

House File 861

H-1463

1 Amend House File 861 as follows:

2 1. Page 21, after line 30 by inserting:

3 <DIVISION ____

4 DEPARTMENT OF CORRECTIONS

5 Sec. ____ . Section 99G.39, Code 2021, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 4A. One hundred thousand dollars in
8 lottery revenues shall be transferred each fiscal year to the
9 department of corrections survivor benefits fund established
10 pursuant to section 904.321 prior to deposit of the lottery
11 revenues in the general fund pursuant to section 99G.40.

12 Sec. ____ . NEW SECTION. 509A.13D **Health insurance coverage**
13 **— surviving spouse and children of certain employees of the Iowa**
14 **department of corrections.**

15 1. For the purposes of this section, "*eligible employee of*
16 *the Iowa department of corrections*" means any of the following:

17 a. An employee of the Iowa department of corrections.

18 b. An employee of the Iowa department of corrections whose
19 death has been determined by the department to be the direct
20 and proximate result of a traumatic personal injury incurred in
21 the line of duty, and to whom none of the following applies:

22 (1) The employee's death resulted from stress, strain,
23 occupational illness, or a chronic, progressive, or congenital
24 illness, including but not limited to a disease of the heart,
25 lungs, or respiratory system, unless a traumatic personal
26 injury was a substantial contributing factor to the employee's
27 death.

28 (2) The employee's death was caused by the employee's
29 intentional misconduct, or by the employee's intent to cause
30 the employee's own death.

31 (3) The employee was voluntarily intoxicated at the time of
32 the employee's death.

33 (4) The employee was performing the employee's duties in a
34 grossly negligent manner at the time of the employee's death.

35 2. a. If the governing body of the state has procured

1 health insurance coverage for its employees under this chapter,
2 the governing body of the state shall permit continuation
3 of existing health insurance coverage or reenrollment in
4 previously existing coverage for the surviving spouse and each
5 surviving child of an eligible employee of the Iowa department
6 of corrections.

7 *b.* The governing body of the state shall permit continuation
8 of existing health insurance coverage for the surviving spouse
9 and each surviving child of an employee of the Iowa department
10 of corrections who dies and who is reasonably expected to be
11 determined to be an eligible employee of the Iowa department
12 of corrections, until such time as the determination of
13 eligibility is made.

14 3. The governing body of the state shall not be required to
15 pay for the cost of the health insurance under this section;
16 however, the governing body of the state may pay the full cost
17 or a portion of the cost of the health insurance. If the full
18 cost or a portion of the cost of the coverage is not paid by
19 the governing body of the state, the surviving spouse and each
20 surviving child who is eligible for health insurance under this
21 section may elect to continue coverage by paying that portion
22 of the cost of the health insurance not paid by the governing
23 body of the state.

24 4. The governing body of the state shall notify the
25 provider of health insurance coverage for state employees of
26 the identity of the surviving spouse and each surviving child
27 who is to be provided health insurance coverage pursuant to the
28 requirements of this section.

29 5. This section shall not require continuation of health
30 insurance coverage if the surviving spouse or a surviving child
31 who would otherwise be entitled to continuation of health
32 insurance coverage under this section was, through the actions
33 of the surviving spouse or the surviving child, a substantial
34 contributing factor to the death of the eligible employee of
35 the Iowa department of corrections.

1 Sec. _____. NEW SECTION. 904.321 Department of corrections
2 survivor benefits fund.

3 1. A department of corrections survivor benefits fund is
4 established in the state treasury under the control of the
5 department. The fund shall consist of moneys transferred
6 to the fund pursuant to section 99G.39 and any other moneys
7 appropriated to or deposited in the fund. Moneys in the fund
8 are appropriated to the department for the purposes set forth
9 in subsection 2.

10 2. The department shall distribute the moneys credited to
11 the fund in a fiscal year in the form of grants to nonprofit
12 organizations that provide resources to assist surviving
13 families of eligible employees of the department of corrections
14 killed in the line of duty in paying costs associated with
15 accident or health care coverage pursuant to section 509A.13D.

16 3. Notwithstanding section 8.33, moneys in the fund
17 that remain unencumbered or unobligated at the close of a
18 fiscal year shall not revert but shall remain available for
19 expenditure for the purposes designated. Notwithstanding
20 section 12C.7, subsection 2, interest or earnings on moneys in
21 the fund shall be credited to the fund.

22 Sec. _____. EFFECTIVE DATE. This division of this Act, being
23 deemed of immediate importance, takes effect upon enactment.

24 Sec. _____. RETROACTIVE APPLICABILITY. This division of this
25 Act applies retroactively to March 1, 2021.>

26 2. Title page, line 1, after <system> by inserting
27 <, establishing a department of corrections survivor
28 benefits fund, and including effective date and retroactive
29 applicability provisions>

30 3. By renumbering as necessary.

HEIN of Jones