

House Amendment 6040

Amendment Text

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1 1 Amend the House amendment, [S-5828](#), to [Senate File](#)
1 2 2245, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 17, line 15, by inserting after the words
1 5 "paragraph "a"," the following: "or receiving a
1 6 retirement allowance for service as a sheriff, deputy
1 7 sheriff, or airport fire fighter under subsection 16,
1 8 paragraph "b", subparagraph (3),".
1 9 #2. Page 20, by inserting after line 18 the
1 10 following:
1 11 "Sec. _____. Section [97B.49](#), subsection 16,
1 12 paragraph b, Code Supplement 1995, is amended by
1 13 adding the following new subparagraph:
1 14 NEW SUBPARAGRAPH. (3) A member who retires from
1 15 employment as a county sheriff, deputy sheriff, or
1 16 airport fire fighter, who retires on or after July 1,
1 17 1997, and at the time of retirement has completed a
1 18 total of twenty-five years of membership service with
1 19 the last twelve years of membership service as a
1 20 county sheriff, deputy sheriff, or airport fire
1 21 fighter, may elect to receive in lieu of the receipt
1 22 of any benefits under subsection 5 or 15, or
1 23 subparagraphs (1) and (2) of this paragraph, a monthly
1 24 retirement allowance equal to one-twelfth of the
1 25 applicable percentage multiplier of the member's
1 26 three-year average covered wage as is provided in
1 27 paragraph "a", with benefits payable during the
1 28 member's lifetime.
1 29 Sec. _____. Section [97B.49](#), subsection 16, paragraph
1 30 d, subparagraph (9), Code Supplement 1995, is amended
1 31 to read as follows:
1 32 (9) An employee of a judicial district department
1 33 of correctional services who is employed as a
1 34 probation officer II or III,

~~or~~

- a parole officer II or
1 35 III, or a residential counselor."
1 36 #3. Page 23, by inserting after line 9 the
1 37 following:
1 38 "Sec. _____. NEW SECTION. 97B.50A DISABILITY
1 39 BENEFITS FOR AIRPORT FIRE FIGHTERS.
1 40 1. DEFINITIONS. For purposes of this section,
1 41 unless the context otherwise provides, "member" means
1 42 a vested member who is classified as an airport fire
1 43 fighter under section 97B.49, subsection 16, at the
1 44 time of the alleged disability.
1 45 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.
1 46 a. Effective July 1, 1997, a member who is injured
1 47 in the performance of the member's duties, and
1 48 otherwise meets the requirements of this subsection
1 49 shall receive an accidental disability retirement
1 50 allowance under the provisions of this subsection, in
2 1 lieu of a monthly retirement allowance as provided in
2 2 section 97B.49 or benefits calculated as provided in
2 3 section 97B.50, subsection 2.
2 4 b. Upon application of a member, a member who has

2 5 become totally and permanently incapacitated for duty
2 6 as the natural and proximate result of an injury,
2 7 disease, or exposure occurring or aggravated while in
2 8 the actual performance of duty shall be retired by the
2 9 department, provided that the medical board shall
2 10 certify that the member is mentally or physically
2 11 incapacitated for further performance of duty, that
2 12 the incapacity is likely to be permanent, and that the
2 13 member should be retired. The department shall make
2 14 the final determination, based on the medical evidence
2 15 received, of a member's total and permanent
2 16 disability. However, if a person's membership in the
2 17 system first commenced on or after July 1, 1997, the
2 18 member shall not be eligible for benefits with respect
2 19 to a disability which would not exist, but for a
2 20 medical condition that was known to exist on the date
2 21 that membership commenced.

2 22 c. Disease under this subsection shall mean heart
2 23 disease or any disease of the lungs or respiratory
2 24 tract and shall be presumed to have been contracted
2 25 while on active duty as a result of strain, exposure,
2 26 or the inhalation of noxious fumes, poison, or gases.
2 27 However, if a person's membership in the system first
2 28 commenced on or after July 1, 1997, and the heart
2 29 disease or disease of the lungs or respiratory tract
2 30 would not exist, but for a medical condition that was
2 31 known to exist on the date that membership commenced,
2 32 the presumption established in this paragraph shall
2 33 not apply.

2 34 d. Upon retirement for an accidental disability as
2 35 provided by this subsection, a member shall receive
2 36 the greater of a monthly accidental disability
2 37 retirement allowance calculated under this subsection
2 38 or a disability retirement allowance calculated under
2 39 section 97B.50, subsection 2. The monthly accidental
2 40 disability allowance calculated under this subsection
2 41 shall consist of an allowance equal to one-twelfth of
2 42 sixty percent of the member's three-year average
2 43 covered wage at the time of disability.

2 44 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

2 45 a. Effective July 1, 1997, a member who otherwise
2 46 meets the requirements of this subsection shall
2 47 receive an ordinary disability retirement allowance
2 48 under the provisions of this subsection, in lieu of a
2 49 monthly retirement allowance as provided in section
2 50 97B.49 or benefits calculated as provided in section
3 1 97B.50, subsection 2.

3 2 b. Upon application of a member, a member who has
3 3 become totally and permanently incapacitated for duty
3 4 shall be retired by the department, provided that the
3 5 medical board shall certify that the member is
3 6 mentally or physically incapacitated for further
3 7 performance of duty, that the incapacity is likely to
3 8 be permanent, and that the member should be retired.
3 9 The department shall make the final determination,
3 10 based on the medical evidence received, of a member's
3 11 total and permanent disability. However, if a
3 12 person's membership in the system first commenced on
3 13 or after July 1, 1997, the member shall not be
3 14 eligible for benefits with respect to a disability
3 15 which would not exist, but for a medical condition
3 16 that was known to exist on the date that membership
3 17 commenced.

3 18 c. Upon retirement for an ordinary disability as
3 19 provided by this subsection, a member shall receive
3 20 the greater of a monthly ordinary disability
3 21 retirement allowance calculated under this subsection

3 22 or a disability retirement allowance calculated under
3 23 section 97B.50, subsection 2. The monthly ordinary
3 24 disability allowance calculated under this subsection
3 25 shall consist of an allowance equal to one-twelfth of
3 26 fifty percent of the member's three-year average
3 27 covered wage at the time of disability.

3 28 4. OFFSET TO ALLOWANCE. Any amounts which may be
3 29 paid or payable by the employer under the provisions
3 30 of any workers' compensation or other law to a member,
3 31 or to the dependents of a member on account of any
3 32 disability, shall be offset against and payable in
3 33 lieu of any retirement allowance payable pursuant to
3 34 this section on account of the same disability.

3 35 5. REEXAMINATION - REEMPLOYMENT OF MEMBERS
3 36 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

3 37 a. Once each year during the first five years
3 38 following the retirement of a member under this
3 39 section, and once in every three-year period
3 40 thereafter, the department may, and upon the member's
3 41 application shall, require any member receiving an
3 42 accidental or ordinary disability retirement allowance
3 43 who has not yet attained the age of fifty-five years
3 44 to undergo a medical examination as arranged by the
3 45 medical board. The examination shall be made by the
3 46 medical board or by an additional physician or
3 47 physicians designated by the board. If any member
3 48 receiving an accidental or ordinary disability
3 49 retirement allowance who has not attained the age of
3 50 fifty-five years refuses to submit to the medical
4 1 examination, the allowance may be discontinued until
4 2 the member's withdrawal of the refusal, and should the
4 3 member's refusal continue for one year, all rights in
4 4 and to the member's disability retirement allowance
4 5 shall be revoked by the department.

4 6 b. If a member receiving a disability retirement
4 7 allowance is returned to covered employment, the
4 8 member's disability retirement allowance shall cease,
4 9 the member shall again become an active member, and
4 10 shall contribute thereafter at the same rate payable
4 11 by similarly classified members. Upon subsequent
4 12 retirement, the member's retirement allowance shall be
4 13 calculated as provided in section 97B.48A.

4 14 6. DEATH BENEFITS. A member who is receiving an
4 15 accidental or ordinary disability retirement allowance
4 16 under this section shall be treated as having elected
4 17 a lifetime monthly retirement allowance with no death
4 18 benefit unless the member elects an optional form of
4 19 benefit provided under section 97B.51, which shall be
4 20 actuarially equivalent to the lifetime monthly
4 21 retirement allowance provided under this section.

4 22 7. MEDICAL BOARD. The system shall designate a
4 23 medical board to be composed of three physicians who
4 24 shall arrange for and pass upon the medical
4 25 examinations required under the provisions of this
4 26 section and shall report in writing to the department
4 27 the conclusions and recommendations upon all matters
4 28 duly referred to the medical board. Each report of a
4 29 medical examination under this section shall include
4 30 the medical board's findings as to the extent of the
4 31 member's physical impairment.

4 32 8. RULES. The department shall adopt rules
4 33 pursuant to chapter 17A specifying the application
4 34 procedure for members pursuant to this section."

4 35 #4. Page 38, line 2, by striking the word
4 36 "PROPOSALS" and inserting the following: "PROPOSAL".

4 37 #5. Page 38, lines 3 and 4, by striking the words
4 38 "AND FOR CONVERTING THE SYSTEM INTO A DEFINED

4 39 CONTRIBUTION PLAN".

4 40 #6. Page 38, by striking lines 11 through 16 and

4 41 inserting the following: "addition to the current

4 42 defined benefit plan. On or before September 1,".

4 43 #7. Page 38, line 20, by striking the word

4 44 "proposals" and inserting the following: "a proposal,

4 45 or proposals,".

4 46 #8. Page 38, lines 21 through 23, by striking the

4 47 words "and for converting the Iowa public employees'

4 48 retirement system into a defined contribution plan".

4 49 #9. By renumbering as necessary.

4 50 [SF 2245S](#)

5 1 ec/cc/26