



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 8, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 226, an Act concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 226

AN ACT

CONCERNING THE STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM BY ESTABLISHING A PRESUMPTION THAT CANCER AND INFECTIOUS DISEASES ARE WORK-RELATED FOR PURPOSES OF DISABILITY AND DEATH BENEFITS AND BY INCREASING THE CONTRIBUTION RATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 411.1, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "Cancer" means prostate cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

NEW SUBSECTION. 9A. "Infectious disease" means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis.

Sec. 2. Section 411.6, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. (1) Disease under this ~~section~~ subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(2) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

(3) However, if a person's membership in the system first commenced on or after July 1, 1992, and the heart disease, or disease of the lungs or respiratory tract, cancer, or infectious disease would not exist, but for a medical condition that was known to exist on the date that membership commenced, the presumption established in this paragraph "c" shall not apply.

Sec. 3. Section 411.6, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. (1) If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place, or while acting pursuant to order, outside of the city by which the member is regularly employed, the system decides that death was so caused in the performance of duty, there shall be paid, in lieu of the ordinary death benefit provided in subsection 8, an accidental death benefit as set forth in this subsection.

(2) (a) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(b) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

Sec. 4. Section 411.8, subsection 1, paragraph f, subparagraph (8), Code 2009, is amended to read as follows:

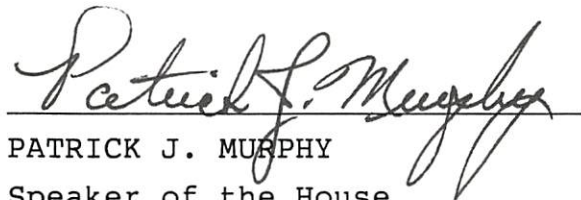
(8) Beginning July 1, 1996, and each fiscal year thereafter, an amount equal to the member's contribution rate times each member's compensation shall be paid to the fund from the earnable compensation of the member. For the purposes of this subparagraph, the member's contribution rate shall be nine and thirty-five hundredths percent or, beginning July 1, 2009, nine and four-tenths percent. However, the system shall increase the member's contribution rate as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1991, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent or, beginning July 1, 2009, eleven and thirty-five hundredths percent. The contribution rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant to this chapter and chapter 97A shall be the only member contribution rate increases for these systems resulting from the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and shall apply only to the fiscal periods specified in 1994 Iowa Acts, ch. 1183. After the employee contribution reaches eleven and three-tenths percent or eleven and thirty-five hundredths percent, as applicable, sixty percent of the additional cost of such statutory changes shall be paid by employers under paragraph "c" and forty percent of the additional cost shall be paid by employees under this paragraph.

Sec. 5. MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM -- REPORT. The municipal fire and police retirement system, as established pursuant to chapter 411, shall collect data related to the implementation, utilization, and costs associated with the requirements of this Act providing that cancer and infectious disease are presumed to be a disease contracted while a member of the retirement system is on active duty as provided in section 411.6, subsections 5 and 9. In collecting and reporting data, the system shall provide information as to the actuarial cost to the system of the requirements of this Act and shall collect data from the cities relative to any associated medical, insurance, or other costs incurred by the cities as a result of this Act. The

retirement system shall submit a written report to the general assembly by October 1, 2013, concerning the data collected, including its findings and recommendations.



JOHN P. KIBBIE
President of the Senate



PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 226, Eighty-third General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 5th, 2009



CHESTER J. CULVER
Governor