

House File 2501 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2300)

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

A BILL FOR

1 An Act relating to mandatory retirement for senior judges.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 6385HV 82
4 ec/rj/24

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1 1 Section 1. Section 602.9202, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 3A. "Senior judge retirement age" means
1 4 seventy-eight years of age or, if the senior judge is
1 5 reappointed as a senior judge for an additional two-year term
1 6 upon attaining seventy-eight years of age pursuant to section
1 7 602.9203, eighty years of age.
1 8 Sec. 2. Section 602.9203, subsection 5, Code 2007, is
1 9 amended to read as follows:
1 10 5. a. A senior judge may be reappointed to additional
1 11 two-year terms, at the discretion of the supreme court, if the
1 12 judicial officer meets the requirements of subsection 2.
1 13 b. A senior judge may be reappointed to an additional
1 14 two-year term upon attaining seventy-eight years of age, at
1 15 the discretion of the supreme court, if the judicial officer
1 16 meets the requirements of subsection 2.
1 17 Sec. 3. Section 602.9204, subsection 1, Code 2007, is
1 18 amended to read as follows:
1 19 1. A judge who retires on or after July 1, 1994, and who
1 20 is appointed a senior judge under section 602.9203 shall be
1 21 paid a salary as determined by the general assembly. A senior
1 22 judge or retired senior judge shall be paid an annuity under
1 23 the judicial retirement system in the manner provided in
1 24 section 602.9109, but computed under this section in lieu of
1 25 section 602.9107, as follows: The annuity paid to a senior
1 26 judge or retired senior judge shall be an amount equal to the
1 27 applicable percentage multiplier of the basic senior judge
1 28 salary, multiplied by the judge's years of service prior to
1 29 retirement as a judge of one or more of the courts included
1 30 under this article, for which contributions were made to the
1 31 system, except the annuity of the senior judge or retired
1 32 senior judge shall not exceed an amount equal to the
1 33 applicable specified percentage of the basic senior judge
1 34 salary used in calculating the annuity. However, following
1 35 the twelve-month period during which the senior judge or
2 1 retired senior judge attains ~~seventy-eight years of senior~~
2 2 ~~judge retirement~~ age, the annuity paid to the person shall be
2 3 an amount equal to the applicable percentage multiplier of the
2 4 basic senior judge salary cap, multiplied by the judge's years
2 5 of service prior to retirement as a judge of one or more of
2 6 the courts included under this article, for which
2 7 contributions were made to the system, except that the annuity
2 8 shall not exceed an amount equal to the applicable specified
2 9 percentage of the basic senior judge salary cap. A senior
2 10 judge or retired senior judge shall not receive benefits
2 11 calculated using a basic senior judge salary established after
2 12 the twelve-month period in which the senior judge or retired
2 13 senior judge attains ~~seventy-eight years of senior judge~~
2 14 ~~retirement~~ age. The state shall provide, regardless of age,
2 15 to an active senior judge or a senior judge with six years of
2 16 service as a senior judge and to the judge's spouse, and pay
2 17 for medical insurance until the judge attains ~~the senior judge~~
2 18 ~~retirement~~ age of ~~seventy-eight years~~.
2 19 Sec. 4. Section 602.9204, subsection 2, paragraphs d and

2 20 e, Code 2007, is amended to read as follows:

2 21 d. "Basic senior judge salary cap" means the basic senior
2 22 judge salary, at the end of the twelve-month period during
2 23 which the senior judge or retired senior judge attained
2 24 ~~seventy-eight years of senior judge retirement~~ age, of the
2 25 office in which the person last served as a judge before
2 26 retirement as a judge or senior judge.

2 27 e. "Escalator" means the difference between the current
2 28 basic salary, as of the time each payment is made up to and
2 29 including the twelve-month period during which the senior
2 30 judge or retired senior judge attains ~~seventy-eight years of~~
2 31 ~~senior judge retirement~~ age, of the office in which the senior
2 32 judge last served as a judge before retirement as a judge or
2 33 senior judge, and the basic annual salary which the judge is
2 34 receiving at the time the judge becomes separated from
2 35 full-time service as a judge of one or more of the courts
3 1 included in this article, as would be used in computing an
3 2 annuity pursuant to section 602.9107 without service as a
3 3 senior judge.

3 4 Sec. 5. Section 602.9207, subsection 1, Code 2007, is
3 5 amended to read as follows:

3 6 1. A senior judge shall cease to be a senior judge upon
3 7 completion of the twelve-month period during which the judge
3 8 attains ~~seventy-eight years of senior judge retirement~~ age.
3 9 The clerk of the supreme court shall make a notation of the
3 10 retirement of a senior judge in the roster of senior judges,
3 11 at which time the senior judge shall become a retired senior
3 12 judge.

3 13 Sec. 6. Section 602.9208, subsection 1, Code 2007, is
3 14 amended to read as follows:

3 15 1. A senior judge, at any time prior to the end of the
3 16 twelve-month period during which the judge attains
3 17 ~~seventy-eight years of senior judge retirement~~ age, may submit
3 18 to the clerk of the supreme court a written request that the
3 19 judge's name be stricken from the roster of senior judges.
3 20 Upon the receipt of the request the clerk shall strike the
3 21 name of the person from the roster of senior judges, at which
3 22 time the person shall cease to be a senior judge. A person
3 23 who relinquishes a senior judgeship as provided in this
3 24 subsection may be assigned to temporary judicial duties as
3 25 provided in section 602.1612.

3 26 EXPLANATION

3 27 This bill allows a senior judge who reaches age 78 to be
3 28 reappointed to an additional two-year term as a senior judge,
3 29 thereby increasing the mandatory retirement age for senior
3 30 judges from 78 to 80 years of age. Current benefit provisions
3 31 made applicable to senior judges are made subject to the
3 32 increased retirement age.

3 33 LSB 6385HV 82

3 34 ec/rj/24