

House File 861

H-1504

1 Amend House File 861 as follows:

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

3 <DIVISION ____

4 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

5 Sec. ____ . Section 85.26, subsection 1, Code 2021, is amended
6 to read as follows:

7 1. An original proceeding for benefits under [this chapter](#)
8 or [chapter 85A](#), [85B](#), or [86](#), shall not be maintained in any
9 contested case unless the proceeding is commenced within two
10 years from the date of the occurrence of the injury for which
11 benefits are claimed or one year from the date a denial of
12 liability is received by the employee, whichever is later,
13 or, if weekly compensation benefits are paid under section
14 86.13, within three years from the date of the last payment
15 of weekly compensation benefits. For the purposes of this
16 section, "*date of the occurrence of the injury*" means the date
17 that the employee knew or should have known that the injury was
18 work-related.

19 Sec. ____ . Section 97A.6, subsection 11, Code 2021, is
20 amended to read as follows:

21 11. *Pensions offset by compensation benefits.*

22 *a.* Any amounts which may be paid or payable by the state
23 under the provisions of any workers' compensation or similar
24 law to a member or to the dependents of a member on account of
25 any disability or death, shall be offset against and payable
26 in lieu of any benefits payable out of the retirement fund
27 provided by the state under the provisions of [this chapter](#) on
28 account of the same disability or death. In case the present
29 value of the total commuted benefits under said workers'
30 compensation or similar law is less than the present value
31 of the benefits otherwise payable from the retirement fund
32 provided by the state under [this chapter](#), then the present
33 value of the commuted payments shall be deducted from the
34 pension payable and such benefits as may be provided by the
35 system so reduced shall be payable under the provisions of this

1 chapter.

2 b. Notwithstanding paragraph "a", any workers' compensation
3 benefits received by a member for past medical expenses or
4 future medical expenses shall not be offset against and not
5 considered payable in lieu of any retirement allowance payable
6 pursuant to this section on account of the same disability.

7 c. Notwithstanding paragraph "a", any workers' compensation
8 benefits received by a member for reimbursement of vacation
9 time used, sick time used, or for any unpaid time off from work
10 shall not be offset against and not considered payable in lieu
11 of any retirement allowance payable pursuant to this section on
12 account of the same disability.

13 Sec. _____. Section 97B.50A, subsection 5, Code 2021, is
14 amended to read as follows:

15 5. *Offset to allowance.*

16 a. Notwithstanding any provisions to the contrary in state
17 law, or any applicable contract or policy, any amounts which
18 may be paid or payable by the employer under any workers'
19 compensation, unemployment compensation, employer-paid
20 disability plan, program, or policy, or other law to a member,
21 and any disability payments the member receives pursuant to
22 the federal Social Security Act, 42 U.S.C. §423 et seq.,
23 shall be offset against and payable in lieu of any retirement
24 allowance payable pursuant to [this section](#) on account of the
25 same disability.

26 b. Notwithstanding paragraph "a", any workers' compensation
27 benefits received by a member for past medical expenses or
28 future medical expenses shall not be offset against and not
29 considered payable in lieu of any retirement allowance payable
30 pursuant to this section on account of the same disability.

31 c. Notwithstanding paragraph "a", any workers' compensation
32 benefits received by a member for reimbursement of vacation
33 time used, sick time used, or for any unpaid time off from work
34 shall not be offset against and not considered payable in lieu
35 of any retirement allowance payable pursuant to this section on

1 account of the same disability.>

2 3. Title page, line 1, after <system> by inserting <, and
3 workers' compensation>

4 2. By renumbering as necessary.

BRECKENRIDGE of Jasper