

CHAPTER 105**PUBLIC EMPLOYEES' RETIREMENT SYSTEM – DISABILITY RETIREMENT***S.F. 340*

AN ACT relating to retirement benefits of members of the Iowa public employees' retirement system who retire due to disability and providing an effective date and applicability date.

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

Section 1. Section 97B.50, subsection 2, paragraph a and unnumbered paragraph 1, Code 1991, are amended to read as follows:

a. A member who retires from the system due to disability and commences receiving disability benefits pursuant to the United States Social Security Act (42 U.S.C.), as amended to July 1, 1978, who is eligible for early retirement, but has not reached the normal retirement date, shall receive full benefits under section 97B.49 and shall not have benefits reduced upon retirement as required under subsection 1 regardless of whether the member has completed thirty or more years of membership service. However, the benefits shall be suspended during any period in which the member returns to covered employment. This section takes effect July 1, 1987 1990 for a member meeting the requirements of this paragraph who retired from the system at any time between after July 4, 1953 and June 30, 1987. Eligible members are entitled to the receipt of retroactive adjustment payments back to July 1, 1990.

Effective July 1, 1990, for members terminating on or after July 4, 1953, a member who terminates covered employment due to disability and commences receiving disability benefits pursuant to the United States Social Security Act (42 U.S.C.), who has not attained the age of fifty-five years, is eligible to receive benefits under section 97B.49, reduced by twenty-five hundredths of one percent for each month that the retirement date precedes the first day of the month in which the member attains the age of fifty-five. However, the benefits shall be suspended during any period in which the member returns to covered employment. Eligible members are entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month after July 1, 1990, in which written notice was submitted to the department.

Sec. 2. **EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.** This Act, being deemed of immediate importance, takes effect immediately upon enactment and applies retroactively to July 1, 1990.

Approved May 6, 1991

CHAPTER 106**HOMESTEAD RIGHTS – RELINQUISHMENT BY SPOUSE***S.F. 355*

AN ACT relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouse's statutory share in the homestead.

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

Section 1. Section 561.13, Code 1991, is amended to read as follows:

561.13 CONVEYANCE OR ENCUMBRANCE.

A conveyance or encumbrance of, or contract to convey or encumber the homestead, if the owner is married, is not valid, unless and until the spouse of the owner executes the same or a like instrument, or a power of attorney for the execution of the same or a like instrument,