

FILED FEB 4 1997

Substituted for H. R. 118 4-7-97 (p. 1020)

SENATE FILE 109
BY KING

Passed Senate, Date 4-1-97 (P. 887) Passed House, Date 4-7-97 (p. 1022)
Vote: Ayes 44 Nays 0 Vote: Ayes 100 Nays 0

(P. 1188) Approved May 1, 1997
Passed 4-15-97
Vote 45-0

A BILL FOR

1 An Act relating to workers' compensation coverage for employment
2 outside of the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 109

S-3289

- 1 Amend Senate File 109 as follows:
- 2 1. Page 1, by inserting after line 8 the
- 3 following:
- 4 "Sec. ____ . Section 85.71, subsection 2, Code 1997,
- 5 is amended to read as follows:
- 6 2. The employee is working under a contract of
- 7 hire made in this state in employment not principally
- 8 localized in any state and the employee spends a
- 9 substantial part of the employee's working time
- 10 working for the employer in this state, or".
- 11 2. By renumbering as necessary.

By STEVE KING

S-3289 FILED MARCH 31, 1997

DEFERRED
w/D 4-1-97 (P. 887)

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1 Section 1. Section 85.71, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The employment is principally localized in this state,
4 that is, the employee's employer has a place of business in
5 this or some other state and the employee regularly works in
6 this state, or if the employee is domiciled in this state and
7 the employee spends a substantial part of the employee's
8 working time working for the employer in this state, or

9 EXPLANATION

10 This bill provides that an employee who is injured while
11 working outside of this state is entitled to Iowa workers'
12 compensation benefits if the employee is domiciled in this
13 state and spends a substantial part of the employee's working
14 time in this state. Current law allows coverage if the
15 employee is merely domiciled in this state.

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S-3204

1 Amend Senate File 109 as follows:

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

4 "Section 1. Section 85.71, Code 1997, is amended
5 to read as follows:

6 85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.

7 If an employee, while working outside the
8 territorial limits of this state, suffers an injury on
9 account of which the employee, or in the event of
10 death, the employee's dependents, would have been
11 entitled to the benefits provided by this chapter had
12 such injury occurred within this state, such employee,
13 or in the event of death resulting from such injury,
14 the employee's dependents, shall be entitled to the
15 benefits provided by this chapter, provided-that if at
16 the time of such injury any of the following is
17 applicable:

18 1. The employment is principally localized in this
19 state, that is, the employee's employer has a place of
20 business in this or some other state and the employee
21 regularly works in this state, or if the employee's
22 employer has a place of business in this state and the
23 employee is domiciled in this state~~-or-~~.

24 2. The employee is working under a contract of
25 hire made in this state in employment not principally
26 localized in any state~~-or-~~.

27 3. The employee is working under a contract of
28 hire made in this state in employment principally
29 localized in another state, whose workers'
30 compensation law is not applicable to the employee's
31 employer~~-or-~~.

32 4. The employee is working under a contract of
33 hire made in this state for employment outside the
34 United States.

35 Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS
36 MADE OUTSIDE OF STATE -- RESTRICTIONS -- CREDIT.

37 1. An employee, or an employee's dependents, shall
38 not be entitled to benefits under this chapter if the
39 employee or the employee's dependents receives
40 benefits through a settlement, judgment, or award, for
41 the same injury, disability, or death pursuant to the
42 laws of another state or country concerning workers'
43 compensation.

44 2. If an employee, or an employee's dependents,
45 files a claim for benefits pursuant to the laws of
46 another state or country concerning workers'
47 compensation, a claim by an employee, or an employee's
48 dependents, for workers' compensation benefits under
49 this chapter for the same injury, disability, or death
50 shall be stayed, without prejudice, pending resolution

S-3204

S-3204

Page 2

1 of the out-of-state claim for benefits.

2 3. If benefits are paid under this chapter and
3 were previously paid for the same injury, disability,
4 or death pursuant to the laws of another state or
5 country concerning workers' compensation, the employer
6 shall have a credit concerning the benefits paid under
7 this chapter to the extent that benefits were paid in
8 another state or country."

9 2. Title page, line 1, by striking the word
10 "employment" and inserting the following: "injuries
11 that occur and claims made".

By STEVE KING

S-3204 FILED MARCH 24, 1997

Withdrawn
3-31-97 (p.863)

SENATE FILE 109

S-3247

1 Amend the amendment, S-3204, to Senate File 109 as
2 follows:

3 1. Page 1, line 22, by inserting after the word
4 "state" the following: ", is registered to do
5 business in this state, or has employees who work in
6 this state,".

7 2. Page 1, line 39, by striking the word
8 "receives" and inserting the following: "has
9 initiated a contested case or other similar proceeding
10 for".

11 3. Page 1, by striking line 40.

12 4. Page 1, line 43, by inserting after the word
13 "compensation" the following: ", and the employee or
14 the employee's dependents receives benefits following
15 resolution of the proceeding pursuant to a settlement,
16 judgment, or award".

17 5. Page 1, line 45, by striking the words "files
18 a claim" and inserting the following: "initiates a
19 contested case proceeding".

20 6. Page 1, line 47, by striking the word "claim"
21 and inserting the following: "contested case
22 proceeding initiated".

By DICK L. DEARDEN

S-3247 FILED MARCH 26, 1997

O/Order 4-1-97
(p.887)

SENATE FILE 109

H-1554

1 Amend Senate File 109, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 85.71, Code 1997, is amended
6 to read as follows:

7 85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.

8 If an employee, while working outside the
9 territorial limits of this state, suffers an injury on
10 account of which the employee, or in the event of
11 death, the employee's dependents, would have been
12 entitled to the benefits provided by this chapter had
13 such injury occurred within this state, such employee,
14 or in the event of death resulting from such injury,
15 the employee's dependents, shall be entitled to the
16 benefits provided by this chapter, ~~provided that~~ if at
17 the time of such injury any of the following is
18 applicable:

19 1. The employment is principally localized in this
20 state, that is, the employee's employer has a place of
21 business in this or some other state and the employee
22 regularly works in this state, or if the employee's
23 employer has a place of business in this state and the
24 employee is domiciled in this state,~~or.~~

25 2. The employee is working under a contract of
26 hire made in this state in employment not principally
27 localized in any state,~~or~~ and the employee spends a
28 substantial part of the employee's working time
29 working for the employer in this state.

30 3. The employee is working under a contract of
31 hire made in this state in employment principally
32 localized in another state, whose workers'
33 compensation law is not applicable to the employee's
34 employer,~~or.~~

35 4. The employee is working under a contract of
36 hire made in this state for employment outside the
37 United States.

38 Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS
39 MADE OUTSIDE OF STATE -- RESTRICTIONS -- CREDIT.

40 1. An employee, or an employee's dependents, shall
41 not be entitled to benefits under this chapter if the
42 employee or the employee's dependents has initiated a
43 judicial proceeding or a contested case or other
44 similar proceeding for the same injury, disability, or
45 death pursuant to the laws of another state or country
46 concerning workers' compensation, and the employee or
47 the employee's dependents receives benefits following
48 resolution of the proceeding pursuant to a settlement,
49 judgment, or award.

50 2. If an employee, or an employee's dependents,

H-1554

H-1554

Page 2

1 initiates a judicial proceeding or a contested case or
2 other similar proceeding for benefits pursuant to the
3 laws of another state or country concerning workers'
4 compensation, any proceeding initiated by an employee,
5 or an employee's dependents, for workers' compensation
6 benefits under this chapter for the same injury,
7 disability, or death shall be stayed, without
8 prejudice, pending resolution of the out-of-state
9 claim for benefits.

10 3. If benefits are paid under this chapter and
11 were payable, at any time, for the same injury,
12 disability, or death pursuant to the laws of another
13 state or country concerning workers' compensation, the
14 employer shall have a credit toward the benefits
15 payable under this chapter for any benefits paid in
16 another state or country."

17 2. Title page, line 1, by striking the word
18 "employment" and inserting the following: "injuries
19 that occur and claims made".

By SUKUP of Franklin
MURPHY of Dubuque

H-1554 FILED APRIL 3, 1997

Adopted 4-7-97 (p. 1022)

HOUSE AMENDMENT TO
SENATE FILE 109

S-3382

1 Amend Senate File 109, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 85.71, Code 1997, is amended
6 to read as follows:

7 85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.

8 If an employee, while working outside the
9 territorial limits of this state, suffers an injury on
10 account of which the employee, or in the event of
11 death, the employee's dependents, would have been
12 entitled to the benefits provided by this chapter had
13 such injury occurred within this state, such employee,
14 or in the event of death resulting from such injury,
15 the employee's dependents, shall be entitled to the
16 benefits provided by this chapter, ~~provided that~~ if at
17 the time of such injury any of the following is
18 applicable:

19 1. The employment is principally localized in this
20 state, that is, the employee's employer has a place of
21 business in this or some other state and the employee
22 regularly works in this state, or if the employee's
23 employer has a place of business in this state and the
24 employee is domiciled in this state, -or-

25 2. The employee is working under a contract of
26 hire made in this state in employment not principally
27 localized in any state, ~~-or-~~ and the employee spends a
28 substantial part of the employee's working time
29 working for the employer in this state.

30 3. The employee is working under a contract of
31 hire made in this state in employment principally
32 localized in another state, whose workers'
33 compensation law is not applicable to the employee's
34 employer, ~~-or-~~

35 4. The employee is working under a contract of
36 hire made in this state for employment outside the
37 United States.

38 Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS
39 MADE OUTSIDE OF STATE -- RESTRICTIONS -- CREDIT.

40 1. An employee, or an employee's dependents, shall
41 not be entitled to benefits under this chapter if the
42 employee or the employee's dependents has initiated a
43 judicial proceeding or a contested case or other
44 similar proceeding for the same injury, disability, or
45 death pursuant to the laws of another state or country
46 concerning workers' compensation, and the employee or
47 the employee's dependents receives benefits following
48 resolution of the proceeding pursuant to a settlement,
49 judgment, or award.

50 2. If an employee, or an employee's dependents,

S-3382

S-3382

Page 2

1 initiates a judicial proceeding or a contested case or
2 other similar proceeding for benefits pursuant to the
3 laws of another state or country concerning workers'
4 compensation, any proceeding initiated by an employee,
5 or an employee's dependents, for workers' compensation
6 benefits under this chapter for the same injury,
7 disability, or death shall be stayed, without
8 prejudice, pending resolution of the out-of-state
9 claim for benefits.

10 3. If benefits are paid under this chapter and
11 were payable, at any time, for the same injury,
12 disability, or death pursuant to the laws of another
13 state or country concerning workers' compensation, the
14 employer shall have a credit toward the benefits
15 payable under this chapter for any benefits paid in
16 another state or country."

17 2. Title page, line 1, by striking the word
18 "employment" and inserting the following: "injuries
19 that occur and claims made".

RECEIVED FROM THE HOUSE

S-3382 FILED APRIL 7, 1997

Senate Concurred
4/15/97
(P.1188)

SENATE FILE 109

AN ACT

RELATING TO WORKERS' COMPENSATION COVERAGE FOR INJURIES THAT
OCCUR AND CLAIMS MADE OUTSIDE OF THE STATE.

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

Section 1. Section 85.71, Code 1997, is amended to read as follows:

85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.

If an employee, while working outside the territorial limits of this state, suffers an injury on account of which the employee, or in the event of death, the employee's dependents, would have been entitled to the benefits provided by this chapter had such injury occurred within this state, such employee, or in the event of death resulting from such injury, the employee's dependents, shall be entitled to the benefits provided by this chapter, ~~provided that~~ if at the time of such injury any of the following is applicable:

1. The employment is principally localized in this state, that is, the employee's employer has a place of business in this or some other state and the employee regularly works in this state, or if the employee's employer has a place of business in this state and the employee is domiciled in this state-or.

2. The employee is working under a contract of hire made in this state in employment not principally localized in any state-or and the employee spends a substantial part of the employee's working time working for the employer in this state.

3. The employee is working under a contract of hire made in this state in employment principally localized in another state, whose workers' compensation law is not applicable to the employee's employer-or.

4. The employee is working under a contract of hire made in this state for employment outside the United States.

Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE -- RESTRICTIONS -- CREDIT.

1. An employee, or an employee's dependents, shall not be entitled to benefits under this chapter if the employee or the employee's dependents has initiated a judicial proceeding or a contested case or other similar proceeding for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, and the employee or the employee's dependents receives benefits following resolution of the proceeding pursuant to a settlement, judgment, or award.

2. If an employee, or an employee's dependents, initiates a judicial proceeding or a contested case or other similar proceeding for benefits pursuant to the laws of another state or country concerning workers' compensation, any proceeding initiated by an employee, or an employee's dependents, for workers' compensation benefits under this chapter for the same injury, disability, or death shall be stayed, without prejudice, pending resolution of the out-of-state claim for benefits.

3. If benefits are paid under this chapter and were payable, at any time, for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, the employer shall have a