

APR 29 1977
Place On Calendar

HOUSE FILE 582

By COMMITTEE ON STATE
GOVERNMENT

(Formerly Study Bill 253)

Passed House, Date 5-4-77 (p. 1891) Passed Senate, Date _____

Vote: Ayes 65 Nays 26 Vote: Ayes _____ Nays _____

Approved 7/12/77

A BILL FOR

1 An Act to permit optional membership in the Iowa public
 2 employees' retirement system for part-time judicial
 3 magistrates and employees of community action programs.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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582

1 Section 1. Section ninety-seven B point forty-one (97B.41),
2 subsection three (3), paragraph b, Code 1977, is amended by
3 adding the following new subparagraph:

4 NEW SUBPARAGRAPH. Employees of community action programs,
5 determined to be an instrumentality of the state or a political
6 subdivision, unless such agency elects by filing an application
7 with the department to be covered under the provisions of
8 this chapter. However, any community action program which
9 has made contributions against which no application for
10 benefits has been made shall be entitled to withdraw all such
11 contributions by making application to the department prior
12 to July 1, 1978 unless an election for coverage under this
13 chapter is made. Each community action program which withdraws
14 its contributions shall refund to its employees contributions
15 deducted from their wages.

16 Sec. 2. Section ninety-seven B point forty-one (97B.41),
17 subsection three (3), paragraph b, Code 1977, is amended by
18 adding the following new subparagraph:

19 NEW SUBPARAGRAPH. A judicial magistrate who has not
20 submitted written notice to the department of job service
21 notifying the department of an election to become a member
22 of the Iowa public employees' retirement system.

23 Sec. 3. Section six hundred two point fifty-four (602.54),
24 Code 1977, is amended to read as follows:

25 602.54 SALARY, EXPENSES. Each judicial magistrate shall
26 receive a salary payable from the general fund of the state
27 and also his or her actual and necessary expenses in the
28 performance of his or her duties while away from the city
29 of his or her residence, in accordance with section 605.2.
30 The salary of judicial magistrates, except as otherwise
31 provided herein, shall be the sum of four thousand eight
32 hundred dollars annually. The judicial magistrates serving
33 pursuant to section 602.51 shall receive an annual salary
34 of nineteen thousand five hundred dollars. Judicial
35 magistrates except district associate judges shall be members

1 of the Iowa public employees' retirement system. Part-time
2 judicial magistrates may elect to be members of the Iowa
3 public employees' retirement system upon filing notice in
4 writing with the Iowa department of job service.

5 Sec. 4. The department of job service shall notify all
6 judicial magistrates by February 1, 1978, of their option
7 to continue membership in the Iowa public employees retirement
8 system by filing written notice to the department of job
9 service prior to March 1, 1978. If a judicial magistrate
10 does not elect to continue membership, the magistrate may
11 either receive a lump sum payment equal the sum of the members
12 accumulated contributions to the date of termination of
13 membership or, if the individual is vested, the member may
14 leave his or her contributions in the fund and elect to receive
15 retirement benefits at a future date pursuant to the provi-
16 sions of chapter ninety-seven B (97B) of the Code.

17 Sec. 5. A community action program determined to be an
18 instrumentality of the state or a political subdivision may
19 elect coverage under this chapter to commence at a date on
20 or after January 1, 1971 specified in the application for
21 election for coverage. Employee and employer contributions
22 for the period for which an election is made shall be required
23 in a manner and amount as provided in chapter 97B, of the
24 Code, as the Code was effective during the covered period.

25 Sec. 6. This Act, except for sections one (1) and five
26 (5) which shall be retroactive to January 1, 1971, is effective
27 Janury 1, 1978.

28 EXPLANATION

29 The bill makes optional the membership of part-time judi-
30 cial magistrates in the Iowa public employees' retirement
31 system. The bill also excludes retroactively from required
32 coverage in the retirement system employees of community
33 action programs and allows an election for coverage.

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LSB 1612H
dsb/jw/5

HOUSE FILE 582

FISCAL NOTE

Date Prepared: May 16, 1977
Requested by: Senator Drake

Prepared in regard to H.F. 582, Amendment S-3601, An Act to permit optional membership in the Iowa public employee's retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system.

Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

Effective January 1, 1979 the state would contribute 5.75% on salaries of legislators who elected to join IPERS.

FILED
MAY 16, 1977

GERRY RANKIN
LEGISLATIVE FISCAL DIRECTOR

HOUSE FILE 582

H-3958

- Amend House File 582 as follows:
1. Page 1, line 10, by striking the words "all such" and inserting in lieu thereof the words "employer and employee".
 2. Page 1, line 11, by inserting after the word "contributions" the words "made for its employees pursuant to section ninety-seven B point eleven (97B.11) of the Code".
 3. Page 1, line 19, by inserting after the word "a" the word "part-time".
 4. Page 2, line 5, by inserting after the word "all" the word "part-time".
 5. Page 2, line 9, by inserting after the word "a" the word "part-time".
 6. Page 2, line 11, by striking the word "members" and inserting in lieu thereof the word "member's".

H-3958 FILED, ADOPTED BY BYERLY of Polk
MAY 4, 1977 (p. 1876)

HOUSE FILE 582

H-3960

- Amend House File 582 as follows:
1. Page 1, by inserting after line 22 the following section:
"Sec. ____ Chapter ninety-seven B (97B), Code 1977, is amended by adding the following new section:
NEW SECTION. A member of the system who is elected and qualifies to serve in the general assembly during the period of service which may reasonably be expected to be the member's last ten consecutive years of employment, from which the average of covered wages for the highest five consecutive years are computed, may elect in writing to the department to pay both the employer and employee contributions at the rate specified in section ninety-seven B point eleven (97B.11) of the Code during the period when the general assembly is in session at the same wage rate as the wages earned by the member from the employment which qualifies the member of the general assembly for membership in the system."
 2. By numbering and renumbering sections as necessary.

H-3960 FILED - Adopted 5/4 BY BYERLY of Polk
MAY 4, 1977 (1891)

HOUSE FILE 582

H-3989

- Amend House File 582 as follows:
1. Title page, line 3, by inserting after the word "programs" the following: "and allowing certain members of the general assembly who are members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system."

H-3989 FILED - Adopted by
MAY 4, 1977 unanimous consent
5/4 (p. 1891) BY BRANDT of Black Hawk

Sen. State Govt. 5/12 Do Pass per 3601 5/13 (p. 1630)

HOUSE FILE 582 5/77

State Government
Drake, Chairperson
Coleman
Nystrom

HOUSE FILE 582

By COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House)

Passed House, ^{as further amended by Senate} Date 5-21-77 (p. 2653) Passed Senate, Date 5-18-77 (p. 1687)
Vote: Ayes 55 Nays 35 Vote: Ayes 26 Nays 23
Approved _____

A BILL FOR

1 An Act to permit optional membership in the Iowa public
2 employees' retirement system for part-time judicial
3 magistrates and employees of community action programs
4 and allowing certain members of the general
5 assembly who are members of the system at the
6 time of election to the general assembly to
7 contribute the employee's and employer's
8 share at the same wage rate as the wages which
9 qualified such member for the system.

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

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House Amendments _____

1 Section 1. Section ninety-seven B point forty-one
2 (97B.41), subsection three (3), paragraph b, Code 1977, is
3 amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. Employees of community action
5 programs, determined to be an instrumentality of the state
6 or a political subdivision, unless such agency elects by
7 filing an application with the department to be covered under
8 the provisions of this chapter. However, any community action
9 program which has made contributions against which no
10 application for benefits has been made shall be entitled to
11 withdraw employer and employee contributions made for its
12 employees pursuant to section ninety-seven B point eleven
13 (97B.11) of the Code by making application to the department
14 prior to July 1, 1978 unless an election for coverage under
15 this chapter is made. Each community action program which
16 withdraws its contributions shall refund to its employees
17 contributions deducted from their wages.

18 Sec. 2. Section ninety-seven B point forty-one
19 (97B.41), subsection three (3), paragraph b, Code 1977, is
20 amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. A part-time judicial magistrate
22 who has not submitted written notice to the department of
23 job service notifying the department of an election to become
24 a member of the Iowa public employees' retirement system.

25 Sec. 3. Chapter ninety-seven (97B), Code 1977, is
26 amended by adding the following new section:

27 NEW SECTION. A member of the system who is elected
28 and qualifies to serve in the general assembly during the
29 period of service which may reasonably be expected to be the
30 member's last ten consecutive years of employment, from which
31 the average of covered wages for the highest five consecutive
32 years are computed, may elect in writing to the department
33 to pay both the employer and employee contributions at the
34 rate specified in section ninety-seven B point eleven (97B.11)
35 of the Code during the period when the general assembly is

1 in session at the same wage rate as the wages earned by the
2 member from the employment which qualifies the member of the
3 general assembly for membership in the system.

4 Sec. 4. Section six hundred two point fifty-four
5 (602.54), Code 1977, is amended to read as follows:

6 602.54 SALARY, EXPENSES. Each judicial magistrate
7 shall receive a salary payable from the general fund of the
8 state and also his or her actual and necessary expenses in
9 the performance of his or her duties while away from the city
10 of his or her residence, in accordance with section 605.2.

11 The salary of judicial magistrates, except as otherwise
12 provided herein, shall be the sum of four thousand eight
13 hundred dollars annually. The judicial magistrates serving
14 pursuant to section 602.51 shall receive an annual salary
15 of nineteen thousand five hundred dollars. Judicial
16 magistrates except district associate judges shall be members
17 of the Iowa public employees' retirement system. Part-time
18 judicial magistrates may elect to be members of the Iowa
19 public employees' retirement system upon filing notice in
20 writing with the Iowa department of job service.

21 Sec. 5. The department of job service shall notify
22 all part-time judicial magistrates by February 1, 1978, of
23 their option to continue membership in the Iowa public
24 employees retirement system by filing written notice to the
25 department of job service prior to March 1, 1978. If a part-
26 time judicial magistrate does not elect to continue membership,
27 the magistrate may either receive a lump sum payment equal
28 the sum of the member's accumulated contributions to the date
29 of termination of membership or, if the individual is vested,
30 the member may leave his or her contributions in the fund
31 and elect to receive retirement benefits at a future date
32 pursuant to the provisions of chapter ninety-seven B (97B)
33 of the Code.

34 Sec. 6. A community action program determined to
35 be an instrumentality of the state or a political subdivision

1 may elect coverage under this chapter to commence at a date
2 on or after January 1, 1971 specified in the application for
3 election for coverage. Employee and employer contributions
4 for the period for which an election is made shall be required
5 in a manner and amount as provided in chapter 97B, of the
6 Code, as the Code was effective during the covered period.

7 Sec. 7. This Act, except for sections one (1) and
8 five (5) which shall be retroactive to January 1, 1971, is
9 effective January 1, 1978.

10 : : EXPLANATION

11 The bill makes optional the membership of part-time
12 judicial magistrates in the Iowa public employees' retirement
13 system. The bill also excludes retroactively from required
14 coverage in the retirement system employees of community
15 action programs and allows an election for coverage.

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S-3601

1 Amend House File 582, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Section ninety-seven B point forty-
 6 one (97B.41), subsection one (1), paragraph a, Code
 7 1977, is amended by adding the following new unnumbered
 8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. Wages for a member of
 10 the general assembly means the total compensation
 11 received by a member of the general assembly, whether
 12 paid in the form of per diem or annual salary,
 13 exclusive of expense and travel allowances paid to
 14 a member of the general assembly. Wages includes
 15 per diem payments paid to members of the general
 16 assembly during interim periods between sessions of
 17 the general assembly.

18 Sec. 2. Section ninety-seven B point forty-one
 19 (97B.41), subsection three (3), paragraph b,
 20 subparagraphs one (1) and two (2), Code 1977, are
 21 amended to read as follows:

22 (1) ~~Members of the general assembly, elective~~
 23 Elective officials in positions for which the
 24 compensation is on a fee basis, elective officials
 25 of school districts, elective officials of townships,
 26 and elective officials of other political subdivisions
 27 who are in part-time positions, graduate medical
 28 students while serving as interns or resident doctors
 29 in training at any hospital, or county medical
 30 examiners and deputy county medical examiners under
 31 chapter 339.

32 (2) Temporary Members of the general assembly
 33 of Iowa and temporary employees of the general assembly
 34 of Iowa unless such members or employees shall make
 35 an application to the department to be covered under
 36 the provisions of this chapter.

37 Sec. 3. Section ninety-seven B point forty-one
 38 (97B.41), subsection three (3), paragraph b, Code
 39 1977, is amended by adding the following new
 40 subparagraph:

41 NEW SUBPARAGRAPH. Employees of community action
 42 programs, determined to be an instrumentality of the
 43 state or a political subdivision, unless such employees
 44 elect by filing an application with the department
 45 to be covered under the provisions of this chapter.

46 Sec. 4. Section ninety-seven B point forty-one
 47 (97B.41), subsection three (3), paragraph b, Code
 48 1977, is amended by adding the following new
 49 subparagraph:

50 NEW SUBPARAGRAPH. Part-time judicial magistrates

1 appointed pursuant to either section six hundred two
2 point fifty (602.50) or section six hundred two point
3 fifty-eight (602.58) of the Code unless such
4 magistrates elect by filing an application with the
5 department to be covered under the provisions of this
6 chapter.

7 Sec. 5. Section six hundred two point fifty-four
8 (602.54), Code 1977, is amended to read as follows:

9 602.54 SALARY, EXPENSES. Each judicial magistrate
10 shall receive a salary payable from the general fund
11 of the state and also his or her actual and necessary
12 expenses in the performance of his or her duties while
13 away from the city of his or her residence, in
14 accordance with section 605.2. The salary of judicial
15 magistrates, except as otherwise provided herein,
16 shall be the sum of four thousand eight hundred dollars
17 annually. The judicial magistrates serving pursuant
18 to section 602.51 shall receive an annual salary of
19 nineteen thousand five hundred dollars. Judicial
20 magistrates appointed pursuant to section six hundred
21 two point fifty-one of the Code except district
22 associate judges shall be members of the Iowa public
23 employees' retirement system. Judicial magistrates
24 appointed pursuant to either section six hundred two
25 point fifty (602.50) or section six hundred two point
26 fifty-eight (602.58) may elect to be members of the
27 Iowa public employees' retirement system upon filing
28 notice in writing with the Iowa department of job
29 service and the court administrator of the judicial
30 department.

31 Sec. 6. The department of job service shall notify
32 all judicial magistrates appointed pursuant to either
33 section six hundred two point fifty (602.50) or section
34 six hundred two point fifty-eight (602.58) of the
35 Code by February 1, 1978, of their option to continue
36 membership in the Iowa public employees' retirement
37 system by filing written notice to the department
38 of job service and the court administrator of the
39 judicial department prior to March 1, 1978. If a
40 judicial magistrate appointed pursuant to either
41 section six hundred two point fifty (602.50) or section
42 six hundred two point fifty-eight (602.58) of the
43 Code does not elect to continue membership, the
44 magistrate may either receive a lump sum payment equal
45 the sum of the member's accumulated contributions
46 to the date of termination of membership or, if the
47 individual is vested, the member may leave his or
48 her contributions in the fund and elect to receive
49 retirement benefits at a future date pursuant to the
50 provisions of chapter ninety-seven B (97B) of the

1 Code.

2 Sec. 7. A community action program determined
3 to be an instrumentality of the state or a political
4 subdivision may elect coverage for its employees under
5 chapter ninety-seven B (97B) of the Code to commence
6 at a date on or after January 1, 1971 and to end
7 December 31, 1977. The date shall be specified in
8 the application for election for coverage. Employee
9 and employer contributions for the period for which
10 an election is made shall be required in a manner
11 and amount as provided in chapter ninety-seven B (97B)
12 of the Code, as the Code was effective during the
13 covered period.

14 Sec. 8. The provisions of sections one (1) and
15 two (2) of this Act are effective January 8, 1979.
16 The provisions of sections three (3), four (4), five
17 (5), and six (6) of this Act are effective January
18 1, 1978. The provisions of section seven (7) of this
19 Act are retroactive to January 1, 1971.

20 Sec. 9. This Act, being deemed of immediate
21 importance, shall take effect and be in force from
22 and after its publication in the Muscatine Journal,
23 a newspaper published in Muscatine, Iowa, and in
24 the Iowa City Press Citizen, a newspaper published
25 in Iowa City, Iowa.

26 2. Amend the title, by striking lines 4 through
27 9 and inserting in lieu thereof the words "and members
28 of the general assembly, and making certain sections
29 retroactive".

S-3601 FILED *Adopted*
MAY 13, 1977 *5/18 (p. 1686)*
Motion to reconsider lost

BY COMMITTEE ON STATE GOVERNMENT
MINNETTE DODERER, CHAIRPERSON

1 Amend House File 582, as amended, passed and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section ninety-seven B point forty-
6 one (97B.41), subsection one (1), paragraph a, Code
7 1977, is amended by adding the following new unnumbered
8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. Wages for a member of
10 the general assembly means the total compensation
11 received by a member of the general assembly, whether
12 paid in the form of per diem or annual salary,
13 exclusive of expense and travel allowances paid to
14 a member of the general assembly. Wages includes
15 per diem payments paid to members of the general
16 assembly during interim periods between sessions of
17 the general assembly.

18 Sec. 2. Section ninety-seven B point forty-one
19 (97B.41), subsection three (3), paragraph b,
20 subparagraphs one (1) and two (2), Code 1977, are
21 amended to read as follows:

22 (1) ~~Members of the general assembly, elective~~
23 Elective officials in positions for which the
24 compensation is on a fee basis, elective officials
25 of school districts, elective officials of townships,
26 and elective officials of other political subdivisions
27 who are in part-time positions, graduate medical
28 students while serving as interns or resident doctors
29 in training at any hospital, or county medical
30 examiners and deputy county medical examiners under
31 chapter 339.

32 (2) Temporary Members of the general assembly
33 of Iowa and temporary employees of the general assembly
34 of Iowa unless such members or employees shall make
35 an application to the department to be covered under
36 the provisions of this chapter.

37 Sec. 3. Section ninety-seven B point forty-one
38 (97B.41), subsection three (3), paragraph b, Code
39 1977, is amended by adding the following new
40 subparagraph:

41 NEW SUBPARAGRAPH. Employees of community action
42 programs, determined to be an instrumentality of the
43 state or a political subdivision, unless such employees
44 elect by filing an application with the department
45 to be covered under the provisions of this chapter.

46 Sec. 4. Section ninety-seven B point forty-one
47 (97B.41), subsection three (3), paragraph b, Code
48 1977, is amended by adding the following new
49 subparagraph:

50 NEW SUBPARAGRAPH. Part-time judicial magistrates

1 appointed pursuant to either section six hundred two
2 point fifty (602.50) or section six hundred two point
3 fifty-eight (602.58) of the Code unless such
4 magistrates elect by filing an application with the
5 department to be covered under the provisions of this
6 chapter.

7 Sec. 5. Section six hundred two point fifty-four
8 (602.54), Code 1977, is amended to read as follows:

9 602.54 SALARY, EXPENSES. Each judicial magistrate
10 shall receive a salary payable from the general fund
11 of the state and also his or her actual and necessary
12 expenses in the performance of his or her duties while
13 away from the city of his or her residence, in
14 accordance with section 605.2. The salary of judicial
15 magistrates, except as otherwise provided herein,
16 shall be the sum of four thousand eight hundred dollars
17 annually. The judicial magistrates serving pursuant
18 to section 602.51 shall receive an annual salary of
19 nineteen thousand five hundred dollars. Judicial
20 magistrates appointed pursuant to section six hundred
21 two point fifty-one of the Code except district
22 associate judges shall be members of the Iowa public
23 employees' retirement system. Judicial magistrates
24 appointed pursuant to either section six hundred two
25 point fifty (602.50) or section six hundred two point
26 fifty-eight (602.58) may elect to be members of the
27 Iowa public employees' retirement system upon filing
28 notice in writing with the Iowa department of job
29 service and the court administrator of the judicial
30 department.

31 Sec. 6. The department of job service shall notify
32 all judicial magistrates appointed pursuant to either
33 section six hundred two point fifty (602.50) or section
34 six hundred two point fifty-eight (602.58) of the
35 Code by February 1, 1978, of their option to continue
36 membership in the Iowa public employees' retirement
37 system by filing written notice to the department
38 of job service and the court administrator of the
39 judicial department prior to March 1, 1978. If a
40 judicial magistrate appointed pursuant to either
41 section six hundred two point fifty (602.50) or section
42 six hundred two point fifty-eight (602.58) of the
43 Code does not elect to continue membership, the
44 magistrate may either receive a lump sum payment equal
45 the sum of the member's accumulated contributions
46 to the date of termination of membership or, if the
47 individual is vested, the member may leave his or
48 her contributions in the fund and elect to receive
49 retirement benefits at a future date pursuant to the
50 provisions of chapter ninety-seven B (97B) of the

1 Code.

2 Sec. 7. A community action program determined
3 to be an instrumentality of the state or a political
4 subdivision may elect coverage for its employees under
5 chapter ninety-seven B (97B) of the Code to commence
6 at a date on or after January 1, 1971 and to end
7 December 31, 1977. The date shall be specified in
8 the application for election for coverage. Employee
9 and employer contributions for the period for which
10 an election is made shall be required in a manner
11 and amount as provided in chapter ninety-seven B (97B)
12 of the Code, as the Code was effective during the
13 covered period.

14 Sec. 8. The provisions of sections one (1) and
15 two (2) of this Act are effective January 8, 1979.
16 The provisions of sections three (3), four (4), five
17 (5), and six (6) of this Act are effective January
18 1, 1978. The provisions of section seven (7) of this
19 Act are retroactive to January 1, 1971.

20 Sec. 9. This Act, being deemed of immediate
21 importance, shall take effect and be in force from
22 and after its publication in the Muscatine Journal,
23 a newspaper published in Muscatine, Iowa, and in the
24 Iowa City Press-Citizen, a newspaper published in
25 Iowa City, Iowa."

26 2. Amend the title, by striking lines 4 through
27 9 and inserting in lieu thereof the words "and members
28 of the general assembly, and making certain sections
29 retroactive".

H-42⁶³ FILED
RECEIVED FROM SENATE
MAY 18, 1977

House concurred 5/21/77 (p. 2653)

HOUSE FILE 582

AN ACT

TO PERMIT OPTIONAL MEMBERSHIP IN THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR PART-TIME JUDICIAL MAGISTRATES AND EMPLOYEES OF COMMUNITY ACTION PROGRAMS AND MEMBERS OF THE GENERAL ASSEMBLY, AND MAKING CERTAIN SECTIONS RETROACTIVE.

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

Section 1. Section ninety-seven B point forty-one (97B.41), subsection one (1), paragraph a, Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Wages for a member of the general assembly means the total compensation received by a member of the general assembly, whether paid in the form of per diem or annual salary, exclusive of expense and travel allowances paid to a member of the general assembly. Wages includes per diem payments paid to members of the general assembly during interim periods between sessions of the general assembly.

Sec. 2. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraphs one (1) and two (2), Code 1977, are amended to read as follows:

(1) ~~Members-of-the-general-assembly,-elective~~ Elective officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, graduate medical students while serving as interns or resident doctors in training at any hospital, or county medical examiners and deputy county medical examiners under chapter 339.

(2) Temporary Members of the general assembly of Iowa and temporary employees of the general assembly of Iowa unless such members or employees shall make an application to the department to be covered under the provisions of this chapter.

Sec. 3. Section ninety-seven B point forty-one (97B.41),

subsection three (3), paragraph b, Code 1977, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Employees of community action programs, determined to be an instrumentality of the state or a political subdivision, unless such employees elect by filing an application with the department to be covered under the provisions of this chapter.

Sec. 4. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1977, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Part-time judicial magistrates appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code unless such magistrates elect by filing an application with the department to be covered under the provisions of this chapter.

Sec. 5. Section six hundred two point fifty-four (602.54), Code 1977, is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his or her actual and necessary expenses in the performance of his or her duties while away from the city of his or her residence, in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum of four thousand eight hundred dollars annually. The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary of nineteen thousand five hundred dollars. Judicial magistrates appointed pursuant to section six hundred two point fifty-one (602.51) of the Code except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the

judicial department.

Sec. 6. The department of job service shall notify all judicial magistrates appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code by February 1, 1978, of their option to continue membership in the Iowa public employees' retirement system by filing written notice to the department of job service and the court administrator of the judicial department prior to March 1, 1978. If a judicial magistrate appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code does not elect to continue membership, the magistrate may either receive a lump sum payment equal the sum of the member's accumulated contributions to the date of termination of membership or, if the individual is vested, the member may leave his or her contributions in the fund and elect to receive retirement benefits at a future date pursuant to the provisions of chapter ninety-seven B (97B) of the Code.

Sec. 7. A community action program determined to be an instrumentality of the state or a political subdivision may elect coverage for its employees under chapter ninety-seven B (97B) of the Code to commence at a date on or after January 1, 1971 and to end December 31, 1977. The date shall be specified in the application for election for coverage. Employee and employer contributions for the period for which an election is made shall be required in a manner and amount as provided in chapter ninety-seven B (97B) of the Code, as the Code was effective during the covered period.

Sec. 8. The provisions of sections one (1) and two (2) of this Act are effective January 8, 1979. The provisions of sections three (3), four (4), five (5), and six (6) of this Act are effective January 1, 1978. The provisions of section seven (7) of this Act are retroactive to January 1, 1971.

Sec. 9. This Act, being deemed of immediate importance, shall take effect and be in force from and after its

publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 582, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved July 12, 1977.

ROBERT D. RAY
Governor