

FILED APR 13 1976

SENATE FILE 1304

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Passed Senate, Date 4-20-76 (1359) Passed House, Date 5-17-76 (p. 2824)

Vote: Ayes 46 Nays 1 Vote: Ayes 81 Nays 0

Approved 5-28-76

*Repassed Senate per House amendment
5-19-76 (p. 2074)
42-1*

A BILL FOR

1 An Act relating to the administration of workmen's compensation
2 claims of state employees.

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

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HOUSE AMENDMENT TO SENATE FILE 1304

S-5814

1 Amend Senate File 1304, page 1, by striking
2 lines 17 through 24.

S-5814 FILED
MAY 18, 1976

RECEIVED FROM THE HOUSE

Senate concurred 5/19/76

1 Section 1. Section eight point six (8.6), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. To employ appropriate staff to handle
4 and adjust claims of state employees for workmen's compensation
5 benefits pursuant to chapters eighty-five (85), eighty-five
6 A (85A), and eighty-six (86) of the Code, or with the approval
7 of the executive council contract for such services or purchase
8 workmen's compensation insurance coverage for state employees
9 or selected groups of state employees. The state comptroller
10 shall quarterly determine an appropriate amount, based upon
11 the cost of workmen's compensation insurance, that shall be
12 collected from the agencies, departments or divisions which
13 have not received an appropriation for the payment of work-
14 men's compensation insurance and which operate from moneys
15 other than from the general fund and such payments shall
16 be deposited in the general fund.

17 NEW SUBSECTION. The comptroller shall no less frequently
18 than quarterly determine an appropriate amount, based upon
19 the cost of workmen's compensation insurance, that he shall
20 collect from the agencies, departments or division who have
21 not received an appropriation from the general assembly for
22 the payment of workmen's compensation insurance and who operate
23 in whole or in part from monies other than from the general
24 fund and such payments shall be deposited to the general fund.

25 Sec. 2. Section eight point thirteen (8.13), subsection
26 one (1), Code 1975, is amended to read as follows:

27 1. THREE MONTHS LIMIT. No claim shall be allowed by the
28 state comptroller's office when such claim is presented after
29 the lapse of three months from its accrual. Claims by state
30 employees for benefits pursuant to chapters eighty-five (85),
31 eighty-five A (85A) and eighty-six (86) of the Code shall
32 be subject to limitations provided in such chapters.

33 Sec. 3. Section eighty-five point twenty-two (85.22),
34 subsection three (3), Code 1975, is amended to read as follows:

35 3. Before a settlement shall become effective between

1 an employee or an employer and such third party who is liable
2 for the injury, it must be with the written consent of the
3 employee, in case the settlement is between the employer or
4 insurer and such third person; and the consent of the employer
5 or insurer, in case the settlement is between the employee
6 and such third party; or on refusal of consent, in either
7 case, then upon the written approval of the industrial com-
8 missioner. ~~The industrial commissioner may compromise and~~
9 ~~settle on behalf of the state of Iowa any workmen's compen-~~
10 ~~sation cases of doubtful liability.~~

11 Sec. 4. Section eighty-five point fifty-nine (85.59),
12 Code 1975, is amended to read as follows:

13 85.59 PAYMENT OF STATE EMPLOYEES. The state comptroller
14 is hereby authorized and directed to draw warrants on the
15 state treasury for any and all amounts due state employees
16 under the provisions of this chapter ~~upon there being filed~~
17 ~~in his office, either a memorandum of settlement approved~~
18 ~~by the industrial commissioner or of an award made by a board~~
19 ~~of arbitration, for which no review is pending, or an order~~
20 ~~of the industrial commissioner from which judicial review~~
21 ~~has not been sought, or a judgment of any court of the state~~
22 ~~accompanied by a certificate of the industrial commissioner~~
23 ~~setting forth the amount of compensation due and the statu-~~
24 ~~tory provisions under which the same should be paid.~~

25 Sec. 5. Section eighty-five point sixty (85.60), Code
26 1975, is repealed.

27 EXPLANATION

28 This bill places the responsibility for obtaining adjusting
29 services, and handling workmen's compensation claims of state
30 employees with the state comptroller instead of the industrial
31 commissioner.

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SENATE FILE 1304

AN ACT

RELATING TO THE ADMINISTRATION OF WORKMEN'S COMPENSATION
CLAIMS OF STATE EMPLOYEES.

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

Section 1. Section eight point six (8.6), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. To employ appropriate staff to handle and adjust claims of state employees for workmen's compensation benefits pursuant to chapters eighty-five (85), eighty-five A (85A), and eighty-six (86) of the Code, or with the approval of the executive council contract for such services or purchase workmen's compensation insurance coverage for state employees or selected groups of state employees. The state comptroller shall quarterly determine an appropriate amount, based upon the cost of workmen's compensation insurance, that shall be collected from the agencies, departments or divisions which have not received an appropriation for the payment of workmen's compensation insurance and which operate from moneys other than from the general fund and such payments shall be deposited in the general fund.

Sec. 2. Section eight point thirteen (8.13), subsection one (1), Code 1975, is amended to read as follows:

1. THREE MONTHS LIMIT. No claim shall be allowed by the state comptroller's office when such claim is presented after the lapse of three months from its accrual. Claims by state employees for benefits pursuant to chapters eighty-five (85),

eighty-five A (85A) and eighty-six (86) of the Code shall be subject to limitations provided in such chapters.

Sec. 3. Section eighty-five point twenty-two (85.22), subsection three (3), Code 1975, is amended to read as follows:

3. Before a settlement shall become effective between an employee or an employer and such third party who is liable for the injury, it must be with the written consent of the employee, in case the settlement is between the employer or insurer and such third person; and the consent of the employer or insurer, in case the settlement is between the employee and such third party; or on refusal of consent, in either case, then upon the written approval of the industrial commissioner. ~~The industrial commissioner may compromise and settle on behalf of the state of Iowa any workmen's compensation cases of doubtful liability.~~

Sec. 4. Section eighty-five point fifty-nine (85.59), Code 1975, is amended to read as follows:

85.59 PAYMENT OF STATE EMPLOYEES. The state comptroller is hereby authorized and directed to draw warrants on the state treasury for any and all amounts due state employees under the provisions of this chapter ~~upon there being filed in his office, either a memorandum of settlement approved by the industrial commissioner or of an award made by a board of arbitration, for which no review is pending, or an order of the industrial commissioner from which judicial review has not been sought, or a judgment of any court of the state accompanied by a certificate of the industrial commissioner setting forth the amount of compensation due and the statutory provisions under which the same should be paid.~~

Sec. 5. Section eighty-five point sixty (85.60), Code 1975, is repealed.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1304, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved May 28, 1976

ROBERT D. RAY
Governor