

Adopted 3/25/85

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson, Schnekloth and Tabor.

*House Committee Bill 318 (f. 744)
Amend (335) s. 30. Pass 3/19 (f. 210)*

HOUSE FILE 130

BY ROSENBERG

Passed House, Date 3-25-85 (f. 1025) Passed Senate, Date _____

Vote: Ayes 22 Nays 5 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

- 1 An Act relating to community service by providing that the
- 2 state assumes liability for injuries to persons perform-
- 3 ing unpaid community service.

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

HOUSE FILE 130

H-3351

- 1 Amend House File 130 as follows:
- 2 1. Page 1, line 5, by striking the word and
- 3 figure "section 907.13" and inserting the following:
- 4 "section sections 907.13 and 910.2".
- 5 2. Page 1, line 11, by inserting after the word
- 6 "or" the following: "is permanently or temporarily
- 7 incapacitated".
- 8 3. Page 1, line 12, by striking the word and
- 9 figure "section 907.13" and inserting the following:
- 10 "sections 907.13 and 910.2".
- 11 4. Page 1, line 27, by striking the word and
- 12 figure "section 907.13" and inserting the following:
- 13 "sections 907.13 and 910.2".

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

H-3351 FILED MARCH 14, 1985

Adopted 3/25 (f. 1025)

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1 Section 1. Section 85.59, unnumbered paragraphs 2, 3, and
2 4, Code 1985, are amended to read as follows:

3 For purposes of this section, ~~the term~~ "inmate" ~~excludes~~
4 includes a person who is performing unpaid community service
5 under section 907.13 or a work assignment of value to the
6 state or to the public under chapter 232.

7 If an inmate is permanently incapacitated by injury in the
8 performance of the inmate's work in connection with the
9 maintenance of the institution or in an industry maintained
10 therein ~~or~~, while on detail to perform services on a public
11 works project, or in connection with the performance of unpaid
12 community service under section 907.13 or a work assignment of
13 value to the state or to the public under chapter 232, that
14 inmate shall be awarded only ~~such the~~ benefits ~~as are~~ provided
15 in section 85.27 and section 85.34, subsections 2 and 3. The
16 weekly rate for such permanent disability ~~shall be~~ is equal to
17 sixty-six and two-thirds percent of the state average weekly
18 wage paid employees as determined by the Iowa department of
19 job service under ~~the provisions of~~ section 96.3 and in effect
20 at the time of the injury.

21 Weekly compensation benefits under this section may be
22 determined prior to the inmate's release from the institution,
23 but payment of benefits to an inmate shall commence as of the
24 time of the inmate's release from the institution either upon
25 parole or final discharge. However, if the inmate is awarded
26 benefits for an injury incurred in connection with the
27 performance of unpaid community service under section 907.13
28 or a work assignment of value to the state or to the public
29 under chapter 232, weekly compensation benefits under this
30 section shall be determined and paid as in other worker's
31 compensation cases.

32 Sec. 2. Section 232.13, Code 1985, is amended by adding
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. The state of Iowa is exclusively
35 liable for and shall pay any compensation becoming due a

1 person under section 85.59.

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EXPLANATION

This bill includes persons performing unpaid community service within the meaning of "inmate", thereby extending workers' compensation coverage to these persons in order to encourage the use of community service sentencing. Section 2 cross-references chapter 232 to the provisions of section 85.59 providing benefits for juveniles performing work assignments.

HOUSE FILE 130
FISCAL NOTE
REVISED

REQUESTED BY REPRESENTATIVE ROSENBERG

In compliance with a written request received January 17, 1985, a fiscal note for HOUSE FILE 130 - REVISED is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 130 includes persons performing unpaid community service within the meaning of inmate, thereby extending workers' compensation coverage to these persons. Section 2 extends these benefits to juveniles performing work assignments.

There is an inadequate claims history to estimate the fiscal effect of this bill. During the last five years six injuries to persons performing unpaid community service have been reported; all of whom have been covered by workers' compensation coverage. Source: Department of Corrections (LSB 1417H.2, JMN)
FILED FEBRUARY 20, 1985 BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 130

BY ROSENBERG

(Amended and Passed by the House March 25, 1985)

Passed House, Date 3-25-85 (p.1025) Passed Senate, Date 4-16-85 (p.1394)

Vote: Ayes 88 Nays 5 Vote: Ayes 42 Nays 1

Approved May 23, 1985

A BILL FOR

1 An Act relating to community service by providing that the
2 state assumes liability for injuries to persons perform-
3 ing unpaid community service.

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

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House Amendments _____

1 Section 1. Section 85.59, unnumbered paragraphs 2, 3, and
2 4, Code 1985, are amended to read as follows:

3 For purposes of this section, the term "inmate" ~~excludes~~
4 includes a person who is performing unpaid community service
5 under section sections 907.13 and 910.2 or a work assignment
6 of value to the state or to the public under chapter 232.

7 If an inmate is permanently incapacitated by injury in the
8 performance of the inmate's work in connection with the
9 maintenance of the institution or in an industry maintained
10 therein or, while on detail to perform services on a public
11 works project, or is permanently or temporarily incapacitated
12 in connection with the performance of unpaid community service
13 under sections 907.13 and 910.2 or a work assignment of value
14 to the state or to the public under chapter 232, that inmate
15 shall be awarded only ~~such the~~ benefits as are provided in
16 section 85.27 and section 85.34, subsections 2 and 3. The
17 weekly rate for such permanent disability ~~shall be~~ is equal to
18 sixty-six and two-thirds percent of the state average weekly
19 wage paid employees as determined by the Iowa department of
20 job service under ~~the provisions of~~ section 96.3 and in effect
21 at the time of the injury.

22 Weekly compensation benefits under this section may be
23 determined prior to the inmate's release from the institution,
24 but payment of benefits to an inmate shall commence as of the
25 time of the inmate's release from the institution either upon
26 parole or final discharge. However, if the inmate is awarded
27 benefits for an injury incurred in connection with the
28 performance of unpaid community service under sections 907.13
29 and 910.2 or a work assignment of value to the state or to the
30 public under chapter 232, weekly compensation benefits under
31 this section shall be determined and paid as in other worker's
32 compensation cases.

33 Sec. 2. Section 232.13, Code 1985, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The state of Iowa is exclusively

1 liable for and shall pay any compensation becoming due a
2 person under section 85.59.

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HOUSE FILE 130

AN ACT

RELATING TO COMMUNITY SERVICE BY PROVIDING THAT THE STATE ASSUMES LIABILITY FOR INJURIES TO PERSONS PERFORMING UNPAID COMMUNITY SERVICE.

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

Section 1. Section 85.59, unnumbered paragraphs 2, 3, and 4, Code 1985, are amended to read as follows:

For purposes of this section, the term "inmate" excludes includes a person who is performing unpaid community service under section sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232.

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution or in an industry maintained therein or, while on detail to perform services on a public works project, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only such the benefits as are provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability ~~shall be~~ is equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the Iowa department of job service under the provisions of section 96.3 and in effect at the time of the injury.

Weekly compensation benefits under this section may be determined prior to the inmate's release from the institution, but payment of benefits to an inmate shall commence as of the time of the inmate's release from the institution either upon parole or final discharge. However, if the inmate is awarded

benefits for an injury incurred in connection with the performance of unpaid community service under sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232, weekly compensation benefits under this section shall be determined and paid as in other worker's compensation cases.

Sec. 2. Section 232.13, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The state of Iowa is exclusively liable for and shall pay any compensation becoming due a person under section 85.59.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 130, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 23, 1985

TERRY E. BRANSTAD
Governor