director shall be  
13 selected solely on the ability to administer the  
14 duties and functions of this chapter and shall devote  
15 full time to the duties of the director. If the  
16 office of director becomes vacant during a session  
17 of the general assembly, the vacancy shall be filled  
18 in the same manner as the original appointment. Any  
19 vacancy in the office of director occurring while  
20 the general assembly is not in session shall be filled  
21 by appointment by the governor which appointment shall  
22 expire thirty days after the general assembly next  
23 convenes. Within the thirty-day period, the governor  
24 shall transmit an appointment to the senate.

25 The salary of the director shall be set by the  
26 general assembly.

27 NEW SECTION. AGREEMENT FOR SERVICES. The direc-  
28 tor may execute an agreement with the director of  
29 the department of employment security for the  
30 department to utilize administrative services of the  
31 department of employment security. The director shall  
32 reimburse the department of employment security for  
33 the costs of the administrative services used."

34 30. Page 25, by striking lines 34 and 35 and in-  
35 serting in lieu thereof the word and figure "six  
36 (96.26);".

37 31. Page 26, line 1, by striking the words and  
38 figure "subsection three (3);".

39 32. Page 28, line 12, by inserting after the word  
40 and letter "paragraph b" the words and figures "and  
41 subsections four (4) and six (6)".

42 33. Amend the title, line 1, by inserting after  
43 the word "security" the words " and an Iowa public  
44 employees' retirement system department".

45 34. Amend the title, line 2, by striking the word  
46 "its" and inserting in lieu thereof the word "their".

47 35. By renumbering sections as necessary.

SENATE FILE 1123

S-5172

- 1 Amend Senate File 1123 as follows:  
2 1. Page 20, lines 17, by striking the word "seven"  
3 and inserting in lieu thereof the words "seven five".  
4 2. Page 20, line 18, by striking the words "Five  
5 of the" and inserting in lieu thereof the words "Five  
6 of-the The".  
7 3. Page 20, line 28, by striking the words "The  
8 president of the" and inserting in lieu thereof the  
9 words "The-president-of-the".  
10 4. Page 20, by striking lines 29 through 33 and  
11 inserting in lieu thereof the words "senate-shall  
12 appoint-one-member-from-the-membership-of-the-senate  
13 and-the-speaker-of-the-house-of-representatives-shall  
14 appoint-one-member-from-the-membership-of-the-house-  
15 the-two-members-appointed-by-the-president-of-the  
16 senate-and-the-speaker-of-the-house-of-representatives  
17 and-the.The two active".  
18 5. Page 21, by striking lines 6 through 10 and  
19 inserting in lieu thereof the words "Legislative  
20 members-shall-receive-the-sum-of-forty-dollars-for  
21 each-day-of-service-and-their-actual-expenses-incurred  
22 in-the-performance-of-their-duties--The-per-diem  
23 and-expenses-of-the-legislative-members-shall-be-paid  
24 from-funds-appropriated-under-section-2-42. The  
25 members who are active".

S-5172 FILED - *Built out of order until*  
FEBRUARY 18, 1976 *adoption of 5180* BY JAMES M. REDMOND  
*3/1 (663)*

SENATE FILE 1123

S-5170

- 1 Amend the Griffin amendment, S-5155 to Senate  
2 File 1123 as follows:  
3 1. Page 1, line 18, by striking the word  
4 "Iowa".

S-5170 FILED - *Adopted 3/1 (661)*  
FEBRUARY 18, 1976 BY JAMES W. GRIFFIN, SR.

SENATE FILE 1123

S-5162

- 1 Amend Senate File 1123 as follows:  
2 1. Page 6, line 13, by striking the word "hear"  
3 and inserting in lieu thereof the word "review".  
4 2. Page 6, by striking line 14 and inserting in  
5 lieu thereof the words "to rules adopted by the appeal  
6 board.".

S-5162 FILED - *Adopted 3/1 (661)*  
FEBRUARY 18, 1976 BY EUGENE M. HILL

S-5133

1 Amend Senate File 1123 as follows:

- 2 1. Page 19, line 25, by striking the words "in  
3 ~~accordance-with-the-direction~~" and inserting in lieu  
4 thereof the words "in accordance with the direction".  
5 2. Page 19, line 26, by striking the words "~~of~~  
6 ~~the-commission~~" and inserting in lieu thereof the  
7 words "of the commission investment board".  
8 3. Page 19, by striking from lines 33 and 34 the  
9 words "~~in-accordance-with-the-direction-of-the~~  
10 ~~commission~~," and inserting in lieu thereof the words  
11 ", in accordance with the direction of the ~~commis-~~  
12 ~~sion investment board~~,".  
13 4. Page 20, lines 3 and 4, by striking the words  
14 "~~directed-to-be-purchased-by-the-commission~~" and  
15 inserting in lieu thereof the words "directed to be  
16 purchased by the commission investment board".  
17 5. Page 20, line 3, by striking the word "ADVISORY"  
18 and inserting in lieu thereof the word "ADVISORY".  
19 6. Page 20, line 9, by striking the word "Advisory"  
20 and inserting in lieu thereof the word "Advisory".  
21 7. Page 20, line 11, by striking the words "advise  
22 and confer" and inserting in lieu thereof the words  
23 "advise-and-confer direct".  
24 8. Page 20, line 12, by striking the word "with"  
25 and inserting in lieu thereof the word "with".  
26 9. Page 20, lines 14 and 15, by striking the words  
27 "powers of the board shall be purely advisory and"  
28 and inserting in lieu thereof the words "powers-of  
29 the-board-shall-be-purely-advisory-and".  
30 10. Page 20, line 16, by striking the word "not"  
31 and inserting in lieu thereof the word "not".  
32 11. Page 20, lines 17, by striking the word "seven"  
33 and inserting in lieu thereof the words "seven five".  
34 12. Page 20, line 18, by striking the words "Five  
35 of the" and inserting in lieu thereof the words "Five  
36 of-the The".  
37 13. Page 20, line 28, by striking the words "The  
38 president of the" and inserting in lieu thereof the  
39 words "The-president-of-the".  
40 14. Page 20, by striking lines 29 through 33 and  
41 inserting in lieu thereof the words "senate-shall  
42 appoint-one-member-from-the-membership-of-the-senate  
43 and-the-speaker-of-the-house-of-representatives-shall  
44 appoint-one-member-from-the-membership-of-the-house-  
45 the-two-members-appointed-by-the-president-of-the  
46 senate-and-the-speaker-of-the-house-of-representatives  
47 and-the The two active".  
48 15. Page 21, by striking lines 6 through 10 and  
49 inserting in lieu thereof the words "Legislative  
50 members-shall-receive-the-sum-of-forty-dollars-for

PAGE 2

1 each-day-of-service-and-their-actual-expenses-incurred  
2 in-the-performance-of-their-duties.--The-per-diem  
3 and-expenses-of-the-legislative-members-shall-be-paid  
4 from-funds-appropriated-under-section-2-12. The  
5 members who are active".

S-5133 FILED. *Filed out of order with*  
FEBRUARY 12, 1976 *adoption of 5133*  
*3/1 (663)*

BY EUGENE M. HILL

New State Govt 2/5

SENATE FILE 1123

BY COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the Senate March 2, 1976)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act to establish a department of employment security,  
2 prescribe its duties, and to abolish the employment  
3 security commission.

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

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\_\_\_\_\_ = New Language  
by the Senate

1 Section 1. Section twenty-eight C point one (28C.1), Code  
2 1975, is amended to read as follows:

3 28C.1 COMMITTEE CREATED--DUTIES. The commissioner of  
4 the department of social services, the board of regents, the  
5 commissioner of health, the commissioner of the department  
6 of public instruction, vocational rehabilitation and the  
7 director of employment security ~~commission~~ shall meet together  
8 annually the first week in April. Such meetings shall be  
9 called by the commissioner of health acting as chairman of  
10 the annual meeting, for the purpose of co-ordinating and  
11 integrating activities which involve the personnel of two  
12 or more divisions, and shall designate one representative  
13 from each of their agencies as a member of an interagency  
14 liaison committee. This committee shall meet at least quart-  
15 erly to consider areas of mutual joint interest and  
16 responsibility. Minutes shall be kept of such meetings and  
17 made available to the legislature. It shall select a ~~chairman~~  
18 chairperson who shall be responsible to implement decisions  
19 reached by the committee. All activities, which would involve  
20 personnel from two or more of these agencies, shall be  
21 presented to each board concerned by the committee repre-  
22 sentative of that board or administrative head at any regular  
23 meeting or at the annual joint meeting. When approved by  
24 the board or administrative head of each agency involved,  
25 the activities will be implemented by the ~~chairman~~ chairperson  
26 of the interagency liaison committee which, however, may  
27 delegate responsibility to the most appropriate person for  
28 carrying out the work.

29 Sec. 2. Section ninety-two point twenty-one (92.21),  
30 unnumbered paragraph one (1), Code 1975, is amended to read  
31 as follows:

32 There is hereby established a committee on child labor.  
33 The committee shall consist of the labor commissioner who  
34 shall act as ~~chairman~~ chairperson, the superintendent of  
35 public instruction or ~~his~~ a designee, a ~~representative~~ director

1 of the Iowa department of employment security ~~commission~~  
2 ~~selected-by-the-commission~~ or a designee, and two persons  
3 representing the public and interested in child labor, to  
4 be appointed by the governor, without regard to political  
5 affiliation. The public representatives shall serve for a  
6 term of four years from July 1, 1970, and until their  
7 successors are appointed and qualify. The governor shall  
8 fill any public member's vacancy for any unexpired term.  
9 Public members shall receive a per diem of thirty dollars  
10 and actual and necessary expenses incurred in the performance  
11 of their official duties.

12 Sec. 3. Section ninety-four point two (94.2), unnumbered  
13 paragraph one (1), Code 1975, is amended to read as follows:

14 It shall be the duty of the ~~commissioner~~ director of the  
15 department of employment security through the free employment  
16 service to:

17 Sec. 4. Section ninety-six point three (96.3), subsection  
18 one (1), Code 1975, is amended to read as follows:

19 1. PAYMENT. Twenty-four months after the date when  
20 contributions first accrue under this chapter, benefits shall  
21 become payable from the fund; provided, that wages earned  
22 for services defined in section 96.19, subsection 7, paragraph  
23 "g" (3), irrespective of when performed, shall not be included  
24 for purposes of determining eligibility, under section 96.4  
25 or full-time weekly wages, under subsection 4 of this section,  
26 for the purposes of any benefit year commencing on or after  
27 July 1, 1939, nor shall any benefits with respect to  
28 unemployment occurring on and after July 1, 1939, be payable  
29 under subsection 5 of this section on the basis of such wages.  
30 All benefits shall be paid through employment offices in  
31 accordance with such regulations as the ~~commission~~ department  
32 of employment security may prescribe.

33 Sec. 5. Section ninety-six point five (96.5), subsection  
34 three (3), unnumbered paragraph one (1), Code 1975, is amended  
35 to read as follows:

1 If the ~~commission~~ department finds that ~~he~~ the individual  
2 has failed, without good cause, ~~either~~ to apply for available,  
3 suitable work when so directed by the employment office or  
4 the-commission department. The department in cooperation  
5 with the employment office shall, if possible, furnish each  
6 claimant with the names of three employers. The claimant  
7 shall apply and obtain the signatures of the employers  
8 designated by the department on forms provided by the  
9 department, to be eligible to receive benefits. A claimant  
10 shall obtain the signatures of the employers with whom  
11 applications are made, and the failure of the applicant to  
12 obtain the signature on claims forms provided by the department  
13 of at least three employers shall disqualify the applicant  
14 from further benefits until requalified. To requalify for  
15 benefits terminated under this provision, the claimant shall  
16 earn, subsequent to disqualification, an amount not less than  
17 nine times the claimant's weekly benefit amount, provided  
18 the claimant is otherwise eligible. If the department finds  
19 that a claimant fails to accept suitable work when offered  
20 him the claimant, or to return to his customary self-  
21 employment, if any, the claimant shall be disqualified.

22 Sec. 6. Section ninety-six point six (96.6), subsections  
23 two (2) and three (3), Code 1975, as amended by Acts of the  
24 Sixty-sixth General Assembly, 1975 Session, chapter ninety-  
25 two (92), section twelve (12), are amended to read as follows:

26 2. INITIAL DETERMINATION. A representative designated  
27 by the ~~commission~~ director shall promptly notify all interested  
28 parties to the claim of the filing thereof, and said parties  
29 shall have seven days from the date of mailing the notice  
30 of the filing of said claim by ordinary mail to the last known  
31 address to protest payment of benefits to said claimant.  
32 The representative shall promptly examine the claim and any  
33 protest thereto and, on the basis of the facts found by ~~him~~  
34 the representative, shall ~~either~~ determine whether or not  
35 such claim is valid, the week with respect to which benefits

1 shall commence, the weekly benefit amount payable and the  
 2 maximum duration thereof, and whether any disqualification  
 3 shall be imposed; ~~or shall refer such claim or any question~~  
 4 ~~involved therein to an appeal tribunal or to the commission,~~  
 5 ~~which shall make its determination with respect thereto in~~  
 6 ~~accordance with the procedure described in subsection 3 of~~  
 7 ~~this section.~~ Unless the claimant or other interested party,  
 8 after notification or within ten calendar days after such  
 9 notification was mailed to his the claimant's last known  
 10 address, files an appeal from such decision, such decision  
 11 shall be final and benefits shall be paid or denied in  
 12 accordance therewith. If an ~~appeal tribunal~~ a hearing officer  
 13 affirms a decision of the representative, or the ~~commission~~  
 14 appeal board affirms a decision of an ~~appeal tribunal~~ the  
 15 hearing officer, allowing benefits, such benefits shall be  
 16 paid regardless of any appeal which may thereafter be taken,  
 17 but if such decision is finally reversed, no employer's account  
 18 shall be charged with benefits so paid.

19 3. APPEALS. Unless such appeal is withdrawn, an ~~appeal~~  
 20 ~~tribunal~~ a hearing officer, after affording the parties reason-  
 21 able opportunity for fair hearing, shall affirm or modify  
 22 the findings of fact and decision of the deputy representative.  
 23 The hearing shall be conducted pursuant to the provisions  
 24 of chapter seventeen A (17A) of the Code relating to hearings  
 25 for contested cases. The parties shall be duly notified of  
 26 ~~such tribunal's~~ the hearing officer's decision, together with  
 27 ~~its~~ the hearings officer's reasons therefor, which shall be  
 28 deemed to be the final decision of the ~~commission~~ department,  
 29 unless within fifteen days after the date of notification  
 30 or mailing of such decision, further appeal is initiated  
 31 pursuant to subsection 5 of this section.

32 Sec. 7. Section ninety-six point six (96.6), subsection  
 33 four (4), Code 1975, is amended by striking the subsection  
 34 and inserting in lieu thereof the following:

35 4. APPEAL BOARD. To hear and decide disputed claims,

1 there is established an appeal board. The appeal board shall  
2 consist of three members appointed by the governor with the  
3 approval of two-thirds of the members of the senate. One  
4 member shall be a representative of employers, one member  
5 shall be a representative of employees, and one member who  
6 shall be impartial and shall represent the general public.  
7 The members shall serve six-year terms beginning on July  
8 first. For the initial board, the member representing  
9 employers shall serve a two-year term, the member representing  
10 employees shall serve a four-year term, and the member  
11 representing the general public shall serve a term of six  
12 years. No more than two members of the appeal board shall  
13 be members of the same political party. Any vacancy in the  
14 membership occurring during a session of the general assembly  
15 shall be filled in the same manner as the original appointment.  
16 Any vacancy in the membership occurring while the general  
17 assembly is not in session shall be filled by appointment  
18 by the governor which appointment shall expire thirty days  
19 after the general assembly next convenes. Within the thirty-  
20 day period, the governor shall transmit an appointment to  
21 the senate.

22 The members of the appeal board shall select a chairperson  
23 and vice chairperson from their membership.

24 The appeal board shall meet as often as deemed necessary,  
25 but not less than one time per month. Meetings shall be set  
26 by a majority of the appeal board or upon the call of the  
27 chairperson and vice chairperson.

28 Members of the appeal board shall each be paid twenty-one  
29 thousand seven hundred fifty dollars annually until July 1,  
30 1978 and shall receive actual and necessary expenses.

31 Thereafter each member shall be paid forty dollars per day  
32 for each day of official business of the appeal board and  
33 shall receive actual and necessary expenses, including travel,  
34 from funds appropriated to the department.

35 Sec. 8. Section ninety-six point six (96.6), subsections

1 five (5), six (6), seven (7), and eight (8), Code 1975, are  
2 amended to read as follows:

3 5. COMMISSION APPEAL BOARD REVIEW. The commission appeal  
4 board may on its own motion affirm, modify, or set aside any  
5 decision of ~~an appeal tribunal~~ a hearing officer on the basis  
6 of the evidence previously submitted in such case, or direct  
7 the taking of additional evidence, or may permit any of the  
8 parties to such decision to initiate further appeals before  
9 it. The commission appeal board shall permit such further  
10 appeal by any of the parties interested in a decision of an  
11 ~~appeal tribunal~~ a hearing officer and by the deputy  
12 representative whose decision has been overruled or modified  
13 by ~~an appeal tribunal~~ the hearing officer. ~~The commission~~  
14 ~~may remove to itself or transfer to another appeal tribunal~~  
15 ~~the proceedings on any claim pending before an appeal tribunal.~~  
16 ~~Any proceeding so removed to the commission shall be heard~~  
17 ~~in accordance with the requirements of subsection 37 by the~~  
18 ~~full membership of the commission, or, in the absence or~~  
19 ~~disqualification of the labor representative or the employer~~  
20 ~~representative on the commission, by the public representative~~  
21 ~~acting alone.~~ The appeal board shall review the case pursuant  
22 to rules adopted by the appeal board. The commission appeal  
23 board shall promptly notify the interested parties of its  
24 findings and decision.

25 6. PROCEDURE. The manner in which disputed claims shall  
26 be presented, the reports thereon required from the claimant  
27 and from employers, and the conduct of hearings and appeals  
28 shall be in accordance with rules prescribed by the commission  
29 ~~for determining the rights of the parties, whether or not~~  
30 ~~such rules conform to common law or statutory rules of evidence~~  
31 ~~and other technical rules of procedure~~ department under chapter  
32 seventeen A (17A) of the Code. A full and complete record  
33 shall be kept of all proceedings in connection with a disputed  
34 claim. All testimony at any hearing upon a disputed claim  
35 shall be recorded, but need not be transcribed unless the

1 disputed claim is further appealed. The record shall be  
2 retained for sixty days following the final date for appeal  
3 of a disputed claim and may be destroyed thereafter.

4 7. WITNESS FEES. Witnesses subpoenaed pursuant to this  
5 section shall be allowed fees and necessary traveling expenses  
6 at a rate fixed by the commission director, which fees shall  
7 be charged to the unemployment compensation administration  
8 fund of the commission department.

9 8. JUDICIAL REVIEW. A decision of the commission appeal  
10 board shall become final ten days after the date of  
11 notification or mailing thereof. Judicial review of any  
12 decision of the commission appeal board may be sought in  
13 accordance with the terms of the Iowa administrative procedure  
14 Act. The commission department may be represented in any  
15 such judicial review proceeding by any qualified attorney  
16 who is a regular salaried employee of the commission department  
17 or who has been designated by the commission department for  
18 that purpose, or at the commission's department's request,  
19 by the attorney general. Notwithstanding the terms of the  
20 Iowa administrative procedure Act, petitions for judicial  
21 review may be filed in the district court of the county in  
22 which the claimant was last employed or resides, provided  
23 that if the claimant does not reside in the state of Iowa  
24 the action shall be brought in the district court of Polk  
25 county, Iowa, and any other party to the proceeding before  
26 the commission appeal board shall be named in the petition.  
27 The commission department may also, ~~in its discretion~~, certify  
28 to such courts, questions of law involved in any decision  
29 by it. Petitions for judicial review and the questions so  
30 certified shall be given precedence over all other civil cases  
31 except cases arising under the workmen's compensation law  
32 of this state. No bond shall be required for entering an  
33 appeal from any final order, judgment or decree of the district  
34 court to the supreme court.

35 Sec. 9. Section ninety-six point seven (96.7), subsec-

1 tion one (1), paragraph b, Code 1975, is amended to read as  
2 follows:

3 b. Such contributions shall become due and be paid to  
4 the ~~commission~~ department for the fund at such times and in  
5 such manner as the ~~commission~~ director by regulation  
6 prescribes.

7 Sec. 10. Section ninety-six point seven (96.7), subsec-  
8 tion three (3), paragraph a, subparagraph six (6), Code 1975,  
9 is amended to read as follows:

10 (6) As soon as practicable after the close of each calendar  
11 quarter, and in any event within forty days after the close  
12 of such quarter, the ~~commission~~ department shall notify each  
13 employer of the amount that has been charged to ~~his~~ the  
14 employer's account for benefits paid during such quarter.  
15 This statement to the employer shall show the name of each  
16 claimant to whom such benefit payments were made, the  
17 claimant's social security number, and the amount of benefits  
18 paid to such claimant. Any employer who has not been notified  
19 as provided in section 96.6, subsection 2, of the allowance  
20 of benefits to such claimants may within thirty days after  
21 the receipt of such statement appeal to the ~~commission~~ director  
22 for a hearing to determine the eligibility of the claimant  
23 to receive such benefits. The ~~commission-may-hear-the-case~~  
24 ~~or-may~~ director shall refer the same to an ~~appeal-tribunal~~  
25 a hearing officer for hearing. ~~--in-either-case~~ and both the  
26 employer and the claimant shall receive notice of the time  
27 and place of such hearing.

28 Sec. 11. Section ninety-six point nine (96.9), subsec-  
29 tion six (6), Code 1975, is amended to read as follows:

30 6. MANAGEMENT OF FUNDS IN THE EVENT OF DISCONTINUANCE  
31 OF UNEMPLOYMENT TRUST FUND. The provisions of subsections  
32 1, 2, and 3 to the extent that they relate to the unemployment  
33 trust fund shall be operative only so long as such unemployment  
34 trust fund continues to exist and so long as the secretary  
35 of the treasury of the United States continues to maintain

1 for this state a separate book account of all funds deposited  
2 therein by this state for benefit purposes, together with  
3 this state's proportionate share of the earnings of such  
4 unemployment trust fund, from which no other state is permitted  
5 to make withdrawals. If and when such unemployment trust  
6 fund ceases to exist, or such separate book account is no  
7 longer maintained, all moneys, properties, or securities  
8 therein, belonging to the unemployment compensation fund of  
9 this state shall be transferred to the treasurer of the  
10 unemployment compensation fund, who shall hold, invest,  
11 transfer, sell, deposit, and release such moneys, properties,  
12 or securities in a manner approved by the commission director,  
13 treasurer of state, and governor, in accordance with the  
14 provisions of this chapter: Provided, that such moneys shall  
15 be invested in the following readily marketable classes of  
16 securities; such securities as are authorized by the laws  
17 of the state of Iowa for the investment of trust funds. The  
18 treasurer shall dispose of securities and other properties  
19 belonging to the unemployment compensation fund only under  
20 the direction of the commission director, treasurer of state,  
21 and governor.

22 Sec. 12. Section ninety-six point ten (96.10), Code 1975,  
23 is amended by striking this section and inserting in lieu  
24 thereof the following:

25 96.10 DEPARTMENT OF EMPLOYMENT SECURITY. There is estab-  
26 lished a department of employment security. The chief  
27 executive officer of the department is the director of  
28 employment security who shall be appointed by the governor  
29 with the approval of two-thirds of the members of the senate  
30 and shall serve at the pleasure of the governor. The director  
31 shall be selected solely on the ability to administer the  
32 duties and functions granted to the department and shall  
33 devote full time to the duties of director. If the office  
34 of director becomes vacant during a session of the general  
35 assembly, the vacancy shall be filled in the same manner as

1 the original appointment. Any vacancy in the office of  
2 director occurring while the general assembly is not in session  
3 shall be filled by appointment by the governor which  
4 appointment shall expire thirty days after the general assembly  
5 next convenes. Within the thirty-day period, the governor  
6 shall transmit an appointment to the senate.

7 The salary of the director shall be set by the general  
8 assembly.

9 The director of the department may establish, consolidate,  
10 and abolish divisions of the department when necessary for  
11 the efficient performance of the various functions and duties  
12 of the department of employment security.

13 Sec. 13. Section ninety-six point eleven (96.11), subsec-  
14 tions one (1), two (2), and three (3), Code 1975, are amended  
15 to read as follows:

16 1. DUTIES AND POWERS OF COMMISSION DIRECTOR. It shall  
17 be the duty of the commission director to administer this  
18 chapter; and ~~it~~ the director shall have power and authority  
19 to adopt, amend, or rescind pursuant to chapter seventeen  
20 A (17A) of the Code such rules and regulations, to employ  
21 such persons, make such expenditures, require such reports,  
22 make such investigations, and take such other action as it  
23 deems necessary or suitable to that end. ~~Such rules and~~  
24 ~~regulations shall be effective upon compliance with chapter~~  
25 ~~17A.~~ Not later than the fifteenth day of December of each  
26 year, the commission director shall submit to the governor  
27 a report covering the administration and operation of this  
28 chapter during the preceding fiscal year and shall make such  
29 recommendations for amendments to this chapter as the ~~commis-~~  
30 ~~sion~~ director deems proper. Such report shall include a  
31 balance sheet of the moneys in the fund. Whenever the  
32 ~~commission~~ director believes that a change in contribution  
33 or benefit rates will become necessary to protect the solvency  
34 of the fund, ~~it~~ the director shall promptly so inform the  
35 governor and the legislature, and make recommendations with

1 respect thereto.

2 2. GENERAL AND SPECIAL RULES. ~~General and special rules~~  
3 ~~may be adopted, amended, or rescinded by the commission only~~  
4 ~~after public hearing or opportunity to be heard thereon, of~~  
5 ~~which proper notice has been given. Special rules shall~~  
6 ~~become effective ten days after notification to or mailing~~  
7 ~~to the last known address of the individuals or concerns~~  
8 ~~affected thereby. Regulations may be adopted, amended, or~~  
9 ~~rescinded by the commission.~~ Each employer shall post and  
10 maintain printed statements of all regulations rules of the  
11 department in places readily accessible to individuals in  
12 his the employer's service, and shall make available to each  
13 such individual at the time ~~he~~ the individual becomes  
14 unemployed a printed statement of such regulations rules  
15 relating to the filing of claims for benefits. Such printed  
16 statements shall be supplied by the commission department  
17 to each employer without cost to him.

18 3. PUBLICATION. The commission director shall cause to  
19 be printed for distribution to the public the text of this  
20 chapter, the ~~commission's regulations and~~ department's general  
21 rules, its annual reports to the governor, and any other  
22 material the commission director deems relevant and suitable  
23 and shall furnish the same to any person upon application  
24 therefor.

25 Sec. 14. Section ninety-six point eleven (96.11), subsec-  
26 tions four (4) and five (5), Code 1975, as amended by Acts  
27 of the Sixty-sixth General Assembly, 1975 Session, chapter  
28 ninety-two (92), section twenty (20), are amended by striking  
29 the subsections and inserting in lieu thereof the following:

30 4. PERSONNEL. The director shall provide for the employ-  
31 ment of such personnel as are necessary to carry out the func-  
32 tions of the department. Personnel shall be employed under  
33 the provisions of chapter nineteen A (19A) of the Code. The  
34 director, a deputy director, a confidential secretary, the  
35 members of the appeal board, and a secretary for each member

1 if deemed necessary, shall be exempt from the merit system  
2 under the provisions of section nineteen A point three (19A.3)  
3 of the Code.

4 The director may bond any employee handling moneys or  
5 signing checks.

6 5. ADVISORY COUNCIL.

7 a. There is established an employment security advisory  
8 council composed of nine members appointed by the governor  
9 and approved by two-thirds of the members of the senate.  
10 Three members shall be appointed to represent employees; three  
11 members shall be appointed to represent employers; and three  
12 members shall be appointed to represent the general public.  
13 Not more than five members of the advisory council shall be  
14 members of the same political party. The term of office shall  
15 be six years beginning on the first day of July following  
16 their appointment, except that for the initial board three  
17 members representing all three categories shall be appointed  
18 for two-year terms; three members representing all three  
19 categories shall be appointed for four-year terms; and three  
20 members representing all three categories shall be appointed  
21 for six-year terms. Members shall serve without compensation,  
22 but shall be reimbursed for actual and necessary expenses,  
23 including travel, incurred for official meetings of the  
24 advisory council from funds appropriated to the department.

25 Vacancies shall be filled for the unexpired term in the  
26 same manner as the original appointment.

27 b. The advisory council shall meet with the director at  
28 least quarterly to discuss problems relating to the adminis-  
29 tration of this chapter and may meet more often upon the call  
30 of the director.

31 The advisory council annually shall elect a chairman.

32 Sec. 15. Section ninety-six point eleven (96.11), subsec-  
33 tions six (6) through ten (10), and twelve (12), Code 1975,  
34 are amended to read as follows:

35 6. EMPLOYMENT STABILIZATION. The ~~commission~~ director

1 with the advice and aid of ~~such~~ the advisory ~~councils-as-it~~  
2 ~~may-appoint~~ council, and through ~~its~~ the appropriate divisions  
3 of the department, shall take all appropriate steps to reduce  
4 and prevent unemployment; to encourage and assist in the  
5 adoption of practical methods of vocational training,  
6 retraining and vocational guidance; to investigate, recommend,  
7 advise, and assist in the establishment and operation, by  
8 municipalities, counties, school districts, and the state,  
9 of reserves for public works to be used in times of business  
10 depression and unemployment; to promote the re-employment  
11 of unemployed workers throughout the state in every other  
12 way that may be feasible; and to these ends to carry on and  
13 publish the results of investigations and research studies.

14 7. RECORDS AND REPORTS. Each employing unit shall keep  
15 true and accurate work records, containing such information  
16 as the ~~commission~~ department may prescribe. Such records  
17 shall be open to inspection and be subject to being copied  
18 by the ~~commission~~ department or its authorized representatives  
19 at any reasonable time and as often as may be necessary.  
20 The ~~commission~~ director may require from any employing unit  
21 any sworn or unsworn reports, with respect to persons employed  
22 by ~~it~~ the department, which the ~~commission~~ director deems  
23 necessary for the effective administration of this chapter.  
24 Information thus obtained shall not be published or be open  
25 to public inspection, other than to public employees in the  
26 performance of their public duties or to an agent of the  
27 ~~commission~~ department designated as such in writing for the  
28 purpose of accomplishing certain functions of the ~~commission~~  
29 department, in any manner revealing the employing unit's  
30 identity, but any claimant at a hearing before ~~an-appeal~~  
31 ~~tribunal-or-the-commission~~ a hearing officer or the appeal  
32 board shall be supplied with information from such records  
33 to the extent necessary for the proper presentation of his  
34 the claim. Any employee ~~or-member~~ of the ~~commission~~ depart-  
35 ment or member of the appeal board who violates any provision

1 of this section shall be fined not less than twenty dollars  
2 nor more than two hundred dollars, or imprisoned for not  
3 longer than ninety days, or both.

4 8. OATHS AND WITNESSES. In the discharge of the duties  
5 imposed by this chapter, the chairman of ~~an~~ the appeal ~~tribunal~~  
6 board and any duly authorized representative ~~or-member~~ of  
7 the ~~commission~~ department shall have power to administer oaths  
8 and affirmations, take depositions, certify to official acts,  
9 and issue subpoenas to compel the attendance of witnesses  
10 and the production of books, papers, correspondence, memoranda,  
11 and other records deemed necessary as evidence in connection  
12 with a disputed claim or the administration of this chapter.

13 9. SUBPOENAS. In case of contumacy by, or refusal to  
14 obey a subpoena issued to any person, any court of this state  
15 within the jurisdiction of which the inquiry is carried on  
16 or within the jurisdiction of which said person guilty of  
17 contumacy or refusal to obey is found or resides or transacts  
18 business, upon application by the ~~commission~~ or-appeal  
19 ~~tribunal~~ appeal board, or any member or duly authorized  
20 representative thereof, shall have jurisdiction to issue to  
21 such person an order requiring such person to appear before  
22 the ~~commission~~ or-an appeal ~~tribunal~~ board, there to produce  
23 evidence if so ordered or there to give testimony touching  
24 the matter under investigation or in question; any failure  
25 to obey such order of the court may be punished by said court  
26 as a contempt thereof. Any person who shall without just  
27 cause fail or refuse to attend and testify or to answer any  
28 lawful inquiry or to produce books, papers, correspondence,  
29 memoranda, and other records, if it is in his power to do  
30 so, in obedience to a subpoena, shall be punished by a fine  
31 of not more than two hundred dollars or by imprisonment, for  
32 not longer than sixty days, or by both such fine and  
33 imprisonment, and each day such violation continues shall  
34 be deemed to be a separate offense.

35 10. PROTECTION AGAINST SELF-INCRIMINATION. No person

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

17 12. DESTRUCTION OF RECORDS. The ~~Iowa~~ department of employ-  
18 ment security ~~commission~~ may destroy or dispose of such  
19 original reports or records as have been properly recorded  
20 or summarized in the permanent records of the ~~commission~~  
21 department and are deemed by the ~~commission~~ director and the  
22 state records commission to be no longer necessary to the  
23 proper administration of this chapter. Wage records of the  
24 individual worker or transcripts therefrom may be destroyed  
25 or disposed of, if approved by the state records commission,  
26 two years after the expiration of the period covered by such  
27 wage records or upon proof of the death of the worker. Such  
28 destruction or disposition shall be made only by order of  
29 the ~~Iowa-employment-security-commission~~ director in  
30 consultation with the state records commission ~~and such order~~  
31 ~~shall be spread on the minutes of the Iowa-employment-security~~  
32 ~~commission~~. Any moneys received from the disposition of such  
33 records shall be deposited to the credit of the employment  
34 security administration fund, subject to rules promulgated  
35 by the department.

1       Sec. 16. Section ninety-six point twelve (.96.12),  
2 subsection one (1), Code 1975, is amended to read as follows:

3       1. DUTIES OF COMMISSION DEPARTMENT. The employment  
4 security-commission department shall establish and maintain  
5 free public employment offices in such number and in such  
6 places as may be necessary for the proper administration of  
7 this chapter and for the purpose of performing such duties  
8 as are within the purview of the Act of Congress entitled  
9 "An Act to provide for the establishment of a national  
10 employment system and for co-operation with the states in  
11 the promotion of such system, and for other purposes", approved  
12 June 6, 1933, as amended, and known as the Wagner-Peyser Act  
13 (48 Stat. L. 113; 29 USC 49). All duties and powers conferred  
14 upon any other department, agency, or officer of this state  
15 relating to the establishment, maintenance, and operation  
16 of free employment offices shall be vested in the commission  
17 department. The provisions of the said Act of Congress, as  
18 amended, are hereby accepted by this state, in conformity  
19 with section 4 of said Act, and this state will observe and  
20 comply with the requirements thereof. The commission  
21 department is hereby designated and constituted the agency  
22 of this state for the purpose of said Wagner-Peyser Act.  
23 ~~If this chapter shall become inoperative for the reason pre-~~  
24 ~~scribed in section 96.24, the Iowa state employment division~~  
25 ~~shall not be affected thereby, but such division shall, upon~~  
26 ~~the happening of such contingency, be deemed to be a division~~  
27 ~~of the bureau of labor of the state of Iowa, with the same~~  
28 ~~force and effect as if this chapter had not been passed, and~~  
29 ~~that all funds and property made available to the Iowa state~~  
30 ~~employment service division under this chapter shall under~~  
31 ~~such contingency become, and shall be declared to be, the~~  
32 ~~funds and property of the Iowa state employment service of~~  
33 ~~the bureau of labor of Iowa.~~ The commission department may  
34 co-operate with ~~or enter into agreements with~~ the railroad  
35 retirement board with respect to the establishment,

1 maintenance, and use of employment service facilities. The  
2 railroad retirement board shall compensate the ~~commission~~  
3 department for such services or facilities in the amount  
4 determined by the ~~commission~~ department to be fair and  
5 reasonable.

6 Sec. 17. Section ninety-six point fourteen (96.14), subsec-  
7 tion three (3), unnumbered paragraph eleven.(11), Code 1975,  
8 is amended to read as follows:

9 The courts of this state shall recognize and enforce lia-  
10 bilities for unemployment contributions, penalties, interest  
11 and benefit overpayments imposed by other states which extend  
12 a like comity to this state. The ~~commission-is-hereby~~  
13 ~~empowered-to~~ department may sue in the courts of any other  
14 jurisdiction which extends such comity to collect unemployment  
15 contributions, penalties, interest and benefit overpayments  
16 due this state. The officials of other states which, by  
17 statute or otherwise, extend a like comity to this state may  
18 sue in the district court to collect for such contributions,  
19 penalties, interest and benefit overpayments. In any such  
20 case the ~~chairman-of-the-commission~~ director of the department  
21 of this state, as agent for and on behalf of any other state,  
22 may institute and conduct such suit for such other state.  
23 Venue of such proceedings shall be the same as for actions  
24 to collect delinquent contributions, penalties, interest and  
25 benefit overpayments due under this chapter. A certificate  
26 by the secretary of any such state attesting the authority  
27 of such official to collect the contributions, penalties,  
28 interest and benefit overpayments, is conclusive evidence  
29 of such authority. The requesting state shall pay the court  
30 costs.

31 Sec. 18. Section ninety-seven point fifty-one (97.51),  
32 subsection one (1), unnumbered paragraph one.(1), Code 1975,  
33 is amended to read as follows:

34 The treasurer of state is hereby made the custodian and  
35 trustee of this fund and shall administer the same in

1 accordance with the directions of the Iowa department of  
2 employment security ~~commission; hereafter referred to as the~~  
3 "commission". It shall be the duty of the trustee:

4 Sec. 19. Section ninety-seven point fifty-two (97.52),  
5 Code 1975, is amended to read as follows:

6 97.52 ADMINISTRATION AGREEMENTS. The Iowa department  
7 of employment security ~~commission~~ is authorized to enter into  
8 arrangements with the appropriate federal ~~bureau of employment~~  
9 security agency whereby services performed by the ~~commission~~  
10 department and its employees both under sections 97.50 to  
11 97.53 and under the Iowa employment security chapter shall  
12 be equitably apportioned between the funds provided for the  
13 administration of said chapters. The money spent for rentals,  
14 supplies, and equipment used by the ~~commission~~ department  
15 in administering both chapters shall be equitably apportioned  
16 and charged against said funds.

17 Sec. 20. Section ninety-seven B point three (97B.3), Code  
18 1975, is amended to read as follows:

19 97B.3 ADMINISTRATION. The Iowa department of employment  
20 security ~~commission; hereinafter called the "commission";~~  
21 shall be vested with authority to administer the Iowa public  
22 employees' retirement system.

23 Sec. 21. Section ninety-seven B point six (97B.6), Code  
24 1975, is amended to read as follows:

25 97B.6 OLD RECORDS. The ~~Iowa employment security commission~~  
26 department may destroy or dispose of such original reports  
27 or records as have been properly recorded or summarized in  
28 the permanent records of the ~~commission~~ department and are  
29 deemed by the ~~commission~~ director and state records commission  
30 to be no longer necessary to the proper administration of  
31 this chapter. Such destruction or disposition shall be made  
32 only by order of the ~~Iowa employment security commission and~~  
33 ~~such order shall be spread on the minutes of the Iowa~~  
34 ~~employment security commission~~ director. Any moneys received  
35 from the disposition of such records shall be deposited to

1 the credit of the public employees' retirement fund, subject  
2 to rules promulgated by the department.

3 Sec. 22. Section ninety-seven B point twenty-five (97B.25),  
4 Code 1975, is amended to read as follows:

5 97B.25 APPLICATIONS FOR BENEFITS. A representative  
6 designated by the ~~commission~~ director and hereinafter referred  
7 to as a deputy, shall promptly examine applications for  
8 retirement benefits and on the basis of facts found by him  
9 shall either determine whether or not such claim is valid  
10 and if valid, the month with respect to which benefits shall  
11 commence, the monthly benefit amount payable, and the maximum  
12 duration thereof. The deputy shall promptly notify the  
13 applicant and any other interested party of the decision and  
14 the reasons therefor. Unless the applicant or other interested  
15 party, within thirty calendar days after such notification  
16 was mailed to his last known address, files an appeal from  
17 such decision, to ~~the appeal referee~~ a hearing officer as  
18 provided in section 97B.26, such decision shall be final and  
19 benefits shall be paid or denied in accord therewith.

20 Sec. 23. Section ninety-seven B point twenty-six (97B.26),  
21 Code 1975, is amended to read as follows:

22 97B.26 REFEREE HEARING OFFICER. Unless such appeal is  
23 withdrawn, ~~an appeal referee~~ a hearing officer to be designated  
24 by the ~~commission~~ department for this purpose, after affording  
25 the parties reasonable opportunity for fair hearing, shall  
26 affirm or modify the findings of fact and decision of the  
27 deputy. At said hearing all of the evidence taken and the  
28 proceedings had shall be taken and fully reported by a  
29 certified shorthand reporter. Said reporter shall promptly  
30 transcribe said evidence and proceedings and certify to same.  
31 The said transcript shall then be made available for use by  
32 the ~~commission~~ appeal board and by the courts at subsequent  
33 judicial review proceedings under the Iowa administrative  
34 procedure Act, if any. The parties shall be duly notified  
35 of ~~such referee's~~ the hearing officer's decision, together

1 with his reasons therefor, which shall be deemed to be the  
2 final decision of the ~~commission~~ department unless, within  
3 thirty days after the date of notification or mailing of such  
4 decision, further appeal is initiated pursuant to section  
5 97B.27.

6 Sec. 24. Section ninety-seven B point twenty-seven  
7 (97B.27), Code 1975, is amended to read as follows:

8 97B.27 REVIEW OF DECISION. Anyone aggrieved by the  
9 decision of the ~~appeal-referee~~ hearing officer may, at any  
10 time before ~~such-appeal-referee's~~ the hearing officer's  
11 decision becomes final, petition the ~~commission~~ department  
12 for review before the appeal board established in section  
13 ninety-six point six (96.6) of the Code of such-appeal  
14 referee's the hearing officer's decision. The ~~commission~~  
15 appeal board shall review the record made before the ~~appeal~~  
16 referee hearing officer, but no additional evidence shall  
17 be heard. On the basis of such record the ~~commission~~ appeal  
18 board shall either affirm, modify, or reverse the decision  
19 of the ~~appeal-referee~~ hearing officer and shall determine  
20 the rights of the appellant on the basis of such record.  
21 It shall promptly notify the appellant and any other interested  
22 party by written decision.

23 Sec. 25. Section ninety-seven B point forty-three (97B.43),  
24 unnumbered paragraph two (2), Code 1975, as amended by Acts  
25 of the Sixty-sixth General Assembly, 1975 Session, chapter  
26 fifty (50), section fourteen (14), is amended to read as  
27 follows:

28 Any person with a record of thirty years as a public  
29 employee in the state of Iowa prior to July 1, 1947, and who  
30 is not eligible for prior service credit under other provisions  
31 of this section, shall be entitled to a credit for years of  
32 prior service in the determination of the retirement allowance  
33 payment under any of the provisions of this chapter, provided  
34 such public employee makes application to the department of  
35 employment security ~~commission~~ for such credit for prior

1 public service, accompanied by such verification of ~~his~~ the  
2 person's claim as the ~~commission~~ department may require.  
3 ~~His~~ The person's allowance for prior service credits shall  
4 be computed in the same manner as otherwise provided in this  
5 section, but shall not exceed the sum of four hundred fifty  
6 dollars nor be less than three hundred dollars per annum.  
7 Any such person shall be entitled to receive retirement  
8 allowances computed as provided by this chapter, effective  
9 from the date of application to the ~~employment-security~~  
10 ~~commission~~ department, provided such application is approved.  
11 Beginning July 1, 1975 the amount of such person's retirement  
12 allowance payment received during June, 1975, as computed  
13 under this section shall be increased by two hundred percent  
14 and the allowance for prior service credits shall not exceed  
15 one thousand three hundred fifty dollars nor be less than  
16 nine hundred dollars per annum. There is appropriated from  
17 the general fund of the state to the department of employment  
18 ~~security commission~~ from funds not otherwise appropriated  
19 an amount sufficient to fund the provisions of this paragraph.  
20 Sec. 26. Section ninety-seven B point sixty-eight (97B.68),  
21 subsection one (1), Code 1975, is amended to read as follows:  
22 1. From and after July 4, 1959, any person who is a member  
23 of the federal civil service retirement program shall not  
24 be eligible for membership in the Iowa public employees'  
25 retirement system, and the provisions of this chapter shall  
26 not apply to such employee. Any employee whose membership  
27 in the federal civil service retirement program is subsequently  
28 terminated shall immediately notify his or her employer and  
29 the ~~Iowa~~ department of employment security commission of such  
30 fact, and the employee shall become subject to the provisions  
31 of this chapter on the date the notification is received by  
32 the ~~commission~~ department.  
33 ~~Any-employee-as-defined-in-this-chapter-who-is-a-member~~  
34 ~~of-the-federal-civil-service-retirement-program-on-July-4,~~  
35 ~~1959,-shall-notify-his-employer-and-the-Iowa-employment~~

1 ~~security-commission-of-such-fact.--The-employee's-membership~~  
2 ~~in-the-Iowa-public-employees'-retirement-system-shall~~  
3 ~~automatically-terminate-on-July-4--1959-~~

4 Sec. 27. Section ninety-seven C point fourteen (97C.14),  
5 Code 1975, is amended to read as follows:

6 97C.14 ELECTED OFFICIALS--RETROACTIVE PAYMENTS. Any elec-  
7 tive official of the state of Iowa, or any of its political  
8 subdivisions, who becomes subject to federal social security  
9 coverage under the provisions of the agreement referred to  
10 in section 97C.3 shall, not later than October 1, 1953, pay  
11 into the contribution fund established by section 97C.12 a  
12 tax sufficient to pay in ~~his~~ the elective official's behalf  
13 an amount equal to three percent of his or her compensation  
14 received as a public official for each year or portion thereof  
15 that ~~he~~ the public elective official has served as a public  
16 elective official since January 1, 1951, not to exceed thirty-  
17 six hundred dollars for any year of service. The employ-  
18 ~~ment-security-commission~~ state agency shall collect the tax  
19 hereby imposed and the proceeds from such tax shall be used  
20 for the purpose of obtaining retroactive federal social  
21 security coverage for elective officials, for the period  
22 beginning January 1, 1951, in the same manner as is provided  
23 in the case of other public employees by the provisions in  
24 subsection 2 of section 97.51 in order to obtain retroactive  
25 federal social security coverage during this period of time,  
26 such contribution to be collected and guaranteed by the  
27 employer. The ~~employment-security-commission~~ state agency  
28 will pay any such amount contributed to provide for retroactive  
29 federal social security coverage for the individual in question  
30 in the same manner as other payments are made for retroactive  
31 coverage of public employees. Provided that no member of  
32 a county board of supervisors shall be deemed to be an elective  
33 official in a part-time position, but every member of a county  
34 board of supervisors shall be deemed to be an employee within  
35 the purview of this chapter and shall be eligible to receive

1 all of the benefits provided by this chapter to which he the  
2 member may be entitled as an employee.

3 Sec. 28. Section six hundred one F point three (601F.3),  
4 subsection eight (8), Code 1975, is amended by striking the  
5 subsection and inserting in lieu thereof the following:

6 8. The director of the department of employment security.

7 Sec. 29. Sections thirteen point seven (13.7); sixty-eight  
8 B point two (68B.2), subsection four (4); eighty-five point  
9 thirty-one (85.31); eighty-five point thirty-four (85.34),  
10 subsection two (2); eighty-five point thirty-seven (85.37);  
11 ninety-six point twenty-five (96.25); ninety-six point twenty-  
12 six (96.26); ninety-seven point fifty-one (97.51), subsection  
13 one (1), paragraph c; ninety-seven point fifty-one (97.51),  
14 subsection three (3); ninety-seven C point two (97C.2),  
15 subsection five (5); two hundred forty-nine C point fourteen  
16 (249C.14); and two hundred ninety-four point fifteen (294.15),  
17 unnumbered paragraph two (2), Code 1975, are amended by  
18 striking from such sections the words "employment security  
19 commission" and inserting in lieu thereof the words "department  
20 of employment security".

21 Sec. 30. Sections ninety-six point three (96.3), subsec-  
22 tion four (4), as amended by Acts of the Sixty-sixth General  
23 Assembly, 1975 Session, chapter ninety-two (92), section two  
24 (2); ninety-six point three (96.3), subsection five (5), as  
25 amended by Acts of the Sixty-sixth General Assembly, 1975  
26 Session, chapter ninety-two (92), section three (3); ninety-  
27 six point three (96.3), subsection six (6), paragraph b;  
28 ninety-six point four (96.4), subsection seven (7), as amended  
29 by Acts of the Sixty-sixth General Assembly, 1975 Session,  
30 chapter ninety-two (92), section four (4); ninety-six point  
31 seven (96.7), subsection three (3), paragraph a, subparagraph  
32 four (4); and ninety-six point seven (96.7), subsection three  
33 (3), paragraph b, unnumbered paragraph five (5), Code 1975,  
34 are amended by striking from such sections the word  
35 "commission" and inserting in lieu thereof the word "director".

1       Sec. 31. Sections ninety-six point four (96.4), unnum-  
2 bered paragraph one (1) and subsections one (1) and seven  
3 (7), as amended by Acts of the Sixty-sixth General Assembly,  
4 1975 Session, chapter ninety-two (92), section four (4);  
5 ninety-six point five (96.5), subsection one (1), unnumbered  
6 paragraph one (1), and paragraphs a and f, as amended by Acts  
7 of the Sixty-sixth General Assembly, 1975 Session, section  
8 five (5); ninety-six point five (96.5), subsection three (3),  
9 paragraph a; ninety-six point five (96.5), subsection four  
10 (4), unnumbered paragraph one (1), ninety-six point five  
11 (96.5), subsection five (5), paragraph c and unnumbered  
12 paragraph two (2); ninety-six point five (96.5), subsection  
13 seven (7), paragraph b, ninety-six point six (96.6), subsection  
14 one (1); ninety-six point seven (96.7), subsection two (2),  
15 paragraph a; ninety-six point seven (96.7), subsection three  
16 (3), paragraph a, subparagraph one (1); ninety-six point seven  
17 (96.7), subsection three (3), paragraph b, unnumbered paragraph  
18 six (6); ninety-six point seven (96.7), subsection three (3),  
19 paragraph d, unnumbered paragraph one (1) and paragraph f;  
20 ninety-six point seven (96.7), subsection four (4), as amended  
21 by Acts of the Sixty-sixth General Assembly, 1975 Session,  
22 chapter ninety-two (92), section fifteen (15); ninety-six  
23 point seven (96.7), subsections five (5), six (6), and seven  
24 (7); ninety-six point seven (96.7), subsection eight (8),  
25 as amended by Acts of the Sixty-sixth General Assembly, 1975  
26 Session, chapter ninety-two (92), section sixteen (16); ninety-  
27 six point seven (96.7), subsection nine (9); ninety-six point  
28 seven (96.7), subsection ten (10), as amended by Acts of the  
29 Sixty-sixth General Assembly, 1975 Session, chapter ninety-  
30 two (92), section seventeen (17); ninety-six point seven  
31 (96.7), subsections eleven (11) through thirteen (13); ninety-  
32 six point eight (96.8), as amended by Acts of the Sixty-sixth  
33 General Assembly, 1975 Session, chapter ninety-two (92),  
34 sections eighteen (18) and nineteen (19); ninety-six point  
35 nine (96.9), subsections one (1) through four (4) and eight

1 (8); ninety-six point eleven (96.11), subsection eleven (11);  
2 ninety-six point twelve (96.12), subsection two (2); ninety-  
3 six point thirteen (96.13); ninety-six point fourteen (96.14),  
4 subsections one (1) and two (2); ninety-six point fourteen  
5 (96.14), subsection three (3), unnumbered paragraphs three  
6 (3) through ten (10); ninety-six point fourteen (96.14),  
7 subsection five (5); ninety-six point fifteen (96.15),  
8 subsection two (2); ninety-six point sixteen (96.16),  
9 subsection four (4); ninety-six point seventeen (96.17), as  
10 amended by Acts of the Sixty-sixth General Assembly, 1975  
11 Session, chapter ninety-two (92), section twenty-six (26);  
12 ninety-six point eighteen (96.18); ninety-six point nineteen  
13 (96.19), subsection six (6), paragraphs g and j; ninety-six  
14 point nineteen (96.19), subsection seven (7), paragraphs d  
15 and f; ninety-six point nineteen (96.19), subsection seven  
16 (7), paragraph g, subparagraphs two (2) and three (3); ninety-  
17 six point nineteen (96.19), subsection thirteen (13), as  
18 amended by Acts of the Sixty-sixth General Assembly, 1975  
19 Session, chapter ninety-two (92), section thirty-four (34);  
20 ninety-six point nineteen (96.19), subsections fourteen (14),  
21 eighteen (18), twenty-nine (29), thirty (30), and thirty-one  
22 (31); ninety-six point twenty (96.20); ninety-six point twenty-  
23 one (96.21); ninety-six point twenty-four (96.24); ninety-  
24 six point twenty-nine (96.29); ninety-seven point fifty-one  
25 (97.51), subsection one (1), paragraph b; ninety-seven B point  
26 four (97B.4); ninety-seven B point five (97B.5); ninety-seven  
27 B point seven (97B.7), subsection two (2), unnumbered paragraph  
28 one (1); ninety-seven B point seven (97B.7), subsection two  
29 (2), paragraphs b, c, d, e, and f and subsection three (3);  
30 ninety-seven B point eight (97B.8); ninety-seven B point nine  
31 (97B.9); ninety-seven B point ten (97B.10); ninety-seven B  
32 point fourteen (97B.14) through ninety-seven B point twenty  
33 (97B.20); ninety-seven B point twenty-two (97B.22); ninety-  
34 seven B point twenty-three (97B.23); ninety-seven B point  
35 twenty-six (97B.26); ninety-seven B point twenty-eight

1 (97B.28); ninety-seven B point twenty-nine (97B.29); ninety-  
2 seven B point thirty-three (97B.33); ninety-seven B point  
3 thirty-four (97B.34); ninety-seven B point thirty-six (97B.36);  
4 ninety-seven B point thirty-seven (97B.37); ninety-seven B  
5 point thirty-eight (97B.38); ninety-seven B point forty-one  
6 (97B.41), subsection one (1), paragraph a, as amended by Acts  
7 of the Sixty-sixth General Assembly, 1975 Session, chapter  
8 fifty (50), section four (4); ninety-seven B point forty-one  
9 (97B.41), subsection three (3), paragraph a, subparagraphs  
10 two (2) and three (3); ninety-seven B point forty-one (97B.41),  
11 subsections seventeen (17) and nineteen (19); ninety-seven  
12 B point forty-three (97B.43), unnumbered paragraph three (3),  
13 as amended by Acts of the Sixty-sixth General Assembly, 1975  
14 Session, chapter fifty (50), section fourteen (14); ninety-  
15 seven B point forty-five (97B.45), as amended by Acts of the  
16 Sixty-sixth General Assembly, 1975 Session, chapter fifty  
17 (50), section fifteen (15); ninety-seven B point forty-six  
18 (97B.46), as amended by Acts of the Sixty-sixth General  
19 Assembly, 1975 Session, chapter fifty (50), section sixteen  
20 (16); ninety-seven B point forty-seven (97B.47); ninety-seven  
21 B point forty-eight (97B.48), subsection two (2); ninety-seven  
22 B point forty-nine (97B.49), subsections one (1) and two (2),  
23 as amended by Acts of the Sixty-sixth General Assembly, 1975  
24 Session, chapter fifty (50), section eighteen (18); ninety-  
25 seven B point fifty-one (97B.51); ninety-seven B point fifty-  
26 two (97B.52), as amended by Acts of the Sixty-sixth General  
27 Assembly, 1975 Session, chapter fifty (50), section twenty  
28 (20); ninety-seven B point fifty-three (97B.53), as amended  
29 by Acts of the Sixty-sixth General Assembly, 1975 Session,  
30 chapter fifty (50), section twenty-one (21); ninety-seven  
31 B point fifty-four (97B.54); ninety-seven B point fifty-five  
32 (97B.55); ninety-seven B point fifty-seven (97B.57) through  
33 ninety-seven B point sixty (97B.60); ninety-seven B point  
34 sixty-one (97B.61), as amended by Acts of the Sixty-sixth  
35 General Assembly, 1975 Session, chapter fifty (50), section

1 twenty-two (22); ninety-seven B point sixty-four (97B.64);  
2 ninety-seven B point seventy (97B.70); ninety-seven B point  
3 seventy-one (97B.71); Acts of the Sixty-sixth General Assembly,  
4 1975 Session, chapters ninety-two (92), sections eleven (11),  
5 twenty-one (21) and twenty-four (24), and ninety-three (93),  
6 section two (2), are amended by striking from such sections  
7 the word "commission" and inserting in lieu thereof the word  
8 "department" and by striking from such sections the word  
9 "commission's" and inserting in lieu thereof the word  
10 "department's".

11 Sec. 32. Sections ninety-four point one (94.1), ninety-  
12 four point three (94.3), and ninety-seven B point sixty-six  
13 (97B.66), Code 1975, are repealed.

14 Sec. 33. The terms of office of persons appointed to serve  
15 as members of the employment security commission shall expire  
16 on June 30, 1976.

17 Sec. 34. The annual salary of the director of the  
18 department of employment security shall be within the range  
19 of twenty-six thousand dollars to thirty-one thousand dollars  
20 for the fiscal year beginning July 1, 1976 and ending June  
21 30, 1977. The governor shall specify the salary to be paid  
22 to the person indicated at a rate within the salary range  
23 indicated from funds appropriated by the general assembly  
24 for such purpose.

25 Sec. 35. The Code editor is directed to strike the word  
26 "department", wherever that term means the Iowa employment  
27 security department, and the words "Iowa employment security  
28 department" wherever those titles appear in the Act, and  
29 insert in lieu thereof the words "job service of Iowa".

30 EXPLANATION

31 A department of employment security is established to be  
32 administered by a director of employment security who is  
33 appointed by the governor with the approval of two-thirds  
34 of the members of the senate to serve at the pleasure of the  
35 governor. The director's salary will be set by the general

1 assembly.

2 An appeal board is established to hear and decide dis-  
3 puted claims. The appeal board will consist of three members  
4 appointed by the governor with the approval of two-thirds  
5 of the members of the senate to serve staggered six-year  
6 terms. One member will represent the general public, one  
7 member will represent employers and one member will represent  
8 employees. They will meet as often as necessary and will  
9 receive forty dollars per day plus expenses.

10 An advisory council is also established to advise the  
11 director on matters within the jurisdiction of the department,  
12 except matters relating to the investment of retirement funds.  
13 The advisory council consists of nine members, three  
14 representing employers, three representing employees, and  
15 three representing the general public appointed by the governor  
16 with the approval of two-thirds of the members of the senate.  
17 The members of the advisory council will serve staggered six-  
18 year terms.

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SF 1123  
db/slc/83  
LSB 4046/4

H-6119

1 Amend Senate File 1123, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting after line 30 the  
4 following:

5 "Sec. \_\_\_\_ . Section ninety-six point nineteen  
6 (96.19), subsection seven (7), paragraph d, Code 1975,  
7 as created by Acts of the Sixty-sixth General Assembly,  
8 1975 session, chapter ninety-two (92), section twenty-  
9 nine (29), is amended to read as follows:

10 (d) Benefits based on services in employment as  
11 provided in this subparagraph seven (7) shall be  
12 payable in the same amount, on the same terms, and  
13 subject to the same conditions as compensation payable  
14 on the basis of other service in this chapter, except  
15 that benefits based on service in an ~~instrumentality~~  
16 ~~research-or-principal-administrative-capacity-in~~ a  
17 school operated by a political subdivision or an  
18 instrumentality thereof shall not be paid to an  
19 individual for any week of unemployment which begins  
20 during the period between two successive years or  
21 during similar periods between two regular terms  
22 whether or not successive, or during the period of  
23 paid sabbatical leave provided for in the individual's  
24 contract, if the individual has a contract or contracts  
25 to perform services in this capacity for any school  
26 or schools for both such academic years or for both  
27 such terms. For the purpose of this provision "school"  
28 means an educational institution operated by a  
29 political subdivision or an instrumentality thereof  
30 which is not an institution of higher education as  
31 defined in subsection twenty-four (24) of section  
32 ninety-six point nineteen (96.19) of the Code."

33 2. Renumber the sections and correct internal  
34 references as necessary in conformance with this  
35 amendment.

H-6119 FILED  
APRIL 2, 1976

BY BAKER of Buena Vista  
KOOGLER of Mahaska  
DAGGETT of Adams  
HANSEN of O'Brien  
MILLER of Calhoun  
SCHROEDER of Pottawattamie  
PERKINS of Greene  
STROMER of Hancock  
BRANDT of Black Hawk  
WELDEN of Hardin  
O'HALLORAN of Black Hawk  
WYCKOFF of Benton

H-6120

1 Amend the Baker amendment, H-6119, to Senate  
2 File 1123 as amended, passed and reprinted by the  
3 Senate, page 1, by striking line 23 and inserting in  
4 lieu thereof the following: "~~paid~~ sabbatical or  
5 educational leave provided for in the individual's".

H-6120 FILED  
APRIL 3, 1976

BY BAKER of Buena Vista  
KOOGLER of Mahaska  
DAGGETT of Adams  
HANSEN of O'Brien  
MILLER of Calhoun  
SCHROEDER of Pottawattamie  
PERKINS of Greene  
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