

3/1/96 Do Pass  
S-3/19/96 Still Now

FEB 6 1996  
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 2153  
BY CONNORS

Passed House, Date (p.823) 3/19/96 Passed Senate, Date 3/26/96 (p.1045)  
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 1  
Approved 4/30/96

Motion to Rec. 3/26/96  
Murphy (p. 1047)  
Motion to Rec. Withdrawn  
4.24.96

A BILL FOR

1 An Act relating to the reinstatement to active service of members  
2 of the statewide fire and police retirement system and the  
3 public safety peace officers' retirement, accident, and  
4 disability system upon denial of disability benefits.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2153

1 Section 1. Section 97A.6, subsection 3, Code 1995, is  
2 amended to read as follows:

3 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon the  
4 application of a member in service or of the commissioner of  
5 public safety, any member shall be retired by the board of  
6 trustees, not less than thirty and not more than ninety days  
7 next following the date of filing such application, on an  
8 ordinary disability retirement allowance, provided, that the  
9 medical board after a medical examination of such member shall  
10 certify that said member is mentally or physically  
11 incapacitated for further performance of duty, that such  
12 incapacity is likely to be permanent and that such member  
13 should be retired. However, if a person's membership in the  
14 system first commenced on or after July 1, 1992, the member  
15 shall not be eligible for benefits with respect to a  
16 disability which would not exist, but for a medical condition  
17 that was known to exist on the date that membership commenced.  
18 A member who is denied a benefit under this subsection, by  
19 reason of a finding by the medical board that the member is  
20 not mentally or physically incapacitated for the further  
21 performance of duty, shall be entitled to be restored to  
22 active service in the same position held immediately prior to  
23 the application for disability benefits.

24 Sec. 2. Section 97A.6, subsection 5, paragraph a, Code  
25 1995, is amended to read as follows:

26 a. Upon application of a member in service or of the  
27 commissioner of public safety, any member who has become  
28 totally and permanently incapacitated for duty as the natural  
29 and proximate result of an injury, disease or exposure  
30 occurring or aggravated while in the actual performance of  
31 duty at some definite time and place shall be retired by the  
32 board of trustees, provided, that the medical board shall  
33 certify that such member is mentally or physically  
34 incapacitated for further performance of duty, that such  
35 incapacity is likely to be permanent and that such member

1 should be retired. However, if a person's membership in the  
2 system first commenced on or after July 1, 1992, the member  
3 shall not be eligible for benefits with respect to a  
4 disability which would not exist, but for a medical condition  
5 that was known to exist on the date that membership commenced.  
6 A member who is denied a benefit under this subsection, by  
7 reason of a finding by the medical board that the member is  
8 not mentally or physically incapacitated for the further  
9 performance of duty, shall be entitled to be restored to  
10 active service in the same position held immediately prior to  
11 the application for disability benefits.

12 Sec. 3. Section 411.6, subsection 3, Code 1995, is amended  
13 to read as follows:

14 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon  
15 application to the system, of a member in service or of the  
16 chief of the police or fire departments, respectively, any  
17 member shall be retired by the system, not less than thirty  
18 and not more than ninety days next following the date of  
19 filing the application, on an ordinary disability retirement  
20 allowance, if the medical board after a medical examination of  
21 the member certifies that the member is mentally or physically  
22 incapacitated for further performance of duty, that the  
23 incapacity is likely to be permanent, and that the member  
24 should be retired. However, if a person's membership in the  
25 system first commenced on or after July 1, 1992, the member  
26 shall not be eligible for benefits with respect to a  
27 disability which would not exist, but for a medical condition  
28 that was known to exist on the date that membership commenced.  
29 A member who is denied a benefit under this subsection, by  
30 reason of a finding by the medical board that the member is  
31 not mentally or physically incapacitated for the further  
32 performance of duty, shall be entitled to be restored to  
33 active service in the same position held immediately prior to  
34 the application for disability benefits.

35 Sec. 4. Section 411.6, subsection 5, paragraph a, Code

1 1995, is amended to read as follows:

2 a. Upon application to the system, of a member in service  
3 or of the chief of the police or fire departments,  
4 respectively, any member who has become totally and  
5 permanently incapacitated for duty as the natural and  
6 proximate result of an injury or disease incurred in or  
7 aggravated by the actual performance of duty at some definite  
8 time and place, or while acting pursuant to order, outside of  
9 the city by which the member is regularly employed, shall be  
10 retired by the system, if the medical board certifies that the  
11 member is mentally or physically incapacitated for further  
12 performance of duty, that the incapacity is likely to be  
13 permanent, and that the member should be retired. However, if  
14 a person's membership in the system first commenced on or  
15 after July 1, 1992, the member shall not be eligible for  
16 benefits with respect to a disability which would not exist,  
17 but for a medical condition that was known to exist on the  
18 date that membership commenced. A member who is denied a  
19 benefit under this subsection, by reason of a finding by the  
20 medical board that the member is not mentally or physically  
21 incapacitated for the further performance of duty, shall be  
22 entitled to be restored to active service in the same position  
23 held immediately prior to the application for disability  
24 benefits.

25 EXPLANATION

26 This bill provides reemployment rights for a member of the  
27 statewide fire and police retirement system and the public  
28 safety peace officers' retirement, accident, and disability  
29 system who applies for an ordinary disability retirement  
30 benefit or an accidental disability benefit and is determined  
31 by the medical board not to be incapacitated for duty. The  
32 bill provides that the member can resume active service in the  
33 same position held by the member prior to the application for  
34 disability benefits.

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HOUSE FILE 2153

AN ACT

RELATING TO THE REINSTATEMENT TO ACTIVE SERVICE OF MEMBERS OF THE STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM AND THE PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM UPON DENIAL OF DISABILITY BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 97A.6, subsection 3, Code 1995, is amended to read as follows:

3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon the application of a member in service or of the commissioner of public safety, any member shall be retired by the board of trustees, not less than thirty and not more than ninety days next following the date of filing such application, on an ordinary disability retirement allowance, provided, that the medical board after a medical examination of such member shall certify that said member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. However, if a person's membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further

performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

Sec. 2. Section 97A.6, subsection 5, paragraph a, Code 1995, is amended to read as follows:

a. Upon application of a member in service or of the commissioner of public safety, any member who has become totally and permanently incapacitated for duty as the natural and proximate result of an injury, disease or exposure occurring or aggravated while in the actual performance of duty at some definite time and place shall be retired by the board of trustees, provided, that the medical board shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. However, if a person's membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

Sec. 3. Section 411.6, subsection 3, Code 1995, is amended to read as follows:

3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon application to the system, of a member in service or of the chief of the police or fire departments, respectively, any member shall be retired by the system, not less than thirty and not more than ninety days next following the date of filing the application, on an ordinary disability retirement allowance, if the medical board after a medical examination of

the member certifies that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. However, if a person's membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

Sec. 4. Section 411.6, subsection 5, paragraph a, Code 1995, is amended to read as follows:

a. Upon application to the system, of a member in service or of the chief of the police or fire departments, respectively, any member who has become totally and permanently incapacitated for duty as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place, or while acting pursuant to order, outside of the city by which the member is regularly employed, shall be retired by the system, if the medical board certifies that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. However, if a person's membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically

incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2153, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approve: 4/30, 1996

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TERRY E. BRANSTAD  
Governor