

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.

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.

Approved June 10, 1979

CHAPTER 36

ARSON INVESTIGATION

S. F. 339

AN ACT relating to investigation of arson and providing immunity and penalties.

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

Section 1. NEW SECTION. DEFINITIONS.

1. "Authorized agencies" means:
 - a. The state fire marshal.
 - b. The commissioner of public safety.
 - c. The county attorney responsible for prosecutions in the county where a fire occurs.
 - d. The attorney general.
 - e. The federal bureau of investigation or other federal agency requesting information on a fire loss.