

Re. House 2/6 (p. 327)
Re. 1/12/82 Re. House 1/27/82
JAN 14 1981

HOUSE FILE 84

BY JOHNSON of Linn

Passed House, Date 3-22-82 (p. 939) Passed Senate, Date _____
Vote: Ayes 93 Nays 0 Vote: Ayes _____ Nays _____
Approved April 19, 1982

A BILL FOR

1 An Act relating to the definition of surviving spouse for the
2 firemen's and policemen's pension funds.

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

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1 Section 1. Section 410.10, unnumbered paragraph 2, Code
2 1981, is amended to read as follows:

3 ~~Provided, however, that~~ However, the benefits provided
4 by this section ~~shall be~~ are subject to the following
5 definitions: The term "spouse" ~~shall mean~~ means only such
6 a surviving spouse of a marriage contracted prior to retirement
7 of a deceased member from active service, or of a marriage
8 of a retired member contracted prior to March 2, 1934.

9 Surviving spouse includes a former spouse only if the division
10 of assets in the dissolution of marriage decree pursuant to
11 section 598.17 grants the former spouse rights of a spouse
12 under this chapter. If there is no surviving spouse of a
13 marriage contracted prior to retirement of a deceased member,
14 surviving spouse includes a surviving spouse of a marriage
15 of two years or more duration contracted subsequent to
16 retirement of the member. The terms "child" and "children"
17 ~~shall~~ mean only the surviving issue of a deceased active or
18 retired member, or the child or children legally adopted by
19 a deceased member prior to ~~his~~ the member's retirement from
20 active service, or by a member now retired prior to March
21 2, 1934.

22 EXPLANATION

23 This bill amends the definition of surviving spouse for
24 fire and police retirement under chapter 410 of the Code to
25 match the definition of surviving spouse for fire and police
26 retirement under chapter 411 of the Code. The bill takes
27 effect July 1 following its enactment.

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FISCAL NOTE

Amendment H-5066 to House File 84

Requested by Rep. Schroeder

February 5, 1982

In compliance with a written request there is hereby submitted a Fiscal Note for Amendment H-5066 to H. F. 84 pursuant to Joint Rule 16.

Amended House File 84, An Act relating to the definition of surviving spouse for the firemen's and policemen's pension funds.

This act would change the definition of surviving spouse in Chapter 410 of the Code to match the definition used in Chapter 411. The act also appropriates from the general fund sufficient funds to be distributed to cities to pay the additional costs provided for in the act.

There are several sets of circumstances under which benefits could be paid under this act which would not have been paid previously. It is doubtful that the exposure statewide is very large. If the conditions were satisfied, the cost would depend on the spouse's age at the time of the member's death. If the spouse is 45, the single sum value of a representative benefit today is \$40,000 to \$50,000. If the spouse is 80, the value is \$16,000 to \$20,000. Only one situation is definitely known to exist. In this case, the spouse is approximately 70 year of age.

Source: Farr Analysts, Consultants and Technical Services, Inc.

FILED FEBRUARY 15, 1982

BY GERRY RANKIN, Fiscal Director

FISCAL NOTE

House File 84

Requested by Representative Crawford

February 16, 1981

In compliance with a written request there is hereby submitted a Fiscal Note for H. F. 84 pursuant to Joint Rule 16.

H.F. 84, An Act relating to the definition of surviving spouse for the firemen's and policemen's pension funds.

There are several sets of circumstance in which benefits could be paid under this bill which would not previously have been paid. Chances are decreasing, however, due to the age of members under Chapter 410, unless some sort of retroactivity is intended. In the state's largest system, only one-fourth of those receiving a benefit under Chapter 410 are members; the remainder are spouses. Of those surviving members, the number with spouses where marriage occurred prior to retirement isn't known; probably a high proportion. It's doubtful that the exposure, statewide, is very large.

If the conditions are satisfied and benefits are paid to a spouse that would not previously have been paid, the cost depends on the age of the spouse at the member's death. If the spouse is 45, the single sum value of a representative benefit today is \$40,000 to \$50,000. If the spouse is 80, the value is \$16,000 to \$20,000

Source: Farr Analysts, Consultants, and
Technical Services, Inc.

FILED MARCH 16, 1981

BY GERRY D. RANKIN

Legislative Fiscal Bureau

HOUSE FILE 84

H-3129

1 Amend House File 84 as follows:

2 1. Page 1, by striking lines 20 and 21 and
3 inserting in lieu thereof the following: "active
4 service, ~~or by a member now retired prior to March~~
5 ~~27-1994.~~"

H-3129 FILED FEBRUARY 23, 1981

BY SPEAR of Lee

Adopted 3/22/82 (p. 938)

HOUSE FILE 84

H-5066

1 Amend House File 84, as follows:

2 1. Page 1, by inserting, after line 21, the
3 following:
4 "Sec. 2. There is appropriated from the
5 general fund of the state to the municipal
6 assistance fund established in chapter 405 for
7 each fiscal year an amount necessary to be
8 distributed to cities which have established
9 fire and police retirement systems in order to
10 pay the additional costs of benefits provided in
11 this Act."

H-5066 FILED FEBRUARY 5, 1982

BY DODERER of Johnson
JOHNSON of Linn

4/10 3/22 (p. 938)

HOUSE FILE 84

H-5075

1 Amend House File 84 as follows:

2 1. Page 1, by inserting after line 21 the
3 following:
4 "Sec. _____. There is appropriated from the general
5 fund of the state to the municipal assistance fund
6 established in chapter 405 for each fiscal year an
7 amount necessary to be distributed to cities which
8 have established fire and police pension funds under
9 this chapter in order to pay the additional costs
10 of benefits provided in section 1 of this Act. The
11 actuary employed by the respective board of trustees
12 of the pension fund shall transmit to the state
13 comptroller the costs of the benefits provided in
14 section 1 of this Act and the state comptroller shall
15 pay the amount submitted to each city from funds in
16 the municipal assistance fund."
17 2. By numbering as necessary.

H-5075 FILED FEBRUARY 5, 1982

BY DODERER of Johnson

Adopt 3/22 (p. 938)

HOUSE FILE 84

H-3084

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by inserting before line 1 the following:
- 3 "Section ____ Section 410.10, subsection 1, is
- 4 amended to read as follows:
- 5 1. To the surviving spouse, so long as said spouse
- 6 remains unmarried and-of-good-moral-character, a sum
- 7 equal to one-half of the deceased member's total adjusted
- 8 pension as provided for in section 410.6, but in no
- 9 event less than seventy-five dollars per month."
- 10 2. Renumber the sections as necessary.

H-3084 FILED

BY SPEAR of Lee

FEBRUARY 13, 1981

Adopted 3/22/82 (p. 937)

HOUSE FILE 84

H-3085

- A 1 Amend House File 84 as follows:
- 2 1. Page 1, line 5, by striking the word "only" and
- 3 inserting in lieu thereof the word "only".
- B 4 2. Page 1, line 13, by inserting after the word
- 5 "member," the following: "or of a marriage of a retired
- 6 member contracted prior to March 2, 1934,".

H-3085 FILED

BY SPEAR of Lee

FEBRUARY 13, 1981

Adopted 3/22/82 (p. 927)

HOUSE FILE 84

H-3088

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and inserting
- 3 in lieu thereof the following: "active service, or by-a
- 4 member-now-retired-prior-to-March-27-1934 legally adopted
- 5089 5 prior to March 2, 1934 by a retired member."

H-3088 FILED

BY SPEAR of Lee

FEBRUARY 13, 1981

H/D 3/22 (p. 938)

HOUSE FILE 84

H-3089

- 1 Amend amendment H-3088 to House File 84 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the words
- 4 "retired member" and inserting in lieu thereof the
- 5 words "member then retired".

H-3089 FILED FEBRUARY 16, 1981

BY SPEAR of Lee

H/D 3/22 (p. 938)

HOUSE FILE 84

H-5500

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by inserting after line 21 the following
- 3 section:
- 4 "Sec. _____. Pensions payable under chapter 410
- 5 because of section 1 of this Act are not retroactive
- 6 and shall commence July 1, 1982."
- 7 2. By numbering sections as necessary.

H-5500 FILED MARCH 19, 1982 BY SMALLEY of Polk
Adopted 3/22 (p. 929)

HOUSE FILE 84

H-5504

- 1 Amend House File 84, as follows:
- 2 1. Title page, by striking lines 1 and 2, and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to pensions under firemen's and
- 5 policemen's pension funds."

H-5504 FILED MARCH 22, 1982
ADOPTED BY UNANIMOUS CONSENT (*p. 939*) BY SMALLEY of Polk

Sen. State Govt 2/23 To Pass 3/25 (p. 918)

HOUSE FILE 84

BY JOHNSON OF Linn

(As Amended and Passed by the House)

Passed House, Date 3-22-82 (p. 939) Passed Senate, Date 4-2-82 (p. 999)

Vote: Ayes 93 Nays 0 Vote: Ayes 47 Nays 0

Approved April 19, 1982

A BILL FOR

1 An Act relating to pensions under firemen's and policemen's
2 pension funds.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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House Amendments _____

1 Section 1. Section 410.10, subsection 1, is amended to
2 read as follows:

3 1. To the surviving spouse, so long as said spouse remains
4 unmarried and-of-good-moral-character, a sum equal to one-
5 half of the deceased member's total adjusted pension as
6 provided for in section 410.6, but in no event less than
7 seventy-five dollars per month.

8 Sec. 2. Section 410.10, unnumbered paragraph 2, Code 1981,
9 is amended to read as follows:

10 Provided, however, that However, the benefits provided
11 by this section ~~shall be~~ are subject to the following
12 definitions: The term "spouse" ~~shall mean~~ means only such
13 a surviving spouse of a marriage contracted prior to retirement
14 of a deceased member from active service, or of a marriage
15 of a retired member contracted prior to March 2, 1934.

16 Surviving spouse includes a former spouse only if the division
17 of assets in the dissolution of marriage decree pursuant to
18 section 598.17 grants the former spouse rights of a spouse
19 under this chapter. If there is no surviving spouse of a
20 marriage contracted prior to retirement of a deceased member,
21 or of a marriage of a retired member contracted prior to March
22 2, 1934, surviving spouse includes a surviving spouse of a
23 marriage of two years or more duration contracted subsequent
24 to retirement of the member. The terms "child" and "children"
25 shall mean only the surviving issue of a deceased active or
26 retired member, or the child or children legally adopted by
27 a deceased member prior to his the member's retirement from
28 active service, or by a member now retired prior to March
29 27-1934.

30 Sec. 3. Pensions payable under chapter 410 because of
31 section 2 of this Act are not retroactive and shall commence
32 July 1, 1982.

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HOUSE FILE 84

AN ACT

RELATING TO PENSIONS UNDER FIREMEN'S AND POLICEMEN'S PENSION FUNDS.

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

Section 1. Section 410.10, subsection 1, Code 1981, is amended to read as follows:

1. To the surviving spouse, so long as said spouse remains unmarried ~~and of good moral character~~, a sum equal to one-half of the deceased member's total adjusted pension as provided for in section 410.6, but in no event less than seventy-five dollars per month.

Sec. 2. Section 410.10, unnumbered paragraph 2, Code 1981, is amended to read as follows:

~~Provided, however, that~~ However, the benefits provided by this section ~~shall be~~ are subject to the following definitions: The term "spouse" ~~shall mean~~ means only such a surviving spouse of a marriage contracted prior to retirement of a deceased member from active service, or of a marriage of a retired member contracted prior to March 2, 1934. Surviving spouse includes a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter. If there is no surviving spouse of a marriage contracted prior to retirement of a deceased member, or of a marriage of a retired member contracted prior to March 2, 1934, surviving spouse includes a surviving spouse of a marriage of two years or more duration contracted subsequent to retirement of the member. The terms "child" and "children" ~~shall~~ mean only the surviving issue of a deceased active or retired member, or the child or children legally adopted by

a deceased member prior to ~~his~~ the member's retirement from active service, ~~or by a member now retired prior to March 2, 1934.~~

Sec. 3. Pensions payable under chapter 410 because of section 2 of this Act are not retroactive and shall commence July 1, 1982.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 84, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved April 19, 1982

ROBERT D. RAY
Governor