

CHAPTER 1142**PENSION BENEFITS OF SPOUSE OF FIRE FIGHTER OR PEACE OFFICER***H.F. 84*

AN ACT relating to pensions under firemen's and policemen's pension funds.

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

Section 1. Section 410.10, subsection 1, Code 1981, is amended to read as follows:

1. To the surviving spouse, so long as said spouse remains unmarried and of good moral character, a sum equal to one-half of the deceased member's total adjusted pension as provided for in section 410.6, but in no event less than seventy-five dollars per month.

Sec. 2. Section 410.10, unnumbered paragraph 2, Code 1981, is amended to read as follows:

~~Provided, however, that~~ However, the benefits provided by this section shall be are subject to the following definitions: The term "spouse" shall mean means only such a surviving spouse of a marriage contracted prior to retirement of a deceased member from active service, or of a marriage of a retired member contracted prior to March 2, 1934. Surviving spouse includes a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter. If there is no surviving spouse of a marriage contracted prior to retirement of a deceased member, or of a marriage of a retired member contracted prior to March 2, 1934, surviving spouse includes a surviving spouse of a marriage of two years or more duration contracted subsequent to retirement of the member. The terms "child" and "children" shall mean only the surviving issue of a deceased active or retired member, or the child or children legally adopted by a deceased member prior to his the member's retirement from active service, or by a member now retired prior to March 2, 1934.

Sec. 3. Pensions payable under chapter 410 because of section 2 of this Act are not retroactive and shall commence July 1, 1982.

Approved April 19, 1982