

January 26, 1965.
Placed on Calendar.

Senate File 116

By JUDICIARY COMMITTEE.

Passed Senate, Date 2/27

Passed House, Date 4/13

Vote: Ayes 50 Nays 0

Vote: Ayes 108 Nays 0

Approved April 27, 1965

passed Senate as amended 7/20 (55-0)

*Judiciary 2/25
do pass 3/24*

A BILL FOR

An Act to clarify the provisions of Act relating to judicial nominating commissions and judges of courts of record and to remove the temporary provisions therefrom.

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

1 Section 1. Section five (5) of chapter eighty (80), Acts
 2 60th General Assembly is hereby repealed and the following
 3 enacted in lieu thereof:
 4 "When a vacancy occurs in the office of appointive judicial
 5 nominating commissioner, the chairman of the particular commis-
 6 sion shall promptly notify the governor in writing of such fact.
 7 Vacancies in the office of appointive judicial nominating com-
 8 missioner shall be filled by appointment by the governor. The
 9 term of state judicial nominating commissioners so appointed
 10 shall commence upon their appointment pending confirmation by
 11 the senate at the then session of the general assembly or at
 12 its next session if it is not then in session. The term of dis-
 13 trict judicial nominating commissioners so appointed shall com-
 14 mence upon their appointment.

15 "Except where the term has less than ninety days remaining,
 16 vacancies in the office of elective member of the state judicial
 17 nominating commission shall be filled by a special election with-
 18 in the congressional district where the vacancy occurs, such
 19 election to be conducted as provided in sections nine (9) and
 20 ten (10) of chapter eighty (80) of the Acts of the 60th General

21 Assembly.

22 "Vacancies in the office of elective judicial nominating com-
23 missioner of district judicial nominating commissions shall be
24 filled by majority vote of the authorized number of elective
25 members of the particular commission, at a meeting of such mem-
26 bers called in the manner provided in section thirteen (13),
27 chapter eighty (80), Acts of the 60th General Assembly. The
28 term of judicial nominating commissioners so chosen shall com-
29 mence upon their selection.

30 "If a vacancy occurs in the office of chairman of a judicial
31 nominating commission, or in the absence of the chairman, the
32 members of the particular commission shall elect a temporary
33 chairman from their own number."

1 Sec. 2. Section eight (8) of chapter eighty (80), Acts 60th
2 General Assembly is amended by striking from lines five (5) and
3 ten (10) the words and figures ", 1963, and every two years there-
4 after," and inserting in lieu thereof in each instance the words
5 "of each odd-numbered year,".

1 Sec. 3. Section eight (8) of chapter eighty (80), Acts 60th
2 General Assembly is further amended by striking from line nine-
3 teen (19) the words "(specifying 1963 the first year)".

1 Sec. 4. Section eight (8) of chapter eighty (80), Acts 60th
2 General Assembly is further amended by striking from line twenty-
3 three (23) the words and figures ", 1963, and every two years
4 thereafter," and inserting in lieu thereof the words "of each
5 odd-numbered year,".

1 Sec. 5. Section nine (9) of chapter eighty (80), Acts 60th
2 General Assembly is amended by striking from line twenty (20)
3 the words and figures "specifying June 30, 1963, the first year,".

1 Sec. 6. Section twelve (12) of chapter eighty (80), Acts
2 60th General Assembly is amended by adding at the end thereof
3 the following:

4 “When a judge of the supreme court or district court resigns,
5 he shall submit a copy of his resignation to the secretary of
6 state at the time he submits his resignation to the governor;
7 and when a judge of the supreme court or district court dies,
8 the clerk of district court of the county of his residence shall
9 in writing forthwith notify the secretary of state of such fact.”

1 Sec. 7. Section fourteen (14) of chapter eighty (80), Acts
2 60th General Assembly is amended as follows:

3 1. Strike from line six (6) the words “full statutory num-
4 ber of commissioners” and inserting in lieu thereof the words
5 “authorized number of commissioners including the chairman”.

6 2. Add at the end of line seven (7) a new sentence as follows:

7 “The chairman shall be a voting member of the commission.”

8 3. Add at the end of said section the words “The chairman
9 of the commission shall promptly certify the names of the
10 nominees, in alphabetical order, to the governor and the chief
11 justice”.

1 Sec. 8. Section sixteen (16) of chapter eighty (80), Acts
2 60th General Assembly is amended as follows:

3 1. Lines three (3) to eleven (11), inclusive, are stricken
4 effective January 1, 1967.

5 2. Line thirteen (13) is amended by striking the words and
6 figures “appointed after June 30, 1963,” effective January 1,
7 1967.

EXPLANATION OF SENATE FILE 116

This bill removes some of the temporary provisions from the judicial system bill passed by the previous General Assembly and clarifies certain provisions such as the filling of vacancies on nominating commissions and the right of the chairman to vote.

SENATE FILE 116

- 1 Amend Senate File 116, section seven (7), by striking
- 2 therefrom subsections one (1) and two (2).

Filed
March 16, 1965.

adopted 4/13

DENATO of Polk.