

*Presented 1/15/79
General Assembly House No. 3013 (1/15/79 208)*

Presented 2/79

BILLS AND RESOLUTIONS
1979

SENATE FILE 70

By NYSTROM

Passed Senate, Date 2-5-79 (p. 326) Passed House, Date _____
Vote: Ayes 27 Nays 10 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish a senior judge system.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section forty-six point sixteen (46.16), sub-
2 sections one (1) and two (2), Code 1979, are amended to read
3 as follows:

4 1. The initial term of office of judges of the supreme
5 court, court of appeals and district court ~~shall-be-for~~ or
6 the initial term of a senior judge is one year after
7 appointment and until January ~~±~~ first following the next
8 judicial election after expiration of ~~such~~ the year ~~and~~.

9 2. The regular term of office of judges of the supreme
10 court retained at a judicial election ~~shall-be~~ is eight years,
11 and of judges of the court of appeals and district court so
12 retained ~~shall-be~~ is six years, from the expiration of their
13 ~~initial-or-previous-regular~~ preceding term ~~as-the-case-may~~
14 be. The regular term of a senior judge retained as a senior
15 judge is six years from the expiration of the preceding term.

16 Sec. 2. Section forty-six point twenty-one (46.21), Code
17 1979, is amended to read as follows:

18 46.21 CONDUCT OF ELECTIONS. At least fifty-five days
19 prior to each judicial election, the state commissioner of
20 elections shall certify to the county commissioner of elections
21 of each county a list of the judges of the supreme court,
22 court of appeals and district court including district
23 associate judges, and including senior judges assigned within
24 the district, to be voted on in ~~such~~ that county at that
25 election. The county commissioner of elections shall place
26 the names upon the ballot in the order in which they appear
27 in the certificate, unless only one county is voting thereon.
28 The state commissioner of elections shall rotate the names
29 in the certificate by county, or the county commissioner of
30 elections shall rotate them upon the ballot by precinct if
31 only one county is voting thereon. The names of all judges
32 to be voted on shall be placed upon one ballot, which shall
33 be in substantially the following form:

34 STATE OF IOWA
35 JUDICIAL BALLOT

1 (Date)

2 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX
3 AFTER EACH NAME.

4 SUPREME COURT

5 Shall the following judges of the Supreme Court be retained
6 in office?

7 JOHN DOE YES NO

8 RICHARD ROE YES NO

9 COURT OF APPEALS

10 Shall the following judges of the Court of Appeals be
11 retained in office?

12 JOHN DOE YES NO

13 RICHARD ROE YES NO

14 DISTRICT COURT

15 Shall the following judge or associate judge of the District
16 Court be retained in office?

17 JOHN SMITH YES NO

18 SENIOR JUDGE

19 Shall the following senior judge be retained as a senior
20 judge?

21 JOHN DOE YES NO

22 RICHARD ROE YES NO

23 Sec. 3. Section forty-six point twenty-four (46.24), Code
24 1979, is amended to read as follows:

25 46.24 RESULTS OF ELECTION. A judge of the supreme court,
26 court of appeals, or district court including a district
27 associate judge or a senior judge must receive more affirmative
28 than negative votes to be retained in office. When the poll
29 is closed, the election judges shall publicly canvass the
30 vote forthwith. The board of supervisors shall canvass the
31 returns at its meeting on Monday after the election, and
32 shall promptly certify the number of affirmative and negative
33 votes on each judge to the state commissioner of elections.

34 The state board of canvassers shall, at the time of
35 canvassing the vote cast at a general election, open and

1 canvass all of the returns for the judicial election. Each
2 judge of the supreme court, court of appeals or district court
3 including a district associate judge or a senior judge who
4 has received more affirmative than negative votes shall receive
5 from the state board of canvassers an appropriate certificate
6 so stating.

7 Sec. 4. Section six hundred five point twenty-seven
8 (605.27), subsection one (1), Code 1979, is amended to read
9 as follows:

10 1. Retire a district associate judge, a district judge,
11 a judge of the court of appeals, ~~or~~ a judge of the supreme
12 court or a senior judge for permanent physical or mental
13 disability which substantially interferes with the performance
14 of his or her judicial duties.

15 Sec. 5. Chapter six hundred five A (605A), Code 1979,
16 is amended by adding sections six (6) through fourteen (14)
17 of this Act as new sections.

18 Sec. 6. NEW SECTION. SHORT TITLE. Sections six (6)
19 through fourteen (14) of this Act may be cited and referred
20 to as the Iowa senior judge Act.

21 Sec. 7. NEW SECTION. DEFINITIONS. As used in this Act
22 unless the context otherwise requires:

23 1. "Senior judge" means a supreme court judge, court of
24 appeals judge, district court judge or district associate
25 judge who meets the requirements of section eight (8) of this
26 Act and who has not been retired or removed from the roster
27 of senior judges under section twelve (12) or thirteen (13)
28 of this Act.

29 2. "Retired senior judge" means a senior judge who has
30 been retired from a senior judgeship as provided in section
31 twelve (12) of this Act.

32 3. "Roster of senior judges" means the roster maintained
33 by the clerk of the supreme court under section eight (8),
34 subsection three (3) of this Act.

35 4. "Twelve-month period" means each successive one-year

1 period commencing on the date a retired judge becomes a senior
2 judge and while the judge continues to be a senior judge.

3 Sec. 8. NEW SECTION. SENIOR JUDGESHIP REQUIREMENTS.

4 1. A supreme court judge, court of appeals judge, district
5 judge or district associate judge, who qualifies under
6 subsection two (2) of this section, may become a senior judge
7 by filing with the clerk of the supreme court a written
8 election in the form specified by the court administrator.
9 The election shall be filed not later than the date of
10 retirement.

11 2. A judicial officer referred to in subsection one (1)
12 of this section qualifies for a senior judgeship if he or
13 she meets all of the following requirements:

14 a. Retires from office on or after July 1, 1979, whether
15 or not he or she is of mandatory retirement age.

16 b. Meets the minimum requirements for entitlement to an
17 annuity as specified in section six hundred five A point six
18 (605A.6) of the Code.

19 c. Agrees in writing on a form prescribed by the court
20 administrator to be available as long as he or she is a senior
21 judge to perform judicial duties as assigned by the supreme
22 court for an aggregate period of thirteen weeks out of each
23 successive twelve-month period.

24 d. Submits evidence to the satisfaction of the supreme
25 court that as of the date of retirement he or she does not
26 suffer from a permanent physical or mental disability which
27 would substantially interfere with the performance of duties
28 agreed to under paragraph c of this subsection.

29 3. The clerk of the supreme court shall maintain a book
30 entitled "Roster of Senior Judges", and shall enter in the
31 book the name of each judicial officer who files a timely
32 election under subsection one (1) of this section and qualifies
33 under subsection two (2) of this section. A person shall
34 be a senior judge upon entry of the person's name in the
35 roster of senior judges and until the person becomes a retired

1 senior judge as provided in section twelve (12) of this Act,
2 or until the person's name is stricken from the roster of
3 senior judges as provided in section thirteen (13) of this
4 Act, or until the person dies.

5 Sec. 9. NEW SECTION. ANNUITY OF SENIOR JUDGE AND RETIRED
6 SENIOR JUDGE. A senior judge or a retired senior judge shall
7 not be paid a salary. A senior judge or retired senior judge
8 shall be paid an annuity under the judicial retirement system
9 in the manner provided in section six hundred five A point
10 nine (605A.9) of the Code, but computed under this section
11 in lieu of section six hundred five A point seven (605A.7)
12 of the Code, as follows: The annuity paid to a senior judge
13 or retired senior judge shall be an amount equal to three
14 percent of the current base salary, as of the time each payment
15 is made, of the office in which the senior judge last served
16 as a judge before retirement as a judge or senior judge,
17 multiplied by the judge's years of service prior to retirement
18 as a judge of one or more of the courts included under chapter
19 six hundred five A (605A) of the Code, except the annuity
20 of the senior judge or retired senior judge shall not exceed
21 fifty percent of such current base salary.

22 Sec. 10. NEW SECTION. PRACTICE OF LAW PROHIBITED. A
23 senior judge shall not practice law.

24 Sec. 11. NEW SECTION. TEMPORARY SERVICE BY SENIOR JUDGE.
25 Section six hundred five point twenty-five (605.25) of the
26 Code does not apply to a senior judge but does apply to a
27 retired senior judge. During the tenure of a senior judge,
28 if the judge is able to serve, he or she may be assigned by
29 the supreme court to temporary judicial duties on courts of
30 this state without salary for an aggregate of thirteen weeks
31 out of each twelve-month period, and for additional weeks
32 with his or her consent. A senior judge shall not be assigned
33 to judicial duties on a court superior to the highest court
34 to which he or she was appointed prior to retirement, and
35 shall not be assigned to the court of appeals or the supreme

1 court except to serve in the temporary absence of a member
2 of that court. While serving on temporary assignment, a
3 senior judge has and may exercise all of the authority of
4 the office to which he or she is assigned, shall continue
5 to be paid his or her annuity as senior judge, shall be
6 reimbursed for his or her actual expenses to the extent
7 expenses of a district judge are reimburseable under section
8 six hundred five point two (605.2) of the Code, may, if
9 permitted by the assignment order, appoint a temporary court
10 reporter, who shall be paid the remuneration and reimbursement
11 for actual expenses provided by law for a reporter in the
12 court to which the senior judge is assigned, and, if assigned
13 to the court of appeals or the supreme court, shall be given
14 the assistance of a law clerk and a secretary designated by
15 the court administrator of the judicial department from the
16 court administrator's staff. Each order of temporary
17 assignment shall be filed with the clerks of court at the
18 places where the senior judge is to serve.

19 Sec. 12. NEW SECTION. RETIREMENT OF SENIOR JUDGE.

20 1. A senior judge shall cease to be a senior judge upon
21 completion of the twelve-month period during which he or she
22 attains seventy-eight years of age. The clerk of the supreme
23 court shall make a notation of the retirement of a senior
24 judge in the roster of senior judges, at which time the senior
25 judge shall become a retired senior judge.

26 2. A senior judge is subject to retirement under sections
27 six hundred five point twenty-six (605.26) through six hundred
28 five point thirty-two (605.32) of the Code for the causes
29 specified in section six hundred five point twenty-seven
30 (605.27), subsection one (1) of the Code. A senior judge
31 may request and be granted retirement in the manner provided
32 in section six hundred five A point twelve (605A.12) of the
33 Code. When a senior judge is retired as provided in this
34 subsection the clerk of the supreme court shall make a notation
35 of the retirement of the senior judge in the roster of senior

1 judges, at which time the senior judge shall become a retired
2 senior judge.

3 Sec. 13. NEW SECTION. RELINQUISHMENT OF SENIOR JUDGESHIP-
4 -REMOVAL FOR CAUSE.

5 1. A senior judge, at any time prior to the end of the
6 twelve-month period during which he or she attains seventy-
7 eight years of age, may submit to the clerk of the supreme
8 court a written request that his or her name be stricken from
9 the roster of senior judges. Upon the receipt of the request
10 the clerk shall strike the name of the person from the roster
11 of senior judges, at which time the person shall cease to
12 be a senior judge. A person who relinquishes a senior judge-
13 ship as provided in this subsection may be assigned to
14 temporary judicial duties as provided in section six hundred
15 five point twenty-five (605.25) of the Code.

16 2. A senior judge is subject to removal under the
17 provisions of sections six hundred five point twenty-six
18 (605.26) through six hundred five point thirty-two (605.32)
19 of the Code for any of the causes specified in section six
20 hundred five point twenty-seven (605.27), subsection two (2)
21 of the Code. When a person is removed from a senior judgeship
22 as provided in this subsection the clerk of the supreme court
23 shall strike the name of the person from the roster of senior
24 judges, at which time the person shall cease to be a senior
25 judge.

26 3. If a senior judge is not retained as a senior judge
27 under chapter forty-six (46) of the Code, the clerk of the
28 supreme court shall strike the name of the person from the
29 roster of senior judges, at which time the person shall cease
30 to be a senior judge.

31 4. A person who relinquishes a senior judgeship in the
32 manner provided in subsection one (1) of this section or who
33 is removed as provided in subsection two (2) of this section,
34 or who is not retained as a senior judge under chapter forty-
35 six (46) of the Code shall be paid a retirement annuity in

1 an amount determined according to section six hundred five
2 A point seven (605A.7) of the Code in lieu of section nine
3 (9) of this Act, commencing on the effective date of the
4 relinquishment, removal or termination of term, and for such
5 purposes any service and annuity of the person as a senior
6 judge is disregarded.

7 Sec. 14. NEW SECTION. SURVIVOR'S ANNUITY.

8 1. A survivor of a senior judge or a retired senior judge
9 shall be paid an annuity in lieu of that specified in section
10 six hundred five A point fifteen (605A.15) of the Code, which
11 is equal to one-half the amount of the annuity the senior
12 judge or retired senior judge was receiving at the time of
13 his or her death, provided the survivor is qualified under
14 section six hundred five A point fifteen (605A.15) of the
15 Code to receive an annuity.

16 2. A survivor of a person whose name is stricken from
17 the roster of senior judges shall be paid an annuity equal
18 to one-half of the amount the person was receiving at the
19 time of his or her death, provided the survivor is qualified
20 under section six hundred five A point fifteen (605A.15) of
21 the Code to receive an annuity.

22 Sec. 15. Section six hundred five A point ten (605A.10),
23 Code 1979, is amended by adding the following new unnumbered
24 paragraph:

25 NEW UNNUMBERED PARAGRAPH. However, this section does not
26 prohibit the payment of an annuity to a senior judge while
27 serving as provided in section eleven (11) of this Act.

28 EXPLANATION

29 This bill provides for the creation of a senior judgeship
30 program which would apply to judges of the supreme court and
31 court of appeals, district judges and district associate
32 judges, who retire on or after July 1, 1979.

33 The bill provides that at any time after such a judicial
34 officer has met the minimum requirements for retirement with
35 an annuity under chapter 605A of the Code and until the judge

1 reaches mandatory retirement age, he or she may elect to
2 retire as a senior judge. Upon agreeing to perform judi-
3 cial duties for a total of thirteen weeks out of each year
4 after retirement as a senior judge and until he or she reaches
5 the age of 78, the judge would be entitled to receive, in
6 lieu of compensation for service and in lieu of the regular
7 annuity provided in section 605A.7 of the Code, a variable
8 annuity equal to three percent of the current base salary
9 of the office in which the judge last served prior to
10 retirement, multiplied by the judge's years of service as
11 a judge prior to retirement, subject to a maximum amount of
12 fifty percent of that current salary.

13 A senior judge would have to retire from a senior judgeship
14 at the end of the retirement year in which his or her 78th
15 birthday occurs. A retirement year is each successive twelve-
16 month period commencing on the date the person qualifies as
17 a senior judge (which cannot be later than his or her ordinary
18 retirement date). A senior judge could be retired prior to
19 reaching age 78 for physical or mental disability in the
20 manner provided in section 605.27 or 605A.12 of the Code or
21 if the senior judge is not retained in office at a judicial
22 election. Upon retiring from a senior judgeship, the person
23 would be entitled to receive a fixed annuity equal to the
24 amount of annuity the person was entitled to receive as of
25 his or her last day as a senior judge.

26 If a senior judge relinquishes the status as a senior judge
27 prior to his or her 78th birthday, or is removed for cause
28 from the senior judgeship, or is not retained as a senior
29 judge then the person would be entitled to receive the regular
30 annuity provided by section 605A.7 of the Code, and the service
31 and annuity as a senior judge would be disregarded. Upon
32 a relinquishment, the person would again be subject to
33 temporary service under section 605.25 of the Code.

34 The senior judge survivor annuity would be equal to 50
35 percent of the annuity the senior judge or retired senior

1 judge was entitled to on the date of death.
2 The bill does not affect the ability of a judge to retire
3 under existing law and does not affect the amount of the
4 ordinary retirement annuity.

FISCAL NOTE

DATE: JANUARY 29, 1979

Requested by: Senator John Nystrom

In compliance with a written request received January 25, 19 79, there is hereby submitted a Fiscal Note for Senate File 70 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 70, An Act to establish a senior judge system.

The bill provides that at any time after such a judicial officer has met the minimum requirements for retirement with an annuity under chapter 605A of the Code and until the judge reaches mandatory retirement age, he or she may elect to retire as a senior judge. Upon agreeing to perform judicial duties for a total of thirteen weeks out of each year after retirement as a senior judge and until he or she reaches the age of 78, the judge would be entitled to receive, in lieu of any compensation for service and in lieu of the regular annuity provided in section 605A.7 of the Code, a variable annuity equal to three percent of the current base salary of the office in which the judge last served prior to retirement, multiplied by the judge's years of service as a judge prior to retirement, subject to a maximum amount of fifty percent of that current salary.

23

Cost estimates are based on the following assumptions:

- 1) retirement at age 70
- 2) 100% participation
- 3) 5% increase in salary each biennium

<u>FY 79-80</u>	<u>FY 80-81</u>	<u>FY 81-82</u>	<u>FY 82-83</u>
\$38,500	\$40,800	\$84,500	\$87,800

SOURCE: COURT ADMINISTRATOR

FILED
JANUARY 29, 1979

BY GERRY RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU
LSB 5841-S 60

lb/rh/8A.1

SENATE 2
JANUARY 30, 1979

SENATE FILE 70

S-3013

- 1 Amend Senate File 70 as follows:
- 2 1. By striking page 1, line 1 through page 3, line
- 3 6.
- 4 2. Page 7, by striking lines 26 through 30.
- 5 3. By renumbering sections and subsections as
- 6 necessary to conform with this amendment.

S-3013 FILED *Adopted 2/5 (p. 322)*
JANUARY 29, 1979

BY COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, CHAIRPERSON

SENATE FILE 70

S-3024

- 1 Amend Senate File 70 as follows:
- 2 1. Page 7, line 33, by striking the word "section,"
- 3 and inserting in lieu thereof the word "section".
- 4 2. Page 7, by striking lines 34 and 35 and in-
- 5 serting in lieu thereof the words "shall be paid a
- 6 retirement annuity in".
- 7 3. Page 8, by striking line 4 and inserting in
- 8 lieu thereof the following: "relinquishment or
- 9 removal, and for such".

S-3024 FILED & ADOPTED (p. 322)
FEBRUARY 5, 1979

BY JOHN N. NYSTROM

S-3026

- 1 Amend Senate File 70 as follows:
 2 1. Page 4, by inserting after line 28 the follow-
 3 ing:
 4 "e. Actually performs judicial duties as as-
 5 signed by the supreme court for an aggregate period of
 6 thirteen weeks out of each successive twelve-month
 7 period."

S-3026 FILED & WITHDRAWN (p 325)
 FEBRUARY 5, 1979

BY EARL M. WILLITS

SENATE FILE 70

S-3027

- 1 Amend Senate File 70 as follows:
 2 1. Page 5, line 8, by inserting after the word
 3 "annuity" the words "if he qualifies by having actu-
 4 ally performed judicial duties assigned by the supreme
 5 court".

S-3027 FILED, WITHDRAWN (p 326)
 FEBRUARY 5, 1979

BY RICHARD COMITO

SENATE FILE 70

S-3029

- 1 Amend Senate File 70 as follows:
 2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "e. Actually performs judicial duties as assigned
 5 by the supreme court for an aggregate period of at least
 6 nine weeks out of each successive twelve-month period."

S-3029 FILED & LOST (p 325)
 FEBRUARY 5, 1979

BY EARL M. WILLITS

SENATE FILE 70

S-3033

- 1 Amend Senate File 70 as follows:
 2 1. Page 5, line 8, by inserting after the word
 3 "annuity" the words "if he qualifies by having actu-
 4 ally performed judicial duties assigned by the supreme
 5 court".

S-3033 FILED & ADOPTED (p 326)
 FEBRUARY 5, 1979

BY ARNE WALDSTEIN

Iowa State Govt 2/5/79
Referred Judiciary 2/5
Amended per 3236 - Dr. Gann (p. 574)

SENATE FILE 70

By NYSTROM

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 5, 1979)

Passed Senate, Date 3-21-79 (p. 897) Passed House, Date 3-1-79 (p. 727)

Vote: Ayes 36 Nays 13 Vote: Ayes 73 Nays 14

Approved March 30, 1979
motion to reconsider 3-2 (752)
prevailed 3-12 (585)

A BILL FOR

1 An Act to establish a senior judge system.

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

3 *Repassed House 3-12-79 (p. 836)*
4 80-12

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SENATE FILE 70

H-3236

1 Amend Senate File 70, as passed by the Senate
2 and reprinted, as follows:

3 1. Page 2, by inserting after line 33 the
4 following:

5 "4. The supreme court shall cause each senior
6 judge on the roster to actually perform judicial
7 duties during each successive twelve-month period."

8 2. Page 3, by striking lines 2 and 3 and in-
9 serting in lieu thereof the words "shall be paid
10 an annuity under".

H-3236 FILED *Substituted 2/11 (p. 721)*
FEBRUARY 15, 1979

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

24
25

* 1 Section 1. Section six hundred five point twenty-seven
2 (605.27), subsection one (1), Code 1979, is amended to read
3 as follows:

4 1. Retire a district associate judge, a district judge,
5 a judge of the court of appeals, ~~or~~ a judge of the supreme
6 court or a senior judge for permanent physical or mental
7 disability which substantially interferes with the performance
8 of his or her judicial duties.

9 Sec. 2. Chapter six hundred five A (605A), Code 1979,
10 is amended by adding sections three (3) through eleven (11)
11 of this Act as new sections.

12 Sec. 3. NEW SECTION. SHORT TITLE. Sections three (3)
13 through eleven (11) of this Act may be cited and referred
14 to as the Iowa senior judge Act.

15 Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act
16 unless the context otherwise requires:

17 1. "Senior judge" means a supreme court judge, court of
18 appeals judge, district court judge or district associate
19 judge who meets the requirements of section five (5) of this
20 Act and who has not been retired or removed from the roster
21 of senior judges under section nine (9) or ten (10) of this
22 Act.

23 2. "Retired senior judge" means a senior judge who has
24 been retired from a senior judgeship as provided in section
25 nine (9) of this Act.

26 3. "Roster of senior judges" means the roster maintained
27 by the clerk of the supreme court under section five (5),
28 subsection three (3) of this Act.

29 4. "Twelve-month period" means each successive one-year
30 period commencing on the date a retired judge becomes a senior
31 judge and while the judge continues to be a senior judge.

32 Sec. 5. NEW SECTION. SENIOR JUDGESHIP REQUIREMENTS.

33 1. A supreme court judge, court of appeals judge, district
34 judge or district associate judge, who qualifies under
35 subsection two (2) of this section, may become a senior judge

1 by filing with the clerk of the supreme court a written
2 election in the form specified by the court administrator.
3 The election shall be filed not later than the date of
4 retirement.

5 2. A judicial officer referred to in subsection one (1)
6 of this section qualifies for a senior judgeship if he or
7 she meets all of the following requirements:

8 a. Retires from office on or after July 1, 1979, whether
9 or not he or she is of mandatory retirement age.

10 b. Meets the minimum requirements for entitlement to an
11 annuity as specified in section six hundred five A point six
12 (605A.6) of the Code.

13 c. Agrees in writing on a form prescribed by the court
14 administrator to be available as long as he or she is a senior
15 judge to perform judicial duties as assigned by the supreme
16 court for an aggregate period of thirteen weeks out of each
17 successive twelve-month period.

18 d. Submits evidence to the satisfaction of the supreme
19 court that as of the date of retirement he or she does not
20 suffer from a permanent physical or mental disability which
21 would substantially interfere with the performance of duties
22 agreed to under paragraph c of this subsection.

23 3. The clerk of the supreme court shall maintain a book
24 entitled "Roster of Senior Judges", and shall enter in the
25 book the name of each judicial officer who files a timely
26 election under subsection one (1) of this section and qualifies
27 under subsection two (2) of this section. A person shall
28 be a senior judge upon entry of the person's name in the
29 roster of senior judges and until the person becomes a retired
30 senior judge as provided in section nine (9) of this Act,
31 or until the person's name is stricken from the roster of
32 senior judges as provided in section ten (10) of this Act,
33 or until the person dies.

34 Sec. 6. NEW SECTION. ANNUITY OF SENIOR JUDGE AND RETIRED
35 SENIOR JUDGL. A senior judge or a retired senior judge shall

1 not be paid a salary. A senior judge or retired senior judge
2 shall be paid an annuity if he qualifies by having actually
3 performed judicial duties assigned by the supreme court under
4 the judicial retirement system in the manner provided in
5 section six hundred five A point nine (605A.9) of the Code,
6 but computed under this section in lieu of section six hundred
7 five A point seven (605A.7) of the Code, as follows: The
8 annuity paid to a senior judge or retired senior judge shall
9 be an amount equal to three percent of the current base salary,
10 as of the time each payment is made, of the office in which
11 the senior judge last served as a judge before retirement
12 as a judge or senior judge, multiplied by the judge's years
13 of service prior to retirement as a judge of one or more of
14 the courts included under chapter six hundred five A (605A)
15 of the Code, except the annuity of the senior judge or retired
16 senior judge shall not exceed fifty percent of such current
17 base salary.

18 Sec. 7. NEW SECTION. PRACTICE OF LAW PROHIBITED. A
19 senior judge shall not practice law.

20 Sec. 8. NEW SECTION. TEMPORARY SERVICE BY SENIOR JUDGE.
21 Section six hundred five point twenty-five (605.25) of the
22 Code does not apply to a senior judge but does apply to a
23 retired senior judge. During the tenure of a senior judge,
24 if the judge is able to serve, he or she may be assigned by
25 the supreme court to temporary judicial duties on courts of
26 this state without salary for an aggregate of thirteen weeks
27 out of each twelve-month period, and for additional weeks
28 with his or her consent. A senior judge shall not be assigned
29 to judicial duties on a court superior to the highest court
30 to which he or she was appointed prior to retirement, and
31 shall not be assigned to the court of appeals or the supreme
32 court except to serve in the temporary absence of a member
33 of that court. While serving on temporary assignment, a
34 senior judge has and may exercise all of the authority of
35 the office to which he or she is assigned, shall continue

1 to be paid his or her annuity as senior judge, shall be
2 reimbursed for his or her actual expenses to the extent
3 expenses of a district judge are reimburseable under section
4 six hundred five point two (605.2) of the Code, may, if
5 permitted by the assignment order, appoint a temporary court
6 reporter, who shall be paid the remuneration and reimbursement
7 for actual expenses provided by law for a reporter in the
8 court to which the senior judge is assigned, and, if assigned
9 to the court of appeals or the supreme court, shall be given
10 the assistance of a law clerk and a secretary designated by
11 the court administrator of the judicial department from the
12 court administrator's staff. Each order of temporary
13 assignment shall be filed with the clerks of court at the
14 places where the senior judge is to serve.

15 Sec. 9. NEW SECTION. RETIREMENT OF SENIOR JUDGE.

16 1. A senior judge shall cease to be a senior judge upon
17 completion of the twelve-month period during which he or she
18 attains seventy-eight years of age. The clerk of the supreme
19 court shall make a notation of the retirement of a senior
20 judge in the roster of senior judges, at which time the senior
21 judge shall become a retired senior judge.

22 2. A senior judge is subject to retirement under sections
23 six hundred five point twenty-six (605.26) through six hundred
24 five point thirty-two (605.32) of the Code for the causes
25 specified in section six hundred five point twenty-seven
26 (605.27), subsection one (1) of the Code. A senior judge
27 may request and be granted retirement in the manner provided
28 in section six hundred five A point twelve (605A.12) of the
29 Code. When a senior judge is retired as provided in this
30 subsection the clerk of the supreme court shall make a notation
31 of the retirement of the senior judge in the roster of senior
32 judges, at which time the senior judge shall become a retired
33 senior judge.

34 Sec. 10. NEW SECTION. RELINQUISHMENT OF SENIOR JUDGESHIP-
35 -REMOVAL FOR CAUSE.

1 1. A senior judge, at any time prior to the end of the
2 twelve-month period during which he or she attains seventy-
3 eight years of age, may submit to the clerk of the supreme
4 court a written request that his or her name be stricken from
5 the roster of senior judges. Upon the receipt of the request
6 the clerk shall strike the name of the person from the roster
7 of senior judges, at which time the person shall cease to
8 be a senior judge. A person who relinquishes a senior judge-
9 ship as provided in this subsection may be assigned to
10 temporary judicial duties as provided in section six hundred
11 five point twenty-five (605.25) of the Code.

12 2. A senior judge is subject to removal under the
13 provisions of sections six hundred five point twenty-six
14 (605.26) through six hundred five point thirty-two (605.32)
15 of the Code for any of the causes specified in section six
16 hundred five point twenty-seven (605.27), subsection two (2)
17 of the Code. When a person is removed from a senior judgeship
18 as provided in this subsection the clerk of the supreme court
19 shall strike the name of the person from the roster of senior
20 judges, at which time the person shall cease to be a senior
21 judge.

* 22 3. A person who relinquishes a senior judgeship in the
23 manner provided in subsection one (1) of this section or who
* 24 is removed as provided in subsection two (2) of this section
25 shall be paid a retirement annuity in an amount determined
26 according to section six hundred five A point seven (605A.7)
27 of the Code in lieu of section six (6) of this Act, commencing
* 28 on the effective date of the relinquishment or removal, and
29 for such purposes any service and annuity of the person as
30 a senior judge is disregarded.

31 Sec. 11. NEW SECTION. SURVIVOR'S ANNUITY.

32 1. A survivor of a senior judge or a retired senior judge
33 shall be paid an annuity in lieu of that specified in section
34 six hundred five A point fifteen (605A.15) of the Code, which
35 is equal to one-half the amount of the annuity the senior

1 judge or retired senior judge was receiving at the time of
2 his or her death, provided the survivor is qualified under
3 section six hundred five A point fifteen (605A.15) of the
4 Code to receive an annuity.

5 2. A survivor of a person whose name is stricken from
6 the roster of senior judges shall be paid an annuity equal
7 to one-half of the amount the person was receiving at the
8 time of his or her death, provided the survivor is qualified
9 under section six hundred five A point fifteen (605A.15) of
10 the Code to receive an annuity.

11 Sec. 12. Section six hundred five A point ten (605A.10),
12 Code 1979, is amended by adding the following new unnumbered
13 paragraph:

14 NEW UNNUMBERED PARAGRAPH. However, this section does not
15 prohibit the payment of an annuity to a senior judge while
16 serving as provided in section eight (8) of this Act.

17 EXPLANATION

18 This bill provides for the creation of a senior judgeship
19 program which would apply to judges of the supreme court and
20 court of appeals, district judges and district associate
21 judges, who retire on or after July 1, 1979.

22 The bill provides that at any time after such a judicial
23 officer has met the minimum requirements for retirement with
24 an annuity under chapter 605A of the Code and until the judge
25 reaches mandatory retirement age, he or she may elect to
26 retire as a senior judge. Upon agreeing to perform judi-
27 cial duties for a total of thirteen weeks out of each year
28 after retirement as a senior judge and until he or she reaches
29 the age of 78, the judge would be entitled to receive, in
30 lieu of compensation for service and in lieu of the regular
31 annuity provided in section 605A.7 of the Code, a variable
32 annuity equal to three percent of the current base salary
33 of the office in which the judge last served prior to
34 retirement, multiplied by the judge's years of service as
35 a judge prior to retirement, subject to a maximum amount of

1 fifty percent of that current salary.

2 A senior judge would have to retire from a senior judgeship
3 at the end of the retirement year in which his or her 78th
4 birthday occurs. A retirement year is each successive twelve-
5 month period commencing on the date the person qualifies as
6 a senior judge (which cannot be later than his or her ordinary
7 retirement date). A senior judge could be retired prior to
8 reaching age 78 for physical or mental disability in the
9 manner provided in section 605.27 or 605A.12 of the Code or
10 if the senior judge is not retained in office at a judicial
11 election. Upon retiring from a senior judgeship, the person
12 would be entitled to receive a fixed annuity equal to the
13 amount of annuity the person was entitled to receive as of
14 his or her last day as a senior judge.

15 If a senior judge relinquishes the status as a senior judge
16 prior to his or her 78th birthday, or is removed for cause
17 from the senior judgeship, or is not retained as a senior
18 judge then the person would be entitled to receive the regular
19 annuity provided by section 605A.7 of the Code, and the service
20 and annuity as a senior judge would be disregarded. Upon
21 a relinquishment, the person would again be subject to
22 temporary service under section 605.25 of the Code.

23 The senior judge survivor annuity would be equal to 50
24 percent of the annuity the senior judge or retired senior
25 judge was entitled to on the date of death.

26 The bill does not affect the ability of a judge to retire
27 under existing law and does not affect the amount of the
28 ordinary retirement annuity.

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FRIDAY, FEBRUARY 9, 1979

SENATE FILE 70

H-3219

1 Amend Senate File 70, as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 6, by inserting after line 10 the follow-
4 ing:

5 "Sec. ____ . NEW SECTION. TAXATION. A senior
6 judge, a person who has served as a senior judge for
7 a period of at least twelve months, or a retired
8 senior judge, or a survivor of any of these, who
9 receives an annuity from the Iowa judicial retire-
10 ment system fund, and whose net income, as defined
11 in section four hundred twenty-two point seven (422.7)
12 of the Code, is sufficient to require that the tax
13 be imposed upon it under section four hundred twenty-
14 two point five (422.5) of the Code, may determine
15 final taxable income for purposes of imposition of
16 the tax by excluding the amount of an annuity received
17 from the Iowa judicial retirement system fund, which
18 is not already excluded in determining net income,
19 as defined in section four hundred twenty-two point
20 seven (422.7) of the Code, up to a maximum each tax
21 year of five thousand seven hundred sixty dollars
22 for a person who files a separate state income tax
23 return and eight thousand six hundred forty dollars
24 total for a husband and wife who file a joint state
25 income tax return. The amount of the exemption shall
26 be reduced by the amount of any social security
27 benefits received. For the purpose of this section,
28 the amount of an annuity received from the Iowa
29 judicial retirement system fund taxable under the
30 Internal Revenue Code of 1954 shall be included in
31 net income for purposes of determining eligibility
32 under the four thousand dollar or less exclusion."

33 2. By renumbering sections of the bill.

H-3219 FILED *Bill not germane* BY SPEAR of Lee
FEBRUARY 8, 1979 *3/1 (p. 727)*

SENATE FILE 70

H-3220

1 Amend Senate File 70 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "e. Actually performs judicial duties as
5 assigned by the supreme court for an aggregate
6 period of at least nine weeks out of each successive
7 twelve-month period."

H-3220 FILED *Law 3/1 (p. 724)* BY MILLER of Buchanan
FEBRUARY 8, 1979

SENATE FILE 70

H-3214

1 Amend Senate File 70 as follows:

2 1. Page 6, by inserting after line 10 the follow-
3 ing new section:

4 "NEW SECTION. TAXATION. A senior judge, a person
5 who has served as a senior judge for a period of at
6 least twelve months, or a retired senior judge, or
7 a survivor of any of these, who receives an annuity
8 from the Iowa judicial retirement system fund, and
9 whose net income, as defined in section four hundred
10 twenty-two point seven (422.7) of the Code, is
11 sufficient to require that the tax be imposed upon
12 it under section four hundred twenty-two point five
13 (422.5) of the Code, may determine final taxable
14 income for purposes of imposition of the tax by
15 excluding the amount of an annuity received from the
16 Iowa judicial retirement system fund, which is not
17 already excluded in determining net income, as defined
18 in section four hundred twenty-two point seven (422.7)
19 of the Code, up to a maximum each tax year of five
20 thousand seven hundred sixty dollars for a person
21 who files a separate state income tax return and eight
22 thousand six hundred forty dollars total for a husband
23 and wife who file a joint state income tax return.
24 The amount of the exemption shall be reduced by the
25 amount of any social security benefits received.
26 For the purpose of this section, the amount of an
27 annuity received from the Iowa judicial retirement
28 system fund taxable under the Internal Revenue Code
29 of 1954 shall be included in net income for purposes
30 of determining eligibility under the four thousand
31 dollar or less exclusion."

H-3214 FILED *Withdrawn 2/1 (p. 726)* BY SPEAR of Lee
FEBRUARY 7, 1979

SENATE FILE 70

H-3274

1 Amend amendment H-3252, to Senate File 70 as
2 passed by the Senate and reprinted, as follows:

3 1. Page 1, line 12, by striking the words "is
4 repealed" and inserting in lieu thereof the words
5 "shall not apply to any judge retiring after
6 the effective date of this Act".

H-3274 FILED - ADOPTED (*p. 725*) BY CONLON of Muscatine
MARCH 1, 1979

SENATE FILE 70

H-3277

1 Amend amendment H-3236, to Senate File 70 as
2 passed by the Senate and reprinted, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "period." the following: "In no event shall a
5 senior judge perform less than four weeks of judicial
6 duties in each successive twelve month period."

H-3277 FILED - LOST (*p. 721*) BY LURA of Marshall
MARCH 1, 1979

SENATE FILE 70

H-3306

1 Amend Senate File 70, as passed by the Senate,
2 as follows:

3 1. Page 2, line 8, by striking the figures "1979"
4 and inserting in lieu thereof the figures "1977".

5 2. Page 2, by inserting after line 33 the follow-
6 ing:

7 "5. A judicial officer referred to in subsection
8 one (1) of this section who retired from office on
9 or after the date specified in subsection two (2) of
10 this section and before the effective date of this
11 Act may become a senior judge by filing with the clerk
12 of court not later than thirty days after the effec-
13 tive date of this Act a written election in the form
14 specified by the court administrator. If prior to the
15 effective date of this Act the judicial officer filed
16 an election to practice law under section six hundred
17 five point twenty-five (605.25) of the Code, the
18 filing of an election under this subsection revokes
19 the election to practice law, and the judicial officer
20 shall divest himself or herself of any interest in
21 the practice of law within ninety days after the
22 effective date of this Act. For purposes of subsection
23 two (2), paragraph d, of this section only, the date
24 of retirement of a judicial officer who files an
election under the authority of this subsection shall
be deemed to be the effective date of this Act."

H-3306 FILED *Adopted 2/12 (p. 296)* BY JESSE of Polk
MARCH 2, 1979

SENATE FILE 70

H-3254

1 Amend Senate File 70 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 4, by inserting after line 14 the following
 4 new subsection:
 5 "____. A senior judge also shall be available to
 6 serve in the capacity of administrative hearing officer
 7 under chapter seventeen A (17A) of the Code upon the
 8 request of an agency, and the supreme court may assign
 9 a senior judge for temporary duties as a hearing
 10 officer. A senior judge shall not be required to
 11 serve a period of time as a hearing officer which,
 12 when added to the period of time being served by the
 13 person as a judge, if any, would exceed the maximum
 14 period of time the person agreed to serve pursuant
 15 to section five (5), subsection two (2), of this Act."

H-3254 FILED *Adopted 2/1 (p. 725)* BY CONLON of Muscatine
 February 26, 1979

SENATE FILE 70

H-3276

1 Amend amendment H-3236, to page 2 of Senate
 2 File 70, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "1. Page 2, line 8, by striking the figures
 6 "1979" and inserting in lieu thereof the figures
 7 "1977"."
 8 2. Page 1, by inserting after line 7 the
 9 following:
 10 "5. A judicial officer referred to in subsec-
 11 tion one (1) of this section who retired from office
 12 on or after the date specified in subsection two (2)
 13 of this section and before the effective date of this
 14 Act may become a senior judge by filing with the clerk
 15 of court not later than thirty days after the effective
 16 date of this Act a written election in the form
 17 specified by the court administrator. If prior to
 18 the effective date of this Act the judicial officer
 19 filed an election to practice law under section six
 20 hundred five point twenty-five (605.25) of the Code,
 21 the filing of an election under this subsection revokes
 22 the election to practice law, and the judicial officer
 23 shall divest himself or herself of any interest in
 24 the practice of law within ninety days after the
 25 effective date of this Act. For purposes of subsection
 26 two (2), paragraph d, of this section only, the date
 27 of retirement of a judicial officer who files an
 28 election under the authority of this subsection shall
 29 be deemed to be the effective date of this Act."

H-3276 FILED - LOST (*p. 121*) BY PATCHETT of Johnson
 MARCH 1, 1979

1 Amend Senate File 70, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 19 through 22 and
4 inserting in lieu thereof the words "judge whose name
5 is contained in the roster of senior judges."

6 2. Page 1, line 35, by striking the words "may
7 become" and inserting in lieu thereof the words "may
8 apply for appointment as".

9 3. Page 2, line 6, by striking the words "for
10 a" and inserting in lieu thereof the words "for
11 appointment to a".

12 4. Page 2, by striking lines 25 through 27 and
13 inserting in lieu thereof the words "book the name
14 of each judicial officer who is appointed to a senior
15 judgeship by the supreme court under section eight
16 (8) of this Act. A person shall".

17 5. Page 2, by inserting after line 33 the
18 following:

19 "4. The clerk of the supreme court shall maintain
20 a book entitled "Senior Judge Applicants", and shall
21 enter in the book the name of each judicial officer
22 who files a timely election under subsection one (1)
23 of this section and qualifies under subsection two
24 (2) of this section. A person may have his or her
25 name stricken from the list upon written request."

26 6. Page 3, by striking line 20 and inserting in
27 lieu thereof the following:

28 "Sec. 8. NEW SECTION. APPOINTMENT OF SENIOR
29 JUDGES--SERVICE.

30 1. The supreme court may appoint retired judicial
31 officers as senior judges, subject to the provisions
32 of this section. A person shall not be appointed
33 as a senior judge unless the supreme court first
34 determines that the judicial business of this state
35 cannot reasonably be performed by judicial officers
36 who are currently serving or are available for service,
37 including judicial officers who are subject to
38 reassignment under chapter six hundred two (602) of
39 the Code and previously appointed senior judges.

40 2. If the supreme court determines under subsection
41 one (1) of this section that there is a need for
42 appointment of a senior judge, the supreme court shall
43 appoint a person whose name is contained in the list
44 of applicants maintained under section five (5),
45 subsection four (4) of this Act, and who submits
46 evidence to the satisfaction of the supreme court
47 that he or she continues to satisfy the condition
48 established in section five (5), subsection two (2),
49 paragraph d, of this Act, and who is qualified to
50 serve on the courts for which temporary service is

H-3250
Page two

1 required. The supreme court may adopt administrative
2 rules governing the method of selection. Upon
3 appointment as a senior judge, the clerk of the supreme
4 court shall strike the name of the senior judge from
5 the list of senior judge applicants."
6 7. Page 3, line 21, by inserting before the word
7 "Section" the figure "3."

H-3250 FILED *Last 2/1 (p. 723)* BY CONLON of Muscatine
FEBRUARY 23, 1979

SENATE FILE 70

H-3249

1 Amend the Committee amendment, H-3236, to Senate
2 File 70 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, line 7, by inserting after the word
5 "period." the following: "In no event shall a senior
6 judge perform less than thirteen weeks of judicial
7 duties in each successive thirty-six month period."

H-3249 FILED - *Last 2/1 (p. 720)* BY CONLON of Muscatine
FEBRUARY 23, 1979

SENATE FILE 70

H-3252

1 Amend Senate File 70 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 3, by striking lines 21 through 23 and
4 inserting in lieu thereof the words "During the tenure
5 of a senior judge,".
6 2. Page 5, by striking lines 8 through 11 and
7 inserting in lieu thereof the words "be a senior
8 judge."
9 3. Page 6, by inserting after line 16 the
10 following:
11 "Sec. ____ . Section six hundred five point twenty-
12 five (605.25), Code 1979, is repealed."

H-3252 FILED *Withdrawn 2/1 (p. 725)* BY CONLON of Muscatine
FEBRUARY 23, 1979

FISCAL NOTE

SENATE FILE 70

Requested by Representative Spear

February 16, 1979

In compliance with a written request, there is hereby submitted a Fiscal Note for S.F. 70, to amendment H-3219, pursuant to Joint Rule 16:

Amendment H-3219 to Senate File 70

The amendment would exempt a portion of senior judgeship retirement annuities from the Iowa individual income tax in a manner similar to the exemption provided for civil service retirement annuities. The exemption would apply only to annuitants who retire after July 1, 1979 and who desire to participate in the senior judgeship program. As a result, the revenue impact, if any, of this proposal would be a minimal reduction in revenues.

Source: Department of Revenue

FILED
MARCH 1, 1979

GERRY D. RANKIN
Legislative Fiscal Bureau

HOUSE AMENDMENT TO SENATE FILE 70

S-3244

1 Amend Senate File 70, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 8, by striking the figures "1979"
4 and inserting in lieu thereof the figures "1977".

5 2. Page 2, by inserting after line 33 the
6 following:

7 "4. The supreme court shall cause each senior
8 judge on the roster to actually perform judicial
9 duties during each successive twelve-month period.

10 5. A judicial officer referred to in subsection
11 one (1) of this section who retired from office on
12 or after the date specified in subsection two (2)
13 of this section and before the effective date of this
14 Act may become a senior judge by filing with the clerk
15 of court not later than thirty days after the effective
16 date of this Act a written election in the form
17 specified by the court administrator. If prior to
18 the effective date of this Act the judicial officer
19 filed an election to practice law under section six
20 hundred five point twenty-five (605.25) of the Code,
21 the filing of an election under this subsection revokes
22 the election to practice law, and the judicial officer
23 shall divest himself or herself of any interest in
24 the practice of law within ninety days after the
25 effective date of this Act. For purposes of subsection
26 two (2), paragraph d, of this section only, the date
27 of retirement of a judicial officer who files an
28 election under the authority of this subsection shall
29 be deemed to be the effective date of this Act."

30 3. Page 3, by striking lines 2 and 3 and inserting
31 in lieu thereof the words "shall be paid an annuity
32 under".

33 4. Page 4, by inserting after line 14 the following
34 new subsection:

35 "____. A senior judge also shall be available to
36 serve in the capacity of administrative hearing officer
37 under chapter seventeen A (17A) of the Code upon the
38 request of an agency, and the supreme court may assign
39 a senior judge for temporary duties as a hearing
40 officer. A senior judge shall not be required to
41 serve a period of time as a hearing officer which,
42 when added to the period of time being served by the
43 person as a judge, if any, would exceed the maximum
44 period of time the person agreed to serve pursuant
45 to section five (5), subsection two (2), of this Act."

S-3244 FILED
MARCH 16, 1979

RECEIVED FROM THE HOUSE

Senate concurred 3/20 (p. 362)
motion to reconsider (p. 374)
with 3/21 (p. 376)

SENATE FILE 70

AN ACT
TO ESTABLISH A SENIOR JUDGE SYSTEM.

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

Section 1. Section six hundred five point twenty-seven (605.27), subsection one (1), Code 1979, is amended to read as follows:

1. Retire a district associate judge, a district judge, a judge of the court of appeals, or a judge of the supreme court or a senior judge for permanent physical or mental disability which substantially interferes with the performance of his or her judicial duties.

Sec. 2. Chapter six hundred five A (605A), Code 1979, is amended by adding sections three (3) through eleven (11) of this Act as new sections.

Sec. 3. NEW SECTION. SHORT TITLE. Sections three (3) through eleven (11) of this Act may be cited and referred to as the Iowa senior judge Act.

Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Senior judge" means a supreme court judge, court of appeals judge, district court judge or district associate judge who meets the requirements of section five (5) of this Act and who has not been retired or removed from the roster of senior judges under section nine (9) or ten (10) of this Act.

2. "Retired senior judge" means a senior judge who has been retired from a senior judgeship as provided in section nine (9) of this Act.

3. "Roster of senior judges" means the roster maintained by the clerk of the supreme court under section five (5), subsection three (3) of this Act.

4. "Twelve-month period" means each successive one-year period commencing on the date a retired judge becomes a senior

judge and while the judge continues to be a senior judge.

Sec. 5. NEW SECTION. SENIOR JUDGESHIP REQUIREMENTS.

1. A supreme court judge, court of appeals judge, district judge or district associate judge, who qualifies under subsection two (2) of this section, may become a senior judge by filing with the clerk of the supreme court a written election in the form specified by the court administrator. The election shall be filed not later than the date of retirement.

2. A judicial officer referred to in subsection one (1) of this section qualifies for a senior judgeship if he or she meets all of the following requirements:

a. Retires from office on or after July 1, 1977, whether or not he or she is of mandatory retirement age.

b. Meets the minimum requirements for entitlement to an annuity as specified in section six hundred five A point six (605A.6) of the Code.

c. Agrees in writing on a form prescribed by the court administrator to be available as long as he or she is a senior judge to perform judicial duties as assigned by the supreme court for an aggregate period of thirteen weeks out of each successive twelve-month period.

d. Submits evidence to the satisfaction of the supreme court that as of the date of retirement he or she does not suffer from a permanent physical or mental disability which would substantially interfere with the performance of duties agreed to under paragraph c of this subsection.

3. The clerk of the supreme court shall maintain a book entitled "Roster of Senior Judges", and shall enter in the book the name of each judicial officer who files a timely election under subsection one (1) of this section and qualifies under subsection two (2) of this section. A person shall be a senior judge upon entry of the person's name in the roster of senior judges and until the person becomes a retired senior judge as provided in section nine (9) of this Act, or until the person's name is stricken from the roster of senior judges as provided in section ten (10) of this Act, or until the person dies.

4. The supreme court shall cause each senior judge on the roster to actually perform judicial duties during each successive twelve-month period.

5. A judicial officer referred to in subsection one (1) of this section who retired from office on or after the date specified in subsection two (2) of this section and before the effective date of this Act may become a senior judge by filing with the clerk of court not later than thirty days after the effective date of this Act a written election in the form specified by the court administrator. If prior to the effective date of this Act the judicial officer filed an election to practice law under section six hundred five point twenty-five (605.25) of the Code, the filing of an election under this subsection revokes the election to practice law, and the judicial officer shall divest himself or herself of any interest in the practice of law within ninety days after the effective date of this Act. For purposes of subsection two (2), paragraph d, of this section only, the date of retirement of a judicial officer who files an election under the authority of this subsection shall be deemed to be the effective date of this Act.

Sec. 6. NEW SECTION. ANNUITY OF SENIOR JUDGE AND RETIRED SENIOR JUDGE. A senior judge or a retired senior judge shall not be paid a salary. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section six hundred five A point nine (605A.9) of the Code but computed under this section in lieu of section six hundred five A point seven (605A.7) of the Code, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the current base salary, as of the time each payment is made, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under chapter six hundred five A (605A) of the Code except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of such current base salary.

Sec. 7. NEW SECTION. PRACTICE OF LAW PROHIBITED. A senior judge shall not practice law.

Sec. 8. NEW SECTION. TEMPORARY SERVICE BY SENIOR JUDGE. Section six hundred five point twenty-five (605.25) of the Code does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, he or she may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with his or her consent. A senior judge shall not be assigned to judicial duties on a court superior to the highest court to which he or she was appointed prior to retirement, and shall not be assigned to the court of appeals or the supreme court except to serve in the temporary absence of a member of that court. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which he or she is assigned, shall continue to be paid his or her annuity as senior judge, shall be reimbursed for his or her actual expenses to the extent expenses of a district judge are reimbursable under section six hundred five point two (605.2) of the Code, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial department from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

1. A senior judge also shall be available to serve in the capacity of administrative hearing officer under chapter seventeen A (17A) of the Code upon the request of an agency, and the supreme court may assign a senior judge for temporary duties as a hearing officer. A senior judge shall not be

required to serve a period of time as a hearing officer which, when added to the period of time being served by the person as a judge, if any, would exceed the maximum period of time the person agreed to serve pursuant to section five (5), subsection two (2), of this Act.

Sec. 9. NEW SECTION. RETIREMENT OF SENIOR JUDGE.

1. A senior judge shall cease to be a senior judge upon completion of the twelve-month period during which he or she attains seventy-eight years of age. The clerk of the supreme court shall make a notation of the retirement of a senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

2. A senior judge is subject to retirement under sections six hundred five point twenty-six (605.26) through six hundred five point thirty-two (605.32) of the Code for the causes specified in section six hundred five point twenty-seven (605.27), subsection one (1) of the Code. A senior judge may request and be granted retirement in the manner provided in section six hundred five A point twelve (605A.12) of the Code. When a senior judge is retired as provided in this subsection the clerk of the supreme court shall make a notation of the retirement of the senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

Sec. 10. NEW SECTION. RELINQUISHMENT OF SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

1. A senior judge, at any time prior to the end of the twelve-month period during which he or she attains seventy-eight years of age, may submit to the clerk of the supreme court a written request that his or her name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in this subsection may be assigned to temporary judicial duties as provided in section six hundred five point twenty-five (605.25) of the Code.

2. A senior judge is subject to removal under the provisions of sections six hundred five point twenty-six (605.26) through six hundred five point thirty-two (605.32) of the Code for any of the causes specified in section six hundred five point twenty-seven (605.27), subsection two (2) of the Code. When a person is removed from a senior judgeship as provided in this subsection the clerk of the supreme court shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge.

3. A person who relinquishes a senior judgeship in the manner provided in subsection one (1) of this section or who is removed as provided in subsection two (2) of this section shall be paid a retirement annuity in an amount determined according to section six hundred five A point seven (605A.7) of the Code in lieu of section six (6) of this Act, commencing on the effective date of the relinquishment or removal, and for such purposes any service and annuity of the person as a senior judge is disregarded.

Sec. 11. NEW SECTION. SURVIVOR'S ANNUITY.

1. A survivor of a senior judge or a retired senior judge shall be paid an annuity in lieu of that specified in section six hundred five A point fifteen (605A.15) of the Code, which is equal to one-half the amount of the annuity the senior judge or retired senior judge was receiving at the time of his or her death, provided the survivor is qualified under section six hundred five A point fifteen (605A.15) of the Code to receive an annuity.

2. A survivor of a person whose name is stricken from the roster of senior judges 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 six hundred five A point fifteen (605A.15) of the Code to receive an annuity.

Sec. 12. Section six hundred five A point ten (605A.10), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, this section does not prohibit the payment of an annuity to a senior judge while serving as provided in section eight (8) of this Act.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 70, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved March 30, 1979

ROBERT D. RAY
Governor