

JAN 14 2004
STATE GOVERNMENT

HOUSE FILE 2021
BY FOEGE

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

A BILL FOR

1 An Act concerning vesting requirements under the judicial
2 retirement system.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2021

1 Section 1. Section 602.9106, Code 2003, is amended to read
2 as follows:

3 602.9106 RETIREMENT.

4 Any person who shall have become separated from service as
5 a judge of any of the courts included in this article and who
6 has had an aggregate of at least ~~six~~ four years of service as
7 a judge of one or more of such courts and shall have attained
8 the age of sixty-five years or who has had twenty-five years
9 of consecutive service as a judge of one or more of said
10 courts, and who shall have otherwise qualified as provided in
11 this article, shall be entitled to an annuity as hereinafter
12 provided.

13 Sec. 2. Section 602.9107C, subsection 1, Code 2003, is
14 amended to read as follows:

15 1. A judge under this system who has at least ~~six~~ four
16 years of service as a judge of any of the courts included in
17 this article and who was a member of the Iowa public
18 employees' retirement system as provided in chapter 97B, but
19 who was not retired under that system, upon submitting
20 verification of membership and service in the Iowa public
21 employees' retirement system to the court administrator,
22 including proof that the judge has no further claim upon a
23 retirement benefit from that public system, may make
24 contributions as provided by this section to the system either
25 for the entire period of service in the other public system,
26 or for partial service in the other public system in
27 increments of one or more calendar quarters, and receive
28 credit for that service under the system.

29 Sec. 3. Section 602.9108, Code 2003, is amended to read as
30 follows:

31 602.9108 INDIVIDUAL ACCOUNTS -- REFUNDING.

32 The amount designated as the judge's contribution to the
33 judicial retirement fund in section 602.9104, subsection 1,
34 and all amounts paid into the fund by a judge shall be
35 credited to the individual account of the judge. If a judge

1 covered under this article becomes separated from service as a
2 judge before the judge completes an aggregate of ~~six~~ four
3 years of service as a judge of one or more of the courts, the
4 total amount in the judge's individual account shall be
5 returned to the judge or the judge's legal representatives
6 within one year of the separation. If a judge, who is covered
7 under this article and who has completed an aggregate of ~~six~~
8 four years or more of service as a judge of one or more of the
9 courts, dies before retirement, without a survivor, the total
10 amount in the judge's individual account shall be paid in one
11 sum to the judge's legal representatives within one year of
12 the judge's death. If an annuitant under this section dies
13 without a survivor, and without having received in annuities
14 an amount equal to the total amount in the judge's individual
15 account at the time of separation from service, the amount
16 remaining to the annuitant's credit shall be paid in one sum
17 to the annuitant's legal representatives within one year of
18 the annuitant's death.

19 Sec. 4. Section 602.9112, Code 2003, is amended to read as
20 follows:

21 602.9112 VOLUNTARY RETIREMENT FOR DISABILITY.

22 Any judge of the supreme, district or municipal court,
23 including a district associate judge, or a judge of the court
24 of appeals, who shall have served as a judge of one or more of
25 such courts for a period of ~~six~~ four years in the aggregate
26 and who believes the judge has become permanently
27 incapacitated, physically or mentally, to perform the duties
28 of the judge's office may personally or by the judge's next
29 friend or guardian file with the court administrator a written
30 application for retirement. The application shall be filed in
31 duplicate and accompanied by an affidavit as to the duration
32 and particulars of the judge's service and the nature of the
33 judge's incapacity. The court administrator shall forthwith
34 transmit one copy of the application and affidavit to the
35 chief justice who shall request the attorney general in

1 writing to cause an investigation to be made relative to the
2 claimed incapacity and report back the results thereof in
3 writing. If the chief justice finds from the report of the
4 attorney general that the applicant is permanently
5 incapacitated, physically or mentally, to perform the duties
6 of the applicant's office the chief justice shall by
7 endorsement thereon declare the applicant retired, and the
8 office vacant, and shall file the report in the office of the
9 court administrator, and a copy in the office of the secretary
10 of state. From the date of such filing the applicant shall be
11 deemed retired from the applicant's office and entitled to the
12 benefits of this article to the same extent as if the
13 applicant had retired under the provisions of section
14 602.9106.

15 EXPLANATION

16 This bill reduces the vesting requirement for a judge under
17 the judicial retirement system from six years to four years.
18 Once a judge vests under the system, the judge is eligible to
19 obtain a retirement annuity. A judge who leaves service prior
20 to vesting receives only the contributions the judge made to
21 the system during that service. Covered judges under the
22 system generally include all appellate, district, and district
23 associate judges.

24
25
26
27
28
29
30
31
32
33
34
35