

Judiciary  
Glenn, Chairperson  
Redmond  
Ramsey

FILED FEB 23 1978

SENATE FILE 2152

By CURTIS, HOLDEN, DRAKE,  
DeKOSTER, TAYLOR, BERGMAN,  
BURROUGHS, MURRAY, SCHWENGELS,  
CRAFT, HILL of Polk and  
BISENIUS

Passed Senate, Date \_\_\_\_\_ Passed House, 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:

4 *5548 strikes all*

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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 Sec. 11. Section six hundred five A point ten (605A.10),  
2 Code 1977, is amended by adding the following new unnumbered  
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. This section shall not prohibit  
5 the payment of an annuity as provided in section six (6) of  
6 this Act.

7 EXPLANATION

8 This bill provides for the creation of a senior judgeship  
9 program which would apply to judges of the supreme court and  
10 court of appeals, and district judges and district associate  
11 judges, who retire on or after July 1, 1978.

12 The bill provides that at any time after such a judicial  
13 officer has met the minimum requirements for retirement with  
14 an annuity under chapter 605A of the Code and until the judge  
15 reaches mandatory retirement age, he or she may elect to  
16 retire as a senior judge. Upon agreeing to perform judi-  
17 cial duties for a total of thirteen weeks out of each year  
18 after retirement as a senior judge and until he or she reaches  
19 the age of 78, the judge would be entitled to receive, in  
20 lieu of any compensation for service and in lieu of the regular  
21 annuity provided in section 605A.7 of the Code, a variable  
22 annuity equal to three percent of the current base salary  
23 of the office in which the judge last served prior to  
24 retirement, multiplied by the judge's years of service as  
25 a judge prior to retirement, subject to a maximum amount of  
26 fifty percent of that current salary.

27 A senior judge would have to retire from a senior judgeship  
28 at the end of the retirement year in which his or her 78th  
29 birthday occurs. A retirement year is each successive twelve-  
30 month period commencing on the date the person qualifies as  
31 a senior judge (which cannot be later than his or her ordinary  
32 retirement date). A senior judge could be retired prior to  
33 reaching age 78 for physical or mental disability in the  
34 manner provided in sections 605.27 or 605A.12 of the Code.  
35 Upon retiring from a senior judgeship, the person would be

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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S-5548

1 Amend Senate File 2152 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section six hundred five point twenty-  
5 five (605.25), Code 1977, is amended by striking the  
6 section and inserting in lieu thereof the following:

7 605.25 RETIRED JUDGES. Judges of the supreme  
8 court, court of appeals, and district court who have  
9 retired and who are receiving benefits under section  
10 six hundred five A point six (605A.6) of the Code  
11 shall not practice law. Any such judge, if able,  
12 may be assigned during his or her lifetime by the  
13 supreme court to temporary judicial duties without  
14 remuneration on the courts of this state; provided  
15 that he or she shall not be subject to assignment  
16 for a period exceeding thirteen weeks in the aggregate  
17 during each twelve-month period except with his or  
18 her consent. In the event of assignment to temporary  
19 duties a retired judge shall be vested with all the  
20 powers and duties and shall be subject to the same  
21 disciplines which apply to an active judge of the  
22 court to which he or she is temporarily assigned.  
23 A retired judge shall not be assigned to temporary  
24 judicial duties on any court which is higher than  
25 that upon which he or she served prior to retirement.

26 Sec. 2. Section six hundred five A point seven  
27 (605A.7), Code 1977, is amended by striking the section  
28 and inserting in lieu thereof the following:

29 605A.7 AMOUNT OF ANNUITY. The annuity of a judge  
30 or his or her survivor under the judicial retirement  
31 system shall be a sum equal to three percent of the  
32 current salary as of the date of each annuity payment  
33 of the judicial office in which the judge last served  
34 prior to retirement or death, multiplied by the  
35 aggregate number of years he or she served in office  
36 on one or more of the courts included under this  
37 chapter, but the annuity of a retired judge shall  
38 not exceed fifty percent of that current salary, and  
39 the annuity of a survivor shall not exceed twenty-  
40 five percent of that current salary.

41 Sec. 3. Section six hundred five A point fifteen  
42 (605A.15), unnumbered paragraph one (1), Code 1977,  
43 is amended to read as follows:

44 The survivor of a judge who was qualified for  
45 retirement compensation under the system at the time  
46 of his or her death or who would have been qualified  
47 for retirement compensation under the system had he  
48 or she lived until age sixty-five, is entitled to  
49 receive an annuity of one-half the amount of the  
50 ~~annuity the judge was receiving or would have been~~

S-5448

Page 2

1 ~~entitled to receive at the time of his death or if~~  
2 ~~the judge died before age sixty-five, then one-half~~  
3 ~~of the amount he would have been entitled to receive~~  
4 ~~at age sixty-five based on his years of service~~  
5 specified in section two (2) of this Act. Such annuity  
6 shall begin on the judge's death, or on the date the  
7 judge would have been sixty-five if he or she died  
8 earlier than age sixty-five, or upon the survivor  
9 reaching age sixty, whichever is later."  
10 2. Amend the title, by striking lines 1 and 2  
11 and inserting in lieu thereof the following: "An  
12 Act relating to the retirement of certain judicial  
13 officers."

S-5448 FILED  
APRIL 13, 1978

BY JAMES E. BRILES

SENATE FILE 2152  
FISCAL NOTE

Date: March 14, 1978  
Requested by: Senator Warren Curtis

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In compliance with a written request received February 22, 19 78, there is hereby submitted a Fiscal Note for Senate File 2152 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

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Senate File 2152, An Act to provide for the retirement of certain judicial officers as senior judges.

This bill provides for the creation of a senior judgeship program which would apply to judges of the supreme court and court of appeals, and district judges and district associate judges, who retire on or after July 1, 1978.

The bill provides that at any time after such a judicial officer has met the minimum requirements for retirement with an annuity under chapter 605A of the Code and until the judge reaches mandatory retirement age, he or she may elect to retire as a senior judge. Upon agreeing to perform judicial duties for a total of thirteen weeks out of each year after retirement as a senior judge and until he or she reaches the age of 78, the judge would be entitled to receive, in lieu of any compensation for service and in lieu of the regular annuity provided in section 605A.7 of the Code, a variable annuity equal to three percent of the current base salary of the office in which the judge last served prior to retirement, multiplied by the judge's years of service as a judge prior to retirement, subject to a maximum amount of fifty percent of that current salary.

Cost estimates for the next five years are as follows:

<u>FY 78/79</u>	<u>FY 79/80</u>	<u>FY 80/81</u>	<u>FY 81/82</u>	<u>FY 82/83</u>
\$14,300	38,500	40,800	84,500	87,800

Source: Court Administrator

FILED  
MARCH 14, 1978

GERRY RANKIN-FISCAL DIRECTOR  
LEGISLATIVE FISCAL BUREAU