

Senate File 2023 - Introduced

SENATE FILE 2023

BY BOULTON

A BILL FOR

1 An Act relating to preexisting military service-related
2 disabilities covered by the second injury fund and including
3 applicability provisions.

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

1 Section 1. Section 85.64, subsection 1, Code 2022, is
2 amended to read as follows:

3 1. If an employee who has previously lost, or lost the
4 use of, one hand, one arm, one foot, one leg, or one eye, or
5 has suffered any other preexisting disability resulting from
6 the employee's military service, becomes permanently disabled
7 by a compensable injury which has resulted in the loss of or
8 loss of use of another such member or organ, the employer
9 shall be liable only for the degree of disability which would
10 have resulted from the latter injury if there had been no
11 preexisting disability. In addition to such compensation, and
12 after the expiration of the full period provided by law for
13 the payments thereof by the employer, the employee shall be
14 paid out of the "Second Injury Fund" created by this subchapter
15 the remainder of such compensation as would be payable for the
16 degree of permanent disability involved after first deducting
17 from such remainder the compensable value of the previously
18 lost member or organ, or preexisting military service-related
19 disability.

20 Sec. 2. APPLICABILITY. This Act applies to injuries
21 occurring on or after the effective date of this Act.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to preexisting military service-related
26 disabilities covered by the second injury fund and includes
27 applicability provisions.

28 The bill makes employers liable for the permanent disability
29 of an employee by a compensable injury which resulted in
30 the loss of or loss of use of a hand, arm, foot, leg, or eye
31 to the degree of disability which would have resulted from
32 the latter injury if there had been no preexisting military
33 service-related disability.

34 The bill requires, after the expiration of the full period
35 provided by law for payments from the employer, for the state

1 second injury fund to provide compensation to the employee
2 to the degree of permanent disability involved after first
3 deducting the compensable value of the preexisting military
4 service-related disability.

5 The bill provides that it shall apply to injuries on or after
6 the effective date of the bill.