

*Reprinted*

FILED MAR 8 1995

SENATE FILE **286**  
BY COMMITTEE ON BUSINESS AND  
LABOR RELATIONS

(SUCCESSOR TO SSB 127)

*(2727)*  
Passed Senate, Date 3/20/95 Passed House, Date 4/20/95  
Vote: Ayes 47 Nays 3 Vote: Ayes 97 Nays 0  
Approved May 1, 1995

A BILL FOR

1 An Act concerning workers' compensation by providing for the  
2 computing of gross weekly earnings for volunteer ambulance  
3 drivers, emergency medical technician trainees, and seasonal  
4 workers, and relating to judicial review of workers'  
5 compensation contested cases.

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

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SENATE FILE 286

S-3143

1 Amend Senate File 286 as follows:  
2 1. Page 2, by inserting after line 5 the  
3 following:  
4 "Sec. \_\_\_\_ . The state shall not pay any additional  
5 costs incurred by a political subdivision as a result  
6 of this Act."

By O. GENE MADDOX

S-3143 FILED MARCH 20, 1995

ADOPTED

*(2727)*

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S.F. 286

1 Section 1. Section 85.36, subsection 9, Code 1995, is  
2 amended by striking the subsection.

3 Sec. 2. Section 85.36, subsection 10, paragraph a, Code  
4 1995, is amended to read as follows:

5 a. In computing the compensation to be allowed a volunteer  
6 fire fighter, basic or advanced emergency medical care  
7 provider, ~~or~~ reserve peace officer, volunteer ambulance  
8 driver, or emergency medical technician trainee, the earnings  
9 as a fire fighter, basic or advanced emergency medical care  
10 provider, ~~or~~ reserve peace officer, volunteer ambulance  
11 driver, or emergency medical technician trainee shall be  
12 disregarded and the volunteer fire fighter, basic or advanced  
13 emergency medical care provider, ~~or~~ reserve peace officer,  
14 volunteer ambulance driver, or emergency medical technician  
15 trainee shall be paid an amount equal to the compensation the  
16 volunteer fire fighter, basic or advanced emergency medical  
17 care provider, ~~or~~ reserve peace officer, volunteer ambulance  
18 driver, or emergency medical technician trainee would be paid  
19 if injured in the normal course of the volunteer fire  
20 fighter's, basic or advanced emergency medical care  
21 provider's, ~~or~~ reserve peace officer's, volunteer ambulance  
22 driver's, or emergency medical technician trainee's regular  
23 employment or an amount equal to one hundred and forty percent  
24 of the statewide average weekly wage, whichever is greater.

25 Sec. 3. Section 86.26, Code 1995, is amended to read as  
26 follows:

27 86.26 JUDICIAL REVIEW.

28 Judicial review of decisions or orders of the industrial  
29 commissioner may be sought in accordance with chapter 17A.  
30 Notwithstanding chapter 17A, the Iowa Administrative Procedure  
31 Act, petitions for judicial review may be filed in the  
32 district court of the county in which the hearing under  
33 section 86.17 was held and the industrial commissioner shall  
34 transmit to the reviewing court the original or a certified  
35 copy of the entire record of the contested case which is the

1 subject of the petition within thirty days after receiving  
2 written notice from the party filing the petition that a peti-  
3 tion for judicial review has been filed. Such a review  
4 proceeding shall be accorded priority over other matters  
5 pending before the district court.

6 EXPLANATION

7 Section 1 of this bill strikes the provision specifying how  
8 the gross weekly earnings for seasonal occupations are to be  
9 calculated. The earnings for seasonal employees will be  
10 calculated based on the other provisions of section 85.36  
11 concerning weekly earnings.

12 Section 2 provides that the weekly rate of workers' compen-  
13 sation for volunteer ambulance drivers and emergency medical  
14 technician trainees is calculated based on the amount the  
15 individual would be paid if injured during the individual's  
16 regular employment or on an amount equal to 140 percent of the  
17 statewide average weekly wage, whichever is greater.

18 Section 3 requires the industrial commissioner to transmit  
19 the record of a contested case proceeding to the reviewing  
20 court within 30 days of receiving written notice from the  
21 party filing the petition that a petition for judicial review  
22 has been filed.

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6 Sec. 4. The state shall not pay any additional costs  
7 incurred by a political subdivision as a result of this Act.

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(Revised Subcommittee)

SSB-127

Hammond

Dvorsky

Maddox

Business & Labor  
Succeeded By

SF/HF 286  
SENATE FILE

BY (PROPOSED COMMITTEE ON  
BUSINESS AND LABOR  
RELATIONS BILL BY  
CHAIRPERSON DEARDEN)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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SENATE FILE 286

AN ACT

CONCERNING WORKERS' COMPENSATION BY PROVIDING FOR THE COMPUTING OF GROSS WEEKLY EARNINGS FOR VOLUNTEER AMBULANCE DRIVERS, EMERGENCY MEDICAL TECHNICIAN TRAINEES, AND SEASONAL WORKERS, AND RELATING TO JUDICIAL REVIEW OF WORKERS' COMPENSATION CONTESTED CASES.

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

Section 1. Section 85.36, subsection 9, Code 1995, is amended by striking the subsection.

Sec. 2. Section 85.36, subsection 10, paragraph a, Code 1995, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer fire fighter, basic or advanced emergency medical care provider, or reserve peace officer, volunteer ambulance driver, or emergency medical technician trainee, the earnings as a fire fighter, basic or advanced emergency medical care provider, or reserve peace officer, volunteer ambulance driver, or emergency medical technician trainee shall be disregarded and the volunteer fire fighter, basic or advanced emergency medical care provider, or reserve peace officer, volunteer ambulance driver, or emergency medical technician trainee shall be paid an amount equal to the compensation the volunteer fire fighter, basic or advanced emergency medical care provider, or reserve peace officer, volunteer ambulance driver, or emergency medical technician trainee would be paid if injured in the normal course of the volunteer fire fighter's, basic or advanced emergency medical care provider's, or reserve peace officer's, volunteer ambulance driver's, or emergency medical technician trainee's regular employment or an amount equal to one hundred and forty percent of the statewide average weekly wage, whichever is greater.

Sec. 3. Section 86.26, Code 1995, is amended to read as follows:

86.26 JUDICIAL REVIEW.

Judicial review of decisions or orders of the industrial commissioner may be sought in accordance with chapter 17A. Notwithstanding chapter 17A, the Iowa Administrative Procedure Act, petitions for judicial review may be filed in the district court of the county in which the hearing under section 86.17 was held and the industrial commissioner shall transmit to the reviewing court the original or a certified copy of the entire record of the contested case which is the subject of the petition within thirty days after receiving written notice from the party filing the petition that a petition for judicial review has been filed. Such a review proceeding shall be accorded priority over other matters pending before the district court.

Sec. 4. The state shall not pay any additional costs incurred by a political subdivision as a result of this Act.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 286, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved  , 1995

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TERRY E. BRANSTAD  
Governor