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FILED FEB 28 1996

SENATE FILE 2350

BY COMMITTEE ON BUSINESS AND  
LABOR RELATIONS

(SUCCESSOR TO SF 196)

Passed Senate, Date <sup>(P. 907)</sup> 3/20/96 Passed House, Date \_\_\_\_\_  
 Vote: Ayes 49 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act concerning eligibility for unemployment compensation  
 2 benefits by providing that an individual is not disqualified  
 3 for benefits for participating in a self-employment assistance  
 4 program.

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

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S.F. 2350

1 Section 1. Section 96.4, subsection 6, paragraph b,  
2 unnumbered paragraph 1, Code 1995, is amended to read as  
3 follows:

4 An otherwise eligible individual shall not be denied  
5 benefits for a week because the individual is in training  
6 approved under 19 U.S.C. ~~sec.~~ § 2296(a), as amended by section  
7 2506 of the federal Omnibus Budget Reconciliation Act of 1981,  
8 or training authorized under section 3306(t) of the Internal  
9 Revenue Code as defined in section 422.3, because the  
10 individual leaves work which is not suitable employment to  
11 enter the approved training, or because of the application of  
12 subsection 3 of this section or section 96.5, subsection 3, or  
13 a federal unemployment insurance law administered by the  
14 division of job service relating to availability for work,  
15 active search for work, or refusal to accept work.

16 Sec. 2. Section 96.4, subsection 7, Code 1995, is amended  
17 to read as follows:

18 7. The individual participates in reemployment or self-  
19 employment services as directed by the division pursuant to a  
20 profiling system, established by the division, which  
21 identifies individuals who are likely to exhaust benefits and  
22 be in need of reemployment or self-employment services.

23 EXPLANATION

24 This bill provides that an individual otherwise eligible  
25 for unemployment benefits shall not be disqualified for  
26 benefits if the individual participates in a self-employment  
27 assistance program as authorized by federal law.

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## SENATE FILE 2350

REVISED

FISCAL NOTE REQ. BY SENATOR DVORSKY

A fiscal note for S-5338 to Senate File 2350 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate Amendment S-5338 amends SF 2350 by authorizing a Self-Employment Assistance Program and limits the potential users of the Program. The Amendment limits the maximum amount an individual receiving unemployment compensation benefits to the total wage credits accrued in the individuals account or 20 times the individuals weekly benefit amount, whichever is less.

ASSUMPTIONS

1. The Amendment limits the number of participants to 5.0% of the total number of individuals receiving benefits at the time.
2. Based on experience from other states with similar programs the actual participation rate is likely to be between 2.0% - 4.0%.
3. As this Program restricts participants to a maximum of 20 weeks of benefits, participation rates are likely to be closer to 1.0% - 2.0%.
4. The number of individuals that could have qualified in 1994 is 12,951.
5. The number of likely participants would be 130 - 260.
6. The average actual duration of benefits for individuals that could have participated in the Program in 1994 was 18.4 weeks.
7. The average increased cost per participant to receive benefits for 20 weeks would have been \$340.40.

FISCAL EFFECT

If the Program had been in effect during 1994, the maximum impact to the Unemployment Compensation Trust Fund would have been between \$44,252 and \$88,504.

NOTE: If the average number of weeks to complete the Self-Employment Assistance Program was less than 18.4 weeks the result would be some savings to the Fund.  
(LSB 1393sv.3, DPW)

FILED MARCH 14, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2350  
FISCAL NOTE**

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A fiscal note for S-5338 to Senate File 2350 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate Amendment S-5338 amends SF 2350 by authorizing a Self-Employment Assistance Program and limits the potential users of the Program. The Amendment limits the maximum amount an individual receiving unemployment compensation benefits to the total wage credits accrued in the individuals account or 20 times the individuals weekly benefit amount, whichever is less.

**ASSUMPTIONS**

1. The Amendment limits the number of participants to 5.0% of the total number of individuals receiving benefits at the time.
2. Based on experience from other states with similar programs the actual participation rate is likely to be between 2.0% - 4.0%.
3. As this Program restricts participants to a maximum of 20 weeks of benefits, participation rates are likely to be closer to 1.0% - 2.0%.
4. The number of individuals that could have qualified in 1994 is 12,951.
5. The number of likely participants would be 130 - 260.
6. The average actual duration of benefits for individuals that could have participated in the Program in 1994 was 18.4 weeks.
7. The average increased cost per participant to receive benefits for 20 weeks would have been \$340.40.

**FISCAL EFFECT**

If the Program had been in effect during 1994, the maximum impact to the Unemployment Compensation Trust Fund would have been between \$44,252 and \$88,504.

(LSB 1393sv.2, DPW)

FILED MARCH 14, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2350  
FISCAL NOTE**

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A fiscal note for Senate File 2350 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2350 provides that an individual otherwise eligible for unemployment benefits shall not be disqualified for benefits if the individual participates in a self-employment assistance program as authorized by federal law.

1. The individual must be eligible to receive regular unemployment benefits.
2. The individual must be identified as likely to exhaust regular benefits.
3. The individual must file an application for the Program within 60 days after filing for regular benefits.
4. The individual must be eligible for at least 18 additional weeks of benefits at the time of application for the Program.
5. The individual must have been accepted into and be participating full-time in self-employment assistance activities approved by the Labor Commissioner.
6. The individual must file a weekly claim for benefits and provide any information the Commissioner prescribes.
7. The normal requirements to collect unemployment benefits are waived.

**ASSUMPTIONS**

1. The ten-year average number of first payments is  $92,000 \times 5.0\% = 4,600$  potential participants.
2. Individuals in this group would draw regular benefits equal to the 1993 experience of benefit payments.
3. Based on the experience of pilot projects in the states of Washington and Massachusetts, the level of actual participation in the Program is estimated to be 400 to 800 individuals.
4. The average actual duration of benefit payments in 1993 was 20.6 weeks, resulting in average actual benefit costs of \$4,015.
5. The average potential duration is 27.8 weeks, resulting in a average potential benefit cost \$5,446.
6. The additional cost for a Program participant would be \$1,431.

**FISCAL EFFECT**

Based on the experiences of the states of Washington and Massachusetts, the estimated number of individuals who would participate in the Program each year would cost the Unemployment Trust Fund an estimated \$600,000 to \$1.2 million. The maximum cost to the Trust Fund would be an estimated \$6.6 million if 5.0% of all claimants participated.

NOTE: The bill makes no provision for the Department of Employment Services to operate a Self-Employment Assistance Project. The Department estimates that

-2-

the cost to the General Fund to operate such a program would be an estimated \$600,000 to \$1.0 million annually. This would provide 4.5 FTE positions at a cost of \$200,000. Training costs per participant would be \$1,000 for a total estimated training cost of \$400,000 to \$800,000 annually.

(LSB 1393SV, DPW)

FILED MARCH 5, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2350

S-5338

1 Amend Senate File 2350 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 96.3A SELF-EMPLOYMENT  
5 ASSISTANCE PROGRAM.

6 1. DEFINITIONS. As used in this section, unless  
7 the context otherwise requires:

8 a. "Self-employment assistance activities" means  
9 activities approved by the commissioner in which an  
10 individual participates for the purpose of  
11 establishing a business and becoming self-employed.  
12 "Self-employment assistance activities" includes, but  
13 is not limited to, entrepreneurial training, business  
14 counseling, and technical assistance.

15 b. "Self-employment assistance allowance" means an  
16 allowance payable, in lieu of regular benefits, from  
17 the unemployment compensation fund established in  
18 section 96.9 to an individual who meets the  
19 requirements of this section.

20 2. AMOUNT OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCE.  
21 The weekly allowance payable under this section to an  
22 individual shall be equal to the weekly benefit amount  
23 for regular benefits otherwise payable pursuant to  
24 section 96.3. The maximum total amount of regular  
25 benefits and self-employment assistance allowances  
26 payable to an eligible individual during a benefit  
27 year shall, notwithstanding the maximum benefits as  
28 established by section 96.3, subsection 5, not exceed  
29 the lesser of the total of the wage credits accrued in  
30 the individual's account during the base period or  
31 twenty times the individual's weekly benefit amount.

32 3. ELIGIBILITY. The following eligibility  
33 requirements apply to the payment of a self-employment  
34 assistance allowance under this section.

35 a. An individual may receive a self-employment  
36 assistance allowance if the following requirements are  
37 met:

38 (1) The individual is eligible to receive regular  
39 benefits or would be eligible to receive regular  
40 benefits except for the requirements described in  
41 paragraph "b".

42 (2) The individual is identified by a worker  
43 profiling system as an individual likely to exhaust  
44 regular benefits.

45 (3) The individual has filed an application for  
46 participation in the self-employment assistance  
47 program within sixty days of filing an initial  
48 application for regular benefits and has provided the  
49 information the commissioner may prescribe.

50 (4) The individual is still eligible for, at the

S-5338

-1-

S-5338

Page 2

1 time the application is filed, regular benefits equal  
2 to at least eighteen times the individual's weekly  
3 benefits amount and at least eighteen weeks remain in  
4 the individual's benefit year.

5 (5) The individual has been accepted into and is  
6 participating full-time in self-employment assistance  
7 activities.

8 (6) The individual has filed a weekly claim for  
9 the self-employment assistance allowance and provides  
10 the information the commissioner prescribes, including  
11 a log of self-employment activities.

12 (7) The individual has not previously participated  
13 in a self-employment assistance program.

14 (8) The individual seeks to become self-employed  
15 through participation in the self-employment  
16 assistance program and receipt of the self-employment  
17 assistance allowance under this section in an  
18 occupation or business for which the commission has  
19 determined there is a demand in the market.

20 (9) The individual seeks to become self-employed  
21 through participation in the self-employment  
22 assistance program and receipt of the self-employment  
23 assistance allowance under this section in an  
24 occupation or business that does not compete with any  
25 business or service offered to the public by either  
26 the employer who most recently employed the individual  
27 prior to the individual filing the application for  
28 participation in the self-employment assistance  
29 program or any employer from whom the individual  
30 received wage credits in the individual's base period.

31 b. A self-employment assistance allowance is  
32 payable to an individual at the same interval, on the  
33 same terms, and subject to the same conditions as  
34 regular benefits except for the following:

35 (1) The requirements of this chapter relating to  
36 availability for work and active search for work are  
37 not applicable to the individual.

38 (2) The requirements of this chapter relating to  
39 refusal to accept work are not applicable to the  
40 individual.

41 (3) The requirements of this chapter relating to  
42 self-employment income are not applicable to the  
43 individual.

44 (4) An individual who meets the requirements of  
45 this section shall be considered to be totally  
46 unemployed.

47 (5) An individual who fails to participate in  
48 self-employment assistance activities or who fails to  
49 actively engage on a full-time basis in activities,  
50 which may include training, related to establishing a

S-5338

-2-

S-5338

Page 3

1 business and becoming self-employed shall be  
2 disqualified for the week the failure occurs. If an  
3 individual is disqualified under this subparagraph for  
4 two consecutive weeks or for any three weeks while  
5 participating in the self-employment assistance  
6 program, the individual shall be removed from the  
7 program and disqualified from receiving any benefits  
8 under this chapter until the individual has  
9 requalified as provided in this section.

10 c. An individual who has received a self-  
11 employment assistance allowance under this section  
12 shall be disqualified for benefits under this chapter  
13 once the individual has left or been removed from the  
14 self-employment assistance program, including the  
15 situation when an individual has left the program upon  
16 receiving the maximum total of payments under  
17 subsection 2, until the individual has worked in and  
18 been paid wages for insured work equal to ten times  
19 the individual's weekly benefit amount after having  
20 left or been removed from the program, and provided  
21 the individual is otherwise eligible.

22 4. LIMITATION ON NUMBER OF INDIVIDUALS RECEIVING A  
23 SELF-EMPLOYMENT ASSISTANCE ALLOWANCE. The number of  
24 individuals receiving a self-employment assistance  
25 allowance at any time shall not exceed five per cent  
26 of the number of individuals receiving regular  
27 benefits at that time.

28 5. FINANCING. Self-employment assistance  
29 allowances paid pursuant to this section shall be  
30 charged to employers as provided under section 96.7  
31 relating to the charging of regular benefits.

32 6. EFFECTIVE DATE AND TERMINATION DATE. This  
33 section is effective for the weeks beginning on or  
34 after the effective date of this Act or beginning on  
35 or after the date any plan providing for a self-  
36 employment assistance program required by the United  
37 States department of labor is approved, whichever date  
38 is later. This section is void as of the end of the  
39 week preceding the date when federal law no longer  
40 authorizes the provision of a self-employment  
41 assistance program, unless the date is a Saturday, in  
42 which case this section is void as of that date, or  
43 July 1, 1998, whichever occurs first.

44 Sec. 2. Section 96.6, subsection 2, Code  
45 Supplement 1995, is amended to read as follows:

46 2. INITIAL DETERMINATION. A representative  
47 designated by the commissioner shall promptly notify  
48 all interested parties, including all employers  
49 identified in section 96.3A, subsection 3, paragraph  
50 "a", subparagraph (9), to the claim of its filing, and

S-5338

-3-

S-5338

Page 4

1 the parties have ten days from the date of mailing the  
2 notice of the filing of the claim by ordinary mail to  
3 the last known address to protest payment of benefits  
4 to the claimant. The representative shall promptly  
5 examine the claim and any protest, take the initiative  
6 to ascertain relevant information concerning the  
7 claim, and, on the basis of the facts found by the  
8 representative, shall determine whether or not the  
9 claim is valid, the week with respect to which  
10 benefits shall commence, the weekly benefit amount  
11 payable and its maximum duration, and whether any  
12 disqualification shall be imposed. The claimant has  
13 the burden of proving that the claimant meets the  
14 basic eligibility conditions of section 96.3A or 96.4.  
15 The employer has the burden of proving that the  
16 claimant is disqualified for benefits pursuant to  
17 section 96.5. However, the claimant has the initial  
18 burden to produce evidence showing that the claimant  
19 is not disqualified for benefits in cases involving  
20 section 96.5, subsection 1, paragraphs "a" through  
21 "h", and subsection 10. Unless the claimant or other  
22 interested party, after notification or within ten  
23 calendar days after notification was mailed to the  
24 claimant's last known address, files an appeal from  
25 the decision, the decision is final and benefits shall  
26 be paid or denied in accordance with the decision. If  
27 an administrative law judge affirms a decision of the  
28 representative, or the appeal board affirms a decision  
29 of the administrative law judge allowing benefits, the  
30 benefits shall be paid regardless of any appeal which  
31 is thereafter taken, but if the decision is finally  
32 reversed, no employer's account shall be charged with  
33 benefits so paid and this relief from charges shall  
34 apply to both contributory and reimbursable employers,  
35 notwithstanding section 96.8, subsection 5."  
36 2. Title page, by striking lines 1 through 4 and  
37 inserting the following: "An Act establishing a self-  
38 employment assistance program and providing an  
39 effective date and a termination date."

By ROBERT DVORSKY

S-5338 FILED MARCH 13, 1996

*Adopted*  
*3/20/96*

*(p.907)*

H. 3/21/96 Labor *Ind.*  
*Rel.*

SENATE FILE 2350  
BY COMMITTEE ON BUSINESS AND  
LABOR RELATIONS

(SUCCESSOR TO SF 196)  
(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 1996)  
ALL New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing a self-employment assistance program and  
2 providing an effective date and a termination date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2350

1 Section 1. NEW SECTION. 96.3A SELF-EMPLOYMENT ASSISTANCE  
2 PROGRAM.

3 1. DEFINITIONS. As used in this section, unless the  
4 context otherwise requires:

5 a. "Self-employment assistance activities" means  
6 activities approved by the commissioner in which an individual  
7 participates for the purpose of establishing a business and  
8 becoming self-employed. "Self-employment assistance  
9 activities" includes, but is not limited to, entrepreneurial  
10 training, business counseling, and technical assistance.

11 b. "Self-employment assistance allowance" means an  
12 allowance payable, in lieu of regular benefits, from the  
13 unemployment compensation fund established in section 96.9 to  
14 an individual who meets the requirements of this section.

15 2. AMOUNT OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCE. The  
16 weekly allowance payable under this section to an individual  
17 shall be equal to the weekly benefit amount for regular  
18 benefits otherwise payable pursuant to section 96.3. The  
19 maximum total amount of regular benefits and self-employment  
20 assistance allowances payable to an eligible individual during  
21 a benefit year shall, notwithstanding the maximum benefits as  
22 established by section 96.3, subsection 5, not exceed the  
23 lesser of the total of the wage credits accrued in the  
24 individual's account during the base period or twenty times  
25 the individual's weekly benefit amount.

26 3. ELIGIBILITY. The following eligibility requirements  
27 apply to the payment of a self-employment assistance allowance  
28 under this section.

29 a. An individual may receive a self-employment assistance  
30 allowance if the following requirements are met:

31 (1) The individual is eligible to receive regular benefits  
32 or would be eligible to receive regular benefits except for  
33 the requirements described in paragraph "b".

34 (2) The individual is identified by a worker profiling  
35 system as an individual likely to exhaust regular benefits.

1 (3) The individual has filed an application for  
2 participation in the self-employment assistance program within  
3 sixty days of filing an initial application for regular  
4 benefits and has provided the information the commissioner may  
5 prescribe.

6 (4) The individual is still eligible for, at the time the  
7 application is filed, regular benefits equal to at least  
8 eighteen times the individual's weekly benefits amount and at  
9 least eighteen weeks remain in the individual's benefit year.

10 (5) The individual has been accepted into and is  
11 participating full-time in self-employment assistance  
12 activities.

13 (6) The individual has filed a weekly claim for the self-  
14 employment assistance allowance and provides the information  
15 the commissioner prescribes, including a log of self-  
16 employment activities.

17 (7) The individual has not previously participated in a  
18 self-employment assistance program.

19 (8) The individual seeks to become self-employed through  
20 participation in the self-employment assistance program and  
21 receipt of the self-employment assistance allowance under this  
22 section in an occupation or business for which the commission  
23 has determined there is a demand in the market.

24 (9) The individual seeks to become self-employed through  
25 participation in the self-employment assistance program and  
26 receipt of the self-employment assistance allowance under this  
27 section in an occupation or business that does not compete  
28 with any business or service offered to the public by either  
29 the employer who most recently employed the individual prior  
30 to the individual filing the application for participation in  
31 the self-employment assistance program or any employer from  
32 whom the individual received wage credits in the individual's  
33 base period.

34 b. A self-employment assistance allowance is payable to an  
35 individual at the same interval, on the same terms, and

1 subject to the same conditions as regular benefits except for  
2 the following:

3 (1) The requirements of this chapter relating to  
4 availability for work and active search for work are not  
5 applicable to the individual.

6 (2) The requirements of this chapter relating to refusal  
7 to accept work are not applicable to the individual.

8 (3) The requirements of this chapter relating to self-  
9 employment income are not applicable to the individual.

10 (4) An individual who meets the requirements of this  
11 section shall be considered to be totally unemployed.

12 (5) An individual who fails to participate in self-  
13 employment assistance activities or who fails to actively  
14 engage on a full-time basis in activities, which may include  
15 training, related to establishing a business and becoming  
16 self-employed shall be disqualified for the week the failure  
17 occurs. If an individual is disqualified under this  
18 subparagraph for two consecutive weeks or for any three weeks  
19 while participating in the self-employment assistance program,  
20 the individual shall be removed from the program and  
21 disqualified from receiving any benefits under this chapter  
22 until the individual has requalified as provided in this  
23 section.

24 c. An individual who has received a self-employment  
25 assistance allowance under this section shall be disqualified  
26 for benefits under this chapter once the individual has left  
27 or been removed from the self-employment assistance program,  
28 including the situation when an individual has left the  
29 program upon receiving the maximum total of payments under  
30 subsection 2, until the individual has worked in and been paid  
31 wages for insured work equal to ten times the individual's  
32 weekly benefit amount after having left or been removed from  
33 the program, and provided the individual is otherwise  
34 eligible.

35 4. LIMITATION ON NUMBER OF INDIVIDUALS RECEIVING A SELF-

1 EMPLOYMENT ASSISTANCE ALLOWANCE. The number of individuals  
2 receiving a self-employment assistance allowance at any time  
3 shall not exceed five per cent of the number of individuals  
4 receiving regular benefits at that time.

5 5. FINANCING. Self-employment assistance allowances paid  
6 pursuant to this section shall be charged to employers as  
7 provided under section 96.7 relating to the charging of  
8 regular benefits.

9 6. EFFECTIVE DATE AND TERMINATION DATE. This section is  
10 effective for the weeks beginning on or after the effective  
11 date of this Act or beginning on or after the date any plan  
12 providing for a self-employment assistance program required by  
13 the United States department of labor is approved, whichever  
14 date is later. This section is void as of the end of the week  
15 preceding the date when federal law no longer authorizes the  
16 provision of a self-employment assistance program, unless the  
17 date is a Saturday, in which case this section is void as of  
18 that date, or July 1, 1998, whichever occurs first.

19 Sec. 2. Section 96.6, subsection 2, Code Supplement 1995,  
20 is amended to read as follows:

21 2. INITIAL DETERMINATION. A representative designated by  
22 the commissioner shall promptly notify all interested parties,  
23 including all employers identified in section 96.3A,  
24 subsection 3, paragraph "a", subparagraph (9), to the claim of  
25 its filing, and the parties have ten days from the date of  
26 mailing the notice of the filing of the claim by ordinary mail  
27 to the last known address to protest payment of benefits to  
28 the claimant. The representative shall promptly examine the  
29 claim and any protest, take the initiative to ascertain  
30 relevant information concerning the claim, and, on the basis  
31 of the facts found by the representative, shall determine  
32 whether or not the claim is valid, the week with respect to  
33 which benefits shall commence, the weekly benefit amount  
34 payable and its maximum duration, and whether any  
35 disqualification shall be imposed. The claimant has the

1 burden of proving that the claimant meets the basic  
2 eligibility conditions of section 96.3A or 96.4. The employer  
3 has the burden of proving that the claimant is disqualified  
4 for benefits pursuant to section 96.5. However, the claimant  
5 has the initial burden to produce evidence showing that the  
6 claimant is not disqualified for benefits in cases involving  
7 section 96.5, subsection 1, paragraphs "a" through "h", and  
8 subsection 10. Unless the claimant or other interested party,  
9 after notification or within ten calendar days after  
10 notification was mailed to the claimant's last known address,  
11 files an appeal from the decision, the decision is final and  
12 benefits shall be paid or denied in accordance with the  
13 decision. If an administrative law judge affirms a decision  
14 of the representative, or the appeal board affirms a decision  
15 of the administrative law judge allowing benefits, the  
16 benefits shall be paid regardless of any appeal which is  
17 thereafter taken, but if the decision is finally reversed, no  
18 employer's account shall be charged with benefits so paid and  
19 this relief from charges shall apply to both contributory and  
20 reimbursable employers, notwithstanding section 96.8,  
21 subsection 5.

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