

Sen. L. L. ... 5/3 ... 5/5

APR 21 1978

HOUSE FILE 2435

SIFTING COMMITTEE

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Passed House, Date 5-1-78 (p. 260) Passed Senate, Date 5-10-78 (p. 180)  
Vote: Ayes 87 Nays 2 Vote: Ayes 57 Nays 0  
Approved 6-2-78

### A BILL FOR

1 An Act relating to providing additional funding for the  
2 second injury fund under workers' compensation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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2435

1 Section 1. Section eighty-five point sixty-five (85.65),  
2 Code 1977, is amended to read as follows:

3 85.65 PAYMENTS TO SECOND INJURY FUND. The employer, or,  
4 if insured, his or her insurance carrier in each case of  
5 compensable injury causing death shall pay to the treasurer  
6 of state for the second injury fund the sum of one ~~hundred~~  
7 thousand dollars, said payment to be made at the time  
8 compensation payments are begun, or at the time the burial  
9 expenses are paid in a case where there are no dependents;  
10 provided, however, that such payments shall be required only  
11 in cases of injury resulting in death coming within the purview  
12 of this chapter and occurring after July ~~47-1945~~ 1, 1978.

13 These payments shall be in addition to any payments of  
14 compensation to injured employees or their dependents, or  
15 of burial expenses as provided in this chapter.

16 Sec. 2. Section eighty-five point sixty-six (85.66),  
17 unnumbered paragraph one (1), Code 1977, is amended to read  
18 as follows:

19 When the total amount of such payments provided for in  
20 the preceding section, together with accumulated interest  
21 thereon and earnings, equals or exceeds ~~fifty~~ one hundred  
22 thousand dollars no further contributions to said fund shall  
23 be required; but whenever, thereafter, the amount of such  
24 sum shall be reduced below ~~thirty~~ fifty thousand dollars by  
25 reason of payments made to employees pursuant to the provisions  
26 of this division, the said contributions shall be resumed  
27 forthwith and shall continue until such sum, together with  
28 accumulated interest and earnings, shall again amount to ~~fifty~~  
29 one hundred thousand dollars. The industrial commissioner  
30 shall promulgate rules for the maintenance of the second  
31 injury fund and the making of contributions thereto, and shall  
32 determine when the contributions shall be made to said fund  
33 and when they shall be suspended; and he or she is hereby  
34 empowered and authorized to enforce said rules and the  
35 collection of said contributions.

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EXPLANATION

This bill provides that contributions to the second injury fund be increased from one hundred dollars for each death case to one thousand dollars for each death case. It also establishes a ceiling of one hundred thousand dollars instead of fifty thousand dollars, and a floor of fifty thousand dollars instead of thirty thousand dollars.

HOUSE FILE 2435

AN ACT

RELATING TO PROVIDING ADDITIONAL FUNDING FOR THE SECOND INJURY FUND UNDER WORKERS' COMPENSATION.

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

Section 1. Section eighty-five point sixty-five (85.65), Code 1977, is amended to read as follows:

85.65 PAYMENTS TO SECOND INJURY FUND. The employer, or, if insured, his or her insurance carrier in each case of compensable injury causing death shall pay to the treasurer of state for the second injury fund the sum of one hundred thousand dollars, said payment to be made at the time compensation payments are begun, or at the time the burial expenses are paid in a case where there are no dependents; provided, however, that such payments shall be required only in cases of injury resulting in death coming within the purview of this chapter and occurring after July 4-1945 1, 1978. These payments shall be in addition to any payments of compensation to injured employees or their dependents, or of burial expenses as provided in this chapter.

Sec. 2. Section eighty-five point sixty-six (85.66), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

When the total amount of such payments provided for in the preceding section, together with accumulated interest thereon and earnings, equals or exceeds fifty one hundred thousand dollars no further contributions to said fund shall be required; but whenever, thereafter, the amount of such sum shall be reduced below thirty fifty thousand dollars by reason of payments made to employees pursuant to the provisions of this division, the said contributions shall be resumed forthwith and shall continue until such sum, together with

accumulated interest and earnings, shall again amount to fifty one hundred thousand dollars. The industrial commissioner shall promulgate rules for the maintenance of the second injury fund and the making of contributions thereto, and shall determine when the contributions shall be made to said fund and when they shall be suspended; and he or she is hereby empowered and authorized to enforce said rules and the collection of said contributions.

DALE H. COCHRAN  
Speaker of the House

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2435, Sixty-seventh General Assembly.

DAVID L. WRAY  
Chief Clerk of the House

Approved  1978

ROBERT D. RAY  
Governor