

Sen. Bill Book Vol 104 (p. 120)

Amend (5564) Do Pass 3/27 (p. 1073)

SENATE FILE 2052
BY COMMITTEE ON STATE
GOVERNMENT *Approved (p. 127)*

FILED JAN 16 1986

Passed Senate, Date 1-20-86 (p. 100) Passed House, Date 4-2-86 (p. 1151)

Vote: Ayes 43 Nays 1 Vote: Ayes 93 Nays 1

Approved Vote 5/30/86

Repassed Senate 4-9-86 (p. 1141)
45-1

A BILL FOR

1 An Act relating to contributions by judges to the judicial
2 retirement fund, and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2052

Conference Committee Appointed

Senators Dickman (Chair), Bayle, Mason, Neptrow, Schaeffer 4/25 (p. 1392)
Representatives Blanton (Chair), Toderer, Hammond, Beaker, Deering 4/28 (p. 1245)

Passed per Conference Committee Report

Senate 5-1-86 (p. 1523) House 5-1-86 (p. 2023)
31-14 92-4

1 Section 1. 1985 Iowa Acts, chapter 197, section 27, is
2 repealed.

3 Sec. 2. This Act takes effect from and after its
4 publication in the Audubon News-Advocate, a newspaper
5 published in Audubon, Iowa, and in the Oelwein Daily Register,
6 a newspaper published in Oelwein, Iowa, and is retroactive to
7 July 1, 1985.

8 EXPLANATION

9 This bill repeals the increase in the contribution rates of
10 judges to the judicial retirement fund, retroactive to July 1,
11 1985.

12 SENATE FILE 2052
13 FISCAL NOTE

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15 REQUESTED BY SENATOR CARR

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18 In compliance with a written request received January 21, 1986, a fiscal note for SE
19 FILE 2052, AS PASSED BY THE SENATE is hereby submitted pursuant to Joint Rule 17.
20 used in developing this fiscal note are available from the Legislative Fiscal Bureau
members of the Legislature upon request.

21 Senate File 2052 repeals the increase in the contribution rates of judges to the judicial
22 retirement fund, retroactive to July 1, 1985.

23 FISCAL EFFECT: According to the actuarial firm of William M. Mercer-Meindinger, the
24 liability for benefits accrued to July 1, 1985 is \$11,398,421 greater than the assets
25 currently held by the judicial retirement fund to pay benefits. However, the actuarial
26 report states that on balance the funding of the plan has improved since the 1981
27 valuation. This improvement is primarily the result of the increased filing fee revenues
which increased the total contribution almost 50%.

28 In order to keep the plan funding adequate it may be necessary to periodically increase the
29 filing fee revenues to keep pace with the growth in covered payroll.

(LSB 4575S 2, DPW)

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32 Filed January 21, 1986

By Dennis Prouty, Director
Legislative Fiscal Bureau

HOUSE AMENDMENT TO
SENATE FILE 2052

S-5587

1 Amend Senate File 2052, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 3 and inserting the
4 following:

5 "Sec. 2. This Act takes effect on the date of the
6 entry of the final decision or order in the case,
7 Junkins v. Branstad, No. CL 062 36310 (Polk County
8 Dist. Ct.), after the Act's".

S-5587 Filed April 4, 1986 REC'D FROM THE HOUSE

Senate amended (5631) & concurred 4/9 (p. 1141)

SENATE FILE 2052

S-5631

1 Amend the amendment, S-5587, to Senate File 2052,
2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 8 and
4 inserting the following:

5 "1. Page 1, line 2, by inserting after the word
6 "repealed" the following: ", and section 602.9104,
7 subsection 1, Code 1985, is reenacted and shall be the
8 law of this state from the effective date of this
9 Act".

S-5631 Filed April 8, 1986

BY DOYLE

Adopted 4/9 (p. 1141)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2052
H-5805

1 Amend the amendment, S-5587, to Senate File 2052,
2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 8 and
4 inserting the following:

5 "1. Page 1, line 2, by inserting after the word
6 "repealed" the following: ", and section 602.9104,
7 subsection 1, Code 1985, is reenacted and shall be the
8 law of this state from the effective date of this
9 Act".

H-5805 FILED APRIL 11, 1986 RECEIVED FROM THE SENATE

House refused to concur 4/24 (p. 1763)

Senate initiated 4/25 (p. 1293)

SENATE FILE 2052

H-5564

1 Amend Senate File 2052, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 3 and inserting the
4 following:

5 "Sec. 2. This Act takes effect on the date of the
6 entry of the final decision or order in the case,
7 *Junkins v. Branstad*, No. CL 062 36310 (Polk County
8 Dist. Ct.), after the Act's".

H-5564 FILED MARCH 27, 1986 BY COMMITTEE ON STATE GOVERNMENT

Adopted 4/2 (p. 1151)

FISCAL NOTE TO
SENATE FILE 2052

Requested by Sen. Carr

In compliance with a written request received January 21, 1986, a fiscal note for SENATE FILE 2052, AS PASSED BY THE SENATE is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2052 repeals the increase in the contribution rates of judges to the judicial retirement fund, retroactive to July 1, 1985.

FISCAL EFFECT: According to the actuarial firm of William M. Mercer-Meidinger, the liability for benefits accrued to July 1, 1985 is \$11,398,421 greater than the assets currently held by the judicial retirement fund to pay benefits. However, the actuarial report states that on balance the funding of the plan has improved since the 1981 valuation. This improvement is primarily the result of the increased filing fee revenues which increased the total contribution almost 50%.

In order to keep the plan funding adequate it may be necessary to periodically increase the filing fee revenues to keep pace with the growth in covered payroll.

Filed by Secretary of the Senate January 27, 1986 (LSB 4575S.2, DPW)

Dennis Prouty, Director, Legislative
Fiscal Bureau

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2052

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2052, a bill for an Act relating to contributions by judges to the judicial retirement fund, and providing an effective date, respectively make the following report:

1. That the Senate recedes from its amendment, H-5805.
2. That the House recedes from its amendment, S-5587.
3. That Senate File 2052, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 1 through 7 and inserting the following:

"Section 1. Section 602.9104, subsection 1, Code 1985, as amended by 1985 Iowa Acts, chapter 197, section 27, is amended by striking the subsection and inserting in lieu thereof the following:

1. Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall

SENATE 62
May 2, 1986

CONFERENCE COMMITTEE REPORT TO SENATE BILL 2052 p. 2

not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

Sec. 2. This Act takes effect upon the final decision in the case of *Junkins v. Branstad*, No. CL 062 36310 (Polk County Dist. Ct.), and is retroactive to July 1, 1985."

ON THE PART OF THE SENATE

DIELEMAN, CHAIR
NYSTROM
SCHWENGELS

Senate adopted 5/1 (p. 1522)
House adopted " (p. 2023)

ON THE PART OF THE HOUSE:

BLANSHAN, CHAIR
DODERER
HAMMOND
RENKEN
SWEARINGEN



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

FERRY E. BRANSTAD
GOVERNOR

May 30, 1986

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2052, an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

In 1985 the legislature passed a law which would have required judges to pay a larger percentage of their salaries to the judicial retirement system. At the same time the legislature froze all judicial salaries. I exercised my item veto on this provision indicating that the judges were unfairly singled out for a cut in pay which would harm the quality of judges in Iowa. I stand by my decision.

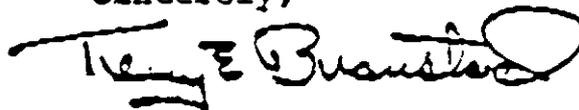
The legislature sued over my exercise of the item veto alleging it was unconstitutional. The legislature has passed Senate File 2052 which purports not to take effect until a final decision is reached in the legal case. The legislature is trying to have it both ways. The legislature is attempting to preserve the legal issue of whether my item veto was constitutional while resolving the question of whether judges should contribute more than four percent for retirement. This is an inappropriate legal maneuver and should not be allowed to occur. Furthermore, this provision raises legal questions about whether the effective date of the legislation can be dependent upon a decision in a lawsuit.

The Honorable Mary Jane Odell
May 30, 1986
Page two

With my veto, judges will continue to be protected pending the outcome of the suit. Once it is decided legislative redress, if needed, can be addressed.

Therefore, for the above reasons, I hereby disapprove of Senate File 2052.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terry E. Branstad". The signature is fluid and cursive, with a large loop at the end of the last name.

Terry E. Branstad
Governor

TEB:w

cc: Secretary of the Senate
Chief Clerk of the House

Sec. 2. This Act takes effect upon the final decision in the case of *Junkins v. Branstad*, No. CI. 062 36310 (Polk County Dist. Ct.), and is retroactive to July 1, 1985.

SENATE FILE 2052

AN ACT
RELATING TO CONTRIBUTIONS BY JUDGES TO THE JUDICIAL RETIREMENT FUND, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 602.9104, subsection 1, Code 1985, as amended by 1985 Iowa Acts, chapter 197, section 27, is amended by striking the subsection and inserting in lieu thereof the following:

1. Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2052, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1986

TERRY E. BRANSTAD
Governor

Vester 5/30/86

S.F. 2052