

## CHAPTER 91

## ENERGY POLICY COUNCIL

S. F. 214

AN ACT relating to the membership of the energy policy council.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section ninety-three point two (93.2), Code 1975, is  
2 amended to read as follows:

3 **93.2 Establishment.** There is established an energy policy coun-  
4 cil which shall consist of ~~thirteen~~ fifteen members. Two members shall  
5 be appointed by the president of the senate from the membership of  
6 the senate with no more than one member being appointed from the  
7 same political party. Two members shall be appointed by the speaker  
8 of the house of representatives from the members of the house with no  
9 more than one member being appointed from the same political party.  
10 The governor shall appoint five members who shall be reasonably  
11 knowledgeable in the field of energy. Not more than three of the gov-  
12 ernor's appointees shall be of the same political party. They shall be  
13 subject to confirmation by two-thirds of the membership of the senate.  
14 The state geologist, the secretary of agriculture, the chairman of the  
15 Iowa state commerce commission, *the administrative officer of the*  
16 *state soil conservation committee, the director of transportation and*  
17 *the executive director of environmental quality shall serve as ex officio*  
18 *nonvoting members of the council. If an ex officio nonvoting member*  
19 *is unable to attend a meeting of the council, the member shall desig-*  
20 *nate a replacement who shall be authorized to represent the member*  
21 *at the meeting.*

Approved May 15, 1975

## CHAPTER 92

## EMPLOYMENT SECURITY

S. F. 485

AN ACT relating to employment security.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section ninety-six point three (96.3), subsection three  
2 (3), Code 1975, is amended by striking the subsection and inserting in  
3 lieu thereof the following:

4 3. Partial unemployment. Each individual who is partially unem-  
5 ployed in any week as defined in section ninety-six point nineteen  
6 (96.19), subsection ten (10), paragraph b, of the Code, and who meets  
7 the conditions of eligibility for benefits shall be paid with respect to  
8 such week an amount equal to that individual's weekly benefit amount  
9 less fifty percent of that part of wages payable to him with respect to  
10 such week in excess of fifteen dollars. Such benefits shall be rounded to  
11 the higher multiple of one dollar.

1 SEC. 2. Section ninety-six point three (96.3), subsection four (4),  
2 Code 1975, is amended to read as follows:

3 4. Determination of benefits. ~~An~~ *With respect to benefit years be-*  
 4 *ginning on or after July 1, 1975, an eligible individual's weekly benefi-*  
 5 *fit amount for a week of total unemployment shall be an amount*  
 6 *equal to one-twentieth of his total wages in insured work paid during*  
 7 *that quarter of his base period in which such total wages were highest,*  
 8 *subject to the following limitation: The commission shall determine*  
 9 *annually a maximum weekly benefit amount by computing ~~fifty-five~~*  
 10 *sixty-six and two-thirds percent of the statewide average weekly wage*  
 11 *paid to employees in insured work which shall be effective the first day*  
 12 *of the first full week in July. Such maximum weekly benefit amount,*  
 13 *if not a multiple of one dollar shall be rounded to the ~~nearest higher~~*  
 14 *multiple of one dollar.*

15 ~~Such computation shall be made by determining gross wages as paid~~  
 16 ~~for insured work~~ *For the purposes of this subsection statewide aver-*  
 17 *age weekly wage means the amount computed by the commission at*  
 18 *least once a year on the basis of the aggregate amount of wages re-*  
 19 *ported by employers in each preceding twelve-month period ending on*  
 20 *December 31 and ~~dividing said gross wages divided by a~~ the figure re-*  
 21 *sulting that results from fifty-two times the average of mid-month em-*  
 22 *ployment reported by employers for the same period. In determining*  
 23 *the aggregate amount of wages paid statewide, the commission shall*  
 24 *disregard any limitation on the amount of wages subject to contri-*  
 25 *butions under state law.*

1 SEC. 3. Section ninety-six point three (96.3), subsection five (5),  
 2 Code 1975, is amended to read as follows:

3 5. Duration of benefits. The maximum total amount of benefits  
 4 payable to any eligible individual during any benefit year shall not  
 5 exceed the total of the wage credits accrued to his account during his  
 6 base period, or twenty-six times his weekly benefit amount, whichever  
 7 is the lesser. The commission shall maintain a separate account for  
 8 each individual who earns wages in insured work. The commission  
 9 shall compute wage credits for each individual by crediting his account  
 10 with ~~one-third~~ *one-half* of the wages for insured work paid him during  
 11 his base period. Benefits paid to an eligible individual shall be charged  
 12 against the base period wage credits in his account which have not  
 13 been previously charged hereunder, in the ~~same~~ *inverse* chronological  
 14 order as the wages on which such wage credits are based were paid.  
 15 *However if the state and national "off indicators" are in effect the*  
 16 *maximum benefits payable shall be extended to thirty-nine times*  
 17 *his weekly benefit amount, but not to exceed the total of the wage*  
 18 *credits accrued to his account.*

1 SEC. 4. Section ninety-six point four (96.4), subsections one (1),  
 2 three (3), four (4), and seven (7), Code 1975, are amended to read as  
 3 follows:

4 1. He has registered for work at and thereafter has continued to re-  
 5 port at an employment office in accordance with such regulations as  
 6 the commission may prescribe. *The provisions of this subsection shall*  
 7 *be waived if the individual is deemed temporarily unemployed as*  
 8 *defined in section thirty-two (32)\* of this Act.*

9 3. He is able to work, is available for work, and is earnestly and ac-  
 10 tively seeking work. *The provision of this subsection shall be waived*  
 11 *if he is deemed temporarily unemployed as defined in section*  
 12 *thirty-two (32)\* of this Act.*

13 4. Prior to any week, in any benefit year, for which he claims benefi-  
 14 fits he ~~has been totally~~ *is* unemployed for a waiting period of one week

\*See amendment by ch 67, §10 of these Acts

15 ~~(and for the purposes of this subsection, two weeks of partial unem-~~  
 16 ~~ployment shall be deemed to be equivalent to one week of total unem-~~  
 17 ~~ployment). Such weeks of total or partial unemployment or both need~~  
 18 ~~not be consecutive.~~ The one-week waiting period shall be waived and  
 19 become compensable after unemployment during which benefits are  
 20 payable for five consecutive weeks. No week shall be counted as a week  
 21 of total unemployment for the purposes of this subsection:

22 a. If benefits have been paid with respect thereto;

23 b. Unless the individual was eligible for benefits with respect thereto  
 24 in all respects except for the requirements of subsections 2 and 5 of this  
 25 section;

26 c. Unless it occurs after benefits first could become payable to any  
 27 individual under this chapter.

28 7. Notwithstanding any other provisions in this subsection, no other-  
 29 wise eligible individual shall be denied benefits for any week because  
 30 he is in training with the approval of the commission, nor shall such  
 31 individual be denied benefits with respect to any week in which he is  
 32 in training with the approval of the commission by reason of the appli-  
 33 cation of the provision in subsection 3 of this section relating to availa-  
 34 bility for work, and an active search for work or the provision of  
 35 section 96.5, subsection 3, relating to failure to apply for or a refusal to  
 36 accept suitable work. *However no employer's account shall be*  
 37 *charged with benefits so paid.*

1 SEC. 5. Section ninety-six point five (96.5), subsection one (1), para-  
 2 graph a, Code 1975, is amended to read as follows:

3 a. He left his employment in good faith for the sole purpose of ac-  
 4 cepting ~~better~~ *other* employment, which he did accept, and that he re-  
 5 mained continuously in said new employment for not less than six  
 6 weeks. Wages earned with the employer that he has left shall, for the  
 7 purpose of computing and charging benefits, be deemed wages earned  
 8 from the employer with whom the individual accepted ~~better~~ *other*  
 9 employment and benefits shall be charged to the employer with whom he  
 10 accepted ~~better~~ *other* employment. The commission shall advise the  
 11 chargeable employer of the name and address of the ~~other~~ *former* em-  
 12 ployer, the period covered, and the extent of benefits which may be  
 13 charged to the account of the chargeable employer. In those cases  
 14 where the new employment is in another state, no employer's account  
 15 shall be charged with benefits so paid except that employers who are  
 16 required by law or by their election to reimburse the fund for benefits  
 17 paid shall be charged with benefits under this paragraph. *In those*  
 18 *cases where he left his employment in good faith for the sole pur-*  
 19 *pose of accepting better employment, which he did accept and such*  
 20 *employment is terminated by the employer, or he is laid off after*  
 21 *one week but prior to the expiration of six weeks, the claimant, pro-*  
 22 *vided he is otherwise eligible under this chapter, shall be eligible for*  
 23 *benefits and such benefits shall not be charged to any employer's ac-*  
 24 *count.*

1 SEC. 6. Section ninety-six point five (96.5), subsection one (1), para-  
 2 graph d, Code 1975, is amended to read as follows:

3 d. He *or she* left his employment because of illness, ~~or~~ *injury or*  
 4 *pregnancy* upon the advice of a licensed and practicing physician, and  
 5 upon knowledge of the necessity for such absence immediately notified  
 6 his employer, or his employer consented to such absence, and after re-  
 7 covering from such illness, ~~or~~ *injury or pregnancy* when recovery is  
 8 certified by a licensed and practicing physician, he returned to his em-  
 9 ployer and offered his service and his regular work or comparable suit-

10 able work was not available, if so found by the commission, provided  
11 he is otherwise eligible.

1 SEC. 7. Section ninety-six point five (96.5), subsection one (1), para-  
2 graphs g and h, Code 1975, are amended to read as follows:

3 g. In the case where he left his work voluntarily without good cause  
4 attributable to his employer under circumstances which did or would  
5 disqualify him for benefits, *except as provided in paragraph a of sub-*  
6 *section one (1) of section ninety-six point five (96.5) of the Code* under  
7 this subsection he, subsequent to such leaving, worked in and was  
8 paid wages for insured work in an amount not less than nine times the  
9 claimant's weekly benefit amount, provided he is otherwise eligible,  
10 ~~but in.~~

11 h. In the event extended benefits are in effect as provided for by  
12 this chapter, then benefits shall not be withheld after twelve consecu-  
13 tive weeks of unemployment from the date he quits, during which time  
14 he shall be actively and earnestly seeking employment.

15 h i. "Principal support" shall mean exclusive of the earnings of any  
16 child of the wage earner.

1 SEC. 8. Section ninety-six point five (96.5), subsection two (2), Code  
2 1975, is amended by striking the subsection and inserting in lieu there-  
3 of the following:

4 2. Discharge for misconduct. If the commission finds that he has  
5 been discharged for misconduct in connection with his employment:

6 a. He shall forfeit one to nine weeks benefits.

7 b. Provided further, if gross misconduct is established, he shall forfeit  
8 from ten weeks benefits to the maximum amount payable in his  
9 current benefit period.

10 c. Gross misconduct is deemed to have occurred after a claimant loses  
11 employment as a result of an act constituting an indictable offense  
12 in connection with his employment, provided the claimant is duly convicted  
13 thereof or has signed a statement admitting that he has committed  
14 such an act. Determinations regarding a benefit claim may be  
15 redetermined within five years from the effective date of the claim.  
16 Any benefits paid to a claimant prior to a determination that the  
17 claimant has lost employment as a result of such act shall not be considered  
18 to have been accepted by the claimant in good faith.

1 SEC. 9. Section ninety-six point five (96.5), subsection five (5), un-  
2 numbered paragraph one (1), Code 1975, is amended to read as fol-  
3 lows:

4 For any week with respect to which he is receiving, *or* has received,  
5 ~~or is entitled to receive~~ payment in the form of:

1 SEC. 10. Section ninety-six point five (96.5), subsection five (5),  
2 paragraph c, Code 1975, is amended to read as follows:

3 c. Old-age benefits under title II of the Social Security Act (42 USC,  
4 chapter 7), as amended, or similar retirement payments under any Act  
5 of Congress; ~~provided that the commission shall withhold payments~~  
6 ~~under this chapter if it has reason to believe a claimant is entitled to~~  
7 ~~benefits under title II of the Social Security Act of the United States~~  
8 ~~or any similar payments under any other Act of Congress, until such~~  
9 ~~time as the claimant files with the commission satisfactory evidence~~  
10 ~~that he is not entitled to such benefits however only fifty percent of~~  
11 ~~the old-age benefits under title II of the Social Security Act shall be~~  
12 ~~deducted from his weekly benefits;~~

1 SEC. 11. Section ninety-six point five (96.5), Code 1975, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. Administrative penalty. If the commission  
4 finds that, with respect to any week of an insured worker's unemploy-  
5 ment for which such person claims waiting week credit or benefits, such  
6 person has, within the thirty-six calendar months immediately preced-  
7 ing such week, with intent to defraud by obtaining any benefits not  
8 due under this chapter, willfully and knowingly made a false state-  
9 ment or misrepresentation, or willfully and knowingly failed to dis-  
10 close a material fact; such person shall be disqualified for the week in  
11 which the commission makes such determination, and forfeit all benefit  
12 rights under the unemployment compensation law for a period of not  
13 more than the remaining benefit period as determined by the commis-  
14 sion according to the circumstances of each case. Any penalties im-  
15 posed by this subsection shall be in addition to those otherwise  
16 prescribed in this chapter.

1 SEC. 12. Section ninety-six point six (96.6), subsection two (2), Code  
2 1975, is amended to read as follows:

3 2. Initial determination. A representative designated by the commis-  
4 sion shall promptly notify all interested parties to the claim of the fil-  
5 ing thereof, and said parties shall have seven days from the date of  
6 mailing the notice of the filing of said claim by ordinary mail to the  
7 last known address to protest payment of benefits to said claimant.  
8 The representative shall promptly examine the claim and any protest  
9 thereto and, on the basis of the facts found by him, shall either deter-  
10 mine whether or not such claim is valid, the week with respect to which  
11 benefits shall commence, the weekly benefit amount payable and the  
12 maximum duration thereof, and whether any disqualification shall be  
13 imposed, or shall refer such claim or any question involved therein to  
14 an appeal tribunal or to the commission, which shall make its determi-  
15 nation with respect thereto in accordance with the procedure described  
16 in subsection 3 of this section; ~~except that in any case in which the~~  
17 ~~payment or denial of benefits will be determined by the provisions of~~  
18 ~~section 96.5, subsection 4, the representative shall promptly transmit~~  
19 ~~his full findings of fact with respect to that subsection to the commis-~~  
20 ~~sion, which, on the basis of the evidence submitted and such additional~~  
21 ~~evidence as it may require, shall affirm, modify, or set aside such find-~~  
22 ~~ings of fact and transmit to the representative a decision upon the is-~~  
23 ~~sues involved under that subsection. The representative shall promptly~~  
24 ~~notify the claimant and any other interested party of the decision and~~  
25 ~~the reasons therefor.~~ Unless the claimant or other interested party, af-  
26 ter notification or within ten calendar days after such notification was  
27 mailed to his last known address, files an appeal from such decision,  
28 such decision shall be final and benefits shall be paid or denied in ac-  
29 cordance therewith. If an appeal tribunal affirms a decision of the rep-  
30 resentative, or the commission affirms a decision of an appeal tribunal,  
31 allowing benefits, such benefits shall be paid regardless of any appeal  
32 which may thereafter be taken, but if such decision is finally reversed,  
33 no employer's account shall be charged with benefits so paid.

1 SEC. 13. Section ninety-six point seven (96.7), subsection three (3),  
2 paragraph a, subparagraph two (2), Code 1975, is amended by adding  
3 the following new sentence:

4 NEW SENTENCE. No employer's account shall be charged with bene-  
5 fit payments made to any individual who quit such employment, but  
6 shall be charged to the account of the next succeeding employer with  
7 whom the individual requalified for benefits as determined under para-

8 graph g of subsection one (1) of section ninety-six point five (96.5) of  
9 the Code.

1 SEC. 14. Section ninety-six point seven (96.7), subsection three (3),  
2 paragraph e, Code 1975, is amended to read as follows:

3 e. No employer's rate for the period of ~~twelve~~ *three* months com-  
4 mencing ~~January~~ *July 1* of any ~~calendar~~ year after ~~December 31, 1937~~  
5 *June 30, 1975*, shall be less than two and seven-tenths percent, unless  
6 the total assets of the fund, excluding contributions not yet paid at the  
7 beginning of such ~~calendar year~~ *three-month period*, exceed the total  
8 benefits paid from the fund within the last preceding ~~calendar year~~  
9 *twelve-month period provided, that such assets exceed for the next*  
10 *three-month period, the total benefits paid from the fund within the*  
11 *last preceding twelve-month period*; and no employer's rate shall be  
12 less than one and eight-tenths percent unless such assets at such time  
13 were at least twice the total benefits paid from the fund within such  
14 last ~~preceding year~~ *twelve-month period, provided that such assets*  
15 *exceed, for the next three-month period, the total benefits paid from*  
16 *the fund within such last preceding twelve-month period.*

1 SEC. 15. Section ninety-six point seven (96.7), subsection four (4),  
2 paragraphs a and b, Code 1975, are amended to read as follows:

3 a. As soon as practicable and in any event within two years after an  
4 employer has filed reports, as required by the commission pursuant to  
5 section 96.11, subsection 7, the commission shall examine such reports  
6 and determine the correct amount of contributions due, and the  
7 amount so determined by the commission shall be the contributions  
8 payable. If the contributions found due shall be greater than the  
9 amount theretofore paid, ~~the excess, together with interest as provided~~  
10 ~~in this chapter, shall be paid by the employer within thirty days after~~  
11 ~~the commission shall have given notice thereof to the employer by cer-~~  
12 ~~tified mail the notice with respect to the additional contributions,~~  
13 ~~together with any interest and penalty, shall be sent by certified~~  
14 ~~mail. A lien shall attach as provided in section twenty-four (24)\* of~~  
15 ~~this Act if the assessment is not paid or appealed within thirty days~~  
16 ~~of the date of the notice of assessment.~~

17 b. If the commission discovers from the examination of the reports  
18 or otherwise that wages payable for employment, or any part thereof,  
19 have not been listed in the reports, or that no reports were filed when  
20 due, or that reports have been filed showing contributions due but no  
21 contributions in fact have been paid, it may at any time within five  
22 years after the time such reports were due, determine the correct  
23 amount of contributions payable, together with interest as provided in  
24 this chapter. ~~The amount so determined shall be paid within thirty~~  
25 ~~days after the commission shall have given notice thereof to the em-~~  
26 ~~ployer by certified mail. The amount so determined shall be assessed~~  
27 ~~and a lien shall attach as provided in paragraph a of this subsec-~~  
28 ~~tion.~~

1 SEC. 16. Section ninety-six point seven (96.7), subsection eight (8),  
2 Code 1975, is amended to read as follows:

3 8. Financing benefits paid to state employees *and to employees of*  
4 *the state's political subdivisions.*

5 a. Any state agency, board, commission, department, or instrumen-  
6 tality thereof, other than state-owned hospitals and institutions of  
7 higher education, which, pursuant to section 96.19, subsection 6, para-  
8 graph "h", is, or becomes, subject to this chapter on or after January 1,

\*See amendment by ch 67, §11 of these Acts

9 1972, shall pay to the commission for the unemployment fund an  
 10 amount equal to the amount of regular benefits and of one-half of the  
 11 extended benefits paid, that is attributable to service in the employ of  
 12 such state agency, board, commission, department, or instrumentality  
 13 thereof. Such payments shall be made in accordance with the provi-  
 14 sions of subsection 9, paragraph "b" hereof.

15 b. State agencies, boards, commissions, and departments, except  
 16 board of regents institutions and the state fair board, shall, after ap-  
 17 proving the billing provided for in subsection 9, paragraph "b", submit  
 18 the billing to the state comptroller to be paid out of any moneys in the  
 19 state treasury not otherwise appropriated. The state comptroller shall  
 20 be reimbursed for payments made on behalf of agencies, boards, com-  
 21 missions, or departments which have revolving, special, trust or federal  
 22 funds from which the payments can be made.

23 c. *The amount of payment required from each political subdivi-  
 24 sion of the state shall be ascertained by the employment security  
 25 commission and shall be paid from the general funds of such local  
 26 governmental employers at such time and in such manner as may  
 27 be prescribed by the commission and approved by the comptrollers  
 28 and auditors of the respective local governmental employers, except  
 29 that to the extent that benefits are paid on the basis of wages paid  
 30 by local governmental employers from special administrative funds,  
 31 the payment into the unemployment compensation fund shall be  
 32 made from such special funds.*

1 SEC. 17. Section ninety-six point seven (96.7), subsection ten (10),  
 2 Code 1975, is amended to read as follows:

3 10. Provision of bond or other security. ~~In the discretion of the com-~~  
 4 ~~mission, any~~ Any nonprofit organization that elects to become liable  
 5 for payments in lieu of contributions shall be required within thirty  
 6 days after the effective date of its election to execute and file with the  
 7 commission a surety bond approved by the commission or it may elect  
 8 instead to deposit with the commission money or securities. The  
 9 amount of such bond or deposit shall be determined in accordance with  
 10 the provisions of this subsection.

1 SEC. 18. Section ninety-six point eight (96.8), subsection three (3),  
 2 paragraph c, Code 1975, is amended by striking the paragraph.

1 SEC. 19. Section ninety-six point eight (96.8), subsection three (3),  
 2 Code 1975, is amended by striking the last unnumbered paragraph of  
 3 that subsection.

1 SEC. 20. Section ninety-six point eleven (96.11), subsection four (4),  
 2 Code 1975, is amended to read as follows:

3 4. Personnel. Subject to other provisions of this chapter, the com-  
 4 mission is authorized to appoint, fix the compensation, and prescribe  
 5 the duties an\* powers of such officers, accountants, attorneys, experts,  
 6 and other persons as may be necessary in the performance of its duties.  
 7 The commission shall classify its positions and shall establish salary  
 8 schedules and minimum personnel standards for the positions so classi-  
 9 fied. All positions shall be filled by persons selected and appointed on  
 10 the basis of competency and fitness for the position to be filled. The  
 11 commission shall not appoint or employ any person ~~who is an officer~~  
 12 ~~or committee member of any political party organization~~ or who holds  
 13 or is a candidate for any elective *partisan* public office. The commis-  
 14 sion shall establish and enforce fair and reasonable regulations for ap-

\*According to enrolled Act

15 pointments, promotions and demotions based upon ratings of  
 16 efficiency and fitness and for terminations for cause. The commission  
 17 may delegate to any such person so appointed such power and authori-  
 18 ty as it deems reasonable and proper for the effective administration of  
 19 this chapter, and may in its discretion bond any person handling  
 20 moneys or signing checks hereunder.

1 SEC. 21. Section ninety-six point eleven (96.11), Code 1975, is  
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. Purging uncollectible overpayments. Notwith-  
 4 standing any other provision of this chapter, the commission shall re-  
 5 view all outstanding overpayments of benefit payments annually. The  
 6 commission may determine as uncollectible and purge from its records  
 7 any remaining unpaid balances of outstanding overpayments which are  
 8 ten years or older from the date of the overpayment decision.

1 \*SEC. 22. Section ninety-six point fourteen (96.14), subsection two  
 2 (2), Code 1975, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 2. Penalties. Any employer who shall fail to file a report of wages  
 5 paid to each of his employees for any period in the manner and within  
 6 the time required by this chapter and the rules of the commission or  
 7 any employer who the commission finds has filed an insufficient report  
 8 and fails to file a sufficient report within thirty days after a written re-  
 9 quest from the commission to do so shall pay a penalty to the commis-  
 10 sion.

11 The penalty shall become effective with the first day the report is  
 12 delinquent or, where a report is insufficient, with the thirty-first day  
 13 following the written request for a sufficient report.

14 Penalty for failing to file a sufficient report shall be in addition to  
 15 any penalty incurred for a delinquent report where the delinquent re-  
 16 port is also insufficient.

17 The amount of the penalty for delinquent and insufficient reports  
 18 shall be computed based on total wages in the period for which the re-  
 19 port was due and shall be computed as follows:

20 Days Delinquent	
21 or Insufficient	Penalty Rate
22 1 - 60	0.1%
23 61 - 120	0.2%
24 121 - 180	0.3%
25 181 - 240	0.4%
26 241 or over	0.5%

27 No penalty shall be less than ten dollars for each delinquent report  
 28 or each insufficient report not made sufficient within thirty days as a  
 29 request to do so. Interest, penalties, and costs shall be collected by the  
 30 commission in the same manner as provided by this chapter for contri-  
 31 butions.

32 If the commission finds that any employer has willfully failed to  
 33 pay any contribution or part thereof when required by this chapter and  
 34 the rules of the commission, with intent to defraud the commission,  
 35 then such employer shall in addition to such contribution or part there-  
 36 of, pay a contribution equal to fifty percent of the amount of such con-  
 37 tribution or part thereof, as the case may be.

38 The commission may cancel any interest or penalties if it is shown to  
 39 the satisfaction of the commission that the failure to pay a required

\*According to enrolled Act



40 contribution or to file a required report was not the result of negli-  
 41 gence, fraud, or intentional disregard of the law or the rules of the  
 42 commission.

1 SEC. 23. Section ninety-six point fourteen (96.14), subsection three  
 2 (3), unnumbered paragraph two (2), Code 1975, is amended to read as  
 3 follows:

4 ~~The lien aforesaid shall attach at the time the contributions become~~  
 5 ~~due and payable and shall continue until the liability for such amount~~  
 6 ~~is satisfied~~ *An assessment of the unpaid contributions, interest and*  
 7 *penalty shall be applied as provided in section fifteen (15) of this*  
 8 *Act and the lien shall attach as of the date the assessment is mailed*  
 9 *or personally served upon the employer. However, the commission*  
 10 *may release any lien, when after diligent investigation and effort it*  
 11 *determines that the amount due is not collectible.*

1 SEC. 24. Section ninety-six point fourteen (96.14), Code 1975, is  
 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Any employer or employing unit refusing or fail-  
 4 ing to make and file required reports or to pay any contributions, in-  
 5 terest or penalty under the provisions of this chapter, after ten-day  
 6 written notice sent by the commission to the employer's or employing  
 7 unit's last known address by certified mail, may be enjoined from oper-  
 8 ating any business in the state while in violation of this chapter upon  
 9 the complaint of the Iowa employment security commission in the dis-  
 10 trict court of a county in which the employer or employing unit has or  
 11 had a place of business within the state, and any temporary injunction  
 12 enjoining the continuance of such business may be granted without no-  
 13 tice and without a bond being required from the Iowa employment se-  
 14 curity commission. Such injunction may enjoin any employer or  
 15 employing unit from operating his or its business unit until the delin-  
 16 quent contributions, interest or penalties shall have been made and  
 17 filed or paid; or the employer shall have furnished a good and suffi-  
 18 cient bond conditioned upon the payment of such delinquencies in  
 19 such an amount and containing such terms as may be determined by  
 20 the court; or the employer has entered into a plan for the liquidation  
 21 of such delinquencies as the court may approve, provided that such in-  
 22 junction may be reinstated upon the employer's failure to comply with  
 23 the terms of said plan.

1 SEC. 25. Section ninety-six point fourteen (96.14), subsection six (6),  
 2 Code 1975, is amended to read as follows:

3 6. Nonresident employing units. Any employing unit which is a  
 4 nonresident of the state of Iowa and for which services are performed  
 5 in insured work within the state of Iowa *and any resident employer*  
 6 *for which such services are performed and who thereafter removes*  
 7 *himself from the state of Iowa* by having such services performed  
 8 within the state of Iowa shall be deemed:

1 SEC. 26. Section ninety-six point seventeen (96.17), Code 1975, is  
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. Indemnification. Any member of the commission  
 4 or any employee of the commission shall be indemnified for any dam-  
 5 ages and legal expenses incurred as a result of the good faith perfor-  
 6 mance of their official duties, for any claim for civil damages not  
 7 specifically covered by the Iowa Tort Claims Act. Any payment de-  
 8 scribed herein shall be paid from the special employment security con-  
 9 tingency fund in section ninety-six point thirteen (96.13), subsection  
 10 three (3) of the Code.

1 SEC. 27. Section ninety-six point nineteen (96.19), subsection five  
2 (5), Code 1975, is amended to read as follows:

3 5. "Employing unit" means any individual or type of organization,  
4 including *this state and its\* political subdivisions, state agencies,*  
5 *boards, commissions, and instrumentalities thereof,* any partnership,  
6 association, trust, estate, joint stock company, insurance company or  
7 corporation, whether domestic or foreign, or the receiver, trustee in  
8 bankruptcy, trustee or successor thereof, or the legal representative of a  
9 deceased person, which has or subsequent to January 1, 1936, had in its  
10 employ one or more individuals performing services for it within this  
11 state. All individuals performing services within this state for any em-  
12 ploying unit which maintains two or more separate establishments  
13 within this state shall be deemed to be employed by a single employ-  
14 ing unit for all the purposes of this chapter. Whenever any employing  
15 unit contracts with or has under it any contractor or subcontractor for  
16 any work which is part of its usual trade, occupation, profession, or  
17 business, unless the employing unit as well as each such contractor or  
18 subcontractor is an employer by reason of subsection 6 or section 96.8,  
19 subsection 3, the employing unit shall for all the purposes of this chap-  
20 ter be deemed to employ each individual in the employ of each such  
21 contractor or subcontractor for each day during which such individual  
22 is engaged in performing such work; except that each such contractor  
23 or subcontractor who is an employer by reason of subsection 6 or sec-  
24 tion 96.8, subsection 3, shall alone be liable for the contributions meas-  
25 ured by wages payable to individuals in his employ, and except that  
26 any employing unit who shall become liable for and pay contributions  
27 with respect to individuals in the employ of any such contractor or sub-  
28 contractor who is not an employer by reason of subsection 6 or section  
29 96.8, subsection 3, may recover the same from such contractor or sub-  
30 contractor, except as any contractor or subcontractor who would in the  
31 absence of the foregoing provisions be liable to pay said contributions,  
32 accepts exclusive liability for said contributions under an agreement  
33 with such employer made pursuant to general rules of the commission.  
34 Each individual employed to perform or to assist in performing the  
35 work of any agent or employee of an employing unit shall be deemed  
36 to be employed by such employing unit for all the purposes of this  
37 chapter, whether such individual was hired or paid directly by such  
38 employing unit or by such agent or employee, provided the employing  
39 unit had actual or constructive knowledge of such work, and provided,  
40 further, that such employment was for a total of not less than eight  
41 hours in any one calendar week.

1 SEC. 28. Section ninety-six point nineteen (96.19), subsection seven  
2 (7), paragraph a, subparagraph six c (6c), Code 1975, is amended to  
3 read as follows:

4 (c) In the employ of a *nonpublic* school which is not an institution  
5 of higher education.

1 SEC. 29. Section ninety-six point nineteen (96.19), subsection seven  
2 (7), paragraph a, Code 1975, is amended by adding the following new  
3 subparagraphs:

4 (7) (a) Service performed in the employ of any political subdivision  
5 of the state or any instrumentality thereof, effective on the day imme-  
6 diately following termination of eligibility to file a claim for assistance  
7 under The Special Unemployment Assistance Act of 1974 (Public Law  
8 93567) and extensions thereof, if any; provided that, the effective date

\*According to enrolled Act

9 of coverage provided herein shall not be deemed to apply to service  
 10 performed for a hospital or institution of higher education operated by  
 11 a political subdivision which has elected coverage with such services  
 12 pursuant to paragraph c of subsection three (3) of section ninety-six  
 13 point eight (96.8) of the Code; provided further, that, there shall not  
 14 be restrictions until the effective date of the coverage year herein pro-  
 15 vided upon the right of any political subdivision to elect coverage sole-  
 16 ly for its institutions of higher education and hospitals as provided in  
 17 paragraph c of subsection three (3) of section ninety-six point eight  
 18 (96.8) of the Code.

19 (b) For the purpose of subparagraph seven a (7a) of this paragraph  
 20 the term "employment" does not apply to service performed by indi-  
 21 viduals granted temporary appointment of less than eighty working  
 22 days, duration, casual or day workers, and workers who perform service  
 23 for less than twenty hours per week.

24 (c) Upon the effective date of the coverage of service as "employ-  
 25 ment" provided by this subparagraph seven (7), individuals who per-  
 26 formed the covered services shall be credited with wage credits  
 27 retroactively limited to the base period as defined in subsection seven-  
 28 teen (17) of section ninety-six point nineteen (96.19) of the Code, appli-  
 29 cable to such effective date, in accordance with their wages as defined  
 30 in subsection thirteen (13) of section ninety-six point nineteen (96.19) of  
 31 the Code. Such wage credits shall be available for use solely with re-  
 32 spect to claims for benefits under this chapter filed on and after the ef-  
 33 fective date of coverage herein provided.

34 (d) Benefits based on services in employment as provided in this sub-  
 35 paragraph seven (7) shall be payable in the same amount, on the same  
 36 terms, and subject to the same conditions as compensation payable on  
 37 the basis of other service in this chapter, except that benefits based on  
 38 service in an instructional, research or principal administrative capaci-  
 39 ty in a school operated by a political subdivision or an instrumentality  
 40 thereof shall not be paid to an individual for any week of unemploy-  
 41 ment which begins during the period between two successive years or  
 42 during similar periods between two regular terms whether or not succes-  
 43 sive, or during the period of paid sabbatical leave provided for in the  
 44 individual's contract, if the individual has a contract or contracts to  
 45 perform services in this capacity for any school or schools for both such  
 46 academic years or for both such terms. For the purpose of this provi-  
 47 sion "school" means an educational institution operated by a political  
 48 subdivision or an instrumentality thereof which is not an institution of  
 49 higher education as defined in subsection twenty-four (24) of section  
 50 ninety-six point nineteen (96.19) of the Code.

1 SEC. 30. Section ninety-six point nineteen (96.19), subsection seven  
 2 (7), paragraph g, subparagraph one (1), Code 1975, is amended to read  
 3 as follows:

4 (1) Service performed in the employ of this state by an elected offi-  
 5 cial or service performed in the employ of any political subdivision of  
 6 this state or any instrumentality of its political subdivisions. Provided  
 7 that this exemption shall not be deemed to apply to services performed  
 8 for a hospital or institution of higher education operated by a political  
 9 subdivision of this state which has elected coverage for such services  
 10 pursuant to section 96.8, subsection 3, paragraph "c"; and service per-  
 11 formed in the employ of any political subdivision of this state, or any  
 12 instrumentality of any political subdivision, which for the effective pe-  
 13 riod of its election pursuant to section 96.8, subsection 3, paragraph  
 14 "a", has voluntarily elected that all services performed for it by indi-

15 viduals in its employ shall be deemed to constitute employment for all  
16 purposes of this chapter. Nothing in this or any other provision of this  
17 chapter shall be construed to restrict the right of any political subdivi-  
18 sion to elect coverage solely for institutions of higher education and  
19 hospitals as provided in section 96.8, subsection 3, paragraph "e".

1 SEC. 31. Section ninety-six point nineteen (96.19), subsection ten  
2 (10), Code 1975, is amended by striking paragraph b.

1 SEC. 32. Section ninety-six point nineteen (96.19), subsection ten  
2 (10), paragraph c, Code 1975, is amended to read as follows:

3 e b. An individual shall be deemed partially unemployed in any  
4 week in which he, having been separated from his regular job *full-time*  
5 *employment*, earns at odd jobs less than his weekly benefit amount  
6 plus *six fifteen* dollars.

1 SEC. 33. Section ninety-six point nineteen (96.19), subsection ten  
2 (10), Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. An individual shall be deemed temporarily  
4 unemployed if for a period, verified by the commission, not to exceed  
5 four consecutive weeks, he is unemployed due to a plant shutdown, va-  
6 cation, inventory, lack of work or emergency from his regular job or  
7 trade in which he worked full-time and in which he will again work  
8 full-time, if his employment, although temporarily suspended, has not  
9 been terminated.

1 SEC. 34. Section ninety-six point nineteen (96.19), subsection thir-  
2 teen (13), Code 1975, is amended by adding the following new para-  
3 graph:

4 NEW PARAGRAPH. The term wages shall not include:

5 a. The amount of any payment, including any amount paid by an  
6 employer for insurance or annuities or into a fund to provide for such  
7 payment, made to or on behalf of an employee or any of his depen-  
8 dents under a plan or system established by an employer which makes  
9 provisions for his employees generally, or for his employees generally  
10 and their dependents, or for a class, or classes of his employees, or for  
11 a class or classes of his employees and their dependents, on account of  
12 retirement, sickness, accident disability, medical or hospitalization ex-  
13 pense in connection with sickness or accident disability, or death.

14 b. Any payment paid to an employee, including any amount paid  
15 by any employer for insurance or annuities or into a fund to provide  
16 for any such payment, on account of retirement.

17 c. Any payment on account of sickness or accident disability, or  
18 medical or hospitalization expense in connection with sickness or acci-  
19 dent disability made by an employer to, or on behalf of, an employee  
20 after the expiration of six-calendar months following the last calendar  
21 month in which the employee worked for such employer.

1 SEC. 35. The Code editor is directed to determine if terms in chap-  
2 ter ninety-six (96) of the Code and this Act and the amendments to the  
3 Act specify only one gender and where the provisions of the Act are  
4 applicable to both genders. The Code editor shall make editorial  
5 changes in the text of the Act and the amendments to the Act to re-  
6 flect their applicability to both genders or one gender, as the case may  
7 be. The editing shall be done without changing the substantive mean-  
8 ing of the provisions of the Act.

Approved June 30, 1975