

CHAPTER 104**GRAIN DEALERS' AND WAREHOUSEMEN'S FINANCIAL STATEMENTS***S.F. 401*

AN ACT relating to the confidentiality of financial statements of grain dealers and warehousemen.

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

Section 1. Section 542.16, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. Where released at the request of the Iowa board of accountancy for licensee review and discipline in accordance with chapters 116 and 258A and subject to the confidentiality requirements of section 258A.6.

Sec. 2. Section 543.24, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. Where released at the request of the Iowa board of accountancy for licensee review and discipline in accordance with chapters 116 and 258A and subject to the confidentiality requirements of section 258A.6.

Approved May 9, 1983

CHAPTER 105**WORKERS' COMPENSATION***S.F. 423*

AN ACT relating to workers' compensation by modifying the intoxication defense, raising the interest rate on subrogation recoveries, providing that the statute of limitations does not run on certain medical benefits, transferring the authority to act as conservator of the second injury fund to the treasurer of state, and eliminating the industrial commissioner as a respondent in appeals from final agency action.

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

Section 1. Section 85.16, subsection 2, Code 1983, is amended to read as follows:

2. When By the employee's intoxication of the employee was the proximate cause of, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, if the intoxication was a substantial factor in causing the injury.

Sec. 2. Section 85.22, subsection 2, paragraph b, Code 1983, is amended to read as follows:

b. A sum sufficient to pay the employer the present worth, computed ~~on a six percent basis at the interest rate provided in section 535.3 for court judgments and decrees,~~ of the future payments of compensation for which ~~he the employer is liable, but such the sum thus found shall is not be considered as a final adjudication of the future payments which the employee shall is entitled to receive and if the amount sum received by the employer, if any, is in excess of that the amount~~ required to pay the compensation, ~~the excess shall be paid to the employee.~~

Sec. 3. Section 85.26, subsection 2, Code 1983, is amended to read as follows:

2. ~~Any An award for payments or an agreement for settlement provided by section 86.13 for benefits under the workers' compensation or occupational disease law or the Iowa occupational hearing loss Act (chapter 85, 85A, or 85B) may, where the amount has not been commuted, may be reviewed upon commencement of reopening proceedings by the employer or the employee within three years from the date of the last payment of weekly benefits made under such the award or agreement. Once If an award for payments or agreement for settlement as provided by section 86.13 for benefits under the workers' compensation or occupational disease law or the Iowa occupational hearing loss Act (chapter 85, 85A, or 85B) has been made where and the amount has not been commuted, or if a denial of liability is not filed with the industrial commissioner and notice of the denial is not mailed to the employee, on forms prescribed by the commissioner, within six months of the commencement of weekly compensation benefits, the commissioner may at any time upon proper application make a determination and appropriate order concerning the entitlement of an employee to benefits provided for in section 85.27. The failure to file a denial of liability does not constitute an admission of liability under this chapter or chapter 85A, 85B, or 86.~~

Sec. 4. Section 85.35, subsection 5, Code 1983, is amended to read as follows:

5. ~~Intoxication of the employee, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, was the proximate cause of a substantial factor in causing the employee's injury.~~

Sec. 5. Section 85.66, Code 1983, is amended to read as follows:

85.66 SECOND INJURY FUND—PAYMENTS—CUSTODIAN. When the total amount of the payments provided for in the preceding section, together with accumulated interest and earnings, equals or exceeds five hundred thousand dollars no further contributions to the fund shall be required; but when, thereafter, the amount of the sum is reduced below three hundred thousand dollars by reason of payments made to employees pursuant to this division, contributions shall be resumed and shall continue until the sum, together with accumulated interest and earnings, again amounts to five hundred thousand dollars. ~~The industrial commissioner shall adopt rules for the maintenance of the second injury fund and the making of contributions to the fund, and treasurer of state shall determine when contributions shall be made to the fund and when they shall be suspended; and the commissioner may enforce the rules and the collection of contributions.~~

Moneys so collected shall constitute a "Second Injury Fund", in the custody of the treasurer of state, to be disbursed only for the purposes stated in this division, and shall not at any time be appropriated or diverted to any other use or purpose. The treasurer of state shall invest any surplus moneys thereof of the fund in securities which constitute legal investments for state funds under the laws of this state, and may sell any of the securities in which said the fund is invested, if necessary, for the proper administration or in the best interests of said the fund. Disbursements from such the fund shall be paid by the treasurer of state only upon the written order of the industrial commissioner. The treasurer of state as custodian of such fund shall quarterly furnish to the industrial commissioner prepare a statement of the fund, setting forth the balance of moneys in said the fund, the income of the fund, specifying the source of all income, the payments out of the fund, specifying the various items of such payments, and setting forth the balance of the fund remaining to its credit. ~~Such The~~

statement shall be open to public inspection in the office of the industrial commissioner treasurer of state.

Sec. 6. Section 85.67, Code 1983, is amended to read as follows:

85.67 ADMINISTRATION OF FUND—SPECIAL COUNSEL. The industrial commissioner treasurer of state shall be charged with the conservation of the assets of the second injury fund, and the collection of contributions thereto to the fund. In furtherance of this purpose, the The attorney general shall appoint a staff member of his staff to represent the industrial commissioner treasurer of state and the fund in all proceedings and matters arising under this division. In his making an award under this division, the industrial commissioner shall specifically find the amount the injured employee shall be paid weekly, the number of weeks of compensation which shall be paid by the employer, the date upon which payments out of the fund shall begin, and, if possible, the length of time such the payments shall continue. The industrial commissioner shall administer the provisions of this division in connection with and under the same procedure as other cases arising under this chapter.

Sec. 7. Section 85.68, Code 1983, is amended to read as follows:

85.68 ACTIONS. The industrial commissioner treasurer of state, on behalf of the second injury fund created under the provisions of this division, shall have a cause of action under the provisions of section 85.22 to the same extent as an employer against any person not in the same employment by reason of whose negligence or wrong the subsequent injury of such the previously disabled person was caused. Any such The action shall be brought by the industrial commissioner treasurer of state on behalf of said the fund, and any recovery, less the necessary and reasonable expenses incurred by the industrial commissioner treasurer of state, shall be paid to the treasurer of state and credited to said the fund.

Sec. 8. Section 86.29, Code 1983, is amended to read as follows:

86.29 THE JUDICIAL REVIEW PETITION. Notwithstanding the terms of the Iowa administrative procedure Act chapter 17A, in a petition for judicial review of a final agency decision in a contested case under any provision of the "Workers' Compensation Act" chapter 85, 85A, 85B, 86, or 87, the name of the opposing party shall precede the name of be named the respondent, and the agency shall not be named as a respondent.

Approved May 9, 1983

CHAPTER 106

ATTORNEY FEES IN MECHANIC'S LIEN ACTION

S.F. 459

AN ACT providing for reasonable attorney fees for a mechanic's lien action.

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

Section 1. NEW SECTION. 572.32 ATTORNEY FEES. In a court action to enforce a mechanic's lien, if the plaintiff furnished labor or materials directly to the defendant, the plaintiff, if successful, shall be awarded reasonable attorney fees.

Approved May 9, 1983