

# Senate Amendment 5835

## Amendment Text

PAG LIN

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

5 1

5 2

5 3 JOHN P. [KIBBIE](#)

5 4

5 5

5 6

5 7 MICHAEL E. [GRONSTAL](#)

5 8

5 9

5 10

5 11 [SF 2245.3](#) 26 76

5 12 ec/cf