

Senate Amendment 3681

Amendment Text

PAG LIN

1 1 Amend [Senate File 487](#) as follows:
1 2 #1. Page 1, by striking line 13 and inserting the
1 3 following: "enforcing child support obligations,
1 4 including spousal or medical support obligations to
1 5 the extent provided in the child support order, and".
1 6 #2. Page 1, lines 15 and 16, by striking the words
1 7 ", spousal, or medical support obligations" and
1 8 inserting the following: "support obligations,
1 9 including spousal or medical support obligations to
1 10 the extent provided in the child support order".
1 11 #3. Page 1, by inserting after line 19 the
1 12 following:
1 13 "Sec. 100. Section [97B.73](#), unnumbered paragraph 1,
1 14 Code 1995, is amended to read as follows:
1 15 A vested or retired member who was in public
1 16 employment comparable to employment covered under this
1 17 chapter in another state or in the federal government,
1 18 or who was a member of another public retirement
1 19 system in this state, including but not limited to the
1 20 teachers insurance annuity association-college
1 21 retirement equities fund, but who was not retired
1 22 under that system, upon submitting verification of
1 23 membership and service in the other public system to
1 24 the department, including proof that the member has no
1 25 further claim upon a retirement benefit from that
1 26 other public system, may make employer and employee
1 27 contributions to the system either for the entire
1 28 period of service in the other public system, or for
1 29 partial service in the other public system

~~in~~

1 30

~~increments of one or more years, as long as the~~

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~~increments represent full years and not a portion of a~~

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~~year~~

~~The member may also make one lump sum~~

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~~contribution to the system which represents the entire~~

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~~period of service in the other public system, even if~~

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~~the period of time exceeds one year or includes a~~

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~~portion of a year.~~

- If the member wishes to transfer
1 37 only a portion of the service value of another public
1 38 system to this system and the other public system
1 39 allows a partial withdrawal of a member's system
1 40 credits, the member shall receive credit for
1 41 membership service in this system equivalent to the
1 42 number of years of service transferred from the other
1 43 public system. The contribution payable shall be
1 44 based upon the member's covered wages for the most
1 45 recent full calendar year at the applicable rates in
1 46 effect for that calendar year under sections 97B.11
1 47 and 97B.49 and multiplied by the member's years of
1 48 service in other public employment. If the member's
1 49 most recent covered wages were earned prior to the
1 50 most recent calendar year, the member's covered wages
2 1 shall be adjusted by the department by an inflation
2 2 factor to reflect changes in the economy since the
2 3 covered wages were earned.
2 4 Sec. 101. Section [97B.80](#), unnumbered paragraph 1,
2 5 Code 1995, is amended to read as follows:
2 6

~~Effective July 1, 1992, a~~

- ~~A~~ vested or retired
2 7 member, who at any time served on active duty in the
2 8 armed forces of the United States, upon submitting
2 9 verification of the dates of the active duty service,
2 10 may make employer and employee contributions to the
2 11 system based upon the member's covered wages for the
2 12 most recent full calendar year in which the member had
2 13 reportable wages at the applicable rates in effect for
2 14 that year under sections 97B.11 and 97B.49, for the
2 15 period of time of the active duty service

~~, in~~

2 16

~~increments of no greater than one year and not less~~

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~~than one calendar quarter, and receive credit for~~

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~~membership service and prior service for the period of~~

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~~time for which the contributions are made~~

~~However,~~

2 20

~~the member may not make contributions in an increment~~

2 21

~~of less than one year more than once.~~

- The member may
2 22

~~also~~

- make one lump sum contribution to the system
2 23 which represents the period of time of the active duty
2 24 service

~~, even if the period of time exceeds one year~~

-
2 25 or a portion of the service. If the member's most
2 26 recent covered wages were earned prior to the most
2 27 recent calendar year, the member's covered wages shall
2 28 be adjusted by the department by an inflation factor
2 29 to reflect changes in the economy. The department
2 30 shall adjust benefits for a six-month period prior to
2 31 the date the member pays contributions under this
2 32 section if the member is receiving a retirement
2 33 allowance at the time the contribution payment is
2 34 made. Verification of active duty service and payment
2 35 of contributions shall be made to the department.
2 36 However, a member is not eligible to make
2 37 contributions under this section if the member is
2 38 receiving, is eligible to receive, or may in the
2 39 future be eligible to receive retirement pay from the
2 40 United States government for active duty in the armed
2 41 forces, except for retirement pay granted by the
2 42 United States government under retired pay for
2 43 nonregular service (10 U.S.C. } 1331, et seq.). A
2 44 member receiving retired pay for nonregular service
2 45 who makes contributions under this section shall
2 46 provide information required by the department
2 47 documenting time periods covered under retired pay for
2 48 nonregular service."

2 49 #4. Page 1, lines 32 and 33, by striking the words
2 50 "spousal, or medical support obligations" and
3 1 inserting the following: "support obligations,
3 2 including spousal or medical support obligations to
3 3 the extent provided in the child support order."

3 4 #5. Page 1, by striking line 35 and inserting the
3 5 following: "enforcing child support obligations,
3 6 including spousal or medical support obligations to
3 7 the extent provided in the child support order, the".

3 8 #6. Page 2, by inserting after line 3 the
3 9 following:
3 10 "Sec. _____. Section 411.36, subsection 1,
3 11 unnumbered paragraph 1, Code 1995, as amended by 1995
3 12 Iowa Acts, [Senate File 45](#), section 5, is amended to
3 13 read as follows:

3 14 A board of trustees for the statewide fire and
3 15 police retirement system is created. The board shall
3 16 consist of

~~thirteen~~

- fourteen members, including nine
3 17 voting members and

~~four~~

- five nonvoting members.

3 18 Section 69.16A applies to the appointment of the
3 19 voting members of the board. The voting members of of
3 20 the board shall be as follows:

3 21 Sec. _____. Section [411.36](#), subsection 1, unnumbered
3 22 paragraph 2, Code 1995, as amended by 1995 Iowa Acts,
3 23 [Senate File 45](#), section 5, is amended to read as
3 24 follows:

3 25 The treasurer of state, or the treasurer's

3 26 designee, shall serve as an ex officio, nonvoting
3 27 member. The other nonvoting members of the board
3 28 shall be two state representatives, one appointed by
3 29 the speaker of the house of representatives and one by
3 30 the minority leader of the house, and two state
3 31 senators, one appointed by the majority leader of the
3 32 senate and one by the minority leader of the senate.
3 33 Sec. _____. Section 411.36, subsection 2, Code 1995,
3 34 is amended to read as follows:
3 35 2.

~~Except as otherwise provided for the initial~~

3 36

~~appointments, the~~

~~The voting members shall be~~

3 37 appointed for four-year terms, and the nonvoting
3 38 members who are members of the senate and the house of
3 39 representatives shall be appointed for two-year terms.
3 40 Terms begin on May 1 in the year of appointment and
3 41 expire on April 30 in the year of expiration.
3 42 Sec. _____. Section 411.36, subsection 5, paragraph
3 43 a, Code 1995, is amended to read as follows:
3 44 a. Members of the board, except the treasurer of
3 45 state or the treasurer's designee, shall be paid their
3 46 actual and necessary expenses incurred in the
3 47 performance of their duties and shall receive a per
3 48 diem as specified in section 7E.6 for each day of
3 49 service. Per diem and expenses shall be paid to
3 50 voting members from the fire and police retirement
4 1 fund created in section 411.8."

4 2 #7. Page 2, by inserting after line 3 the
4 3 following:

4 4 "Sec. 102. 1994 Iowa Acts, chapter 1183, section
4 5 51, is amended to read as follows:

4 6 SEC. 51. Section 97B.66, unnumbered paragraphs 1
4 7 and 2, Code Supplement 1993, are amended to read as
4 8 follows:

4 9 A vested or retired member who was a member of the
4 10 teachers insurance and annuity association-college
4 11 retirement equity fund at any time between July 1,
4 12 1967 and June 30, 1971 and who became a member of the
4 13 system on July 1, 1971, upon submitting verification
4 14 of service and wages earned during the applicable
4 15 period of service under the teachers insurance and
4 16 annuity association-college retirement equity fund,
4 17 may make employer and employee contributions to the
4 18 system based upon the covered wages of the member and
4 19 the covered wages and the contribution rates in effect
4 20 for all or a portion of that period of service and
4 21 receive credit for membership service under this
4 22 system equivalent to the applicable period of
4 23 membership service in the teachers insurance and
4 24 annuity association-college retirement equity fund for
4 25 which the contributions have been made. In addition,
4 26 a member making employer and employee contributions
4 27 because of membership in the teachers insurance and
4 28 annuity association-college retirement equity fund
4 29 under this section who was a member of the system on
4 30 June 30, 1967 and withdrew the member's accumulated
4 31 contributions because of membership on July 1, 1967 in
4 32 the teachers insurance and annuity association-college
4 33 retirement equity fund, may make employee
4 34 contributions to the system for all or a portion of
4 35 the period of service under the system prior to July
4 36 1, 1967. A member making contributions pursuant to

4 37 this section may make the contributions either for the
4 38 entire applicable period of service, or, effective
4 39 upon the date that the department determines that the
4 40 amendments to this paragraph and unnumbered paragraph
4 41 2 contained in this Act shall be implemented, for
4 42 portions of the period of service

~~, and if~~

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~~contributions are made for portions of the period of~~

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~~service, the contributions shall be in increments of~~

4 45

~~one or more years, as long as the increments represent~~

4 46

~~full years and not a portion of a year~~

-. However, the

4 47 department shall not implement the amendments to this
4 48 paragraph or unnumbered paragraph 2, as enacted in
4 49 this Act, unless and until the department determines
4 50 that the most recent annual actuarial valuation of the
5 1 retirement system indicates that the employer and
5 2 employee contribution rates in effect under section
5 3 97B.11 can absorb the amendments to this paragraph and
5 4 unnumbered paragraph 2 and to section 97B.72,
5 5 unnumbered paragraphs 1 and 2, section 97B.72A,
5 6 subsection 1, unnumbered paragraph 1, section 97B.73A,
5 7 unnumbered paragraph 1, and section 97B.74, unnumbered
5 8 paragraphs 1 and 2, contained in this Act, after
5 9 meeting the other established priority of the system.
5 10 Until the amendments are implemented, the department
5 11 shall continue to implement the provisions of section
5 12 97B.66, unnumbered paragraphs 1 and 2, Code Supplement
5 13 1993. As used in this section, unless the context
5 14 otherwise requires, "other established priority of the
5 15 system" means that commencing January 1 following the
5 16 most recent annual actuarial valuation of the system,
5 17 the department has increased the covered wage
5 18 limitation from the previous year by three thousand
5 19 dollars, in accordance with section 97B.41, subsection
5 20 20, paragraph "b", subparagraph (11).

5 21 The contributions paid by the vested or retired
5 22 member shall be equal to the accumulated contributions
5 23 as defined in section 97B.41, subsection 2, by the
5 24 member for the applicable period of service, and the
5 25 employer contribution for the applicable period of
5 26 service under the teachers insurance and annuity
5 27 association-college retirement equity fund, that would
5 28 have been or had been contributed by the vested or
5 29 retired member and the employer, if applicable, plus
5 30 interest on the contributions that would have accrued
5 31 for the applicable period from the date the previous
5 32 applicable period of service commenced under this
5 33 system or from the date the service of the member in
5 34 the teachers insurance and annuity association-college
5 35 retirement equity fund commenced to the date of
5 36 payment of the contributions by the member equal to
5 37 two percent plus the interest dividend rate applicable
5 38 for each year.

5 39 Sec. 103. 1994 Iowa Acts, Chapter 1183, section
5 40 53, is amended to read as follows:

5 41 SEC. 53. Section 97B.72, unnumbered paragraphs 1
5 42 and 2, Code Supplement 1993, are amended to read as
5 43 follows:

5 44 Persons who are members of the Seventy-first
5 45 General Assembly or a succeeding general assembly who
5 46 submit proof to the department of membership in the
5 47 general assembly during any period beginning July 4,
5 48 1953, may make contributions to the system for all or
5 49 a portion of the period of service in the general
5 50 assembly, and receive credit for the applicable period
6 1 for which contributions are made. The contributions
6 2 made by the member shall be equal to the accumulated
6 3 contributions as defined in section 97B.41, subsection
6 4 2, which would have been made if the member of the
6 5 general assembly had been a member of the system
6 6 during the applicable period. The proof of membership
6 7 in the general assembly and payment of accumulated
6 8 contributions shall be transmitted to the department.
6 9 A member making contributions pursuant to this section
6 10 may make the contributions either for the entire
6 11 applicable period of service, or, effective upon the
6 12 date that the department determines that the
6 13 amendments to this paragraph and unnumbered paragraph
6 14 2 contained in this Act shall be implemented, for
6 15 portions of the period of service

~~6 16 , and if~~

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~~6 17 contributions are made for portions of the period of~~

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~~6 18 service, the contributions shall be in increments of~~

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~~6 19 one or more years, as long as the increments represent~~

6 19

~~6 20 full years and not a portion of a year~~

6 20 However, the

6 21 department shall not implement the amendments to this
6 22 paragraph or unnumbered paragraph 2, as enacted in
6 23 this Act, unless and until the department determines
6 24 that the most recent annual actuarial valuation of the
6 25 retirement system indicates that the employer and
6 26 employee contribution rates in effect under section
6 27 97B.11 can absorb the amendments to this paragraph and
6 28 unnumbered paragraphs 1 and 2, section 97B.72A,
6 29 subsection 1, unnumbered paragraph 1, section 97B.73A,
6 30 unnumbered paragraph 1, and section 97B.74, unnumbered
6 31 paragraphs 1 and 2, contained in this Act, after
6 32 meeting the other established priority of the system,
6 33 as defined in section 97B.66. Until the amendments
6 34 are implemented, the department shall continue to
6 35 implement the provisions of section 97B.72, unnumbered
6 36 paragraphs 1 and 2, Code Supplement 1993.

6 37 There is appropriated from moneys available to the
6 38 general assembly under section 2.12 an amount
6 39 sufficient to pay the contributions of the employer
6 40 based on the period of service for which the members

6 41 have paid accumulated contributions in an amount equal
6 42 to the contributions which would have been made if the
6 43 members of the general assembly who made employee
6 44 contributions had been members of the system during
6 45 the applicable period of service in the general
6 46 assembly plus two percent interest plus interest
6 47 dividends for all completed calendar years and for any
6 48 completed calendar year for which the interest
6 49 dividend has not been declared and for completed
6 50 months of partially completed calendar years at two
7 1 percent interest plus the interest dividend rate
7 2 calculated for the previous year, compounded annually,
7 3 from the end of the calendar year in which
7 4 contribution was made to the first day of the month of
7 5 such date.

7 6 Sec. 104. 1994 Iowa Acts, Chapter 1183, section
7 7 54, is amended to read as follows:

7 8 SEC. 54. Section [97B.72A](#), subsection 1, unnumbered
7 9 paragraph 1, Code Supplement 1993, is amended to read
7 10 as follows:

7 11 An active or vested member of the system who was a
7 12 member of the general assembly prior to July 1, 1988,
7 13 may make contributions to the system for all or a
7 14 portion of the period of service in the general
7 15 assembly. The contributions made by the member shall
7 16 be equal to the accumulated contributions as defined
7 17 in section 97B.41, subsection 2, which would have been
7 18 made if the member of the general assembly had been a
7 19 member of the system during the applicable period of
7 20 service in the general assembly. A member making
7 21 contributions pursuant to this section may make the
7 22 contributions either for the entire applicable period
7 23 of service, or for portions of the period of service

7 24

~~and, effective upon the date that the department~~

7 25

~~determines that the amendments to this paragraph~~

7 26

~~contained in this Act shall be implemented, if~~

7 27

~~contributions are made for portions of the period of~~

7 28

~~service, the contributions shall be in increments of~~

7 29

~~one or more years, as long as the increments represent~~

7 30

~~full years and not a portion of a year~~

-. The member of

7 31 the system shall submit proof to the department of
7 32 membership in the general assembly. The department
7 33 shall credit the member with the period of membership

7 34 service for which contributions are made. However,
7 35 the department shall not implement the amendments to
7 36 this paragraph, as enacted in this Act, unless and
7 37 until the department determines that the most recent
7 38 annual actuarial valuation of the retirement system
7 39 indicates that the employer and employee contribution
7 40 rates in effect under section 97B.11 can absorb the
7 41 amendments to this paragraph and to section 97B.66,
7 42 unnumbered paragraphs 1 and 2, section 97B.72,
7 43 unnumbered paragraphs 1 and 2, section 97B.73A,
7 44 unnumbered paragraph 1, and section 97B.74, unnumbered
7 45 paragraphs 1 and 2, contained in this Act, after
7 46 meeting the other established priority of the system,
7 47 as defined in section 97B.66. Until the amendments
7 48 are implemented, the department shall continue to
7 49 implement the provisions of section 97B.72A,
7 50 subsection 1, unnumbered paragraph 1, Code Supplement
8 1 1993.

8 2 Sec. 105. 1994 Iowa Acts, Chapter 1183, section
8 3 57, is amended to read as follows:

8 4 SEC. 57. Section [97B.73A](#), unnumbered paragraph 1,
8 5 Code Supplement 1993, is amended to read as follows:

8 6 A part-time county attorney may elect in writing to
8 7 the department to make employee contributions to the
8 8 system for the county attorney's previous service as a
8 9 county attorney and receive credit for membership
8 10 service in the system for the applicable period of
8 11 service as a part-time county attorney for which
8 12 employee contributions are made. The contributions
8 13 paid by the member shall be equal to the accumulated
8 14 contributions, as defined in section 97B.41,
8 15 subsection 2, for the applicable period of membership
8 16 service. A member making contributions pursuant to
8 17 this section may make the contributions either for the
8 18 entire applicable period of service, or, effective
8 19 upon the date that the department determines that the
8 20 amendments to this paragraph contained in this Act
8 21 shall be implemented, for portions of the period of
8 22 service

~~8 23 , and if contributions are made for portions of~~

~~8 23~~

~~8 24 the period of service, the contributions shall be in~~

~~8 24~~

~~8 25 increments of one or more years, as long as the~~

~~8 25~~

~~8 26 increments represent full years and not a portion of a~~

~~8 26~~

~~8 27 year~~

8 27 A member who elects to make contributions under
8 28 this section shall notify the county board of
8 29 supervisors of the member's election, and the county
8 30 board of supervisors shall pay to the department the
8 31 employer contributions that would have been
8 32 contributed by the employer under section 97B.11 plus
8 33 interest on the contributions that would have accrued
8 34 if the county attorney had been a member of the system
8 35 for the applicable period of service. However, the
8 36 department shall not implement the amendments to this

8 36 paragraph, as enacted in this Act, unless and until
8 37 the department determines that the most recent annual
8 38 actuarial valuation of the retirement system indicates
8 39 that the employer and employee contribution rates in
8 40 effect under section 97B.11 can absorb the amendments
8 41 to this paragraph and to section 97B.66, unnumbered
8 42 paragraphs 1 and 2, section 97B.72, unnumbered
8 43 paragraphs 1 and 2, section 97B.72A, subsection 1,
8 44 unnumbered paragraph 1, and section 97B.74, unnumbered
8 45 paragraphs 1 and 2, contained in this Act, after
8 46 meeting the other established priority of the system,
8 47 as defined in section 97B.66. Until the amendments
8 48 are implemented, the department shall continue to
8 49 implement the provisions of section 97B.73A,
8 50 unnumbered paragraph 1, Code Supplement 1993.

9 1 Sec. 106. 1994 Iowa Acts, Chapter 1183, section
9 2 58, is amended to read as follows:

9 3 SEC. 58. Section 97B.74, unnumbered paragraphs 1
9 4 and 2, Code Supplement 1993, are amended to read as
9 5 follows:

9 6 An active, vested, or retired member who was a
9 7 member of the system at any time on or after July 4,
9 8 1953, and who received a refund of the member's
9 9 contributions for that period of membership service,
9 10 may elect in writing to the department to make
9 11 contributions to the system for all or a portion of
9 12 the period of membership service for which a refund of
9 13 contributions was made, and receive credit for the
9 14 period of membership service for which contributions
9 15 are made. The contributions repaid by the member for
9 16 such service shall be equal to the accumulated
9 17 contributions, as defined in section 97B.41,
9 18 subsection 2, received by the member for the
9 19 applicable period of membership service plus interest
9 20 on the accumulated contributions for the applicable
9 21 period from the date of receipt by the member to the
9 22 date of repayment equal to two percent plus the
9 23 interest dividend rate applicable for each year
9 24 compounded annually.

9 25 An active member must have at least one quarter's
9 26 reportable wages on file and have membership service,
9 27 including that period of membership service for which
9 28 a refund of contributions was made, sufficient to give
9 29 the member vested status. A member making
9 30 contributions pursuant to this section may make the
9 31 contributions either for the entire applicable period
9 32 of service, or, effective upon the date that the
9 33 department determines that the amendments to this
9 34 paragraph and unnumbered paragraph 1 contained in this
9 35 Act shall be implemented, for portions of the period
9 36 of service

~~, and if contributions are made for portions~~

~~-~~
9 37

~~- of the period of service, the contributions shall be~~

~~-~~
9 38

~~- in increments of one or more years, as long as the~~

~~-~~
9 39

~~- increments represent full years and not a portion of a~~

~~-~~
9 40

~~year~~

-. However, the department shall not implement the
9 41 amendments to this paragraph or unnumbered paragraph
9 42 1, as enacted in this Act, unless and until the
9 43 department determines that the most recent annual
9 44 actuarial valuation of the retirement system indicates
9 45 that the employer and employee contribution rates in
9 46 effect under section 97B.11 can absorb the amendments
9 47 to this paragraph and to unnumbered paragraph 1 and to
9 48 section 97B.66, unnumbered paragraphs 1 and 2, section
9 49 97B.72, unnumbered paragraphs 1 and 2, section
9 50 97B.72A, subsection 1, unnumbered paragraph 1, and
10 1 section 97B.73A, unnumbered paragraph 1, contained in
10 2 this Act, after meeting the other established priority
10 3 of the system, as defined in section 97B.66. Until
10 4 the amendments are implemented, the department shall
10 5 continue to implement the provisions of section
10 6 97B.74, unnumbered paragraphs 1 and 2, Code Supplement
10 7 1993."

10 8 #8. Title page, line 1, by inserting after the
10 9 word "Act" the following: "relating to public
10 10 employee benefits and".

10 11 #9. Title page, line 3, by striking the words "
10 12 spousal, or" and inserting the following: "support
10 13 obligations including to the extent provided in the
10 14 child support order any spousal or".

10 15 #10. By renumbering and correcting internal
10 16 references as necessary.

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10 20 COMMITTEE ON STATE GOVERNMENT

10 21 MICHAEL E. GRONSTAL, Chairperson

10 22 SF 487.303 76

10 23 cl/cf