

MAR 13 1979

HOUSE FILE 680

Place On Calendar

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(Formerly Study Bill 16)

Passed House, Date 3-22-79 (9,1052) Passed Senate, Date _____

Vote: Ayes 83 Nays 15 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider p. 1068 w/d 2/26/79 75'

A BILL FOR

1 An Act relating to age discrimination including the maximum
2 age of employment in certain occupations and in pension
3511-3 plans.

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

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3444 ~~striking~~, ~~striking~~

1 Section 1. Chapter eighty (80), Code 1979, is amended
2 by adding the following new section:

3 NEW SECTION. MAXIMUM AGE. The maximum age for a per-
4 son to be employed as a peace officer in the divisions of
5 highway safety and uniformed force, criminal investigation
6 and bureau of identification, drug law enforcement, and beer
7 and liquor law enforcement is sixty-five years of age.

8 Sec. 2. Section ninety-seven A point six (97A.6), sub-
9 section one (1), Code 1979, is amended by striking paragraph
10 b.

11 Sec. 3. Section ninety-seven B point forty-five (97B.45),
12 Code 1979, is amended to read as follows:

13 97B.45 RETIREMENT AGE AT SIXTY-FIVE. A member's normal
14 retirement date shall be the first of the month in which a
15 member attains the age of sixty-five years. A member may
16 retire after the member's sixty-fifth birthday ~~except~~ as
17 ~~otherwise~~ provided in section 97B.46. A member retiring on
18 or after the normal retirement date, as provided in section
19 97B.46, shall submit a written notice to the department setting
20 forth the date the retirement is to become effective, provided
21 that such date shall be on the first day of a month after
22 the member's last day of service and not before the first
23 day of the sixth calendar month preceding the month in which
24 the notice is filed, except that credit for service shall
25 cease when contributions cease as provided in section 97B.11.

26 ~~Notwithstanding the provisions of this section and section~~
27 ~~97B.46, an employer may adopt policies which prescribe~~
28 ~~retirement at an age not less than sixty-five years.~~

29 ~~The provisions of this section shall not be construed to~~
30 ~~render invalid any provisions of a policy established by an~~
31 ~~employer which prescribes retirement at an age not less than~~
32 ~~sixty-five years.~~

33 An employer may adopt rules which require retirement at
34 the age of seventy years or older.

35 Sec. 4. Section ninety-seven B point forty-six (97B.46),

1 Code 1979, is amended to read as follows:

2 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member may~~7-on~~
3 ~~the-request-of-the-employer,~~ remain in the active employ of
4 the employer beyond the date the member attains the age of
5 sixty-five until attaining the age of seventy, and may remain
6 in service after attaining the age of seventy for such period
7 or periods as the employer from time to time shall approve,
8 ~~provided,~~ however, ~~that~~ credit for such service shall cease
9 when contributions cease as provided in section 97B.11 and
10 the member shall retire on the first day of the month following
11 the last approved period. ~~The-member-shall-retire-at-the~~
12 ~~end-of-the-last-approved-period,-on-the-first-day-of-the-month~~
13 ~~in-which-the-member-retires,-except-that-such-date-shall-be~~
14 ~~after-the-last-day-of-service.~~ A member remaining in service
15 after attaining the age of seventy years shall be entitled
16 to receive a retirement allowance under section 97B.49 as
17 applicable commencing with payment for the calendar month
18 within which the written notice is submitted to the department,
19 except that if the member fails to submit the notice on a
20 timely basis, retroactive payments shall be made for no more
21 than six months immediately preceding the month in which the
22 written notice is submitted.

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23 Sec. 5. Chapter three hundred sixty-two (362), Code 1979,
24 is amended by adding the following new section:

25 NEW SECTION. POLICE OFFICERS AND FIRE FIGHTERS. The
26 maximum age for a police officer or fire fighter employed
27 for police duty or the duty of fighting fires is sixty-five
28 years of age.

29 Sec. 6. Section four hundred point seventeen (400.17),
30 unnumbered pararaph three (3), Code 1979, is amended to read
31 as follows:

32 A person shall not be appointed, promoted, discharged,
33 or demoted to or from a civil service position or in any other
34 way favored or discriminated against in that position because
35 of political or religious opinions or affiliations, race,

1 national origin, sex, or age. However, the maximum age for
2 a police officer or fire fighter covered by this chapter and
3 employed for police duty or the duty of fighting fires is
4 sixty-five years of age.

5 Sec. 7. Section four hundred ten point six (410.6),
6 unnumbered paragraph two (2), Code 1979, is amended by striking
7 the unnumbered paragraph.

8 Sec. 8. Section four hundred eleven point six (411.6),
9 subsection one (1), paragraph b, Code 1979, is amended by
10 striking the paragraph.

11 Sec. 9. Section six hundred one A point six (601A.6),
12 subsections three (3), four (4), and five (5), Code 1979,
13 are amended by striking the subsections and inserting in lieu
14 thereof the following new subsection:

15 NEW SUBSECTION. The prohibition of this section against
16 age discrimination in employment applies only to persons who
17 are over the age of forty years or under the age of seventy
18 years, and does not apply to the following:

19 a. Activities or programs under federal contracts and
20 grants or public employment programs carried out by this state
21 designed exclusively to provide employment for or to encourage
22 the employment of persons with special employment problems.

23 b. Age discrimination in bona fide apprenticeship employ-
24 ment programs.

25 Sec. 10. Section six hundred one A point thirteen
26 (601A.13), Code 1979, is amended by adding the following new
27 unnumbered paragraphs:

28 NEW UNNUMBERED PARAGRAPH. However, a retirement plan or
29 benefit system shall not require the involuntary retirement
30 of a person under the age of seventy because of that person's
31 age. This paragraph does not prohibit the following:

32 a. The involuntary retirement of a person who has at-
33 tained the age of sixty-five and has for the two prior years
34 been employed in a bona fide executive or high policy-making
35 position and who is entitled to an immediate, nonforfeitable

1 annual retirement benefit from a pension, profit-sharing,
2 savings or deferred compensation plan of the employer which
3 equals twenty-seven thousand dollars. This retirement benefit
4 test may be adjusted according to the regulations prescribed
5 by the United States secretary of labor pursuant to Public
6 Law ninety-five dash two hundred fifty-six (95-256), section
7 three (3).

8 b. The involuntary retirement of a person who has at-
9 tained the age of sixty-five and who is serving under a con-
10 tract of unlimited tenure or similar arrangement providing
11 for unlimited tenure at an institution of higher learning.
12 This exemption does not apply after July 1, 1982.

13 c. The involuntary retirement of a person covered by a
14 collective bargaining agreement which was entered into by
15 a labor organization and was in effect on September 1, 1977.
16 This exemption does not apply after the termination of that
17 agreement or January 1, 1980, whichever first occurs.

18 NEW UNNUMBERED PARAGRAPH. For purposes of this section,
19 "retirement plan" means any plan, fund, or program which was
20 heretofore or is hereafter established or maintained by an
21 employer or by an employee organization or both, to the extent
22 that by its express terms or as a result of surrounding circum-
23 stances such plan, fund or program:

- 24 1. Provides retirement income to employees, or
25 2. Results in a deferral of income by employees for periods
26 extending to the termination of covered employment or beyond,
27 regardless of the method of calculating the contributions
28 made to the plan, the method of calculating the benefits under
29 the plan or the method of distributing benefits from the plan.
30 "Benefit system" means any plan, fund, or program which was
31 heretofore or is hereafter established or maintained by an
32 employer or by an employee organization, or by both, to the
33 extent such plan, fund or program was established or is
34 maintained for the purpose of providing for its participants
35 or their beneficiaries through the purchase of insurance or

1 otherwise, medical, surgical, or hospital care or benefits,
2 or benefits in the event of sickness, accident, disability,
3 death or unemployment, or vacation benefits, apprenticeship
4 or other training programs or day care centers, scholarship
5 funds, or prepaid legal services.

6 EXPLANATION

7 This bill changes the mandatory retirement laws and age
8 discrimination laws in response to the 1978 amendments to
9 the federal Age Discrimination in Employment Act of 1967 and
10 makes changes in the civil rights law regarding age
11 discrimination.

12 Section 1 of this bill establishes, as an occupational
13 qualification, a maximum age for the peace officers in the
14 named divisions of the department of public safety.

15 Section 2 removes the mandatory retirement age from the
16 department of public safety peace officer's retirement system.

17 Sections 3 and 4 raise the age at which employees in IPERS
18 may stay at their own option from sixty-five to seventy.
19 After age seventy the consent of the employer is required.

20 Sections 5 and 6 establish, as an occupational quali-
21 fication, a maximum age for police officers and fire fighters
22 whether they are covered by civil service or not.

23 Section 7 removes the mandatory retirement age provision
24 from the pension system for police officers and fire fighters
25 who entered employment prior to March 2, 1934.

26 Section 8 removes the mandatory retirement age provision
27 from the pension system for police officers and fire fighters
28 covered by a civil service system.

29 Section 9 narrows the coverage of the state's age
30 discrimination in employment provisions to the minimum coverage
31 provided under federal law and removes the prohibition of
32 age discrimination in bona fide apprenticeship programs between
33 the ages eighteen and forty-five.

34 Section 10 prohibits pension plans from requiring mandatory
35 retirement prior to age seventy. The exemptions are the same

1 as those provided by federal law. This section also redefines
2 the retirement plan or benefit system to provide that a benefit
3 system is one which does not provide retirement benefits but
4 provides other benefits.

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HOUSE FILE 680

H-3446

1 Amend House File 680 as follows:

2 1. Page 2, by inserting after line 22 the
3 following:

4 "Sec. 5. Section one hundred seven point thirteen
5 (107.13), Code 1979, is amended to read as follows:
6 107.13 OFFICERS AND EMPLOYEES. The director
7 shall, with the consent of the commission, employ
8 the number of assistants, including a professionally
9 trained state forester, that are necessary to carry
10 out the duties imposed on the commission; and, under
11 the same conditions, the director shall appoint the
12 number of officers and supervisory personnel that
13 are necessary to enforce the laws and rules and
14 regulations, the enforcement of which are imposed
15 on the commission. The officers and supervisory
16 personnel shall have the same powers that are conferred
17 by law on peace officers in the enforcement of the
18 laws of the state of Iowa and the apprehension of
19 violators. ~~Any person appointed as a full-time officer~~
20 ~~shall be at least twenty-two years of age, but not~~
21 ~~more than thirty-one years of age, on the date of~~
22 ~~his appointment.~~ Officer means any person appointed
23 by the state conservation commission to enforce the
24 laws of this state under the jurisdiction of the
25 commission."

26 2. By renumbering the sections to conform with
27 this amendment.

H-3446 FILED *Filed not germane* BY LARSEN of Wapello
MARCH 15, 1979 *3/22 (p. 1042)* PERKINS of Greene

HOUSE FILE 680

H-3461

1 Amend amendment H-3422 to House File 680 as
2 follows:

3 1. Page 1, by inserting after line 1 the follow-
4 ing:

5 "1. Page 4, by striking lines 8 through 12."

H-3461 FILED *#12 3/22 (1044)* BY BYERLY of Polk
MARCH 16, 1979

HOUSE FILE 680

H-3462

1 Amend House File 680 as follows:

2 1. Page 4, by striking lines 8 through 12.

H-3462 FILED *Adopted 3/22 (p. 1045)* BY BYERLY of Polk
MARCH 16, 1979

HOUSE FILE 680

H-3444

1 Amend House File 680 as follows:

2 1. Page 1, by striking lines 1 through 10 and
3 inserting in lieu thereof the following:

4 "Section 1. Section ninety-seven A point six
5 (97A.6), subsection one (1), paragraph b, Code 1979,
6 is amended by striking the paragraph."

A 7 2. Page 1, by striking line 11 through page 2,
8 line 22, and inserting in lieu thereof the following:

9 "Sec. 2. Section ninety-seven B point forty-five
10 (97B.45), unnumbered paragraphs two (2) and three
11 (3), Code 1979, are amended by striking the paragraphs
12 and inserting in lieu thereof the following:

13 An employer shall not prescribe retirement at a
14 specific age, but shall base retirement policies on
15 ability of the member to perform the job.

16 Sec. 3. Section ninety-seven B point forty-six
17 (97B.46), Code 1979, is amended to read as follows:

18 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member
19 may, ~~on the request of the employer,~~ remain in the
20 active employ of the employer beyond the date the
21 member attains the age of sixty-five ~~for such period~~
22 ~~or periods as the employer from time to time shall~~
23 ~~approve, provided,~~ however, that credit for such
24 service shall cease when contributions cease as
25 provided in section 97B.11. The member shall retire
26 ~~at the end of the last approved period,~~ on the first
27 day of the month ~~in which the member retires, except~~
28 ~~that such date shall be~~ after the last day of service.
29 A member remaining in service after attaining the
30 age of seventy years shall be entitled to receive
31 a retirement allowance under section 97B.49 as
32 applicable commencing with payment for the calendar
33 month within which the written notice is submitted
34 to the department, except that if the member fails
35 to submit the notice on a timely basis, retroactive
36 payments shall be made for no more than six months
37 immediately preceding the month in which the written
38 notice is submitted.

39 The employer shall base approval for continuation
40 of active employment of a member who has attained
41 the age of sixty-five upon the employee's ability
42 to perform the job, and age shall not be considered
43 as a factor."

B 44 3. Page 2, by striking line 23 through page 3,
45 line 10, and inserting in lieu thereof the following:

46 "Sec. 4. Section four hundred ten point six
47 (410.6), unnumbered paragraph two (2), Code 1979,
48 is amended by striking the paragraph.

49 Sec. 5. Section four hundred eleven point six
50 (411.6), subsection one (1), paragraph b, Code 1979,

1 is amended by striking the paragraph and renumbering
2 the remaining paragraph."

β 3 4. Page 3, by striking line 11 through page 5,
4 line 5, and inserting in lieu thereof the following:
5 "Sec. 6. Section six hundred A point thirteen
6 (601A.13), Code 1979, is amended by adding the
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. However, a retirement
9 plan or benefit system shall not require the
10 involuntary retirement of a person because of that
11 person's age. An employer is not required to provide
12 the same pension, retirement, or insurance benefits
13 to all employees where the cost varies with the age
14 of the individual employee. Business necessity or
15 bona fide underwriting criteria shall be the only
16 basis used by employers for providing different
17 benefits to employees of different ages unless the
18 benefits are provided under a retirement plan or
19 benefit system adopted as a subterfuge to evade the
20 purposes of this chapter. The existence of a provision
21 in a retirement plan stating a maximum eligibility
22 age for entrance into a retirement plan shall not
23 authorize the rejecting from employment of an applicant
24 who is over the maximum eligibility age for the
25 retirement plan. This section does not require an
26 employer to hire back an employee following retirement,
27 or to hire an applicant for employment whose age is
28 over the retirement age under the employer's retirement
29 plan or benefit system, if the plan or system is not
30 a mere subterfuge for the purposes of evading the
31 provisions of this chapter."

32 5. By renumbering the sections to conform with
33 this amendment.

H-3444 FILED *Ruled not germane*
MARCH 15, 1979 *3/22 (p. 1041)*

BY CUSACK of Scott
CLARK of Cerro Gordo
MILLER of Buchanan
BRANDT of Black Hawk

Ruled germane with adoption of
3409 (p. 1045)

B- Out of order with adoption of 3422

A- Adopted 3/22 (p. 1049)

C. D. Withdrawn (p. 1052)

HOUSE FILE 680

H-3409

- 1 Amend House File 680 as follows:
- 2 1. Page 3, by striking lines 11 through 24.

H-3409 FILED *Adopted 3/22 (p. 1044)* BY BRANDT of Black Hawk
 MARCH 15, 1979 CLARK of Cerro Gordo
 KREWSON of Polk
 POFFENBERGER of Dallas
 THOMPSON of Polk
 PELTON of Clinton
 HIBBS of Johnson
 HANSON of Delaware
 LARSEN of Wapello
 MULLINS of Kossuth
 CONNORS of Polk
 EGENES of Story
 CUSACK of Scott
 CRAWFORD of Story
 SHIMANEK of Jones
 HALL of Linn
 HUSAK of Tama

HOUSE FILE 680

H-3422

- 1 Amend House File 680 as follows:
- 2 1 Page 4, by striking lines 18 through page 5
- 3 line 5.

H-3422 FILED *Adopted 3/22 (p. 1046)* BY POPE of Polk
 MARCH 15, 1979 CONNORS of Polk
Reconsidered, amended by 3512
Adopted 3/22 (p. 1051) BRANDT of Black Hawk
 CLARK of Cerro Gordo
 THOMPSON of Polk
 HIBBS of Johnson
 CRAWFORD of Story
 PAVICH of Pottawattamie
 HALVORSON of Webster

HOUSE FILE 680

H-3438

- 1 Amend House File 680 as follows:
- 2 1. Page 3, by striking lines 17 and 18 and
- 3 inserting in lieu thereof the words "are legal adults
- 4 and does not apply to the following":
- 5 2. Page 3, line 24, by inserting after the word
- 6 "programs" the words "if the person is over age forty-
- 7 five".
- 8 3. Page 3, line 27, by striking the word
- 9 "paragraphs" and inserting in lieu thereof the word
- 10 "paragraph".

H-3438 FILED *Out of order 3/22 (1044)* BY PATCHETT of Johnson
 MARCH 15, 1979 RAPP of Black Hawk

H-3492

1 Amend House File 680 as follows:

2 1. Page 2, by inserting after line 22 the
3 following:

4 "Sec. 5. Section one hundred seven point thirteen
5 (107.13), Code 1979, is amended to read as follows:
6 107.13 OFFICERS AND EMPLOYEES. The director
7 shall, with the consent of the commission, employ
8 the number of assistants, including a professionally
9 trained state forester, that are necessary to carry
10 out the duties imposed on the commission; and, under
11 the same conditions, the director shall appoint the
12 number of officers and supervisory personnel that
13 are necessary to enforce the laws and rules and
14 regulations, the enforcement of which are imposed
15 on the commission. The officers and supervisory
16 personnel shall have the same powers that are conferred
17 by law on peace officers in the enforcement of the
18 laws of the state of Iowa and the apprehension of
19 violators. Any person appointed as a full-time officer
20 shall be at least ~~twenty-two~~ twenty-one years of age,
21 but not more than ~~thirty-one~~ thirty-five years of
22 age, on the date of his appointment. Officer means
23 any person appointed by the state conservation
24 commission to enforce the laws of this state under
25 the jurisdiction of the commission."

26 2. By renumbering the sections to conform with
27 this amendment.

H-3492 FILED *Filed not germane*
MARCH 20, 1979 *3/22 (p. 10 43)*

BY WELSH of Dubuque

HOUSE FILE 680

H-3511

- 1 Amend House File 680 as follows:
- 2 1. Amend the title, page 1, line 3, by
- 3 inserting after the word "plans" the following:
- 4 ", and providing an exemption for certain benefit
- 5 systems under section six hundred one A point
- 6 thirteen (601A.13)".

H-3511 FILED
MARCH 22, 1979

BY CONLON of Muscatine

ADOPTED BY UNANIMOUS CONSENT (p. 1052)

HOUSE FILE 680

H-3512

- 1 Amend amendment H-3422, to House File 680, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and inserting
- 4 in lieu thereof the following:
- 5 "1. Page 4, by striking lines 18 through page 5
- 6 line 5, and inserting in lieu thereof the following:
- 7 "NEW UNNUMBERED PARAGRAPH. A temporary disability
- 8 or health insurance program provided by an employer
- 9 may exclude coverage of abortion, except where the
- 10 life of the mother would be endangered if the fetus
- 11 were carried to term or where medical complications
- 12 have arisen from an abortion."

H-3512 FILED
MARCH 22, 1979
ADOPTED (p. 1050)

BY JOHNSON of Howard
DAVITT of Warren
TYRRELL of Iowa
DAGGETT of Taylor
VAN MAANEN of Mahaska
DE GROOT of Lyon
BRANSTAD of Winnebago

3/29 Do Pass 4/2 (p.1055)

State Government
Schwengels, Chairperson
E. Miller
Rodgers

HOUSE FILE 680

By COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(As Amended and Passed by the House)

Passed House, Date See Below Passed Senate, Date 4-18-79 (p.1260)
Vote: Ayes _____ Nays _____ Vote: Ayes 45 Nays 2
Approved June 10 1969
Amended to measure 4/19 (p.1295) w/d 4/26

A BILL FOR

1 An Act relating to age discrimination including the maximum
2 age of employment in certain occupations and in pension
3 plans, and providing an exemption for certain benefit
4 systems under section six hundred one A point thirteen
5 (601A.13).

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

Conference Committee Appointed

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9 Senators Schwengels, Chair; Neptrow, Carney, Cass, Robinson 5/4 (p.1542)
10 Reps. Menke, Chair; Johnson, Holt, Cusack, Connors 5/7 (p.2082)

Passed per Conference Committee Report

11
12 House 5-9-79 (p.2208) Senate 5-10-79 (p.1635)
13 83-10 49-0

_____ House Amendments

* Stricken Language

1 Section 1. Chapter eighty (80), Code 1979, is amended
2 by adding the following new section:

3 NEW SECTION. MAXIMUM AGE. The maximum age for a per-
4 son to be employed as a peace officer in the divisions of
5 highway safety and uniformed force, criminal investigation
6 and bureau of identification, drug law enforcement, and beer
7 and liquor law enforcement is sixty-five years of age.

8 Sec. 2. Section ninety-seven A point six (97A.6), sub-
9 section one (1), Code 1979, is amended by striking paragraph
10 b.

11 Sec. 3. Section ninety-seven B point forty-five (97B.45),
12 unnumbered paragraphs two (2) and three (3), Code 1979, are
13 amended by striking the paragraphs and inserting in lieu
14 thereof the following:

15 An employer shall not prescribe retirement at a specific
16 age, but shall base retirement policies on ability of the
17 member to perform the job.

18 Sec. 4. Section ninety-seven B point forty-six (97B.46),
19 Code 1979, is amended to read as follows:

20 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member may, on
21 ~~the request of the employer,~~ remain in the active employ of
22 the employer beyond the date the member attains the age of
23 sixty-five for such period or periods as the employer from
24 time to time shall approve, provided, however, that credit
25 for such service shall cease when contributions cease as
26 provided in section 97B.11. The member shall retire at the
27 end of the last approved period, on the first day of the month
28 in which the member retires, except that such date shall be
29 after the last day of service. A member remaining in service
30 after attaining the age of seventy years shall be entitled
31 to receive a retirement allowance under section 97B.49 as
32 applicable commencing with payment for the calendar month
33 within which the written notice is submitted to the department,
34 except that if the member fails to submit the notice on a
35 timely basis, retroactive payments shall be made for no more

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1 than six months immediately preceding the month in which
2 the written notice is submitted.

3 The employer shall base approval for continuation of ac-
3515 - 4 tive employment of a member who has attained the age of sixty-
5 five upon the employee's ability to perform the job, and age
6 shall not be considered as a factor.

3551 7 Sec. 5. Chapter three hundred sixty-two (362), Code 1979,
8 is amended by adding the following new section:

9 NEW SECTION. POLICE OFFICERS AND FIRE FIGHTERS. The
10 maximum age for a police officer or fire fighter employed
11 for police duty or the duty of fighting fires is sixty-five
12 years of age.

13 Sec. 6. Section four hundred point seventeen (400.17),
14 unnumbered paragraph three (3), Code 1979, is amended to read
15 as follows:

16 A person shall not be appointed, promoted, discharged,
17 or demoted to or from a civil service position or in any other
18 way favored or discriminated against in that position because
19 of political or religious opinions or affiliations, race,
20 national origin, sex, or age. However, the maximum age for
21 a police officer or fire fighter covered by this chapter and
22 employed for police duty or the duty of fighting fires is
23 sixty-five years of age.

3526 24 Sec. 7. Section four hundred ten point six (410.6),
25 unnumbered paragraph two (2), Code 1979, is amended by striking
26 the unnumbered paragraph.

27 Sec. 8. Section four hundred eleven point six (411.6),
28 subsection one (1), paragraph b, Code 1979, is amended by
29 striking the paragraph.

* 30 Sec. 9. Section six hundred one A point thirteen (601A.13),
31 Code 1979, is amended by adding the following new unnumbered
32 paragraphs:

33 NEW UNNUMBERED PARAGRAPH. However, a retirement plan or
34 benefit system shall not require the involuntary retirement
35 of a person under the age of seventy because of that person's

1 age. This paragraph does not prohibit the following:

2 a. The involuntary retirement of a person who has at-
3 tained the age of sixty-five and has for the two prior years
4 been employed in a bona fide executive or high policy-making
5 position and who is entitled to an immediate, nonforfeitable
6 annual retirement benefit from a pension, profit-sharing,
7 savings or deferred compensation plan of the employer which
8 equals twenty-seven thousand dollars. This retirement benefit
9 test may be adjusted according to the regulations prescribed
10 by the United States secretary of labor pursuant to Public
11 Law ninety-five dash two hundred fifty-six (95-256), section
12 three (3).

13 b. The involuntary retirement of a person covered by a
14 collective bargaining agreement which was entered into by
15 a labor organization and was in effect on September 1, 1977.
16 This exemption does not apply after the termination of that
17 agreement or January 1, 1980, whichever first occurs.

3555* 18 NEW UNNUMBERED PARAGRAPH. A temporary disability or health
19 insurance program provided by an employer may exclude coverage
3409- 20 of abortion, except where the life of the mother would be
3537 21 endangered if the fetus were carried to term or where medical
22 complications have arisen from an abortion.

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HOUSE FILE 680

S-3515

- 1 | Amend House File 680 as amended, passed and
 2 | reprinted by the House as follows:
 3 | 1. Page 1, line 20, by inserting after the
 4 | word "member" the words "other than a peace
 5 | officer".
 6 | 2. Page 2, line 4, by inserting after the
 7 | word "member" the words "other than a peace
 8 | officer".

S-3515 FILED
 APRIL 18, 1979

BY FORREST V. SCHWENGELS

RULED OUT OF ORDER (*p. 1260*)

HOUSE FILE 680

S-3520

- 1 | Amend admendment S-3480 to House File 680 as
 2 | amended, passed and reprinted by the House as follows:
 3 | 1. Page 1, line 18, by inserting after the
 4 | word "service" the words "but shall base retirement
 5 | policies on ability of the member to perform the job".

S-3520 FILED
 APRIL 18, 1979

BY TOM SLATER

ADOPTED, RULED OUT OF ORDER
 (*p. 1252*)

HOUSE FILE 680

S-3526

- 1 | Amend House File 680 as passed and reprinted by
 2 | the House as follows:
 3 | 1. Page 2, by inserting after line 23 the
 4 | following:
 5 | "Sec. 7. Section one hundred seven point thir-
 6 | teen (107.13), Code 1979, is amended to read as follows:
 7 | 107.13 OFFICERS AND EMPLOYEES. The director
 8 | shall, with the consent of the commission, employ the
 9 | number of assistants, including a professionally trained
 10 | state forester, that are necessary to carry out the
 11 | duties imposed on the commission; and, under the same
 12 | conditions, the director shall appoint the number of
 13 | officers and supervisory personnel that are necessary
 14 | to enforce the laws and rules and regulations, the
 15 | enforcement of which are imposed on the commission.
 16 | The officers and supervisory personnel shall have the
 17 | same powers that are conferred by law on peace officers
 18 | in the enforcement of the laws of the state of Iowa
 19 | and the apprehension of violators. Any person appointed
 20 | as a full-time officer shall be at least twenty-two
 21 | twenty-one years of age, but not more than thirty-one
 22 | sixty-five years of age, on the date of his appointment.
 23 | Officer means any person appointed by the state conserva-
 24 | tion commission to enforce the laws of this state under
 25 | the jurisdiction of the commission."
 26 | 2. By renumbering the sections to conform with
 27 | this amendment.

S-3526 FILED & ADOPTED (*p. 1256*)
 APRIL 18, 1979

BY ROBERT M. CARR
 F. V. SCHWENGELS

S-3536

HOUSE FILE 680

1 Amend House File 680 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, line 22, by inserting after the word
4 "abortion" the words "or where the fetus is deter-
5 mined to be abnormal or in case of rape or incest."

S-3536 FILED & LOST (p. 1258) BY SUE YENGER
APRIL 18, 1979

HOUSE FILE 680

S-3538

1 Amend House File 680 as amended, passed and reprinted
2 by the House, as follows:
3 1. Page 3, line 18, by striking the words "temporary
4 disability or".

S-3538 FILED & ADOPTED (p. 1257) BY JULIA B. GENTLEMAN
APRIL 18, 1979

HOUSE FILE 680

S-3537

1 Amend House File 680 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 20 through 22 and
4 inserting in lieu thereof the following: "of abortion,
5 except when one of the following occurs:
6 a. The attending physician certifies that
7 continuing the pregnancy would endanger the life of
8 the pregnant woman.
9 b. The attending physician certifies that the
10 fetus is physically deformed, mentally deficient,
11 or afflicted with a congenital illness.
12 c. The pregnancy is the result of a rape which
13 is reported to a law enforcement agency or public
14 or private health agency within sixty days of the
15 incident, or the result of incest which is reported
16 in the first two trimesters of pregnancy to a law
17 enforcement agency or the department of social
18 services.
19 d. A spontaneous abortion, commonly known as a
20 miscarriage, where all of the products of conception
21 are not expelled.
22 e. A medical complication has arisen from the
23 abortion."

S-3537 FILED & LOST (p. 1259) BY JOANN ORR
APRIL 18, 1979

HOUSE FILE 680

S-3539

1 Amend the Carney Amendment, S-3480, to House File
2 680 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, line 12, by inserting after the word
5 "member" the words "other than a peace officer or a
6 firefighter".
7 2. Page 1, line 19, by inserting after the word
8 "member", the words "other than a peace officer".

S-3539 FILED BY BOB CARR
APRIL 18, 1979 FORREST V. SCHWENGELS
RULED OUT OF ORDER

HOUSE FILE 680

S-3480

1 Amend House File 680 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking line 11 through page 2,
 4 line 6, and inserting in lieu thereof the following:
 5 "Sec. 3. Section ninety-seven B point forty-five
 6 (97B.45), unnumbered paragraphs two (2) and three
 7 (3), Code 1979, are amended by striking the paragraphs.
 8 Sec. 4. Section ninety-seven B point forty-six
 9 (97B.46), Code 1979, is amended by striking the section
 10 and inserting in lieu thereof the following:
 11 97B.46 SERVICE AFTER AGE SIXTY-FIVE.
 12 1. A member who is an employee of the state may
 13 remain in service beyond the date the member attains
 14 the age of sixty-five. The employee shall retire
 15 on the first day of the month after the last day of
 16 service. The employer shall not consider age as a
 17 factor in determining the continuation of the member's
 18 service.
 19 2. A member who is not an employee of the state
 20 may remain in service beyond the date the member
 21 attains the age of sixty-five until attaining the
 22 age of seventy. After attaining the age of seventy,
 23 the member may remain in service for the periods as
 24 the employer approves and the member shall retire
 25 on the first day of the month following the last
 26 approved period. An employer who is not the state
 27 may adopt policies which prescribe retirement at age
 28 seventy or older.
 29 3. Credit for service shall cease when
 30 contributions cease as provided by section ninety-
 31 seven B point eleven (97B.11) of the Code. A member
 32 remaining in service after attaining the age of seventy
 33 years is entitled to receive a retirement allowance
 34 under section ninety-seven B point forty-nine (97B.49)
 35 of the Code as applicable commencing with payment
 36 for the calendar month within which the written notice
 37 is submitted to the department, except that if the
 38 member fails to submit the notice on a timely basis,
 39 retroactive payments shall be made for no more than
 40 six months immediately preceding the month in which
 41 the written notice is submitted."

S-3480 FILED *W. Brown 4/18 (1300)* BY CLARENCE CARNEY
APRIL 11, 1979

HOUSE FILE 680

S-3514

1 Amend the Carney Amendment, S-3480, to House
 2 File 680 as amended, passed, and reprinted by the
 3 House as follows:
 4 1. Page 1, line 12, by inserting after the
 5 word "member", the words "other than a peace officer".
 6 2. Page 1, line 19, by inserting after the word
 7 "member", the words "other than a peace officer".

S-3514 FILED
APRIL 18, 1979
ADOPTED, RULED OUT OF ORDER

BY FORREST V. SCHWENGELS

HOUSE FILE 680

S-3409

- 1 Amend House File 680 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 3, by striking lines 18 through 22.

S-3409 FILED *Lost 4/18 (p. 1257)* BY JULIA B. GENTLEMAN
 APRIL 5, 1979 JOHN MURRAY
 SUE YENGER

HOUSE FILE 680

S-3379

- 1 Amend House File 680 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 3, by inserting after line 22 the
 4 following:
 5 "NEW UNNUMBERED PARAGRAPH. An employee welfare
 6 plan may provide life, disability or health insurance
 7 benefits which vary by age based on actuarial
 8 differences if the employer contributes equally for
 9 all the participating employees or may provide for
 10 employer contributions differing by age if the benefits
 11 for all the participating employees do not vary by
 12 age."

S-3379 FILED *Ruled not germane 4/18 (p. 1257)* BY FORREST SCHWENGELS
 APRIL 4, 1979

HOUSE FILE 680

S-3362

- 1 Amend House File 680 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 11 through 17.

S-3362 FILED *Ruled out of order 4/18 (p. 1260)* BY LUCAS J. DeKOSTER
 APRIL 3, 1979

HOUSE FILE 680

S-3348

- 1 Amend House File 680 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 11 through 17 and
 4 inserting in lieu thereof the following new section:
 5 "Sec. 3. Section ninety-seven B point forty-
 6 five (97B.45), unnumbered paragraphs two (2) and three
 7 (3), Code 1979, are amended as follows:
 8 Notwithstanding the provisions of this section
 9 and section 97B.46, an employer may adopt policies
 10 which prescribe retirement at an age not less than
 11 sixty-five seventy years.
 12 The provisions of this section shall not be
 13 construed to render invalid any provisions of a
 14 policy established by an employer which prescribes
 15 retirement at an age not less than sixty-five
 16 seventy years."

S-3348 FILED *Ruled out of order 4/18 (p. 1260)* BY ARTHUR L. GRATIAS
 APRIL 2, 1979

HOUSE FILE 680

S-3550

1 | Amend House File 680 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking line 11 through page 2,
4 line 6, and inserting in lieu thereof the following:

5 "Sec. 3. Section ninety-seven B point forty-five
6 (97B.45), unnumbered paragraphs two (2) and three
7 (3), Code 1979, is amended by striking those unnumbered
8 paragraphs and inserting in lieu thereof the following:

9 An employer may adopt rules which require retirement
10 at the age of seventy or older.

11 Sec. 4. Section ninety-seven B point forty-six
12 (97B.46), Code 1979, is amended to read as follows:

13 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member,
14 ~~except a peace officer or firefighter, may, on the request~~
15 ~~of the employer,~~ remain in the active employ of the
16 employer beyond the date the member attains the
17 age of sixty-five until attaining the age of seventy,
18 and may remain in service after attaining the age of
19 seventy for such period or periods as the employer
20 from time to time shall approve, based on the ability
21 of the member to perform the job provided, however,
22 that credit for such service shall cease when con-
23 tributions cease as provided in section 97B.11
24 and the member shall retire on the first day of the
25 month following the last approved period. The member
26 shall retire at the end of the last approved period,
27 on the first day of the month in which the member
28 retires, except that such date shall be after the
29 last day of service. A member remaining in service
30 after attaining the age of seventy years shall be
31 entitled to receive a retirement allowance under
32 section 97B.49 as applicable commencing with payment
33 for the calendar month within which the written notice
34 is submitted to the department, except that if the
35 member fails to submit the notice on a timely basis,
36 retroactive payments shall be made for no more than
37 six months immediately preceding the month in which
38 the written notice is submitted."

S-3550 FILED & ADOPTED (p. 1259) BY CLOYD E. ROBINSON
APRIL 18, 1979

S-3551

1 Amend House File 680 as amended, passed and
2 reprinted as follows:
3 1. Page 2, by inserting after line 6 the following:
4 "Sec. 5. Chapter two hundred sixty-two (262), Code
5 1979, is amended by adding the following new section:
6 NEW SECTION. An employee of the state at an
7 institution under the control of the board of regents,
8 except peace officers, may remain in service beyond
9 the date the employee attains the age of sixty-five.
10 The employer shall not consider age as a factor in
11 determining the continuation of the employee's
12 service, but shall base retirement policies on the
13 ability of the employee to perform the job."
14 2. By renumbering the sections to conform with
15 this amendment.

S-3551 FILED & WITHDRAWN (p. 1260) BY JOHN S. MURRAY
APRIL 18, 1979

SENATE AMENDMENT TO
HOUSE FILE 680

H-4145

1 Amend House File 680 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking line 11 through page 2,
4 line 6, and inserting in lieu thereof the following:

5 "Sec. 3. Section ninety-seven B point forty-five
6 (97B.45), unnumbered paragraphs two (2) and three
7 (3), Code 1979, is amended by striking those unnumbered
8 paragraphs and inserting in lieu thereof the following:

9 An employer may adopt rules which require retirement
10 at the age of seventy or older.

11 Sec. 4. Section ninety-seven B point forty-six
12 (97B.46), Code 1979, is amended to read as follows:

13 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member,
14 except a peace officer or firefighter, may, on the
15 request of the employer, remain in the active employ
16 of the employer beyond the date the member attains
17 the age of sixty-five until attaining the age of
18 seventy, and may remain in service after attaining
19 the age of seventy for such period or periods as the
20 employer from time to time shall approve, based on
21 the ability of the member to perform the job provided,
22 however, that credit for such service shall cease
23 when contributions cease as provided in section 97B.11
24 and the member shall retire on the first day of the
25 month following the last approved period. The member
26 shall retire at the end of the last approved period,
27 on the first day of the month in which the member
28 retires, except that such date shall be after the
29 last day of service. A member remaining in service
30 after attaining the age of seventy years shall be
31 entitled to receive a retirement allowance under
32 section 97B.49 as applicable commencing with payment
33 for the calendar month within which the written notice
34 is submitted to the department, except that if the
35 member fails to submit the notice on a timely basis,
36 retroactive payments shall be made for no more than
37 six months immediately preceding the month in which
38 the written notice is submitted."

39 2. Page 2, by inserting after line 23 the
40 following:

41 "Sec. 7. Section one hundred seven point thir-
42 teen (107.13), Code 1979, is amended to read as
43 follows:

44 107.13 OFFICERS AND EMPLOYEES. The director
45 shall, with the consent of the commission, employ
46 the number of assistants, including a professionally
47 trained state forester, that are necessary to carry
48 out the duties imposed on the commission; and, under
49 the same conditions, the director shall appoint the
50 number of officers and supervisory personnel that

Page Two
H-4145

1 are necessary to enforce the laws and rules and
2 regulations, the enforcement of which are imposed
3 on the commission. The officers and supervisory
4 personnel shall have the same powers that are conferred
5 by law on peace officers in the enforcement of the
6 laws of the state of Iowa and the apprehension of
7 violators. Any person appointed as a full-time officer
8 shall be at least ~~twenty-two~~ twenty-one years of age,
9 but not more than ~~thirty-one~~ sixty-five years of age,
10 on the date of his appointment. Officer means any
11 person appointed by the state conservation commission
12 to enforce the laws of this state under the
13 jurisdiction of the commission."
14 3. Page 3, line 18, by striking the words
15 "temporary disability or".
16 4. By renumbering the sections to conform with
17 this amendment.

H-4145 FILED
APRIL 27, 1979

RECEIVED FROM THE SENATE

*House refused to concur 5/2 (p. 2006)
Senate insisted 5/4 (p. 1538)*

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 680

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House file 680, as amended, passed and reprinted by the House, a bill for an Act relating to age discrimination including the maximum age of employment in certain occupations and in pension plans, and providing an exemption for certain benefit systems under section six hundred one A point thirteen (601A.13), respectfully make the following report:

1. That the Senate recede from its amendment H-4145.

2. That House File 680, as amended, passed and reprinted by the House, be amended as follows:

1. Page 1, by striking line 11 through page 2, line 6, and inserting in lieu thereof the following:

"Sec. 3. Section ninety-seven B point forty-five (97B.45), unnumbered paragraphs two (2) and three (3), Code 1979, are amended by striking the paragraphs.

Sec. 4. Section ninety-seven B point forty-six (97B.46), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

97B.46 SERVICE AFTER AGE SIXTY-FIVE.

1. A member who is an employee of the state may remain in service beyond the date the member attains the age of sixty-five. The employee shall retire on the first day of the month after the last day of service. The employer shall not consider age as a factor in determining the continuation of the member's service.

2. A member who is not an employee of the state may remain in service beyond the date the member attains the age of sixty-five until attaining the age of seventy. After attaining the age of seventy, the member may remain in service for the periods as the employer approves and the member shall retire on the first day of the month following the last approved period. An employer who is not the state may adopt policies which prescribe retirement at age seventy or older.

Page Two (Conference Committee Report on H.F.680)

3. A member shall not be employed as a peace officer or as a firefighter after attaining the age of sixty-five.

4. Credit for service shall cease when contributions cease as provided by section ninety-seven B point eleven (97B.11) of the Code. A member remaining in service after attaining the age of seventy years is entitled to receive a retirement allowance under section ninety-seven B point forty-nine (97B.49) of the Code as applicable commencing with payment for the calendar month within which the written notice is submitted to the department, except that if the member fails to submit the notice on a timely basis, retroactive payments shall be made for no more than six months immediately preceding the month in which the written notice is submitted."

2. Page 2, by inserting after line 23 the following:

"Sec. 7. Section one hundred seven point thirteen (107.13), Code 1979, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES. The director shall, with the consent of the commission, employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of officers and supervisory personnel that are necessary to enforce the laws and rules and regulations, the enforcement of which are imposed on the commission. The officers and supervisory personnel shall have the same powers that are conferred by law on peace officers in the enforcement of the laws of the state of Iowa and the apprehension of violators. Any person appointed as a full-time officer shall be at least ~~twenty-two~~ twenty-one years of age, but not more than ~~thirty-one~~ sixty-five years of age, on the date of his appointment. Officer means any person appointed by the state conservation commission to enforce the laws of this state under the jurisdiction of the commission."

3. Page 3, line 18, by striking the words "temporary disability or".

4. Page 3, by inserting after line 22 the following:

Page Three (Conference Committee Report on H.F. 680)

"NEW UNNUMBERED PARAGRAPH. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age."

5. By renumbering the sections to conform with this amendment.

6. Amend the title, by striking lines 1 through 5 and inserting in lieu thereof the following:

"An Act relating to discrimination on the basis of sex and age in conditions of employment and retirement."

ON THE PART OF THE HOUSE:

LESTER D. MENKE, Chair
JAMES JOHNSON
LEE HOLT
GREGORY CUSACK

ON THE PART OF THE SENATE:

FORREST V. SCHWENGELS, Chair
JOHN NYSTROM
CLARENCE CARNEY
ROBERT CARR

FILED MAY 8, 1979

*House adopted 5/9 (p. 2207)
Senate adopted 5/10 (p. 1634)*

HOUSE FILE 680

AN ACT

RELATING TO DISCRIMINATION ON THE BASIS OF SEX AND AGE IN
CONDITIONS OF EMPLOYMENT AND RETIREMENT.

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

Section 1. Chapter eighty (80), Code 1979, is amended
by adding the following new section:

NEW SECTION. MAXIMUM AGE. The maximum age for a per-
son to be employed as a peace officer in the divisions of
highway safety and uniformed force, criminal investigation
and bureau of identification, drug law enforcement, and beer
and liquor law enforcement is sixty-five years of age.

Sec. 2. Section ninety-seven A point six (97A.6), sub-
section one (1), Code 1979, is amended by striking paragraph
b.

Sec. 3. Section ninety-seven B point forty-five (97B.45),
unnumbered paragraphs two (2) and three (3), Code 1979, are
amended by striking the paragraphs.

Sec. 4. Section ninety-seven B point forty-six (97B.46),
Code 1979, is amended by striking the section and inserting
in lieu thereof the following:

97B.46 SERVICE AFTER AGE SIXTY-FIVE.

1. A member who is an employee of the state may remain
in service beyond the date the member attains the age of
sixty-five. The employee shall retire on the first day of
the month after the last day of service. The employer shall
not consider age as a factor in determining the continuation
of the member's service.

2. A member who is not an employee of the state may re-
main in service beyond the date the member attains the age
of sixty-five until attaining the age of seventy. After
attaining the age of seventy, the member may remain in service
for the periods as the employer approves and the member shall
retire on the first day of the month following the last
approved period. An employer who is not the state may adopt
policies which prescribe retirement at age seventy or older.

3. A member shall not be employed as a peace officer or
as a fire fighter after attaining the age of sixty-five.

4. Credit for service shall cease when contributions cease
as provided by section ninety-seven B point eleven (97B.11)
of the Code. A member remaining in service after attaining
the age of seventy years is entitled to receive a retirement
allowance under section ninety-seven B point forty-nine
(97B.49) of the Code as applicable commencing with payment
for the calendar month within which the written notice is
submitted to the department, except that if the member fails
to submit the notice on a timely basis, retroactive payments
shall be made for no more than six months immediately preceding
the month in which the written notice is submitted.

Sec. 5. Chapter three hundred sixty-two (362), Code 1979,
is amended by adding the following new section:

NEW SECTION. POLICE OFFICERS AND FIRE FIGHTERS. The
maximum age for a police officer or fire fighter employed

for police duty or the duty of fighting fires is sixty-five years of age.

Sec. 6. Section four hundred point seventeen (400.17), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

A person shall not be appointed, promoted, discharged, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age. However, the maximum age for a police officer or fire fighter covered by this chapter and employed for police duty or the duty of fighting fires is sixty-five years of age.

Sec. 7. Section one hundred seven point thirteen (107.13), Code 1979, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES. The director shall, with the consent of the commission, employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of officers and supervisory personnel that are necessary to enforce the laws and rules and regulations, the enforcement of which are imposed on the commission. The officers and supervisory personnel shall have the same powers that are conferred by law on peace officers in the enforcement of the laws of the state of Iowa and the apprehension of violators. Any person appointed as a full-time officer shall be at least ~~twenty-two~~ twenty-one years of age, but not more than ~~thirty-one~~ sixty-five years of age, on the date of his appointment. Officer means any person appointed by the state conservation commission to enforce the laws of this state under the jurisdiction of the commission.

Sec. 8. Section four hundred ten point six (410.6), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 9. Section four hundred eleven point six (411.6), subsection one (1), paragraph b, Code 1979, is amended by striking the paragraph.

Sec. 10. Section six hundred one A point thirteen (601A.13), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This paragraph does not prohibit the following:

a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law ninety-five dash two hundred fifty-six (95-256), section three (3).

b. The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.

NEW UNNUMBERED PARAGRAPH. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

NEW UNNUMBERED PARAGRAPH. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or

may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 680, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 10, 1979

ROBERT D. RAY
Governor