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HOUSE FILE 2287

Judiciary & Law Enforcement

By PELTON, HANSEN, SHIMANEK,
WELDEN, SMALLEY, LIND and
EGENES

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to provide for the retirement of certain judicial offi-
2 cers as senior judges.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter six hundred five A (605A), Code 1977,
2 is amended by adding sections two (2) through ten (10) of
3 this Act as new sections of that chapter.

4 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act
5 unless the context otherwise requires:

6 1. "Senior judge" means any supreme court judge, judge
7 of the court of appeals, district judge or district associate
8 judge who meets the requirements of section three (3) of this
9 Act.

10 2. "Retired senior judge" means a senior judge who has
11 retired or has been retired from a senior judgeship as provided
12 in section seven (7) of this Act.

13 3. "Roster of senior judges" means the roster maintained
14 by the clerk of the supreme court under section three (3)
15 of this Act.

16 4. "Twelve-month retirement period" means each successive
17 one-year period commencing on the date a retired judge becomes
18 a senior judge.

19 Sec. 3. NEW SECTION. SENIOR JUDGESHIP REQUIREMENTS.

20 1. A judge of the supreme court or court of appeals, or
21 a district judge or district associate judge, who qualifies
22 under subsection two (2) of this section may elect to become
23 a senior judge upon retirement by filing with the clerk of
24 the supreme court a written election in the form specified
25 by the court administrator. The election shall be filed not
26 later than the date of retirement.

27 2. A judicial officer referred to in subsection one (1)
28 of this section qualifies for a senior judgeship if he or
29 she:

30 a. Retires from office on or after July 1, 1978, whether
31 or not he or she is of mandatory retirement age; and

32 b. Meets the minimum requirements for entitlement to an
33 annuity as specified in section six hundred five A point six
34 (605A.6) of the Code; and

35 c. Agrees in writing in a form prescribed by the court

1 administrator to be available as long as he or she is a senior
2 judge to perform judicial duties as assigned by the supreme
3 court for an aggregate period of thirteen weeks out of each
4 successive twelve-month retirement period; and

5 d. Submits evidence to the satisfaction of the supreme
6 court that as of the date of retirement he or she does not
7 suffer from any permanent physical or mental disability which
8 would substantially interfere with the performance of duties
9 agreed to under paragraph c of this subsection.

10 3. The clerk of the supreme court shall maintain a book
11 entitled "Roster of Senior Judges", and shall enter therein
12 the name of each judicial officer who files a timely election
13 under subsection one (1) of this section and qualifies under
14 subsection two (2) of this section. A person shall be a
15 senior judge upon entry of his or her name in the roster of
16 senior judges and until he or she becomes a retired senior
17 judge as provided in section seven (7) of this Act, or until
18 his or her name is stricken from the roster of senior judges
19 as provided in section nine (9) of this Act, or until he or
20 she dies.

21 Sec. 4. NEW SECTION. ANNUITY OF SENIOR JUDGE. A judge
22 shall cease receiving a salary upon becoming senior judge.
23 A senior judge shall receive an annuity under the judicial
24 retirement system in the manner provided in section six hundred
25 five A point nine (605A.9) of the Code, but computed under
26 this section in lieu of section six hundred five A point seven
27 (605A.7) of the Code, as follows: The annuity paid to a
28 senior judge shall be an amount equal to three percent of
29 the current base salary, as of the time each payment is made,
30 of the office in which the senior judge last served as a judge
31 before retirement, multiplied by the judge's years of service
32 prior to retirement as a judge of one or more of the courts
33 including in chapter six hundred five A (605A) of the Code,
34 provided that the annuity of the senior judge shall in no
35 event exceed fifty percent of such current base salary.

1 Sec. 5. NEW SECTION. PRACTICE OF LAW PROHIBITED. A
2 senior judge shall not practice law.

3 Sec. 6. NEW SECTION. TEMPORARY SERVICE OF SENIOR JUDGE.
4 Section six hundred five point twenty-five (605.25) of the
5 Code shall not apply to a senior judge. During the tenure
6 of a senior judge, he or she may, if able and without remunera-
7 tion, be assigned by the supreme court to temporary judicial
8 duties on courts of this state for an aggregate of thirteen
9 weeks out of each twelve-month period, and for additional
10 weeks with his or her consent; but he or she shall not be
11 assigned to judicial duties on a court superior to the highest
12 court to which he or she had been appointed prior to
13 retirement, and he or she shall not be assigned in any event
14 to the court of appeals or the supreme court except to serve
15 in the temporary absence of a member of the court to which
16 he or she is assigned. While serving on temporary assignment,
17 a senior judge shall continue to receive his or her annuity
18 as senior judge; shall be reimbursed for his or her actual
19 expenses to the extent expenses of a district judge are sub-
20 ject to reimbursement under section six hundred five point
21 two (605.2) of the Code; shall, if permitted by the assignment
22 order, have authority to appoint a temporary court reporter,
23 who shall receive the remuneration and reimbursement for ac-
24 tual expenses provided by law for a reporter in the court
25 to which the senior judge is assigned; and shall, if assigned
26 to the court of appeals or the supreme court, receive the
27 assistance of a law clerk and a secretary designated by the
28 court administrator of the judicial department from the
29 administrative staff. Each order of temporary assignment
30 shall be filed with the clerks of court at the places where
31 the senior judge is to serve.

32 Sec. 7. NEW SECTION. RETIREMENT OF SENIOR JUDGE.

33 1. A senior judge shall cease to be a senior judge upon
34 completion of the twelve-month retirement period during which
35 he or she attains seventy-eight years of age. The clerk of

1 the supreme court shall make a notation of the retirement
2 of the senior judge in the roster of senior judges, whereupon
3 the judge shall be a retired senior judge.

4 2. A senior judge shall be subject to retirement under
5 the provisions of sections six hundred five point twenty-
6 six (605.26) through six hundred five point thirty-two (605.32)
7 of the Code for any of the causes specified in subsection
8 one (1) of section six hundred five point twenty-seven (605.27)
9 of the Code. A senior judge may request and be granted
10 retirement in the manner provided in section six hundred five
11 A point twelve (605A.12) of the Code. When a senior judge
12 is retired as provided in this subsection the clerk of the
13 supreme court shall make a notation of the retirement of the
14 senior judge in the roster of senior judges, whereupon the
15 senior judge shall be a retired senior judge.

16 3. A retired senior judge is entitled to receive an an-
17 nuity in the manner provided in section six hundred five A
18 point nine (605A.9) of the Code, but in an amount, in lieu
19 of that specified in section six hundred five A point seven
20 (605A.7) of the Code, which is equal to the annuity the retired
21 senior judge was entitled to receive as of the final day his
22 or her name was in the roster of senior judges as a senior
23 judge.

24 Sec. 8. NEW SECTION. SURVIVOR'S ANNUITY. A survivor
25 of a senior judge or a retired senior judge is entitled to
26 receive an annuity which, in lieu of that specified in section
27 six hundred five A point fifteen (605A.15) of the Code, is
28 equal to one-half the amount of the annuity the senior judge
29 or retired senior judge was receiving at the time of his or
30 her death, provided the survivor is qualified under section
31 six hundred five A point fifteen (605A.15) of the Code to
32 receive an annuity.

33 Sec. 9. NEW SECTION. RELINQUISHMENT OF SENIOR JUDGESHIP-
34 -REMOVAL FOR CAUSE.

35 1. A senior judge may, at any time prior to reaching age

1 seventy-eight, submit to the clerk of the supreme court a
2 written request that his or her name be stricken from the
3 roster of senior judges. Upon the receipt of the request
4 the clerk shall strike the name from the roster and the judge
5 shall cease to be a senior judge. A person who relinquishes
6 a senior judgeship as provided in this subsection may be
7 assigned to temporary judicial duties as provided in section
8 six hundred five point twenty-five (605.25) of the Code.

9 2. A senior judge shall be subject to removal under the
10 provisions of sections six hundred five point twenty-six
11 (605.26) through six hundred five point thirty-two (605.32)
12 of the Code for any of the causes specified in subsection
13 two (2) of section six hundred five point twenty-seven (605.27)
14 of the Code. When a person is removed from a senior judgeship
15 as provided in this subsection the clerk of the supreme court
16 shall strike the name of the person from the roster of senior
17 judges, whereupon the person shall cease to be a senior judge.

18 3. A person who relinquishes a senior judgeship in the
19 manner provided in subsection one (1) of this section or who
20 is removed as provided in subsection two (2) of this section
21 shall, commencing on the effective date of the relinquishment
22 or removal, be entitled to a retirement annuity in an amount
23 determined according to section six hundred five A point seven
24 (605A.7) of the Code, and for such purposes any service and
25 annuity of the person as a senior judge shall be disregarded.

26 4. The survivor of a person who under this section
27 relinquishes a senior judgeship or is removed from office
28 shall be entitled to an annuity equal to one-half of the
29 amount the person was receiving at the time of his or her
30 death, provided the survivor is qualified under section six
31 hundred five A point fifteen (605A.15) of the Code to receive
32 an annuity.

33 Sec. 10. NEW SECTION. SHORT TITLE. Sections two (2)
34 through ten (10) of this Act shall be known as the senior
35 judge retirement plan.

1 entitled to receive a fixed annuity equal to the amount of
2 annuity the person was entitled to receive as of his or her
3 last day as a senior judge.

4 If a senior judge relinquishes his or her status as a
5 senior judge prior to his or her 78th birthday, or is removed
6 for cause from the senior judgeship, then the person would
7 be entitled to receive the regular annuity provided by section
8 605A.7 of the Code, and his or her service and annuity as
9 a senior judge would be disregarded. Upon a relinquishment,
10 the person would again be subject to temporary service under
11 section 605.25 of the Code.

12 The senior judge survivor annuity would be equal to 50
13 percent of the annuity the senior judge or retired senior
14 judge was entitled to on the date of death.

15 The bill does not affect the ability of a judge to retire
16 under existing law and does not affect the amount of the
17 ordinary retirement annuity.

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