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SENATE FILE 2063  
BY DVORSKY and BOLKCOM

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to retirement benefits for employees covered by  
2 the Iowa public employees' retirement system who are also  
3 certain elective officials.

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

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SF 2063  
STATE GOVERNMENT

1 Section 1. Section 97B.1A, subsection 8, paragraph a,  
2 subparagraph (1), Code 1999, is amended to read as follows:

3 (1) Elective officials in positions for which the  
4 compensation is on a fee basis, elective officials of school  
5 districts, elective officials of townships, and elective  
6 officials of other political subdivisions who are in part-time  
7 positions. An elective official covered under this chapter  
8 may terminate membership under this chapter by informing the  
9 department in writing of the expiration of the member's term  
10 of office or by informing the department of the member's  
11 intent to terminate membership for employment as an elective  
12 official and establishing that the member has a bona fide  
13 termination of employment from all employment covered under  
14 this chapter other than as an elective official and that the  
15 member has filed a completed application for benefits form  
16 with the department. A county attorney is an employee for  
17 purposes of this chapter whether that county attorney is  
18 employed on a full-time or part-time basis.

19 Sec. 2. Section 97B.52A, subsection 1, paragraph b, Code  
20 1999, is amended to read as follows:

21 b. For a member whose first month of entitlement is July  
22 1998 or later, the member does not return to any employment  
23 with a covered employer until the member has qualified for no  
24 fewer than four calendar months of retirement benefits. For  
25 purposes of this paragraph, effective July 1, 2000, any  
26 employment with a covered employer does not include employment  
27 as an elective official or member of the general assembly if  
28 the member is not covered under this chapter for that  
29 employment.

30 Sec. 3. Section 97B.52A, subsection 2, Code 1999, is  
31 amended to read as follows:

32 2. A member may commence receiving retirement benefits  
33 under this chapter upon satisfying eligibility requirements.  
34 However, a retired member who commences receiving a retirement  
35 allowance but ~~returns-to-employment-before-qualifying-for-no~~

1 fewer-than-four-calendar-months-of-retirement-benefits fails  
2 to meet the applicable requirements of subsection 1 does not  
3 have a bona fide retirement and any retirement allowance  
4 received by such a member must be returned to the system  
5 together with interest earned on the retirement allowance  
6 calculated at a rate determined by the department. Until the  
7 member has repaid the retirement allowance and interest, the  
8 department may withhold any future retirement allowance for  
9 which the member may qualify.

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EXPLANATION

11 This bill relates to optional coverage for certain elective  
12 officials under the Iowa public employees' retirement system  
13 and for the ability of elective officials and members of the  
14 general assembly to remain in the elected position and receive  
15 a retirement allowance under IPERS following termination of  
16 other employment covered under IPERS.

17 Code section 97B.1A, subsection 8, paragraph "a",  
18 subparagraph (1), which provides for the ability of an elected  
19 official to opt for coverage, is amended to allow an elected  
20 official who has opted to be covered under IPERS to opt out of  
21 coverage while still in office. Specifically, the bill  
22 permits an official to opt out of IPERS coverage if the  
23 official terminates employment from all employment covered  
24 under this chapter other than as an elective official and  
25 applies to receive a retirement benefit.

26 Code section 97B.52A, concerning bona fide retirement, is  
27 modified to permit an elective official or member of the  
28 general assembly to remain in that position and still receive  
29 a retirement allowance following termination of other covered  
30 employment so long as the elective official or member of the  
31 general assembly is not receiving IPERS coverage for the  
32 elected position.

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