

State Gov. 2/25

Senate File 1193
State Government—
Shaw, Chairman
Hill
Nystrom

SENATE FILE 1193

By COLEMAN, RAMSEY, POTTER,
NYSTROM and KENNEDY
(Fischer of Grundy, Bittle,
Doyle, Woods and Edelen)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the retirement qualifications of policemen
2 and firemen.

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

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1 Section 1. Section four hundred eleven point six (411.6),
2 subsection one (1), paragraphs a, b, and c, Code 1973, are
3 amended to read as follows:

4 a. Any member in service may retire upon his written ap-
5 plication to the board of police or fire trustees as the case
6 may be, setting forth at what time, not less than thirty nor
7 more than ninety days subsequent to the execution and filing
8 therefor, he desires to be retired, provided, that the said
9 member at the time so specified for his retirement shall have
10 ~~attained the age of fifty-five and shall have~~ served ~~twenty-~~
11 ~~two~~ twenty-five years or more in said department, and notwith-
12 standing that, during such period of notification, he may
13 have separated from the service.

14 b. Any member in service who has attained the age of
15 sixty-five years, shall be retired forthwith, provided, that
16 upon the request of the superintendent of public safety, the
17 respective board of trustees may permit such member to re-
18 main in service for periods not to exceed one year from the
19 date of the last request from the superintendent of public
20 safety. Provided further that no member of said departments
21 employed on July 4, 1965, shall be so retired until he has
22 completed twenty-two years' service for service retirement
23 and will receive his pension benefits and provided further
24 that a member of the departments employed on July 1, 1974,
25 shall not be so retired until he has completed twenty-five
26 years' service for service retirement and will receive his
27 pension benefits.

28 c. Any member in service who has been a member of the
29 retirement system fifteen or more years and whose employ-
30 ment is terminated prior to his retirement, other than by
31 death or disability, shall upon attaining ~~retirement~~ the age
32 at which he would have completed twenty-five years of ser-
33 vice, receive a service retirement allowance of fifteen ~~twenty-~~
34 ~~seconds~~ twenty-fifths of the retirement allowance he would
35 receive at retirement if his employment had not been

1 terminated, and an additional one ~~twenty-second~~ twenty-fifth
2 of such retirement allowance for each additional year of ser-
3 vice not exceeding ~~twenty-two~~ twenty-five years of service.
4 The amount of the retirement allowance shall be based on the
5 average final compensation at the time of termination of em-
6 ployment. The allowance shall not be available to a member
7 who has chosen to withdraw his accumulated contributions as
8 provided in subsection 10 of this section.

9 Sec. 2. Section four hundred eleven point six (411.6),
10 subsection four (4), unnumbered paragraph one (1), Code 1973,
11 is amended to read as follows:

12 Upon retirement for ordinary disability a member shall
13 receive a service retirement allowance if he has ~~attained~~
14 ~~the-age-of-fifty-five~~ served twenty-five years or more in
15 the department, otherwise he shall receive an ordinary
16 disability retirement allowance which shall consist of:

17 Sec. 3. Section four hundred eleven point six (411.6),
18 subsection seven (7), unnumbered paragraph one (1) and para-
19 graphs a and b. Code 1973, are amended to read as follows:

20 Once each year during the first five years following the
21 retirement of a member on a disability retirement allowance,
22 and once in every three-year period thereafter, the respec-
23 tive board of trustees may, and upon his application shall,
24 require any disability beneficiary who has not ~~yet-attained~~
25 ~~age-fifty-five~~ served twenty-five years or more in the depart-
26 ment to undergo a medical examination at a place designated
27 by the medical board. Such examination shall be made by the
28 medical board or in special cases, by an additional physician
29 or physicians designated by such board. Should any disability
30 beneficiary who has not ~~attained-the-age-of-fifty-five~~ served
31 twenty-five years or more in the department refuse to submit
32 to such medical examination, his allowance may be discontinued
33 until his withdrawal of such refusal, and should his refusal
34 continue for one year all rights in and to his pension may
35 be revoked by the respective board of trustees.

1 a. Should any beneficiary for disability not incurred
2 in line of duty, be engaged in a gainful occupation paying
3 more than the difference between his retirement allowance
4 and his average final compensation, then the amount of his
5 pension shall be reduced to an amount which together with
6 his annuity and the amount earned by him shall equal the
7 amount of his average final compensation. Should his earning
8 capacity be later changed, the amount of his pension may be
9 further modified, provided, that the new pension shall not
10 exceed the amount of the pension originally granted nor an
11 amount which, when added to the amount earned by the
12 beneficiary together with his annuity, equals the amount of
13 his average final compensation. A beneficiary restored to
14 active service at a salary less than the average final
15 compensation upon the basis of which he was retired ~~at age~~
16 fifty-five-or-greater after serving twenty-five years or more
17 in the department, shall not again become a member of the
18 retirement system and shall have his retirement allowance
19 suspended while in active service.

20 b. Should a disability beneficiary ~~under-age-fifty-five~~
21 who has not served twenty-five or more years in the depart-
22 ment be restored to active service at a compensation not
23 less than his average final compensation, his retirement al-
24 lowance shall cease, he shall again become a member and he
25 shall contribute thereafter at the same rate he paid prior
26 to disability, and any former service on the basis of which
27 his service was computed at the time of his retirement shall
28 be restored to full force and effect and upon his subsequent
29 retirement he shall be credited with all his service as a
30 member and also with the period of disability retirement,
31 provided that during such period of disability he has not
32 engaged in a gainful occupation from which his net earnings
33 exceeded the difference between his disability retirement
34 allowance and the amount he would have received for said
35 period if his compensation at the time of disability had

