

# House Amendment 8394

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1 1 Amend House File 2262, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 2, by inserting after line 26 the  
1 4 following:  
1 5 \_\_\_\_\_. Section 97B.1A, subsection 22, Code  
1 6 Supplement 2003, is amended to read as follows:  
1 7 22. "Special service" means service for an  
1 8 employer while employed in a protection occupation as  
1 9 provided in section 97B.49B, and as a county sheriff,  
1 10 or deputy sheriff, ~~or airport fire fighter~~ as provided  
1 11 in section 97B.49C.>  
1 12 #2. Page 14, by inserting after line 7 the  
1 13 following:  
1 14 \_\_\_\_\_. Section 97B.49B, subsection 1,  
1 15 paragraph c, Code Supplement 2003, is amended to read  
1 16 as follows:  
1 17 c. "Eligible service" means membership and prior  
1 18 service in a protection occupation. In addition, for  
1 19 a member with membership and prior service in a  
1 20 protection occupation described in paragraph "e",  
1 21 subparagraph (2), eligible service includes membership  
1 22 and prior service as a sheriff, or deputy sheriff, ~~or~~  
1 23 ~~airport fire fighter~~ as defined in section 97B.49C.  
1 24 Sec. \_\_\_\_\_. Section 97B.49B, subsection 1, paragraph  
1 25 e, Code Supplement 2003, is amended by adding the  
1 26 following new subparagraph:  
1 27 NEW SUBPARAGRAPH. (8) An airport fire fighter  
1 28 employed by the military division of the department of  
1 29 public defense.  
1 30 Sec. \_\_\_\_\_. Section 97B.49B, subsection 3, paragraph  
1 31 b, Code Supplement 2003, is amended by adding the  
1 32 following new subparagraph:  
1 33 NEW SUBPARAGRAPH. (7) For the fiscal year  
1 34 commencing July 1, 2004, and each succeeding fiscal  
1 35 year, there is appropriated from the general fund of  
1 36 the state to the system, from funds not otherwise  
1 37 appropriated, an amount necessary to pay the employer  
1 38 share of the cost of the additional benefits provided  
1 39 to airport fire fighters under this section.  
1 40 Sec. \_\_\_\_\_. Section 97B.49C, subsection 1, paragraph  
1 41 a, Code Supplement 2003, is amended by striking the  
1 42 paragraph.  
1 43 Sec. \_\_\_\_\_. Section 97B.49C, subsection 1, paragraph  
1 44 d, Code Supplement 2003, is amended to read as  
1 45 follows:  
1 46 d. "Eligible service" means membership and prior  
1 47 service as ~~an airport fire fighter, a sheriff, and~~  
1 48 ~~deputy sheriff~~ under this section. In addition,  
1 49 eligible service includes membership and prior service  
1 50 as a marshal in a city not covered under chapter 400  
2 1 or a fire fighter or police officer of a city not  
2 2 participating in the retirement systems established in  
2 3 chapter 410 or 411, and as an airport fire fighter  
2 4 prior to July 1, 1994.  
2 5 Sec. \_\_\_\_\_. Section 97B.49C, subsection 2, Code  
2 6 Supplement 2003, is amended to read as follows:  
2 7 2. CALCULATION OF MONTHLY ALLOWANCE.  
2 8 a. Notwithstanding other provisions of this  
2 9 chapter, a member who retires from employment as a  
2 10 sheriff, deputy sheriff, or airport fire fighter on or  
2 11 after July 1, 1994, and before July 1, 2004, and at  
2 12 the time of retirement is at least fifty-five years of  
2 13 age may elect to receive, in lieu of the receipt of  
2 14 any benefits as calculated pursuant to section 97B.49A  
2 15 or 97B.49D, a monthly retirement allowance equal to  
2 16 one-twelfth of an amount equal to the applicable  
2 17 percentage of the three-year average covered wage as a  
2 18 member who has been employed in eligible service  
2 19 multiplied by a fraction of years of service, with  
2 20 benefits payable during the member's lifetime.  
2 21 b. Notwithstanding other provisions of this  
2 22 chapter, a member who retires from employment as a  
2 23 sheriff or deputy sheriff on or after July 1, 2004,  
2 24 and at the time of retirement is either at least

2 25 fifty=five years of age or is at least the applicable  
2 26 early retirement age with at least twenty=two years of  
2 27 eligible service may elect to receive, in lieu of the  
2 28 receipt of any benefits as calculated pursuant to  
2 29 section 97B.49A or 97B.49D, a monthly retirement  
2 30 allowance equal to one=twelfth of an amount equal to  
2 31 the applicable percentage of the three=year average  
2 32 covered wage as a member who has been employed in  
2 33 eligible service multiplied by a fraction of years of  
2 34 service, with benefits payable during the member's  
2 35 lifetime.

2 36 c. For purposes of this subsection, "applicable  
2 37 early retirement age" means the following:

2 38 (1) For each active or inactive vested member  
2 39 retiring on or after July 1, 2004, and before July 1,  
2 40 2005, fifty=four years of age.

2 41 (2) For each active or inactive vested member  
2 42 retiring on or after July 1, 2005, and before July 1,  
2 43 2006, fifty=three years of age.

2 44 (3) For each active or inactive vested member  
2 45 retiring on or after July 1, 2006, and before July 1,  
2 46 2007, fifty=two years of age.

2 47 (4) For each active or inactive vested member  
2 48 retiring on or after July 1, 2007, and before July 1,  
2 49 2008, fifty=one years of age.

2 50 (5) For each active or inactive vested member  
3 1 retiring on or after July 1, 2008, fifty years of age.

3 2 Sec. \_\_\_\_ Section 97B.49C, subsection 3, paragraph  
3 3 a, Code Supplement 2003, is amended to read as  
3 4 follows:

3 5 a. Annually, the system shall actuarially  
3 6 determine the cost of the ~~additional~~ benefits provided  
3 7 for members covered under this section as a percentage  
3 8 of the covered wages of the employees covered by this  
3 9 section. ~~Sixty~~ Fifty percent of the cost shall be  
3 10 paid by the employers of employees covered under this  
3 11 section and ~~forty~~ fifty percent of the cost shall be  
3 12 paid by the employees. The employer and employee  
3 13 contributions required under this paragraph are in  
3 14 ~~addition to lieu of~~ the contributions paid under  
3 15 sections 97B.11 and 97B.11A. ~~However, the cost of~~  
3 16 ~~including service as an airport fire fighter prior to~~  
3 17 ~~July 1, 1994, as eligible service under this section~~  
3 18 ~~shall not affect the contribution rates calculated and~~  
3 19 ~~paid by the member or the employer under this section.~~

3 20 Sec. \_\_\_\_ Section 97B.49C, subsection 3, paragraph  
3 21 b, Code Supplement 2003, is amended to read as  
3 22 follows:

3 23 b. ~~(1)~~ Annually, during each fiscal year  
3 24 commencing with the fiscal year beginning July 1,  
3 25 1988, each county shall pay to the system the amount  
3 26 necessary to pay the employer share of the cost of the  
3 27 ~~additional~~ benefits provided to sheriffs and deputy  
3 28 sheriffs.

3 29 ~~(2) For the fiscal year commencing July 1, 1994,~~  
3 30 ~~and each succeeding fiscal year, there is appropriated~~  
3 31 ~~from the general fund of the state to the system, from~~  
3 32 ~~funds not otherwise appropriated, an amount necessary~~  
3 33 ~~to pay the employer share of the cost of the~~  
3 34 ~~additional benefits provided to airport fire fighters~~  
3 35 ~~under this section.>~~

3 36 #3. Page 16, by inserting after line 32 the  
3 37 following:

3 38 \_\_\_\_ Section 97B.52, subsection 1, paragraph  
3 39 a, subparagraph (3), Code Supplement 2003, is amended  
3 40 to read as follows:

3 41 (3) For service as a sheriff, ~~or~~ deputy sheriff,  
3 42 ~~or airport fire fighter~~, as provided in section  
3 43 97B.49C, the applicable denominator is twenty=two.>

3 44 #4. Page 17, by inserting after line 17 the  
3 45 following:

3 46 \_\_\_\_ Section 97B.52A, subsection 1,  
3 47 paragraph c, Code Supplement 2003, is amended to read  
3 48 as follows:

3 49 c. For a member whose first month of entitlement  
3 50 is July 2000 or later, the member does not return to  
4 1 any employment with a covered employer until the  
4 2 member has qualified for at least one calendar month  
4 3 of retirement benefits, and the member does not return  
4 4 to covered employment until the member has qualified  
4 5 for no fewer than four calendar months of retirement

4 6 benefits. For purposes of this paragraph, effective  
4 7 July 1, 2000, any employment with a covered employer  
4 8 does not include employment as an elective official or  
4 9 member of the general assembly if the member is not  
4 10 covered under this chapter for that employment. For  
4 11 purposes of determining a bona fide retirement under  
4 12 this paragraph and for a member whose first month of  
4 13 entitlement is July 2004 or later, but before July  
4 14 2006, covered employment does not include employment  
4 15 as a licensed health care professional by a public  
4 16 hospital as defined in section 249I.3.>

4 17 #5. Page 22, by inserting after line 5 the  
4 18 following:

4 19 \_\_\_\_\_. Section 411.6, subsection 7, paragraph  
4 20 c, Code 2003, is amended to read as follows:

4 21 c. Should a disability beneficiary under age  
4 22 fifty-five be employed in a public safety occupation,  
4 23 the disability beneficiary's retirement allowance  
4 24 shall cease. Notwithstanding any provision of this  
4 25 chapter to the contrary, if a disability beneficiary  
4 26 is employed in a public safety occupation that would  
4 27 otherwise constitute membership service, the  
4 28 disability beneficiary shall not become a member of  
4 29 the system. For purposes of this paragraph, "public  
4 30 safety occupation" means a peace officer, as defined  
4 31 in section 97A.1; a protection occupation, as defined  
4 32 in section 97B.49B; a sheriff, ~~or deputy sheriff, or~~  
4 33 ~~airport fire fighter,~~ as defined in section 97B.49C;  
4 34 and a police officer or fire fighter as defined in  
4 35 section 411.1, who was not restored to active service  
4 36 as provided by this subsection.

4 37 Sec. \_\_\_\_\_. Section 724.6, subsection 2, Code 2003,  
4 38 is amended to read as follows:

4 39 2. Notwithstanding subsection 1, fire fighters, as  
4 40 defined in section 411.1, subsection 9, airport fire  
4 41 fighters included under section ~~97B.49C~~ 97B.49B,  
4 42 emergency rescue technicians, and emergency medical  
4 43 care providers, as defined in section 147A.1, shall  
4 44 not, as a condition of employment, be required to  
4 45 obtain a permit under this section. However, the  
4 46 provisions of this subsection shall not apply to a  
4 47 person designated as an arson investigator by the  
4 48 chief fire officer of a political subdivision.>

4 49 #6. Page 23, by inserting after line 18 the  
4 50 following:

5 1 \_\_\_\_\_ LICENSED HEALTH CARE PROFESSIONALS ==  
5 2 BONA FIDE RETIREMENT REPORT. The Iowa public  
5 3 employees' retirement system and the Iowa hospital  
5 4 association shall each submit a report to the general  
5 5 assembly by December 1, 2006, concerning the costs and  
5 6 effectiveness of the provision of this Act amending  
5 7 section 97B.52A that provides that covered employment,  
5 8 for purposes of establishing a bona fide retirement,  
5 9 does not include employment as a licensed health care  
5 10 professional by a public hospital as defined in  
5 11 section 249I.3. Each report shall provide statistics  
5 12 concerning the number of members taking advantage of  
5 13 this provision, the costs and financial benefits, if  
5 14 any, associated with this provision, and  
5 15 recommendations for further action.>

5 16 #7. Page 29, by inserting after line 5 the  
5 17 following:

5 18 5 19 JUDICIAL RETIREMENT SYSTEM  
5 20 Sec. \_\_\_\_\_. JUDICIAL RETIREMENT SYSTEM == SPECIAL  
5 21 VESTING PROVISION.

5 22 1. Notwithstanding any provision of chapter 602 to  
5 23 the contrary, a judge who has had an aggregate of at  
5 24 least four years of service as a judge of one or more  
5 25 of the courts as of the effective date of this section  
5 26 of this Act shall be deemed to have had at least six  
5 27 years of service as a judge for purposes of  
5 28 determining the judge's eligibility for a retirement  
5 29 benefit under the retirement system pursuant to  
5 30 sections 602.9106, 602.9108, and 602.9112, and section  
5 31 602.9107C, subsection 1.

5 32 2. This section of this Act, being deemed of  
5 33 immediate importance, takes effect upon enactment.>

5 34 #8. Page 29, by inserting after line 5 the  
5 35 following:

5 36 5 37 MISCELLANEOUS PROVISIONS  
5 38 Sec. \_\_\_\_\_. NEW SECTION. 70A.17B PAYROLL DEDUCTION

5 39 FOR ADDITIONAL INSURANCE COVERAGE.

5 40 1. The state officer in charge of any of the state  
5 41 payroll systems shall deduct from the wages or  
5 42 salaries of a state officer or employee an amount  
5 43 specified by the officer or employee for payment to  
5 44 any company authorized to do business in this state  
5 45 for the purpose of purchasing insurance if all of the  
5 46 following conditions are met:

5 47 a. At least five hundred state officers or  
5 48 employees request the deduction to purchase insurance  
5 49 from the same company.

5 50 b. The request for the payroll deduction is made  
6 1 by the state officer or employee in writing to the  
6 2 officer in charge of the program.

6 3 c. The pay period during which the deduction is  
6 4 made, the frequency, and the amount of the deduction  
6 5 are compatible with the payroll system.

6 6 d. The insurance coverage to be purchased is not  
6 7 provided by the state.

6 8 e. The company providing the insurance enters into  
6 9 a written agreement with the state delineating each  
6 10 party's rights and responsibilities.

6 11 2. The moneys deducted under this section shall be  
6 12 paid to the company designated by the requesting state  
6 13 officers or employees. The deduction may be made even  
6 14 though the compensation paid to an officer or employee  
6 15 is reduced to an amount below the minimum prescribed  
6 16 by law. Payment to an officer or employee of  
6 17 compensation less the deduction shall constitute a  
6 18 full discharge of claims and demands for services  
6 19 rendered by the officer or employee during the period  
6 20 covered by the payment. The request for the deduction  
6 21 may be withdrawn at any time by filing a written  
6 22 notification of withdrawal with the state officer in  
6 23 charge of any of the state payroll systems.

6 24 3. The department of administrative services  
6 25 reserves the right to terminate an insurance company's  
6 26 participation in the program if the department  
6 27 receives complaints regarding the actions of the  
6 28 insurance company or its agents in relation to the  
6 29 program and such termination would be in the best  
6 30 interest of the state officers and employees, the  
6 31 department makes a determination that the insurance  
6 32 company has engaged in a pattern or practice of  
6 33 unfair, misleading, or fraudulent acts and such  
6 34 termination would be in the best interest of the state  
6 35 officers and employees, or the commissioner of  
6 36 insurance determines that the company has engaged in  
6 37 practices that would otherwise disqualify the company  
6 38 from providing insurance coverage in Iowa.

6 39 4. The department is authorized to establish and  
6 40 collect an administrative fee as deemed necessary and  
6 41 appropriate in an amount not to exceed the state's  
6 42 actual cost of providing the payroll deduction  
6 43 service.>

6 44 #9. Title page, line 1, by inserting after the  
6 45 words the following: 6 46 employee benefit related matters>.

6 47 #10. Title page, line 4, by striking the words  
6 48 and inserting the following: .

6 49 #11. Title page, line 4, by inserting after the  
6 50 words the following: 7 1 judicial retirement system,>.

7 2 #12. By renumbering, relettering, or redesignating  
7 3 and correcting internal references as necessary.

7 4 HF 2262.S

7 5 ec/cc/26