

Senate File 314
Judiciary—
DeKoster, Chairman
Potter
Coleman

SENATE FILE 314

FILLED MAR 5 1973

BY COMMITTEE ON JUDICIARY

Judiciary 1-14-74, Page 1-15
St. - Dept. of Law Enforcement 1-23-74, Page per 2453 3/12

Senate File 314
Edelen, Chairman
Hill
Jesse
Anderson
Newhard

Date 1-18-74 Passed House, Date 4-15-74 (1732)
Vote: Ayes HC Nays 5 Vote: Ayes 88 Nays 3
Approved 5-9-74

Passed for House amendment
4-22-74 (1480)

41-1

A BILL FOR

- 1 An Act relating to the administration of the judicial
- 2 retirement system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred five A point two (605A.2),
2 Code 1973, is amended to read as follows:

3 605A.2 ADMINISTERED BY ~~STATE-COMPTROLLER~~ COURT AD-
4 MINISTRATOR. The ~~state-comptroller~~ court administrator shall
5 be vested with authority to administer the system and related
6 reports and may promulgate rules therefor not inconsistent
7 with the provisions of this chapter.

8 Sec. 2. Section six hundred five A point four (605A.4),
9 unnumbered paragraph one (1), Code 1973, is amended to read
10 as follows:

11 605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY
12 GOVERNING BODY. Each judge coming within the purview of this
13 chapter shall, on or before retirement, pay to the state
14 ~~comptroller~~ court administrator for deposit with the state
15 treasurer of state to the credit of a fund to be known as
16 the "judicial retirement fund", hereinafter called the "fund",
17 a sum equal to four percent of his basic salary for services
18 as such judge for the total period of service as a judge of
19 a municipal, superior, district or supreme court, including
20 district associate judges, before the date of said notice,
21 and after the date of the notice there shall be deducted and
22 withheld from the basic salary of each judge coming within
23 the purview of this chapter a sum equal to four percent of
24 such basic salary. Provided that the maximum amount which
25 any judge shall be required to contribute for past service
26 shall not exceed for municipal or superior or district
27 associate judges thirty-five hundred dollars, for district
28 judges four thousand dollars and for supreme court judges
29 five thousand dollars. The amounts so deducted and withheld
30 from the basic salary of each said judge shall be paid to
31 the ~~state-comptroller~~ court administrator for deposit with
32 the treasurer of state to the credit of the judicial retirement
33 fund, and said fund is hereby appropriated for the payment
34 of annuities, refunds, and allowances herein provided, except
35 that the amount of such appropriations affecting payment of

1 annuities, refunds, and allowances to judges of the municipal
2 and superior court shall be limited to that part of said fund
3 accumulated for their benefit as hereinafter provided. The
4 judges of the municipal, superior, district and supreme court,
5 including district associate judges, coming within the
6 provisions of this chapter shall be deemed to consent and
7 agree to the deductions from basic salary as provided herein,
8 and payment less such deductions shall be a full and complete
9 discharge and acquittance of all claims and demands whatsoever
10 for all regular services rendered by such judges during the
11 period covered by such payment, except the right to the
12 benefits to which they shall be entitled under the provisions
13 of this chapter. The state shall contribute a sum not
14 exceeding three percent of the basic salary of all judges
15 of the district and supreme court for the years 1949 and 1950
16 and thereafter such sums as may be necessary over the amount
17 contributed by the district and supreme court judges to finance
18 the system, but only to the extent that the system applies
19 to them. After July 1, 1973, the state shall contribute such
20 sums as may be necessary over the amount contributed by
21 district associate judges to finance the system as to them
22 for the portion of their tenure prior to July 1, 1973; and
23 the respective cities and counties within each municipal and
24 superior court district shall contribute the additional amount
25 necessary pursuant to the next paragraph of this section,
26 for the portion of the tenure of such district associate
27 judges prior to July 1, 1973.

28 Sec. 3. Section six hundred five A point twelve (605A.12),
29 Code 1973, is amended to read as follows:

30 605A.12 VOLUNTARY RETIREMENT FOR DISABILITY. Any judge
31 of the supreme, district or municipal court who shall have
32 served as a judge of one or both of such courts for a period
33 of six years in the aggregate and who believes he has become
34 permanently incapacitated, physically or mentally, to perform
35 the duties of his office may personally or by his next friend

1 or guardian file with the ~~state-comptroller~~ court administrator
2 a written application for retirement. The application shall
3 be filed in duplicate and accompanied by an affidavit as to
4 the duration and particulars of his service and the nature
5 of his incapacity. The ~~state-comptroller~~ court administrator
6 shall forthwith transmit one copy of the application and
7 affidavit to the chief justice who shall request the attorney
8 general in writing to cause an investigation to be made
9 relative to the claimed incapacity and report back the results
10 thereof in writing. If the chief justice finds from the
11 report of the attorney general that the applicant is
12 permanently incapacitated, physically or mentally, to perform
13 the duties of his office he shall by his endorsement thereon
14 declare the applicant retired, and the office vacant, and
15 shall file the report in the office of the ~~state-comptroller~~
16 court administrator, and a copy in the office of the secretary
17 of state. From the date of such filing the applicant shall
18 be deemed retired from his office and entitled to the benefits
19 of this chapter to the same extent as if he had retired under
20 the provisions of section 605A.6.

21 EXPLANATION

22 This bill transfers the administration of the judicial
23 retirement system from the state comptroller to the court
24 administrator.

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FISCAL NOTE

Date prepared March 2, 1973

Requested by Committee on Judiciary, Senator Riley, Chairman.
Prepared in regard to S.F. 314 - An Act relating to the
administration of the judicial retirement system. Following
is the fiscal effect in dollars of the legislative proposal
as required by Senate Rule 31. 1

The Governor's budget recommendation for the Court
Administrator includes the addition of an Accountant II at
a salary of \$9,582 for the first year of the biennium and
\$10,308 for the second year of the biennium. The duties of
this position will include the administration of the Judicial
retirement system. No savings are reflected in the budget
of the State Comptroller because of this transfer of duties.

Source: Office of the Comptroller

Filed
March 5, 1973

GERRY D. RANKIN
Legislative Fiscal Director

H-2453

- 1 Amend Senate File 314, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 9, by inserting after the
- 4 numerals "1973," the following: "as amended by the
- 5 Acts of the Sixty-fifth General Assembly, 1973
- 6 session, chapter two hundred eighty-two (282),
- 7 section fifty-six (56),".
- 8 2. Page 2, line 14, by striking the word
- 9 "state".
- 10 3. Page 2, line 15, by striking the words "of
- 11 state", and inserting in lieu thereof the words
- 12 "of state".
- 13 4. Page 3, line 19, by striking the following:
- 14 "July 1" and inserting in lieu thereof the following:
- 15 "June 30".
- 16 5. Page 3, line 22, by striking the following:
- 17 "prior to July 1, 1973;" and inserting in lieu there-
- 18 of the following: "after July 1, 1973, and thereafter
- 19 such sums as may be necessary over the amount con-
- 20 tributed by the district associate judges to finance
- 21 the system, but only to the extent the system applies
- 22 to them;".
- 23 6. Page 3, line 29, by inserting after the
- 24 numerals "1973," the following: "as amended by the
- 25 Acts of the Sixty-fifth General Assembly, 1973
- 26 session, chapter two hundred eighty-two (282),
- 27 section fifty-eight (58),".
- 28 7. Page 3, line 31, by inserting after the
- 29 word "court" the following: "including a district
- 30 associate judge,".

H-2453 Filed *Adopted 4/15*
March 12, 1974

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
HILL of Polk, Chairman

HOUSE AMENDMENT TO SENATE FILE 314

- 1 Amend Senate File 314, as passed by the Senate, as follows:
2 1. Page 2, line 9, by inserting after the numerals "1973,"
3 the following: "as amended by the Acts of the Sixty-fifth
4 General Assembly, 1973 session, chapter two hundred eighty-two
5 (282), section fifty-six (56),".
6 2. Page 2, line 14, by striking the word "state".
7 3. Page 2, line 15, by striking the words "of state",
8 and inserting in lieu thereof the words "of state".
9 4. Page 3, line 19, by striking the following: "July 1"
10 and inserting in lieu thereof the following: "June 30".
11 5. Page 3, line 22, by striking the following: "prior to
12 July 1, 1973;" and inserting in lieu thereof the following:
13 "after July 1, 1973, and thereafter such sums as may be
14 necessary over the amount contributed by the district associate
15 judges to finance the system, but only to the extent the
16 system applies to them;".
17 6. Page 3, line 29, by inserting after the numerals
18 "1973," the following: "as amended by the Acts of the Sixty-
19 fifth General Assembly, 1973 session, chapter two hundred
20 eighty-two (282), section fifty-eight (58),".
21 7. Page 3, line 31, by inserting after the word "court"
22 the following: "including a district associate judge,".

Received from the House
April 17, 1974

Senate concurred 4/22