



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 21, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 225, an Act modifying workers' compensation laws and providing an effective date.

House File 386, an Act relating to the Department of Elder Affairs including provisions relating to the Elder Iowans Act.

House File 674, an Act relating to income tax deductions and exemptions for military personnel and organizations, and including effective and applicability date provisions.

House File 682, an Act relating to wine by providing for native wine permits, providing wine gallonage tax revenue to support grape and wine development, providing for fees, and providing an effective date and retroactive applicability.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 225

AN ACT

MODIFYING WORKERS' COMPENSATION LAWS AND PROVIDING AN
EFFECTIVE DATE.

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

Section 1. Section 85.28, Code 2003, is amended to read as follows:

85.28 BURIAL EXPENSE.

When death ensues from the injury, the employer shall pay the reasonable expenses of burial of such employee, not to exceed ~~five~~ seven thousand five hundred dollars, which shall be in addition to other compensation or any other benefit provided for in this chapter.

Sec. 2. Section 85.48, Code 2003, is amended to read as follows:

85.48 PARTIAL COMMUTATION.

When partial commutation is ordered, the workers' compensation commissioner shall fix the lump sum to be paid at an amount which will equal the future payments for the period commuted, capitalized at their present value upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees, ~~with provisions~~. Provisions shall be made for the payment of weekly compensation not included in the commutation, ~~subject to the law applicable to such unpaid~~

~~weekly payments;~~ with all remaining payments, ~~if any,~~ to be paid at over the same period of time as though the commutation had not been made by either eliminating weekly payments from the first or last part of the payment period or by a pro rata reduction in the weekly benefit amount over the entire payment period.

Sec. 3. Section 85.65A, subsection 5, Code 2003, is amended to read as follows:

5. This section is repealed July 1, ~~2003~~ 2008.

Sec. 4. Section 86.42, Code 2003, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

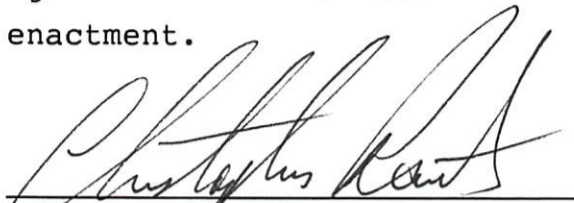
Any party in interest may present a ~~certified~~ file-stamped copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the workers' compensation commissioner, or in the absence of an act of any party which prevents a decision of a deputy workers' compensation commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

Sec. 5. Section 86.43, Code 2003, is amended to read as follows:

86.43 JUDGMENT -- MODIFICATION OF.

Upon the presentation to the court of a ~~certified~~ file-stamped copy of a decision of the workers' compensation commissioner, ending, diminishing, or increasing the compensation under the provisions of this chapter, the court shall revoke or modify the decree or judgment to conform to such decision.

Sec. 6. EFFECTIVE DATE. The amendment to section 85.65A, subsection 5, in this Act, being deemed of immediate importance, takes effect upon enactment.



CHRISTOPHER C. RANTS

Speaker of the House



MARY E. KRAMER

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 225, Eightieth General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved May 21, 2003



THOMAS J. VILSACK

Governor