

4 notice of defect as provided by this act, without first correcting said
5 defects or making replacements, the Commissioner of Labor may apply
6 to the district court or any judge thereof by petition in equity, in an
7 action brought in the name of the State, for a writ of injunction to
8 restrain the use of said alleged defective equipment.

1 SEC. 11. The Commissioner shall notify in writing the owner or
2 user of said equipment of the time and place of hearing of said petition
3 as fixed by the court or judge, and shall serve said notice on the de-
4 fendant as least five (5) days prior to said hearing in the same manner
5 as original notices are served. The general provisions relating to civil
6 practice and procedure as may be applicable, shall govern the proceed-
7 ings, except as herein modified. In event the defendant does not
8 appear or plead to said action, default shall be entered against the
9 defendant. The action shall be tried in equity, and the court or judge
10 shall make such order or decree as the evidence warrants.

1 SEC. 12. If any part of this act be adjudged unconstitutional it
2 shall not invalidate the remainder of this act.

1 SEC. 13. This act being deemed of immediate importance shall be in
2 full force and affect* from and after its publication in the Ottumwa
3 Daily Courier, a newspaper published in Ottumwa, Iowa, and the
4 Burlington Hawkeye Gazette, a newspaper published in Burlington,
5 Iowa.

Approved March 27, 1941.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, Ottumwa, Iowa, March 31, 1941, and the Burlington Hawkeye Gazette, Burlington, Iowa, March 31, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 98

IOWA EMPLOYMENT SECURITY LAW

S. F. 476

AN ACT to amend chapter seventy-seven and two tenths (77.2), Code of Iowa, 1939, and more particularly to amend section fifteen hundred fifty-one and seven hundredths (1551.07) relating to the title of said act; section fifteen hundred fifty-one and sixteen hundredths (1551.16) relating to the name of the agency; section fifteen hundred fifty-one and seventeen hundredths (1551.17) relating to the preservation and destruction of records; section fifteen hundred fifty-one and eighteen hundredths (1551.18) relating to the Iowa employment service; section fifteen hundred fifty-one and nineteen hundredths (1551.19) relating to the administration fund; section fifteen hundred fifty-one and twenty-five hundredths (1551.25) relating to definitions used in said act; all sections of the Code of Iowa, 1939; and to repeal all acts, or parts of acts, in conflict herewith.

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

1 SECTION 1. Amend section fifteen hundred fifty-one and seven hun-
2 dredths (1551.07), code of 1939, by striking from lines 2 and 3 the

*Note: In accordance with enrolled bill.

3 following words "Unemployment Compensation Law", and inserting in
4 lieu thereof the following words "Iowa Employment Security Law".

1 SEC. 2. A. Amend section fifteen hundred fifty-one and sixteen
2 hundredths (1551.16) by striking from line 3 of subsection A the words
3 "unemployment compensation", and inserting in lieu thereof the words
4 "employment security".

5 B. Further amend section fifteen hundred fifty-one and sixteen
6 hundredths (1551.16) by striking from line 61 the word "January",
7 and inserting in lieu thereof the word "July".

8 C. Further amend section fifteen hundred fifty-one and sixteen
9 hundredths (1551.16) by striking therefrom subsection C and insert-
10 ing in lieu thereof as subsection C the following: "The commission shall
11 have power to establish and maintain such divisions under it as it
12 deems necessary for the purposes of this act."

13 D. Amend section fifteen hundred fifty-one and seventeen hundredths
14 (1551.17) by striking from line 13 of subsection A the word "Febru-
15 ary", and inserting in lieu thereof the word "December". Also amend
16 said subsection by striking from line 16 the word "calendar", and in-
17 serting in lieu thereof the word "fiscal".

1 SEC. 3. Amend section fifteen hundred fifty-one and seventeen
2 hundredths (1551.17) by adding thereto as subsection L the follow-
3 ing: "L. DESTRUCTION OF RECORDS. The commission may in its
4 discretion destroy or dispose of such original reports or records as
5 have been properly recorded or summarized in the permanent records
6 of the commission and are deemed by the commission no longer neces-
7 sary to the proper administration of this act. Wage records of the
8 individual worker or transcripts therefrom may be destroyed or dis-
9 posed of two years after the expiration of the period covered by such
10 wage records or upon proof of the death of the worker. Such destruc-
11 tion or disposition shall be made only by order of the commission and
12 such order shall be spread on the minutes of the commission. Any
13 moneys received from the disposition of such records shall be deposited
14 to the credit of the employment security administration fund."

1 SEC. 4. A. Amend section fifteen hundred fifty-one and eighteen
2 hundredths (1551.18) by striking from subsection A the first 32 lines
3 thereof and the words "United States employment service" in line 33,
4 and inserting in lieu thereof the following: "The employment
5 security commission shall establish and maintain free public employ-
6 ment offices in such number and in such places as may be necessary
7 for the proper administration of this act and for the purpose of per-
8 forming such duties as are within the purview of the act of congress
9 entitled 'An act to provide for the establishment of a national employ-
10 ment system and for cooperation with the states in the promotion of
11 such system, and for other purposes,' approved June 6, 1933, as amend-
12 ed, and known as the Wagner-Peyser Act. All duties and powers con-
13 ferred upon any other department, agency, or officer of this state
14 relating to the establishment, maintenance, and operation of free
15 employment offices shall be vested in the commission. The provisions
16 of the said act of congress, as amended, are hereby accepted by this
17 state, in conformity with section four (4) of said act, and this state

18 will observe and comply with the requirements thereof. The com-
19 mission is hereby designated and constituted the agency of this state
20 for the purpose of said Wagner-Peyser Act."

21 B. Further amend section fifteen hundred fifty-one and eighteen
22 hundredths (1551.18) by striking from subsection B all of the first
23 7 lines and that part of the 8th line including the period (.) following
24 the word "congress".

25 C. Further amend said subsection B by striking from line 14 the
26 words "unemployment compensation law", and inserting in lieu thereof
27 the words "employment security law".

28 D. Further amend said subsection B by striking from line 19 the
29 words "employment service account", and inserting in lieu thereof the
30 words "employment security administration fund".

1 SEC. 5. A. Amend section fifteen hundred fifty-one and nineteen
2 hundredths (1551.19) by striking from subsection A the first 16 lines
3 and inserting in lieu thereof the following: "There is hereby created in
4 the state treasury a special fund to be known as the 'employment
5 security administration fund'. All moneys which are deposited or paid
6 into this fund are hereby appropriated and made available to the
7 commission. All moneys in this fund which are received from the
8 federal government or any agency thereof or which are appropriated
9 by the state for the purposes described in section fifteen hundred fifty-
10 one and eighteen hundredths (1551.18) of this act shall be expended
11 solely for the purposes and in the amounts found necessary by the
12 Social Security Board for the proper and efficient administration of
13 this act. This fund shall consist of all moneys appropriated by this
14 state, and all moneys received from the United States, or any agency
15 thereof, including the social security board, the railroad retirement
16 board, the United States employment service, established under the
17 Wagner-Peyser Act, or from any other source for such purpose. The
18 unexpended balance of any money heretofore apportioned or received
19 for the state of Iowa for the Iowa state employment service and now in
20 the 'employment service account' as defined in subsection B of section
21 fifteen hundred fifty-one and eighteen hundredths (1551.18) and in
22 subsection B of section fifteen hundred fifty-one and nineteen hun-
23 dredths (1551.19), and the unexpended balance of any money hereto-
24 fore apportioned to the state of Iowa by the social security board and
25 now deposited in the 'unemployment compensation administration
26 fund' as defined in subsection A of section fifteen hundred fifty-one
27 and nineteen hundredths (1551.19) are hereby transferred to the
28 'employment security administration fund' herein provided."

29 B. Further amend said section by striking from lines 22, 23, 24 and
30 25 of subsection A the following words: "fund and the employment
31 service account thereof on the same basis as expenditures are made
32 from such fund or account for such service or facilities", and inserting
33 in lieu thereof the words "employment security administration fund".

34 C. Further amend said section fifteen hundred fifty-one and nine-
35 teen hundredths (1551.19) by striking from lines 36 and 37 of subsec-
36 tion A the words "unemployment compensation administration fund",
37 and inserting in lieu thereof the words "employment security adminis-
38 tration fund."

39 D. Further amend said section fifteen hundred fifty-one and nine-
40 teen hundredths (1551.19) by striking from line 43 of subsection A
41 the words "unemployment administration fund", and inserting in lieu
42 thereof the words "employment security administration fund".

43 E. Further amend said section fifteen hundred fifty-one and nine-
44 teen hundredths (1551.19) by striking therefrom subsection B.

45 F. Further amend said section fifteen hundred fifty-one and nine-
46 teen hundredths (1551.19) by adding as another subsection the follow-
47 ing: "If any moneys received after June 30, 1941, from the Social
48 Security Board under title III of the Social Security Act, or any un-
49 encumbered balances in the unemployment compensation administra-
50 tion fund as of that date, or any moneys granted after that date to this
51 state pursuant to the provisions of the Wagner-Peyser Act, or any
52 moneys made available by this state or its political subdivisions and
53 matched by such moneys granted to this state pursuant to the pro-
54 visions of the Wagner-Peyser Act, are found by the Social Security
55 Board, because of any action or contingency, to have been lost or been
56 expended for purposes other than or in amounts in excess of, those
57 found necessary by the Social Security Board for the proper adminis-
58 tration of this act, it is the policy of this state that such moneys shall be
59 replaced by moneys appropriated for such purpose from the general
60 funds of this state to the unemployment compensation administration
61 fund for expenditure as provided in subsection A of this section. Upon
62 receipt of notice of such a finding by the Social Security Board, the
63 commission shall promptly report the amount required for such replace-
64 ment to the governor and the governor shall at the earliest opportunity,
65 submit to the legislature a request for the appropriation of such
66 amount. This subsection shall not be construed to relieve this state of
67 its obligation with respect to funds received prior to July 1, 1941, pur-
68 suant to the provisions of title III of the Social Security Act."

1 SEC. 6. Amend section fifteen hundred fifty-one and twenty-five
2 hundredths (1551.25) by striking from lines 1 and 2 of subsection C
3 the words "unemployment compensation commission", and inserting
4 in lieu thereof the words "employment security commission".

1 SEC. 7. Further amend section fifteen hundred fifty-one and
2 twenty-five hundredths (1551.25) by striking from line three (3) of
3 subsection P the word "on" and inserting in lieu thereof the words
4 "with respect to". Also amend said subsection by striking from line
5 five (5) the word "on" and inserting in lieu thereof the words "with
6 respect to".

1 SEC. 8. All acts, or parts of acts, in conflict herewith are hereby
2 repealed insofar as they are inconsistent with any of the provisions
3 of this act.

1 SEC. 9. This act being deemed of immediate importance, shall be in
2 force and effect from and after its passage and publication in the Iowa
3 City Press Citizen, a newspaper published at Iowa City, Iowa, and in
4 the Knoxville Journal, a newspaper published at Knoxville, Iowa.

Approved April 16, 1941.

I hereby certify that the foregoing act was published in the Iowa City Press Citizen, Iowa City, Iowa, April 19, 1941, and the Knoxville Journal, Knoxville, Iowa, April 24, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 99

UNEMPLOYMENT COMPENSATION

S. F. 89*

AN ACT to amend the law as it appears in Chapter seventy-seven point two (77.2), Code, 1939, relating to and providing for unemployment compensation; to limit the amount of contributions to be made by employers; to define certain contributions as payments erroneously made; and to repeal all acts, or parts of acts, insofar as they are inconsistent herewith.

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

1 SECTION 1. That the law as it appears in subsection (A) of section
2 one thousand five hundred fifty-one and thirteen hundredths (1551.13)
3 be amended by changing the period following the figures "1936" in
4 line "ten" of said subsection to a semi-colon (;) and adding thereafter
5 the following: "provided that on and after January 1, 1940, contribu-
6 tions shall accrue and become payable by each employer on only that
7 portion of wages paid or payable for insured work as hereinafter pro-
8 vided to each individual in any one calendar year up to and including
9 the sum of three thousand dollars (\$3,000.00); provided, however,
10 that if any employer has, for the calendar year 1940, paid to the com-
11 mission contributions on any portion of wages payable to any individ-
12 ual in excess of three thousand dollars (\$3,000) such payments so
13 paid on that portion of the wages in excess of three thousand dollars
14 (\$3,000) shall be deemed erroneously paid and shall be refunded to
15 such employer upon his application to the commission therefor."

1 SEC. 2. All acts, or parts of acts, in conflict herewith are hereby
2 repealed insofar as they are inconsistent with any of the provisions of
3 this act.

1 SEC. 3. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in the
3 Ottumwa Daily Courier, a newspaper published at Ottumwa, Iowa,
4 and in the Mason City Globe Gazette, a newspaper published at Mason
5 City, Iowa.

Approved February 13, 1941.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, Ottumwa, Iowa, February 14, 1941 and the Mason City Globe Gazette, Mason City, Iowa, February 14, 1941.

EARL G. MILLER, *Secretary of State.*

*Note: Senate File 89 of the 49th General Assembly was repealed by Senate File 535 of the 49th General Assembly. See Chapter 100.