

SENATE FILE 427
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 153)

(p. 971)
Passed Senate, Date 3-30-95 Passed House, Date 4/20/95 (p. 1337)
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 0
Approved May 21, 1995

A BILL FOR

1 An Act relating to authorizing the payment of salaries to senior
2 judges, providing for a maximum retirement annuity amount paid
3 to senior judges, and providing effective and applicability
4 dates.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

S.F. 427

1 Section 1. Section 602.9204, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. A senior judge ~~or a retired senior judge~~ shall not be
4 paid a salary as determined by the general assembly. A senior
5 judge or retired senior judge shall be paid an annuity under
6 the judicial retirement system in the manner provided in
7 section 602.9109, but computed under this section in lieu of
8 section 602.9107, as follows: The annuity paid to a senior
9 judge or retired senior judge shall be an amount equal to
10 three percent of the basic senior judge salary, multiplied by
11 the judge's years of service prior to retirement as a judge of
12 one or more of the courts included under this article, for
13 which contributions were made to the system, except the
14 annuity of the senior judge or retired senior judge shall not
15 exceed fifty percent of the basic senior judge salary used in
16 calculating the annuity or fifty percent of the basic annual
17 salary which the judge is receiving at the time the judge
18 becomes separated from service, whichever is greater.

19 However, following the twelve-month period during which the
20 senior judge or retired senior judge attains seventy-eight
21 years of age, the annuity paid to the person shall be an
22 amount equal to three percent of the basic senior judge salary
23 cap, multiplied by the judge's years of service prior to
24 retirement as a judge of one or more of the courts included
25 under this article, for which contributions were made to the
26 system, except that the annuity shall not exceed fifty percent
27 of the basic senior judge salary cap. A senior judge or
28 retired senior judge shall not receive benefits calculated
29 using a basic senior judge salary established after the
30 twelve-month period in which the senior judge or retired
31 senior judge attains seventy-eight years of age. In addition,
32 if a senior judge is under sixty-five years of age at the time
33 the judge becomes a senior judge, the state shall pay the
34 state's share of the senior judge's medical insurance premium
35 until the judge attains age sixty-five.

SENATE FILE 427

S-3260

1 Amend Senate File 427 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 602.9203, subsection 2,
5 unnumbered paragraph 1, Code 1995, is amended to read
6 as follows:

7 A judicial officer referred to in subsection 1
8 ~~qualifies for a senior judgeship~~ may be appointed, at
9 ~~the discretion of the supreme court, for a two-year~~
10 ~~term as a senior judge~~ if the judicial officer meets
11 all of the following requirements:

12 Sec. 2. Section 602.9203, subsection 5, Code 1995,
13 is amended by striking the subsection and inserting in
14 lieu thereof the following:

15 5. A senior judge may be reappointed to additional
16 two-year terms, at the discretion of the supreme
17 court, if the judicial officer meets the requirements
18 of subsection 2.

19 Sec. 3. Section 602.9204, subsection 1, Code 1995,
20 is amended to read as follows:

21 1. A senior judge ~~or a retired senior judge~~
22 ~~retiring on or after July 1, 1994, shall not be paid a~~
23 ~~salary as determined by the general assembly.~~ A
24 senior judge or retired senior judge shall be paid an
25 annuity under the judicial retirement system in the
26 manner provided in section 602.9109, but computed
27 under this section in lieu of section 602.9107, as
28 follows: The annuity paid to a senior judge or
29 retired senior judge shall be an amount equal to three
30 percent of the basic senior judge salary, multiplied
31 by the judge's years of service prior to retirement as
32 a judge of one or more of the courts included under
33 this article, for which contributions were made to the
34 system, except the annuity of the senior judge or
35 retired senior judge shall not exceed fifty percent of
36 the basic senior judge salary used in calculating the
37 annuity. However, following the twelve-month period
38 during which the senior judge or retired senior judge
39 attains seventy-eight years of age, the annuity paid
40 to the person shall be an amount equal to three
41 percent of the basic senior judge salary cap,
42 multiplied by the judge's years of service prior to
43 retirement as a judge of one or more of the courts
44 included under this article, for which contributions
45 were made to the system, except that the annuity shall
46 not exceed fifty percent of the basic senior judge
47 salary cap. A senior judge or retired senior judge
48 shall not receive benefits calculated using a basic
49 senior judge salary established after the twelve-month
50 period in which the senior judge or retired senior

S-3260

S-3260

Page 2

1 judge attains seventy-eight years of age. In
2 addition, if a senior judge is under sixty-five years
3 of age at the time the judge becomes a senior judge,
4 the state shall pay the state's share of the senior
5 judge's medical insurance premium until the judge
6 attains age sixty-five.

7 Sec. 4. Section 602.9204, subsection 2, paragraphs
8 a and c, Code 1995, are amended to read as follows:

9 a. "Basic senior judge salary" means the average
10 ~~annual-basic-salary-for-the-senior-judge's-or-retired~~
11 ~~senior-judge's-last-three-years-as-a-judge-of-one-or~~
12 ~~more-of-the-courts-included-in-this-article~~ basic
13 annual salary which the judge is receiving at the time
14 the judge becomes separated from full-time service, as
15 would be used in computing an annuity pursuant to
16 section 602.9107 without service as a senior judge,
17 plus seventy-five percent of the escalator.

18 c. "Escalator" means the difference between the
19 current basic salary, as of the time each payment is
20 made up to and including the twelve-month period
21 during which the senior judge or retired senior judge
22 attains seventy-eight years of age, of the office in
23 which the senior judge last served as a judge before
24 retirement as a judge or senior judge, and the average
25 ~~annual-basic-salary-for-the-senior-judge's-or-retired~~
26 ~~senior-judge's-last-three-years~~ basic annual salary
27 which the judge is receiving at the time the judge
28 becomes separated from full-time service as a judge of
29 one or more of the courts included in this article, as
30 would be used in computing an annuity pursuant to
31 section 602.9107 without service as a senior judge.

32 Sec. 5. Section 602.9208, subsection 3, Code 1995,
33 is amended to read as follows:

34 3. A person who relinquishes a senior judgeship in
35 the manner provided in subsection 1 or who is not
36 reappointed shall be paid a retirement annuity that
37 commences on the effective date of the relinquishment
38 or the date of the completion of the term or
39 appointment and shall be based upon the number of
40 years the person served as a senior judge. A person
41 who serves six or more years as a senior judge shall
42 be paid a retirement annuity that is in an amount
43 equal to the amount of the annuity the person is
44 receiving on the effective date of the relinquishment
45 or the date of the completion of the term or
46 appointment in lieu of an amount determined according
47 to section 602.9204. If the person serves less than
48 six years as a senior judge, the person shall be paid
49 a retirement annuity that is in an amount equal to an
50 amount determined according to section 602.9107 added

S-3260

-2-

S-3260

Page 3

1 to an amount equal to the number of years the person
2 served as a senior judge, divided by six, multiplied
3 by the difference between the amount of the annuity
4 the person is receiving on the effective date of the
5 relinquishment and the amount determined according to
6 section 602.9107. A person who is removed from a
7 senior judgeship as provided in subsection 2 shall be
8 paid a retirement annuity that commences on the
9 effective date of the removal and is in an amount
10 determined according to section 602.9107 in lieu of
11 section 602.9204, and any service and annuity of the
12 person as a senior judge is disregarded.

13 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
14 immediate importance, takes effect upon enactment."

15 2. Title page, line 3, by inserting after the
16 word "judges," the following: "affecting senior judge
17 retirement benefits, the appointment of judges to
18 senior judge status,".

By JOHN P. KIBBIE

S-3260 FILED MARCH 28, 1995

adopted
3-30-95
(p 971)

H- 3/31/95 Approp.
H-4/12, - Amended Passed
(p.1536)

SENATE FILE **427**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 153)

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1995)

ALL New Language by the Senate

Re-Passed Senate, Date 4/30/95 (p.1312) Passed House, Date 4/20/95 (p.837)
Vote: Ayes 45 Nays 1 Vote: Ayes 95 Nays 0
Approved May 2, 1995

A BILL FOR

1 An Act relating to authorizing the payment of salaries to senior
2 judges, providing for a maximum retirement annuity amount paid
3 to senior judges, affecting senior judge retirement benefits,
4 the appointment of judges to senior judge status, and
5 providing effective and applicability dates.

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

7

SENATE FILE 427

H-3903

- 1 Amend Senate File 427, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the word "senior"
- 4 and inserting the following: "senior".
- 5 2. Page 1, line 15, by striking the word
- 6 "retiring" and inserting the following: "who
- 7 retires".
- 8 3. Page 1, line 16, by inserting after the figure
- 9 "1994" the following: "and who is appointed a senior
- 10 judge under section 602.9203".

By COMMITTEE ON APPROPRIATIONS
MILLAGE of Scott, Chairperson

H-3903 FILED APRIL 12, 1995

Adopted 4/20/95 (p.1737)

SF. 427

20
21
22

SF 427

mk/cc/26

1 Section 1. Section 602.9203, subsection 2, unnumbered
2 paragraph 1, Code 1995, is amended to read as follows:

3 A judicial officer referred to in subsection 1 ~~qualifies~~
4 ~~for-a-senior-judgeship~~ may be appointed, at the discretion of
5 the supreme court, for a two-year term as a senior judge if
6 the judicial officer meets all of the following requirements:

7 Sec. 2. Section 602.9203, subsection 5, Code 1995, is
8 amended by striking the subsection and inserting in lieu
9 thereof the following:

10 5. A senior judge may be reappointed to additional two-
11 year terms, at the discretion of the supreme court, if the
12 judicial officer meets the requirements of subsection 2.

13 Sec. 3. Section 602.9204, subsection 1, Code 1995, is
14 amended to read as follows:

15 1. A senior judge ~~or-a-retired-senior-judge~~ retiring on or
16 after July 1, 1994, shall not be paid a salary as determined
17 by the general assembly. A senior judge or retired senior
18 judge shall be paid an annuity under the judicial retirement
19 system in the manner provided in section 602.9109, but
20 computed under this section in lieu of section 602.9107, as
21 follows: The annuity paid to a senior judge or retired senior
22 judge shall be an amount equal to three percent of the basic
23 senior judge salary, multiplied by the judge's years of
24 service prior to retirement as a judge of one or more of the
25 courts included under this article, for which contributions
26 were made to the system, except the annuity of the senior
27 judge or retired senior judge shall not exceed fifty percent
28 of the basic senior judge salary used in calculating the
29 annuity. However, following the twelve-month period during
30 which the senior judge or retired senior judge attains
31 seventy-eight years of age, the annuity paid to the person
32 shall be an amount equal to three percent of the basic senior
33 judge salary cap, multiplied by the judge's years of service
34 prior to retirement as a judge of one or more of the courts
35 included under this article, for which contributions were made

1 to the system, except that the annuity shall not exceed fifty
2 percent of the basic senior judge salary cap. A senior judge
3 or retired senior judge shall not receive benefits calculated
4 using a basic senior judge salary established after the
5 twelve-month period in which the senior judge or retired
6 senior judge attains seventy-eight years of age. In addition,
7 if a senior judge is under sixty-five years of age at the time
8 the judge becomes a senior judge, the state shall pay the
9 state's share of the senior judge's medical insurance premium
10 until the judge attains age sixty-five.

11 Sec. 4. Section 602.9204, subsection 2, paragraphs a and
12 c, Code 1995, are amended to read as follows:

13 a. "Basic senior judge salary" means the ~~average-annual~~
14 ~~basic-salary-for-the-senior-judge's-or-retired-senior-judge's~~
15 ~~last-three-years-as-a-judge-of-one-or-more-of-the-courts~~
16 ~~included-in-this-article~~ basic annual salary which the judge
17 is receiving at the time the judge becomes separated from
18 full-time service, as would be used in computing an annuity
19 pursuant to section 602.9107 without service as a senior
20 judge, plus seventy-five percent of the escalator.

21 c. "Escalator" means the difference between the current
22 basic salary, as of the time each payment is made up to and
23 including the twelve-month period during which the senior
24 judge or retired senior judge attains seventy-eight years of
25 age, of the office in which the senior judge last served as a
26 judge before retirement as a judge or senior judge, and the
27 ~~average-annual-basic-salary-for-the-senior-judge's-or-retired~~
28 ~~senior-judge's-last-three-years~~ basic annual salary which the
29 judge is receiving at the time the judge becomes separated
30 from full-time service as a judge of one or more of the courts
31 included in this article, as would be used in computing an
32 annuity pursuant to section 602.9107 without service as a
33 senior judge.

34 Sec. 5. Section 602.9208, subsection 3, Code 1995, is
35 amended to read as follows:

1 3. A person who relinquishes a senior judgeship in the
2 manner provided in subsection 1 or who is not reappointed
3 shall be paid a retirement annuity that commences on the
4 effective date of the relinquishment or the date of the
5 completion of the term or appointment and shall be based upon
6 the number of years the person served as a senior judge. A
7 person who serves six or more years as a senior judge shall be
8 paid a retirement annuity that is in an amount equal to the
9 amount of the annuity the person is receiving on the effective
10 date of the relinquishment or the date of the completion of
11 the term or appointment in lieu of an amount determined
12 according to section 602.9204. If the person serves less than
13 six years as a senior judge, the person shall be paid a
14 retirement annuity that is in an amount equal to an amount
15 determined according to section 602.9107 added to an amount
16 equal to the number of years the person served as a senior
17 judge, divided by six, multiplied by the difference between
18 the amount of the annuity the person is receiving on the
19 effective date of the relinquishment and the amount determined
20 according to section 602.9107. A person who is removed from a
21 senior judgeship as provided in subsection 2 shall be paid a
22 retirement annuity that commences on the effective date of the
23 removal and is in an amount determined according to section
24 602.9107 in lieu of section 602.9204, and any service and
25 annuity of the person as a senior judge is disregarded.
26 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

HOUSE AMENDMENT TO
SENATE FILE 427

S-3508

1 Amend Senate File 427, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 15, by striking the word "senior"
4 and inserting the following: "senior".
5 2. Page 1, line 15, by striking the word
6 "retiring" and inserting the following: "who
7 retires".
8 3. Page 1, line 16, by inserting after the figure
9 "1994" the following: "and who is appointed a senior
10 judge under section 602.9203".

RECEIVED FROM THE HOUSE

SSB-153

State Government

Kibbie
Gronstal
Halvorson
Rittner
Kundby

Succeeded By

SENATE FILE 427

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON GRONSTAL)

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

A BILL FOR

1 An Act relating to authorizing the payment of salaries to senior
2 judges, providing for a maximum retirement annuity amount paid
3 to senior judges, and providing effective and applicability
4 dates.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 602.9204, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. A senior judge ~~or a retired senior judge~~ shall not be
4 paid a salary as determined by the general assembly. A senior
5 judge or retired senior judge shall be paid an annuity under
6 the judicial retirement system in the manner provided in
7 section 602.9109, but computed under this section in lieu of
8 section 602.9107, as follows: The annuity paid to a senior
9 judge or retired senior judge shall be an amount equal to
10 three percent of the basic senior judge salary, multiplied by
11 the judge's years of service prior to retirement as a judge of
12 one or more of the courts included under this article, for
13 which contributions were made to the system, except the
14 annuity of the senior judge or retired senior judge shall not
15 exceed fifty percent of the basic senior judge salary used in
16 calculating the annuity or fifty percent of the basic annual
17 salary which the judge is receiving at the time the judge
18 becomes separated from service, whichever is greater.

19 However, following the twelve-month period during which the
20 senior judge or retired senior judge attains seventy-eight
21 years of age, the annuity paid to the person shall be an
22 amount equal to three percent of the basic senior judge salary
23 cap, multiplied by the judge's years of service prior to
24 retirement as a judge of one or more of the courts included
25 under this article, for which contributions were made to the
26 system, except that the annuity shall not exceed fifty percent
27 of the basic senior judge salary cap. A senior judge or
28 retired senior judge shall not receive benefits calculated
29 using a basic senior judge salary established after the
30 twelve-month period in which the senior judge or retired
31 senior judge attains seventy-eight years of age. In addition,
32 if a senior judge is under sixty-five years of age at the time
33 the judge becomes a senior judge, the state shall pay the
34 state's share of the senior judge's medical insurance premium
35 until the judge attains age sixty-five.

1 Sec. 2. EFFECTIVE DATE. The amendment to section
2 602.9204, being deemed of immediate importance, takes effect
3 upon enactment and applies retroactively to July 1, 1994.

4 EXPLANATION

5 This bill provides that senior judges shall receive a
6 salary as determined by the general assembly. The bill also
7 provides that the maximum amount for a retirement annuity of a
8 senior judge shall not exceed 50 percent of the basic senior
9 judge salary used in calculating the annuity or 50 percent of
10 the basic annual salary which the judge received at the time
11 of separation from service, whichever is greater. This bill
12 is effective upon enactment and retroactive to July 1, 1994.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 427

AN ACT

RELATING TO AUTHORIZING THE PAYMENT OF SALARIES TO SENIOR JUDGES, PROVIDING FOR A MAXIMUM RETIREMENT ANNUITY AMOUNT PAID TO SENIOR JUDGES, AFFECTING SENIOR JUDGE RETIREMENT BENEFITS, THE APPOINTMENT OF JUDGES TO SENIOR JUDGE STATUS, AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

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

Section 1. Section 602.9203, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A judicial officer referred to in subsection 1 ~~qualifies for a senior judgeship~~ may be appointed, at the discretion of the supreme court, for a two-year term as a senior judge if the judicial officer meets all of the following requirements:

Sec. 2. Section 602.9203, subsection 5, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:

5. A senior judge may be reappointed to additional two-year terms, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

Sec. 3. Section 602.9204, subsection 1, Code 1995, is amended to read as follows:

1. ~~A senior judge or a retired senior judge who retires on or after July 1, 1994 and who is appointed a senior judge under section 602.9203,~~ shall not be paid a salary as determined by the general assembly. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the basic senior judge salary, multiplied by the judge's years of

service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of the basic senior judge salary used in calculating the annuity. However, following the twelve-month period during which the senior judge or retired senior judge attains seventy-eight years of age, the annuity paid to the person shall be an amount equal to three percent of the basic senior judge salary cap, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except that the annuity shall not exceed fifty percent of the basic senior judge salary cap. A senior judge or retired senior judge shall not receive benefits calculated using a basic senior judge salary established after the twelve-month period in which the senior judge or retired senior judge attains seventy-eight years of age. In addition, if a senior judge is under sixty-five years of age at the time the judge becomes a senior judge, the state shall pay the state's share of the senior judge's medical insurance premium until the judge attains age sixty-five.

Sec. 4. Section 602.9204, subsection 2, paragraphs a and c, Code 1995, are amended to read as follows:

a. "Basic senior judge salary" means the ~~average annual basic salary for the senior judge's or retired senior judge's last three years as a judge of one or more of the courts included in this article~~ basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service, as would be used in computing an annuity pursuant to section 602.9107 without service as a senior judge, plus seventy-five percent of the escalator.

c. "Escalator" means the difference between the current basic salary, as of the time each payment is made up to and including the twelve-month period during which the senior

judge or retired senior judge attains seventy-eight years of age, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, and the ~~average-annual-basic-salary-for-the-senior-judge's-or-retired-senior-judge's-last-three-years~~ basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service as a judge of one or more of the courts included in this article, as would be used in computing an annuity pursuant to section 602.9107 without service as a senior judge.

Sec. 5. Section 602.9208, subsection 3, Code 1995, is amended to read as follows:

3. A person who relinquishes a senior judgeship in the manner provided in subsection 1 or who is not reappointed shall be paid a retirement annuity that commences on the effective date of the relinquishment or the date of the completion of the term or appointment and shall be based upon the number of years the person served as a senior judge. A person who serves six or more years as a senior judge shall be paid a retirement annuity that is in an amount equal to the amount of the annuity the person is receiving on the effective date of the relinquishment or the date of the completion of the term or appointment in lieu of an amount determined according to section 602.9204. If the person serves less than six years as a senior judge, the person shall be paid a retirement annuity that is in an amount equal to an amount determined according to section 602.9107 added to an amount equal to the number of years the person served as a senior judge, divided by six, multiplied by the difference between the amount of the annuity the person is receiving on the effective date of the relinquishment and the amount determined according to section 602.9107. A person who is removed from a senior judgeship as provided in subsection 2 shall be paid a retirement annuity that commences on the effective date of the removal and is in an amount determined according to section

602.9107 in lieu of section 602.9204, and any service and annuity of the person as a senior judge is disregarded.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 427, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 2, 1995

TERRY E. BRANSTAD
Governor