

FEB 10 2000

STATE GOVERNMENT

HOUSE FILE 2212  
BY MURPHY and COHOON

(COMPANION TO LSB 6115SS  
BY FRAISE)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the application of a member of the municipal  
2 fire and police retirement system for an ordinary disability  
3 retirement benefit.

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

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HF 2212

1 Section 1. Section 411.6, subsection 3, Code 1999, is  
2 amended to read as follows:

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

28 EXPLANATION

29 This bill provides that a member covered by the municipal  
30 fire and police retirement system may file an application for  
31 an ordinary disability retirement allowance, and receive the  
32 allowance if otherwise qualified, without the authorization or  
33 approval of the chief of the police or fire department  
34 employing the member.

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