

CHAPTER 1014  
PUBLIC RETIREMENT SYSTEMS

H. F. 2598

AN ACT relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

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

Section 1. Chapter twelve (12), Code 1979, is amended by adding the following new section:

NEW SECTION. ANNUAL REPORT OF FILING FEES. The treasurer of state shall annually report to the governor and the general assembly the total amount of fees and costs received by the treasurer of state under section six hundred two point fifty-five (602.55), subsection one (1), and section six hundred six point fifteen (606.15), subsection one (1), of the Code for the fiscal year ending June thirtieth. The report shall be submitted within ninety days following the completion of the fiscal year.

Sec. 2. There is appropriated from the general fund of the state to the judicial retirement fund the sum of seven hundred twenty thousand (720,000) dollars for the fiscal year beginning July 1, 1980 and ending June 30, 1981.

Sec. 3. Section ninety-seven point fifty-one (97.51), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Effective July 1, 1980 a person receiving benefits, or who becomes eligible to receive benefits, on or after July 1, 1980, under chapter ninety-seven (97) of the Code, shall receive the monthly increase in benefits provided in section twenty-one (21) of this Act.

Sec. 4. Section ninety-seven A point four (97A.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees shall credit as service for a member of the system a previous period of service for which the member had withdrawn the member's accumulated contributions, as defined in section ninety-seven A point fifteen (97A.15) of the Code.

Sec. 5. Section ninety-seven A point six (97A.6), subsections four (4) and six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections two (2) and three (3), and chapter thirty-five (35), section two (2), are amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive ~~a-service-retirement-allowance--if the--member--has--attained--the-age-of-fifty-five,--otherwise--the-member--shall receive~~ an ordinary disability retirement allowance which shall consist of a pension which shall equal forty percent of the member's average final compensation except if the member has not had five or more years of membership service, the member shall receive a pension equal to one-fourth of the member's average final compensation.

6. RETIREMENT AFTER ACCIDENT. Upon retirement for accidental disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an accidental disability retirement allowance which shall consist of a pension equal to sixty-six and two-thirds percent of the member's average final compensation.

Sec. 6. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section two (2), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section two (2), and chapter thirty-four (34), section three (3), is amended to read as follows:

~~As of the first of July of each year for members who retire on or after July 1, 1979~~ Effective July 1, 1980 and on each July first thereafter, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation ~~received by~~ payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members ~~eligible for~~ receiving a service retirement allowance ~~or their~~ and for beneficiaries receiving a pension under subsection nine (9) of this section.

(2) Twenty percent for members with five or more years of membership service who are ~~eligible for~~ receiving an ordinary disability retirement allowance ~~or their beneficiaries.~~

(3) Twelve and one-half percent for members with less than five years of membership service who are ~~eligible for~~ receiving an ordinary disability retirement allowance ~~or their,~~ and for beneficiaries receiving a pension under subsection eight (8) of this section.

(4) Thirty-three and one-third percent for members ~~eligible for~~ receiving an accidental disability allowance ~~or their beneficiaries.~~

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

The amount added to the monthly pension of a surviving spouse receiving a pension under subsection twelve (12), paragraph a of this section shall be equal to one-half the amount that would have been added to the monthly pension of the retired member.

Sec. 7. Section ninety-seven A point fifteen (97A.15), subsection two (2), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. "Member who became vested" and "vested member" mean a member who has been a member of the retirement system fifteen or more years and is entitled to benefits under this chapter.

Sec. 8. Section ninety-seven A point fifteen (97A.15), subsections five (5) and seven (7), Code 1979, are amended to read as follows:

5. A member of the retirement system prior to July 1, 1979 with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, shall be is entitled to receipt of his or her accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement. ~~However, the member shall not be eligible for a service retirement allowance under section 97A.6 if he or she has chosen to withdraw his or her accumulated contributions from the annuity savings fund prior to the member's retirement.~~

7. Notwithstanding ~~the provisions of~~ subsections 1, 3, 4, 5, and 6 of this section, an active or vested member may request in writing and receive from the board of trustees, his or her accumulated contributions from the annuity savings' fund at the discretion of the board of trustees, ~~except that~~ and remain eligible to receive benefits under section ninety-seven A point six (97A.6) of the Code. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section ninety-seven A point six (97A.6) of the Code if he or she withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979, except as provided in section ninety-seven A point four (97A.4) of the Code. However, the board shall not liquidate securities at a loss for the sole purpose of returning the accumulated contributions to the members. All requested accumulated contributions shall be returned prior to July 1, 1984.

Sec. 9. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph a, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

3. a. "Employer" means the state of Iowa, the counties, municipalities, and public school districts ~~therein~~ and all of the political subdivisions ~~thereof~~ and all of their departments and instrumentalities, including joint planning commissions created under the provisions of chapter 473A, ~~all hereinafter-called-political-subdivisions, as of July 4, 1953.~~

If an interstate agency is established under chapter twenty-eight E (28E) of the Code and similar enabling legislation in an adjoining state, and a city had made contributions to the system for employees performing functions which are transferred to the interstate agency, the employees of the interstate agency who perform those functions shall be considered to be employees of the city for the sole purpose of membership in the system, although the employer contributions for those employees are made by the interstate agency.

Sec. 10. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

(2) Members of the general assembly of Iowa and temporary employees of the general assembly of Iowa unless such members or employees shall make an

application to the department to be covered under the provisions of this chapter. A member of the general assembly or temporary employee of the general assembly who made an application to the department to be covered under this chapter may terminate membership under this chapter by informing the department in writing of the member's or temporary employee's termination.

Sec. 11. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Members of the state transportation commission, the board of parole, and the state health facilities council unless a member elects by filing an application with the department to be covered under this chapter.

Sec. 12. Section ninety-seven B point forty-one (97B.41), subsection eleven (11), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

11. "Vested member" means a member who ~~had~~ terminated employment in accordance with one of the following paragraphs:

a. Prior to July 1, 1965, after having attained the age of forty-eight and completed at least eight years of service.

~~a b. Prior-to-July-1~~ Between July 1, 1965 and June 30, 1973, after having completed at least eight years of service.

~~b c.~~ On or after July 1, 1973, after having completed at least four years of service.

~~e d.~~ After having attained the age of fifty-five.

Sec. 13. Section ninety-seven B point forty-one (97B.41), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subsection:

NEW SUBSECTION. "Inactive vested member" means an inactive member who was a vested member at the time of termination of employment.

Sec. 14. Section ninety-seven B point forty-three (97B.43), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section six (6), is amended to read as follows:

Any person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947, and who is not eligible for prior service credit under other provisions of this section, ~~shall--be~~ is entitled to a credit for years of prior service in the determination of the retirement allowance payment under ~~any-of-the-provisions-of~~ this chapter, provided ~~such~~ the public employee makes application to the department of job service for ~~such~~ credit for prior public service, accompanied by such verification of the person's claim as the department may require. The person's allowance for prior service credits shall be computed in the same manner as otherwise provided in this section, but shall not exceed the sum of four hundred fifty dollars nor be less than three hundred dollars per annum. Any such person

~~shall-be~~ is entitled to receive retirement allowances computed as provided by this chapter, effective from the date of application to the department, provided such application is approved. ~~Beginning~~ However, beginning July 1, 1975 the amount of such person's retirement allowance payment received during June, 1975, as computed under this section shall be increased by two hundred percent and the allowance for prior service credits shall not exceed one thousand three hundred fifty dollars nor be less than nine hundred dollars per annum. There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to fund the provisions of this paragraph. Effective July 1, 1980, a person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947 receiving retirement allowances under this chapter shall receive the monthly increase in benefits provided in section twenty-one (21) of this Act.

Sec. 15. Section ninety-seven B point forty-nine (97B.49), unnumbered paragraph one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8) and nine (9), is amended to read as follows:

Each member ~~shall~~, upon retirement on or after his or her normal retirement date, be is entitled to receive a monthly retirement allowance determined under this section. For an inactive vested member the monthly retirement allowance shall be determined on the basis of this section and section ninety-seven B point fifty (97B.50) of the Code as they are in effect on the date of the member's retirement.

Sec. 16. Section ninety-seven B point forty-nine (97B.49), subsection one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8) and nine (9), is amended to read as follows:

1. For each active member employed before January 1, 1976, and retiring on or after January 1, 1976, and for each member who ~~became--vested~~ was a vested member before January 1, 1976, with four or more complete years of service, a formula benefit shall be determined equal to the larger of the benefit determined under this subsection and subsection 3 of this section as applicable, or the benefit determined under subsection 5 of this section. The amount of the monthly formula benefit for each such active or vested member who retired on or after January 1, 1976, shall be equal to one-twelfth of one and fifty-seven hundredths percent per year of membership service multiplied by ~~his~~ the member's average annual covered wages; but in no case shall the amount of monthly formula benefit accrued for membership service prior to July 1, 1967, be less than the monthly annuity at the normal retirement date determined by applying the sum of the member's accumulated contributions, ~~his~~ the member's employer's ~~matching~~ accumulated contributions on or before June 30, 1967, and any retirement dividends standing to ~~his~~ the member's credit on or before December 31, 1966, to the annuity tables in use by the department with due regard to the benefits payable from such accumulated contributions under sections 97B.52 and 97B.53.

Sec. 17. Section ninety-seven B point forty-nine (97B.49), subsection five (5), unnumbered paragraph one (1), Code 1979, as that section is amended

by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

5. For each active member retiring ~~between July 1, 1978 and June 30, 1979~~ on or after January 1, 1976, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to ~~forty-four~~ forty-seven percent of the five-year average covered wage multiplied by a fraction of years of service. ~~For each active member retiring on or after July 1, 1979 the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to forty-six percent of the five-year average covered wage multiplied by a fraction of years of service.~~ For the purposes of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service and the number of years of prior service divided by thirty years.

Sec. 18. Section ninety-seven B point forty-nine (97B.49), subsection seven (7), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

7. Notwithstanding the provisions of this chapter, a member who is or has been employed as a conservation peace officer under the provisions of section 107.13 and who retires between on or after July 1, 1978 and June 30, 1979 and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-four~~ forty-seven percent of the member's five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime. ~~For each such member retiring on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to forty-six percent of the five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service.~~ There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 19. Section ninety-seven B point forty-nine (97B.49), subsection eight (8), paragraph a, Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

a. Notwithstanding the provisions of this chapter, ~~effective July 1, 1979 to be included in county budgets for the fiscal year beginning July 1, 1979,~~ a member who is or has been employed as a county sheriff, as defined in section 39.17, or as a deputy sheriff appointed pursuant to chapter 341, and who retires between on or after January 1, 1978 and June 30, 1979, and at the

time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a county sheriff or deputy sheriff, may elect to receive, in lieu of the ~~receipt of any~~ benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-four~~ forty-seven percent of the member's five-year average covered wage as a sheriff or deputy sheriff multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

~~For each member eligible for a monthly retirement allowance under this subsection who retires on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of forty-six percent of the member's five-year average covered wage.~~

Sec. 20. Section ninety-seven B point forty-nine (97B.49), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the department of social services and who retires on or after July 1, 1983 and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of benefits under subsection five (5) of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wages as a correctional officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

The department of social services and the department of merit employment shall jointly determine the applicable merit system job classifications of correctional officers.

The department of social services shall pay to the Iowa department of job service, from funds appropriated to the department of social services, an amount sufficient to pay one and seventy-one hundredths percent of the covered wages of each correctional officer, in addition to the employer contributions required in section ninety-seven B point eleven (97B.11) of the Code to pay for the lower retirement age for correctional officers provided in this subsection.

Sec. 21. Section ninety-seven B point forty-nine (97B.49), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended by adding the following new subsection:

NEW SUBSECTION. Effective July 1, 1980, for each member who retired from the system prior to January 1, 1976, and for each member who retired from the system on or after January 1, 1976 under subsection one (1) of this section, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for June 1980 is increased as follows:

a. For the first ten years of service, fifty cents per month for each complete year of service.

b. For the eleventh through the twentieth years of service, one dollar per month for each complete year of service.

c. For the twenty-first through the thirtieth years of service, one dollar and fifty cents per month for each complete year of service.

d. The amount of monthly increase payable to a member under this subsection is also payable to a beneficiary and a contingent annuitant and shall be reduced by an amount based upon the actuarial equivalent of the option selected in section ninety-seven B point fifty-one (97B.51) or section ninety-seven B point fifty-two (97B.52) of the Code compared to the full monthly benefit provided in this section.

However, effective July 1, 1980 the monthly retirement allowance attributable to membership service and prior service of a member, contingent annuitant and beneficiary shall not be less than five dollars times the number of complete years of service of the member, not to exceed thirty, reduced by an amount based upon the actuarial equivalent of the option selected in section ninety-seven B point fifty-one (97B.51) or section ninety-seven B point fifty-two (97B.52) of the Code, compared to the full monthly retirement benefit provided in this section.

Sec. 22. Section ninety-seven B point fifty (97B.50), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section ten (10), is amended to read as follows:

1. Except as otherwise provided in this section, a member, upon retirement prior to the normal retirement date, is entitled to receive a monthly retirement allowance determined in the same manner as provided for normal retirement in subsections 1, 4 and 5 of section 97B.49 reduced by as follows:

a. For a member who is less than sixty-two years of age, by five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date.

b. For a member who is at least sixty-two years of age and less than sixty-five years of age, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. 23. Section ninety-seven B point fifty-one (97B.51), subsection one (1), Code 1979, is amended to read as follows:

1. A member may elect to receive a decreased retirement allowance during his the member's lifetime and have such the decreased retirement allowance (or a designated fraction thereof) continued after his the member's death to another person, called a contingent annuitant, during the lifetime of the contingent annuitant. The member cannot change the contingent annuitant after the member's retirement. In case of such--an the election of a contingent annuitant, no death benefits, as might otherwise be provided by this chapter, will be payable upon the death of either the member or the contingent annuitant after the member's retirement.

Sec. 24. Section ninety-seven B point fifty-three (97B.53), subsection two (2), Code 1979, is amended to read as follows:



2. If ~~the~~ a vested member's employment ~~with-the-employer-of-a--member~~ is terminated prior to the member's retirement, other than by death, ~~but-after the-member-has-either~~

~~a--Completed-at-least-four-years-of-service,-or~~

~~b--Has-attained-the-age-of-fifty-five,~~ the member shall receive a monthly retirement allowance commencing on the first day of the month in which the member attains the age of sixty-five years, if the member is then alive, or, if the member so elects in accordance with section 97B.47, commencing on the first day of the month in which the member attains the age of fifty-five and or any month thereafter prior to the date the member attains the age of sixty-five years, and continuing on the first day of each month thereafter during the member's lifetime, provided the member does not receive prior to the date the member's retirement allowance is to commence a refund of accumulated contributions under any of the provisions of this chapter. The amount of each such monthly retirement allowance shall be determined as provided in either section 97B.49 or in section 97B.50, whichever is applicable.

\*\*\*Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.\*\*\*

\*\*\*Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.\*\*\*

Sec. 27. Section ninety-seven B point seventy-three (97B.73), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section eleven (11), is amended to read as follows:

97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS. A vested or retired member who was ~~not~~ a vested member of ~~a--public--retirement--system--established--under sections--294-8,--294-9,--and--294-10--or~~ a public retirement system in another state but was not vested or retired under that system may, upon submitting verification of membership and service in the other public retirement system to the department not later than July 1, 1979 for members vested on July 1, 1978 or within one year after the member becomes vested, make employer and employee contributions to the system for the period of service in the other public retirement system and receive credit for membership service in this system equivalent to the number of years of service in the other public retirement system. The contributions paid by the vested or retired member for service in the other public retirement system shall be equal to the

\*\*\*Item veto; See message at end of this Act

accumulated contributions as defined in section 97B.41, subsection 13, by the member for that period of ~~membership~~ service and the ~~contributions-of-the~~ employer ~~which-would-have-been-contributed~~ contribution for that period of ~~membership~~ service that would have been contributed by the vested or retired member and the employer plus interest on the contributions that would have accrued if the member had been a member of this system earning the same wages earned under the other system for the period from the date of service of the member in the other public retirement system to the date of payment of the contributions by the member equal to two percent plus the interest dividend rate applicable for each year.

This section is applicable to a vested or retired member who was a member of a public retirement system established in section two hundred ninety-four point eight (294.8), two hundred ninety-four point nine (294.9), and two hundred ninety-four point ten (294.10) of the Code but was not vested or retired under that system. However, the verification and contributions must be submitted not later than July 1, 1981 for members who were vested members on July 1, 1980 or within one year after the member becomes a vested member of this system.

Sec. 28. Section ninety-seven C point eleven (97C.11), Code 1979, is amended to read as follows:

97C.11 PAYMENT--ADJUSTMENT OR REFUND. ~~Such-taxes-as~~ Taxes deducted by the employer from the earnings of employees or upon the employers shall be paid in ~~such a~~ manner, at ~~such~~ times and under ~~such~~ conditions ~~as--may--be~~ prescribed by the state agency. However, the taxes shall be remitted monthly by the employer. If more or less than the correct amount of the tax imposed upon the employer is paid or deducted, proper adjustments or refund, if adjustment is impracticable, shall be made in ~~such a~~ manner and at ~~such~~ times as the state agency ~~shall-prescribe~~ prescribes.

Sec. 29. Section three hundred eighty-four point six (384.6), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section thirteen (13), and chapter eighty-five (85), section one (1), is amended to read as follows:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer under ~~the-provisions-of~~ section 97B.11. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter four hundred eleven (411) of the Code, authorized in section four hundred eleven point three (411.3), subsection one (1) of the Code, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section four hundred eleven point eight (411.8), subsection one (1), paragraph a, of the Code, to the international city management association/retirement corporation. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. 30. Section four hundred eleven point three (411.3), subsection one (1), Code 1979, is amended to read as follows:

1. All persons who become police officers or fire fighters after the date the retirement systems are established by this chapter, shall become members thereof as a condition of their employment, except that a police chief or a fire chief who would not complete twenty-two years of service under this chapter by the time the chief attains fifty-five years of age shall, upon written request to the board of trustees, be exempt from this chapter. Notwithstanding section ninety-seven B point forty-one (97B.41) of the Code, a police chief or fire chief who is exempt from this chapter is exempt from chapter ninety-seven B (97B) of the Code. Such members Members of the system established in this chapter shall not be required to make contributions under any other pension or retirement system of city, county, or state of Iowa, anything to the contrary notwithstanding.

Sec. 31. Section four hundred eleven point four (411.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees shall credit as service for a member of the system a previous period of service for which the member had withdrawn the member's accumulated contributions, as defined in section four hundred eleven point twenty-one (411.21) of the Code.

Sec. 32. Section four hundred eleven point six (411.6), subsections four (4) and six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections sixteen (16) and seventeen (17), and chapter thirty-five (35), section nine (9), is amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an ordinary disability retirement allowance which shall consist of a pension which shall equal forty percent of the member's average final compensation except if the member has not had five or more years of membership service the member shall receive a pension equal to one-fourth of the member's average final compensation.

6. RETIREMENT AFTER ACCIDENT. Upon retirement for accidental disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an accidental disability retirement allowance which shall consist of a pension equal to 66 2/3 percent of the member's average final compensation.

Sec. 33. Section four hundred eleven point six (411.6), subsection twelve (12), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section sixteen (16), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section nine (9), and chapter thirty-four (34), section seventeen (17), is amended to read as follows:

~~As of the first of July of each year for members who retire on or after July 1, 1979~~ Effective July 1, 1980 and on each July first thereafter, the monthly pensions authorized in this section payable to retired members and to

beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation ~~received-by~~ payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members ~~eligible-for~~ receiving a service retirement allowance ~~or-their~~ and for beneficiaries receiving a pension under subsection nine (9) of this section.

(2) Twenty percent for members with five or more years of membership service who are ~~eligible-for~~ receiving an ordinary disability retirement allowance ~~or-their-beneficiaries.~~

(3) Twelve and one-half percent for members with less than five years of membership service who are ~~eligible-for~~ receiving an ordinary disability retirement allowance ~~or--their,~~ and for beneficiaries receiving a pension under subsection eight (8) of this section.

(4) Thirty-three and one-third percent for members ~~eligible-for~~ receiving an accidental disability allowance ~~or-their-beneficiaries.~~

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

The amount added to the monthly pension of a surviving spouse receiving a pension under subsection twelve (12), paragraph a of this section shall be equal to one-half the amount that would have been added to the monthly pension of the retired member.

Sec. 34. Section four hundred eleven point twenty-one (411.21), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended by adding the following new paragraph:

NEW PARAGRAPH. "Member who became vested" and "vested member" mean a member who has been a member of the retirement system fifteen or more years and is entitled to benefits under this chapter.

Sec. 35. Section four hundred eleven point twenty-one (411.21), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended to read as follows:

5. A member of the retirement system prior to July 1, 1979 with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, ~~shall-be~~ is entitled to receipt of his or her accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement. ~~However,-the-member-shall-not-be-eligible-for-a-service-retirement--allowance under--section--411.6--if--he--or--she--has--chosen--to--withdraw--his-or-her accumulated-contributions-from-the-annuity-savings-fund.~~

Sec. 36. Section four hundred eleven point twenty-one (411.21), subsection seven (7), unnumbered paragraph one (1), Code 1979, as the subsection is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended to read as follows:

7. Notwithstanding ~~the provisions of~~ subsections 1, 3, 4, 5, 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, his or her accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section four hundred eleven point six (411.6) of the Code. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section four hundred eleven point six (411.6) of the Code if he or she withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979, except as provided in section four hundred eleven point four (411.4) of the Code. Accumulated contributions shall be paid according to the following schedule:

Sec. 37. Section six hundred two point fifty-five (602.55), Code 1979, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received by him or her. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. ~~Three-fifths~~ Two-thirds to the ~~state~~ state treasurer of state to be credited to the general fund of the state.

2. ~~Two-fifths~~ One-third to the county treasurer to be credited to the general fund of the county.

Sec. 38. Section six hundred two point sixty-three (602.63), Code 1979, is amended to read as follows:

602.63 DOCKETS, JUDGMENTS, COSTS. The clerk of the district court of the county in which a judicial magistrate resides shall furnish the judicial magistrate, district associate judge, or district judge acting as judicial magistrate, a docket in which shall be entered all proceedings except small claims. Such docket shall be indexed and shall contain in each case the title and nature of the action; place of hearing; appearances; and notations

of the documents filed with the judicial magistrate, of the proceedings in the case and orders made, of the verdict and judgment including costs, of any satisfaction of the judgment, of whether the judgment was certified to the clerk of the district court, of whether an appeal was taken, and of the amount of the appeal bond. All costs in criminal cases shall be assessed and distributed as in chapter 606, except that the cost of filing and docketing of a complaint or information for a nonindictable misdemeanor shall be ~~five~~ six dollars which shall be distributed pursuant to section 602.55. The ~~five~~ six dollar cost for filing and docketing a complaint or information for a nonindictable misdemeanor shall not apply in cases of overtime parking. If the judgment and costs are not fully and immediately satisfied in criminal cases, the judicial magistrate shall promptly certify a copy of the judgment to the clerk of the district court indicating thereon the portion unsatisfied; and the clerk shall index and file the judgment, whereupon it shall be a judgment of the district court without recording.

The chief judge of a district may order that criminal proceedings which are within the jurisdiction of judicial magistrates and district associate judges be combined into centralized dockets for the county if the chief judge determines that administration could be improved thereby. When so ordered, a centralized docket shall be in lieu of individual dockets otherwise prescribed, and the clerk shall compile a centralized docket in the manner prescribed for an individual docket. The chief judge may assign actions and proceedings on centralized dockets to judicial magistrates and district associate judges as he or she deems necessary.

Sec. 39. Chapter six hundred five A (605A), Code 1979, is amended by adding the following new section:

NEW SECTION. ACTUARIAL VALUATION. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund at least once every four years commencing with the fiscal year beginning July 1, 1981. The court administrator shall adopt mortality tables and other necessary factors for use in the actuarial calculations required for the valuation upon the recommendation of the actuary. Following the actuarial valuation, the court administrator shall determine the condition of the system and shall report its findings and recommendations to the general assembly.

The cost of the actuarial valuation shall be paid from the judicial retirement fund.

Sec. 40. Section six hundred six point fifteen (606.15), subsection one (1), Code 1979, is amended to read as follows:

1. For filing any petition, appeal, or writ of error and docketing the same, ~~seven~~ eight dollars. Four dollars of such fee shall remain in the county treasury for the use of the county, and ~~three~~ four dollars of such fee shall be paid into the state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13.

Sec. 41.\* Section eight hundred five point six (805.6), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. This subsection shall not be deemed to prevent the charging of any of those violations by information, by private complaint filed under the provisions of chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable. The uniform citation and complaint shall contain spaces for the parties names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2; a promise to appear as provided in section 805.3 and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section 805.8, either separately or by group, and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, shall be ~~five~~ six dollars; a brief explanation of sections 805.9 and 805.10; a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine.

Sec. 42. The legislative council is requested to establish an interim study committee composed of members of the house and senate committees on state government for the purpose of studying the public retirement systems of this state, including but not limited to a definition of earnable compensation for members of the peace officers' retirement system and local police and fire retirement systems, the status of former members of the peace officers' retirement system and local police and fire retirement systems who withdrew their accumulated contributions prior to July 1, 1979, the advisability of retaining outside income limits for persons receiving disability retirement allowances under the peace officers' retirement system and local police and fire retirement systems and a method of funding retirement increases in the future.

The study committee shall make periodic reports to the legislative council and a final report to the committees on state government, the legislative council, and the general assembly meeting in the year 1981, accompanied by any bill drafts required to implement the recommendations of the study committee.

\*See also ch 1103, §20 herein

Sec. 43. Retirement allowance changes granted in this Act take effect on July 1, 1980 unless otherwise specified in this Act, except that changes for members of the general assembly take effect January 12, 1981.

Approved May 20, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2598, an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

House File 2598 is approved May 20, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 25 which reads as follows:

Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.

I am unable to approve the item designated in the Act as Section 26 which reads as follows:

Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

Currently the law authorizes the Department of Job Service, which administers the IPERS system, to hire an actuary for the pension plan. Section 25 would transfer that authority to the Legislative Council and further provides that the Legislative Council must approve the compensation to be paid not only to the actuary, but all the other IPERS employees as well.

This is clearly a very blatant attempt by the legislature to assume executive authority contrary to the Constitution. The administration of IPERS requires the ability for the Executive Branch to evaluate the soundness of the system and protect its long-standing, financial integrity. An actuary is needed to do the actuarial investigations and annual actuarial valuations required by law. The actuary employed for these purposes must be free from political pressure, which employment by the legislature could jeopardize.



The legislature obviously has need for expert advice when it considers complex and technical pension legislation. It has that through the IPERS actuary. If it believes that yet another view apart from the IPERS actuary is needed, the legislature could hire its own expert. Although it does not seem needed, such an arrangement would provide for an independent analysis of reports from the IPERS office and their actuary, much like the current arrangement between the State Comptroller and the Legislative Fiscal Director.

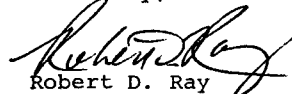
Beyond the issue of separate actuaries, I am also concerned with the provision for determining the compensation for all employees in the IPERS office by the Legislative Council. The legislature has complete power today to review, revise and approve the budget for the IPERS office. However, the power of the purse does not provide the legislature with the right to invade the administration of an executive agency, hire its employees and determine the salaries of all its employees. As legislators are quick to point out apparent intrusions by agencies into the legislative arena through rule-making, they should also be mindful of their tendencies to encroach into the Executive Branch of government. The setting of salaries is basic to any administration and should not be delegated to another branch of government.

Section 26 of the bill provides legislative intent to reconsider in 1982 the question of funding certain benefits this bill authorizes from the state's general fund rather than from the IPERS trust fund. The latter arrangement was finally agreed to this year after long debate and was influenced by the decline in state general fund revenues experienced late in the session.

Since the question of which source of funds should be used can always be raised with or without this section and the fact that we must continue to be cautious about incurring future obligations to the general fund, I believe it is inappropriate to keep this language in the bill. We may be hard pressed in the next biennium to meet the needs of existing state programs and responsibilities already financed from the general fund. Since actuaries have assured us that the IPERS trust fund has sufficient funds to finance all the IPERS improvements included in the bill, it appears that we can accept the arrangement approved this year. It would be unfair to mislead people into believing the source of funding will be easily changed, especially when there are so many other pressing, unmet needs.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2598 are hereby approved as of this date.

Sincerely,

  
Robert D. Ray  
Governor

## CHAPTER 1015

## OMNIBUS CORRECTIONS — GIFTS ACCEPTED

H. F. 687

AN ACT correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

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

Section 1. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, rules of criminal procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, and the Iowa administrative bulletin as follows:

Sec. 2. Section twenty-four point twenty-four (24.24), Code 1979, is amended to read as follows:

24.24 VIOLATIONS. Failure on the part of any a public official to perform any of the duties prescribed in ~~chapters-22,~~ chapter 23, and this chapter, and sections 8.39 and 11.1 to 11.5, ~~shall-constitute~~ constitutes a simple misdemeanor, and ~~shall--be~~ is sufficient ground for removal from office.

Sec. 3. Section forty-three point five (43.5), Code 1979, is amended to read as follows:

43.5 APPLICABLE STATUTES. The provisions of chapters 39, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 61, 62 and ~~730~~ seven hundred twenty-two (722) of the Code shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 4. Section forty-six point sixteen (46.16), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

For the purpose of initial appointments to the court of appeals, two of the judges appointed shall serve an irregular term ending December ~~30~~ thirty-first of the fourth year after expiration of the initial term prescribed in subsection 1 and two of the judges appointed shall serve an irregular term ending December ~~30~~ thirty-first of the fifth year after expiration of the initial term prescribed in subsection 1. Expiration of irregular terms shall be deemed expiration of regular terms for all purposes.

Sec. 5. Section fifty-six point six (56.6), subsection three (3), paragraph b, unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The name and mailing address of each person who has made one or more contributions of money to the committee including the proceeds from any fund-raising events except those reportable under paragraph "g" "f" of this subsection, when the aggregate amount in a calendar year exceeds the amount specified in the following schedule: