

1. A planned program of hospice care, the medical components of which shall be under the direction of a licensed physician.
2. Centrally administered, coordinated hospice core services provided in home, outpatient, or institutional settings.
3. A mechanism that assures the rights of the patient and family.
4. Palliative care provided to a hospice patient and family under the direction of a licensed physician.
5. An interdisciplinary team which develops, implements, and evaluates the hospice plan of care for the patient and family.
6. Bereavement services.
7. Accessible hospice care twenty-four hours a day, seven days a week in all settings.
8. An ongoing system of quality assurance and utilization review.

Sec. 8. NEW SECTION. 135.96 RULES. Except as otherwise provided in this division, the commissioner shall adopt rules pursuant to chapter 17A necessary to implement this division. Formulation of the rules shall include consultation with Iowa hospice organization representatives and other persons affected by the division.

Approved May 15, 1984

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**CHAPTER 1285**  
**RETIREMENT AND BENEFIT SYSTEMS**  
*H.F. 2528*

**AN ACT** relating to the administration and benefits of certain public retirement and benefit systems and to make an appropriation.

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

Section 1. Section 97.51, Code 1983, is amended by adding the following new subsection:  
NEW SUBSECTION. Effective July 1, 1984, a person receiving benefits, on or after July 1, 1984, under this chapter, shall receive a monthly increase in benefits equal to ten percent of the monthly benefits received for June 1984 or which the person was eligible to receive for June 1984, except as otherwise provided in this subsection. A person who becomes eligible for benefits under chapter 97, Code 1950, on or after July 1, 1984 shall receive the ten percent increase.

A person eligible to receive benefits under this chapter on June 30, 1984, may elect in writing to the Iowa department of job service not to receive the monthly benefit increase granted in this subsection.

There is appropriated annually from the general fund of the state to the Iowa old-age and survivors' insurance liquidation fund from funds not otherwise appropriated an amount sufficient to pay the benefit increases provided in this subsection.

Sec. 2. Section 97A.6, subsection 14, paragraph a, subparagraph (2), Code 1983, is amended to read as follows:

(2) Twenty percent for members with five or more years of membership service who are receiving an ordinary disability retirement allowance. However, effective July 1, 1984, for members who retired before July 1, 1979, twenty-five percent shall be used for members who are receiving an ordinary disability retirement allowance.

Sec. 3. Section 97B.7, subsection 2, paragraph b, subparagraph (6), unnumbered paragraph 2, Code 1983, is amended to read as follows:

In the event of If there is loss on the redemption or sale of securities, where invested as prescribed by law, neither the treasurer nor the department shall be is personally liable, but such the loss shall be charged against the retirement fund and there is hereby appropriated from such the retirement fund an amount as may be so required for the loss. Expenses incurred in the sale and purchase of securities belonging to the retirement fund shall be charged to the retirement fund and there is hereby appropriated from such the retirement fund an amount as may be so required and investment for the expenses incurred. Investment management expenses shall be charged to the investment income of the retirement fund and such expense shall otherwise be budgeted and appropriated in the same manner as administrative expenses for the rest of the system there is appropriated from the retirement fund an amount as required for the investment management expenses, subject to the limitations stated in this subparagraph. The amount appropriated for a fiscal year under this subparagraph shall not exceed one-half percent of the market value of the retirement fund. The department shall report the investment management expenses for a fiscal year as a percent of the market value of the retirement fund in the annual report to the governor required in section 97B.4.

Sec. 4. Section 97B.41, subsection 1, paragraph b, subparagraph (6), Code Supplement 1983, is amended to read as follows:

(6) For each the calendar year from January 1, 1986 and thereafter through December 31, 1986, wages not in excess of twenty-two thousand dollars.

Sec. 5. Section 97B.41, subsection 1, paragraph b, Code Supplement 1983, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (6A) For the calendar year from January 1, 1987 through December 31, 1987, wages not in excess of twenty-three thousand dollars.

NEW SUBPARAGRAPH. (6B) For each calendar year from January 1, 1988 and thereafter, wages not in excess of twenty-four thousand dollars.

Sec. 6. Section 97B.41, subsection 3, paragraph b, subparagraph (7), Code Supplement 1983, is amended to read as follows:

(7) Persons employed under the federal Comprehensive Employment Training Act as amended to January 1, 1978 Job Training Partnership Act of 1982, Pub. L. No. 97-300 unless such these employees shall make an application to the department to be covered under the provisions of this chapter.

Sec. 7. Section 97B.41, subsection 3, paragraph b, subparagraph (9), Code Supplement 1983, is amended to read as follows:

(9) Members of the ministry, rabbinate, or other religious order who have taken the vow of poverty unless, within one year of commencing employment or no later than July 1, 1985 for individuals who are members of the system on July 1, 1984, a member makes an application to the department to be covered under this chapter.

Sec. 8. Section 97B.41, subsection 3, paragraph b, Code 1983, is amended by adding the following new subparagraphs:

**NEW SUBPARAGRAPH.** Employees of the Iowa dairy industry commission established under chapter\* 179, the Iowa beef cattle producers association established under chapter 181, the Iowa swine producers association established under chapter 183, the Iowa turkey marketing council established under chapter 184A, the Iowa soybean promotion board established under chapter 185, the Iowa corn promotion board established under chapter 185C, and the Iowa egg council established under chapter 196A.

**NEW SUBPARAGRAPH.** Judicial hospitalization referees appointed under section 229.21.

Sec. 9. Section 97B.49, subsection 8, paragraph a, unnumbered paragraphs 1 and 2, Code Supplement 1983, is amended to read as follows:

Notwithstanding other provisions of this chapter, 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 section 341.1, Code 1981, or section 331.903, and who retires between January 1, 1978 and June 30, 1982, 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 benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wage as a sheriff or deputy sheriff, with benefits payable during the member's lifetime. For each sheriff and deputy sheriff eligible for benefits under this subsection who retires between July 1, 1982 and June 30, 1983, the percent used in computing the monthly retirement allowance is fifty.

Notwithstanding other provisions of this chapter, a member who is or has been employed as a peace officer, and who retires on or after July 1, 1983 and ~~meets the age requirements and membership service requirements for benefits specified in this paragraph is sixty years of age and has completed twenty-five years of membership service~~ may elect to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's five-year average covered wage as a peace officer, with benefits payable during the member's lifetime.

A peace officer who retires on or after July 1, 1984 and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent multiplied by a fraction of years of service as a peace officer. For the purpose 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 as a peace officer, divided by twenty-five years. On or after July 1, 1984, if the peace officer has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the peace officer's retirement precedes the date on which the peace officer attains sixty years of age.

For the purpose of this paragraph, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as a peace officer, divided by twenty-five years.

Sec. 10. Section 97B.49, Code Supplement 1983, is amended by adding the following new subsection:

**NEW SUBSECTION.** a. Each member who retired from the system between January 1, 1976 and June 30, 1982, or a contingent annuitant or beneficiary of such a member, shall receive with the November 1984 and the November 1985 monthly benefit payments a retirement dividend equal to fifty percent of the monthly benefit payment the member received for the preceding June. The retirement dividend does not affect the amount of a monthly benefit payment.

b. Each member who retired from the system between July 4, 1953 and December 31, 1975, or a contingent annuitant or beneficiary of such a member, shall receive with the November 1984 and the November 1985 monthly benefit payments a retirement dividend equal to

\*According to enrolled Act

seventy-five percent of the monthly benefit payment the member received for the preceding June. The retirement dividend does not affect the amount of a monthly benefit payment.

Sec. 11. Section 97B.50, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. For a member who is at least sixty-two years of age and less than sixty-five years of age who has not completed thirty-five years of membership service and prior service, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. 12. Section 97B.50, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A member who is at least sixty-two years of age and less than sixty-five years of age who has completed thirty-five or more years of membership service and prior service shall receive full benefits under section 97B.49 determined as if the member had attained sixty-five years of age.

Sec. 13. Section 97B.51, subsection 5, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

5. At retirement, a member may designate that upon the member's death, a specified amount of money shall be paid to a named beneficiary, and the member's monthly retirement allowance will be reduced by an actuarially determined amount to provide for the lump sum payment. The amount designated by the member must be in thousand dollar increments, and the amount designated shall not lower the monthly retirement allowance of the member by more than one-half the amount payable under section 97B.49, subsection 1 or 5.

Sec. 14. Section 97B.52, subsection 1, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

1. If a member dies prior to the date the member's first retirement allowance is payable under the system, the accumulated contributions of the member at the date of death plus the product of an amount equal to the highest year of covered wages of the deceased member and the number of years of membership service divided by thirty shall be paid to the member's beneficiary in a lump sum payment. However, a lump sum payment made to a beneficiary under this subsection due to the death of a member shall not be less than the amount that would have been payable on the death of the member on June 30, 1984 under this subsection as it appeared in the 1983 Code.

Effective July 1, 1978, a method of payment under this subsection filed with the department by a member does not apply.

Sec. 15. Section 97B.52, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Following written notification to the department, a beneficiary of a deceased member may waive current and future rights to payments to which the beneficiary would otherwise be entitled under sections 97B.51 and this section. Upon receipt of the waiver, the department shall pay to the estate of the deceased member the amount designated to be received by the beneficiary.

Sec. 16. Section 97B.53, subsection 5, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A member shall not be considered as having ~~has not~~ terminated his employment if he the member accepts other employment in the state of Iowa under which he the member is eligible to membership in the Iowa public employees' retirement system, within ~~three months~~ thirty days after he the member has left public employment.

Within sixty days after a member has been issued payment for a refund of the member's accumulated contributions, the member may repay the accumulated contributions plus interest that would have accrued, as determined by the department, and receive credit for membership service for the period covered by the refund payment.

Sec. 17. **NEW SECTION. 97B.66 FORMER MEMBERS.** A vested or retired member who was a member of the teachers insurance and annuity association-college retirement equity fund at any time between July 1, 1967 and June 30, 1971 and who became a member of the system on July 1, 1971, upon submitting verification of service and wages earned during the period of service under the teachers insurance and annuity association-college retirement equity fund, may make employer and employee contributions to the system based upon the covered wages of the member and the covered wages and the contribution rates in effect for that period of service and receive credit for membership service under this system equivalent to the number of years of service in the teachers insurance and annuity association-college retirement equity fund. In addition, a member making employer and employee contributions because of membership in the teachers insurance and annuity association-college retirement equity fund under this section who was a member of the system on June 30, 1967 and withdrew the member's accumulated contributions because of membership on July 1, 1967 in the teachers insurance and annuity association-college retirement equity fund, may make employee contributions to the system for the period of service under the system prior to July 1, 1967.

The contributions paid by the vested or retired member shall be equal to the accumulated contributions as defined in section 97B.41, subsection 13, by the member for that period of service, and the employer contribution for that period of service under the teachers insurance and annuity association-college retirement equity fund, that would have been or had been contributed by the vested or retired member and the employer, if applicable, plus interest on the contributions that would have accrued for the period from the date the previous service commenced under this system or from the date the service of the member in the teachers insurance and annuity association-college retirement equity fund commenced to the date of payment of the contributions by the member equal to two percent plus the interest dividend rate applicable for each year.

Verification of service and wages earned and payment of contributions shall be made to the department not later than June 30, 1985.

Sec. 18. Section 97B.72, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Persons who are members of the ~~Sixty-eighth~~ Seventy-first General Assembly or a  succeeding general assembly who submit proof to the department of membership in the general assembly during any period beginning July 4, 1953 and ending ~~January 8, 1979~~ may make contributions to the system for service equal to the accumulated contributions as defined in section 97B.41, subsection 13, which would have been made if the member of the general assembly had been a member of the system during the member's service in the general assembly. The proof of membership in the general assembly and payment of accumulated contributions shall be transmitted to the department ~~not later than December 31, 1979~~. Persons eligible to receive retirement allowances under this section shall be eligible to commence receiving retirement allowances on ~~January 8, 1979~~ January 14, 1985.

Sec. 19. Section 97B.73, Code 1983, is amended to read as follows:

**97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS.** A vested or retired member who was a member of 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 accumulated contributions as defined in section 97B.41, subsection 13, by the member for that period of service and the employer contribution for that period of 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 sections 294.8, 294.9, and 294.10 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. 20. Section 97C.11, Code 1983, is amended to read as follows:

97C.11 PAYMENT—ADJUSTMENT OR REFUND. Taxes deducted by the employer from the earnings of employees or upon the employers shall be paid in a manner, at times and under conditions 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 a manner and at times as the state agency prescribes.

Sec. 21. Section 294.15, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~Any A person having attained attaining the age of sixty-five who shall have been was an employee, holding a valid teaching certificate, in the public schools of this state with a record of service of twenty-five years or more, including a maximum of five years out-of-state service followed by at least ten years' service in this state prior to retirement and who shall have retired prior to July 4, 1953, shall be entitled to effective July 1, 1984, may receive retirement allowance payments from the state of Iowa of one hundred dollars per month and beginning July 1, 1975, shall be entitled to receive equal to two hundred twenty dollars per month. Such sums as are An amount necessary to meet this requirement shall be added to the retirement allowance payments, if any, now being received from the state of Iowa by individuals covered by the provisions of under this section. No such person shall receive retirement benefits from the state of more than two hundred dollars per month. The word "employee" as used herein shall be construed to include in this section includes persons who were state superintendents, county superintendents, or deputy county superintendents.~~

~~However, a person receiving retirement allowance payments under this section may elect in writing to the Iowa department of job service to continue to receive two hundred dollars per month.~~

Sec. 22. Section 411.1, subsection 12, Code 1983, is amended to read as follows:

12. "Earnable compensation" or "compensation earnable" shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for the member's rank or position including compensation for longevity and holidays and excluding any amount received for overtime compensation or other special additional compensation, meal and travel expenses, and uniform allowances and excluding any amount received upon termination or retirement in payment for accumulated sick leave or vacation.

Sec. 23. Section 411.6, subsection 12, paragraph a, subparagraph (2), Code 1983, is amended to read as follows:

(2) Twenty percent for members with five or more years of membership service who are receiving an ordinary disability retirement allowance. However, effective July 1, 1984, for members who retired before July 1, 1979, twenty-five percent shall be used for members who are receiving an ordinary disability allowance.

Sec. 24. Section 509A.7, Code 1983, is amended to read as follows:

509A.7 EMPLOYEE DEFINED. The word "employee" as used in this division does not include temporary or retired employees except as otherwise provided in this chapter. However, this section does not prevent a retired employee sixty-five years of age or older from voluntarily continuing in force, at the employee's own expense, an existing contract.

Sec. 25. NEW SECTION. CONTINUATION OF GROUP INSURANCE. If a governing body, a county board of supervisors, or a city council has procured for its employees accident, health, or hospitalization insurance, or a medical service plan, or has contracted with a health maintenance organization authorized to do business in this state, the governing body, county board of supervisors, or city council shall allow its employees who retired before attaining sixty-five years of age to continue participation in the group plan or under the group contract at the employee's own expense until the employee attains sixty-five years of age.

Sec. 26. Section 602.1611, subsections 1 and 2, Code Supplement 1983, are amended to read as follows:

1. Justices of the supreme court, judges of the court of appeals and district judges are members of ~~either the judicial retirement system or the Iowa public employees' retirement system,~~ as determined under ~~section 97B.69~~ and article 9, part 1.

2. District associate judges ~~who were municipal court judges prior to July 1, 1973, and who are members of the judicial retirement system under article 9 shall remain members of the system. Other district associate judges are members of, part 1, or the Iowa public employees' retirement system, except that alternate.~~ Alternate district associate judges whose appointment is authorized under section 602.6303 are not members of either the judicial retirement system or the Iowa public employees' retirement system.

Sec. 27. Section 602.1613, Code Supplement 1983, is amended to read as follows:

602.1613 COURT EMPLOYEE RETIREMENT. Court employees are members of the Iowa public employees' retirement system under chapter 97B, except as otherwise provided in that chapter 97B or this chapter.

Sec. 28. NEW SECTION. 602.11115 DISTRICT ASSOCIATE JUDGES' RETIREMENT. If a full-time judicial magistrate who became a district associate judge on January 1, 1981 pursuant to statute or a person who was appointed a district associate judge between January 1, 1981 and June 30, 1984 is a member of the Iowa public employees' retirement system on June 30, 1984, the district associate judge may elect, by informing the state court administrator by June 30, 1984, one of the following retirement benefit options to be effective July 1, 1984:

1. To remain covered under the Iowa public employees' retirement system pursuant to chapter 97B.

2. To commence coverage under the judicial retirement system pursuant to chapter 602, article 9, part 1, effective July 1, 1984, but to become an inactive member of the Iowa public employees' retirement system pursuant to chapter 97B and remain eligible for benefits under section 97B.49 for the period of membership service under chapter 97B.

3. To commence coverage under the judicial retirement system pursuant to chapter 602, article 9, part 1, retroactive to the date the district associate judge became a district associate judge or a full-time judicial magistrate, whichever was earlier, and to cease to be a member of

the Iowa public employees' retirement system, effective July 1, 1984. The Iowa department of job service shall transmit by January 1, 1985 to the state court administrator for deposit in the judicial retirement fund the district associate judge's accumulated contributions as defined in section 97B.41, subsection 13 for the judge's period of membership service as a district associate judge or full-time judicial magistrate, or both. Before July 1, 1986, or at retirement previous to that date, a district associate judge who becomes a member of the judicial retirement system pursuant to this subsection shall contribute to the judicial retirement fund an amount equal to the difference between four percent of the district associate judge's total basic salary for the entire period of service before July 1, 1984 as a district associate judge or judicial magistrate, or both, and the district associate judge's accumulated contributions transmitted by the department of job service to the state court administrator pursuant to this subsection. The district associate judge's contribution shall not be limited to the amount specified in section 602.9104, subsection 1. The state court administrator shall credit a district associate judge with service under the judicial retirement system for the period of service for which contributions at the four percent level are made.

Sec. 29. Section 602.9115, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The survivor of a judge who was qualified for retirement compensation under the system at the time of his the judge's death, is entitled to receive an annuity of one-half the amount of the annuity the judge was receiving or would have been entitled to receive at the time of his the judge's death, or if the judge died before age sixty-five, then one-half of the amount he the judge would have been entitled to receive at age sixty-five based on his the judge's years of service. Such The annuity shall begin on the judge's death, or on the date the judge would have been sixty-five if he died earlier than age sixty-five, or upon the survivor reaching age sixty, whichever is later.

Sec. 30. Section 97B.69, Code 1983, is repealed.

Sec. 31. During the fiscal year commencing July 1, 1984, the Iowa public employees' retirement system division of the Iowa department of job service shall evaluate the present contracts it has with investment portfolio managers to determine the performance of the portfolio managers and solicit competitive bids for those services for the fiscal year commencing July 1, 1985.

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