

House File 2379 - Introduced

HOUSE FILE _____
BY R. OLSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a senior administrative law judge program.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 5977HH 82
4 ec/rj/5

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1 1 Section 1. Section 10A.801, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 For purposes of this ~~section~~ article, unless the context
1 4 otherwise requires:
1 5 Sec. 2. NEW SECTION. 10A.802 SENIOR ADMINISTRATIVE LAW
1 6 JUDGE PROGRAM.
1 7 1. The division shall establish a senior administrative
1 8 law judge program to provide for the employment of retired
1 9 administrative law judges to perform duties as an
1 10 administrative law judge on less than a full-time basis to
1 11 assist the division in performing its duties. For purposes of
1 12 this section, a retired administrative law judge is a person
1 13 who has performed duties as an administrative law judge and
1 14 who meets the requirements for a bona fide retirement under
1 15 section 97B.52A.
1 16 2. A retired administrative judge may be employed, at the
1 17 discretion of the division, to perform duties as a senior
1 18 administrative law judge for such time as the division
1 19 determines if the retired administrative law judge does all of
1 20 the following:
1 21 a. Meets the requirements for employment as an
1 22 administrative law judge as provided in section 10A.801 and
1 23 has a license to practice law in this state.
1 24 b. Agrees in writing on a form prescribed by the division
1 25 to be available to perform duties as a senior administrative
1 26 law judge assigned by the division for an aggregate period of
1 27 thirteen weeks out of each twelve-month period commencing upon
1 28 employment as a senior administrative law judge.
1 29 c. Submits evidence to the division that as of the date of
1 30 retirement the senior administrative law judge does not suffer
1 31 from a permanent physical or mental disability which would
1 32 substantially interfere with the performance of duties agreed
1 33 to under this subsection.
1 34 d. Does not engage in the practice of law while employed
1 35 as a senior administrative law judge.
2 1 3. A senior administrative law judge employed by the
2 2 division pursuant to this section shall serve at the pleasure
2 3 of the division and shall not be covered by the merit system
2 4 provisions of chapter 8A, subchapter IV.

EXPLANATION

2 5 This bill creates a senior administrative law judge program
2 6 within the administrative hearings division of the department
2 7 of inspections and appeals. The program allows the division
2 8 to employ, at its discretion, former administrative law judges
2 9 who are retired to perform duties as administrative law judges
2 10 on less than a full-time basis.
2 11 The bill provides that a retired administrative law judge
2 12 may be employed as a senior administrative law judge if the
2 13 retired judge meets the requirements for employment as an
2 14 administrative law judge, is licensed to practice law in this
2 15 state, agrees to perform duties as a senior administrative law
2 16 judge for an aggregate period of 13 weeks in a 12-month
2 17 period, submits evidence to the division that the retired
2 18 judge is not suffering from a disability to prevent the judge
2 19 from performing duties as an administrative law judge, and
2 20 does not engage in the practice of law while employed as a

2 22 senior administrative law judge. The bill provides a senior
2 23 administrative law judge employed by the division shall serve
2 24 at the pleasure of the division and shall not be covered by
2 25 the merit system.
2 26 LSB 5977HH 82
2 27 ec/rj/5.1