

March 14, 1967
Passed on File

By CONDON

Industrial & Human Relations 3-16 Page 5-1

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

An Act to amend chapter eighty-five (85), Code 1966, relating to workmen's compensation.

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

1 Section 1. Section eighty-five point one (85.1), subsec-
2 tion three (3), Code 1966, is hereby amended by inserting
3 after the word "agriculture" in line one (1) the following:
4 ", whose employers employ less than four (4) persons for
5 less than three (3) months out of a calendar year".

1 Sec. 2. Section eighty-five point twenty-eight (85.28),
2 Code 1966, is amended by striking from line four (4) the
3 words "five hundred" and substituting in lieu thereof the
4 words "one thousand (1,000)".

1 Sec. 3. Section eighty-five point thirty-one (85.31),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines ten (10) and eleven (11) of
4 subsection one (1) of said section the words "a total of
5 fourteen thousand two hundred fifty dollars" and inserting in
6 lieu thereof the words "fifty-five (55) percent of the aver-
7 age weekly wage in covered employment for each weekly in-
8 stallment".

9 2. By striking from lines nine (9) and ten (10) of sub-
10 section four (4) of said section the words "a total of
11 fourteen thousand two hundred fifty dollars" and inserting in
12 lieu thereof the words "fifty-five (55) percent of the average
13 weekly wage in covered employment for each weekly installment".

1 Sec. 4. Section eighty-five point thirty-four (85.34),
2 subsection two (2), Code 1966, is hereby amended as follows:

3 1. By inserting in line ten (10) after the word "not"
4 the words "to exceed fifty-five (55) percent of the average
5 wage in covered employment nor".

6 2. Paragraph a. is amended by striking everything follow-
7 ing the word "weeks" in line two (2) of said paragraph and
8 substituting in lieu thereof a period.

9 3. Paragraph b. is amended by striking everything fol-
10 lowing the word "weeks" in line three (3) of said paragraph
11 and substituting in lieu thereof a period.

12 4. Paragraph c. is amended by striking everything fol-
13 lowing the word "weeks" in line two (2) of said paragraph
14 and substituting in lieu thereof a period.

15 5. Paragraph d. is amended by striking everything fol-
16 lowing the word "weeks" in line two (2) of said paragraph
17 and substituting in lieu thereof a period.

18 6. Paragraph e. is amended by striking everything fol-
19 lowing the word "weeks" in line three (3) of said paragraph
20 and substituting in lieu thereof a period.

21 7. Paragraph h. is amended by striking everything fol-
22 lowing the word "weeks" in line two (2) of said paragraph and
23 substituting in lieu thereof a period.

24 8. Paragraph i. is amended by striking everything fol-
25 lowing the word "weeks" in line three (3) of said paragraph
26 and substituting in lieu thereof a period.

27 9. Paragraph l. is amended by striking everything follow-
28 ing the word "weeks" in line two (2) of said paragraph and
29 substituting in lieu thereof a period.

30 10. Paragraph m. is amended by striking everything follow-
31 ing the word "weeks" in line five (5) of said paragraph and
32 substituting in lieu thereof a period.

33 11. Paragraph n. is amended by striking everything follow-
34 ing the word "weeks" in line two (2) of said paragraph and
35 substituting in lieu thereof a period.

36 12. Paragraph o. is amended by striking everything follow-
37 ing the word "weeks" in line five (5) of said paragraph and
38 substituting in lieu thereof a period.

39 13. Paragraph p. is amended by striking everything follow-
40 ing the word "weeks" in line two (2) of said paragraph and
41 substituting in lieu thereof a period.

42 14. Paragraph q. is amended by striking everything follow-
43 ing the word "weeks" in line three (3) of said paragraph and
44 substituting in lieu thereof a period.

45 15. Paragraph r. is amended by striking everything follow-
46 ing the word "weeks" in line two (2) of said paragraph and
47 substituting in lieu thereof the following:

48 "and for the loss of hearing in both ears, weekly compensa-
49 tion during one hundred seventy-five (175) weeks."

50 16. Paragraph s. is amended by striking everything follow-
51 ing the word "such" in line five (5) of said paragraph and
52 substituting in lieu thereof a period.

53 17. Paragraph t. is amended by striking everything follow-
54 ing the word "weeks" in line eight (8) of said paragraph and
55 substituting in lieu thereof a period.

56 18. Paragraph u. is amended by striking everything follow-
57 ing the word "whole" in line seven (7) of said paragraph and
58 substituting in lieu thereof a period.

1 Sec. 5. Section eighty-five point thirty-four (85.34), sub-
2 section three (3), Code 1966, is amended by striking all after
3 the word "weeks" in line thirteen (13) and all of lines fourteen
4 (14), fifteen (15), and sixteen (16) and inserting in lieu
5 thereof a period.

1 Sec. 6. Section eighty-five point thirty-four (85.34), Code
2 1966, is further amended by adding thereto a new subsection as
3 follows:

4 "4. Extended permanent total disability compensation. In
5 the event an employee has been adjudged permanently and totally
6 disabled and has been paid weekly compensation to the extent
7 and for the full period provided in the preceding subsection,

8 and, at the conclusion of such period and payment he is physi-
9 cally incapable of obtaining employment or performing remuner-
10 ative personal services, he shall be paid thereafter weekly
11 compensation based upon sixty-six and two-thirds ($66 \frac{2}{3}$)
12 percent of the employee's average weekly earnings, but not
13 to exceed fifty-five (55) percent per week, until his death
14 or until he becomes capable of performing remunerative personal
15 services, whichever first occurs. Whether or not an employee
16 is entitled to the extended permanent total disability compensa-
17 tion provided in this subsection shall be subject to review
18 and appeal as provided for in chapter eighty-six (86)."

1 Sec. 7. Section eighty-five point thirty-four (85.34),
2 Code 1966, is further amended by adding thereto a new sub-
3 section as follows:

4 "5. Vocational rehabilitation. An employee who has sus-
5 tained an injury which results in permanent partial or
6 permanent total disability for which compensation is payable
7 under this chapter, shall be paid twenty (20) dollars per
8 week in addition to any other benefit payments, provided he
9 enrolls in and actively pursues a vocational rehabilitation
10 program approved for him by the industrial commissioner.
11 Said additional benefit payment shall be paid only for a
12 period of twenty-six (26) consecutive weeks, except the
13 industrial commissioner for good reasons shown to him may
14 extend the period of payments but not to exceed an additional
15 thirteen (13) weeks."

1 Sec. 8. Section eighty-five point thirty-seven (85.37),
2 Code 1966, is repealed and the following enacted in lieu
3 thereof:

4 "85.37 Compensation schedule. In all cases where an
5 employee receives a personal injury causing temporary disa-
6 bility or causing a permanent partial disability for which
7 compensation is payable during a healing period, compensation
8 for such temporary disability or for such healing period shall
9 be upon the basis of sixty-six and two-thirds ($66 \frac{2}{3}$) percent

10 per week of the employee's average weekly earnings, but not
11 more than fifty-five (55) percent of the average weekly earnings
12 in covered employment, nor less than eighteen (18) dollars per
13 week, except if at the time of his injury his earnings are less
14 than eighteen (18) dollars per week, then he shall receive in
15 weekly payments a sum equal to the full amount of his weekly
16 earnings.

17 "Such compensation shall be in addition to the benefits pro-
18 vided in sections eighty-five point twenty-seven (85.27) and
19 eighty-five point twenty-eight (85.28).

20 "The phrase 'average wage in covered employment,' as used
21 in this Act, shall mean and be defined the same as the average
22 covered wage compiled by and used by the Iowa employment
23 securities commission in administering chapter ninety-six
24 point three (96.3), subsection four (4), of the Code and in
25 effect at the time of the injury."

1 Sec. 9. Amend section eighty-five point forty-two (85.42),
2 Code 1966, by striking from line one (1) of subsection two
3 (2) the word "sixteen" and substituting the word "nineteen
4 (19)".