

6th SENATE FILE 407: Do Pass 3/15 (p. 773)

State Government  
Carr. Chair  
Nystrom  
Slater  
Schwengels  
Bruner

REC MAR 14 1983

SENATE FILE 407

BY NYSTROM

*in Judiciary 3/24/83*

Senate File 407

Judiciary and Law Enforcement: Chapman, Chair; Hammond and Rosenberg.

*Amend (5746) & Do Pass 5/22 (p. 1229)*

Passed Senate, Date 3-21-83 (p. 867) Passed House, Date 4-12-84 (p. 1744)

Vote: Ayes 43 Nays 2 Vote: Ayes 69 Nays 29

Approved May 8, 1984

*Repassed Senate 4-13-84 (p. 1516)*  
*47-0*

## A BILL FOR

1 An Act relating to the eligibility for and annuities of the  
2 senior judge program.

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

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S.F. 407

H. 5796  
Amended  
1/28

1 Section 1. Section 605A.23, Code 1983, is amended by  
 2 adding the following new subsection after subsection 2:  
 3 NEW SUBSECTION. 2A. Notwithstanding the requirements  
 4 of subsection 2, a judicial officer who otherwise qualifies  
 5 for a senior judgeship under subsection 2 and who has had  
 6 an aggregate of at least six years of service but has less  
 7 than twenty-five years of consecutive service and has not  
 8 attained the age of sixty-five years may elect to become a  
 9 senior judge in the manner specified in subsection 1. When  
 10 the judicial officer who elects to become a senior judge under  
 11 this subsection attains the age of sixty-five years, the  
 12 senior judge shall be paid an annuity pursuant to section  
 13 605A.24.

14 Sec. 2. Section 605A.28, subsection 3, Code 1983, is  
 15 amended to read as follows:

16 3. A person who relinquishes a senior judgeship in the  
 17 manner provided in subsection 1 ~~or who is removed as provided~~  
 18 ~~in subsection 2~~ shall be paid a retirement annuity ~~in an~~  
 19 ~~amount determined according to section 605A.7 in lieu of~~  
 20 ~~section 605A.24~~, commencing on the effective date of the  
 21 relinquishment ~~or removal~~ in an amount equal to the amount  
 22 of the annuity the person is receiving on the effective date  
 23 of the relinquishment in lieu of an amount determined according  
 24 to section 605A.24. A person who is removed from a senior  
 25 judgeship as provided in subsection 2 shall be paid a  
 26 retirement annuity commencing on the effective date of the  
 27 removal, in an amount determined according to section 605A.7  
 28 in lieu of section 605A.24, and for such purposes any service  
 29 and annuity of the person as a senior judge is disregarded.

30 Sec. 3. Section 605A.29, Code 1983, is amended to read  
 31 as follows:

32 605A.29 SURVIVOR'S ANNUITY.

33 1. A survivor of a senior judge, ~~or~~ a retired senior judge  
 34 or a person who relinquished a senior judgeship under section  
 35 605A.28, subsection 1, shall be paid an annuity in lieu of

1 that specified in section 605A.15, which is equal to one-half  
2 the amount of the annuity the senior judge, or retired senior  
3 judge, or person who relinquished a senior judgeship was  
4 receiving at the time of ~~his~~-~~ex~~-~~her~~ death, provided the  
5 survivor is qualified under section 605A.15 to receive an  
6 annuity.

7 2. A survivor of a person whose name is stricken from  
8 the roster of senior judges because of removal from a senior  
9 judgeship under section 605A.28, subsection 2, shall be paid  
10 an annuity equal to one-half of the amount the person was  
11 receiving at the time of ~~his~~-~~ex~~-~~her~~ death, provided the  
12 survivor is qualified under section 605A.15 to receive an  
13 annuity.

14 EXPLANATION

15 This bill allows a retired judge to join the senior judge  
16 program before the judge has attained sixty-five years of  
17 age and receive a senior judge's annuity commencing at age  
18 65.

19 The bill also allows a senior judge who leaves the program  
20 before reaching 78 years of age to continue the judge's an-  
21 nuity after the judge's resignation as a senior judge at the  
22 level it was at the time of the resignation as a senior judge.  
23 It makes corresponding changes for the annuity of a survivor  
24 of a person who resigned from a senior judgeship.

25 The bill adds a new subsection 2A to section 605A.23.  
26 It takes effect July 1 following its enactment.

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SENATE FILE 407

5796

1 Amend Senate File 407, as passed by the Senate,  
2 as follows:

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

5 "Section 1. Section 602.9208, subsection 3, Code  
6 Supplement 1983, is amended to read as follows:

7 3. A person who relinquishes a senior judgeship  
8 in the manner provided in subsection 1 ~~or who is~~  
9 ~~removed as provided in subsection 2~~ shall be paid  
10 a retirement annuity ~~in an amount determined according~~  
11 ~~to section 602.9107 in lieu of section 602.9204,~~  
12 ~~commencing~~ that commences on the effective date of  
13 the relinquishment ~~or removal,~~ and is in an amount  
14 equal to the amount of the annuity the person is  
15 receiving on the effective date of the relinquishment  
16 in lieu of an amount determined according to section  
17 602.9204. A person who is removed from a senior  
18 judgeship as provided in subsection 2 shall be paid  
19 a retirement annuity that commences on the effective  
20 date of the removal and is in an amount determined  
21 according to section 602.9107 in lieu of section  
22 602.9204, and ~~for such purposes~~ any service and annuity  
23 of the person as a senior judge is disregarded.

24 Sec. 2. Section 602.9209, Code Supplement 1983,  
is amended to read as follows:

602.9209 SURVIVOR'S ANNUITY.

27 1. A survivor of a senior judge, ~~or~~ a retired  
28 senior judge, or a person who relinquished a senior  
29 judgeship under section 602.9208, subsection 1, shall  
30 be paid an annuity in lieu of that specified in section  
31 602.9115, which is equal to one-half the amount of  
32 the annuity the senior judge, ~~or~~ retired senior judge,  
33 ~~or person who relinquished a senior judgeship was~~  
34 receiving at the time of ~~his or her~~ death, provided  
35 the survivor is qualified under section 602.9115 to  
36 receive an annuity.

37 2. A survivor of a person whose name is stricken  
38 from the roster of senior judges because of removal  
39 from a senior judgeship under section 602.9208,  
40 subsection 2, shall be paid an annuity equal to one-  
41 half of the amount the person was receiving at the  
42 time of ~~his or her~~ death, provided the survivor is  
43 qualified under section 602.9115 to receive an  
44 annuity."

H-5796 FILED MARCH 22, 1984

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

*Adopted as amended by 6152 4/12 (p. 1943)*

REQUESTED BY REPRESENTATIVE CHAPMAN

In compliance with a written request received February 28, 1984, there is hereby submitted a Fiscal Note for AMENDMENT 5796 TO SENATE FILE 407 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the General Assembly upon request.

Amendment 5796 strikes everything after the enacting clause of Senate File 407. The bill, as amended, allows a senior judge to resign from the senior judge program before reaching age 78 and receives annuities at the level of the time of resignation as senior judge. Corresponding changes in survivor's benefits are made.

Based on the history of the Iowa senior judge act since its inception in 1977, if this amendment had been part of the Code, the current cost per year would be \$4,859. (Three judges have resigned their senior judgeships prior to age 78.) If the proposed amendment is adopted and all present senior judges relinquished their senior judgeships on July 1, 1984, the additional cost per year for all would be \$46,076. (There are currently 9 senior judges.) This assumption is highly unlikely.

Fiscal Effect: The maximum annual cost to the General Fund for Senate File 407, as amended, would be \$46,000.

(1411S, 84-206F, TAF)

Source: Judicial Department

FILED MARCH 28, 1984

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 407

H-6152

1 Amend amendment H-5796 to Senate File 407 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 13 through 16 and  
4 inserting in lieu thereof the following: "the  
5 relinquishment ~~or removal~~, and shall be based upon  
6 the number of years the person served as a senior  
7 judge. A person who serves six or more years as a  
8 senior judge shall be paid a retirement annuity that  
9 is in an amount equal to the amount of the annuity  
10 the person is receiving on the effective date of the  
11 relinquishment in lieu of an amount determined  
12 according to section 602.9204. If the person serves  
13 less than six years as a senior judge, the person  
14 shall be paid a retirement annuity that is in an  
15 amount equal to an amount determined according to  
16 section 602.9107 added to an amount equal to the  
17 number of years the person served as a senior judge,  
18 divided by six, multiplied by the difference between  
19 the amount of the annuity the person is receiving  
20 on the effective date of the relinquishment and the  
21 amount determined according to section 602.9107."

22 2. Page 1, line 17, by striking the figure  
23 "602.9204."

BY DODERER of Johnson  
CHAPMAN of Linn

H-6152 FILED APRIL 6, 1984

Adopted 4/12 (p. 1943)

House Amendment to Senate File 407

S-5879

1 Amend Senate File 407, as passed by the Senate,  
2 as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 602.9208, subsection 3, Code  
6 Supplement 1983, is amended to read as follows:

7 3. A person who relinquishes a senior judgeship  
8 in the manner provided in subsection 1 ~~or who is~~  
9 ~~removed as provided in subsection 2~~ shall be paid  
10 a retirement annuity ~~in an amount determined according~~  
11 ~~to section 602.9107 in lieu of section 602.9204,~~  
12 ~~commencing that commences~~ on the effective date of  
13 the relinquishment ~~or removal,~~ and shall be based  
14 upon the number of years the person served as a senior  
15 judge. A person who serves six or more years as a  
16 senior judge shall be paid a retirement annuity that  
17 is in an amount equal to the amount of the annuity  
18 the person is receiving on the effective date of the  
19 relinquishment in lieu of an amount determined  
20 according to section 602.9204. If the person serves  
21 less than six years as a senior judge, the person  
22 shall be paid a retirement annuity that is in an  
23 amount equal to an amount determined according to  
24 section 602.9107 added to an amount equal to the  
25 number of years the person served as a senior judge,  
26 divided by six, multiplied by the difference between  
27 the amount of the annuity the person is receiving  
28 on the effective date of the relinquishment and the  
29 amount determined according to section 602.9107.  
30 A person who is removed from a senior judgeship as  
31 provided in subsection 2 shall be paid a retirement  
32 annuity that commences on the effective date of the  
33 removal and is in an amount determined according to  
34 section 602.9107 in lieu of section 602.9204, and  
35 ~~for such purposes~~ any service and annuity of the  
36 person as a senior judge is disregarded.

37 Sec. 2. Section 602.9209, Code Supplement 1983,  
38 is amended to read as follows:

39 602.9209 SURVIVOR'S ANNUITY.

40 1. A survivor of a senior judge, ~~or~~ a retired  
41 senior judge, or a person who relinquished a senior  
42 judgeship under section 602.9208, subsection 1, shall  
43 be paid an annuity in lieu of that specified in section  
44 602.9115, which is equal to one-half the amount of  
45 the annuity the senior judge, ~~or~~ retired senior judge,  
46 or person who relinquished a senior judgeship was  
47 receiving at the time of ~~his or her~~ death, provided  
48 the survivor is qualified under section 602.9115 to  
49 receive an annuity.

50 2. A survivor of a person whose name is stricken

S-5879

PAGE 2

1 from the roster of senior judges because of removal  
2 from a senior judgeship under section 602.9208,  
3 subsection 2, shall be paid an annuity equal to one-  
4 half of the amount the person was receiving at the  
5 time of ~~his~~-~~er~~-~~her~~ death, provided the survivor is  
6 qualified under section 602.9115 to receive an  
7 annuity."

S-5879 FILED  
APRIL 13, 1984

RECEIVED FROM THE HOUSE

*Senate concurred 4/13 (p. 1512)*

SENATE FILE 407  
FISCAL NOTE

REQUESTED BY SENATOR NYSTROM

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 407 pursuant to Joint Rule 17.

Senate File 407 allows a retired judge with at least 6 years but less than 25 years of consecutive service to join the senior judge program before reaching age 65 and receive a senior judge's annuity commencing at age 65. This bill also allows a senior judge to resign from the senior judge program before reaching age 78 and receive annuities at the level of the time of resignation as senior judge. Corresponding changes in survivor's benefits are made.

As a reference point, the present senior judge program costs the state approximately 3% of salaries paid to judges (approximately \$180,000) more than the judicial retirement system without the senior judge program. Historically judges have entered the senior judge program at 71 years of age. If this bill encourages judges to become senior judges at an earlier age and begin collecting annuities at age 65 an additional 6 years of annuities would be payable. Depending on salary at age 65, and subsequent judges' salary increases, the additional payments for each judge who elects to participate at age 65 could be from \$25,000 to \$40,000 per year per judge. (This assumes the rate of judges' salary increase which has averaged 7% per year in recent years will continue.) With the additional six years of base increases in judge's annuities prior to age 78, the aggregate additional cost per judge could be \$185,000 to \$280,000.

The bill also fixes the annuity of a senior judge who relinquishes his or her judgeship at the level at which he or she leaves the program. In this way the judge retains the annuity increases resulting from the different salary base used to calculate the senior judges' annuities. Currently, the average salary for the judge's last 3 years of service is used as the base to calculate the annuity. This bill fixes the senior judge's annuity at the level he or she attained as a senior judge. The result is that the calculation is changed so that it uses the base salary for the office the senior judge last held. This change allows the calculation to reflect the salary increases during the time the judge participated in the senior judge program. For the senior judge who relinquishes his or her judgeship at age 78, the annuity payable to the judge and his or her survivor would 50% to 100% higher than presently provided by the Code. This could result in an additional annuity cost per judge of \$100,000 to \$195,000 after age 78. (The costs will vary depending on age of relinquishment, but age 78 was used here to show costs comparable to the present system.)

At present there are 14 senior judges. It must be considered that due to the success of the program (half of the retirees have signed up) and the need for judges, this number may increase. The changes proposed apply to all future senior judges. No attempt has been made to equate the cost of these changes as a per cent of salary in addition to the 3% quoted above. The figures given are based on the present experience of the system in regard to longevity of participants, numbers choosing senior judgeships, average salary increases, survivors longevity and the 1981 Meidinger actuarial report.

Source of data: Supreme Court Administrator  
Meidinger report, November 1981

(1411S,83-365,MDF)

Analysis: Farr Analysts, Consultants and Technical Services, Inc.

RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 24, 1983

FILED:  
MARCH 28, 1983

BY LEGISLATIVE FISCAL BUREAU,  
DENNIS C. PROUTY, DIRECTOR

SENATE FILE 407

AN ACT

RELATING TO THE ELIGIBILITY FOR AND ANNUITIES OF THE SENIOR JUDGE PROGRAM.

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

Section 1. Section 602.9208, subsection 3, Code Supplement 1963, is amended to read as follows:

3. A person who relinquishes a senior judgeship in the manner provided in subsection 1 ~~or who is removed as provided in subsection 2~~ shall be paid a retirement annuity ~~in an amount determined according to section 602.9107 in lieu of section 602.9204, commencing that commences~~ on the effective date of the relinquishment ~~or removal~~, and shall be based upon the number of years the person served as a senior judge. A person who serves six or more years as a senior judge shall

be paid a retirement annuity that is in an amount equal to the amount of the annuity the person is receiving on the effective date of the relinquishment in lieu of an amount determined according to section 602.9204. If the person serves less than six years as a senior judge, the person shall be paid a retirement annuity that is in an amount equal to an amount determined according to section 602.9107 added to an amount equal to the number of years the person served as a senior judge, divided by six, multiplied by the difference between the amount of the annuity the person is receiving on the effective date of the relinquishment and the amount determined according to section 602.9107. A person who is removed from a senior judgeship as provided in subsection 2 shall be paid a retirement annuity that commences on the effective date of the removal and is in an amount determined according to section 602.9107 in lieu of section 602.9204, and for such purposes any service and annuity of the person as a senior judge is disregarded.

Sec. 2. Section 602.9209, Code Supplement 1963, is amended to read as follows:

602.9209 SURVIVOR'S ANNUITY.

1. A survivor of a senior judge, ~~or a retired senior judge, or a person who relinquished a senior judgeship under section 602.9208, subsection 1,~~ shall be paid an annuity in lieu of that specified in section 602.9115, which is equal to one-half the amount of the annuity the senior judge, ~~or retired senior judge, or person who relinquished a senior judgeship~~ was receiving at the time of his ~~or her~~ death, provided the survivor is qualified under section 602.9115 to receive an annuity.

2. A survivor of a person whose name is stricken from the roster of senior judges because of removal from a senior judgeship under section 602.9208, subsection 2, shall be paid an annuity equal to one-half of the amount the person was receiving at the time of his ~~or her~~ death, provided the

survivor is qualified under section 602.9115 to receive an annuity.

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CHARLES P. MILLER  
President Pro Tempore of the  
Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 407, Seventieth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 8, 1984

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TERRY E. BRANSTAD  
Governor