

1 SEC. 2. Section forty-six point three (46.3), Code 1971, is amended
2 by striking the section and inserting in lieu thereof the following:

3 **46.3 Appointment of district judicial nominating commissioners.**
4 In January 1972 the governor shall appoint five electors of each judicial
5 election district to the district judicial nominating commission for
6 terms commencing February 1, 1972. He shall appoint two such
7 commissioners to serve until January 31, 1974, two to serve until
8 January 31, 1976, and one to serve until January 31, 1978. In the
9 month of January when each of those terms expire and every six
10 years thereafter the governor shall appoint district judicial nominat-
11 ing commissioners for six-year terms.

1 SEC. 3. Section forty-six point four (46.4), Code 1971, is amended
2 by striking the section and inserting in lieu thereof the following:

3 **46.4 Election of district judicial nominating commissioners.** In
4 January 1972 the resident members of the bar of each judicial elec-
5 tion district shall elect five electors of the district to the district judi-
6 cial nominating commission for terms commencing February 1, 1972.
7 One of such commissioners shall serve until January 31, 1974, two
8 until January 31, 1976, and two until January 31, 1978, as determined
9 by lot by such commissioners. In the month of January when each
10 of those terms expire and every six years thereafter such members
11 of the bar of the respective judicial election districts shall elect dis-
12 trict nominating commissioners for six-year terms.

1 SEC. 4. **Termination of office of present commissioners.** The terms
2 of office of all district judicial nominating commissioners in Iowa who
3 are in office on December 31, 1971, shall terminate on that date.

1 SEC. 5. **Effective date of sections.** Sections one (1), two (2) and
2 three (3) of this Act shall take effect on January 1, 1972.

Approved April 29, 1971.

CHAPTER 262

JUDICIAL RETIREMENT—SURVIVING SPOUSE

S. F. 550

AN ACT relating to the judicial retirement system.

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

1 SECTION 1. Section six hundred five A point five (605A.5), Code
2 1971, is amended as follows:

3 **605A.5 Qualification conditions.** No person, *except the survivor*
4 *of a person qualified to receive an annuity*, shall be entitled to receive
5 an annuity under this chapter unless he shall have contributed, as
6 herein provided, to the judicial retirement fund for the entire period
7 of his service as a judge of one or more of the courts included in this
8 chapter.

1 SEC. 2. Section six hundred five A point eight (605A.8), Code
2 1971, is amended as follows:

3 **605A.8 Individual accounts—refunding.** The amounts deducted

4 and withheld from the basic salary of each judge of the municipal,
 5 superior, district or supreme court for the credit of the judicial re-
 6 tirement fund and all amounts paid into such fund by each judge shall
 7 be credited to the individual account of such judge. In the event a
 8 judge of the municipal, superior, district or supreme court becomes
 9 separated from service as such judge before he completes an aggre-
 10 gate of six years of service as a judge of one or more of such courts,
 11 the total amount of his contribution to the fund shall be returned to
 12 said judge or his legal representatives, and in the event a judge who
 13 has completed an aggregate of six years or more of service as a judge
 14 of one or more of such courts, dies before retirement, *without a sur-*
 15 *ivor*, the total amount of his contribution to the fund shall be paid
 16 in one sum to his legal representatives, and in the event an annui-
 17 tant under this section dies *without a survivor*, without having re-
 18 ceived in annuities an amount equal to the total amount remaining
 19 to his credit at the time of his separation from service, the amount
 20 remaining to his credit shall be paid in one sum to his legal repre-
 21 sentatives.

1 SEC. 3. Section six hundred five A point ten (605A.10), Code
 2 1971, is amended as follows:

3 **605A.10 Other public employment prohibited.** No annuity shall
 4 be paid to any person, *except a survivor*, entitled to receive an annu-
 5 ity hereunder while he is serving as a state officer or employee.

1 SEC. 4. Chapter six hundred five A (605A), Code 1971, is amended
 2 by adding the following new section:

3 The survivor of a judge who was qualified for retirement compensa-
 4 tion under the system at the time of his death, is entitled to receive
 5 an annuity of one-half the amount of the annuity the judge was re-
 6 ceiving or would have been entitled to receive at the time of his
 7 death, or if the judge died before age sixty-five, then one-half of the
 8 amount he would have been entitled to receive at age sixty-five
 9 based on his years of service. Such annuity shall begin on the
 10 judge's death, or on the date the judge would have been sixty-five if
 11 he died earlier than age sixty-five, or upon the survivor reaching age
 12 sixty, whichever is later.

13 For the purposes of this chapter "survivor" means the surviving
 14 spouse of a person who was a judge, if married to the judge for at
 15 least five years next preceding his death, but does not include a sur-
 16 viving spouse who remarries.

17 In the event the judge dies leaving a survivor but without receiv-
 18 ing in annuities an amount equal to his credit, the balance shall be
 19 credited to the account of his survivor, and if the survivor dies with-
 20 out remarrying and without receiving in annuities an amount equal
 21 to said balance, the amount then remaining shall be paid to the sur-
 22 vivor's legal representative.

Approved June 30, 1971.