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FEB 26 1997

Place On Calendar

HOUSE FILE 370  
BY COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 89)

(p.585)

Passed House, Date 3-13-97 Passed Senate, Date 4-7-97  
Vote: Ayes 99 Nays 0 Vote: Ayes 45 Nays 0  
Approved April 18, 1997

A BILL FOR

1 An Act relating to workers' compensation benefits for  
2 professional athletes and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 370

1 Section 1. Section 85.33, Code 1997, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 6. For purposes of this section and  
4 section 85.34, subsection 1, "employment substantially similar  
5 to the employment in which the employee was engaged at the  
6 time of the injury" includes, for purposes of an individual  
7 who was injured in the course of performing as a professional  
8 athlete, any employment the individual has previously  
9 performed or was reasonably suited to perform at the time of  
10 the injury.

11 Sec. 2. Section 85.34, Code 1997, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 6. PROFESSIONAL ATHLETE. For purposes of  
14 this section, a determination of the degree of permanent  
15 disability of an individual who was injured in the course of  
16 performing as a professional athlete shall not be determined  
17 based upon employment as a professional athlete but shall be  
18 determined based upon other occupations the individual has  
19 previously performed or was reasonably suited to perform at  
20 the time of the injury.

21 Sec. 3. Section 85.36, Code 1997, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 12. In the case of an employee injured in  
24 the course of performing as a professional athlete, the basis  
25 of compensation for weekly earnings shall be one-fiftieth of  
26 total earnings which the employee has earned from all  
27 employment for the previous twelve months prior to the injury.  
28 The earnings of the employee as a professional athlete shall  
29 be computed by using only the base salary of the employee,  
30 exclusive of any incentives, bonuses, and other fringe  
31 benefits.

32 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill provides for workers' compensation benefits for

1 professional athletes injured while performing as a  
2 professional athlete.

3 The bill provides that benefits for a temporary total  
4 disability, a temporary partial disability, and for a healing  
5 period relating to a permanent partial disability shall be  
6 terminated once the injured athlete is able to return to any  
7 employment the athlete previously performed or was reasonably  
8 suited to perform at the time of the injury.

9 The bill provides that the degree of permanent disability  
10 of an individual injured while performing as a professional  
11 athlete shall be determined based on occupations, other than  
12 professional athletics, that the individual had previously  
13 performed or was suited to perform.

14 The bill also provides that in computing the workers'  
15 weekly compensation benefits of an injured professional  
16 athlete, the basis of compensation shall be one-fiftieth of  
17 the total earnings of the athlete over the previous 12 months.  
18 The bill provides, for purposes of the total earnings  
19 computation, that earnings as an athlete shall be limited to  
20 the athlete's base salary and shall not include incentives,  
21 bonuses, or other fringe benefits.

22 This bill takes effect upon enactment.

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HOUSE FILE 370

H-1134

- 1 Amend House File 370 as follows:
- 2 1. Page 1, line 11, by inserting after the figure
- 3 "85.34," the following: "subsection 2, paragraph u,".
- 4 2. Page 1, line 12, by striking the word
- 5 "subsection" and inserting the following: "unnumbered
- 6 paragraph".
- 7 3. Page 1, line 13, by striking the words and
- 8 figure "SUBSECTION. 6. PROFESSIONAL ATHLETE." and
- 9 inserting the following: "UNNUMBERED PARAGRAPH. For
- 10 purposes of".
- 11 4. Page 1, line 14, by striking the word
- 12 "section" and inserting the following: "lettered
- 13 paragraph".

By LAMBERTI of Polk

H-1134 FILED MARCH 4, 1997

WITHDRAWN

3-13-97 (P. 585)

HOUSE FILE 370

H-1139

- 1 Amend House File 370 as follows:
- 2 1. Page 1, line 14, by striking the words "this
- 3 section" and inserting the following: "subsection 2,
- 4 paragraph "u".

By LAMBERTI of Polk

H-1139 FILED MARCH 4, 1997

*Adopted 3-13-97 (P. 585)*

HOUSE FILE 370

H-1157

- 1 Amend House File 370 as follows:
- 2 1. Page 1, by striking lines 9 through 10 and
- 3 inserting the following: "performed."
- 4 2. Page 1, by striking lines 28 through 31.

By LAMBERTI of Polk

H-1157 FILED MARCH 11, 1997

*Adopted 3-13-97 (P. 585)*

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S-3/13/97 *Enrolled*  
S-3/31/97 *D. Pass*

HOUSE FILE **370**  
BY COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 89)

(As Amended and Passed by the House, March 13, 1997)

Passed House, Date \_\_\_\_\_ Passed Senate, Date <sup>(P. 984)</sup> 4-7-97  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 45 Nays 0  
Approved April 18, 1997

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House Amendments \_\_\_\_\_

Deleted Language \*

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Lamberti, Ch  
Bell  
Metcalf

HSB 89

LABOR & INDUSTRIAL RELATIONS

Succeeded By

SF (HF) 370

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
LABOR AND INDUSTRIAL  
RELATIONS BILL BY  
CHAIRPERSON TYRRELL)

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

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HOUSE FILE 370

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AN ACT

RELATING TO WORKERS' COMPENSATION BENEFITS FOR PROFESSIONAL ATHLETES AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 85.33, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For purposes of this section and section 85.34, subsection 1, "employment substantially similar to the employment in which the employee was engaged at the time of the injury" includes, for purposes of an individual who was injured in the course of performing as a professional athlete, any employment the individual has previously performed.

Sec. 2. Section 85.34, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6. PROFESSIONAL ATHLETE. For purposes of subsection 2, paragraph "u", a determination of the degree of permanent disability of an individual who was injured in the course of performing as a professional athlete shall not be determined based upon employment as a professional athlete but shall be determined based upon other occupations the individual has previously performed or was reasonably suited to perform at the time of the injury.

Sec. 3. Section 85.36, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 12. In the case of an employee injured in the course of performing as a professional athlete, the basis of compensation for weekly earnings shall be one-fiftieth of total earnings which the employee has earned from all employment for the previous twelve months prior to the injury.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 370, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved *April 18*, 1997

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TERRY E. BRANSTAD  
Governor