

*See Appendix to House File 2598*

APR 26 1980

HOUSE FILE 2598

PASSED ON FILE

By HALVORSON of Clayton and AVENSON

Passed House, Date 4/26/80 Passed Senate, Date 4/26/80 (194)

Vote: Ayes 100 Nays 0 Vote: Ayes 46 Nays 2

Approved L. H. Halvorson, Clayton

### A BILL FOR

1 An Act relating to administration, benefits, and funding of  
2 certain public retirement systems, and to make appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2598

H-6426

1 Amend House File 2598 as follows:  
2 1. Page 25, line 24, by inserting after the  
3 figure "1981" the words and figures "and except  
4 that retirement allowance changes in sections five  
5 (5) and thirty-two (32) of this Act for members  
6 who retired on or after July 1, 1976 and before  
7 July 1, 1980 who had attained fifty-five years of  
8 age and were retired for accidental or ordinary  
9 disability under chapter ninety-seven A (97A) or  
10 four hundred eleven (411) of the Code and have  
11 been receiving a service retirement allowance are  
12 retroactive to the date of the member's  
13 retirement".

H-6426 FILED  
APRIL 26, 1980  
LOST (3 2-32)

BY BYERLY of Polk  
JOCHUM of Dubuque

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1 Section 1. Chapter twelve (12), Code 1979, is amended  
2 by adding the following new section:

3 NEW SECTION. ANNUAL REPORT OF FILING FEES. The treasurer  
4 of state shall annually report to the governor and the general  
5 assembly the total amount of fees and costs received by the  
6 treasurer of state under section six hundred two point fifty-  
7 five (602.55), subsection one (1), and section six hundred  
8 six point fifteen (606.15), subsection one (1), of the Code  
9 for the fiscal year ending June thirtieth. The report shall  
10 be submitted within ninety days following the completion of  
11 the fiscal year.

12 Sec. 2. There is appropriated from the general fund of  
13 the state to the judicial retirement fund the sum of seven  
14 hundred twenty thousand (720,000) dollars for the fiscal year  
15 beginning July 1, 1980 and ending June 30, 1981.

16 Sec. 3. Section ninety-seven point fifty-one (97.51),  
17 Code 1979, is amended by adding the following new subsection:

18 NEW SUBSECTION. Effective July 1, 1980 a person receiving  
19 benefits, or who becomes eligible to receive benefits, on  
20 or after July 1, 1980, under chapter ninety-seven (97) of  
21 the Code, shall receive the monthly increase in benefits  
22 provided in section twenty-one (21) of this Act.

23 Sec. 4. Section ninety-seven A point four (97A.4), Code  
24 1979, is amended by adding the following new unnumbered  
25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. The board of trustees shall  
27 credit as service for a member of the system a previous period  
28 of service for which the member had withdrawn the member's  
29 accumulated contributions, as defined in section ninety-seven  
30 A point fifteen (97A.15) of the Code.

31 Sec. 5. Section ninety-seven A point six (97A.6),  
32 subsections four (4) and six (6), Code 1979, as the section  
33 is amended by Acts of the Sixty-eighth General Assembly, 1979  
34 Session, chapter thirty-four (34), sections two (2) and three  
35 (3), and chapter thirty-five (35), section two (2), are amended

1 to read as follows:

2 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon  
3 retirement for ordinary disability a member shall receive  
4 ~~a-service-retirement-allowance-if-the-member-has-attained~~  
5 ~~the-age-of-fifty-five,-otherwise-the-member-shall-receive~~  
6 an ordinary disability retirement allowance which shall consist  
7 of a pension which shall equal forty percent of the member's  
8 average final compensation except if the member has not had  
9 five or more years of membership service, the member shall  
10 receive a pension equal to one-fourth of the member's average  
11 final compensation.

12 6. RETIREMENT AFTER ACCIDENT. Upon retirement for  
13 accidental disability a member shall receive ~~a-service~~  
14 ~~retirement-allowance-if-the-member-has-attained-the-age-of~~  
15 ~~fifty-five,-otherwise-the-member-shall-receive~~ an accidental  
16 disability retirement allowance which shall consist of a  
17 pension equal to sixty-six and two-thirds percent of the  
18 member's average final compensation.

19 Sec. 6. Section ninety-seven A point six (97A.6),  
20 subsection fourteen (14), paragraph a, unnumbered paragraph  
21 one (1), Code 1979, as amended by Acts of the Sixty-eighth  
22 General Assembly, 1979 Session, chapter thirty-four (34),  
23 section two (2), and as the section is amended by Acts of  
24 the Sixty-eighth General Assembly, 1979 Session, chapter  
25 thirty-five (35), section two (2), and chapter thirty-four  
26 (34), section three (3), is amended to read as follows:

27 ~~As-of-the-first-of-July-of-each-year-for-members-who-retire~~  
28 ~~on-or-after-July-1,-1979~~ Effective July 1, 1980 and on each  
29 July first thereafter, the monthly pensions authorized in  
30 this section payable to retired members and to beneficiaries,  
31 except children of a deceased member, shall be adjusted as  
32 provided in this paragraph. An amount equal to the following  
33 percentages of the difference between the monthly earnable  
34 compensation ~~received-by~~ payable to an active member of the  
35 department, of the same rank and position on the salary scale

1 as was held by the retired or deceased member at the time  
2 of the member's retirement or death, for July of the preceding  
3 year and the monthly earnable compensation payable to an  
4 active member of the department of the same rank and position  
5 on the salary scale for July of the year just beginning shall  
6 be added to the monthly pension of each retired member and  
7 each beneficiary as follows:

8 (1) Twenty-five percent for members ~~eligible-for~~ receiving  
9 a service retirement allowance ~~or-their~~ and for beneficiaries  
10 receiving a pension under subsection nine (9) of this section.

11 (2) Twenty percent for members with five or more years  
12 of membership service who are ~~eligible-for~~ receiving an  
13 ordinary disability retirement allowance ~~or-their~~  
14 ~~beneficiaries.~~

15 (3) Twelve and one-half percent for members with less  
16 than five years of membership service who are ~~eligible-for~~  
17 receiving an ordinary disability retirement allowance ~~or~~  
18 ~~their,~~ and for beneficiaries receiving a pension under  
19 subsection eight (8) of this section.

20 (4) Thirty-three and one-third percent for members ~~eligible~~  
21 ~~for~~ receiving an accidental disability allowance ~~or-their~~  
22 ~~beneficiaries.~~

23 The adjusted monthly pension shall not be less than the  
24 amount which was paid at the time of the member's retirement  
25 or death.

26 The amount added to the monthly pension of a surviving  
27 spouse receiving a pension under subsection twelve (12),  
28 paragraph a of this section shall be equal to one-half the  
29 amount that would have been added to the monthly pension of  
30 the retired member.

31 Sec. 7. Section ninety-seven A point fifteen (97A.15),  
32 subsection two (2), Code 1979, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. "Member who became vested" and "vested  
35 member" mean a member who has been a member of the retirement

1 system fifteen or more years and is entitled to benefits under  
2 this chapter.

3 Sec. 8. Section ninety-seven A point fifteen (97A.15),  
4 subsections five (5) and seven (7), Code 1979, are amended  
5 to read as follows:

6 5. A member of the retirement system prior to July 1,  
7 1979 with fifteen or more years of service whose employment  
8 was terminated prior to retirement, other than by death or  
9 disability, ~~shall-be~~ is entitled to receipt of his or her  
10 accumulated contributions upon retirement together with other  
11 retirement benefits provided in the law on the date of the  
12 member's retirement. ~~However, the member shall not be eligible~~  
13 ~~for a service retirement allowance under section 97A.6 if~~  
14 ~~he or she has chosen to withdraw his or her accumulated~~  
15 ~~contributions from the annuity savings fund prior to the~~  
16 ~~member's retirement.~~

17 7. Notwithstanding ~~the provisions of~~ subsections 1, 3,  
18 4, 5, and 6 of this section, an active or vested member may  
19 request in writing and receive from the board of trustees,  
20 his or her accumulated contributions from the annuity savings'  
21 fund at the discretion of the board of trustees, ~~except that~~  
22 and remain eligible to receive benefits under section ninety-  
23 seven A point six (97A.6) of the Code. However, a member  
24 with fifteen or more years of service prior to July 1, 1979,  
25 is not eligible for a service retirement allowance under  
26 section ninety-seven A point six (97A.6) of the Code if he  
27 or she withdrew his or her accumulated contributions from  
28 the annuity savings fund prior to July 1, 1979, except as  
29 provided in section ninety-seven A point four (97A.4) of the  
30 Code. However, the board shall not liquidate securities at  
31 a loss for the sole purpose of returning the accumulated  
32 contributions to the members. All requested accumulated  
33 contributions shall be returned prior to July 1, 1984.

34 Sec. 9. Section ninety-seven B point forty-one (97B.41),  
35 subsection three (3), paragraph a, Code 1979, as the section

1 is amended by Acts of the Sixty-eighth General Assembly, 1979  
2 Session, chapter thirty-four (34), section five (5), is amended  
3 to read as follows:

4 3. a. "Employer" means the state of Iowa, the counties,  
5 municipalities, and public school districts ~~therein~~ and all  
6 of the political subdivisions ~~thereof~~ and all of their  
7 departments and instrumentalities, including joint planning  
8 commissions created under the provisions of chapter 473A,  
9 ~~all-hereinafter-called-political-subdivisions,-as-of-July-4,~~  
10 ~~1953.~~

11 If an interstate agency is established under chapter twenty-  
12 eight E (28E) of the Code and similar enabling legislation  
13 in an adjoining state, and a city had made contributions to  
14 the system for employees performing functions which are  
15 transferred to the interstate agency, the employees of the  
16 interstate agency who perform those functions shall be  
17 considered to be employees of the city for the sole purpose  
18 of membership in the system, although the employer  
19 contributions for those employees are made by the interstate  
20 agency.

21 Sec. 10. Section ninety-seven B point forty-one (97B.41),  
22 subsection three (3), paragraph b, subparagraph two (2), Code  
23 1979, as the section is amended by Acts of the Sixty-eighth  
24 General Assembly, 1979 Session, chapter thirty-four (34),  
25 section five (5), is amended to read as follows:

26 (2) Members of the general assembly of Iowa and temporary  
27 employees of the general assembly of Iowa unless such members  
28 or employees shall make an application to the department to  
29 be covered under the provisions of this chapter. A member  
30 of the general assembly or temporary employee of the general  
31 assembly who made an application to the department to be  
32 covered under this chapter may terminate membership under  
33 this chapter by informing the department in writing of the  
34 member's or temporary employee's termination.

35 Sec. 11. Section ninety-seven B point forty-one (97B.41),

1 subsection three (3), paragraph b, Code 1979, as the section  
 2 is amended by Acts of the Sixty-eighth General Assembly, 1979  
 3 Session, chapter thirty-four (34), section five (5), is amended  
 4 by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. Members of the state transportation  
 6 commission, the board of parole, and the state health  
 7 facilities council unless a member elects by filing an  
 8 application with the department to be covered under this  
 9 chapter.

10 Sec. 12. Section ninety-seven B point forty-one (97B.41),  
 11 subsection eleven (11), Code 1979, as that section is amended  
 12 by Acts of the Sixty-eighth General Assembly, 1979 Session,  
 13 chapter thirty-four (34), section five (5), is amended to  
 14 read as follows:

15 11. "Vested member" means a member who ~~had~~ terminated  
 16 employment in accordance with one of the following paragraphs:

17 a. Prior to July 1, 1965, after having attained the age  
 18 of forty-eight and completed at least eight years of service.

19 a b. ~~Prior to July 1~~ Between July 1, 1965 and June 30,  
 20 1973, after having completed at least eight years of service.

21 b c. On or after July 1, 1973, after having completed  
 22 at least four years of service ~~or.~~

23 e d. After having attained the age of fifty-five.

24 Sec. 13. Section ninety-seven B point forty-one (97B.41),  
 25 Code 1979, as that section is amended by Acts of the Sixty-  
 26 eighth General Assembly, 1979 Session, chapter thirty-four  
 27 (34), section five (5), is amended by adding the following  
 28 new subsection:

29 NEW SUBSECTION. "Inactive vested member" means an in-  
 30 active member who was a vested member at the time of termina-  
 31 tion of employment.

32 Sec. 14. Section ninety-seven B point forty-three (97B.43),  
 33 unnumbered paragraph two (2), Code 1979, as the section is  
 34 amended by Acts of the Sixty-eighth General Assembly, 1979  
 35 Session, chapter thirty-four (34), section six (6), is amended

1 to read as follows:

2 Any person with a record of thirty years as a public  
3 employee in the state of Iowa prior to July 1, 1947, and who  
4 is not eligible for prior service credit under other provisions  
5 of this section, ~~shall-be~~ is entitled to a credit for years  
6 of prior service in the determination of the retirement  
7 allowance payment under ~~any-of-the-provisions-of~~ this chapter,  
8 provided ~~such~~ the public employee makes application to the  
9 department of job service for ~~such~~ credit for prior public  
10 service, accompanied by such verification of the person's  
11 claim as the department may require. The person's allowance  
12 for prior service credits shall be computed in the same manner  
13 as otherwise provided in this section, but shall not exceed  
14 the sum of four hundred fifty dollars nor be less than three  
15 hundred dollars per annum. Any such person ~~shall-be~~ is  
16 entitled to receive retirement allowances computed as provided  
17 by this chapter, effective from the date of application to  
18 the department, provided such application is approved.

19 ~~Beginning~~ However, beginning July 1, 1975 the amount of such  
20 person's retirement allowance payment received during June,  
21 1975, as computed under this section shall be increased by  
22 two hundred percent and the allowance for prior service credits  
23 shall not exceed one thousand three hundred fifty dollars  
24 nor be less than nine hundred dollars per annum. There is  
25 appropriated from the general fund of the state to the Iowa  
26 department of job service from funds not otherwise appropriated  
27 an amount sufficient to fund the provisions of this paragraph.  
28 Effective July 1, 1980, a person with a record of thirty years  
29 as a public employee in the state of Iowa prior to July 1,  
30 1947 receiving retirement allowances under this chapter shall  
31 receive the monthly increase in benefits provided in section  
32 twenty-one (21) of this Act.

33 Sec. 15. Section ninety-seven B point forty-nine (97B.49),  
34 unnumbered paragraph one (1), Code 1979, as that section is  
35 amended by Acts of the Sixty-eighth General Assembly, 1979

1 Session, chapter thirty-four (34), sections seven (7), eight  
2 (8) and nine (9), is amended to read as follows:

3 Each member ~~shall~~, upon retirement on or after his or her  
4 normal retirement date, ~~be~~ is entitled to receive a monthly  
5 retirement allowance determined under this section. For an  
6 inactive vested member the monthly retirement allowance shall  
7 be determined on the basis of this section and section ninety-  
8 seven B point fifty (97B.50) of the Code as they are in effect  
9 on the date of the member's retirement.

10 Sec. 16. Section ninety-seven B point forty-nine (97B.49),  
11 subsection one (1), Code 1979, as that section is amended  
12 by Acts of the Sixty-eighth General Assembly, 1979 Session,  
13 chapter thirty-four (34), sections seven (7), eight (8) and  
14 nine (9), is amended to read as follows:

15 1. For each active member employed before January 1, 1976,  
16 and retiring on or after January 1, 1976, and for each member  
17 who ~~became-vested~~ was a vested member before January 1, 1976,  
18 with four or more complete years of service, a formula benefit  
19 shall be determined equal to the larger of the benefit  
20 determined under this subsection and subsection 3 of this  
21 section as applicable, or the benefit determined under  
22 subsection 5 of this section. The amount of the monthly  
23 formula benefit for each such active or vested member who  
24 retired on or after January 1, 1976, shall be equal to one-  
25 twelfth of one and fifty-seven hundredths percent per year  
26 of membership service multiplied by ~~his~~ the member's average  
27 annual covered wages; but in no case shall the amount of  
28 monthly formula benefit accrued for membership service prior  
29 to July 1, 1967, be less than the monthly annuity at the  
30 normal retirement date determined by applying the sum of the  
31 member's accumulated contributions, ~~his~~ the member's employer's  
32 ~~matching~~ accumulated contributions on or before June 30, 1967,  
33 and any retirement dividends standing to ~~his~~ the member's  
34 credit on or before December 31, 1966, to the annuity tables  
35 in use by the department with due regard to the benefits

1 payable from such accumulated contributions under sections  
2 97B.52 and 97B.53.

3 Sec. 17. Section ninety-seven B point forty-nine (97B.49),  
4 subsection five (5), unnumbered paragraph one (1), Code 1979,  
5 as that section is amended by Acts of the Sixty-eighth General  
6 Assembly, 1979 Session, chapter thirty-four (34), sections  
7 seven (7), eight (8), and nine (9), is amended to read as  
8 follows:

9 5. For each active member retiring ~~between July 1, 1978~~  
10 ~~and June 30, 1979~~ on or after January 1, 1976, with four or  
11 more complete years of service, a monthly benefit shall be  
12 computed which is equal to one-twelfth of an amount equal  
13 to ~~forty-four~~ forty-seven percent of the five-year average  
14 covered wage multiplied by a fraction of years of service.  
15 ~~For each active member retiring on or after July 1, 1979 the~~  
16 ~~monthly benefit computed under this subsection shall be equal~~  
17 ~~to one-twelfth of an amount equal to forty-six percent of~~  
18 ~~the five-year average covered wage multiplied by a fraction~~  
19 ~~of years of service.~~ For the purposes of this subsection,  
20 "fraction of years of service" means a number, not to exceed  
21 one, equal to the sum of the years of membership service and  
22 the number of years of prior service divided by thirty years.

23 Sec. 18. Section ninety-seven B point forty-nine (97B.49),  
24 subsection seven (7), Code 1979, as that section is amended  
25 by Acts of the Sixty-eighth General Assembly, 1979 Session,  
26 chapter thirty-four (34), sections seven (7), eight (8), and  
27 nine (9), is amended to read as follows:

28 7. Notwithstanding the provisions of this chapter, a  
29 member who is or has been employed as a conservation peace  
30 officer under the provisions of section 107.13 and who retires  
31 between on or after July 1, 1978 ~~and June 30, 1979~~ and at  
32 the time of retirement is at least sixty years of age and  
33 has completed at least twenty-five years of membership service  
34 as a conservation peace officer, may elect to receive, in  
35 lieu of the receipt of any benefits under subsection 5 of

1 this section, a monthly retirement allowance equal to one-  
 2 twelfth of ~~forty-four~~ forty-seven percent of the member's  
 3 five-year average covered wage as a conservation peace officer  
 4 multiplied by a fraction of years of service, with benefits  
 5 payable during the member's lifetime. ~~For each such member~~  
 6 ~~retiring on or after July 1, 1979, the monthly benefit computed~~  
 7 ~~under this subsection shall be equal to one-twelfth of an~~  
 8 ~~amount equal to forty-six percent of the five-year average~~  
 9 ~~covered wage as a conservation peace officer multiplied by~~  
 10 ~~a fraction of years of service.~~ There is appropriated from  
 11 the general fund of the state to the Iowa department of job  
 12 service from funds not otherwise appropriated an amount  
 13 sufficient to pay eight and forty-three hundredths percent  
 14 of the covered wages of each conservation peace officer, in  
 15 addition to the contribution paid by the employer under section  
 16 97B.11, to finance increased benefits to conservation peace  
 17 officers under this subsection.

18 Sec. 19. Section ninety-seven B point forty-nine (97B.49),  
 19 subsection eight (8), paragraph a, Code 1979, as that section  
 20 is amended by Acts of the Sixty-eighth General Assembly, 1979  
 21 Session, chapter thirty-four (34), sections seven (7), eight  
 22 (8), and nine (9), is amended to read as follows:

23 a. Notwithstanding the provisions of this chapter,  
 24 ~~effective July 1, 1979 to be included in county budgets for~~  
 25 ~~the fiscal year beginning July 1, 1979,~~ a member who is or  
 26 has been employed as a county sheriff, as defined in section  
 27 39.17, or as a deputy sheriff appointed pursuant to chapter  
 28 341, and who retires between on or after January 1, 1978 and  
 29 ~~June 30, 1979,~~ and at the time of retirement is at least sixty  
 30 years of age and has completed at least twenty-five years  
 31 of membership service as a county sheriff or deputy sheriff,  
 32 may elect to receive, in lieu of the ~~receipt of any~~ benefits  
 33 under subsection 5 of this section, a monthly retirement  
 34 allowance equal to one-twelfth of ~~forty-four~~ forty-seven  
 35 percent of the member's five-year average covered wage as

1 a sheriff or deputy sheriff multiplied by a fraction of years  
2 of service, with benefits payable during the member's lifetime.

3 ~~For each member eligible for a monthly retirement allow-~~  
4 ~~ance under this subsection who retires on or after July 1,~~  
5 ~~1979, the monthly benefit computed under this subsection shall~~  
6 ~~be equal to one-twelfth of forty-six percent of the member's~~  
7 ~~five-year average covered wage.~~

8 Sec. 20. Section ninety-seven B point forty-nine (97B.49),  
9 Code 1979, as that section is amended by Acts of the Sixty-  
10 eighth General Assembly, 1979 Session, chapter thirty-four  
11 (34), sections seven (7), eight (8), and nine (9), is amended  
12 by adding the following new subsection:

13 NEW SUBSECTION. Notwithstanding sections of this chapter  
14 relating to eligibility for and determination of retirement  
15 benefits, a vested member who is or has been employed as a  
16 correctional officer by the department of social services  
17 and who retires on or after July 1, 1983 and at the time of  
18 retirement is at least sixty years of age and has completed  
19 at least thirty years of membership service as a correctional  
20 officer, may elect to receive, in lieu of the receipt of  
21 benefits under subsection five (5) of this section, a monthly  
22 retirement allowance equal to one-twelfth of forty-seven  
23 percent of the member's five-year average covered wages as  
24 a correctional officer multiplied by a fraction of years of  
25 service, with benefits payable during the member's lifetime.

26 The department of social services and the department of  
27 merit employment shall jointly determine the applicable merit  
28 system job classifications of correctional officers.

29 The department of social services shall pay to the Iowa  
30 department of job service, from funds appropriated to the  
31 department of social services, an amount sufficient to pay  
32 one and seventy-one hundredths percent of the covered wages  
33 of each correctional officer, in addition to the employer  
34 contributions required in section ninety-seven B point eleven  
35 (97B.11) of the Code to pay for the lower retirement age for

1 correctional officers provided in this subsection.

2 Sec. 21. Section ninety-seven B point forty-nine (97B.49),  
3 Code 1979, as that section is amended by Acts of the Sixty-  
4 eighth General Assembly, 1979 Session, chapter thirty-four  
5 (34), sections seven (7), eight (8), and nine (9), is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. Effective July 1, 1980, for each member  
8 who retired from the system prior to January 1, 1976, and  
9 for each member who retired from the system on or after January  
10 1, 1976 under subsection one (1) of this section, the amount  
11 of regular monthly retirement allowance attributable to mem-  
12 bership service and prior service that was payable to the  
13 member for June 1980 is increased as follows:

14 a. For the first ten years of service, fifty cents per  
15 month for each complete year of service.

16 b. For the eleventh through the twentieth years of ser-  
17 vice, one dollar per month for each complete year of service.

18 c. For the twenty-first through the thirtieth years of  
19 service, one dollar and fifty cents per month for each complete  
20 year of service.

21 d. The amount of monthly increase payable to a member  
22 under this subsection is also payable to a beneficiary and  
23 a contingent annuitant and shall be reduced by an amount based  
24 upon the actuarial equivalent of the option selected in section  
25 ninety-seven B point fifty-one (97B.51) or section ninety-  
26 seven B point fifty-two (97B.52) of the Code compared to the  
27 full monthly benefit provided in this section.

28 However, effective July 1, 1980 the monthly retirement  
29 allowance attributable to membership service and prior service  
30 of a member, contingent annuitant and beneficiary shall not  
31 be less than five dollars times the number of complete years  
32 of service of the member, not to exceed thirty, reduced by  
33 an amount based upon the actuarial equivalent of the option  
34 selected in section ninety-seven B point fifty-one (97B.51)  
35 or section ninety-seven B point fifty-two (97B.52) of the

1 Code, compared to the full monthly retirement benefit provided  
2 in this section.

3 Sec. 22. Section ninety-seven B point fifty (97B.50),  
4 subsection one (1), Code 1979, as amended by Acts of the  
5 Sixty-eighth General Assembly, 1979 Session, chapter thirty-  
6 four (34), section ten (10), is amended to read as follows:

7 1. Except as otherwise provided in this section, a member,  
8 upon retirement prior to the normal retirement date, is  
9 entitled to receive a monthly retirement allowance determined  
10 in the same manner as provided for normal retirement in  
11 subsections 1, 4 and 5 of section 97B.49 reduced by as follows:

12 a. For a member who is less than sixty-two years of age,  
13 by five-tenths of one percent per month for each month that  
14 the member's early retirement date precedes the normal  
15 retirement date.

16 b. For a member who is at least sixty-two years of age  
17 and less than sixty-five years of age, by twenty-five  
18 hundredths of one percent per month for each month that the  
19 early retirement date precedes the normal retirement date.

20 Sec. 23. Section ninety-seven B point fifty-one (97B.51),  
21 subsection one (1), Code 1979, is amended to read as follows:

22 1. A member may elect to receive a decreased retirement  
23 allowance during ~~his~~ the member's lifetime and have ~~such~~ the  
24 decreased retirement allowance (or a designated fraction  
25 thereof) continued after ~~his~~ the member's death to another  
26 person, called a contingent annuitant, during the lifetime  
27 of the contingent annuitant. The member cannot change the  
28 contingent annuitant after the member's retirement. In case  
29 of ~~such-an~~ the election of a contingent annuitant, no death  
30 benefits, as might otherwise be provided by this chapter,  
31 will be payable upon the death of either the member or the  
32 contingent annuitant after the member's retirement.

33 Sec. 24. Section ninety-seven B point fifty-three (97B.53),  
34 subsection two (2), Code 1979, is amended to read as follows:

35 2. If ~~the~~ a vested member's employment ~~with-the-employer~~

1 of-a-member is terminated prior to the member's retirement,  
2 other than by death, ~~but after the member has either~~  
3 ~~a---Completed-at-least-four-years-of-service, or~~  
4 ~~b---Has-attained-the-age-of-fifty-five,~~ the member shall  
5 receive a monthly retirement allowance commencing on the first  
6 day of the month in which the member attains the age of sixty-  
7 five years, if the member is then alive, or, if the member  
8 so elects in accordance with section 97B.47, commencing on  
9 the first day of the month in which the member attains the  
10 age of fifty-five and or any month thereafter prior to the  
11 date the member attains the age of sixty-five years, and  
12 continuing on the first day of each month thereafter during  
13 the member's lifetime, provided the member does not receive  
14 prior to the date the member's retirement allowance is to  
15 commence a refund of accumulated contributions under any of  
16 the provisions of this chapter. The amount of each such  
17 monthly retirement allowance shall be determined as provided  
18 in either section 97B.49 or in section 97B.50, whichever is  
19 applicable.

20 Sec. 25. Section ninety-seven B point fifty-nine (97B.59),  
21 Code 1979, is amended to read as follows:

22 97B.59 ACTUARY EMPLOYED. The ~~department~~ legislative  
23 council shall employ an actuary for the department to serve  
24 as its technical advisor. The compensation of the actuary  
25 and of other employees shall be fixed by the department within  
26 the appropriations made therefor and subject to the approval  
27 of the legislative council.

28 Sec. 26. Section ninety-seven B point sixty-seven (97B.67),  
29 Code 1979, is amended by adding the following new subsection:

30 NEW SUBSECTION. It is the intent of the general assembly  
31 that the general assembly meeting in 1982 review whether there  
32 is sufficient unobligated revenue in the general fund of the  
33 state to appropriate funds to pay the benefit increases  
34 provided in sections three (3), fourteen (14) and twenty-one  
35 (21) of this Act from the general fund of the state, and if

1 sufficient revenue is available, the general assembly shall  
2 appropriate the funds necessary.

3 Sec. 27. Section ninety-seven B point seventy-three  
4 (97B.73), Code 1979, as amended by Acts of the Sixty-eighth  
5 General Assembly, 1979 Session, chapter thirty-four (34),  
6 section eleven (11), is amended to read as follows:

7 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS. A vested or  
8 retired member who was ~~not a vested member of a public~~  
9 ~~retirement-system-established-under-sections-294-87--294-97~~  
10 ~~and-294-10-or~~ a public retirement system in another state  
11 but was not vested or retired under that system may, upon  
12 submitting verification of membership and service in the other  
13 public retirement system to the department not later than  
14 July 1, 1979 for members vested on July 1, 1978 or within  
15 one year after the member becomes vested, make employer and  
16 employee contributions to the system for the period of service  
17 in the other public retirement system and receive credit for  
18 membership service in this system equivalent to the number  
19 of years of service in the other public retirement system.  
20 The contributions paid by the vested or retired member for  
21 service in the other public retirement system shall be equal  
22 to the accumulated contributions as defined in section 97B.41,  
23 subsection 13, by the member for that period of ~~membershp~~  
24 service and the ~~contributions-of-the~~ employer ~~which-would~~  
25 ~~have-been-contributed~~ contribution for that period of  
26 ~~membershp~~ service that would have been contributed by the  
27 vested or retired member and the employer plus interest on  
28 the contributions that would have accrued if the member had  
29 been a member of this system earning the same wages earned  
30 under the other system for the period from the date of service  
31 of the member in the other public retirement system to the  
32 date of payment of the contributions by the member equal to  
33 two percent plus the interest dividend rate applicable for  
34 each year.

35 This section is applicable to a vested or retired member

1 who was a member of a public retirement system established  
2 in section two hundred ninety-four point eight (294.8), two  
3 hundred ninety-four point nine (294.9), and two hundred ninety-  
4 four point ten (294.10) of the Code but was not vested or  
5 retired under that system. However, the verification and  
6 contributions must be submitted not later than July 1, 1981  
7 for members who were vested members on July 1, 1980 or within  
8 one year after the member becomes a vested member of this  
9 system.

10 Sec. 28. Section ninety-seven C point eleven (97C.11),  
11 Code 1979, is amended to read as follows:

12 97C.11 PAYMENT--ADJUSTMENT OR REFUND. ~~Such-taxes-as~~ Taxes  
13 deducted by the employer from the earnings of employees or  
14 upon the employers shall be paid in ~~such a~~ a manner, at ~~such~~  
15 times and under ~~such~~ conditions ~~as-may-be~~ prescribed by the  
16 state agency. However, the taxes shall be remitted monthly  
17 by the employer. If more or less than the correct amount  
18 of the tax imposed upon the employer is paid or deducted,  
19 proper adjustments or refund, if adjustment is impracticable,  
20 shall be made in ~~such a~~ a manner and at ~~such~~ times as the state  
21 agency ~~shall-prescribe~~ prescribes.

22 Sec. 29. Section three hundred eighty-four point six  
23 (384.6), subsection one (1), Code 1979, as amended by Acts  
24 of the Sixty-eighth General Assembly, 1979 Session, chapter  
25 thirty-four (34), section thirteen (13), and chapter eighty-  
26 five (85), section one (1), is amended to read as follows:

27 1. Accounting for pension and related employee benefit  
28 funds as provided by the city finance committee. A city may  
29 make contributions to a retirement system other than the Iowa  
30 public employees' retirement system for its city manager,  
31 or city administrator performing the duties of city manager,  
32 in an annual amount not to exceed the amount that would have  
33 been contributed by the employer under ~~the-provisions-of~~  
34 section 97B.11. If a police chief or fire chief has submitted  
35 a written request to the board of trustees to be exempt from

1 chapter four hundred eleven (411) of the Code, authorized  
2 in section four hundred eleven point three (411.3), subsection  
3 one (1) of the Code, a city shall make contributions for the  
4 chief, in an amount not to exceed the amount that would have  
5 been contributed by the city under section four hundred eleven  
6 point eight (411.8), subsection one (1), paragraph a, of the  
7 Code, to the international city management  
8 association/retirement corporation. A city may certify taxes  
9 to be levied for a trust and agency fund in the amount  
10 necessary to meet its obligations.

11 Sec. 30. Section four hundred eleven point three (411.3),  
12 subsection one (1), Code 1979, is amended to read as follows:

13 1. All persons who become police officers or fire fighters  
14 after the date the retirement systems are established by this  
15 chapter, shall become members thereof as a condition of their  
16 employment, except that a police chief or a fire chief who  
17 would not complete twenty-two years of service under this  
18 chapter by the time the chief attains fifty-five years of  
19 age shall, upon written request to the board of trustees,  
20 be exempt from this chapter. Notwithstanding section ninety-  
21 seven B point forty-one (97B.41) of the Code, a police chief  
22 or fire chief who is exempt from this chapter is exempt from  
23 chapter ninety-seven B (97B) of the Code. Such-members Members  
24 of the system established in this chapter shall not be required  
25 to make contributions under any other pension or retirement  
26 system of city, county, or state of Iowa, anything to the  
27 contrary notwithstanding.

28 Sec. 31. Section four hundred eleven point four (411.4),  
29 Code 1979, is amended by adding the following new unnumbered  
30 paragraph:

31 NEW UNNUMBERED PARAGRAPH. The board of trustees shall  
32 credit as service for a member of the system a previous period  
33 of service for which the member had withdrawn the member's  
34 accumulated contributions, as defined in section four hundred  
35 eleven point twenty-one (411.21) of the Code.

1 Sec. 32. Section four hundred eleven point six (411.6),  
2 subsections four (4) and six (6), Code 1979, as the section  
3 is amended by Acts of the Sixty-eighth General Assembly, 1979  
4 Session, chapter thirty-four (34), sections sixteen (16) and  
5 seventeen (17), and chapter thirty-five (35), section nine  
6 (9), is amended to read as follows:

7 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon  
8 retirement for ordinary disability a member shall receive  
9 ~~a-service-retirement-allowance-if-the-member-has-attained~~  
10 ~~the-age-of-fifty-five, otherwise-the-member-shall-receive~~  
11 an ordinary disability retirement allowance which shall consist  
12 of a pension which shall equal forty percent of the member's  
13 average final compensation except if the member has not had  
14 five or more years of membership service the member shall  
15 receive a pension equal to one-fourth of the member's average  
16 final compensation.

17 6. RETIREMENT AFTER ACCIDENT. Upon retirement for  
18 accidental disability a member shall receive ~~a-service~~  
19 ~~retirement-allowance-if-the-member-has-attained-the-age-of~~  
20 ~~fifty-five, otherwise-the-member-shall-receive~~ an accidental  
21 disability retirement allowance which shall consist of a  
22 pension equal to 66 2/3 percent of the member's average final  
23 compensation.

24 Sec. 33. Section four hundred eleven point six (411.6),  
25 subsection twelve (12), paragraph a, unnumbered paragraph  
26 one (1), Code 1979, as amended by Acts of the Sixty-eighth  
27 General Assembly, 1979 Session, chapter thirty-four (34),  
28 section sixteen (16), and as the section is amended by Acts  
29 of the Sixty-eighth General Assembly, 1979 Session, chapter  
30 thirty-five (35), section (9), and chapter thirty-four (34),  
31 section seventeen (17), is amended to read as follows:

32 ~~As-of-the-first-of-July-of-each-year-for-members-who-retire~~  
33 ~~on-or-after-July-1-1979~~ Effective July 1, 1980 and on each  
34 July first thereafter, the monthly pensions authorized in  
35 this section payable to retired members and to beneficiaries,

1 except children of a deceased member, shall be adjusted as  
2 provided in this paragraph. An amount equal to the following  
3 percentages of the difference between the monthly earnable  
4 compensation ~~received-by~~ payable to an active member of the  
5 department, of the same rank and position on the salary scale  
6 as was held by the retired or deceased member at the time  
7 of the member's retirement or death, for July of the preceding  
8 year and the monthly earnable compensation payable to an  
9 active member of the department of the same rank and position  
10 on the salary scale for July of the year just beginning shall  
11 be added to the monthly pension of each retired member and  
12 each beneficiary as follows:

13 (1) Twenty-five percent for members ~~eligible-for~~ receiving  
14 a service retirement allowance ~~or-their~~ and for beneficiaries  
15 receiving a pension under subsection nine (9) of this section.

16 (2) Twenty percent for members with five or more years  
17 of membership service who are ~~eligible-for~~ receiving an  
18 ordinary disability retirement allowance ~~or-their~~  
19 beneficiaries.

20 (3) Twelve and one-half percent for members with less  
21 than five years of membership service who are ~~eligible-for~~  
22 receiving an ordinary disability retirement allowance or  
23 their, and for beneficiaries receiving a pension under  
24 subsection eight (8) of this section.

25 (4) Thirty-three and one-third percent for members ~~eligible~~  
26 for receiving an accidental disability allowance ~~or-their~~  
27 beneficiaries.

28 The adjusted monthly pension shall not be less than the  
29 amount which was paid at the time of the member's retirement  
30 or death.

31 The amount added to the monthly pension of a surviving  
32 spouse receiving a pension under subsection twelve (12),  
33 paragraph a of this section shall be equal to one-half the  
34 amount that would have been added to the monthly pension of  
35 the retired member.

1     Sec. 34. Section four hundred eleven point twenty-one  
2 (411.21), subsection two (2), Code 1979, as the section is  
3 amended by Acts of the Sixty-eighth General Assembly, 1979  
4 Session, chapter thirty-four (34), section nineteen (19),  
5 is amended by adding the following subsection:

6     NEW SUBSECTION. "Member who became vested" and "vested  
7 member" mean a member who has been a member of the retirement  
8 system fifteen or more years and is entitled to benefits under  
9 this chapter.

10    Sec. 35. Section four hundred eleven point twenty-one  
11 (411.21), subsection five (5), Code 1979, as the section is  
12 amended by Acts of the Sixty-eighth General Assembly, 1979  
13 Session, chapter thirty-four (34), section nineteen (19),  
14 is amended to read as follows:

15    5. A member of the retirement system prior to July 1,  
16 1979 with fifteen or more years of service whose employment  
17 was terminated prior to retirement, other than by death or  
18 disability, ~~shall-be~~ is entitled to receipt of his or her  
19 accumulated contributions upon retirement together with other  
20 retirement benefits provided in the law on the date of the  
21 member's retirement. ~~However,--the-member-shall-not-be-eligible~~  
22 ~~for-a-service-retirement-allowance-under-section-411-6-if~~  
23 ~~he-or-she-has-chosen-to-withdraw-his-or-her-accumulated~~  
24 ~~contributions-from-the-annuity-savings-fund-~~

25    Sec. 36. Section four hundred eleven point twenty-one  
26 (411.21), subsection seven (7), unnumbered paragraph one (1),  
27 Code 1979, as the subsection is amended by Acts of the Sixty-  
28 eighth General Assembly, 1979 Session, chapter thirty-four  
29 (34), section nineteen (19), is amended to read as follows:

30    7. Notwithstanding ~~the-provisions-of~~ subsections 1, 3,  
31 4, 5, 6 of this section, beginning January 1, 1981, an active  
32 or vested member may request in writing and receive from the  
33 board of trustees, his or her accumulated contributions from  
34 the annuity savings fund and remain eligible to receive  
35 benefits under section four hundred eleven point six (411.6)

1 of the Code. However, a member with fifteen or more years  
2 of service prior to July 1, 1979, is not eligible for a service  
3 retirement allowance under section four hundred eleven point  
4 six (411.6) of the Code if he or she withdrew his or her  
5 accumulated contributions from the annuity savings fund prior  
6 to July 1, 1979, except as provided in section four hundred  
7 eleven point four (411.4) of the Code. Accumulated  
8 contributions shall be paid according to the following  
9 schedule:

10 Sec. 37. Section six hundred two point fifty-five (602.55),  
11 Code 1979, is amended to read as follows:

12 602.55 FUNDS, REPORTS. Each month each judicial magistrate  
13 and district associate judge shall file with the clerk of  
14 the district court of the proper county a sworn, itemized  
15 statement, of all cases disposed of and all funds received  
16 and disbursed per case, and at least monthly shall remit to  
17 the clerk all funds received by him or her. The clerk shall  
18 provide adequate clerical assistance to judicial magistrates  
19 and district associate judges to carry out this section.  
20 The clerk shall remit ninety percent of all fines and forfeited  
21 bail received from a magistrate or district associate judge  
22 to the city that was the plaintiff in any action, and shall  
23 provide that city with a statement showing the total number  
24 of such cases, the total of all fines and forfeited bail  
25 collected and the total of all cases dismissed. The clerk  
26 shall remit the remaining ten percent to the county treasurer  
27 for deposit in the county general fund. The clerk shall remit  
28 to the treasurer of the county, for the benefit of the school  
29 fund, all other fines and forfeited bail received from a  
30 magistrate. All fees and costs for the filing of a complaint  
31 or information or upon forfeiture of bail received from a  
32 magistrate shall be remitted monthly by the clerk as follows:

33 1. ~~Three-fifths~~ Two-thirds to the ~~state~~ state treasurer of state  
34 to be credited to the general fund of the state.

35 2. ~~Two-fifths~~ One-third to the county treasurer to be

1 credited to the general fund of the county.

2 Sec. 38. Section six hundred two point sixty-three  
3 (602.63), Code 1979, is amended to read as follows:

4 602.63 DOCKETS, JUDGMENTS, COSTS. The clerk of the  
5 district court of the county in which a judicial magistrate  
6 resides shall furnish the judicial magistrate, district  
7 associate judge, or district judge acting as judicial  
8 magistrate, a docket in which shall be entered all proceedings  
9 except small claims. Such docket shall be indexed and shall  
10 contain in each case the title and nature of the action; place  
11 of hearing; appearances; and notations of the documents filed  
12 with the judicial magistrate, of the proceedings in the case  
13 and orders made, of the verdict and judgment including costs,  
14 of any satisfaction of the judgment, of whether the judgment  
15 was certified to the clerk of the district court, of whether  
16 an appeal was taken, and of the amount of the appeal bond.  
17 All costs in criminal cases shall be assessed and distributed  
18 as in chapter 606, except that the cost of filing and docketing  
19 of a complaint or information for a nonindictable misdemeanor  
20 shall be ~~five~~ six dollars which shall be distributed pursuant  
21 to section 602.55. The ~~five~~ six dollar cost for filing and  
22 docketing a complaint or information for a nonindictable  
23 misdemeanor shall not apply in cases of overtime parking.  
24 If the judgment and costs are not fully and immediately  
25 satisfied in criminal cases, the judicial magistrate shall  
26 promptly certify a copy of the judgment to the clerk of the  
27 district court indicating thereon the portion unsatisfied;  
28 and the clerk shall index and file the judgment, whereupon  
29 it shall be a judgment of the district court without recording.  
30 The chief judge of a district may order that criminal  
31 proceedings which are within the jurisdiction of judicial  
32 magistrates and district associate judges be combined into  
33 centralized dockets for the county if the chief judge  
34 determines that administration could be improved thereby.  
35 When so ordered, a centralized docket shall be in lieu of

1 individual dockets otherwise prescribed, and the clerk shall  
2 compile a centralized docket in the manner prescribed for  
3 an individual docket. The chief judge may assign actions  
4 and proceedings on centralized dockets to judicial magistrates  
5 and district associate judges as he or she deems necessary.

6 Sec. 39. Chapter six hundred five A (605A), Code 1979,  
7 is amended by adding the following new section:

8 NEW SECTION. ACTUARIAL VALUATION. The court administrator  
9 shall cause an actuarial valuation to be made of the assets  
10 and liabilities of the judicial retirement fund at least once  
11 every four years commencing with the fiscal year beginning  
12 July 1, 1981. The court administrator shall adopt mortality  
13 tables and other necessary factors for use in the actuarial  
14 calculations required for the valuation upon the recommenda-  
15 tion of the actuary. Following the actuarial valuation, the  
16 court administrator shall determine the condition of the  
17 system and shall report its findings and recommendations to  
18 the general assembly.

19 The cost of the actuarial valuation shall be paid from  
20 the judicial retirement fund.

21 Sec. 40. Section six hundred six point fifteen (606.15),  
22 subsection one (1), Code 1979, is amended to read as follows:

23 1. For filing any petition, appeal, or writ of error and  
24 docketing the same, ~~seven~~ eight dollars. Four dollars of  
25 such fee shall remain in the county treasury for the use of  
26 the county, and ~~three~~ four dollars of such fee shall be paid  
27 into the state treasury and deposited in the general fund  
28 of the state. In counties having a population of one hundred  
29 thousand or over, an additional one dollar shall be charged  
30 and collected, to be known as the journal publication fee  
31 and to be used for the purposes provided for in section 618.13.

32 Sec. 41. Section eight hundred five point six (805.6),  
33 subsection one (1), paragraph a, Code 1979, is amended to  
34 read as follows:

35 a. The commissioner of public safety and the state

1 conservation director, acting jointly, shall adopt a uniform,  
2 combined citation and complaint which shall be used for  
3 charging all traffic violations in Iowa under state law or  
4 local regulation or ordinance, and which shall be used for  
5 charging all other violations which are designated by section  
6 805.8 to be scheduled violations. This subsection shall not  
7 be deemed to prevent the charging of any of those violations  
8 by information, by private complaint filed under the provisions  
9 of chapter 804, or by a simple notice of fine where permitted  
10 by section 321.236, subsection 1. Each uniform citation and  
11 complaint shall be serially numbered and shall be in  
12 quintuplicate, and the officer shall deliver the original  
13 and a copy to the court where the defendant is to appear,  
14 two copies to the defendant, and a copy to the law enforcement  
15 agency of the officer. The court shall forward the copy of  
16 the uniform citation and complaint in accordance with section  
17 321.207 when applicable. The uniform citation and complaint  
18 shall contain spaces for the parties names; the address of  
19 the alleged offender; the registration number of the offender's  
20 vehicle; the information required by section 805.2; a promise  
21 to appear as provided in section 805.3 and a place where the  
22 cited person may sign the promise to appear; a list of the  
23 scheduled fines prescribed by section 805.8, either separately  
24 or by group, and a statement that the court costs in scheduled  
25 offense cases, whether or not a court appearance is required  
26 or is demanded, shall be ~~five~~ six dollars; a brief explanation  
27 of sections 805.9 and 805.10; a space where the defendant  
28 may sign an admission of the violation when permitted by  
29 section 805.9; and the uniform citation and complaint shall  
30 require that the defendant appear before a court at a specified  
31 time and place. The uniform citation and complaint also may  
32 contain a space for the imprint of a credit card, and may  
33 contain any other information which the commissioner of public  
34 safety and the state conservation director may determine.

35 Sec. 42. The legislative council is requested to establish

1 an interim study committee composed of members of the house  
2 and senate committees on state government for the purpose  
3 of studying the public retirement systems of this state, in-  
4 cluding but not limited to a definition of earnable compensa-  
5 tion for members of the peace officers' retirement system  
6 and local police and fire retirement systems, the status of  
7 former members of the peace officers' retirement system and  
8 local police and fire retirement systems who withdrew their  
9 accumulated contributions prior to July 1, 1979, the  
10 advisability of retaining outside income limits for persons  
11 receiving disability retirement allowances under the peace  
12 officers' retirement system and local police and fire  
13 retirement systems and a method of funding retirement increases  
14 in the future.

15 The study committee shall make periodic reports to the  
16 legislative council and a final report to the committees on  
17 state government, the legislative council, and the general  
18 assembly meeting in the year 1981, accompanied by any bill  
19 drafts required to implement the recommendations of the study  
20 committee.

21 Sec. 43. Retirement allowance changes granted in this  
22 Act take effect on July 1, 1980 unless otherwise specified  
23 in this Act, except that changes for members of the general  
24 assembly take effect January 12, 1981.

25 EXPLANATION

26 Sections 1, 2, 37, 38, 40 and 41 increase court filing  
27 fees by one dollar and provide that the additional money will  
28 be deposited in the general fund of the state. It appropriates  
29 from the general fund to the judicial retirement fund to the  
30 judicial retirement fund \$720,000 which is approximately the  
31 amount that the increased fees will have brought in during  
32 the current year. The treasurer of state is required to  
33 report to the governor and general assembly court costs  
34 received by the state.

35 Sections 3, 14 and 21 provide benefit increases for IPERS

1 members retiring before 1976, members retiring after 1975  
2 under the previous method of determining benefits, IOASI  
3 members, and public employees with 30 years of service before  
4 1947. It provides up to a \$30/month increase in benefits  
5 for employees with 30 years of service. It guarantees that  
6 retirees will receive at least \$5/month per year of service.  
7 Beneficiaries and contingent annuitants also receive an  
8 increase.

9 Sections 4, 8, 31 and 36 provide that a member of the peace  
10 officers' retirement system or local police or fire retirement  
11 system who left the system and subsequently returned can count  
12 the previous years of service toward their total years of  
13 service.

14 Sections 5 and 32 provide that a member of the peace  
15 officers' retirement system or local police or fire retirement  
16 system who is disabled after the member reaches fifty-five  
17 years of age will receive the disability retirement allowance.

18 Sections 6 and 33 make technical changes to the escalator  
19 provisions of the peace officers' retirement system and the  
20 police and fire retirement systems. It provides percentages  
21 for increases for ordinary death and accidental death benefits.  
22 It reduces the increase given to surviving spouses to one-  
23 half what the member would have received. It applies the  
24 new calculation method to all retired members, not just those  
25 retiring on or after July 1, 1979.

26 Sections 7, 8, 34 and 35 clarify sections relating to the  
27 receipt of contributions by the members of the peace officers'  
28 retirement system and local police and fire retirement systems.  
29 The term "vested member" is defined and the sections clarify  
30 that members who withdrew their contributions prior to July  
31 1, 1979 are not eligible for retirement allowances.

32 Section 9 provides for a continuation of IPERS benefits  
33 for a city agency whose functions are transferred to an  
34 interstate agency.

35 Section 10 allows members of the general assembly and

1 temporary employees of the general assembly who have opted  
2 to be covered under IPERS to opt out of IPERS coverage.

3 Section 11 exempts members of the state transportation  
4 commission, the board of parole, and the state health  
5 facilities council from IPERS unless they opt to be covered.

6 Section 12 contains a technical change to reenact obsolete  
7 language for the definition of vested member.

8 Section 13 defines inactive vested member, a term used  
9 in section 15 of the bill.

10 Section 15 provides that the retirement allowances of  
11 vested members who have terminated employment prior to their  
12 retirement will be determined on the basis of the retirement  
13 law which is in effect on the member's retirement date.

14 Section 16 makes a technical change so that the term "vested  
15 member" which is defined in the chapter is used in the section.

16 Sections 17, 18 and 19 increase the formula benefit on  
17 July 1, 1980 from 46% to 47% of the final five-year average  
18 covered wage for all future retirees and from 40%, 44%, or  
19 46% to 47% for all persons retiring since January 1, 1976.

20 Section 20 provides full retirement benefits for  
21 correctional officers at age 60 after 30 years of service  
22 to be funded from funds appropriated to the department of  
23 social services. It is effective for members who retire on  
24 or after July 1, 1983. It requires the department to pay  
25 an additional 1.71 percent of covered wages of correction  
26 officers.

27 Section 22 reduces the early retirement penalty from .5%  
28 per month to .25% per month for persons between ages 62 and  
29 65.

30 Section 23 prohibits a member from changing the member's  
31 contingent annuitant after the member's retirement.

32 Section 24 is a technical change which relates to the term  
33 "vested member".

34 Section 25 requires that the legislative council employ  
35 the actuary for the department of job service.

1 Section 26 expresses the intent of the general assembly  
2 to review in 1982 the financial resources in the general fund  
3 and to appropriate money to pay for the benefit increases  
4 granted in the bill for persons retiring before January 1,  
5 1976.

6 Section 27 corrects the date problem for members of  
7 teachers' retirement systems and allows vested members until  
8 July 1, 1981 to make the additional contributions in order  
9 to add the years as a member of a teachers' retirement system  
10 to their IPERS service. It also clarifies the provisions  
11 of the buy-back.

12 Section 28 requires that social security taxes be remitted  
13 monthly by the employers.

14 Sections 29 and 30 allow a police chief or fire chief who  
15 would not complete 22 years of service under the system to  
16 opt out of chapter 411 and have contributions made to the  
17 international city management association/retirement  
18 corporation.

19 Section 39 requires that an actuarial valuation of the  
20 judicial retirement system be conducted at least once every  
21 four years and that the mortality tables and other necessary  
22 factors used in calculations be adopted upon the recommenda-  
23 tion of the actuary.

24 Section 42 provides for an interim study.

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Office of the Governor

STATE CAPITOL  
DES MOINES, IOWA 50319

ROBERT D. RAY  
GOVERNOR

May 20, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2598, an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

X House File 2598 is approved May 20, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 25 which reads as follows:

Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.

I am unable to approve the item designated in the Act as Section 26 which reads as follows:

Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

Currently the law authorizes the Department of Job Service, which administers the IPERS system, to hire an actuary for the pension plan. Section 25 would transfer that authority to the Legislative Council and further provides that the Legislative Council must approve the compensation to be paid not only to the actuary, but all the other IPERS employees as well.

This is clearly a very blatant attempt by the legislature to assume executive authority contrary to the Constitution. The administration of IPERS requires the ability for the Executive Branch to evaluate the soundness of the system and protect its long-standing, financial integrity. An actuary is needed to do the actuarial investigations and annual actuarial valuations required by law. The actuary employed for these purposes must be free from political pressure, which employment by the legislature could jeopardize.

The legislature obviously has need for expert advice when it considers complex and technical pension legislation. It has that through the IPERS actuary. If it believes that yet another view apart from the IPERS actuary is needed, the legislature could hire its own expert. Although it does not seem needed, such an arrangement would provide for an independent analysis of reports from the IPERS office and their actuary, much like the current arrangement between the State Comptroller and the Legislative Fiscal Director.

Beyond the issue of separate actuaries, I am also concerned with the provision for determining the compensation for all employees in the IPERS office by the Legislative Council. The legislature has complete power today to review, revise and approve the budget for the IPERS office. However, the power of the purse does not provide the legislature with the right to invade the administration of an executive agency, hire its employees and determine the salaries of all its employees. As legislators are quick to point out apparent intrusions by agencies into the legislative arena through rule-making, they should also be mindful of their tendencies to encroach into the Executive Branch of government. The setting of salaries is basic to any administration and should not be delegated to another branch of government.

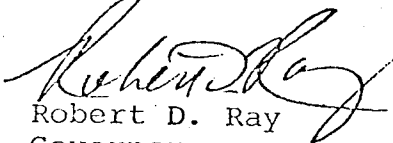
Section 26 of the bill provides legislative intent to reconsider in 1982 the question of funding certain benefits this bill authorizes from the state's general fund rather than from the IPERS trust fund. The latter arrangement was finally agreed to this year after long debate and was influenced by the decline in state general fund revenues experienced late in the session.

The Honorable Melvin D. Synhorst  
Page 3  
May 20, 1980

Since the question of which source of funds should be used can always be raised with or without this section and the fact that we must continue to be cautious about incurring future obligations to the general fund, I believe it is inappropriate to keep this language in the bill. We may be hard pressed in the next biennium to meet the needs of existing state programs and responsibilities already financed from the general fund. Since actuaries have assured us that the IPERS trust fund has sufficient funds to finance all the IPERS improvements included in the bill, it appears that we can accept the arrangement approved this year. It would be unfair to mislead people into believing the source of funding will be easily changed, especially when there are so many other pressing, unmet needs.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2598 are hereby approved as of this date.

Sincerely,

  
Robert D. Ray  
Governor

RDR:cg

cc: Secretary of the Senate  
Chief Clerk of the House

While the General Assembly did amend the court cost provisions in §602.63, supra, and did amend the requirements of the Uniform Citation and Complaint form to include a statement that court costs for scheduled violations would be six dollars, it did not amend several subsections of 805.9, The Code (1979), which refer to court costs in specific situations. They include when the defendant wants to mail in the amount of the fine plus costs, 805.9(1)-(2), when the officer allows the defendant to mail in the amount of the fine plus costs in lieu of arrest, 805.9(3)(a), or when the defendant appears in court and admits the violation and the fine is not suspended, 805.9(4)-(5). Those sections still state that court costs are five dollars.

Also relevant to the discussion are §§805.6(1)(c) and 805.9(3)(b), The Code (1979) which set forth the method of computing an unsecured appearance bond. The formula in each case includes the addition of five dollars, rather than six dollars, in court costs. §805.6(1)(c)(2) was completely rewritten by Senate File 278, also passed by the recent General Assembly. Yet the legislature retained the five dollar figure.

Attention should be given to 805.9(6), The Code (1979), which states:

The five dollars in costs imposed by this section shall be the total costs collectible from any defendant upon either an admission of a violation without a hearing, or upon a hearing pursuant to subsection 4. Fees shall not be imposed upon or collected from any defendant for the purposes specified in 606.15 subsection 9, 10 or 20. [Extra charges for entering final judgment, taxing costs and entering satisfaction of judgment respectively.]

However, §805.11, The Code (1979), states in pertinent part:

If the defendant is convicted of a scheduled violation, the penalty shall be the scheduled fine, without suspension of the fine prescribed in section 805.8 together with costs assessed and distributed as prescribed by §602.63. . . .

Upon the conviction of a defendant of a violation specified in sections 805.8 or 805.10, fees shall not be imposed or collected for the purposes specified in section 606.15, subsection 9, 10 or 20. (emphasis added)

As noted above, the cost provision of §602.63 regarding filing and docketing fees was amended by H.F. 2598.

Section 2 of H.F. 2598 appropriates \$720,000 to the judicial retirement fund. The explanation in the draft of the bill indicates that this money was the approximate amount to be generated by the increased court fees in the act. This explanation of the appropriation is supported by a memorandum dated March 5, 1980, from Gary Kaufman, Legislative Service Bureau Legal Counsel, to Rep. Reid Crawford. That memorandum indicates that with an extra dollar added to court costs for nonindictable misdemeanors, the state would incur approximately \$732,000 in increased revenue. Section 37 of the act changes the state's share of these fees from three fifths to two thirds.

House File 2598 has apparently created a conflict as to the amount of court costs properly assessed in criminal actions involving scheduled offenses.

In light of these developments you have asked the following questions:

- (1) Is §805.6(1)(a) of The Code as amended by H.F. 2598 controlling as to the amount of court costs assessed in cases involving scheduled offenses charged under the provisions of Chapter 805 on Uniform Citations and Complaints, and
- (2) If H.F. 2598 is not controlling and court costs in such cases remain set at five dollars, should the uniform citation and complaint form be changed in accordance with that bill despite the fact that such information regarding costs would in fact be erroneous, confusing and misleading?

The answer to your question is a qualified yes. §805.6(1)(a), The Code (1979), as amended, is not controlling over the court cost provisions in §805.9. It is evidence of the legislature's intent to include an increase of §805.9 fees within the general fee increase from five to six dollars provided by §38, H.F. 2598, as it amends §602.63, The Code (1979). In construing H.F. 2598, all of its provisions must be considered to determine its proper construction. It is axiomatic that the ultimate goal in statutory construction is to determine the intent of the legislature and to give effect to that intent whenever possible, Doe v. Ray, 251 N.W.2d 496, 500 (Iowa, 1977). A careful analysis of the provisions of H.F. 2598 indicates a clear legislative intent to raise §805.9 fees to six dollars.

The following sections are indicative of such an intent:

1. Section 2 of the act appropriates \$720,000.00 to the judicial retirement fund. The above described memorandum from the Legislative Service Bureau to Representative Crawford indicates that the computation of this appropriation included the State's share of an additional dollar in §805.9 fees.

2. Section 37 of the act changes the State's share of filing fees and forfeiture of bail, including \$805.9 fees, from three-fifths to two-thirds, or, in fact, from three to four dollars. The legislature is making sure that the State's share comes out to an even dollar amount. It also reinforces the finding that this increase is for the benefit of the judicial retirement fund, because none of the increase goes to the county, and, therefore, that \$805.9 fees are to be increased by this act.

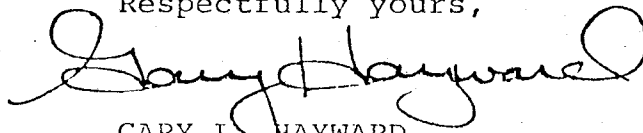
3. Section 38 of the act amends §602.63, The Code (1979), to increase filing and docketing fees for all nonindictable misdemeanors from five to six dollars. The amendment of this section must be viewed as controlling over §805.9 fees if the legislature's intent is to be effected. §602.63 is primarily concerned with court costs. §805.9 is primarily concerned with procedure for scheduled offenses. The legislature apparently views the provisions of §805.9 to mean that if a defendant complies with the conditions set in that section, court costs will be limited to the costs of filing and docketing the action. This construction, of course, would be much easier had the legislature chosen to either expressly tie §805.9 court costs to the §602.63 filing fee amount or to amend §805.9 along with the other provisions amended by H.F. 2598. In any event, §805.11 does tie court costs in cases involving scheduled offenses to the fees prescribed by §602.63. The conflict between §§805.9 and 805.11 is discussed below.

4. Section 41 of the act requires the Commissioner of Public Safety and the Director of Conservation to adopt a form for charging scheduled offenses stating that court costs for such offenses shall be six dollars if the defendant complies with §805.9. Prior to this amendment the form was to indicate that such costs were five dollars. If the legislature did not actually intend to raise §805.9 court costs to six dollars, it would have never enacted this provision. To conclude that the General Assembly intended to mandate this change in the Uniform Citation and Complaint form without an accompanying change in the underlying costs is to conclude that the General Assembly intended to confound and confuse the courts, the police and the public. This would be inconsistent with any notion of a reasonable legislature which is the basis for all statutory construction.

As the Code now stands, §805.9 states that court costs for scheduled offenses are five dollars and §805.11 states that they are in the amount provided by §602.63. Since H.F. 2598 has gone into effect §805.11 calls for costs in the amount of six dollars. Because court costs must be set at a specific figure, these provisions are wholly irreconcilable. Because they both apply to the same circumstances one cannot be interpreted as being more specific than the other. §4.8, The Code (1979), provides that in this situation, the provision latest in date of enactment by the general assembly prevails. The recent amendment to §602.63 by H.F. 2598 was in effect an amendment of §805.11. Therefore, to the extent that §§805.9 and 805.11 are in conflict regarding costs, §805.11 is controlling.

For the above stated reasons, we therefore believe that §§805.6(1)(c) and §805.9 are amended by implication to raise court costs from five to six dollars in applicable cases. Amendment by implication is not a favored mode of statutory construction. See: Caterpillar Davenport Emp. Credit Union v. Huston, 292 N.W.2d 393, 396 (Iowa, 1980). Nonetheless, where, as in this situation, another construction would result in an absurd or unreasonable result and, further, would defeat the clear and manifest intent of the General Assembly, no other construction would be proper. See: State v. Conner, 292 N.W.2d 682, 686 (Iowa, 1980); Janson v. Fulton, 162 N.W.2d 438, 442 (Iowa, 1968); §4.4(3), The Code (1979).

Respectfully yours,



GARY L. HAYWARD  
Assistant Attorney General  
Public Safety Division

GLH:dkl

*DAWN*

CONSTITUTIONAL LAW: GOVERNOR: ITEM VETO. Iowa Constitution, Art. III, § 16; House File 2598, 68th G.A., 1980 Session; §§ 97B.59, 97B.67, The Code 1979. The Governor's attempted item veto of sections 25 and 26 of H.F. 2598 is invalid. H.F. 2598 is not an appropriation bill and is consequently not subject to item veto. (Fortney to Bruner, State Representative 11/26/80) #80-11-9

November 26, 1980

The Honorable Charles Bruner  
State Representative  
209 East Sixth, No. 5  
Ames, Iowa 50010

Dear Representative Bruner:

You have requested an opinion of the Attorney General regarding Governor Robert D. Ray's exercise of an item veto with respect to portions of House File 2598, adopted by the 1980 session of the Sixty-eighth General Assembly. It is our opinion that House File 2598 is not an appropriation bill within the purview of the Iowa Constitution, article III, section 16. Consequently, the bill is not subject to an item veto and the attempted exercise of such veto power is constitutionally ineffective.

House File 2598 is entitled "An act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations." Section 2 of the bill does, in fact, make an appropriation, which will be discussed further. However, this is the only section which contains an appropriation. The balance of the bill effectuates substantive changes in the state's general laws. The bill increases the amount of retirement benefits, changes the method of computing an employee's period of service, alters eligibility criteria for retirement benefits, amends the concept of "vested", and increases certain court costs. The only provision of House File 2598 which can be denominated an appropriation is section 2 which provides:

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State Representative  
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There is appropriated from the general fund of the state to the judicial retirement fund the sum of seven hundred twenty thousand (720,000) dollars for the fiscal year beginning July 1, 1980 and ending June 30, 1981.

On May 20, 1980, the Governor transmitted House File 2598 to the Secretary of State accompanied by a veto message.<sup>1</sup> The Governor vetoed two sections of the bill, section 25 and section 26. Section 25 amended § 97B.59, The Code 1979, as follows:

The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.

Section 26 amended § 97B.67, The Code 1979, by adding the following new subsection:

It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

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1. The Governor's veto was based in part on the belief that

The authority of the Governor to exercise a veto is found in Iowa Constitution, article III, section 16. If the Governor wishes to veto a bill he or she must disapprove the measure as a totality. The only exception to this rule is found in Amendment 4 of the 1968 Amendments which authorized the item veto of appropriation bills. The Amendment reads:

The Governor may approve appropriation bills in whole or in part, and may disapprove any item of an appropriation bill; and the part approved shall become a law. Any item of an appropriation bill disapproved by the Governor shall be returned, with his objections, to the house in which it originated, or shall be deposited by him in the office of the Secretary of State in the case of an appropriation bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, and the procedure in each case shall be the same as provided for other bills. Any such item of an appropriation bill may be enacted into law notwithstanding the Governor's objections, in the same manner as provided for other bills.

If a bill is not an appropriation bill, it is not subject to the authority conferred on the Governor by the 1968 Amendment. Without question, section 2 of the House File 2598 makes an appropriation. Our analysis thus focuses on the question of whether the inclusion of a single appropriation in a bill, the balance of whose provisions does not make appropriations, converts the bill, as a whole, into an appropriation bill.

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1. (cont) sections of House File 2598 represented an unconstitutional intrusion by the General Assembly into the areas reserved to the executive. These concerns, which raise significant questions of constitutional law, are not addressed in this opinion and we do not pass upon them. We speak here only to the constitutionality of the Governor's item veto.

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The seminal case on this question was decided by the United States Supreme Court in 1937. Bengzon v. Secretary of Justice and Insular Auditor of the Philippine Islands, 299 U.S. 410, 57 S.Ct. 252, 81 L.Ed. 312 (1937), presented a factual pattern nearly identical to that raised by House File 2598. The statute in question was concerned with retirement "gratuities" to be paid to public employees and officials. The act provided, in various sections, classifications of employees entitled to a gratuity, a method of computing the amount to be paid, an entitlement for successor beneficiaries in the event of the employee's death, etc. In one section of the bill an appropriation was made as follows: "The necessary sum to carry out the purposes of this Act is hereby appropriated out of any funds in the Insular Treasury not otherwise appropriated." The Governor-General of the Philippines had item veto authority with respect to appropriation bills. In reliance on this authority, the Governor-General vetoed that section of the bill that granted a retirement gratuity to certain justices of the peace.

In characterizing the issue raised in Bengzon, the Court stated: "The precise question for consideration, therefore, is—did the bill . . . constitute an appropriation bill; and, if so, was [the vetoed section] . . . an item of such bill?" 229 U.S. 410, 413. A unanimous United States Supreme Court concluded that the Philippine statute was not an appropriation bill. The Justices reasoned that if one were to eliminate that section of the bill which admittedly was an appropriation,

the remaining eleven sections could stand as a generic act of legislation, leaving the specific matter of appropriation to be dealt with by later enactment. The term 'appropriation act' obviously would not include an act of general legislation; and a bill proposing such an act is not converted into an appropriation bill simply because it has had engrafted

upon it a section making an appropriation. An appropriation bill is one the primary and specific aim of which is to make appropriations of money from the public treasury. To say otherwise would be to confuse an appropriation bill proposing sundry appropriations of money with a bill proposing sundry provisions of general law and carrying an appropriation as an incident.

299 U.S. 410, 413.

From a policy standpoint, the Court reasoned that to uphold the veto's validity would result in a distortion of the intended purposes of the item veto authority. The Governor would not be negating an item or items of an appropriation, but instead taking affirmative steps to enact general legislation in a form not intended by the legislature.

The analysis of the United States Supreme Court has been followed by state appellate courts. For example, the Maryland Supreme Court has referred with favor to the Bengzon holding as ". . . the principle that an act of the General Assembly which relates primarily and specifically to a subject matter of general legislation cannot be converted into an appropriation bill merely because there may be an incidental provision for an appropriation of public funds." Dorsey v. Petrott, 13 A.2d 630, 640, 178 Md. 230 (1940). See also Cenarrusa v. Andrus, 582 P.2d 1082 (Idaho, 1978); Muyskens, Item Veto Amendment to the Iowa Constitution, 18 Drake L.Rev. 245, 248 (1969). 2

House File 2598 is similar to the statutes examined in the cited cases. The primary and specific aim of House File 2598 is not the making of appropriations. The statute's aim is to revamp the system of retirement benefits payable to public employees and to increase specific court costs to underwrite the increased pension benefits. House File 2598 is an act of general legislation to which section 2 is an incident. Were section 2 to be removed from House File 2598, the remaining sections would comprise a whole generic piece of general law. Consequently, applying the principles enunciated in Bengzon,

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2. The Muyskens article contains the following language:  
"Once an allocation of money is determined to be an appropriation,

The Honorable Charles Bruner  
State Representative  
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we are compelled to say that House File 2598 is not an appropriation bill. Therefore, the bill is not subject to the exercise of an item veto.

The Iowa Supreme Court has explicitly addressed the issue of what results when the Governor exceeds his or her veto authority. In State ex rel. Turner v. Iowa State Highway Commission, 186 N.W.2d 141 (Iowa 1971) we find the following language:

we wish to express our view of the result which might attend where a governor has exceeded his authority in attempting to veto a portion of a bill which is not an appropriation bill or a portion of an appropriation bill other than a so-called "item" of such a bill. In Iowa, our Constitution does not require the Governor's affirmative approval of a bill before it becomes law, but, conversely, does require the Governor's affirmative disapproval in exercising the veto power. It necessarily follows therefore that should the Governor of Iowa exceed his authority and attempt to disapprove an item in a nonappropriation bill, or to disapprove part of an appropriation bill which is not in and of itself an "item", the natural result would be that the bill as a whole would become law as though he had approved it or had failed to exercise the affirmative disapproval required by our Constitution.

186 N.W.2d 141, 151.

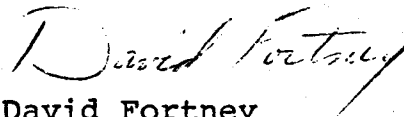
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2(cont). it would seem that a bill containing a qualified provision would be an appropriation bill, but such is not the case, for simply because a bill appropriates money does not render that bill an appropriation bill as the term is contemplated in the item veto amendment." 18 Drake L.Rev. 245, 248. The Iowa Supreme Court has referred to this article as "an excellent and exhaustive treatise on the item veto amendment to the Iowa Constitution." State ex rel. Turner v. Iowa State Highway Commission, 186 N.W.2d 141, 152 (Iowa 1971).

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State Representative  
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In reliance on the decision of our Supreme Court in Highway Commission, it is our opinion that House File 2598, inclusive of sections 25 and 26, became law in the form enacted by the General Assembly.

Sincerely,



David Fortney  
First Assistant Attorney General

DF/jam

HOUSE FILE 2598

AN ACT

RELATING TO ADMINISTRATION, BENEFITS, AND FUNDING OF CERTAIN  
PUBLIC RETIREMENT SYSTEMS, AND TO MAKE APPROPRIATIONS.

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

Section 1. Chapter twelve (12), Code 1979, is amended  
by adding the following new section:

NEW SECTION. ANNUAL REPORT OF FILING FEES. The treasurer  
of state shall annually report to the governor and the general  
assembly the total amount of fees and costs received by the  
treasurer of state under section six hundred two point fifty-  
five (602.55), subsection one (1), and section six hundred  
six point fifteen (606.15), subsection one (1), of the Code  
for the fiscal year ending June thirtieth. The report shall  
be submitted within ninety days following the completion of  
the fiscal year.

Sec. 2. There is appropriated from the general fund of  
the state to the judicial retirement fund the sum of seven  
hundred twenty thousand (720,000) dollars for the fiscal year  
beginning July 1, 1980 and ending June 30, 1981.

Sec. 3. Section ninety-seven point fifty-one (97.51),  
Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Effective July 1, 1980 a person receiving  
benefits, or who becomes eligible to receive benefits, on

or after July 1, 1980, under chapter ninety-seven (97) of  
the Code, shall receive the monthly increase in benefits  
provided in section twenty-one (21) of this Act.

Sec. 4. Section ninety-seven A point four (97A.4), Code  
1979, is amended by adding the following new unnumbered  
paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees shall  
credit as service for a member of the system a previous period  
of service for which the member had withdrawn the member's  
accumulated contributions, as defined in section ninety-seven  
A point fifteen (97A.15) of the Code.

Sec. 5. Section ninety-seven A point six (97A.6),  
subsections four (4) and six (6), Code 1979, as the section  
is amended by Acts of the Sixty-eighth General Assembly, 1979  
Session, chapter thirty-four (34), sections two (2) and three  
(3), and chapter thirty-five (35), section two (2), are amended  
to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon  
retirement for ordinary disability a member shall receive  
~~a-service-retirement-allowance-if-the-member-has-attained  
the-age-of-fifty-five, otherwise-the-member-shall-receive~~  
an ordinary disability retirement allowance which shall consist  
of a pension which shall equal forty percent of the member's  
average final compensation except if the member has not had  
five or more years of membership service, the member shall  
receive a pension equal to one-fourth of the member's average  
final compensation.

6. RETIREMENT AFTER ACCIDENT. Upon retirement for  
accidental disability a member shall receive ~~a-service  
retirement-allowance-if-the-member-has-attained-the-age-of  
fifty-five, otherwise-the-member-shall-receive~~ an accidental  
disability retirement allowance which shall consist of a  
pension equal to sixty-six and two-thirds percent of the  
member's average final compensation.

Sec. 6. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section two (2), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section two (2), and chapter thirty-four (34), section three (3), is amended to read as follows:

~~As of the first of July of each year for members who retire on or after July 1, 1979~~ Effective July 1, 1980 and on each July first thereafter, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation ~~received by~~ payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members ~~eligible for receiving~~ a service retirement allowance ~~or their~~ and for beneficiaries receiving a pension under subsection nine (9) of this section.

(2) Twenty percent for members with five or more years of membership service who are ~~eligible for receiving~~ an ordinary disability retirement allowance ~~or their~~ beneficiaries.

(3) Twelve and one-half percent for members with less than five years of membership service who are ~~eligible for receiving~~ an ordinary disability retirement allowance ~~or their~~, and for beneficiaries receiving a pension under subsection eight (8) of this section.

(4) Thirty-three and one-third percent for members ~~eligible for receiving~~ an accidental disability allowance ~~or their~~ beneficiaries.

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

The amount added to the monthly pension of a surviving spouse receiving a pension under subsection twelve (12), paragraph a of this section shall be equal to one-half the amount that would have been added to the monthly pension of the retired member.

Sec. 7. Section ninety-seven A point fifteen (97A.15), subsection two (2), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. "Member who became vested" and "vested member" mean a member who has been a member of the retirement system fifteen or more years and is entitled to benefits under this chapter.

Sec. 8. Section ninety-seven A point fifteen (97A.15), subsections five (5) and seven (7), Code 1979, are amended to read as follows:

5. A member of the retirement system prior to July 1, 1979 with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, ~~shall be~~ is entitled to receipt of his or her accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement. ~~However, the member shall not be eligible for a service retirement allowance under section 97A-6 if he or she has chosen to withdraw his or her accumulated contributions from the annuity savings fund prior to the member's retirement.~~

7. Notwithstanding ~~the provisions of~~ subsections 1, 3, 4, 5, and 6 of this section, an active or vested member may request in writing and receive from the board of trustees,

his or her accumulated contributions from the annuity savings' fund at the discretion of the board of trustees, ~~except that~~ and remain eligible to receive benefits under section ninety-seven A point six (97A.6) of the Code. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section ninety-seven A point six (97A.6) of the Code if he or she withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979, except as provided in section ninety-seven A point four (97A.4) of the Code. However, the board shall not liquidate securities at a loss for the sole purpose of returning the accumulated contributions to the members. All requested accumulated contributions shall be returned prior to July 1, 1984.

Sec. 9. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph a, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

3. a. "Employer" means the state of Iowa, the counties, municipalities, and public school districts ~~therein~~ and all of the political subdivisions ~~thereof~~ and all of their departments and instrumentalities, including joint planning commissions created under the provisions of chapter 473A, ~~all hereinafter-called-political-subdivisions, as of July 47-1953.~~

If an interstate agency is established under chapter twenty-eight E (28E) of the Code and similar enabling legislation in an adjoining state, and a city had made contributions to the system for employees performing functions which are transferred to the interstate agency, the employees of the interstate agency who perform those functions shall be considered to be employees of the city for the sole purpose of membership in the system, although the employer contributions for those employees are made by the interstate agency.

Sec. 10. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

(2) 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. A member of the general assembly or temporary employee of the general assembly who made an application to the department to be covered under this chapter may terminate membership under this chapter by informing the department in writing of the member's or temporary employee's termination.

Sec. 11. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Members of the state transportation commission, the board of parole, and the state health facilities council unless a member elects by filing an application with the department to be covered under this chapter.

Sec. 12. Section ninety-seven B point forty-one (97B.41), subsection eleven (11), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

11. "Vested member" means a member who ~~had~~ terminated employment in accordance with one of the following paragraphs:

a. Prior to July 1, 1965, after having attained the age of forty-eight and completed at least eight years of service.

a b. Prior-to-July-1 Between July 1, 1965 and June 30, 1973, after having completed at least eight years of service,

b c. On or after July 1, 1973, after having completed at least four years of service, ~~or~~.

e d. After having attained the age of fifty-five.

Sec. 13. Section ninety-seven B point forty-one (97B.41), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subsection:

NEW SUBSECTION. "Inactive vested member" means an inactive member who was a vested member at the time of termination of employment.

Sec. 14. Section ninety-seven B point forty-three (97B.43), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section six (6), is amended to read as follows:

Any person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947, and who is not eligible for prior service credit under other provisions of this section, ~~shall be~~ is entitled to a credit for years of prior service in the determination of the retirement allowance payment under ~~any of the provisions of~~ this chapter, provided ~~such~~ the public employee makes application to the department of job service for ~~such~~ credit for prior public service, accompanied by such verification of the person's claim as the department may require. The person's allowance for prior service credits shall be computed in the same manner as otherwise provided in this section, but shall not exceed the sum of four hundred fifty dollars nor be less than three hundred dollars per annum. Any such person ~~shall be~~ is entitled to receive retirement allowances computed as provided by this chapter, effective from the date of application to the department, provided such application is approved. ~~Beginning~~ However, beginning July 1, 1975 the amount of such person's retirement allowance payment received during June,

1975, as computed under this section shall be increased by two hundred percent and the allowance for prior service credits shall not exceed one thousand three hundred fifty dollars nor be less than nine hundred dollars per annum. There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to fund the provisions of this paragraph. Effective July 1, 1980, a person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947 receiving retirement allowances under this chapter shall receive the monthly increase in benefits provided in section twenty-one (21) of this Act.

Sec. 15. Section ninety-seven B point forty-nine (97B.49), unnumbered paragraph one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8) and nine (9), is amended to read as follows:

Each member ~~shall~~, upon retirement on or after his or her normal retirement date, ~~be~~ is entitled to receive a monthly retirement allowance determined under this section. For an inactive vested member the monthly retirement allowance shall be determined on the basis of this section and section ninety-seven B point fifty (97B.50) of the Code as they are in effect on the date of the member's retirement.

Sec. 16. Section ninety-seven B point forty-nine (97B.49), subsection one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8) and nine (9), is amended to read as follows:

1. For each active member employed before January 1, 1976, and retiring on or after January 1, 1976, and for each member who ~~became-vested~~ was a vested member before January 1, 1976, with four or more complete years of service, a formula benefit shall be determined equal to the larger of the benefit determined under this subsection and subsection 3 of this

section as applicable, or the benefit determined under subsection 5 of this section. The amount of the monthly formula benefit for each such active or vested member who retired on or after January 1, 1976, shall be equal to one-twelfth of one and fifty-seven hundredths percent per year of membership service multiplied by ~~his~~ the member's average annual covered wages; but in no case shall the amount of monthly formula benefit accrued for membership service prior to July 1, 1967, be less than the monthly annuity at the normal retirement date determined by applying the sum of the member's accumulated contributions, ~~his~~ the member's employer's ~~matching~~ accumulated contributions on or before June 30, 1967, and any retirement dividends standing to ~~his~~ the member's credit on or before December 31, 1966, to the annuity tables in use by the department with due regard to the benefits payable from such accumulated contributions under sections 97B.52 and 97B.53.

Sec. 17. Section ninety-seven B point forty-nine (97B.49), subsection five (5), unnumbered paragraph one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

5. For each active member retiring ~~between July 1, 1978 and June 30, 1979~~ on or after January 1, 1976, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to ~~forty-four~~ forty-seven percent of the five-year average covered wage multiplied by a fraction of years of service. ~~For each active member retiring on or after July 1, 1979 the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to forty-six percent of the five-year average covered wage multiplied by a fraction of years of service.~~ For the purposes 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 and the number of years of prior service divided by thirty years.

Sec. 18. Section ninety-seven B point forty-nine (97B.49), subsection seven (7), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

7. Notwithstanding the provisions of this chapter, a member who is or has been employed as a conservation peace officer under the provisions of section 107.13 and who retires ~~between on or after July 1, 1978 and June 30, 1979~~ 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 conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-four~~ forty-seven percent of the member's five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime. ~~For each such member retiring on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to forty-six percent of the five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service.~~ There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 19. Section ninety-seven B point forty-nine (97B.49), subsection eight (8), paragraph a, Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979

Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

a. Notwithstanding the provisions of this chapter, ~~effective July 1, 1979 to be included in county budgets for the fiscal year beginning July 1, 1979~~, 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 chapter 341, and who retires between on or after January 1, 1978 and ~~June 30, 1979~~, 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 ~~receipt of any~~ benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-four~~ forty-seven percent of the member's five-year average covered wage as a sheriff or deputy sheriff multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

~~For each member eligible for a monthly retirement allowance under this subsection who retires on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of forty-six percent of the member's five-year average covered wage.~~

Sec. 20. Section ninety-seven B point forty-nine (97B.49), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the department of social services and who retires on or after July 1, 1983 and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of

benefits under subsection five (5) of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wages as a correctional officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

The department of social services and the department of merit employment shall jointly determine the applicable merit system job classifications of correctional officers.

The department of social services shall pay to the Iowa department of job service, from funds appropriated to the department of social services, an amount sufficient to pay one and seventy-one hundredths percent of the covered wages of each correctional officer, in addition to the employer contributions required in section ninety-seven B point eleven (97B.11) of the Code to pay for the lower retirement age for correctional officers provided in this subsection.

Sec. 21. Section ninety-seven B point forty-nine (97B.49), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended by adding the following new subsection:

NEW SUBSECTION. Effective July 1, 1980, for each member who retired from the system prior to January 1, 1976, and for each member who retired from the system on or after January 1, 1976 under subsection one (1) of this section, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for June 1980 is increased as follows:

- a. For the first ten years of service, fifty cents per month for each complete year of service.
- b. For the eleventh through the twentieth years of service, one dollar per month for each complete year of service.
- c. For the twenty-first through the thirtieth years of service, one dollar and fifty cents per month for each complete year of service.

d. The amount of monthly increase payable to a member under this subsection is also payable to a beneficiary and a contingent annuitant and shall be reduced by an amount based upon the actuarial equivalent of the option selected in section ninety-seven B point fifty-one (97B.51) or section ninety-seven B point fifty-two (97B.52) of the Code compared to the full monthly benefit provided in this section.

However, effective July 1, 1980 the monthly retirement allowance attributable to membership service and prior service of a member, contingent annuitant and beneficiary shall not be less than five dollars times the number of complete years of service of the member, not to exceed thirty, reduced by an amount based upon the actuarial equivalent of the option selected in section ninety-seven B point fifty-one (97B.51) or section ninety-seven B point fifty-two (97B.52) of the Code, compared to the full monthly retirement benefit provided in this section.

Sec. 22. Section ninety-seven B point fifty (97B.50), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section ten (10), is amended to read as follows:

1. Except as otherwise provided in this section, a member, upon retirement prior to the normal retirement date, is entitled to receive a monthly retirement allowance determined in the same manner as provided for normal retirement in subsections 1, 4 and 5 of section 97B.49 reduced by as follows:

a. For a member who is less than sixty-two years of age, by five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date.

b. For a member who is at least sixty-two years of age and less than sixty-five years of age, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. 23. Section ninety-seven B point fifty-one (97B.51), subsection one (1), Code 1979, is amended to read as follows:

1. A member may elect to receive a decreased retirement allowance during his the member's lifetime and have such the decreased retirement allowance (or a designated fraction thereof) continued after his the member's death to another person, called a contingent annuitant, during the lifetime of the contingent annuitant. The member cannot change the contingent annuitant after the member's retirement. In case of such-an the election of a contingent annuitant, no death benefits, as might otherwise be provided by this chapter, will be payable upon the death of either the member or the contingent annuitant after the member's retirement.

Sec. 24. Section ninety-seven B point fifty-three (97B.53), subsection two (2), Code 1979, is amended to read as follows:

2. If ~~the a vested member's~~ employment ~~with-the-employer of-a-member~~ is terminated prior to the member's retirement, other than by death, ~~but-after-the-member-has-either~~

~~a---Completed-at-least-four-years-of-service,-or~~

~~b---Has-attained-the-age-of-fifty-five,~~ the member shall receive a monthly retirement allowance commencing on the first day of the month in which the member attains the age of sixty-five years, if the member is then alive, or, if the member so elects in accordance with section 97B.47, commencing on the first day of the month in which the member attains the age of fifty-five and or any month thereafter prior to the date the member attains the age of sixty-five years, and continuing on the first day of each month thereafter during the member's lifetime, provided the member does not receive prior to the date the member's retirement allowance is to commence a refund of accumulated contributions under any of the provisions of this chapter. The amount of each such monthly retirement allowance shall be determined as provided in either section 97B.49 or in section 97B.50, whichever is applicable.

Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.

Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

Sec. 27. Section ninety-seven B point seventy-three (97B.73), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section eleven (11), is amended to read as follows:

97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS. A vested or retired member who was not a vested member of a public retirement system established under sections 294.8, 294.9, and 294.10 or 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 membership service and the ~~contributions-of-the~~ employer which would have been contributed contribution for that period of membership 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 section two hundred ninety-four point eight (294.8), two hundred ninety-four point nine (294.9), and two hundred ninety-four point ten (294.10) of the Code 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. 28. Section ninety-seven C point eleven (97C.11), Code 1979, is amended to read as follows:

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

Sec. 29. Section three hundred eighty-four point six (384.6), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section thirteen (13), and chapter eighty-five (85), section one (1), is amended to read as follows:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer ~~under the provisions of~~ section 97B.11. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter four hundred eleven (411) of the Code, authorized in section four hundred eleven point three (411.3), subsection one (1) of the Code, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section four hundred eleven point eight (411.8), subsection one (1), paragraph a, of the Code, to the international city management association/retirement corporation. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. 30. Section four hundred eleven point three (411.3), subsection one (1), Code 1979, is amended to read as follows:

1. All persons who become police officers or fire fighters after the date the retirement systems are established by this chapter, shall become members thereof as a condition of their employment, except that a police chief or a fire chief who would not complete twenty-two years of service under this chapter by the time the chief attains fifty-five years of age shall, upon written request to the board of trustees, be exempt from this chapter. Notwithstanding section ninety-seven B point forty-one (97B.41) of the Code, a police chief

or fire chief who is exempt from this chapter is exempt from chapter ninety-seven B (97B) of the Code. Such members ~~Members of the system established in this chapter~~ shall not be required to make contributions under any other pension or retirement system of city, county, or state of Iowa, anything to the contrary notwithstanding.

Sec. 31. Section four hundred eleven point four (411.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees shall credit as service for a member of the system a previous period of service for which the member had withdrawn the member's accumulated contributions, as defined in section four hundred eleven point twenty-one (411.21) of the Code.

Sec. 32. Section four hundred eleven point six (411.6), subsections four (4) and six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections sixteen (16) and seventeen (17), and chapter thirty-five (35), section nine (9), is amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an ordinary disability retirement allowance which shall consist of a pension which shall equal forty percent of the member's average final compensation except if the member has not had five or more years of membership service the member shall receive a pension equal to one-fourth of the member's average final compensation.

6. RETIREMENT AFTER ACCIDENT. Upon retirement for accidental disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an accidental disability retirement allowance which shall consist of a

pension equal to 66 2/3 percent of the member's average final compensation.

Sec. 33. Section four hundred eleven point six (411.6), subsection twelve (12), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section sixteen (16), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section nine (9), and chapter thirty-four (34), section seventeen (17), is amended to read as follows:

~~As of the first of July of each year for members who retire on or after July 1, 1979~~ Effective July 1, 1980 and on each July first thereafter, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation ~~received by~~ payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members ~~eligible for~~ receiving a service retirement allowance ~~or their~~ and for beneficiaries receiving a pension under subsection nine (9) of this section.

(2) Twenty percent for members with five or more years of membership service who are ~~eligible for~~ receiving an ordinary disability retirement allowance ~~or their~~ beneficiaries.

(3) Twelve and one-half percent for members with less than five years of membership service who are ~~eligible for~~

receiving an ordinary disability retirement allowance or their, and for beneficiaries receiving a pension under subsection eight (8) of this section.

(4) Thirty-three and one-third percent for members ~~eligible for~~ receiving an accidental disability allowance ~~or their~~ beneficiaries.

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

The amount added to the monthly pension of a surviving spouse receiving a pension under subsection twelve (12), paragraph a of this section shall be equal to one-half the amount that would have been added to the monthly pension of the retired member.

Sec. 34. Section four hundred eleven point twenty-one (411.21), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended by adding the following new paragraph:

NEW PARAGRAPH. "Member who became vested" and "vested member" mean a member who has been a member of the retirement system fifteen or more years and is entitled to benefits under this chapter.

Sec. 35. Section four hundred eleven point twenty-one (411.21), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended to read as follows:

5. A member of the retirement system prior to July 1, 1979 with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, ~~shall be~~ is entitled to receipt of his or her accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement. ~~However, the member shall not be eligible~~

~~for a service retirement allowance under section 411.6 if he or she has chosen to withdraw his or her accumulated contributions from the annuity savings fund.~~

Sec. 36. Section four hundred eleven point twenty-one (411.21), subsection seven (7), unnumbered paragraph one (1), Code 1979, as the subsection is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended to read as follows:

7. Notwithstanding ~~the provisions of~~ subsections 1, 3, 4, 5, 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, his or her accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section four hundred eleven point six (411.6) of the Code. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section four hundred eleven point six (411.6) of the Code if he or she withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979, except as provided in section four hundred eleven point four (411.4) of the Code. Accumulated contributions shall be paid according to the following schedule:

Sec. 37. Section six hundred two point fifty-five (602.55), Code 1979, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received by him or her. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge

to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. ~~Three-fifths~~ Two-thirds to the ~~state~~ state treasurer of state to be credited to the general fund of the state.
2. ~~Two-fifths~~ One-third to the county treasurer to be credited to the general fund of the county.

Sec. 38. Section six hundred two point sixty-three (602.63), Code 1979, is amended to read as follows:

602.63 DOCKETS, JUDGMENTS, COSTS. The clerk of the district court of the county in which a judicial magistrate resides shall furnish the judicial magistrate, district associate judge, or district judge acting as judicial magistrate, a docket in which shall be entered all proceedings except small claims. Such docket shall be indexed and shall contain in each case the title and nature of the action; place of hearing; appearances; and notations of the documents filed with the judicial magistrate, of the proceedings in the case and orders made, of the verdict and judgment including costs, of any satisfaction of the judgment, of whether the judgment was certified to the clerk of the district court, of whether an appeal was taken, and of the amount of the appeal bond. All costs in criminal cases shall be assessed and distributed as in chapter 606, except that the cost of filing and docketing of a complaint or information for a nonindictable misdemeanor shall be ~~five~~ six dollars which shall be distributed pursuant to section 602.55. The ~~five~~ six dollar cost for filing and

docketing a complaint or information for a nonindictable misdemeanor shall not apply in cases of overtime parking. If the judgment and costs are not fully and immediately satisfied in criminal cases, the judicial magistrate shall promptly certify a copy of the judgment to the clerk of the district court indicating thereon the portion unsatisfied; and the clerk shall index and file the judgment, whereupon it shall be a judgment of the district court without recording.

The chief judge of a district may order that criminal proceedings which are within the jurisdiction of judicial magistrates and district associate judges be combined into centralized dockets for the county if the chief judge determines that administration could be improved thereby. When so ordered, a centralized docket shall be in lieu of individual dockets otherwise prescribed, and the clerk shall compile a centralized docket in the manner prescribed for an individual docket. The chief judge may assign actions and proceedings on centralized dockets to judicial magistrates and district associate judges as he or she deems necessary.

Sec. 39. Chapter six hundred five A (605A), Code 1979, is amended by adding the following new section:

NEW SECTION. ACTUARIAL VALUATION. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund at least once every four years commencing with the fiscal year beginning July 1, 1981. The court administrator shall adopt mortality tables and other necessary factors for use in the actuarial calculations required for the valuation upon the recommendation of the actuary. Following the actuarial valuation, the court administrator shall determine the condition of the system and shall report its findings and recommendations to the general assembly.

The cost of the actuarial valuation shall be paid from the judicial retirement fund.

Sec. 40. Section six hundred six point fifteen (606.15), subsection one (1), Code 1979, is amended to read as follows:

1. For filing any petition, appeal, or writ of error and docketing the same, ~~seven~~ eight dollars. Four dollars of such fee shall remain in the county treasury for the use of the county, and ~~three~~ four dollars of such fee shall be paid into the state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13.

Sec. 41. Section eight hundred five point six (805.6), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. This subsection shall not be deemed to prevent the charging of any of those violations by information, by private complaint filed under the provisions of chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable. The uniform citation and complaint shall contain spaces for the parties names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2; a promise

to appear as provided in section 805.3 and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section 805.8, either separately or by group, and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, shall be ~~five~~ six dollars; a brief explanation of sections 805.9 and 805.10; a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine.

Sec. 42. The legislative council is requested to establish an interim study committee composed of members of the house and senate committees on state government for the purpose of studying the public retirement systems of this state, including but not limited to a definition of earnable compensation for members of the peace officers' retirement system and local police and fire retirement systems, the status of former members of the peace officers' retirement system and local police and fire retirement systems who withdrew their accumulated contributions prior to July 1, 1979, the advisability of retaining outside income limits for persons receiving disability retirement allowances under the peace officers' retirement system and local police and fire retirement systems and a method of funding retirement increases in the future.

The study committee shall make periodic reports to the legislative council and a final report to the committees on state government, the legislative council, and the general assembly meeting in the year 1981, accompanied by any bill drafts required to implement the recommendations of the study committee.

Sec. 43. Retirement allowance changes granted in this Act take effect on July 1, 1980 unless otherwise specified in this Act, except that changes for members of the general assembly take effect January 12, 1981.

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WILLIAM H. HARBOR  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2598, Sixty-eighth General Assembly.

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BRUCE GRAHAM  
Assistant Chief Clerk of the House

*Item Veto*  
~~Approved~~ 5/20/, 1980

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ROBERT D. RAY  
Governor