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The Law Enforcement 4/29

SENATE FILE 402

By COMMITTEE ON LAW ENFORCEMENT

Passed Senate, Date 4-1-71 Passed House, Date 5-18-71
Vote: Ayes 32 Nays 12 Vote: Ayes 79 Nays 0
Approved 5-27-71

A BILL FOR

1 An Act relating to benefits under the peace officers' retire-
2 ment system.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section ninety-seven A point six (97A.6),
2 subsection five (5), Code 1971, is amended as follows:

3 5. ACCIDENTAL DISABILITY BENEFIT. Upon application of
4 a member in service or of the commissioner of public safety,
5 any member who has become totally and permanently incapaci-
6 tated for duty as the natural and proximate result of an
7 accident injury, disease, or exposure occurring or aggravated
8 while in the actual performance of duty at some definite time
9 and place shall be retired by the board of trustees, provided,
10 that the medical board shall certify that such member is
11 mentally or physically incapacitated for further performance
12 of duty, that such incapacity is likely to be permanent and
13 that such member should be retired.

14 Should a member in service become incapacitated for duty
15 as a natural and proximate result of an injury, disease, or
16 exposure incurred or aggravated while in the actual performance
17 of duty at some definite time or place, he shall, upon being
18 found to be temporarily incapacitated following an examination
19 by the board of trustees, be entitled to receive his fixed
20 pay and allowances until reexamined by the board and found
21 to be fully recovered or permanently disabled.

22 Disease under this section shall mean heart disease or
23 any disease of the lungs or respiratory tract and shall be
24 presumed to have been contracted while on active duty as a
25 result of strain, exposure, or the inhalation of noxious
26 fumes, poison, or gases.

27 Sec. 2. Chapter ninety-seven A (97A), Code 1971, is amended
28 by adding the following new section:

29 "HOSPITALIZATION AND MEDICAL ATTENTION. The board of
30 trustees shall provide hospital, nursing, and medical atten-
31 tion for the members in service when injured while in the
32 performance of their duties. The cost of hospital, nursing,
33 and medical attention shall be paid out of the expense fund.
34 However, any amounts received by the injured person under
35 the workmen's compensation law of the state, or from any other

1 source for such specific purposes, shall be deducted from
2 the amount paid by the board of trustees provisions of this
3 section."

4 EXPLANATION

5 The bill is designed to include highway patrol officers,
6 BCI personnel and narcotics agents, who are members of the
7 public safety peace officers' retirement accident and disa-
8 bility system, in the so-called "heart and lung" provisions.
9 City police officers and firemen have this benefit in section
10 411.6, subsection 5. Members of the highway patrol, BCI and
11 narcotics are exposed to the same risks as are those persons
12 included in section 411.6. It also provides for payment of
13 medical expenses.

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