

JAN 18 1976

Judiciary & Law Enforcement, *Pass 2-7-73*

HOUSE FILE 33

House File 33
Oakley, Chairman

Sen. Judiciary 2-9-73, Pass 2-5-74

By HILL, FISHER of Greene, NORPEL
and JESSE
(Shaff, Milligan and Robinson)

House File 33
Judiciary—
DeKoster, Chairman
Potter
Coleman

Passed House, Date 2-8-73 (285) Passed Senate, Date 2-11-74 (349)

Vote: Ayes 87 Nays 0 Vote: Ayes 45 Nays 0

Approved 3-4-74

A BILL FOR

1 An Act relating to temporary service by retired supreme court
2 judges, quorum, and divisions of the supreme court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred five point twenty-five
2 (605.25), Code 1973, is amended to read as follows:

3 605.25 TEMPORARY SERVICE BY RETIRED JUDGES. Judges of
4 the supreme court and district court who are hereafter retired
5 by reason of age, or who are drawing benefits under section
6 605A.6, may with their consent be assigned by the supreme
7 court to temporary judicial duties on any court in the state
8 other-than , however only retired supreme court judges may
9 be assigned to the supreme court and only in the case of
10 temporary absence of a member of the supreme court. No such
11 judge shall engage in the practice of law unless he shall
12 file with the clerk of the supreme court an election to
13 practice law, in which event he shall thereafter be ineligible
14 for assignment to temporary judicial duties at any time.
15 While serving under temporary assignment as herein provided,
16 a retired judge shall receive the compensation and actual
17 expense provided by law for judges on the court to which he
18 is assigned, but shall not receive any annuity payments to
19 which he may be entitled under the judicial retirement system.
20 He may be authorized in the order of assignment to appoint
21 a temporary reporter, who shall receive the compensation and
22 actual expense provided by law for a regular reporter in the
23 court to which the judge is assigned. The order of assignment
24 shall be filed in the offices of the clerks of court at the
25 places where the judge is to serve.

26 Sec. 2. Section six hundred eighty-four point one (684.1),
27 Code 1973, is amended by striking the section and inserting
28 in lieu thereof the following:

29 684.1 JUDGES--QUORUM. The supreme court shall consist
30 of nine judges. A majority of the judges sitting shall consti-
31 tute a quorum but in no case shall a quorum consist of less
32 than three judges.

33 Sec. 3. Section six hundred eighty-four point two (684.2),
34 Code 1973, is amended to read as follows:

35 684.2 ~~DIVISION-INTO-SECTIONS~~ DIVISIONS. The supreme court

1 may be divided into ~~two-sections~~ divisions of three or more
2 judges in such manner as it may by rule prescribe. Said
3 ~~sections~~ divisions may hold open court separately and cases
4 may be submitted to each ~~section~~ division separately, in
5 accordance with such rules as the court may adopt.

6 Sec. 4. Section six hundred eighty-four point three
7 (684.3), Code 1973, is amended to read as follows:

8 684.3 SUBMISSION TO ENTIRE COURT--RULES. The ~~said~~ supreme
9 court shall also adopt rules for the submission of any case
10 or petition for rehearing whenever differences shall arise
11 between members of ~~either-section~~ divisions or whenever the
12 chief justice shall order or direct the submission of said
13 question or petition for rehearing to the whole court. The
14 supreme court shall make all rules and regulations necessary
15 to provide for the submission of cases to the entire bench,
16 or to the separate ~~sections~~ divisions.

17 EXPLANATION

18 This bill provides for retired supreme court judges to
19 be temporarily assigned to the supreme court.

20 It also provides for divisions of three or more judges
21 and reduces the number of judges needed for a quorum in order
22 to allow for three judge divisions.

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