

3 four (4) paragraph (a) and substituting in lieu thereof the words  
4 "twenty-five".

1 SEC. 6. Chapter seventy-six (76), section one (1), of the Acts of  
2 the 52nd General Assembly is amended by adding after the figures  
3 "1946" in line eleven (11), the following: "or the last quarter of  
4 employment."

1 SEC. 7. Amend section ninety-seven point forty-five (97.45), Code  
2 1946, by adding a new subsection as follows: "No definition or pro-  
3 vision of this chapter shall be construed so as to include temporary  
4 employees of the General Assembly of Iowa unless such employees  
5 shall make application to the Iowa Employment Security Commis-  
6 sion to be covered under the provisions of this chapter."

1 SEC. 8. Amend chapter ninety-seven (97), Code 1946, by adding  
2 a new section as follows: "The Iowa Employment Security Commis-  
3 sion is hereby authorized and directed to refund to all employees of  
4 the Fifty-third General Assembly such sums of money that may have  
5 been withheld under the provisions of this chapter upon the applica-  
6 tion of such employees as may desire to obtain such refund, and the  
7 Iowa Employment Security Commission is further authorized and  
8 directed to issue such forms as may be necessary for the filing of an  
9 application for a refund."

1 SEC. 9. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its passage and publication in the  
3 Farm Bureau News, a newspaper published at Bettendorf, Iowa, and  
4 in the Daily Times, a newspaper published at Davenport, Iowa.

Approved April 28, 1949.

I hereby certify that the foregoing act was published in the Farm Bureau News, May  
12, 1949, and in the Daily Times, May 7, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 70

### PUBLIC SAFETY PEACE OFFICERS RETIREMENT SYSTEM

H. F. 152

AN ACT to provide for the creation, establishment and administration of the Iowa department of public safety peace officers' retirement, accident and disability system; to provide a fund for payment of retirement, accident and disability benefits to members of such system and their dependents; to prescribe the conditions for eligibility to receive such benefits; to provide for contributions by the state of Iowa to such fund; and to repeal all acts and parts of acts in conflict with this act.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Definitions of words and phrases. The following  
2 words and phrases when used in this act shall, for the purpose of  
3 this act, have the meanings respectively ascribed to them in this  
4 section, except in those instances where the context clearly indicates  
5 a different meaning:

6 1. "System" shall mean the Iowa department of public safety peace  
7 officers' retirement, accident and disability system as defined in  
8 section two (2) of this act.

9 2. "Peace officer" or "peace officers" shall mean all members of

10 the divisions of highway safety and uniformed force and criminal  
11 investigation and bureau of identification in the department of  
12 public safety, except clerical workers, who have passed a satisfactory  
13 physical and mental examination and have been duly appointed as  
14 members of the state department of public safety in accordance with  
15 the provisions of section eighty point fifteen (80.15), Code 1946.

16 3. "Member" or "member of system" shall mean a member of the  
17 Iowa department of public safety peace officers' retirement, accident  
18 and disability system as defined by section three (3) of this act.

19 4. "Board of trustees" shall mean the board provided for in sec-  
20 tion five (5) of this act to administer the Iowa department of public  
21 safety peace officers' retirement, accident and disability system.

22 5. "Medical board" shall mean the board of physicians provided  
23 for in section five (5) of this act.

24 6. "Membership service" shall mean service as a peace officer in  
25 the division of highway safety and uniformed forces or the division  
26 of criminal investigation and bureau of identification in the depart-  
27 ment of public safety rendered since last becoming a member, or,  
28 where membership is regained as provided in this act, all of such  
29 service.

30 7. "Beneficiary" shall mean any person receiving a pension, an  
31 annuity, a retirement allowance or other benefit as provided by this  
32 act.

33 8. "Widow" shall mean only such surviving spouse of a marriage  
34 consummated prior to retirement of a deceased member from active  
35 service.

36 9. "Child" or "children" shall mean only the surviving issue of  
37 a deceased active or retired member, or the child or children legally  
38 adopted by a deceased member prior to his retirement.

39 10. "Regular interest" shall mean interest at the rate of four per  
40 cent per annum, compounded annually.

41 11. "Accumulated contributions" shall mean the sum of all  
42 amounts deducted from the compensation of a member and credited  
43 to his individual account in the annuity savings fund together with  
44 regular interest thereon as provided in section eight (8) of this act.

45 12. "Earnable compensation" or "compensation earnable" shall  
46 mean the regular compensation which a member would earn during  
47 one year on the basis of the stated compensation for his rank or  
48 position.

49 13. "Amount earned" shall mean the amount of money actually  
50 earned by a beneficiary in some definite period of time.

51 14. "Average final compensation" shall mean the average earn-  
52 able compensation of the member during his last five years of service  
53 as a member of the state department of public safety, or if he has  
54 had less than five years of such service, then the average earnable  
55 compensation of his entire period of service.

56 15. "Annuity" shall mean annual payments for life derived from  
57 the accumulated contributions of a member. All annuities shall be  
58 payable in monthly installments.

59 16. "Pensions" shall mean annual payments for life derived from  
60 the appropriations provided by the state of Iowa. All pensions  
61 shall be paid in equal monthly installments.

62 17. "Retirement allowance" shall mean the sum of the annuity  
63 and the pension, or any benefits in lieu thereof granted to a member  
64 upon retirement.

65 18. "Annuity reserve" shall mean the present value of all pay-  
66 ments to be made on account of an annuity, or benefit in lieu of a  
67 annuity, granted under the provisions of this act, upon the basis of  
68 such mortality tables as shall be adopted by the board of trustees,  
69 and regular interest.

70 19. "Pension reserve" shall mean the present value of all pay-  
71 ments to be made on account of any pension, or benefit in lieu of a  
72 pension, granted under the provisions of this act, upon the basis of  
73 such mortality tables as shall be adopted by the board of trustees and  
74 regular interest.

75 20. "Actuarial equivalent" shall mean a benefit of equal value,  
76 when computed upon the basis of mortality tables adopted by the  
77 board of trustees, and regular interest.

78 21. "Department" means the department of public safety of this  
79 state.

80 22. "Commissioner" means the commissioner of public safety of  
81 this state.

1 **SEC. 2. Creation of system; purpose; name.** There is hereby  
2 created and established a retirement or pension system to be known  
3 as the Iowa department of public safety peace officers' retirement,  
4 accident and disability system. It is the intent and purpose of this  
5 act to provide certain retirement and other benefits for the peace  
6 officers of the Iowa department of public safety herein named, or  
7 benefits to their dependents in amounts and under terms and con-  
8 ditions hereinafter set forth. Such system shall be under the man-  
9 agement of the board of trustees hereinafter described, and shall  
10 transact all of its business, invest all of its funds, and hold all of its  
11 cash and security and other property in the name of the Iowa de-  
12 partment of public safety peace officers' retirement, accident and  
13 disability system. The retirement system so created shall begin  
14 operation on the effective date of this act.

1 **SEC. 3. Membership in system.**

2 1. All members of the division of highway safety and uniformed  
3 force and the division of criminal investigation and bureau of  
4 identification in the department of public safety, excepting the mem-  
5 bers of the clerical force, who are employed by the state of Iowa  
6 when this act becomes effective, and all persons thereafter employed  
7 as a member of such divisions in the department of public safety,  
8 except the members of the clerical force, shall be members of this  
9 system. Such members shall not be required to make contributions  
10 under any other pension or retirement system of the state of Iowa,  
11 anything to the contrary notwithstanding.

12 2. Should any member in any period of five consecutive years  
13 after last becoming a member, be absent from service for more than  
14 four years, or should he withdraw his accumulated contributions or  
15 should he become a beneficiary or die, he shall thereupon cease to be  
16 a member of this system.

1 **SEC. 4. Service creditable.** The board of trustees shall fix and  
2 determine by proper rules and regulations how much service in any  
3 year shall be equivalent to one year of service, but in no case shall  
4 more than one year of service be creditable for all service in one  
5 calendar year, nor shall the board of trustees allow credit as service  
6 for any period of more than one month duration during which the  
7 member was absent without pay.

8 Any member of the system who has been employed continuously  
9 prior to the passage of this act in the division of highway safety and  
10 uniformed force or the division of criminal investigation and bureau  
11 of identification in the department of public safety, or as a member  
12 of the Iowa highway safety patrol, or as a peace officer or a member  
13 of the uniformed force in any department or division whose func-  
14 tions were transferred to, merged, or consolidated in the department  
15 of public safety at the time such department was created, shall re-  
16 ceive credit for such service in determining retirement and disability  
17 benefits provided for in this act.

1 **SEC. 5. Administration.**

2 1. *Board of trustees.* The general administration and the re-  
3 sponsibility for the proper operation of the system and for making  
4 effective the provisions of this act are hereby vested in a board of  
5 trustees to administer the system. Such board of trustees shall be  
6 constituted as follows: The commissioner of public safety, who  
7 shall be chairman of said board, the state treasurer, and a member  
8 of the system, to be chosen by the members thereof for a term of  
9 two years.

10 2. *Voting.* Each trustee shall be entitled to one vote on said board  
11 and two concurring votes shall be necessary for a decision by the  
12 trustees on any question at any meeting of said board.

13 3. *Compensation.* The trustees shall serve as such without com-  
14 pensation, but they shall be reimbursed from the expense fund for all  
15 necessary expenses which they may incur through service on the  
16 board.

17 4. *Rules and regulations.* The board of trustees shall, from time  
18 to time, establish such rules and regulations, not inconsistent with  
19 this act, for the administration of funds created by this act and as  
20 may be necessary or appropriate for the transaction of its business.

21 5. *Employees.* The board of trustees shall appoint a secretary  
22 who may, but need not be, one of its members. It shall engage such  
23 stenographic, clerical and other services as shall be required to trans-  
24 act the business of the system. The compensation of all persons  
25 engaged by the board of trustees, and all other expenses of said  
26 board necessary for the operation of the retirement system, shall be  
27 paid at such rates and in such amounts as said board of trustees  
28 shall approve.

29 6. *Data—records—reports.* The board of trustees shall keep in  
30 convenient form such data as shall be necessary for actuarial valu-  
31 ation of the various funds of the system and for checking the ex-  
32 pense of the system. The secretary of the board shall keep a record  
33 of all the acts and proceedings taken by said board, which records  
34 shall be open to public inspection, and he shall keep a complete record  
35 of the names of all of the members, their ages and length of service,  
36 the salary of each member, together with such other facts as may be  
37 necessary in the administration of the provisions of this act, and  
38 for the purpose of obtaining such facts, he shall have access to the  
39 records of the various departments of the state. The board of  
40 trustees shall biennially make a report to the state legislature show-  
41 ing the fiscal transactions of the system for the preceding biennium,  
42 the amount of the accumulated cash and securities of the system, and  
43 the last balance sheet showing the financial condition of the system  
44 by means of an actuarial valuation of the assets and liabilities of  
45 the system.

46 7. *Legal Advisor.* The attorney general of the state of Iowa shall  
47 be the legal advisor for the board of trustees.

48 8. *Medical board.* The board of trustees shall designate a medical  
49 board to be composed of three physicians who shall arrange for and  
50 pass upon the medical examinations required under the provisions  
51 of this act and shall report in writing to the board of trustees, its  
52 conclusions and recommendations upon all matters duly referred  
53 to it.

54 9. *Duties of commissioner of insurance.* The state commissioner  
55 of insurance shall be the technical advisor of the board of trustees  
56 on matters regarding the operation of the funds created by the pro-  
57 visions of this act and shall perform such other duties as are re-  
58 quired in connection therewith.

59 10. *Tables—rates.* Immediately after the establishment of this  
60 system, the state commissioner of insurance shall make such investi-  
61 gation of the mortality, service and compensation experience of the  
62 members of the system as he shall recommend and the board of  
63 trustees shall authorize, and on the basis of such investigation he  
64 shall recommend for adoption by the board of trustees such tables  
65 and such rates as are required in subsection eleven (11) of this  
66 section. The board of trustees shall adopt tables and certify rates  
67 of contributions to be used by the system.

68 11. *Actuarial investigation.* In the year 1952, and at least once  
69 in each two year period thereafter, the state commissioner of in-  
70 surance shall make an actuarial investigation in the mortality, serv-  
71 ice and compensation experience of the members and beneficiaries  
72 of the system and shall make a valuation of the assets and liabilities  
73 of the funds of the system, and taking into account the results of  
74 such investigation and valuation, the board of trustees shall:

75 a. Adopt for the system such mortality and other tables as shall  
76 be deemed necessary;

77 b. Certify the rates of contribution payable by the state of Iowa  
78 in accordance with section eight (8) of this act.

79 12. *Valuation.* On the basis of such tables as the board of trustees

80 shall adopt, the state commissioner of insurance shall make an an-  
81 nual valuation of the assets and liabilities of the funds of the system  
82 created by this act.

1     **SEC. 6. Benefits.**

2     1. *Service retirement benefit.* Retirement of a member on a serv-  
3 ice retirement allowance shall be made by the board of trustees as  
4 follows:

5     a. Any member in service may retire upon his written application  
6 to the board of trustees, setting forth at what time, not less than  
7 thirty nor more than ninety days subsequent to the execution and  
8 filing therefor, he desires to be retired, provided, that the said mem-  
9 ber at the time so specified for his retirement shall have attained  
10 the age of fifty-five (55) and shall have completed twenty-two (22)  
11 years or more of creditable service, and notwithstanding that, during  
12 such period of notification, he may have separated from the service.

13     b. Any member in service who has attained the age of sixty-five  
14 (65) years, shall be retired forthwith, provided, that upon the re-  
15 quest of the commissioner of public safety, the board of trustees may  
16 permit such member to remain in service for periods not to exceed  
17 one year from the date of the last request from the commissioner of  
18 public safety.

19     2. *Allowance on service retirement.* Upon retirement from serv-  
20 ice, a member shall receive a service retirement allowance which  
21 shall consist of:

22     a. An annuity which shall be the actuarial equivalent of his ac-  
23 cumulated contributions at the time of his retirement; and

24     b. A pension given by the state in addition to his annuity which  
25 together with his annuity shall make a total service retirement  
26 allowance equal to one-half ( $\frac{1}{2}$ ) of his average final compensation.

27     3. *Ordinary disability retirement benefit.* Upon the application  
28 of a member in service or of the commissioner of public safety, any  
29 member who has had five or more years of membership service shall  
30 be retired by the board of trustees, not less than thirty and not more  
31 than ninety days next following the date of filing such application,  
32 on an ordinary disability retirement allowance, provided, that the  
33 medical board after a medical examination of such member shall  
34 certify that said member is mentally or physically incapacitated for  
35 further performance of duty, that such incapacity is likely to be  
36 permanent and that such member should be retired.

37     4. *Allowance on ordinary disability retirement.* Upon retirement  
38 for ordinary disability a member shall receive a service retirement  
39 allowance if he has attained the age of fifty-five (55), otherwise he  
40 shall receive an ordinary disability retirement allowance which shall  
41 consist of:

42     a. An annuity which shall be the actuarial equivalent of his ac-  
43 cumulated contributions at the time of retirement; and

44     b. A pension which together with his annuity shall make a total  
45 retirement allowance equal to ninety (90) percent of one-seventieth  
46 ( $\frac{1}{70}$ ) of his average final compensation multiplied by the number  
47 of years of membership service, if such retirement allowance ex-

48 ceeds one-fourth ( $\frac{1}{4}$ ) of his average final compensation, otherwise  
49 a pension which together with his annuity shall provide a total re-  
50 tirement allowance equal to one-fourth ( $\frac{1}{4}$ ) of his average final  
51 compensation; provided, however, that no such allowance shall  
52 exceed ninety (90) percent of one-seventieth ( $\frac{1}{70}$ ) of his average  
53 final compensation multiplied by the number of years which would  
54 be creditable to him were his service to continue until the attainment  
55 of age fifty-five (55).

56 5. *Accidental disability benefit.* Upon application of a member  
57 in service or of the commissioner of public safety, any member who  
58 has become totally and permanently incapacitated for duty as the  
59 natural and proximate result of an accident or exposure occurring  
60 while in the actual performance of duty at some definite time and  
61 place shall be retired by the board of trustees, provided, that the  
62 medical board shall certify that such member is mentally or phys-  
63 ically incapacitated for further performance of duty, that such in-  
64 capacity is likely to be permanent and that such member should be  
65 retired.

66 6. *Retirement after accident.* Upon retirement for accidental  
67 disability a member shall receive a service retirement allowance if  
68 he has attained the age of fifty-five (55), otherwise he shall receive  
69 an accidental disability retirement allowance which shall consist of:

70 a. An annuity which shall be the actuarial equivalent of his ac-  
71 cumulated contributions at the time of his retirement; and

72 b. A pension, in addition to the annuity, of sixty-six and two-  
73 thirds ( $66\frac{2}{3}$ ) percent of his average final compensation.

74 7. *Re-examination of beneficiaries retired on account of disability.*  
75 Once each year during the first five years following the retirement  
76 of a member on a disability retirement allowance, and once in every  
77 three-year period thereafter, the board of trustees may, and upon his  
78 application shall, require any disability beneficiary who has not yet  
79 attained age fifty-five (55) to undergo a medical examination at a  
80 place designated by the medical board. Such examination shall be  
81 made by the medical board or in special cases, by an additional  
82 physician or physicians designated by such board. Should any  
83 disability beneficiary who has not attained the age of fifty-five (55)  
84 refuse to submit to such medical examination, his allowance may be  
85 discontinued until his withdrawal of such refusal, and should his  
86 refusal continue for one year all rights in and to his pension may be  
87 revoked by the board of trustees.

88 a. Should any beneficiary for disability not incurred in line of  
89 duty, be engaged in a gainful occupation paying more than the  
90 difference between his retirement allowance and his average final  
91 compensation, then the amount of his pension shall be reduced to  
92 an amount which together with his annuity and the amount earned  
93 by him shall equal the amount of his average final compensation.  
94 Should his earning capacity be later changed, the amount of his pen-  
95 sion may be further modified, provided, that the new pension shall  
96 not exceed the amount of the pension originally granted nor an  
97 amount which, when added to the amount earned by the beneficiary  
98 together with his annuity, equals the amount of his average final

99 compensation. A beneficiary restored to active service at a salary  
100 less than the average final compensation upon the basis of which  
101 he was retired at age fifty-five (55) or greater, shall not again be-  
102 come a member of the retirement system and shall have his retire-  
103 ment allowance suspended while in active service.

104 b. Should a disability beneficiary under age fifty-five (55) be  
105 restored to active service at a compensation not less than his aver-  
106 age final compensation, his retirement allowance shall cease, he  
107 shall again become a member and he shall contribute thereafter at  
108 the same rate he paid prior to disability, and any former service  
109 on the basis of which his service was computed at the time of his  
110 retirement shall be restored to full force and effect and upon his  
111 subsequent retirement he shall be credited with all his service as a  
112 member.

113 c. The commissioner of public safety may, subject to approval of  
114 the medical board, assign any former member of the division of  
115 highway safety and uniformed force or the division of criminal in-  
116 vestigation and bureau of identification who is retired and drawing  
117 a pension for disability under the provisions of this act, to the per-  
118 formance of light duties in such division.

119 8. *Ordinary death benefit.* Upon the receipt of proper proofs of  
120 the death of a member in service, there shall be paid to such person  
121 having an insurable interest in his life as he shall have nominated  
122 by written designation duly executed and filed with the board of  
123 trustees;

124 a. His accumulated contributions and, if the member has had one  
125 or more years of membership service and no pension is payable  
126 under the provisions of subsection nine (9) of this section, in addi-  
127 tion thereto—

128 b. An amount equal to fifty percent (50%) of the compensation  
129 earned by him during the year immediately preceding his death; or

130 If there be no such nomination of beneficiary, the benefits provided  
131 in paragraphs (a) and (b) of this subsection eight (8) shall be paid  
132 to his estate; or in lieu thereof, at the option of the following bene-  
133 ficiaries, respectively, even though nominated as such, there shall be  
134 paid a pension which, together with the actuarial equivalent of his  
135 accumulated contributions, shall be equal to one-fourth ( $\frac{1}{4}$ ) of the  
136 average final compensation of such member, but in no instance less  
137 than fifty (50) dollars per month;

138 c. To his widow to continue during her widowhood; or

139 d. If there be no widow, or if the widow dies or remarries before  
140 any child of such deceased member shall have attained the age of  
141 eighteen (18) years, then to the guardian of his child or children  
142 under said age, divided in such manner as the board of trustees in its  
143 discretion shall determine, to continue as a joint and survivor  
144 pension until every such child dies or attains the age of eighteen  
145 (18); or

146 e. If there be no surviving widow or child under age eighteen  
147 (18), then to his dependent father and/or mother, as the board of  
148 trustees in its discretion shall determine, to continue until remar-  
149 riage or death.



150 9. *Accidental death benefit.* If, upon the receipt of evidence and  
151 proof that the death of a member was the natural and proximate  
152 result of an accident or exposure occurring at some definite time  
153 and place while the member was in the actual performance of duty,  
154 the board of trustees shall decide that death was so caused in the  
155 performance of duty there shall be paid, in lieu of the ordinary  
156 death benefit provided in subsection eight (8) of this section, to his  
157 estate or to such person having an insurable interest in his life as he  
158 shall have nominated by written designation duly executed and filed  
159 with the board of\* of trustees:

160 a. His accumulated contributions; and in addition thereto—

161 b. A pension equal to one-half ( $\frac{1}{2}$ ) of the average final compen-  
162 sation of such member shall be paid to his widow, children or de-  
163 pendent parents as provided in paragraphs (c), (d), and (e) of  
164 subsection eight (8) of this section.

165 c. If there be no widow, children under the age of eighteen years  
166 or dependent parent surviving such deceased member, the death  
167 shall be treated as an ordinary death case and the benefit payable in  
168 accordance with the provisions of subsection eight (8), paragraph  
169 (b) of this section, in lieu of the pension provided in paragraph (b)  
170 of this subsection nine (9), shall be paid to his estate.

171 10. *Return of accumulated contributions.* Should a member cease  
172 to be a peace officer in the division of highway safety and uniformed  
173 force or the division of criminal investigation and bureau of identi-  
174 fication in the department of public safety except by death or re-  
175 tirement, he shall be paid on demand the amount of his accumulated  
176 contributions standing to the credit of his individual account in the  
177 annuity savings fund.

178 11. *Optional allowance.* With the provision that no optional  
179 selection shall be effective in case a beneficiary dies within thirty (30)  
180 days after retirement, in which event such a beneficiary shall be  
181 considered as an active member at the time of death, until the first  
182 payment on account of any benefit becomes normally due, any bene-  
183 ficiary may elect to receive his benefit in a retirement allowance  
184 payable throughout life, or he may elect to receive the actuarial  
185 equivalent at that time of his retirement allowance in a lesser retire-  
186 ment allowance payable throughout life with the provision that an  
187 amount in money not exceeding the amount of his accumulated con-  
188 tributions shall be immediately paid in cash to such member or some  
189 other benefit or benefits shall be paid either to the member or to such  
190 person or persons as he shall nominate, provided such cash payment  
191 or other benefit or benefits, together with the lesser retirement allow-  
192 ance, shall be certified by the state commissioner of insurance to be  
193 of equivalent actuarial value to his retirement allowance and shall  
194 be approved by the board of trustees; provided, that a cash payment  
195 to such member or beneficiary at the time of retirement of an  
196 amount not exceeding fifty percent (50%) of his accumulated con-  
197 tributions shall be made by the board of trustees upon said member's  
198 or beneficiary's election.

\*According to enrolled act.

199 12. *Pensions offset by compensation benefits.* Any amounts  
 200 which may be paid or payable by the state under the provisions of  
 201 any workmen's compensation or similar law to a member or to  
 202 the dependents of a member on account of any disability or death,  
 203 shall be offset against and payable in lieu of any benefits payable  
 204 out of funds provided by the state under the provisions of this act  
 205 on account of the same disability or death. In case the present value  
 206 of the total commuted benefits under said workmen's compensation or  
 207 similar law is less than the pension reserve on the benefits otherwise  
 208 payable from funds provided by the state under this act, then the  
 209 present value of the commuted payments shall be deducted from  
 210 the pension reserve and such benefits as may be provided by the  
 211 pension reserve so reduced shall be payable under the provisions  
 212 of this act.

213 13. *Pension to widow and children of deceased pensioned mem-*  
 214 *ber.* In the event of the death of any member receiving a retirement  
 215 allowance under the provisions of subsection two (2), four (4),  
 216 and/or six (6) of this section there shall be paid a pension:

217 a. To his widow to continue during her widowhood, equal to one-  
 218 half the amount received by such deceased beneficiary, but in no  
 219 instance less than fifty (50) dollars per month, and in addition  
 220 thereto the sum of twenty dollars (20) per month for each child under  
 221 eighteen years of age; or

222 b. In the event of the death of the wife either prior or subsequent  
 223 to the death of the member, to the guardian of each surviving child  
 224 under eighteen years of age, in the sum of twenty dollars per month  
 225 for the support of such child.

226 14. *Appeals from action of the board of trustees.* An appeal may  
 227 be taken from any action of the board of trustees acting under the  
 228 provisions of this section by any member of the system to the district  
 229 court of Polk County within thirty (30) days after he receives writ-  
 230 ten notice of the trustees' action. The board of trustees shall be  
 231 represented by the attorney general. The appeal shall be taken by  
 232 written notice to the chairman of the board of trustees and served  
 233 as an original notice. When said notice is so served, it shall with  
 234 the return thereon, be filed in the office of the clerk of the said district  
 235 court and docketed as other cases, with the member as plaintiff and  
 236 the board of trustees as defendant. The court shall hear the appeal  
 237 in equity and determine anew all questions submitted to it on appeal  
 238 from the determination of the board of trustees. An appeal may be  
 239 taken by the member or by the board of trustees to the supreme  
 240 court of this state in the same manner appeals are taken in suits in  
 241 equity irrespective of the amount involved.

1 **SEC. 7. Management of funds.**

2 1. The board of trustees shall be the trustees of the several funds  
 3 created by this act as provided in section eight (8) hereof and shall  
 4 have full power to invest and reinvest such funds subject to the  
 5 terms, conditions, limitations and restrictions imposed by subsection  
 6 two (2) of this section, and subject to like terms, conditions, limita-  
 7 tions, and restrictions said trustees shall have full power to hold,  
 8 purchase, sell, assign, transfer, or dispose of any of the securities

9 and investments in which any of the funds created herein shall have  
10 been invested, as well as of the proceeds of said investments and any  
11 moneys belonging to said funds.

12 2. The investments of the several funds created by this act are  
13 hereby limited to interest-bearing bonds issued by the United States,  
14 by the state of Iowa, and those issued by counties, school districts,  
15 and/or general obligation or limited levy bonds issued by municipal  
16 corporations in this state as authorized by law.

17 3. The board of trustees annually shall allow regular interest on  
18 the mean amount for the preceding year in each of the funds with the  
19 exception of the expense fund. The amount so allowed shall be due  
20 and payable to said funds and shall be annually credited thereto by  
21 the board of trustees from interest and other earnings on the moneys  
22 and other assets of the system. Any additional amount required to  
23 meet the interest on the funds of the system shall be paid by the  
24 state of Iowa and any excess of earnings over such amount required  
25 shall be deductible from the amounts to be contributed by the state  
26 of Iowa.

27 4. The treasurer of the state shall be the custodian of the several  
28 funds. All payments from said funds shall be made by him only  
29 upon vouchers signed by two persons designated by the board of  
30 trustees. A duly attested copy of the resolution of the board of  
31 trustees designating such persons and bearing on its face specimen  
32 signatures of such persons shall be filed with the treasurer of state  
33 as his authority for making payments on such vouchers. No voucher  
34 shall be drawn unless it shall previously have been allowed by reso-  
35 lution of the board of trustees.

36 5. No trustee and no employee of the board of trustees shall have  
37 any direct interest in the gains or profits of any investment made  
38 by the board of trustees. No trustee shall receive any pay or  
39 emolument for his services except as secretary. No trustee or em-  
40 ployee of the board of trustees shall directly or indirectly for him-  
41 self or as agent in any manner use the assets of the system except  
42 to make such current and necessary payments as are authorized by  
43 the board of trustees, nor shall any trustee or employee of the board  
44 become an endorser or surety or become in any manner an obligor  
45 for moneys loaned by or borrowed from the board of trustees.

1 SEC. 8. **Method of financing.** All the assets of the system created  
2 and established by this act shall be credited according to the purpose  
3 for which they are held to one of five funds, namely, the annuity  
4 savings fund, the annuity reserve fund, the pension accumulation  
5 fund, the pension reserve fund, and the expense fund.

6 1. *Annuity savings fund.*

7 a. The annuity savings fund shall be the fund in which shall be  
8 accumulated contributions from the compensation of the members  
9 to provide for their annuities. The rates of contributions payable by  
10 members according to their ages when becoming members shall be  
11 as follows:

	Age when becoming a member	Rate of contribution
12	20	3.91%
13	21	3.97%
14	22	4.04%
15	23	4.11%
16	24	4.18%
17	25	4.26%
18	26	4.33%
19	27	4.41%
20	28	4.48%
21	29	4.56%
22	30	4.64%
23	31	4.72%
24	32	4.80%
25	33	4.88%
26	34	4.97%
27	35	5.05%
28	36	5.14%
29	37	5.22%
30	38	5.31%
31	39	5.40%
32	40	5.50%

36 b. The proportions so computed for a person at age forty shall  
 37 be applied to a member who attains a greater age before he becomes  
 38 a member. The board of trustees shall certify to the state comptroller  
 39 and the state comptroller shall cause to be deducted from the  
 40 salary of each member on each and every payroll for each and every  
 41 pay period, the proportion of the compensation of each member so  
 42 computed.

43 c. The deductions provided for herein shall be made notwithstanding  
 44 that the minimum compensation provided by law for any  
 45 member shall be reduced thereby. Every member shall be deemed to  
 46 consent to the deductions made and provided for herein, and shall  
 47 receipt for his full salary or compensation, and payment of salary  
 48 or compensation less said deduction shall be a full and complete  
 49 discharge and acquittance of all claims and demands whatsoever  
 50 for services rendered during the period covered by the payment  
 51 except as to benefits provided by this act. The state comptroller  
 52 shall certify to the board of trustees on each and every payroll, or  
 53 in such other manner as the board of trustees shall prescribe, the  
 54 amount deducted from each member's salary, and such amounts  
 55 shall be paid into the respective annuity savings fund and shall be  
 56 credited together with regular interest thereon to the individual  
 57 account of the member from whose compensation said deduction was  
 58 made.

59 d. All taxes or contributions heretofore paid into the old age and  
 60 survivors' insurance trust fund by a member of the system, together  
 61 with all taxes or contributions heretofore paid by the member's  
 62 employers into said fund because of such member's employment in  
 63 public service, are hereby transferred therefrom and shall be paid

64 into the annuity savings fund and shall be credited to the individual  
65 account of such member therein. The state treasurer shall ascertain  
66 the amount heretofore paid by such member and employers as afore-  
67 said and transfer the amount so paid to the annuity savings fund  
68 created by this act.

69 e. Any member may deposit in the annuity savings fund by a  
70 single payment or by an increased rate of contribution an amount  
71 computed to be sufficient to purchase an additional annuity which  
72 together with his prospective retirement allowance at age fifty-  
73 five shall provide for him a total retirement allowance of not to  
74 exceed one-half of his average final compensation at age fifty-five.  
75 Such additional amounts so contributed shall become a part of his  
76 accumulated contributions except in the case of ordinary disability  
77 retirement when they shall be treated as excess contributions re-  
78 turnable to the member with regular interest in cash or as an  
79 annuity of equivalent actuarial value. The accumulated contribu-  
80 tions of a member withdrawn by him or paid to his estate or desig-  
81 nated beneficiary in the event of his death shall be paid from the  
82 annuity savings fund. Upon the retirement of a member his  
83 accumulated contributions shall be transferred from the annuity  
84 savings fund to the annuity reserve fund.

85 2. *Annuity reserve fund.* The annuity reserve fund shall be the  
86 fund from which shall be paid all annuities and all benefits in lieu of  
87 annuities payable as provided in this act. Should a beneficiary  
88 retired on account of disability be restored to active service and  
89 again become a member of the system, his annuity reserve shall be  
90 transferred from the annuity reserve fund to the annuity savings  
91 fund and credited to his individual account therein.

92 3. *Pension accumulation fund.* The pension accumulation fund  
93 shall be the fund in which shall be accumulated all reserves for the  
94 payment of all pensions and other benefits payable from contribu-  
95 tions made by the state and from which shall be paid the lump sum  
96 death benefits for all members payable from the said contributions.  
97 Contributions to and payments from the pension accumulation fund  
98 shall be as follows:

99 a. On account of each member there shall be paid annually into  
100 the pension accumulation fund by the state of Iowa an amount equal  
101 to a certain percentage of the earnable compensation of the member  
102 to be known as the "normal contribution". The rate percent of such  
103 contribution shall be fixed on the basis of the liabilities of the re-  
104 tirement system as shown by actuarial valuations. Until the first  
105 valuation the normal contribution shall be eight percent.

106 b. On the basis of regular interest and of such mortality and  
107 other tables as shall be adopted by the board of trustees, the state  
108 commissioner of insurance shall make each valuation required by  
109 this act and shall immediately after making such valuation, deter-  
110 mine the uniform and constant percentage of the earnable compen-  
111 sation of the average new entrant, which, if contributed throughout  
112 his entire period of active service, would be sufficient to provide for  
113 the payment of any death benefit or pension payable on this account.  
114 The rate percent so determined shall be known as the "normal con-

115 tribution rate". The normal contribution rate shall be the rate  
 116 percent of the earnable compensation of all members obtained by  
 117 deducting from the total liabilities of the fund the amount of the  
 118 funds in hand to the credit of the fund and dividing the remainder  
 119 by one percent of the present value of the prospective future com-  
 120 pensation of all members as computed on the basis of mortality and  
 121 service tables adopted by the board of trustees and regular interest.  
 122 The normal rate of contribution shall be determined by the state  
 123 commissioner of insurance after each valuation.

124 c. The total amount payable in each year to the pension accumu-  
 125 lation fund shall not be less than the rate percent known as the  
 126 normal contribution rate of the total compensation earnable by  
 127 all members during the year, provided, however, that the aggregate  
 128 payment by the state shall be sufficient when combined with the  
 129 amount in the fund to provide the pensions and other benefits pay-  
 130 able out of the fund during the then current year.

131 d. All lump-sum death benefits on account of death in active  
 132 service payable from contributions of the state shall be paid from the  
 133 pension accumulation fund.

134 e. Upon the retirement or death of a member an amount equal  
 135 to the pension reserve on any pension payable to him or on account  
 136 of his death shall be transferred from the pension accumulation fund  
 137 to the pension reserve fund.

138 4. *Pension reserve fund.* The pension reserve fund shall be the  
 139 fund in which shall be held the reserves on all pensions granted to  
 140 members or to their beneficiaries and from which such pensions and  
 141 benefits in lieu thereof shall be paid. Should a beneficiary retired  
 142 on account of disability be restored to active service and again be-  
 143 come a member of the system, his pension reserve shall be trans-  
 144 ferred from the pension reserve fund to the pension accumulation  
 145 fund. Should the pension of a disability beneficiary be reduced as  
 146 a result of an increase in his amount earned, the amount of the an-  
 147 nual reduction in his pension shall be paid annually into the pension  
 148 accumulation fund during the period of such reduction.

149 5. *Expense fund.* The expense fund shall be the fund to which  
 150 shall be credited all money provided by the state of Iowa to pay the  
 151 administration expenses of the system and from which shall be paid  
 152 all the expenses necessary in connection with the administration  
 153 and operation of the system. Biennially the board of trustees shall  
 154 estimate the amount of money necessary to be paid into the expense  
 155 fund during the ensuing biennium to provide for the expense of  
 156 operation of the system.

1 SEC. 9. **Military service exceptions.** Any member who volun-  
 2 tarily or by induction enters the military service and who is serving  
 3 in any branch of the armed forces of the United States, shall have  
 4 the period of such military service included as part of his period of  
 5 service in the department and shall not be required to continue the  
 6 contributions required of him under section eight (8) of this act  
 7 during such period of military service, provided that he shall within  
 8 six months after he has been granted an honorable discharge from  
 9 such military service return and resume his duties in the depart-

10 ment, and provided further, that such member shall be declared  
11 physically capable of resuming such duties upon examination by  
12 the medical board.

1 **SEC. 10. Creation of fund to pay contributions of absent members.**  
2 The state shall create a fund for the purpose of paying the contribu-  
3 tions to this system of those members who voluntarily or by induc-  
4 tion enter the military service or who are serving in the armed  
5 forces. Such fund shall be used for the purpose of paying the con-  
6 tributions which are required of the members under section nine  
7 (9) of this act, for a period during which such member is serving  
8 in the armed forces and not later than six months after his honor-  
9 able discharge. Should any member fail to return to service with his  
10 division within six months after his honorable discharge from the  
11 military service, the amount credited to his account in this fund by  
12 the state shall revert back to the state and such member or his repre-  
13 sentative shall not be entitled to claim any interest in the contribu-  
14 tion so made by the state.

1 **SEC. 11. Contributions by the state.**  
2 On or before the first day of November in each year, the board of  
3 trustees shall certify to the state comptroller the amounts which  
4 will become due and payable during the year next following to the  
5 pension accumulation fund and the expense fund. The amounts so  
6 certified shall be paid by the state comptroller out of the funds ap-  
7 propriated for the Iowa department of public safety, to the treas-  
8 urer of state, the same to be credited to the system for the ensuing  
9 year.

1 **SEC. 12. Exemption from taxation and execution.** The right of  
2 any person to a pension, annuity, or retirement allowance, to the  
3 return of contributions, the pension, annuity, or retirement allow-  
4 ance itself, any optional benefit or death benefit, any other right  
5 accrued or accruing to any person under the provisions of this act,  
6 and the moneys in the various funds created under this act, are  
7 hereby exempt from any tax of the state and shall not be subject to  
8 execution, garnishment, attachment, or any other process whatso-  
9 ever, and shall be unassignable except as in this act specifically  
10 provided.

1 **SEC. 13. Protection against fraud.** Any person who shall know-  
2 ingly make any false statement, or shall falsify or permit to be  
3 falsified any record or records of the system in any attempt to  
4 defraud the system as a result of such act, shall be guilty of a mis-  
5 demeanor and shall be punishable therefor under the laws of this  
6 state. Should any change or error in records result in any member  
7 or beneficiary receiving from the system more or less than he would  
8 have been entitled to receive had the records been correct, the board  
9 of trustees shall correct such error, and, as far as practicable, shall  
10 adjust the payments in such a manner that the actuarial equivalent  
11 of the benefit to which such member or beneficiary was correctly  
12 entitled, shall be paid.

1 **SEC. 14.** The provisions of this act shall be severable, and if  
2 any provision of this act or the application thereof, to any person or

3 circumstances, is held unconstitutional or invalid, such declaration  
 4 of unconstitutionality or invalidity shall not affect any other provi-  
 5 sion or application of this act which can be given effect without the  
 6 invalid provision or application. The legislature hereby declares  
 7 that it would have passed the remaining provisions of this act if it  
 8 had known that such provision thereof would be declared unconsti-  
 9 tutional or invalid.

1 SEC. 15. All laws, or parts of laws, inconsistent or in conflict  
 2 herewith are hereby suspended insofar as may be necessary to give  
 3 full force and effect to this act.

Approved March 28, 1949.

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## CHAPTER 71

### WATER NAVIGATION REGULATIONS

H. F. 581

AN ACT relating to penalties for violation of water navigation regulations and to amend section one hundred six point twenty-seven (106.27), Code 1946.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section one hundred six point twenty-seven (106.27),  
 2 Code 1946, is amended by adding in line two (2) after the word  
 3 "chapter" the following: ", for which another penalty is not other-  
 4 wise specifically provided,".

Approved April 20, 1949.

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## CHAPTER 72

### OPERATING MOTOR BOAT WHILE INTOXICATED

H. F. 80

AN ACT providing for penalties to be imposed for the operation of a motor boat while intoxicated or while under the influence of narcotic drugs.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Amend chapter one hundred six (106), Code 1946, by  
 2 adding the following: "Whoever, while in an intoxicated condition  
 3 or under influence of narcotic drugs, operates a motor boat upon  
 4 the public waters of this state, shall, upon conviction or a plea of  
 5 guilty, be punished, for the first offense by a fine of not less than three  
 6 hundred dollars nor more than one thousand dollars, or by imprison-  
 7 ment in the county jail for a period of not to exceed one year, or by  
 8 both such fine and imprisonment; for the second offense by a fine of not  
 9 less than five hundred dollars, nor more than one thousand dollars, or  
 10 by imprisonment in the penitentiary for a period of not to exceed one  
 11 year, or by both such fine and imprisonment; and for a third offense,  
 12 and each offense thereafter, by imprisonment in the penitentiary for a  
 13 period not to exceed three years.