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SENATE FILE 424  
BY COMMITTEE ON STATE GOVERNMENT

(p. 862)  
Passed Senate, Date 3/23/95 Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to membership and administration of the board of  
2 the statewide police and fire retirement system and providing  
3 an effective date.

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

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S.F. 424

1 Section 1. Section 400.8, subsection 1, Code 1995, is  
2 amended to read as follows:

3 1. The commission, when necessary under the rules,  
4 including minimum and maximum age limits, which shall be  
5 prescribed and published in advance by the commission and  
6 posted in the city hall, shall hold examinations for the  
7 purpose of determining the qualifications of applicants for  
8 positions under civil service, other than promotions, which  
9 examinations shall be practical in character and shall relate  
10 to matters which will fairly test the mental and physical  
11 ability of the applicant to discharge the duties of the  
12 position to which the applicant seeks appointment. The  
13 physical examination of applicants for appointment to the  
14 positions of police officer, police matron, or fire fighter  
15 shall be held in accordance with medical protocols established  
16 by the board of trustees of the statewide fire and police  
17 retirement system established by in accordance with section  
18 411.5. The medical protocols established by the board of  
19 trustees may be updated as deemed necessary by the board of  
20 trustees. The commission shall conduct a medical examination  
21 of an applicant for the position of police officer, police  
22 matron, or fire fighter after a conditional offer of  
23 employment has been made to the applicant. An applicant shall  
24 not be discriminated against on the basis of height, weight,  
25 sex, or race in determining physical or mental ability of the  
26 applicant. Reasonable rules relating to strength, agility,  
27 and general health of applicants shall be prescribed. The  
28 costs of the physical examination required under this  
29 subsection shall be paid from the trust and agency fund of the  
30 city.

31 Sec. 2. Section 411.3, subsection 3, paragraph a, Code  
32 1995, is amended to read as follows:

33 a. As used in this section, unless the context otherwise  
34 requires, "reemployed" or "reemployment" means the employment  
35 of a person as a police officer or fire fighter by any

1 participating city after the person has ~~commenced-receiving~~  
2 received a service retirement allowance under section 411.6  
3 for at least two years. A person who returns to employment as  
4 a police officer or fire fighter within the two-year period is  
5 not reemployed for the purposes of this subsection. The  
6 person who returns to employment within the two-year period is  
7 an active member of the system and is not eligible to receive  
8 a service retirement allowance. Upon the person's subsequent  
9 retirement, the person's service retirement allowance shall be  
10 recalculated.

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

13 b. All monthly pensions adjusted as provided in this  
14 subsection shall be payable beginning on July 1 and January 1  
15 of the year in which the adjustment is made and shall continue  
16 in effect until the next adjustment at which time the monthly  
17 pensions shall again be adjusted in accordance with paragraph  
18 "a" of this subsection. A retired member or beneficiary is  
19 only eligible for the adjustment under this subsection if the  
20 retired member or beneficiary is actually receiving a pension  
21 as of the applicable July 1 or January 1.

22 Sec. 4. Section 411.13, Code 1995, is amended to read as  
23 follows:

24 411.13 EXEMPTION FROM EXECUTION AND OTHER PROCESS, OR  
25 ASSIGNMENT.

26 The right of any person to a pension, annuity, or  
27 retirement allowance, to the return of contributions, the  
28 pension, annuity, or retirement allowance itself, any optional  
29 benefit or death benefit, any other right accrued or accruing  
30 to any person under this chapter, and the moneys in the fire  
31 and police retirement fund created under this chapter, are not  
32 subject to execution, garnishment, attachment, or any other  
33 process whatsoever, and are unassignable except in accordance  
34 with a marital property order and except as in-this-chapter  
35 specifically provided in this chapter.

1     Sec. 5. Section 411.36, subsection 1, unnumbered paragraph  
2 1, Code 1995, as amended by 1995 Iowa Acts, Senate File 45,  
3 section 5, is amended to read as follows:

4     A board of trustees for the statewide fire and police  
5 retirement system is created. The board shall consist of  
6 ~~thirteen~~ fourteen members, including nine voting members and  
7 ~~four~~ five nonvoting members. Section 69.16A applies to the  
8 appointment of the voting members of the board. The voting  
9 members of the board shall be as follows:

10    Sec. 6. Section 411.36, subsection 1, unnumbered paragraph  
11 2, Code 1995, as amended by 1995 Iowa Acts, Senate File 45,  
12 section 5, is amended to read as follows:

13    The treasurer of state, or the treasurer's designee, shall  
14 serve as an ex officio, nonvoting member. The other nonvoting  
15 members of the board shall be two state representatives, one  
16 appointed by the speaker of the house of representatives and  
17 one by the minority leader of the house, and two state  
18 senators, one appointed by the majority leader of the senate  
19 and one by the minority leader of the senate.

20    Sec. 7. Section 411.36, subsection 2, Code 1995, is  
21 amended to read as follows:

22    2. ~~Except as otherwise provided for the initial~~  
23 ~~appointments, the~~ The voting members shall be appointed for  
24 four-year terms, and the nonvoting members who are members of  
25 the senate and the house of representatives shall be appointed  
26 for two-year terms. Terms begin on May 1 in the year of  
27 appointment and expire on April 30 in the year of expiration.

28    Sec. 8. Section 411.36, subsection 5, paragraph a, Code  
29 1995, is amended to read as follows:

30    a. Members of the board, except the treasurer of state or  
31 the treasurer's designee, shall be paid their actual and  
32 necessary expenses incurred in the performance of their duties  
33 and shall receive a per diem as specified in section 7E.6 for  
34 each day of service. Per diem and expenses shall be paid to  
35 voting members from the fire and police retirement fund

1 created in section 411.8.

2 Sec. 9. MEMBERSHIP OF TREASURER OF STATE. The treasurer  
3 of state, or the treasurer's designee, shall become a member  
4 of the board on May 1, 1995.

5 Sec. 10. EFFECTIVE DATE. Sections 5 through 9 of this  
6 Act, being deemed of immediate importance, take effect upon  
7 enactment.

8 EXPLANATION

9 The bill makes several changes to the statewide fire and  
10 police retirement system. The bill allows the board of  
11 trustees to update medical protocols the board has adopted for  
12 physical examinations required for employment of police  
13 officers and fire fighters. The bill provides that a member  
14 who has received a service retirement allowance for two years  
15 and returns to employment is considered reemployed and may  
16 continue to receive the member's service retirement allowance  
17 during the reemployment period. A member who returns to  
18 employment within two years after retirement returns as an  
19 active member of the system and upon the member's subsequent  
20 retirement, the member's service retirement allowance is  
21 recalculated. The bill states that a member shall actually be  
22 receiving a retirement allowance on the date of pension  
23 readjustment in order to receive the readjustment. The bill  
24 states that pensions are assignable under marital property  
25 orders.

26 The bill adds the treasurer of state, or the treasurer's  
27 designee, as an ex officio, nonvoting member of the board of  
28 trustees of the statewide fire and police retirement system  
29 effective May 1, 1995. The bill requires the membership of  
30 the voting members to be gender-balanced. The provisions  
31 pertaining to the treasurer of state and the gender balance  
32 requirement take effect upon enactment.

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