

~~b.---Less~~ less than ~~five-percent-and-less-than~~ one hundred twenty percent of the average of ~~these~~ the rates for thirteen weeks ending in each of the two preceding calendar years, except that, notwithstanding any ~~such~~ provision of this subsection, any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

Sec. 33. Section six hundred twenty-six point twenty-nine (626.29), Code 1979, is amended to read as follows:

626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE OR DIRECTOR OF JOB SERVICE. In the service of a distress warrant issued by the director of revenue for the collection of income tax, sales tax, freight line and equipment car tax or use tax or in the service of a distress warrant issued by the director of job service for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due ~~him~~ the taxpayer or the employer, may be reached by garnishment.

Sec. 34. Section ninety-six point five (96.5), subsection seven (7), paragraph d, Code 1979, is repealed.

Sec. 35. This Act is effective July 1, 1979.

Approved June 8, 1979

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## CHAPTER 34

### PUBLIC RETIREMENT SYSTEMS BENEFITS

S. F. 489

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

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

Section 1. Section ninety-seven A point one (97A.1), subsection nineteen (19), Code 1979, is amended by striking the subsection.

Sec. 2. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraph a, unnumbered paragraph one (1), Code 1979, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

As of the first of July of each year for members who retire on or after July 1, 1979, 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 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 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 a service retirement allowance or their beneficiaries.

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

(4) Thirty-three and one-third percent for members eligible for 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.

Sec. 3. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraphs b and d, Code 1979, are amended to read as follows:

b. All monthly pensions adjusted as provided in this subsection shall be payable beginning on July ~~±~~ first of the year in which the adjustment is made and shall continue in effect until the next following July ~~±~~ first at which time the monthly pensions shall again be ~~recomputed and all monthly pensions~~ adjusted in accordance with ~~the recomputations~~ paragraph a of this subsection.

d. A retired member ~~who became~~ eligible for benefits under the provisions of subsection 1 ~~but who did not serve~~ is not eligible for the annual readjustment of pensions provided in this subsection unless the member served twenty-two years and did not attain attained the age of fifty-five years prior to the member's termination of employment ~~shall not be eligible for the annual readjustment of pensions provided for by this subsection.~~

Sec. 4. Section ninety-seven A point fourteen (97A.14), Code 1979, is amended to read as follows:

97A.14 HOSPITALIZATION AND MEDICAL ATTENTION. The board of trustees shall provide hospital, nursing, and medical attention for the members in service when injured while in the performance of their duties and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for the members receiving a retirement allowance under section ninety-seven A point six (97A.6), subsection six (6) of the Code. The cost of hospital, nursing, and medical attention shall be paid out of the expense fund. However, any amounts received by the injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by the board of trustees provisions of this section.

Sec. 5. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraph ten (10), Code 1979, is amended to read as follows:

(10) Persons employed as city managers, or as city administrators performing the duties of city managers, under a form of city government listed in chapter 372 or chapter four hundred twenty (420) of the Code unless such employees shall make an application to the department to be covered under the provisions of this chapter.

Sec. 6. Section ninety-seven B point forty-three (97B.43), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

Each individual who as of July 1, 1978, was an active, vested, or retired member and who (1) made application for and received a refund of contributions made under the abolished system or (2) has on deposit with the retirement fund his or her contributions made under the abolished system shall be entitled to credit for years of prior service in the determination of retirement allowance payments by filing a written election with the department on or after July 1, 1978, and by redepositing any withdrawn contributions under the abolished system together with interest as stated in this paragraph. Any individual who as of July 1, 1978, is a retired member and who made application for and received a refund of contributions made under the abolished system, may, by filing a written election with the department on or after July 1, 1978, have the department retain fifty percent of the monthly increase in retiree benefits that will accrue to the individual because of prior service. If the monthly increase in retirement benefits is less than ten dollars, the department shall retain five dollars of the scheduled increase, and if the monthly increase is less than five dollars, the provisions of this paragraph shall not apply. The department shall continue to retain such funds until the withdrawn contributions, together with interest accrued to the month in which the written election is filed, have been repaid. Due notice of this provision shall be sent to all retired members as of July 1, 1978. However, this paragraph shall not apply to any person who received a refund of any membership service contributions unless the person repaid the membership service contributions pursuant to the first new section in section twelve (12) of this Act; provided, however, that a refund of contributions remitted for the calendar quarter ending September 30, 1953 which was based entirely upon employment which terminated prior to July 4, 1953 shall not be considered as a refund of membership service contributions. The interest to be paid into the fund shall be compounded at the rates credited to member accounts from the date of payment of the refund of contributions under the abolished system to the date the member redeposits the refunded amount. The provisions of the first paragraph of this section relating to the consideration given to credited amounts shall apply to the redeposited amounts or to amounts left on deposit. Effective July 1, 1978, the provisions of this paragraph shall apply to each individual who as of July 1, 1978, was an active, vested, or retired member, but who was not in service on July 4, 1953. The period for filing the written election with the department and redepositing any withdrawn contributions together with interest accrued shall commence July 1, 1978. A member who is a retired member as of July 1, 1978 may file written election with the department on or after July 1, 1978 to have the department retain fifty percent of the monthly increase as provided in this paragraph.

Sec. 7. Section ninety-seven B point forty-nine (97B.49), subsections five (5) and seven (7), Code 1979, are amended to read as follows:

5. For each active member retiring between ~~January 1, 1976~~ and ~~June 30~~ July 1, 1978 and June 30, 1979, 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~~ forty-four 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, 1978~~ July 1, 1979 the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to ~~forty-four~~ 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.

If benefits under this subsection commence on an early retirement date, the amount of benefit shall be reduced in accordance with section 97B.50.

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 ~~January 1, 1976~~ and ~~June 30~~ 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~~ forty-four percent of the member's five-year average covered wage as a conservation peace officer, with benefits payable during the member's lifetime. For each such member retiring on or after ~~July 1, 1978~~ July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to ~~forty-four~~ 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 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. 8. Section ninety-seven B point forty-nine (97B.49), subsection eight (8), paragraph a, Code 1979, 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 ~~on or after~~ between 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 percent of the member's five-year average covered wage

as a sheriff or deputy sheriff, with benefits payable during the member's lifetime.

For each 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. 9. Section ninety-seven B point forty-nine (97B.49), subsection nine (9), Code 1979, is amended by adding the following new unnumbered paragraph:

Effective July 1, 1979, the increases granted to members under this subsection shall be paid to contingent annuitants and to beneficiaries.

Sec. 10. Section ninety-seven B point fifty (97B.50), subsection one (1), Code 1979, is amended to read as follows:

1. A Except as otherwise provided in this section, a member, shall upon retirement ~~on--his-early~~ prior to the normal retirement date be, 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 five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date.

Sec. 11. Section ninety-seven B point seventy-three (97B.73), Code 1979, is amended to read as follows:

97B.73 MEMBERS FROM OTHER ~~STATES~~ PUBLIC SYSTEMS. A vested or retired member who was not a vested member of a public retirement system established under sections 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 or a public retirement system in another state may, upon submitting verification of membership and service in the other public retirement system ~~in-another-state~~ 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 ~~in-another--state~~ and receive credit for membership service in this system. The contributions paid by the vested or retired member for service in the other public retirement system ~~in--another--state~~ 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 for that period of membership service plus interest on the contributions for the period from the date of service of the member in the other public retirement system ~~in-another-state~~ to the date of payment of the contributions by the member equal to two percent plus the interest dividend rate applicable for each year.

Sec. 12. Chapter ninety-seven B (97B), Code 1979, is amended by adding the following new sections:

NEW SECTION. An active, vested, or retired member who at any time between July 4, 1953 and July 1, 1973 was a member of the system, but who did not meet the requirements to be a vested member for that period of membership service, and who received a refund of contributions for that period of membership service, may elect in writing to the department to make contributions to the system for that period of membership service for which a

refund of contributions was made. The contributions repaid by the member for such service shall be equal to the accumulated contributions, as defined in section ninety-seven B point forty-one (97B.41), subsection thirteen (13), of the Code, received by the member for that period of membership service plus interest on the accumulated contributions for the period from the date of receipt by the member to the date of repayment equal to two percent plus the interest dividend rate applicable for each year compounded annually.

The provisions of this section are only available to a member if that member's total years of membership and prior service, with the addition of service for that period of membership service for which contributions are repaid, equals or exceeds fifteen years.

NEW SECTION. PRIOR EMPLOYMENT. An active, vested, or retired member who was employed prior to January 1, 1946 by the state or a political subdivision, except for a member employed by a school district which had established a pension and annuity retirement system under sections 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, and was not employed by the state or a political subdivision between January 1, 1946 and July 4, 1953, may file written verification of the member's dates of employment with the department of job service and receive credit for years of prior service for the period of employment.

Sec. 13. Section three hundred eighty-four point six (384.6), subsection one (1), Code 1979, as amended by Senate File two hundred eighty-two (282), section one (1), as enacted by the Sixty-eighth General Assembly, 1979 Session, 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. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. 14. Section four hundred ten point eighteen (410.18), Code 1979, as amended by House File four hundred ninety-nine (499), section one (1), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

410.18 HOSPITAL EXPENSE. Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of such the cities, when injured while in the performance of their duties as members of such department, and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for members being paid a pension by the city under section 410.8 ~~for--a--disability--contracted--while--the--member--was--engaged--in--the--performance--of--duties~~, and the cost of such hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which such the injured person belongs or belonged; provided that any amounts received by such the injured person under the workers' compensation law of

the state, or from any other source for such specific purposes, shall be deducted from the amount paid by ~~such~~ the city under the provisions of this section.

Sec. 15. Section four hundred eleven point one (411.1), subsection twenty-one (21), Code 1979, is amended by striking the subsection.

Sec. 16. Section four hundred eleven point six (411.6), subsection twelve (12), paragraph a, unnumbered paragraph one (1), Code 1979, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

As of the first of July of each year for members who retire on or after July 1, 1979, 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 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 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 a service retirement allowance or their beneficiaries.

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

(4) Thirty-three and one-third percent for members eligible for 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.

Sec. 17. Section four hundred eleven point six (411.6), subsection twelve (12), paragraphs b and d, Code 1979, are amended to read as follows:

b. All monthly pensions adjusted as provided in this subsection shall be payable beginning on July ~~±~~ first of the year in which the adjustment is made and shall continue in effect until the next following July ~~±~~ first at which time the monthly pensions shall again be ~~recomputed-and-all-monthly--pensions shall--be~~ adjusted in accordance with ~~the-recomputations~~ paragraph a of this subsection.

d. A retired member ~~who-became~~ eligible for benefits under the provisions of subsection 1 of this section ~~but-who-did-not-serve~~ is not eligible for the annual readjustment of pensions provided in this subsection unless the member served twenty-two years and did-not-attain attained the age of fifty-five years prior to his termination of employment ~~shall-net-be-eligible-for-the annual-readjustment-of-pensions-provided-for-by-this-subsection~~.

Sec. 18. Section four hundred eleven point fifteen (411.15), Code 1979, as amended by House File four hundred ninety-nine (499), section two (2), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

411.15 HOSPITALIZATION AND MEDICAL ATTENTION. Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of such the cities, when injured while in the performance of their duties as members of such department, and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for members receiving a retirement allowance under section 411.6, subsection 6, ~~for--an--injury--or--disease incurred--in--or--aggravated--by--the--actual--performance--of--duty~~, and the cost of such the hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which such the injured person belongs or belonged; provided that any amounts received by such the injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by such the city under the provisions of this section.

Sec. 19. Section four hundred eleven point twenty-one (411.21), subsection seven (7), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board may return accumulated contributions from the annuity savings fund to an active or vested member prior to the dates listed in the schedule established in this subsection, except that the board shall not liquidate securities at a loss for the sole purpose of returning the accumulated contributions to the members at an earlier date.

Sec. 20. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand sixty (1060), section five (5), is amended to read as follows:

SEC. 5. Section ninety-seven A point five (97A.5), subsection one (1), Code 1977, is amended to read as follows:

1. BOARD OF TRUSTEES. The general administration and the responsibility for the proper operation of the system and for making effective the provisions of this chapter are hereby vested in a board of trustees to administer the system. Such board of trustees shall be constituted as follows: The commissioner of public safety, who shall be chairperson of said board, the state treasurer, and an actively engaged member of the system, to be chosen by secret ballot by the members thereof for a term of two years.

This section is effective July 1, 1981.

Sec. 21. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand sixty (1060), section sixty-eight (68), is amended to read as follows:

SEC. 68. The sections of this Act amending sections of chapters ninety-seven A (97A) and four hundred eleven (411) of the Code are effective July 1, 1979, except as otherwise provided in this Act.

Sec. 22. There is appropriated from the general fund of the state for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, to the legislative fiscal bureau, the sum of ten thousand (10,000) dollars, or as

much thereof as is necessary, to be used for compensating an actuary. Notwithstanding section two point fifty-three (2.53) of the Code, the director of the legislative fiscal bureau shall employ, on an hourly basis, an actuary to perform actuarial studies relating to proposed and pending legislation on public retirement systems. The hourly rate of compensation is subject to the approval of the legislative council.

Sec. 23. Section seven (7) of this Act is effective for members of the general assembly commencing January 12, 1981.

Approved June 5, 1979

## CHAPTER 35

### AGE AND SEX DISCRIMINATION PROHIBITED

H. F. 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 person 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), subsection 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 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.