

FILED APR 8 1971

*Reprinted 4/30*  
SENATE FILE **474**

By COMMITTEE ON LAW ENFORCE-  
MENT

Passed Senate, Date 4-30-71 Passed House, Date 5-5-71

Vote: Ayes 47 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_  
*Action to recommit filed 5/5, W.P. 5/7*

## A BILL FOR

1 An Act relating to disabled and retired policemen and fire-  
2 men and disabled elected and appointed officials.

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

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1 Section 1. Section eighty-five point one (85.1), Code  
2 1971, is amended by adding the following new subsection:

3 "6. Persons entitled to benefits pursuant to chapters  
4 ninety-seven A (97A) and four hundred eleven (411) of the  
5 Code."

6 Sec. 2. Section eighty-five point two (85.2), Code 1971,  
7 is amended as follows:

8 85.2 COMPULSORY WHEN. Where the state, county, municipal  
9 corporation, school corporation, county board of education,  
10 or city under any form of government is the employer, the  
11 provisions of this chapter for the payment of compensation  
12 and amount thereof for an injury sustained by an employee  
13 of such employer shall be exclusive, compulsory, and obligatory  
14 upon both employer and employee, except as otherwise provided  
15 in section 85.1. For the purposes of this chapter elected  
16 and appointed officials shall be employees.

17 Sec. 3. Section four hundred ten point one (410.1), Code  
18 1971, is amended by adding the following new paragraph:

19 "The provisions of this chapter shall not apply to police-  
20 men and firemen who entered employment after March 2, 1934."

21 Sec. 4. Any rights that may have accrued to any person  
22 pursuant to chapter four hundred ten (410) of the Code prior  
23 to the effective date of this Act shall be preserved. This  
24 section shall not be printed as a permanent part of the Code.

25 Sec. 5. Section eighty-five point sixty-two (85.62), Code  
26 1971, is repealed.

27 EXPLANATION

28 This bill defines elected and appointed officials as em-  
29 ployees for the purposes of Workmen's Compensation. It also  
30 clarifies present law relating to policemen and firemen  
31 eligible for the pension system established in Chapter 410  
32 of the Code.

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Senate 3  
April 22, 1971

SENATE FILE 474

1 Amend Senate File 474 as follows:

2 1. Page 2, by adding after line 26 the following  
3 new section:

4 "Sec. 6. Chapter eighty-five (85), Code 1971, is  
5 amended by adding the following new section:

6 'The county board of supervisors of any county may  
7 elect to include as an employee for purposes of this  
8 chapter any person confined as an inmate in a county jail  
9 or confined in any other facility in lieu of confinement  
10 in an county jail. If such election is made, the provi-  
11 sions of subsection five (5) of section eighty-five point  
12 one (85.1) of the Code shall apply to such county. If an  
13 inmate in the performance of his work in connection with  
14 the maintenance of a county jail or other local facility,  
15 or in connection with any industry maintained therein, or  
16 with any highway or public works activity outside a  
17 county jail or other local facility sustains an injury  
18 arising out of and in the course thereof, he shall, be  
19 awarded and paid compensation as provided in this chapter.  
20 If death results from such injury, death benefits shall  
21 be awarded and paid to the dependents of the inmate. If  
22 any such person is awarded weekly compensation under the  
23 provisions of this section and is still committed to the  
24 county jail or other facility, his compensation benefits  
25 under subsection one (1) of section eighty-five point

Page 2

1 thirty-four (85.34) shall be paid to the county for so  
2 long as he shall remain so committed. Weekly compensa-  
3 tion benefits awarded pursuant to subsection two (2) of  
4 section eighty-five point thirty four (85.34) shall be  
5 held in trust and paid to such person as provided in this  
6 chapter upon his final discharge or parole, whichever  
7 occurs first. In the event such person is recommitted to  
8 the county jail or other facility prior to receiving, in  
9 full, his weekly benefits pursuant to subsection one (1)  
10 of section eighty-five point thirty-four (85.34), such  
11 benefits shall again be paid to the county for so long as  
12 he shall remain so recommitted. Also, weekly benefits un-  
13 der subsection two (2) of section eighty-five point thirty-  
14 four (85.34) shall be suspended and again held in trust  
15 until such person is again released by final discharge or  
16 parole, whichever first occurs. However, the industrial  
17 commissioner may, if he finds that dependents of the  
18 person awarded weekly compensation pursuant to subsections  
19 one (1) and two (2) of section eighty-five point thirty-  
20 four (85.34) would require welfare aid as a result of  
21 terminating the compensation, order such weekly compensa-  
22 tion to be paid to a responsible person for the use of his  
23 dependents.'"

24 2. Page 1, line 2, by inserting before the first  
25 word "and" the word ", disabled inmates,".

Filed - *a. d. p. Tol 4/30*  
April 21, 1971

By THORSEN, RILEY, RABEDEAUX, NICHOLSON,  
HILL, DeKOSTER, GAUDINEER

HOUSE AMENDMENT TO SENATE FILE 474

- 1 Amend Senate File 474 as passed by the Senate and
- 2 reprinted as follows:
- 3 Page 2B, line 41, by inserting after the word
- 4 "compensation" the words "at the minimum rate".

Received from the House  
May 10, 1971

*Adopted as amendment 5/20*

- 1 Amend the House Amendment to Senate file 474 as
- 2 passed by the Senate and reprinted by adding after line 4
- 3 the following new paragraphs:
- 4 "Page 3, line 1, by inserting after the word "under",
- 5 the words "section 85.33 or".
- 6 Page 3, line 10, by inserting after the word "to",
- 7 the words "section 85.33 or".
- 8 Page 3, line 19 by inserting after the word "to",
- 9 the words "section 85.33 or".

Filed - *Adopted*  
May 11, 1971

By GAUDINEER

SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE FILE 474

- 1 Amend the House Amendment to Senate File 474, as passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By adding after line 4 the following new paragraphs:
- 4 Page 3, line 1, by inserting after the word "under",
- 5 the words "section 85.33 or".
- 6 Page 3, line 10, by inserting after the word "to",
- 7 the words "section 85.33 or".
- 8 Page 3, line 19, by inserting after the word "to",
- 9 the words "section 85.33 or".

Received from  
the Senate.  
May 20, 1971

*House concurred 5/24*

- 1 Amend Senate File 474, page 2, lines 3 and 4, by
- 2 striking the words and figures, "chapters ninety-seven A
- 3 (97A) and " and by inserting in lieu thereof the word
- 4 "chapter".

Filed - *Adopted 4/30*  
April 16, 1971

By GAUDINEER

*Senate*

April 30, 1971

SENATE FILE 474

By COMMITTEE ON LAW ENFORCEMENT

SENATE AMENDMENTS ARE  
SHOWN IN BOLD FACE.

(AS PASSED BY THE SENATE)

Passed Senate, Date 5-26-71 Passed House, Date 5-5-71

Vote: Ayes 46 Nays 9 Vote: Ayes 75 Nays 7

Approved 5-27-71

*Motion to reconsider filed 5-5, W.O. 5/7*

# A BILL FOR

*Passed House as further amended by Senate 5-24-71 aye 86, nays 1*

- 1 An Act relating to disabled and retired policemen and fire-
- 2 men, **disabled inmates**, and disabled elected and appointed
- 3 officials.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section eighty-five point one (85.1), Code  
2 1971, is amended by adding the following new subsection:  
3 "6. Persons entitled to benefits pursuant to chapter  
4 four hundred eleven (411) of the  
5 Code."

6 Sec. 2. Section eighty-five point two (85.2), Code 1971,  
7 is amended as follows:

8 85.2 COMPULSORY WHEN. Where the state, county, municipal  
9 corporation, school corporation, county board of education,  
10 or city under any form of government is the employer, the  
11 provisions of this chapter for the payment of compensation  
12 and amount thereof for an injury sustained by an employee  
13 of such employer shall be exclusive, compulsory, and obligatory  
14 upon both employer and employee, except as otherwise provided  
15 in section 85.1. *For the purposes of this chapter elected*  
16 *and appointed officials shall be employees.*

17 Sec. 3. Section four hundred ten point one (410.1), Code  
18 1971, is amended by adding the following new paragraph:

19 "The provisions of this chapter shall not apply to police-  
20 men and firemen who entered employment after March 2, 1934."

21 Sec. 4. Any rights that may have accrued to any person  
22 pursuant to chapter four hundred ten (410) of the Code prior  
23 to the effective date of this Act shall be preserved. This  
24 section shall not be printed as a permanent part of the Code.

25 Sec. 5. Section eighty-five point sixty-two (85.62), Code  
26 1971, is repealed.

27 Sec. 6. Chapter eighty-five (85), Code 1971, is amended  
28 by adding the following new section:

29 "The county board of supervisors of any county may elect  
30 to include as an employee for purposes of this chapter any  
31 person confined as an inmate in a county jail or confined  
32 in any other facility in lieu of confinement in a county  
33 jail. If such election is made, the provisions of subsection  
34 five (5) of section eighty-five point one (85.1) of the Code  
35 shall apply to such county. If an inmate in the performance

36 of his work in connection with the maintenance of a county  
37 jail or other local facility, or in connection with any  
38 industry maintained therein, or with any highway or public  
39 works activity outside a county jail or other local facility  
40 sustains an injury arising out of and in the course thereof,  
41 he shall, be awarded and paid compensation as provided in  
42 this chapter. If death results from such injury, death  
43 benefits shall be awarded and paid to the dependents of  
44 the inmate. If any such person is awarded weekly compensation  
45 under the provisions of this section and is still committed  
46 to the county jail or other facility, his compensation benefits

1 under subsection one (1) of section eighty-five point  
2 thirty-four (85.34) shall be paid to the county for so  
3 long as he shall remain so committed. Weekly compensation  
4 benefits awarded pursuant to subsection two (2) of section  
5 eighty-five point thirty-four (85.34) shall be held in  
6 trust and paid to such person as provided in this chapter  
7 upon his final discharge or parole, whichever occurs first.  
8 In the event such person is recommitted to the county jail  
9 or other facility prior to receiving, in full, his weekly  
10 benefits pursuant to subsection one (1) of section eighty-  
11 five point thirty-four (85.34), such benefits shall again  
12 be paid to the county for so long as he shall remain so  
13 recommitted. Also, weekly benefits under subsection two (2)  
14 of section eighty-five point thirty-four (85.34) shall be  
15 suspended and again held in trust until such person is again  
16 released by final discharge or parole, whichever first occurs.  
17 However, the industrial commission may, if he finds that  
18 dependents of the person awarded weekly compensation pursuant  
19 to subsections one (1) and two (2) of section eighty-five  
20 point thirty-four (85.34) would require welfare aid as a  
21 result of terminating the compensation, order such weekly  
22 compensation to be paid to a responsible person for the use  
23 of his dependents."

#### EXPLANATION

This bill defines elected and appointed officials as employees for the purposes of Workmen's Compensation. It also clarifies present law relating to policemen and firemen eligible for the pension system established in chapter 410 of the Code.