

CHAPTER 111**DEPARTMENT OF EMPLOYMENT SERVICES PROGRAMS***S.F. 449*

AN ACT relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations.

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

Section 1. Section 85.31, subsection 1, paragraph d, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The weekly benefit amount shall not exceed a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the division of job service of the department of employment services under the provisions of section 96.3 and in effect at the time of the injury, ~~provided that~~. However, as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the statewide average weekly wage as determined above. ~~However, the~~ The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less. Such compensation shall be in addition to the benefits provided by sections 85.27 and 85.28.

Sec. 2. Section 85.34, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Compensation for permanent partial disability shall begin at the termination of the healing period provided in subsection 1 of this section. The compensation shall be in addition to the benefits provided by sections 85.27 and 85.28. The compensation shall be based upon the extent of the disability and upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-one and one-third percent of the statewide average weekly wage paid employees as determined by the division of job service of the department of employment services under section 96.3 and in effect at the time of the injury, ~~provided that~~. However, as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals ninety-two percent, one hundred twenty-two and two-thirds percent, one hundred fifty-three and one-third percent, and one hundred eighty-four percent, respectively, of the statewide average weekly wage as determined above. ~~However, the~~ The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less. However, if the employee is a minor or a full-time student under the age of twenty-five in an accredited educational institution, the minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. For all cases of permanent partial disability compensation shall be paid as follows:

Sec. 3. Section 85.34, subsection 3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the ~~commissioner of the division of job service~~ of the department of employment services under section 96.3 and in effect at the time of the injury; ~~provided that.~~ However, as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the statewide average weekly wage as determined above. ~~However,~~ The minimum weekly benefit amount is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less. However, if the employee is a minor or a full-time student under the age of twenty-five in an accredited educational institution the minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. The weekly compensation is payable during the period of the employee's disability.

Sec. 4. Section 85.37, unnumbered paragraph 1, Code 1987, is amended to read as follows:

If an employee receives a personal injury causing temporary total disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for the temporary total disability or for the healing period shall be upon the basis provided in this section. The weekly benefit amount payable to any employee for any one week shall be upon the basis of eighty percent of the employee's weekly spendable earnings, but shall not exceed an amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the ~~division of job service~~ of the department of employment services under section 96.3 and in effect at the time of the injury ~~provided that.~~ However, as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent, and two hundred percent, respectively, of the statewide average weekly wage as determined above. Total weekly compensation for any employee shall not exceed eighty percent per week of the employee's weekly spendable earnings. ~~However,~~ The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever ~~is~~ are less.

Sec. 5. Section 85.59, unnumbered paragraph 3, Code 1987, is amended to read as follows:

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution or in an industry maintained ~~therein~~ in the institution, while on detail to perform services on a public works project, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the ~~division of job service~~ of the department of employment services under section 96.3 and in effect at the time of the injury.

Sec. 6. Section 85.59, unnumbered paragraph 6, Code 1987, is amended to read as follows:

If death results from the injury, death benefits shall be awarded and paid to the dependents of the inmate as in other workers' compensation cases except that the weekly rate shall be equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the division of job service of the department of employment services under section 96.3 and in effect at the time of the injury.

Sec. 7. Section 88A.10, subsection 2, Code 1987, is amended to read as follows:

2. Any A person who interferes with, impedes, or obstructs in any manner the commissioner or ~~any authorized representative of the division~~ in the performance of the commissioner's or ~~representative's~~ duties under this chapter is guilty of a simple misdemeanor. Any A person who bribes or attempts to bribe the commissioner or ~~the commissioner's designee~~ shall be is subject to section 722.1.

Sec. 8. Section 92.22, Code 1987, is amended to read as follows:

92.22 LABOR COMMISSIONER TO ENFORCE.

It shall be the duty of the The labor commissioner, ~~the labor commissioner's deputies, inspectors, and assistants,~~ to shall enforce the provisions of this chapter. It shall also be the duty of all mayors ~~Mayors~~ and police officers, city marshals, sheriffs, and their deputies, school superintendents, and school truant and attendance officers, within their several jurisdictions, ~~to shall~~ co-operate in the enforcement of such provisions ~~this chapter~~ and furnish the commissioner, and the commissioner's ~~deputies and assistants~~ designees with all information coming to their knowledge regarding any violations of such provisions ~~this chapter~~. All such officers and any person authorized in writing by any court of record shall have the authority to enter, for the purpose of investigation, any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of such provisions ~~this chapter~~.

It shall be the duty of county County attorneys ~~to shall~~ investigate all complaints made to them of violations of any such provisions ~~this chapter~~, and ~~to~~ prosecute all such cases of violation within their respective counties.

Sec. 9. Section 96.3, subsection 4, unnumbered paragraph 3, Code 1987, is amended to read as follows:

For the purposes of this subsection, statewide average weekly wage means the amount computed by the ~~commissioner~~ department of employment services at least once a year on the basis of the aggregate amount of wages reported by employers in each preceding twelve-month period ending on December 31 and divided by the figure that results from fifty-two times the average of mid-month employment reported by employers for the same period. In determining the aggregate amount of wages paid statewide, the ~~commissioner~~ department of employment services shall disregard any limitation on the amount of wages subject to contributions under state law.

Sec. 10. Section 96.7, subsection 8, Code 1987, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. e. If an enterprise or business of a reimbursable government entity is sold or otherwise transferred to a subsequent employing unit and the successor employing unit continues to operate the enterprise or business, the successor employing unit shall assume the position of the reimbursable government entity with respect to the reimbursable government entity's payroll and reimbursable benefits to the same extent as if no change in the ownership or control of the enterprise or business had occurred, whether or not the successor employer elected or elects, or was or is eligible to elect, to become a reimbursable employer with respect to the employer's payroll prior to the sale or transfer of the enterprise or business.

NEW LETTERED PARAGRAPH. f. If a reimbursable instrumentality of the state or of a political subdivision is discontinued other than by sale or transfer to a subsequent employing unit as described in paragraph "e", the state or the political subdivision, respectively, shall

reimburse the division of job service for benefits paid to former employees of the instrumentality after the instrumentality is discontinued.

Sec. 11. Section 96.7, subsection 9, paragraph b, Code 1987, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) If an enterprise or business of a reimbursable nonprofit organization is sold or otherwise transferred to a subsequent employing unit and the successor employing unit continues to operate the enterprise or business, the successor employing unit shall assume the position of the reimbursable nonprofit organization with respect to the nonprofit organization's payroll and reimbursable benefits to the same extent as if no change in the ownership or control of the enterprise or business had occurred, whether or not the successor employer elected or elects, or was or is eligible to elect, to become a reimbursable employer with respect to the employer's payroll prior to the sale or transfer of the enterprise or business.

Sec. 12. Section 96.11, subsection 7, paragraph c, Code 1987, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (7) An employee of the department of employment services, a member of the general assembly, or a member of the United States congress in connection with the employee's or member's official duties.

NEW SUBPARAGRAPH. (8) A political subdivision, government entity, or nonprofit organization having an interest in the administration of job training programs established pursuant to the federal Job Training Partnership Act.

NEW SUBPARAGRAPH. (9) A designated representative of a business or labor organization having in excess of one hundred members.

Approved May 5, 1987

CHAPTER 112

POLITICAL CAMPAIGNS

S.F. 424

AN ACT relating to the administration of the campaign finance disclosure laws.

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

Section 1. Section 56.2, subsection 4, unnumbered paragraph 2, Code 1987, is amended to read as follows:

"Contribution" shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate's committee or political committee or a state or county statutory political committee except when organized or provided on a collective basis by a business, trade association, labor union, or any other organized group or association. "Contribution" shall not include refreshments served at a campaign function so long as such refreshments do not exceed fifty dollars in value or transportation provided to a candidate so long as its value computed at a rate of twenty cents per mile does not exceed one hundred dollars in value in any one reporting period. "Contribution" shall not include something provided to a candidate for the candidate's personal consumption or use and not intended for or on behalf of the candidate's committee.

Sec. 2. Section 56.2, subsection 6, Code 1987, is amended to read as follows:

6. "Political committee" means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue, or an association, lodge, society, cooperative, union,