

(p. 460) House 3/8/94 Judiciary + Law Enforcement

(P. 391) 2/23/94 Judiciary  
(P. 439) 2/1/94 Do Pass  
(P. 791) 3-21-94 Amend / Do Pass w/  
H-5536

FILED FEB 23 1994

SENATE FILE 2192  
BY VILSACK

(p. 550)  
Passed Senate, Date 3-7-94 Passed House, Date \_\_\_\_\_  
Vote: Ayes 38 Nays 12 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to compensation of volunteer fire fighters when  
2 subpoenaed as witnesses.

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

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SENATE FILE 2192

H-5536

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:

- 3 1. Page 1, by striking lines 8 and 9 and
- 4 inserting the following: "from the party that
- 5 subpoenaed the volunteer fire fighter. The
- 6 compensation".
- 7 2. Page 1, by striking lines 19 through 25.

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT  
McNEAL of Hardin, Chairperson

H-5536 FILED MARCH 21, 1994

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1 Section 1. NEW SECTION. 622.71A VOLUNTEER FIRE FIGHTERS  
2 -- WITNESS COMPENSATION.

3 A volunteer fire fighter, as defined in section 85.61, who  
4 is subpoenaed to appear as a witness in connection with a  
5 matter regarding an event or transaction which the fire  
6 fighter perceived or investigated in the course of duty as a  
7 volunteer fire fighter, shall receive reasonable compensation  
8 from the public entity for whom the volunteer fire fighter is  
9 performing volunteer fire fighting services. The compensation  
10 shall be commensurate with the compensation paid to full-time  
11 fire fighters. However, the requirements of this section are  
12 not applicable if a volunteer fire fighter will receive the  
13 volunteer fire fighter's regular salary or other compensation  
14 pursuant to the policy of the volunteer fire fighter's regular  
15 employer, for the period of time required for travel to and  
16 from where the court or other tribunal is located and while  
17 the volunteer fire fighter is required to remain at that place  
18 pursuant to the subpoena.

19 A volunteer fire fighter who receives a witness fee, not  
20 including any mileage expense, pursuant to section 622.69  
21 shall pay the witness fee to the public entity which has paid  
22 the volunteer fire fighter compensation under this section.

23 For purposes of this section, "public entity" means a  
24 county, benefited fire district, township, or city pursuant to  
25 chapter 331, 357B, 359, or 364.

26 EXPLANATION

27 This bill provides that the public entity for which a  
28 volunteer fire fighter works must pay reasonable compensation,  
29 based on the pay received by regular fire fighters, to  
30 volunteer fire fighters when subpoenaed to be witnesses  
31 related to activities arising in the course of duty. The  
32 public entity is not required to reimburse the volunteer fire  
33 fighter if the fire fighter's regular employer pays the  
34 regular salary or compensation to which the employee is  
35 entitled pursuant to the employer's policy.

SENATE FILE 2192  
FISCAL NOTE

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A fiscal note for Senate File 2192 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2192 provides that the public entity for which a volunteer fire fighter works must pay reasonable compensation, based upon the pay received by regular fire fighters, to volunteer fire fighters when subpoenaed to be witnesses related to activities arising in the course of duty. The public entity is not required to reimburse volunteer fire fighters who are compensated by their employers for serving as witnesses.

Fiscal Effect

The fiscal effect of SF 2192 on the General Fund cannot be determined.

Source: Judicial Department

(LSB 3784ss, LAM)

FILED MARCH 14, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR