

House Amendment 5792

Amendment Text

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1 1 Amend the amendment, [H-5515](#), to [Senate File 2245](#),
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 6 the
1 5 following:
1 6 "Section 1. Section [2.11](#), Code 1995, is amended by
1 7 adding the following new unnumbered paragraph after
1 8 unnumbered paragraph 1:
1 9 NEW UNNUMBERED PARAGRAPH. A temporary employee of
1 10 the general assembly may elect to receive payment of
1 11 the employee's salary during each month of the same
1 12 calendar year in which the temporary employee is
1 13 employed, for payment at the same time as other state
1 14 employees are paid, by notifying the finance officer
1 15 prior to commencing employment as a temporary employee
1 16 of the general assembly."
1 17 #2. Page 14, line 3, by striking the words
1 18 "paragraph "e"" and inserting the following:
1 19 "paragraphs "e" and "f"".
1 20 #3. Page 14, line 42, by striking the words
1 21 "paragraph "e"" and inserting the following:
1 22 "paragraphs "e" and "f"".
1 23 #4. Page 16, by inserting after line 41 the
1 24 following:
1 25 "Sec. _____. Section [97B.49](#), subsection 5, Code
1 26 Supplement 1995, is amended by adding the following
1 27 new paragraph:
1 28 NEW PARAGRAPH. f. For each active or inactive
1 29 vested member retiring on or after July 1, 1996, the
1 30 percentage multiplier of the three-year average
1 31 covered wage used under subsections 5, 15, 16, and 17
1 32 to calculate the monthly retirement allowance shall be
1 33 increased by one-fourth of one percentage point for
1 34 each additional calendar quarter of membership service
1 35 beyond the applicable years of service, not to exceed
1 36 a total of six additional percentage points. For
1 37 purposes of this paragraph, "the applicable years of
1 38 service" shall be the following, based upon the
1 39 service retirement allowance selected:
1 40 (1) For members receiving a retirement allowance
1 41 for regular service under subsection 5 or 15, or
1 42 receiving a combined retirement allowance under
1 43 subsection 17, the applicable years of service is
1 44 thirty.
1 45 (2) For members receiving a retirement allowance
1 46 for service in a protection occupation under
1 47 subsection 16, paragraph "a", or receiving a
1 48 retirement allowance for service as a sheriff, deputy
1 49 sheriff, or airport fire fighter under subsection 16,
1 50 paragraph "b", subparagraph (3), the applicable years
2 1 of service is twenty-five.
2 2 (3) For members receiving a retirement allowance
2 3 for service as a sheriff, deputy sheriff, or airport
2 4 fire fighter under subsection 16, paragraph "b",
2 5 subparagraph (1) or (2), the applicable years of
2 6 service is twenty-two."
2 7 #5. By striking page 16, line 42, through page 18,

2 8 line 2, and inserting the following:

2 9 "Sec. ____ Section 97B.49, subsection 13, Code

2 10 Supplement 1995, is amended to read as follows:

2 11 13. a. A member who retired from the system
2 12 between January 1, 1976, and June 30, 1982, or a
2 13 contingent annuitant or beneficiary of such a member,
2 14 shall receive with the November

~~1994 and the November~~

2 15

~~1995~~

- 1996 monthly benefit

~~payments~~

- payment a

2 16 retirement dividend equal to

~~one~~

- two hundred

~~eighty~~

2 17

~~one~~

- twenty-three percent of the monthly benefit

2 18 payment the member received for the preceding June, or
2 19 the most recently received benefit payment, whichever
2 20 is greater. The retirement dividend does not affect
2 21 the amount of a monthly benefit payment.

2 22 b. Each member who retired from the system between
2 23 July 4, 1953, and December 31, 1975, or a contingent
2 24 annuitant or beneficiary of such a member, shall
2 25 receive with the November

~~1994 and the November 1995~~

2 26 1996 monthly benefit

~~payments~~

- payment a retirement

2 27 dividend equal to two hundred

~~thirty six~~

- ninety-two

2 28 percent of the monthly benefit payment the member
2 29 received for the preceding June, or the most recently
2 30 received benefit payment, whichever is greater. The
2 31 retirement dividend does not affect the amount of a
2 32 monthly benefit payment.

2 33 c. Notwithstanding the determination of the amount
2 34 of a retirement dividend under paragraph "a", "b",
2 35 "d",

~~or~~

- "f", or "g", a retirement dividend shall not
2 36 be less than twenty-five dollars.

2 37 d. A member who retired from the system between
2 38 July 1, 1982, and June 30, 1986, or a contingent
2 39 annuitant or beneficiary of such a member, shall
2 40 receive with the November

~~1994 and the November 1995~~

2 41 1996 monthly benefit

~~payments~~

- payment a retirement
2 42 dividend equal to

~~forty nine~~

- seventy-four percent of
2 43 the monthly benefit payment the member received for
2 44 the preceding June, or the most recently received
2 45 benefit payment, whichever is greater. The retirement
2 46 dividend does not affect the amount of a monthly
2 47 benefit payment.
2 48 e. If the member dies on or after July 1 of the
2 49 dividend year but before the payment date, the full
2 50 amount of the retirement dividend for that year shall
3 1 be paid

~~to the designated beneficiary~~

- to the member's
3 2 account, upon notification of the member's death.

~~If~~

-
3 3

~~there is no beneficiary designated by the member, the~~

-
3 4

~~department shall pay the dividend to the member's~~

-
3 5

~~estate. The beneficiary, or the representative of the~~

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3 6

~~member's estate, must apply for the dividend within~~

-
3 7

~~two years after the dividend is payable or the~~

-
3 8

~~dividend is forfeited.~~

-
3 9 f. A member who retired from the system between
3 10 July 1, 1986, and June 30, 1990, or a contingent
3 11 annuitant or beneficiary of such a member, shall
3 12 receive with the November 1996

~~and the November 1997~~

-
3 13 monthly benefit

~~payments~~

- payment a retirement dividend
3 14

~~in an amount determined by the general assembly~~

- equal

3 15 to twenty-four percent of the monthly benefit payment
3 16 the member received for the preceding June, or the
3 17 most recently received benefit payment, whichever is
3 18 greater. The retirement dividend does not affect the
3 19 amount of a monthly benefit payment.

3 20 Sec. _____. Section [97B.49](#), subsection 13, Code
3 21 Supplement 1995, is amended by adding the following
3 22 new paragraph:

3 23 NEW PARAGRAPH. g. Effective July 1, 1997,
3 24 commencing with dividends payable in November 1997,
3 25 and for each subsequent year, all members who retired
3 26 prior to July 1, 1990, shall be eligible for annual
3 27 dividend payments, payable in November of that year,
3 28 pursuant to the requirements of this paragraph. The
3 29 dividend payable in any given year shall be the sum of
3 30 the dollar amount of the dividend payable in the
3 31 previous November and the dividend adjustment.

3 32 The dividend adjustment for a given year shall be
3 33 calculated by multiplying the total of the retiree's
3 34 monthly benefit payments and the dividend payable to
3 35 the retiree in the previous calendar year by the
3 36 applicable percentage as determined by this paragraph.
3 37 The applicable percentage shall be the least of the
3 38 following percentages:

3 39 (1) The percentage representing eighty percent of
3 40 the percentage increase in the consumer price index
3 41 published in the federal register by the federal
3 42 department of labor, bureau of labor statistics, that
3 43 reflects the percentage increase in the consumer price
3 44 index for the twelve-month period ending June 30 of
3 45 the year that the dividend is to be paid.

3 46 (2) The percentage representing the percentage
3 47 amount the actuary has certified, in the annual
3 48 actuarial valuation of the system as of June 30 of the
3 49 year in which the dividend is to be paid, that the
3 50 fund can absorb without requiring an increase in the
4 1 employer and employee contributions to the fund.

4 2 (3) Three percent.

4 3 The dividend determined pursuant to this paragraph
4 4 shall not be used to increase the monthly benefit
4 5 amount payable."

4 6 #6. Page 18, by inserting before line 3 the
4 7 following:

4 8 "Sec. _____. Section [97B.49](#), subsection 15,
4 9 paragraph b, Code Supplement 1995, is amended to read
4 10 as follows:

4 11 b. For each active or inactive vested member
4 12 retiring on or after July 1, 1990, and before July 1,
4 13 1996, who is at least fifty-five years of age and for
4 14 which the sum of the number of years of membership
4 15 service and prior service and the member's age in
4 16 years as of the member's last birthday equals or
4 17 exceeds ninety-two, a monthly benefit shall be
4 18 computed which is equal to one-twelfth of the same
4 19 percentage of the three-year average covered wage of
4 20 the member as is provided in subsection 5.

4 21 Sec. _____. Section [97B.49](#), subsection 15, Code
4 22 Supplement 1995, is amended by adding the following
4 23 new paragraph:

4 24 NEW PARAGRAPH. c. For each active or inactive
4 25 vested member retiring on or after July 1, 1996, who
4 26 is at least fifty-five years of age and for which the
4 27 sum of the number of years of membership service and
4 28 prior service and the member's age in years as of the
4 29 member's last birthday equals or exceeds eighty-eight,
4 30 a monthly benefit shall be computed which is equal to
4 31 one-twelfth of the same percentage of the three-year
4 32 average covered wage of the member as is provided in
4 33 subsection 5, multiplied by a fraction of years of
4 34 service as is provided in subsection 5."

4 35 #7. Page 18, by inserting before line 3 the
4 36 following:

4 37 "Sec. _____. Section 97B.49, subsection 16,
4 38 paragraph b, Code Supplement 1995, is amended by
4 39 adding the following new subparagraph:
4 40 NEW SUBPARAGRAPH. (3) A member who retires from
4 41 employment as a county sheriff, deputy sheriff, or
4 42 airport fire fighter, who retires on or after July 1,
4 43 1997, and at the time of retirement has completed a
4 44 total of twenty-five years of membership service with
4 45 the last twelve years of membership service as a
4 46 county sheriff, deputy sheriff, or airport fire
4 47 fighter, may elect to receive in lieu of the receipt
4 48 of any benefits under subsection 5 or 15, or
4 49 subparagraphs (1) and (2) of this paragraph, a monthly
4 50 retirement allowance equal to one-twelfth of the
5 1 applicable percentage multiplier of the member's
5 2 three-year average covered wage as is provided in
5 3 paragraph "a", with benefits payable during the
5 4 member's lifetime."
5 5 #8. Page 18, by inserting before line 3 the
5 6 following:
5 7 "Sec. _____. Section 97B.49, subsection 16,
5 8 paragraph d, subparagraph (9), Code Supplement 1995,
5 9 is amended to read as follows:
5 10 (9) An employee of a judicial district department
5 11 of correctional services who is employed as a
5 12 probation officer II or III,

~~or~~

- a parole officer II or
5 13 III, or a residential counselor."
5 14 #9. Page 19, line 39, by inserting after the
5 15 letter "c." the following: "(1)".
5 16 #10. Page 19, by inserting after line 46 the
5 17 following:
5 18 "(2) In calculating the combined monthly
5 19 retirement allowance pursuant to paragraph "a", and in
5 20 determining the applicable percentage multiplier
5 21 established in subsection 5, the member shall be
5 22 entitled to an addition in the percentage multiplier
5 23 in accordance with subsection 5, paragraph "f", only
5 24 for those years of service in excess of thirty years.
5 25 Any addition in the percentage multiplier shall be
5 26 included in the calculations required under paragraph
5 27 "a", subparagraphs (1), (2), and (3) of this
5 28 subsection."
5 29 #11. Page 20, by inserting after line 32 the
5 30 following:
5 31 "Sec. _____. NEW SECTION. 97B.50A DISABILITY
5 32 BENEFITS FOR SHERIFFS, DEPUTY SHERIFFS, AIRPORT FIRE
5 33 FIGHTERS, AND MEMBERS OF A PROTECTION OCCUPATION.
5 34 1. DEFINITIONS. For purposes of this section,
5 35 unless the context otherwise provides, "member" means
5 36 a vested member who is classified as a sheriff, deputy
5 37 sheriff, or airport fire fighter or as a vested member
5 38 of a protection occupation under section 97B.49,
5 39 subsection 16, at the time of the alleged disability.
5 40 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.
5 41 a. Effective July 1, 1997, a member who is injured
5 42 in the performance of the member's duties, and
5 43 otherwise meets the requirements of this subsection
5 44 shall receive an accidental disability retirement
5 45 allowance under the provisions of this subsection, in
5 46 lieu of a monthly retirement allowance as provided in
5 47 section 97B.49 or benefits calculated as provided in
5 48 section 97B.50, subsection 2.
5 49 b. Upon application of a member, a member who has
5 50 become totally and permanently incapacitated for duty

6 1 as the natural and proximate result of an injury,
6 2 disease, or exposure occurring or aggravated while in
6 3 the actual performance of duty shall be retired by the
6 4 department, provided that the medical board shall
6 5 certify that the member is mentally or physically
6 6 incapacitated for further performance of duty, that
6 7 the incapacity is likely to be permanent, and that the
6 8 member should be retired. The department shall make
6 9 the final determination, based on the medical evidence
6 10 received, of a member's total and permanent
6 11 disability. However, if a person's membership in the
6 12 system first commenced on or after July 1, 1997, the
6 13 member shall not be eligible for benefits with respect
6 14 to a disability which would not exist, but for a
6 15 medical condition that was known to exist on the date
6 16 that membership commenced.

6 17 c. Upon retirement for an accidental disability as
6 18 provided by this subsection, a member shall receive
6 19 the greater of a monthly accidental disability
6 20 retirement allowance calculated under this subsection
6 21 or a disability retirement allowance calculated under
6 22 section 97B.50, subsection 2. The monthly accidental
6 23 disability allowance calculated under this subsection
6 24 shall consist of an allowance equal to one-twelfth of
6 25 sixty percent of the member's three-year average
6 26 covered wage at the time of disability.

6 27 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

6 28 a. Effective July 1, 1997, a member who otherwise
6 29 meets the requirements of this subsection shall
6 30 receive an ordinary disability retirement allowance
6 31 under the provisions of this subsection, in lieu of a
6 32 monthly retirement allowance as provided in section
6 33 97B.49 or benefits calculated as provided in section
6 34 97B.50, subsection 2.

6 35 b. Upon application of a member, a member who has
6 36 become totally and permanently incapacitated for duty
6 37 shall be retired by the department, provided that the
6 38 medical board shall certify that the member is
6 39 mentally or physically incapacitated for further
6 40 performance of duty, that the incapacity is likely to
6 41 be permanent, and that the member should be retired.
6 42 The department shall make the final determination,
6 43 based on the medical evidence received, of a member's
6 44 total and permanent disability. However, if a
6 45 person's membership in the system first commenced on
6 46 or after July 1, 1997, the member shall not be
6 47 eligible for benefits with respect to a disability
6 48 which would not exist, but for a medical condition
6 49 that was known to exist on the date that membership
6 50 commenced.

7 1 c. Upon retirement for an ordinary disability as
7 2 provided by this subsection, a member shall receive
7 3 the greater of a monthly ordinary disability
7 4 retirement allowance calculated under this subsection
7 5 or a disability retirement allowance calculated under
7 6 section 97B.50, subsection 2. The monthly ordinary
7 7 disability allowance calculated under this subsection
7 8 shall consist of an allowance equal to one-twelfth of
7 9 fifty percent of the member's three-year average
7 10 covered wage at the time of disability.

7 11 4. OFFSET TO ALLOWANCE. Any amounts which may be
7 12 paid or payable by the employer under the provisions
7 13 of any workers' compensation or other law to a member,
7 14 or to the dependents of a member on account of any
7 15 disability, shall be offset against and payable in
7 16 lieu of any retirement allowance payable pursuant to
7 17 this section on account of the same disability.

7 18 5. REEXAMINATION - REEMPLOYMENT OF MEMBERS
7 19 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.
7 20 a. Once each year during the first five years
7 21 following the retirement of a member under this
7 22 section, and once in every three-year period
7 23 thereafter, the department may, and upon the member's
7 24 application shall, require any member receiving an
7 25 accidental or ordinary disability retirement allowance
7 26 who has not yet attained the age of fifty-five years
7 27 to undergo a medical examination as arranged by the
7 28 medical board. The examination shall be made by the
7 29 medical board or by an additional physician or
7 30 physicians designated by the board. If any member
7 31 receiving an accidental or ordinary disability
7 32 retirement allowance who has not attained the age of
7 33 fifty-five years refuses to submit to the medical
7 34 examination, the allowance may be discontinued until
7 35 the member's withdrawal of the refusal, and should the
7 36 member's refusal continue for one year, all rights in
7 37 and to the member's disability retirement allowance
7 38 shall be revoked by the department.

7 39 b. If a member receiving a disability retirement
7 40 allowance is returned to covered employment, the
7 41 member's disability retirement allowance shall cease,
7 42 the member shall again become an active member, and
7 43 shall contribute thereafter at the same rate payable
7 44 by similarly classified members. Upon subsequent
7 45 retirement, the member's retirement allowance shall be
7 46 calculated as provided in section 97B.48A.

7 47 6. DEATH BENEFITS. A member who is receiving an
7 48 accidental or ordinary disability retirement allowance
7 49 under this section shall be treated as having elected
7 50 a lifetime monthly retirement allowance with no death
8 1 benefit unless the member elects an optional form of
8 2 benefit provided under section 97B.51, which shall be
8 3 actuarially equivalent to the lifetime monthly
8 4 retirement allowance provided under this section.

8 5 7. MEDICAL BOARD. The system shall designate a
8 6 medical board to be composed of three physicians who
8 7 shall arrange for and pass upon the medical
8 8 examinations required under the provisions of this
8 9 section and shall report in writing to the department
8 10 the conclusions and recommendations upon all matters
8 11 duly referred to the medical board. Each report of a
8 12 medical examination under this section shall include
8 13 the medical board's findings as to the extent of the
8 14 member's physical impairment.

8 15 8. RULES. The department shall adopt rules
8 16 pursuant to chapter 17A specifying the application
8 17 procedure for members pursuant to this section."

8 18 #12. Page 35, by inserting after line 40 the
8 19 following:

8 20 "Sec. ____ INTERIM STUDY COMMITTEE. The
8 21 legislative council shall direct the public retirement
8 22 systems committee established under section 97D.4 to
8 23 meet during the 1996 legislative interim and make
8 24 recommendations regarding diseases which are presumed
8 25 to have been contracted while on active duty for
8 26 purposes of accidental disability benefits provided
8 27 under section 97B.50A, as enacted in this Act."

8 28 #13. By renumbering and correcting internal
8 29 references as necessary.

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8 32 _____
8 33 LARKIN of Lee

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8 37 [MAY](#) of Worht
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8 40 _____
8 41 [SCHRADER](#) of Marion
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8 44 _____
8 45 [OLLIE](#) of Clinton
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8 48 _____
8 49 [TAYLOR](#) of Linn
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9 2 _____
9 3 [SHOULTZ](#) OF Black Hawk
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9 6 _____
9 7 [MYERS](#) of Johnson
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9 10 _____
9 11 [BERNAU](#) of Story
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9 14 _____
9 15 [KOENIGS](#) of Mitchell
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9 18 _____
9 19 [COHOON](#) of Des Moines
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9 22 _____
9 23 [NELSON](#) of Pottawattamie
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9 26 _____
9 27 [DREES](#) of Carroll
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9 30 _____
9 31 [WISE](#) of Lee
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9 34 _____
9 35 [BRAMMER](#) OF Linn
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9 38 _____
9 39 [WEIGEL](#) of Chickasaw
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9 42 _____
9 43 [KREIMAN](#) of Davis
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9 46 _____
9 47 [JOCHUM](#) of Dubuque
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9 50 _____
10 1 [HARPER](#) of Black Hawk

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10 5 [BELL](#) of Jasper
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10 9 [OSTERHAUS](#) of Jackson
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10 13 [BRAND](#) of Benton
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10 17 [O'BRIEN](#) of Boone
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10 21 [MERTZ](#) of Kossuth
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10 25 [McCOY](#) of Polk
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10 29 [MASCHER](#) of Johnson
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10 32 _____
10 33 [WITT](#) of Black Hawk
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10 36 _____
10 37 [MURPHY](#) of Dubuque
10 38 [SF 2245.7](#)07 76
10 39 ec/sc