House File 140
By McFARLANE, MENSING
and HENDRIX.
(As Passed by the Senate.)

Passed House, Date 3-13-53
Vote: Ayes 96 Nays 7
Passed Senate, Date 4-22-53
Vote: Ayes 29 Nays 21
Approved

House concurred in Senate amendments 4/27 - 89-8
refused 4/27 - 89-8
House recedes from its amendments 4/27 - refused 67-28

A BILL FOR

Following title to be amended in accordance with authority granted by Senate Journal of April 22. New title will be in corrected Journal of April 22.

An act creating an Iowa public employees' retirement system, providing for the administration of such retirement system by the Iowa employment security commission; creating an Iowa public employees' retirement fund and providing for the investment and expenditure thereof; creating an Iowa advisory investment board and prescribing the appointment and duties thereof; imposing a tax of three and one-half per cent (3½%) of the taxable wages paid to public employees who are members of the retirement system by public employers, the proceeds of such tax to be used for the payment of benefits or refunds provided by this act; providing for the imposition of a tax upon public employers equal to three and one-half per cent (3½%) of all the wages paid by the employer to employees who are members of the Iowa public retirement system, the proceeds of such tax to be used for the payment of benefits or refunds provided by this act; prescribing the duties of the Iowa employment security commission in relation to the administration of this act; providing for the payment to employees who are members of this system, or to their beneficiaries, of retirement benefits provided by this act; providing for refunds to Iowa public employees who are members of the system under certain conditions prescribed by this act; making an appropriation of one million seven hundred fifty thousand dollars $1,750,000) from the special reserve fund of the state of Iowa for each year of the biennium beginning July 1, 1953 and ending June 30, 1955, or so much thereof as may be necessary, into the retirement fund for the maintenance of the retirement system upon a sound actuarial basis; transferring the assets of the old

age and survivors' liquidation fund to the Iowa public employees' retirement fund—all relating to the establishment and administration of the Iowa public employees' retirement system.

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

1 Section 1. A public employees' retirement system is
2 hereby created and established to become effective as of the
3 effective date of this Act, and to be known as the "Iowa Public Employees' Retirement
4 System" hereinafter called the "system".

1 Sec. 2. The purpose of this chapter is to promote economy
2 and efficiency in the public service by providing an orderly
3 means whereby employees who because superannuated may, without
4 hardship or prejudice, be replaced by more capable employees,
5 and to that end providing a retirement system which will provide
6 for the payment of annuities to public employees, thereby enabling
7 the employees to care for themselves in retirement, and which by
8 its provisions will improve public employment within the state,
9 reduce excessive personnel turnover and offer suitable attraction
10 to high-grade men and women to enter public service in the state.

1 Sec. 3. The Iowa employment security commission, hereinafter
2 called the "commission", shall be vested with authority to
3 administer the Iowa public employees' retirement system.

1 Sec. 4. It shall be the duty of the commission to administer
2 this chapter; and it shall have power and authority to adopt,
3 amend, or rescind such rules and regulations, to employ such
4 persons, make such expenditures, require such reports, make
5 such investigations, and take such other action as it deems

6 necessary or suitable to that end. Such rules and regulations
7 shall be effective upon complying with chapter fifty-one (51),
8 Acts of the Fifty-fourth General Assembly. Not later than the fifteenth day
9 of December of each year, the commission shall submit to the
10 governor a report covering the administration and operation of
11 this chapter during the preceding fiscal year and shall make such
12 recommendations for amendments to this chapter as the commission
13 deems proper. Such report shall include a balance sheet of the
14 moneys in the Iowa public employees' retirement fund.

1 Sec. 5. Subject to other provisions of this chapter, the
2 commission is authorized to appoint, fix the compensation, and
3 prescribe the duties and powers of such officers, accountants,
4 attorneys, experts, actuaries, and other persons as may be
5 necessary in the performance of its duties. The commission shall
6 classify its positions and shall establish salary schedules
7 and minimum personnel standards for the positions so classified.
8 All positions shall be filled by persons selected and appointed
9 on the basis of competency and fitness for the position to be
10 filled. The commission shall not appoint or employ any person
11 who is an officer or committee member of any political party
12 organization or who holds or is a candidate for any elective
13 public office. The commission shall establish and enforce fair
14 and reasonable regulations based upon ratings of efficiency and
15 fitness and for terminations for cause. The commission may
16 delegate to any such person so appointed such power and authority
17 as it deems reasonable and proper for the effective administration

18 of this chapter, and may in its discretion bond any person
19 handling moneys or signing checks hereunder. The commission
20 is authorized to enter into arrangements with the federal bureau of
21 employment security whereby services performed by the commission
22 and its employees both under this chapter and under the Iowa
23 employment security chapter shall be equitably apportioned
24 between the funds provided for the administration of said chapters.
25 That money spent for rentals, supplies and equipment used by both
26 agencies shall be equitably apportioned and charged against said
27 funds.

1 Sec. 6. The commission may in its discretion destroy or
2 dispose of such original reports or records as have been properly
3 recorded or summarized in the permanent records of the commission
4 and are deemed by the commission no longer necessary to the proper
5 administration of this chapter. Such destruction or disposition
6 shall be made only by order of the commission and such order shall
7 be spread on the minutes of the commission. Any moneys received
8 from the disposition of such records shall be deposited to the
9 credit of the public employees' retirement fund.

1 Sec. 7. 1. There is hereby created as a special fund
2 separate and apart from all other public moneys or funds of this
3 state, the "Iowa Public Employees' Retirement Fund", hereafter
4 called the "retirement fund". This fund shall consist of all
5 moneys collected under this chapter, together with all interest, dividends
6 and rents thereon, and shall also include all securities or investment income and other assets
7 acquired by and through the use of the moneys belonging to this

8 fund and any other moneys that have been paid into this fund.

9 2. The treasurer of the state of Iowa is hereby made the
10 custodian and trustee of this fund and shall administer the
11 same in accordance with the directions of the commission. It
12 shall be the duty of the trustee:

13 (a) To hold said trust funds.

14 (b) Invest such portion of said trust funds as in the
15 judgment of the commission are not needed for current payment
16 of benefits under this chapter in interest-bearing securities
17 issued by the United States, or interest-bearing bonds issued
18 by the state of Iowa, or bonds issued by counties, school
19 districts and or general obligations or limited levy bonds
20 issued by municipal corporations in this state as authorized
21 by law, or other investments authorized by insurance companies in
22 this state.

23 (c) Disburse such trust funds upon warrants drawn by the
24 comptroller pursuant to the order of the commission.

25 3. All moneys which are paid or deposited into this fund
26 are hereby appropriated and made available to the commission
27 to be used only for the purposes herein provided:

28 (a) To be used by the commission for the payment of
29 retirement claims for benefits under this chapter, or such other
30 purposes as may be authorized by the general assembly.

31 (b) To be used by the commission to pay refunds provided
32 for in this chapter.

1 Sec. 8. A board shall be established to be known as the

2 "Advisory Investment Board of the Iowa Public Employees'
3 Retirement System", hereinafter called the "board", whose duties
4 shall be to advise and confer with the commission in matters
5 relating to the investment of the trust funds of the Iowa public
6 employees' retirement system. The powers of the board shall be
7 purely advisory and the commission shall not be bound in the
8 making of any investment by the recommendations of the board.
9 The board shall consist of five members. Three of the members
10 shall be appointed by the governor, one of whom shall be an
11 executive of a domestic life insurance company, one an executive
12 of a state or national bank operating within the state of Iowa,
13 and the third shall be an executive of a major industrial
14 corporation located within the state of Iowa. The chairman of
15 the social security committee of the House of Representatives
16 of the general assembly and the chairman of the social security
17 committee of the Senate of the general assembly shall be
18 ex-officio members of the board. Members appointed by the
19 governor shall be paid their actual expenses incurred in
20 performance of their duties and shall receive in addition thereto
21 the sum of twenty-five dollars for each day of service not
22 exceeding forty (40) days per year. Ex-officio members shall
23 receive their actual expenses incurred in the performance of
24 their duties. The appointive terms of the members appointed by
25 the governor shall be for a period of six (6) years dating from
26 July first of the year in which they are appointed, but the
27 governor shall designate, in the case of the original appointees,

28 one who shall serve for a period of two (2) years, a second who
29 shall serve for a period of four (4) years, and a third who shall
30 serve for a period of six (6) years. In the event of vacancy,
31 through resignation or any other cause, in the membership of the
32 board, the governor shall have the power of appointment. Ap-
pointees
33 to this board shall be subject to confirmation by a two-thirds
34 vote of the Senate, but in the event of interim appointments,
35 such confirmation shall be necessary at the next session of the
36 Senate.

1 Sec. 9. Taxes unpaid on the date on which they are due
2 and payable as prescribed by the commission, shall bear interest
3 at the rate of one-half of one percentum per month from and after
4 such date until payment plus accrued interest is received by
5 the commission, provided that the commission may prescribe fair
6 and reasonable regulations pursuant to which such interest shall
7 not accrue with respect to taxes required. Interest collected
8 pursuant to this section shall be paid into the Iowa public
9 employees' retirement fund.

10 1. If within thirty days after due notice the employer
11 defaults in payment of taxes or interest thereon, the amount due
12 shall be collected by civil action in the name of the commission,
13 and the employer adjudged in default shall pay the costs of such
14 action. Civil actions brought under this section to collect
15 taxes or interest thereon shall be heard by the court at the
16 earliest possible date and shall be entitled to preference upon
17 the calendar of the court over all other civil actions.

18 2. The employer shall pay its tax or contribution from funds
19 available and is directed to pay same from tax money or from any
20 other income of the political subdivision.
21 3. Every political subdivision is hereby authorized and
22 directed to levy a tax sufficient to meet its obligations under
23 the provisions of this chapter.
1 Sec. 10. In any case in which the commission finds the
2 employer has paid taxes thereon which have been erroneously paid,
3 and has filed application for an adjustment thereof, the commission
4 shall make such adjustment, compromise or settlement and make such
5 refund of such payments as it finds just and equitable in the
6 premises. Refunds so made shall be charged to the fund to which
7 the erroneous collections have been credited and shall be paid to
8 the claimant without interest. Any claim for such refund shall
9 be made within three years of date of payment and not thereafter.
10 For lack of time and cause, adjustments, compromises or refunds
11 may be made by the commission on its own initiative.
1 Sec. 11. In addition to all other taxes, there is hereby
2 levied upon each employer, as defined in section 41, and also
3 upon each employee, as defined in section 41, a tax equal to
4 three and one-half percent (3½%) of the wages paid by the
5 employer to the employee for any service performed after June
6 30, 1953, while such employee is a member of the system.
1 Sec. 12. The employer shall furnish to all employees a
2 written statement in a form prescribed by the commission suitable
3 for retention by the employee, showing the wages paid to the

4 employee after July 1, 1953. Each statement shall cover a
5 calendar year, or one, two or three quarters, whether or not
6 within the same calendar year, and shall show the name of the
7 employee, the period covered by the statement, the total amount
8 of wages paid within such period, and the amount of tax imposed
9 by this chapter with respect to such wages. Each statement shall
10 be furnished to the employee not later than thirty days following
11 the period covered by the statement, except that if the employee
12 leaves the employ of the employer, this final statement shall be
13 furnished within thirty days after the last payment of wages is
14 made to the employee. The employer may, at its option, furnish
15 such a statement to any employee at the time of each payment of
16 wages to the employee during any calendar quarter, in lieu of a
17 statement covering each quarter, and, in such case, the statement
18 may show the date of payment of wages in lieu of the period covered
19 by the statement.

1 Sec. 13. For the purposes of the state income tax, the tax
2 imposed by this chapter shall not be allowed as a deduction to
3 the taxpayer in computing his net income for any year in which
4 such tax is deducted from his wages.

1 Sec. 14. The taxes deducted from the wages of the
2 employee by the employer shall be matched by the employer
3 making the deduction and forwarded to the commission for
4 recording and deposited with the treasurer of state to the
5 credit of the Iowa public employees' retirement fund. Such
6 taxes as deducted by the employer shall be paid in such manner,

7 at such times and under such conditions, either by copies of
8 payrolls or other methods necessary or helpful in securing
9 proper identification of the taxpayer, as may be prescribed by
10 the commission.

1 Sec. 15. The commission shall have full power and authority
2 to make rules and regulations and to establish procedures, not
3 inconsistent with the provisions of this chapter, which are
4 necessary or appropriate to carry out such provisions and shall
5 adopt reasonable and proper rules and regulations to regulate and
6 provide for the nature and extent of the proofs and evidence and
7 the method of taking and furnishing the same in order to establish
8 the right to benefits hereunder.

1 Sec. 16. The commission is directed to make findings of
2 fact, and decisions as to the rights of any individual applying
3 for a payment under this chapter. Whenever requested by any such
4 individual or by any other person who makes a showing in writing
5 that his or her rights may be prejudiced by any decision the
6 commission has rendered, it shall give such applicant and such
7 other individual reasonable notice and opportunity for a hearing
8 with respect to such decision, and, if a hearing is held, shall,
9 on the basis of evidence adduced at the hearing, affirm, modify,
10 or reverse its findings of fact and such decision. The commission
11 is further authorized, on its own motion, to hold such hearings and
12 to conduct such investigations and other proceedings as it may deem
13 necessary or proper for the administration of this chapter. In
14 the course of any hearing, investigation, or other proceedings,

15 it may administer oaths and affirmations, examine witnesses,
16 and receive evidence. Evidence may be received at any hearing
17 before the commission even though inadmissible under rules of
18 evidence applicable to court procedure.

1 Sec. 17. The commission shall establish and maintain
2 records of the amount of wages paid to each individual subject
3 to coverage under this act and shall maintain a record of the
4 contribution of each individual, and also of the contribution
5 made by each employer in behalf of said individuals and such
6 records shall be the basis for the compilation of the retirement
7 benefits provided under this act. Such records shall be evidence
8 for the purpose of proceedings before the commission or any court
9 of the amounts of such wages and the periods in which they were
10 paid, and the absence of an entry as to an individual's wages
11 in such records for any period shall be evidence that no wages
12 were paid such individual in such period.

1 Sec. 18. After the expiration of each calendar year and
2 prior to July 1 of the succeeding year, the commission shall
3 furnish each covered individual with a statement of his
4 accumulated credits under this chapter up to the end of such
5 calendar year. The commission shall mail such statement to each
6 employer not later than June 30 of the succeeding calendar year.
7 The employer shall distribute such statements to its employees,
8 and the records of the commission as shown by said statement as
9 to the wages of such individual for such year and the periods of

10 payment shall be conclusive for the purpose of this chapter,
11 except as hereinafter provided.

1 Sec. 19. If, prior to the expiration of six months following
2 the delivery of such statement, it is brought to the attention
3 of the commission that any entry of such wages in such records
4 is erroneous, or that any item of such wages has been omitted
5 from the records, the commission may correct such entry or include
6 such omitted item in its records, as the case may be. Written
7 notice of any revision of any such entry which is adverse to
8 the interest of any individual shall be given to such individual
9 in any case where such individual has previously been notified
10 by the commission of the amount of wages and of the period of
11 payments shown by such entry. Upon request in writing made
12 prior to the expiration of six months immediately following the
13 giving of the statement provided for in section 18, the commission
14 shall afford any individual, or after his death shall afford his
15 beneficiary or any other person so entitled in the judgment of
16 the commission, reasonable notice and opportunity for hearing
17 with respect to any entry or alleged omission of wages of
18 such individual in such record, or any revision of any such
19 entry. If a hearing is held, the commission shall make findings
20 of fact and a decision based upon the evidence adduced at such
21 hearing and shall revise its records accordingly. Any party
22 aggrieved by the decision of the commission under this section
23 or section 20 hereof may appeal to the district court in the
24 manner as provided in section 29 hereof.

1 Sec. 20. After the expiration of six months, as provided
2 for in section 19, and no appeal has been taken, the commission
3 shall revise any entry or include in its record any omitted
4 item of wages to conform its records with tax or wage reports
5 or portions of tax reports. Notices shall be given of such
6 conditions and to such individuals as is provided for revisions
7 under section 19. Upon request, notice and opportunity for
8 hearing with respect to any such entry, omission or revision
9 shall be afforded under such conditions and to such individuals
10 as is provided for in section 19 hereof, but no evidence shall
11 be introduced at any such hearing except with respect to
12 conformity of such records with such tax reports.

1 Sec. 21. Within thirty days after any decision of the
2 commission under sections 19 and 20 hereof, such decision shall
3 be reviewable by commencing a civil action in the district court
4 of the state of Iowa as provided in section 29 of this act.

1 Sec. 22. For the purpose of any hearing, investigation,
2 or other proceeding authorized or directed under this chapter,
3 or relative to any other matter within its jurisdiction
4 hereunder, the commission and/or appeal referee shall have the
5 power to issue subpoenas requiring the attendance and testimony
6 of witnesses and the production of any evidence that relates
7 to any matter under investigation or in question before the
8 commission. Such attendance of witnesses and production of
9 evidence at the designated place of such hearing, investigation,
10 or other proceedings may be required from any political

11 subdivision in the state. Subpoenas of the commission shall
12 be served by anyone authorized by it (a) by delivering a copy
13 thereof to the individual named therein, or (b) by registered
14 mail addressed to such individual at his last dwelling place
15 or principal place of business. A verified return by the
16 individual so serving the subpoena setting forth the manner
17 of service, or, in the case of service by registered mail,
18 the return post office receipt therefor signed by the individual
19 so served, shall be proof of service. Witnesses so subpoenaed
20 shall be paid the same fees and mileage as are paid witnesses
21 in the district courts of the state of Iowa. In the discharge
22 of the duties imposed by this chapter, the chairman or an appeal
23 referee and any duly authorized representative or member of the
24 commission shall have power to administer oaths and
25 affirmations, take depositions, certify to official acts,
26 and issue subpoenas to compel the attendance of witnesses
27 and the production of books, papers, correspondence,
28 memoranda, and other records deemed necessary as evidence
29 in connection with the administration of this chapter.
1 Sec. 23. In case of contumacy by, or refusal to obey
2 a subpoena duly served upon any person, any district court
3 of the state of Iowa for the district in which said person
4 charged with contumacy or refusal to obey is found or resides
5 or transacts business, upon application by the commission,
6 shall have jurisdiction to issue an order requiring such person
7 to appear and give testimony, or to appear and produce evidence,

8 or both. Any failure to obey such order of the court may be
9 punished by said court as contempt thereof.

1 Sec. 24. No person so subpoenaed or ordered shall be
2 excused from attending and testifying or from producing books,
3 records, correspondence, documents, or other evidence on the
4 ground that the testimony or evidence required of him may tend
5 to incriminate him or subject him to a penalty or forfeiture;
6 but no person shall be prosecuted or subjected to any penalty
7 or forfeiture for, or on account of, any transaction, matter,
8 or thing concerning which he is compelled, after having claimed
9 his privilege against self-incrimination, to testify or produce
10 evidence, except that such person so testifying shall not be
11 exempt from prosecution and punishment for perjury committed
12 in so testifying.

1 Sec. 25. A representative designated by the commission
2 and hereinafter referred to as a deputy, shall promptly
3 examine applications for retirement benefits and on the basis
4 of facts found by him shall either determine whether or not
5 such claim is valid and if valid, the month with respect to
6 which benefits shall commence, the monthly benefit amount
7 payable, and the maximum duration thereof. The deputy shall
8 promptly notify the applicant and any other interested party
9 of the decision and the reasons therefor. Unless the applicant
10 or other interested party, within thirty calendar days after
11 such notification was mailed to his last known address, files
12 an appeal from such decision, to the appeal referee as

13 provided in section 26, such decision shall be final and
14 benefits shall be paid or denied in accord therewith.

1 Sec. 26. Unless such appeal is withdrawn, an appeal
2 referee to be designated by the commission for this purpose,
3 after affording the parties reasonable opportunity for fair
4 hearing, shall affirm or modify the findings of fact and
5 decision of the deputy. At said hearing all of the evidence
6 taken and the proceedings had shall be taken and fully reported
7 by a certified shorthand reporter. Said reporter shall promptly
8 transcribe said evidence and proceedings and certify to same.
9 The said transcript shall then be made available for use by
10 the commission and by the courts at subsequent appeals, if any.
11 The parties shall be duly notified of such referee's decision,
12 together with its reasons therefor, which shall be deemed to
13 be the final decision of the commission unless, within thirty
14 days after date of notification or mailing of such decision,
15 further appeal is initiated pursuant to section 27.

1 Sec. 27. Anyone aggrieved by the decision of the appeal
2 referee may, at any time before such appeal referee decision
3 becomes final, petition the commission for review of such appeal
4 referee's decision. The commission shall review the record made
5 before the appeal referee, but no additional evidence shall be
6 heard. On the basis of such record the commission shall either
7 affirm, modify, or reverse the decision of the appeal referee and
8 shall determine the rights of the appellant on the basis of such
9 record. It shall promptly notify the appellant and any other

10 interested party by written decision.

1 Sec. 28. Any decision of the commission in the absence
2 of an appeal therefrom, as herein provided, shall become final
3 thirty days after the date of notification or mailing thereof,
4 and judicial review thereof shall be permitted only after any
5 party claiming to be aggrieved thereby has exhausted his remedies
6 before the commission, as provided by this chapter. The
7 commission shall be deemed to be a party to any judicial action
8 involving any such decision and may be represented in any such
9 judicial action by any qualified attorney who is a regular
10 salaried employee of the commission or who has been designated
11 by the commission for that purpose or, at the commission's
12 request, by the attorney general.

1 Sec. 29. At any time prior to such commission decision
2 becoming final, any party aggrieved thereby may secure judicial
3 review thereof by commencing an action in the district court
4 of the county in which the claimant was last employed or resides,
5 provided that if the claimant does not reside in the state of
6 Iowa the action shall be brought in the district court of Polk
7 County, Iowa against the commission for the review of this
8 decision, in which action any other parties to the proceeding
9 before the commission shall be made a defendant. In such action
10 a petition, which need not be verified but which shall state
11 the grounds upon which a review is sought, shall be served on
12 a member of the commission or upon such person as the commission
13 may designate, and such service shall be deemed completed service

14 on all parties, but there shall be left with the parties so
15 served as many copies of the petition as there are defendants,
16 and the commission shall forthwith mail one such copy to each such
17 defendant. When service is completed such petition shall be
18 filed by appellant with the clerk of the district court who
19 shall docket said cause in the same manner as provided for
20 other civil actions. The commission shall, within sixty days
21 after the notice of appeal has been served on the commission,
22 certify and file with said district court all documents and
23 papers and a transcript of all testimony taken in the matter,
24 together with the findings of fact and decision of the
25 commission therein. With such transcript the commission
26 shall file its answer. The transcript, as certified and filed
27 by the commission, shall be the record upon which the appeal
28 shall be heard, and no additional evidence shall be heard.
29 In the absence of fraud, any findings of fact by the commission
30 after notice and hearing, as herein provided, shall be binding
31 on the court on appeal when supported by substantial and
32 competent evidence. The commission may also, in its discretion,
33 certify to such courts, questions of law involving any decision
34 by it. Such actions, and the questions so certified, shall be
35 heard in a summary manner and shall be given precedence over
36 all other civil cases except cases arising under the workmen's
37 compensation law and the employment security law of this state.
1 Sec. 30. Any order or decision of the commission may be
2 modified, reversed, or set aside on one or more of the

3 following grounds and no other:

4 1. If the commission acted without or in excess of its

5 power.

6 2. If the order or decree was procured by fraud.

7 3. If the facts found by the commission do not support

8 the order or decree.

9 4. If there is not sufficient competent evidence in the

10 record to warrant the making of the order or decision.

1 Sec. 31. When the district court, on appeal, reverses or

2 sets aside an order or decision of the commission, it may

3 remand the case to the commission for further proceedings in

4 harmony with the holdings of the court, or it may enter the

5 proper judgment, as the case may be. Such judgment or decree

6 shall have the same force and effect as if action had been

7 originally brought and tried in said court.

1 Sec. 32. An appeal may be taken from any final order,

2 judgment, or decree of the district court to the supreme

3 court of Iowa, in the same manner, but not inconsistent with

4 the provisions of this chapter, as is provided in civil cases.

5 It shall not be necessary in any judicial proceeding under

6 this section, to enter exceptions to the rulings of the

7 commission and no bond shall be required for entering such

8 appeal. Upon the final determination of such judicial

9 proceeding the commission shall enter an order in accordance

10 with such determination. A petition for judicial review shall

11 not act as a supersedeas or stay unless the commission shall so
12 order.

1 Sec. 33. Upon final decision of the commission, or upon
2 final judgment of any court of competent jurisdiction, that
3 any person is entitled to any payment or payments under this
4 chapter, the commission shall certify to the state comptroller
5 the name and address of the person so entitled to receive such
6 payment or payments, the amount of such payment or payments,
7 and the time at which such payment or payments should be made,
8 and the commission, through the state comptroller, shall make
9 payment in accordance with the certification of the commission
10 provided, that where a review of the commission decision is or
11 may be sought under section 28, certification of payment may be
12 withheld pending such review. The state comptroller shall
13 not be held personally liable for any payment or payments
14 made in accordance with a certification by the commission.

1 Sec. 34. When it appears to the commission that the
2 interest of an applicant entitled to a payment would be served
3 thereby, certification of payment may be made, regardless of
4 the legal competency or incompetency of the individual entitled
5 thereto, either for direct payment to such applicant, or for
6 his use and benefit to a relative or some other person.

1 Sec. 35. Any payment made after June 30, 1953, under the
2 conditions set forth in the preceding section, shall be a
3 complete settlement and satisfaction of any claim, right, or
4 interest in and to such payment.

1 Sec. 36. The commission is authorized to delegate to any
2 member, officer, or employee of the commission designated by
3 it any of the powers conferred upon it by this act and is
4 authorized to be represented by its own attorneys in any court
5 in any case or proceeding arising under the provisions of said
6 act.

1 Sec. 37. The commission may prescribe rules and regulations
2 governing the recognition of agents or other persons, other
3 than attorneys as hereinafter provided, representing claimants
4 before the commission, and may require of such agents or other
5 persons, before being recognized as representatives of claimants
6 that they shall show that they are of good character and in good
7 repute, possessed of the necessary qualifications to enable
8 them to render such claimants valuable service, and otherwise
9 competent to advise and assist such claimants in the presentation
10 of their cases. An attorney in good standing who is admitted
11 to practice before the district or supreme court of the state,
12 shall be entitled to represent claimants before the commission
13 upon filing with the commission a certificate of his right
14 to so practice from the presiding judge or clerk of any such
15 court.

1 Sec. 38. The commission may, by rule and regulation,
2 prescribe the maximum fees which may be charged for services
3 performed in connection with any claim before the commission
4 under this chapter, and any agreement in violation of such
5 rules and regulations shall be void. Any person who shall,

6 with intent to defraud, in any manner wilfully and knowingly
7 deceive, mislead, or threaten any claimant or prospective
8 claimant or beneficiary under this chapter by word, circular,
9 letter or advertisement, or who shall knowingly charge or
10 collect directly or indirectly any fee in excess of the
11 maximum fee, or make any agreeement directly or indirectly to
12 charge or collect any fee in excess of the maximum fee,
13 prescribed by the commission, shall be deemed guilty of a
14 misdemeanor and, upon conviction thereof, shall for each
15 offense be punished by a fine not exceeding five hundred
16 dollars ($500.00) or by imprisonment not exceeding one year,
17 or both.

1 Sec. 39. The right of any person to any future payment
2 under this chapter shall not be transferable or assignable, at
3 law or in equity, and none of the moneys paid or payable or
4 rights existing under this chapter shall be subject to
5 execution, levy, attachment, garnishment, or other legal
6 process, or to the operation of any bankruptcy or insolvency
7 law. These moneys shall also be exempt from taxation, either
8 as income or as personal property.

1 Sec. 40. Whoever, for the purpose of causing an increase
2 in any payment authorized to be made under this chapter, or
3 for the purpose of causing any payment to be made where no
4 payment is authorized under this chapter, shall wilfully make
5 or cause to be made any false statement or representation as
6 to the amount of any wages paid or received for the period

7 during which earned or unpaid, knowing it to be false or
8 whoever makes or causes to be made any false statement of a
9 material fact knowing it to be false in any application for
10 and payment under this chapter, or whoever wilfully makes or
11 causes to be made any false statement, representation,
12 affidavit, or document in connection with such an application
13 knowing them to be false, shall be guilty of a misdemeanor
14 and upon conviction thereof shall be fined not more than
15 one thousand dollars ($1,000.00) or imprisoned for not more
16 than one year, or both.

1 Sec. 41. When used in this chapter:
2 1. For the purpose of this act the term, "wages", means all
3 remuneration for employment; including the cash value of
4 remuneration paid in any medium other than cash, but not
5 including the cash value of remuneration paid in any medium
6 other than cash necessitated by the convenience of the employer,
7 such amount as agreed upon by employer and employee and reported
8 to the commission by employer shall be conclusive of the
9 value of remuneration in a medium other than cash; except that
10 such term shall not include—
11 That part of the remuneration which, after remuneration
12 equal to four thousand dollars ($4,000.00) has been paid to an
13 individual with respect to employment during any calendar
14 year or any part of any calendar year after the effective date
15 of this act, is paid to such individual with respect to such
16 employment.

17 2. The term, "employment", means any service performed
18 under an employer-employee relationship under the provisions of
19 this chapter.
20 3. (a) The term, "employer", means the state of Iowa,
21 the counties, municipalities and public school districts therein
22 and all of the political subdivisions thereof and all of their
23 departments and instrumentalities, all hereinafter called
24 political subdivisions, as of the effective date of this act.
25 (b) The term, "employee", means any individual who is in
26 employment as defined in this chapter, except
27 (1) Members of the general assembly, elective officials in
28 positions for which the compensation is on a fee basis, elective officials
29 of school districts, elective officials of townships, and elective
30 officials of other political subdivisions who are in part-time positions.
31 (2) Such persons who are members of any other retirement
32 system in the state which is maintained in whole or in part by
33 the public contributions other than persons who are covered
34 under the provisions of chapter ninety-seven (97), Code 1950,
35 as amended by the Fifty-fourth General Assembly on the date of
36 the repeal of said chapter, under the provisions of House File 139, Acts of
37 the Fifty-fourth General Assembly.
38 4. The masculine form of expression shall be deemed to
39 include the feminine.
40 5. "System" means the retirement plan as contained herein
41 or as duly amended.
42 6. "Abolished system" means the Iowa old age and survivors'

43 insurance system repealed by House File 139, Acts of the
44 Fifty-fifth General Assembly, 1953.
45 7. "Contributions" or "taxes" means the payments to the
46 fund as provided herein, by the employer and/or by the members,
47 necessary to provide the benefits of the retirement system.
48 8. "Member" means an individual who is a member of the
49 retirement system created by this chapter.
50 9. "Accumulated contributions of a member" means the total
51 obtained, as of any date, by accumulating each individual
52 contribution by the member at two per cent (2%) interest,
53 compounded annually, from the end of the calendar year in which
54 such contribution was made to the first day of the month of
55 such date.
56 10. "Service" means uninterrupted service under this act
57 by an employee from the date he last entered employment of the
58 employer until the date of his employment shall be terminated by
59 death, retirement, resignation or discharge; provided, however,
60 the service of any employee shall not be deemed to be interrupted
61 by:
62 (a) Service in the armed forces of the United States
63 during a period of war or national emergency, provided the
64 employee was employed by the employer immediately prior to
65 entry into such armed forces, and further provided the employee
66 was released from such service and returns to employment with
67 the employer within ninety days of the date on which he shall
68 have the right of release from such service or within such

69 longer period as may be provided by the laws of the United
70 States applicable thereto.
71 (b) Leave of absence or vacation authorized by the employer
72 for a period not exceeding twelve months.
73 (c) The termination at the end of the school year of the
74 contract of employment of an employee who is a teacher in the
75 public schools of the state of Iowa, provided the employee
76 enters into a further contract of employment as a teacher in
77 the public schools of the state of Iowa for the next succeeding
78 school year.
79 (d) Temporary or seasonal interruptions in service such
80 as service of school bus drivers, school teachers, instructors
81 at Iowa state college, the state university of Iowa, or Iowa
82 state teachers college, employees in state schools or
83 hospital dormitories or other positions when the temporary
84 suspension of service does not terminate the period of
85 employment of the employee.
86 11. "Prior service" means any service by an employee
87 rendered at any time prior to the effective date of this Act, except any such
88 service while the employee was a public elected official.
89 12. "Years of prior service" means the total of all
90 periods of prior service of a member. In the determination
91 of such total years of prior service any fraction of the total
92 in excess of an integral number of years which is at least six
93 months shall be deemed to be a complete year and any smaller
94 fraction shall be disregarded.

95 13. "Beneficiary" means the person or persons entitled
96 to receive any benefits at the death of a member payable under
97 this act who has or have been designated in writing by the member
98 and filed with the commission, or if no such designation is in
99 effect at the time of death of the member or if no person so
100 designated is living at that time, then the beneficiary shall
101 be the estate of the member.
102 14. "Reserve" means the amount required, as of any date,
103 under the actuarial assumptions of the retirement system, to
104 provide benefits under the retirement system based upon
105 contributions of members and employers as of said date, and
106 credits to members on account of service prior to July 1, 1953.
107 15. "Actuarial equivalent" means a benefit of equal value
108 when computed upon the basis of such actuarial tables as are
109 adopted by the commission.
110 16. For purposes of this Act "interest earned" shall be
111 determined on the following basis:
112 (a) interest earnings shall be on an accrued basis,
113 (b) capital gains and losses, realized or unrealized, shall
114 not be included, and
115 (c) the interest rate shall be based upon mean invested
116 assets of the retirement fund.
1 Sec. 42. Each employee whose employment commences after the
2 effective date of this Act or who has not qualified for credit for
3 prior service rendered prior to the effective date of this Act, or
4 any publicly elected official of the state or any of its political

5 subdivisions, other than members of the general assembly, elective
6 officials in positions for which the compensation is on a fee basis,
7 elective officials of school districts, elective officials of townships,
8 and elective officials of other political subdivisions who are in part-
9 time positions, shall become a member upon the first day of the month
10 following the month in which such employee is employed. He shall
11 continue to be a member so long as he continues in public employment
12 except that he shall cease to be a member if after making said election
13 he joins another retirement system in the state which is maintained in
14 whole or in part by public contributions or payments, which had been
15 in operation prior to the effective date of this Act and was subsequently
16 liquidated and may have thereafter been re-established. However the
17 participation in such other retirement system shall be voluntary and
18 shall not be a condition for continuance of employment. The term
19 "employee" as used herein shall not include any individual performing
20 any service in any calendar quarter in which the remuneration for such
21 service does not equal or exceed the sum of two hundred dollars ($200.00)
22 or any services performed during school vacations or outside of school
23 hours by individuals who are students and who devote their time and
24 efforts chiefly to their studies, rather than to incidental employment.

1 Sec. 43. Each member in service on the effective date of this Act, who made
2 contributions under the abolished system, and who has not applied
3 for and qualified for benefit payments under the abolished system,
4 shall receive credit for years of prior service in the
5 determination of retirement allowance payments under any of the
6 provisions of this chapter, provided (a) such member elects to

7 become a member on or before October 1, 1953, (b) such member
8 has not made application for a refund of such part of his
9 contributions under the abolished system as is payable under
10 the provisions of the act repealing chapter ninety-seven (97),
11 Code 1950, as amended by the Fifty-fourth General Assembly, and
12 (c) such member gives written authorization prior to October 1,
13 1953, to the commission to credit to the retirement fund the
14 amount of his contribution which would be subject to claim
15 for refund. The amount so credited shall, after such transfer,
16 be considered as a contribution to the system made as of
17 the effective date of this Act, by the members and shall be included as such in
18 the determination of the amount of any accumulated
19 contributions payable under this chapter in the event of the
20 death prior to retirement or termination of employment of the
21 member, but shall not be included in the accumulated contributions
22 of the member in the determination of the amount of any retirement
23 allowance payable under this chapter. Provided, however, an
24 employee who was under a contract of employment as a teacher in
25 the public schools of the state of Iowa at the end of the school
26 year 1952-1953, or any person covered by the provisions of (c)
27 or (d) of subsection 9, of section 41 shall be considered as in service
28 on as of the effective date of this Act, if they were members of the
29 abolished system.
30 Any person with a record of thirty (30) years as a public employee
31 in the state of Iowa prior to July 1, 1947, and who is not eligible for
32 prior service credit under other provisions of this section, shall be

33 entitled to a credit for years of prior service in the determination of
34 the retirement allowance payment under any of the provisions of this
35 chapter, provided such public employee makes application to the
36 Employment Security Commission for such credit for prior public
37 service, accompanied by such verification of his claim as the commission
38 may require. His allowance for prior service credits shall be computed
39 in the same manner as otherwise provided in this section, but shall not
40 exceed the sum of four hundred fifty dollars ($450.00) nor be less than
41 three hundred dollars ($300.00) per annum. Any such person shall be
42 entitled to receive retirement allowances contributed as provided by
43 this chapter, effective from the date of application to the Employment
44 Security Commission, provided such application is approved.

1 Sec. 44. Each member shall designate on a form to be
2 furnished by the commission a beneficiary for any death benefits
3 payable hereunder on the death of such member. Such designation
4 may be changed from time to time by the member by filing a new
5 designation with the commission.

1 Sec. 45. A member may retire on the first day of any
2 month coinciding with or following the date he attains the
3 age of sixty-five upon written notification to the commission,
4 setting forth at what time the retirement is to become effective,
5 provided such effective date shall be after his last day of
6 service. A member shall retire from the employment of the
7 employer no later than the first day of the month coinciding
8 with or next following the date he obtains the age of seventy,
9 except as otherwise provided in section 46 following.

1 Sec. 46. A member may, on the request of the employer,
2 remain in the active employ of the employer beyond the date he
3 attains the age of seventy for such period or periods as the
4 employer from time to time shall approve. The member shall
5 retire from the employment of the employer at the end of the
6 last approved period, on the first day of the month next
7 following or coinciding with such date.

1 Sec. 47. A member may retire from the employment of the
2 employer on the first day of any month coinciding with or next
3 following the date he attains the age of fifty-five and prior
4 to the date he attains the age of sixty-five, upon written
5 notification to the commission, made by the member, setting
6 forth at what time the retirement is to become effective,
7 provided that such effective date shall be after his last day
8 of service, and after the filing of such notice, but shall not
9 be less than thirty days or more than ninety days subsequent
10 to the filing of such notice.

1 Sec. 48. Anything in this chapter to the contrary
2 notwithstanding, should a retired member be at any time in
3 regular full-time employment after his retirement under any
4 of the provisions of this chapter, his retirement allowance
5 payments under this chapter shall cease as long as he remains
6 in service. Upon any later retirement under any of the
7 provisions of this chapter such member shall receive a
8 retirement allowance based upon (a) contributions, if any,
9 under this chapter, of the member and of his employer on his

10 behalf due to his service while a member during his period
11 of reemployment, plus (b) the amount of his retirement allowance
12 payable prior to his reemployment, increased on an actuarial
13 basis for the period between his date of reemployment and his
14 date of later retirement.

1 Sec. 49. A member shall upon retirement at or after the
2 date he attains the age of sixty-five receive a monthly
3 retirement allowance which shall commence on such retirement
4 date and shall be continued on the first day of each month
5 thereafter during his lifetime. The amount of each such
6 monthly retirement allowance shall be determined as the sum of one
7 (1) and two (2) following:

8 1. The actuarial equivalent of the total under this chapter
9 of the contributions of the member and the contributions of his
10 employer on his behalf due to his service after the effective date of this Act,
11 while a member, with interest earned thereon not to exceed two per cent
12 (2%) per annum to be added at the end of each calendar year, from the end
13 of the calendar year in which such contribution was made to the
14 date the retirement allowance is to commence.

15 2. One-third of one per cent (1/3%) of the monthly rate of
16 the total wages not in excess of three thousand dollars
17 ($3,000.00) annually received by the member during the twelve
18 consecutive months of his period of prior service for which such
19 total wages were at the greatest amount multiplied by the years of
20 prior service of the member credited hereunder, if any.

1 Sec. 50. A member shall upon retirement at age fifty-five

2 or later, under the provisions of section 47 receive a monthly
3 retirement allowance which shall commence on the date of such
4 retirement and shall be continued on the first day of each
5 month thereafter during his lifetime. The amount of each
6 monthly retirement allowance shall be determined in the same manner as
7 provided in section forty-nine (49), except that the amount of any monthly
8 retirement allowance so determined in accordance with subsection
9 two (2) of section forty-nine (49) shall be reduced on an actuarial
10 equivalent basis for the period that the retirement date precedes the
11 first day of the month next following or coinciding with the date he attains
12 the age of sixty-five (65).

13 If the monthly retirement allowance of any member as computed under
14 the provisions of section forty-nine (49) or section fifty (50) shall be less
15 than eight and thirty-three hundredths dollars ($8.33) per month, such
16 retirement allowance shall be payable semi-annually, commencing on
17 the member's retirement date, equal in amount to the actuarial equivalent
18 of the monthly retirement allowance otherwise payable.

1 Sec. 51. Each member shall have the right at anytime prior to his
2 retirement date to elect to have his retirement allowance payable under
3 the option hereinafter set forth in this section in lieu of the retirement
4 allowance otherwise payable to him upon retirement under any of the
5 provisions of the retirement system.

6 The amount of any optional retirement allowance
7 shall be the actuarial equivalent of the amount of such
8 retirement allowance otherwise payable to him. The member
9 shall make such an election by written request to the commission

10 and such an election will be subject to the approval of the
11 commission.
12 1. A member may elect to receive a decreased retirement
13 allowance during his lifetime and have such decreased retirement
14 allowance (or a designated fraction thereof) continued after
15 his death to another person, called a contingent annuitant,
16 during the lifetime of the contingent annuitant. In case of
17 such an election, no death benefits, as might otherwise be
18 provided by this chapter, will be payable upon the death of
19 either the member or the contingent annuitant after the member's
20 retirement.
21 2. The election by a member of the contingent annuitant of the option stated under
22 subsection 1 of this section shall be null and void if the
23 member dies prior to retirement.
24 3. A member who had elected to take the option stated in
25 subsection 1 of this section may, at any time prior to his
26 retirement, revoke such an election by written notice to the
27 commission.
1 Sec. 52. 1. If a member dies prior to the date his first
2 retirement allowance is payable under the retirement system,
3 the accumulated contributions by the member at date of death
4 will be payable to his beneficiary.
5 2. If a member dies after the date his first retirement
6 allowance is payable under the retirement system, the excess,
7 if any, of the accumulated contributions by the member as of
8 said date, over the total monthly retirement allowances

9 received by him under the retirement system will be paid to
10 his beneficiary unless the retirement allowance is then being
11 paid in accordance with subsection 1 of section 51.
12 3. Other than as provided above in subsections 1 and 2
13 of this section, or section 51, all rights to any benefits
14 under the retirement system will cease upon the death of a
15 member.
1 Sec. 53. All rights to all benefits under the retirement
2 system will cease upon a member's termination of employment
3 with the employer prior to his retirement, other than by
4 death, except as provided hereafter:
5 1. Upon the termination of employment with the employer
6 prior to retirement other than by death of a member, the
7 accumulated contributions by the member at the date of such
8 termination will be paid to such member, except as may be provided
9 in subsection 2 and subsection 5 of this section.
10 2. If the employment with the employer of a member is
11 terminated prior to his retirement, other than by death, but
12 after he has either (a) attained the age of forty-eight and
13 completed at least eight years of service, or (b) has attained
14 the age of fifty-five, he shall receive a monthly retirement
15 allowance commencing on the first day of the month next
16 following or coinciding with the date he attains the age of
17 sixty-five, if he is then alive, or, if the member so elects
18 in accordance with section 45 of this chapter, commencing on
19 the first day of any month coinciding with or next following

20 the date he attains the age of fifty-five and prior to the
21 date he attains the age of sixty-five, and continuing on the
22 first day of each month thereafter during his lifetime, provided
23 the member does not receive prior to the date his retirement
24 allowance is to commence, a refund of his accumulated
25 contributions under any of the provisions of this chapter.
26 The amount of each such monthly retirement allowance shall be
27 determined as provided in either section 49 of this chapter
28 or in section 50 of this chapter, whichever is applicable,
29 but if such monthly benefit is less than eight and thirty-three
30 hundredths dollars ($8.33) per month, it shall be paid
31 semiannually as provided in section 50.
32 3. A member who is entitled to the benefits of subsection
33 2 of this section shall have the right, prior to the commencement
34 of his retirement allowance, to receive a refund of his accumulated
35 contributions, and in the event of the death of the member prior
36 to the commencement of his retirement allowance and prior to
37 the receipt of any such refund the benefits of subsection 1
38 of section 51 of this chapter shall be paid.
39 4. No member shall be entitled to any refund based upon
40 any credit for prior service as determined under the provisions
41 of section 43 or for any portion of any contribution made by
42 an employer unless otherwise provided by this act.
43 5. Any member whose employment is terminated after he has
44 accumulated five or more years of employment, either under the
45 provisions of this act or as a result of prior service credits,

46 may elect to leave his accumulated contributions in the retirement
47 fund. A member shall not be considered as having terminated his
48 employment if he accepts other employment in the state of Iowa
49 under which he is eligible to membership in the Iowa public
50 employees' retirement system, within three (3) months after he
51 has left public employment. In the event he returns to public
52 employment at any time within five years after this termination
53 of employment he shall be entitled to resume membership in the
54 system with the same credits for prior service and accumulated
55 contributions that he had earned when his original employment
56 was terminated. No interest shall be credited on his accumulated
57 contributions nor on his employer's accumulated contributions during
58 the period from the time of his termination of employment to his
59 resumption of employment.

60 Any member who has resumed employment under the
61 provisions of this subsection shall not be eligible for any
62 second period of absence from membership as a result of
63 termination of service until he shall have been employed for
64 a period of five years or more from the date of resumption of
65 employment. Unless a member terminating employment elects
66 at the time or prior to the time of his employment is terminated,
67 his accumulated contributions shall be returned to him. In
68 any case, where a member elects not to receive his accumulated
69 contributions and does not resume public service within five
70 years from the date of termination of employment, his accumulated
71 contributions shall be refunded to him, at the end of the five

72 years immediately following his termination of employment, or in
73 the event of his prior death, to his beneficiary or his estate,
74 but in no case shall interest be allowed upon his accumulated
75 contributions for any period he is not an employee.
76 Any member who elects not to withdraw his accumulated
77 contributions upon termination of employment may at any time
78 request the return of his accumulated contributions, but if
79 he receives such return of contributions he shall be deemed
80 to have waived all claims for any other benefits from the fund.
1 Sec. 54. There is hereby appropriated from the special
2 reserve fund of the state of Iowa for each year of the biennium
3 beginning July 1, 1953 and ending June 30, 1955 the sum of
4 five hundred thousand dollars ($500,000.00) or
5 so much thereof as may be necessary, to the retirement fund, in
6 addition to any amounts payable as provided under section 11
7 of this chapter, such amount to be known as the "Accrued
8 Liability Contribution". The accrued liability contribution
9 shall be that annual amount required to provide for the
10 liquidation, prior to July 1, 1998, of the liability for
11 retirement allowances payable under this chapter arising
12 from the prior service of members credited under this chapter.
13 The unfunded accrued liability at any particular time shall be the
14 excess, if any, of the present value of retirement allowances due to
15 prior service, over the sum of (a) the net total accumulated accrued
16 liability contributions (after adjustment for retirement allowance
payments

17 due to prior service) and (b) any assets transferred to the retirement
18 fund in accordance with section fifty-six (56) of this Act, with interest
19 on such sum at the rates of interest earned each year on the retirement
20 fund. Accrued liability
21 contributions shall be determined on actuarial bases adopted
22 by the commission. Such contributions shall be determined
23 by the commission after each valuation of the assets and
24 liabilities of the system, and shall continue in force until
25 a new valuation is made. At least sixty (60) days prior to
26 each regular session of the general assembly, the commission
27 shall certify to the state comptroller and the governor the
28 amount of the accrued liability contributions payable hereunder,
29 and the amount so ascertained shall be included in the governor's
30 budget message and appropriation bills submitted to the general
31 assembly.

1 Sec. 55. Anything in this chapter to the contrary
2 notwithstanding, the sum of all the amounts payable in any
3 year by the state of Iowa under section 54 of this chapter shall
4 not exceed five hundred thousand dollars ($500,000.00).

1 Sec. 56. The assets of the old age and survivors'
2 liquidation fund, established by House File 139, Acts of the Fifty-fifth
3 General Assembly, and any future payments or assets payable
4 to the old age and survivors' liquidation fund, are hereby
5 transferred to the retirement fund and all payments hereafter
6 due in accordance with the provisions of said act shall be
7 paid from the retirement fund, and the liability for such

8 payments shall be considered as allowances arising from prior
9 service as provided in section 54.

1 Sec. 57. The commission shall prepare and distribute to
2 the employees, at the expense of the state and in such a manner
3 as it shall deem appropriate, information concerning the
4 retirement system.

1 Sec. 58. To enable the commission to perform its functions,
2 the employer shall upon the request of the commission supply full
3 and timely information to the commission of all matters relating
4 to the pay of all members, date of birth, their retirement, death
5 or other cause for termination of employment, and such other
6 pertinent facts as the commission may require.

1 Sec. 59. The commission shall employ an actuary as its
2 technical advisor. The compensation of the actuary and of
3 other employees shall be fixed by the commission within the
4 appropriations made therefor.

1 Sec. 60. At least once in each two-year period, the
2 commission shall cause an actuarial investigation to be made
3 of all experience under the retirement system. Pursuant to
4 such an investigation, the commission shall, from time to time,
5 determine upon an actuarial basis the condition of the system
6 and shall report to the general assembly its findings and
7 recommendations. The commission shall adopt from time to time
8 mortality tables and all other necessary factors for use in all
9 actuarial calculations required in connection with the
10 retirement system.

1 Sec. 61. The commission shall cause an annual valuation
2 to be made of the assets and liabilities of the retirement
3 system and shall prepare an annual statement of the amounts
4 to be contributed by the employer under this chapter, and shall
5 publish annually such valuation of the assets and liabilities
6 and the statement of receipts and disbursements of the retirement
7 system.

1 Sec. 62. Every employee accepting employment or continuing
2 in employment shall as long
3 as he continues to be a member and has not become a member of
4 another retirement system in the state which is maintained in
5 whole or in part by public contributions or payments be deemed
6 to consent and agree to any deductions from his compensation
7 required by this chapter and to all other provisions thereof.

1 Sec. 63. Nothing in this act shall be deemed to exclude
2 from coverage, under the provisions of this act, any public
3 employee who is not on or as of the effective date of this act,
4 a member of another retirement system supported by public funds.
5 All such employees and their employers shall be required to
6 make contributions as specified as to other public employees and
7 employers. Nothing in this Act shall be deemed to prohibit the re-
8 establishment of a retirement system supported by public funds which
9 had been in operation prior to the effective date of this Act and was
10 subsequently liquidated.

1 Sec. 64. None of the laws of this state regulating insurance
2 or insurance companies shall apply to the commission or to the

3 Iowa public employees' retirement system or any of its funds.

1 Sec. 65. The right is reserved to the general assembly to alter,
2 amend, or repeal any provisions of this chapter or any application thereof
3 to any person, provided, however, that to the extent of the funds in the
4 retirement system the amount of benefits which at the time of any such
5 alteration, amendment, or repeal shall have accrued to any member of
6 the system shall not be repudiated, provided further however, that the
7 amount of benefits accrued on account of prior service shall be adjusted
8 to the extent of any unfunded accrued liability then outstanding.

1 Sec. 66. Each member of the Iowa employment security
2 commission shall be paid for his services, in addition to his
3 compensation now provided in section 96.10, Code 1950, the sum
4 of one thousand dollars ($1,000.00) per year, payable monthly,
5 to be paid from the funds hereby appropriated for the
6 administration of this chapter.

1 Sec. 67. There is hereby appropriated out of the Iowa
2 Public Employees' retirement system fund for each year
3 of the biennium beginning July 1, 1953, and ending June 30,
4 1955, a sum sufficient to pay the costs of the administration
5 of this act.

1 Sec. 68. Nothing in this act shall be interpreted as
2 removing the Iowa Employment Security Commission out from under
3 the provisions of section eight point five (8.5), Code 1950,
4 as amended by chapter forty-five (45), Acts of the Fifty-fourth
5 General Assembly.

1 Amend the title to House File 140 by striking from line 25
2 the words and figures "one million seven hundred fifty
3 thousand dollars ($1,750,000)" and insert in lieu thereof
4 "five hundred thousand dollars ($500,000)".

Filed and adopted
April 22, 1953.

By LORD.

HOUSE AMENDMENTS TO SENATE AMENDMENTS TO HOUSE FILE 140

1 Amend Senate amendment No. 7, line thirteen (13), by
2 striking the word "shall" and inserting in lieu thereof the
3 word "may".

Offered and adopted
April 24, 1953.

GOODE of Davis.

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1 Amend Senate amendment No. 24 by adding at the end
2 thereof as subsection one (1) the following:
3 "Further amend section fifty-four (54), as passed by
4 the Senate, by striking the words 'special reserve' in lines
5 one (1) and two (2) and inserting in lieu thereof the word
6 'general', and by adding at the end of the first sentence the
7 following: 'The governor and the budget and financial control
8 committee are hereby directed to transfer from the special
9 reserve fund a sufficient fund to provide for the appropriation
10 made herein, unless the comptroller and governor certify to
11 the budget and financial control committee that in their
12 judgment there are sufficient funds available in the general
13 fund for the operation of state government at that time so as
14 to make the use of the special reserve fund unnecessary during
15 said biennium.'"

Offered and adopted
April 24, 1953.

PALMER of Lee.