

March 17, 1959.

S. J. R. 7
By COMMITTEE ON JUDICIARY 1.
As Passed by the Senate.

Passed Senate, Date 2-17-59 Passed House, Date 4-1-59
Vote: Ayes 29 Nays 18 Vote: Ayes 57 Nays 50
29 Concurred 29 5 Approved
30-16

SENATE JOINT RESOLUTION

A Joint Resolution proposing to amend Article Five (V) of the Constitution of the State of Iowa relating to the supervisory and administrative control of the inferior courts by the Supreme Court; to the qualifications, selection, tenure, compensation, powers and duties of judicial nominating commission members, judges and other judicial officers and to the mandatory retirement with compensation of judges of the Supreme and District Courts.

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

- 1 Section 1. An amendment to the Constitution of the State of
- 2 Iowa as it appears in the Code of 1958 is proposed as follows:
- 3 Article Five (V) is amended in the following manner:
- 4 1. Section four (4) is amended by striking from lines eight (8)
- 5 and nine (9) of such section the words, "exercise a supervisory"
- 6 and inserting in lieu thereof the words, "shall exercise a super-
- 7 visory and administrative".
- 8 2. Sections three (3), five (5), nine (9) and eleven (11)
- 9 are repealed.
- 10 3. The following sections are added thereto:
- 11 "Section 15. Vacancies in the Supreme Court and District
- 12 Court shall be filled by appointment by the Governor from lists
- 13 of nominees submitted by the appropriate judicial nominating
- 14 commission. Three nominees shall be submitted for each Supreme
- 15 Court vacancy, and two nominees shall be submitted for each
- 16 District Court vacancy. If the Governor fails for thirty days
- 17 to make the appointment, it shall be made from such nominees by

18 the Chief Justice of the Supreme Court.

19 "Section 16. There shall be a State Judicial Nominating
20 Commission. Such commission shall make nominations to fill
21 vacancies in the Supreme Court. There shall be not less than
22 three nor more than eight appointive members, as provided by
23 law, and an equal number of elective members on such Commission,
24 all of whom shall be electors of the state. The appointive
25 members shall be appointed by the Governor subject to confirmation
26 by the Senate. The elective members shall be elected by the
27 resident members of the bar of the state. The judge of the
28 Supreme Court who is senior in length of service on said Court,
29 other than the Chief Justice, shall also be a member of such
30 Commission and shall be its chairman.

31 "There shall be a District Judicial Nominating Commission in
32 each judicial district of the state. Such commissions shall
33 make nominations to fill vacancies in the District Court within
34 their respective districts. There shall be not less than three
35 nor more than six appointive members, as provided by law, and
36 an equal number of elective members on each such commission, all
37 of whom shall be electors of the district. The appointive members
38 shall be appointed by the Governor. The elective members shall
39 be elected by the resident members of the bar of the district.
40 The district judge of such district who is senior in length of
41 service shall also be a member of such commission and shall be
42 its chairman.

43 "Due consideration shall be given to area representation in
44 the appointment and election of Judicial Nominating Commission
45 members. Appointive and elective members of Judicial Nominating
46 Commissions shall serve for six year terms, shall be ineligible

47 for a second six year term on the same commission, shall hold
48 no office of profit of the United States or of the state during
49 their terms, shall be chosen without reference to political
50 affiliation, and shall have such other qualifications as may be
51 prescribed by law. As near as may be, the terms of one-third of
52 such members shall expire every two years.

53 "Section 17. Members of all courts shall have such tenure
54 in office as may be fixed by law, but terms of Supreme Court
55 Judges shall be not less than eight years and terms of District
56 Court Judges shall be not less than six years. Judges shall
57 serve for one year after appointment and until the first day of
58 January following the next judicial election after the expiration
59 of such year. They shall at such judicial election stand for
60 retention in office on a separate ballot which shall submit the
61 question of whether such judge shall be retained in office for
62 the tenure prescribed for such office and when such tenure is a
63 term of years, on their request, they shall, at the judicial
64 election next before the end of each term, stand again for re-
65 tention on such ballot. Present Supreme Court and District
66 Court Judges, at the expiration of their respective terms, may
67 be retained in office in like manner for the tenure prescribed
68 for such office. The General Assembly shall prescribe the time
69 for holding judicial elections.

70 "Section 18. Judges of the Supreme Court and District Court
71 shall receive salaries from the state, shall be members of the
72 bar of the state and shall have such other qualifications as may
73 be prescribed by law. Judges of the Supreme Court and District
74 Court shall be ineligible to any other office of the state while
75 serving on said court and for two years thereafter, except that

76 District Judges shall be eligible to the office of Supreme Court
 77 Judge. Other judicial officers shall be selected in such manner
 78 and shall have such tenure, compensation and other qualification
 79 as may be fixed by law. The General Assembly shall prescribe manda-
 80 retirement for Judges of the Supreme Court and District Court at
 81 a specified age and shall provide for adequate retirement compen-
 82 sation. Retired judges may be subject to special assignment to
 83 temporary judicial duties by the Supreme Court, as provided by
 84 law."

1 Sec. 2. The foregoing proposed amendment to the Constitution
 2 of the State of Iowa is hereby referred to the General Assembly
 3 to be chosen at the next general election and the Secretary of
 4 State is directed to cause the same to be published as provided
 5 by law for three months previous to the time of making such choice.

SENATE JOINT RESOLUTION 7

1 Amend Senate Joint Resolution 7 as follows:
 2 1. By inserting after the period (.) in line twenty-one
 3 (21) the following:
 4 "Until July 4, 1973, and thereafter unless otherwise provided
 5 by law, the State Judicial Nominating Commission shall be
 6 composed and selected as follows:"
 7 2. By inserting after the period (.) in line thirty-four
 8 (34) the following:
 9 "Until July 4, 1973, and thereafter unless otherwise
 10 provided by law, District Judicial Nominating Commissions
 11 shall be composed and selected as follows:"

*Senate
 concurred
 49*

Filed from the floor and adopted
 April 1, 1959.

MARTIN of Linn.

SENATE JOINT RESOLUTION 7

1 Amend Senate Joint Resolution 7, section one (1),
 2 line seventy-five (75), by striking the words "and for two
 3 years thereafter".

*Lock
 411*

Filed
 March 11, 1959.

GRASSLEY of Butler.

SENATE JOINT RESOLUTION 7

1 Amend Senate Joint Resolution 7, by striking all after
2 the enacting clause and inserting in lieu thereof the following:
3 "Section 1. Amend Article Five (V) of the Constitution of
4 the State of Iowa as follows:
5 1. Amend Section four (4) thereof, as it appears in the
6 Code 1958, by striking from lines eight (8) and nine (9) of such
7 section the words 'exercise a supervisory' and inserting in lieu
8 thereof the words, 'shall exercise a supervisory and administra-
9 tive'.
10 2. Sections three (3), five (5), nine (9) and eleven (11)
11 thereof are repealed.
12 3. Article Five (V) is further amended by adding thereto
13 the following:
14 (1) The method of selecting judges of all courts shall
15 be as provided by the General Assembly.
16 (2) The terms of office of such judges shall be determined
17 by the General Assembly, provided, however, that the terms of
18 Supreme Court judges shall be not less than eight (8) years and
19 the terms of District Court judges shall be not less than six
20 (6) years.
21 (3) Judges of the Supreme Court and District Court shall
22 receive salaries from the State and such salaries shall not
23 be diminished during their continuance in office. They shall
24 be members of the bar of the State and shall have such other
25 qualifications as may be provided by law and shall be ineligible
26 to hold or be a candidate for any other public office while
27 serving on said courts except as otherwise provided by law.
28 (4) The General Assembly shall prescribe mandatory
29 retirement for judges of the Supreme Court and District Court
30 at a specified age and shall provide for adequate retirement
31 compensation. Retired judges may be assigned to temporary
32 judicial duties by the Chief Justice of the Supreme Court
33 during their period of retirement.
34 (5) Judges of the Supreme Court and District Court who are
35 holding office on the effective date hereof shall continue in
36 such office for the remainder of the term to which they were
37 elected or appointed and for such further time as may be
38 provided by the General Assembly."
39 "Sec. 2. The foregoing proposed amendment to the Constitution
40 of the State of Iowa is hereby referred to the General Assembly
41 to be chosen at the next general election, and the secretary
42 of state is hereby directed to cause the same to be published
43 as provided by law."

Filed from the floor and lost
April 1, 1959.

Mowry of Marshall.

SENATE JOINT RESOLUTION 7

1 Amend the House Amendment to Senate Joint Resolution 7
2 as follows:

- 3 1. By striking the following in line 4 "Until July 4, 1973,
4 and thereafter unless", and inserting in lieu thereof "Unless".
5 2. By striking the following in line 9 "Until July 4,
6 1973, and thereafter unless", and inserting in lieu thereof
7 "Unless".

Filed
April 6, 1959.

Loft
4/9
By NOLAN.

SENATE JOINT RESOLUTION 7

1 Amend the House amendment to Senate Joint Resolution 7 as follows:

2 By striking all of divisions 1 and 2 and inserting in lieu thereof the
following:

3 "1. By striking the period (.) in line 21 and inserting
4 in lieu thereof the following:

5 until July 4, 1973, and thereafter unless otherwise provided by
6 law. The State Judicial Nominating Commission shall be composed and
7 selected as follows:

8 "2. By striking the period (.) in line 34 and inserting
9 in lieu thereof the following:

10 until July 4, 1973, and thereafter unless otherwise provided by
11 law. The District Judicial Nominating Commissions shall be composed
12 and selected as follows:"

Filed
April 6, 1959.

Loft
By PUTNEY.

See Report

February 5, 1959.
Passed on File.

S. J. R. 7

By COMMITTEE ON JUDICIARY 1.

Passed Senate, Date 2-17-59
Vote: Ayes 29 Nays 18 ⁽³⁾

Passed House, Date.....
Vote: Ayes..... Nays.....

Approved.....

*Passed Senate
2-23*

*31 to 19
Fishes
2-24*

SENATE JOINT RESOLUTION

A Joint Resolution proposing to amend Article Five (V) of the Constitution of the State of Iowa relating to the supervisory and administrative control of the inferior courts by the Supreme Court; to the qualifications, selection, tenure, compensation, powers and duties of judicial nominating commission members, judges and other judicial officers; to the mandatory retirement with compensation of judges of the Supreme and District Courts and to the termination of all courts inferior to the District Court unless otherwise provided by law.

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

1 Section 1. An amendment to the Constitution of the State of
2 Iowa as it appears in the Code of 1958 is proposed as follows:

3 Article Five (V) is amended in the following manner:

4 1. Section four (4) is amended by striking from lines eight (8)
5 and nine (9) of such section the words, "exercise a supervisory"
6 and inserting in lieu thereof the words, "shall exercise a super-
7 visory and administrative".

8 2. Sections three (3), five (5), nine (9) and eleven (11)
9 are repealed.

10 3. The following sections are added thereto:

11 "Section 15. Vacancies in the Supreme Court and District
12 Court shall be filled by appointment by the Governor from lists
13 of nominees submitted by the appropriate judicial nominating
14 commission. Three nominees shall be submitted for each Supreme
15 Court vacancy, and two nominees shall be submitted for each
16 District Court vacancy. If the Governor fails for thirty days

17 to make the appointment, it shall be made from such nominees by
18 the Chief Justice of the Supreme Court.

19 "Section 16. There shall be a State Judicial Nominating
20 Commission. Such commission shall make nominations to fill
21 vacancies in the Supreme Court. There shall be not less than
22 three nor more than eight appointive members, as provided by
23 law, and an equal number of elective members on such Commission,
24 all of whom shall be electors of the state. The appointive
25 members shall be appointed by the Governor subject to confirmation
26 by the Senate. The elective members shall be elected by the
27 resident members of the bar of the state. The judge of the
28 Supreme Court who is senior in length of service on said Court,
29 other than the Chief Justice, shall also be a member of such
30 Commission and shall be its chairman.

31 "There shall be a District Judicial Nominating Committee in
32 each judicial district of the state. Such commissions shall
33 make nominations to fill vacancies in the District Court within
34 their respective districts. There shall be not less than three
35 nor more than six appointive members, as provided by law, and
36 an equal number of elective members on each such commission, all
37 of whom shall be electors of the district. The appointive members
38 shall be appointed by the Governor. The elective members shall
39 be elected by the resident members of the bar of the district.
40 The district judge of such district who is senior in length of
41 service shall also be a member of such commission and shall be
42 its chairman.

43 "Due consideration shall be given to area representation in
44 the appointment and election of Judicial Nominating Commission
45 members. Appointive and elective members of Judicial Nominating

46 Commissions shall serve for six year terms, shall be ineligible
47 for a second six year term on the same commission, shall hold
48 no office of profit of the United States or of the state during
49 their terms, shall be chosen without reference to political
50 affiliation, and shall have such other qualifications as may be
51 prescribed by law. As near as may be, the terms of one-third of
52 such members shall expire every two years.

53 "Section 17. Members of all courts shall have such tenure
54 in office as may be fixed by law, but terms of Supreme Court
55 Judges shall be not less than eight years and terms of District
56 Court Judges shall be not less than six years. Judges shall
57 serve for one year after appointment and until the first day of
58 January following the next judicial election after the expiration
59 of such year. They shall at such judicial election stand for
60 retention in office on a separate ballot which shall submit the
61 question of whether such judge shall be retained in office for
62 the tenure prescribed for such office and when such tenure is a
63 term of years, on their request, they shall, at the judicial
64 election next before the end of each term, stand again for re-
65 tention on such ballot. Present Supreme Court and District
66 Court Judges, at the expiration of their respective terms, may
67 be retained in office in like manner for the tenure prescribed
68 for such office. The General Assembly shall prescribe the time
69 for holding judicial elections.

70 "Section 18. Judges of the Supreme Court and District Court
71 shall receive salaries from the state, shall be members of the
72 bar of the state and shall have such other qualifications as may
73 be prescribed by law. Judges of the Supreme Court and District
74 Court shall be ineligible to any other office of the state while

75 serving on said court and for two years thereafter, except that
 76 District Judges shall be eligible to the office of Supreme Court
 77 Judge. Other judicial officers shall be selected in such manner
 78 and shall have such tenure, compensation and other qualification
 79 as may be fixed by law, provided that after the expiration of
 80 four years from the effective date of this Amendment all courts
 81 inferior to the District Court shall terminate unless otherwise
 82 provided by law. The General Assembly shall prescribe mandatory
 83 retirement for Judges of the Supreme Court and District Court at
 84 a specified age and shall provide for adequate retirement compen-
 85 sation. Retired judges may be subject to special assignment to
 86 temporary judicial duties by the Supreme Court, as provided by
 87 law."

1 Sec. 2. The foregoing proposed amendment to the Constitution
 2 of the State of Iowa is hereby referred to the General Assembly
 3 to be chosen at the next general election and the Secretary of
 4 State is directed to cause the same to be published as provided
 5 by law for three months previous to the time of making such choice.

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- 1 Amend the title to Senate Joint Resolution 7 as follows:
 2 1. By striking the semicolon (;) in line 6 and inserting in lieu
 3 the word "and".
 4 2. By inserting a period (.) after the word "Courts" in line 8 and
 5 striking the balance of lines 8, 9 and 10.

Filed and adopted
 February 16, 1959.

By SHAFF.

SENATE JOINT RESOLUTION 7

- 1 Amend the Moore amendment to Senate Joint Resolution 7 filed
 2 February 17, 1959, line 7, by striking the word "committee" and
 3 inserting in lieu thereof the word "commission".

Filed and adopted
 February 24, 1959.

By MOORE.

1 Amend Senate Joint Resolution 7, by striking all after
2 the enacting clause and inserting in lieu thereof the follow-
3 ing:

4 "Section 1. Amend Article (V) of the Constitution of the
5 State of Iowa as follows:

6 "1. Amend Section four (4) thereof, as it appears in the Code
7 1958, by striking from lines eight (8) and nine (9) of such
8 section the words 'exercise a supervisory' and inserting in
9 lieu thereof the words, 'shall exercise a supervisory and
10 administrative'.

11 "2. Sections three (33), five (5), nine (9) and eleven
12 (11) thereof are repealed.

13 "3. Article Five (V) is further amended by adding the
14 following sections:

15 Section 16. Vacancies in the Supreme Court and Dis-
16 trict Court shall be filled by appointment by the
17 Governor subject to confirmation by a constitutional
18 majority vote of the senate of the state of Iowa at
19 the session of the General Assembly next following
20 such appointment.

21 Section 16. The members of such courts shall hold
22 office during good behavior. The General Assembly
23 shall prescribe mandatory retirement for judges of
24 such courts at a specified age and shall provide for
25 adequate retirement compensation. Retired judges
26 may be assigned to temporary judicial duties by the
27 chief justice of the Supreme Court during their pe-
28 riod of retirement.

29 Section 17. Judges of the Supreme Court and District
30 Court shall receive salaries from the state, and such
31 salaries shall not be diminished during their contin-
32 uance in office. They shall be members of the bar
33 of the state and shall have such other qualifications
34 as may be provided by law and shall be ineligible
35 to hold or be a candidate for any elective office
36 while serving on said courts.

37 Section 18. Judges of the Supreme Court and Dis-
38 trict Court who were elected or appointed prior to
39 the effective date hereof shall continue in office
40 during good behavior and until reaching the age of
41 retirement.

42 "Sec. 2. The foregoing proposed amendment to the Consti-
43 tution of the State of Iowa is hereby referred to the General
44 Assembly to be chosen at the next general election, and the
45 secretary of state is hereby directed to cause the same to
46 be published as provided by law."

*Amendment was
amended 2-17*

Feb 2-17

Filed

February 9, 1959. By NOLAN, BOOTHBY, VANCE, PUTNEY and BYRNE

1 Amend amendment of February 9, 1959, to Senate Joint
2 Resolution 7 as follows:

3 Section 1. Strike the figures thirty three (33) in
4 line eleven (11) and insert therefor the figure three (3).

5 Sec. 2. Add the following after period (.) on line
6 twenty (20) "Appointment to the district court shall be
7 from the name or names submitted to the governor by the
8 members of the Bar of the district or districts involved".

*am
withdrawn
2-17*

*Sec 2
adopted
2-17*

Filed

February 13, 1959.

By NOLAN.

1 Amend Senate Joint Resolution 7 as follows:

2 1. Strike the words "Three nominees" in line 14, and
3 insert in lieu thereof the words "One or not more than three
4 nominees".

5 2. Strike the words "two nominees" in line 15, and
6 insert in lieu thereof "one or not more than two nominees".

7 3. Strike all following "law" in line 79 and insert in
8 lieu thereof the following "":

9 4. Strike all of lines 80 and 81 and the following in
10 line 82 "provided by law."

*Sec
1 x 2
and
3 x 4 3 amended
adopted
2-17*

Filed

February 16, 1959.

By NOLAN.

SENATE JOINT RESOLUTION 7

1 Amend Senate Joint Resolution 7 by striking from section
2 1 all of lines 19 to 52, inclusive, and
3 inserting in lieu thereof the following:

"Section 16. There shall be a state judicial nominating
commission as shall be provided by law. The commission shall
make nominations to fill vacancies in the supreme court. There
shall also be a district judicial nominating committee in each
judicial district of the state as shall be provided by law.
Such commissions shall make nominations to fill vacancies in the
district court within their respective districts."

Filed and lost

February 16, 1959.

By MOORE.

SENATE JOINT RESOLUTION 7

1 Amend Senate Joint Resolution 7, by striking all after
2 the enacting clause and inserting in lieu thereof the following:
3 "Section 1. Amend Article Five (V) of the Constitution of
4 the State of Iowa as follows:

5 1. Amend Section four (4) thereof, as it appears in the
6 Code 1958, by striking from lines eight (8) and nine (9) of such
7 section the words 'exercise a supervisory' and inserting in lieu
8 thereof the words, 'shall exercise a supervisory and administra-
9 tive'.

10 2. Section three (3), five (5), nine (9) and eleven (11)
11 thereof are repealed.

12 3. Article Five (V) is further amended by adding thereto
13 the following:

14 (1) The method of selecting judges of all courts shall
15 be as provided by the General Assembly.

16 (2) The terms of office of such judges shall be deter-
17 mined by the General Assembly, provided, however, that the
18 terms of Supreme Court judges shall not be less than eight
19 years and the terms of District Court judges shall be not
20 less than six years.

21 (3) Judges of the Supreme Court and District Court shall
22 receive salaries from the State and such salaries shall not
23 be diminished during their continuance in office. They shall
24 be members of the Bar of the State and shall have such other
26 qualifications as may be provided by law and shall be in-
26 eligible to hold or be a candidate for any other public office
27 while serving on said courts except as otherwise provided by
28 law.

29 (4) The General Assembly shall prescribe mandatory re-
30 tirement for judges of the Supreme Court and District Court
31 at a specified age and shall provide for adequate retire-
32 ment compensation. Retired judges may be assigned to tempo-
33 rary judicial duties by the Chief Justice of the Supreme
34 Court during their period of retirement.

35 (5) Judges of the Supreme Court and District Court
36 who are holding office on the effective date hereof shall
37 continue in such office for the remainder of the term to
38 which they were elected or appointed and for such further
39 time as may be provided by the General Assembly."

40 "Sec. 2. The foregoing proposed amendment to the Consti-
41 tution of the State of Iowa is hereby referred to the General
42 Assembly to be chosen at the next general election, and the
43 secretary of state is hereby directed to cause the same to be
44 published as provided by law."

Filed

February 20, 1959.

By NOLAN, BOOTHBY, PUTNEY and VANCE.

*Amendment as
amended
Feb 15-36
Lusk
2-24*