Senate File 414 - Introduced

A BILL FOR

1 An Act prohibiting payment of workers' compensation benefits
2   to alien dependents designated as terrorists pursuant to
3   federal law or subject to federal arrest warrants.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.31, subsection 5, Code 2021, is
2 amended to read as follows:
3 5. Except as otherwise provided by treaty, whenever,
4 under the provisions of this chapter and chapters 86 and 87,
5 compensation is payable to a dependent who is an alien not
6 residing in the United States at the time of the injury, the
7 employer shall pay fifty percent of the compensation herein
8 otherwise provided to such dependent, and the other fifty
9 percent shall be paid into the second injury fund in the
10 custody of the treasurer of state. But if
11 *a.* If the nonresident alien dependent is a citizen of a
12 government having a compensation law which excludes citizens
13 of the United States, either resident or nonresident, from
14 partaking of the benefits of such law in as favorable degree
15 as herein extended to the nonresident alien, then said such
16 compensation which would otherwise be payable to such dependent
17 shall be paid into the second injury fund in the custody of the
18 treasurer of state.
19 *b.* Compensation shall not be payable to a dependent who
20 is designated as a terrorist by a federal agency pursuant to
21 applicable federal law or who is subject to an arrest warrant
22 issued by a federal agency.
23 Sec. 2. Section 85.44, Code 2021, is amended to read as
24 follows:
25 **85.44 Payment to actual dependents.**
26 In all other cases, a dependent shall be one actually
27 dependent or mentally or physically incapacitated from earning.
28 Such status shall be determined in accordance with the facts as
29 of the date of the injury. In such cases if there is more than
30 one person, the compensation benefit shall be equally divided
31 among them. If there is no one wholly dependent and more than
32 one person partially dependent, the compensation benefit shall
33 be divided among them in the proportion each dependency bears
34 to their aggregate dependency. However, compensation shall not
35 be payable to a dependent who is designated as a terrorist by

1 a federal agency pursuant to applicable federal law or who is

2 subject to an arrest warrant issued by a federal agency.

3   Sec. 3. Section 85.51, Code 2021, is amended to read as

4 follows:

5   **85.51 Alien dependents in foreign country.**

6   In case a deceased employee for whose injury or death

7 compensation is payable leaves surviving an alien dependent

8 or dependents residing outside the United States, the consul

9 general, consul, vice consul, or consular agent of the nation

10 of which the ~~said~~ dependent or dependents are citizens, or

11 the duly appointed representative of such consular official

12 resident in the state of Iowa, shall be regarded as the

13 exclusive representative of such dependent or dependents, and

14 ~~said~~ the consular officials or their representatives shall

15 have the same rights and powers in all matters of compensation

16 which ~~said~~ the nonresident aliens would have if resident in

17 the state of Iowa. However, compensation shall not be payable

18 to a dependent who is designated as a terrorist by a federal

19 agency pursuant to applicable federal law or who is subject to

20 an arrest warrant issued by a federal agency.

21   EXPLANATION

22   **The inclusion of this explanation does not constitute agreement with**

23   **the explanation's substance by the members of the general assembly.**

24   This bill prohibits payment of workers' compensation

25 benefits to a surviving dependent of a deceased person to

26 whom such benefits were payable, if the dependent is either

27 designated as a terrorist by a federal agency pursuant to

28 applicable federal law or subject to an arrest warrant issued

29 by a federal agency.