

FILED FEB 13 1989
House JUDICIAL LAW (p. 547) 2-23-89

SENATE FILE 202
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 27)

Passed Senate, Date 2-20-89 (p 441) Passed House, Date 3-9-89 (p 723)
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0
Approved 3-24-89

A BILL FOR

1 An Act relating to the timely notification of the chairperson of
2 the proper judicial nominating commission of a vacancy in the
3 supreme court, the court of appeals, or the district court.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 202

1 Section 1. Section 46.12, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 When a vacancy occurs or will occur within sixty one
4 hundred twenty days in the supreme court, the court of appeals
5 or district court, the state commissioner of elections shall
6 forthwith so notify the chairperson of the proper judicial
7 nominating commission. The chairperson shall call a meeting
8 of the commission within ten days after such notice; if the
9 chairperson fails to do so, the chief justice shall call such
10 meeting.

11 EXPLANATION

12 Currently, the state commission of elections must notify
13 the chairperson of the appropriate judicial nominating
14 commission of any district or appellate judge vacancies which
15 will occur within 60 days. This bill increases the time
16 period from 60 to 120 days.

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VARN, CH.
MANN
TAYLOR

SSB 27
JUDICIARY

SENATE FILE 202
BY (PROPOSED JUDICIAL
DEPARTMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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14 commission of any district or appellate judge vacancies which
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16 period from 60 to 120 days.

17 BACKGROUND STATEMENT

18 SUBMITTED BY THE AGENCY

19 The sixty-day period presently in the statute is normally
20 consumed with the nomination (30 days) and appointment (30
21 days) process. Generally, after a new appointment there is a
22 period of time before a successor begins performing judicial
23 services. This vacancy period causes court delays. If a new
24 judge must close a law practice, the vacancy period may be
25 even longer. This bill seeks to reduce the vacancy period and
26 thus reduce delays.

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JO ANN ZIMMERMAN
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 202, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved 3/24, 1989

TERRY E. BRANSTAD
Governor

SENATE FILE 202

AN ACT

RELATING TO THE TIMELY NOTIFICATION OF THE CHAIRPERSON OF THE PROPER JUDICIAL NOMINATING COMMISSION OF A VACANCY IN THE SUPREME COURT, THE COURT OF APPEALS, OR THE DISTRICT COURT.

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

Section 1. Section 46.12, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When a vacancy occurs or will occur within sixty one hundred twenty days in the supreme court, the court of appeals or district court, the state commissioner of elections shall forthwith so notify the chairperson of the proper judicial nominating commission. The chairperson shall call a meeting of the commission within ten days after such notice; if the