

# Senate File 283 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1078)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the appointment of judicial officers, the  
2 appointment and retirement of senior judges, and providing for  
3 a future repeal.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1408SV 83  
6 jm/rj/5

PAG LIN

1 1 Section 1. Section 46.12, Code 2009, is amended to read as  
1 2 follows:

1 3 46.12 NOTIFICATION OF VACANCY AND RESIGNATION.

1 4 1. a. When a vacancy occurs or will occur within one  
1 5 hundred twenty days in the supreme court, the court of  
1 6 appeals, or district court, the state commissioner of  
1 7 elections shall forthwith so immediately notify the  
1 8 chairperson of the proper judicial nominating commission  
1 9 unless the chief justice has ordered the state commissioner of  
1 10 elections to delay sending the notification for up to one  
1 11 hundred eighty days for budgetary reasons. The chairperson  
1 12 shall call a meeting of the commission within ten days after  
1 13 such notice; if the chairperson fails to do so, the chief  
1 14 justice shall call such meeting.

1 15 b. When a judge of the supreme court, court of appeals, or  
1 16 district court resigns, the judge shall submit a copy of the  
1 17 resignation to the state commissioner of elections at the time  
1 18 the judge submits the resignation to the governor; and when a  
1 19 judge of the supreme court, court of appeals, or district  
1 20 court dies, the clerk of district court of the county of the  
1 21 judge's residence shall in writing forthwith immediately  
1 22 notify the state commissioner of elections of such fact.

1 23 2. a. When a vacancy occurs or will occur within one  
1 24 hundred twenty days in the office of a district associate  
1 25 judge, associate juvenile judge, or associate probate judge,  
1 26 the state commissioner of elections shall immediately notify  
1 27 the chairperson of the judicial district nominating commission  
1 28 unless the chief justice has ordered the state commissioner of  
1 29 elections to delay sending the notification for up to one  
1 30 hundred eighty days for budgetary reasons. The chairperson  
1 31 shall call a meeting of the commission within ten days after  
1 32 such notice; if the chairperson fails to do so, the chief  
1 33 judge of the judicial district shall call such meeting.

1 34 b. When a district associate judge, associate juvenile  
1 35 judge, or associate probate judge resigns, the judge shall  
2 1 submit the resignation to the chief judge and shall submit a  
2 2 copy of the resignation to the state court administrator who  
2 3 shall notify the state commissioner of elections of the  
2 4 resignation and the actual or impending vacancy unless the  
2 5 chief justice has ordered the state commissioner of elections  
2 6 to delay sending the notification for up to one hundred eighty  
2 7 days for budgetary reasons. When a district associate judge,  
2 8 associate juvenile judge, or associate probate judge dies, the  
2 9 clerk of the district court of the county of the judge's  
2 10 residence shall in writing immediately notify the chief judge  
2 11 of the judicial district and the state court administrator of  
2 12 such fact. The state court administrator shall notify the  
2 13 state commissioner of elections of the vacancy in the office  
2 14 unless the chief justice has ordered the state commissioner of  
2 15 elections to delay sending the notification for up to one

2 16 hundred eighty days for budgetary reasons.

2 17 Sec. 2. Section 46.14, Code 2009, is amended to read as  
2 18 follows:

2 19 46.14 NOMINATION.

2 20 1. SUPREME COURT, COURT OF APPEALS, AND DISTRICT JUDGES.

2 21 Each judicial nominating commission shall carefully consider  
2 22 the individuals available for judge, and within sixty days  
2 23 after receiving notice of a vacancy shall certify to the  
2 24 governor and the chief justice the proper number of nominees,  
2 25 in alphabetical order. Such nominees shall be chosen by the  
2 26 affirmative vote of a majority of the full statutory number of  
2 27 commissioners upon the basis of their qualifications and  
2 28 without regard to political affiliation. Nominees shall be  
2 29 members of the bar of Iowa, shall be residents of the state or  
2 30 district of the court to which they are nominated, and shall  
2 31 be of such age that they will be able to serve an initial and  
2 32 one regular term of office to which they are nominated before  
2 33 reaching the age of seventy-two years. Nominees for district  
2 34 judge shall file a certified application form, to be provided  
2 35 by the supreme court, with the chairperson of the district  
3 1 judicial nominating commission. Absence of a commissioner or  
3 2 vacancy upon the commission shall not invalidate a nomination.  
3 3 The chairperson of the commission shall promptly certify the  
3 4 names of the nominees, in alphabetical order, to the governor  
3 5 and the chief justice.

3 6 2. OFFICE OF DISTRICT ASSOCIATE JUDGE, ASSOCIATE JUVENILE

3 7 JUDGE, AND ASSOCIATE PROBATE JUDGE. The judicial district

3 8 nominating commission shall carefully consider the individuals

3 9 available for judge, and within sixty days after receiving

3 10 notice of a vacancy shall certify, as provided in section

3 11 602.6304, 602.7103B, or 633.20B, whichever is applicable, to

3 12 the longest serving district judge in the judicial election

3 13 district the proper number of nominees, in alphabetical order.

3 14 Such nominees shall be chosen by the affirmative vote of a

3 15 majority of the full statutory number of commissioners upon

3 16 the basis of their qualifications and without regard to

3 17 political affiliation. Nominees shall be members of the bar

3 18 of Iowa, shall be residents of the judicial election district

3 19 of the court to which they are nominated, and shall be of such

3 20 age that they will be able to serve an initial and one regular

3 21 term of office to which they are nominated before reaching the

3 22 age of seventy-two years.

3 23 2- 3. COMMISSIONER ELIGIBILITY AND VOTING. A

3 24 commissioner shall not be eligible for nomination by the  
3 25 commission during the term for which the commissioner was  
3 26 elected or appointed to that commission. A commissioner shall  
3 27 not be eligible to vote for the nomination of a family member,  
3 28 current law partner, or current business partner. For  
3 29 purposes of this subsection, "family member" means a spouse,  
3 30 son, daughter, brother, sister, uncle, aunt, first cousin,  
3 31 nephew, niece, father-in-law, mother-in-law, son-in-law,  
3 32 daughter-in-law, brother-in-law, sister-in-law, father,  
3 33 mother, stepfather, stepmother, stepson, stepdaughter,  
3 34 stepbrother, stepsister, half brother, or half sister.

3 35 Sec. 3. NEW SECTION. 602.6113 APPORTIONMENT OF CERTAIN

4 1 JUDICIAL OFFICERS == SUBSTANTIAL DISPARITY.

4 2 Notwithstanding section 602.6201, 602.6301, 602.6304,

4 3 602.7103B, or 633.20B, if a vacancy occurs in the office of a

4 4 district judge, district associate judge, associate juvenile

4 5 judge, or associate probate judge, and the chief justice of

4 6 the supreme court makes a finding that a substantial disparity

4 7 exists in the allocation of such judgeships and judicial

4 8 workload between judicial election districts, the chief

4 9 justice may apportion the vacant office from the judicial

4 10 election district where the vacancy occurs to another judicial

4 11 election district based upon the substantial disparity

4 12 finding. However, such a judgeship shall not be apportioned

4 13 pursuant to this section unless a majority of the judicial

4 14 council approves the apportionment. This section does not

4 15 apply to a district associate judge office authorized by

4 16 section 602.6302 or 602.6307.

4 17 Sec. 4. Section 602.6303, subsection 5, Code 2009, is

4 18 amended to read as follows:

4 19 5. If a majority of the district judges in a judicial

4 20 election district determines that a substitution is no longer

4 21 desirable, then all three magistrate positions shall be

4 22 terminated. However, a reversion pursuant to this subsection

4 23 shall not take effect until the terms of the three magistrates

4 24 expire. Upon the termination of the magistrate positions

4 25 created under this section, an appointment shall be made to

4 26 reestablish the term of office for a district associate judge

4 27 as provided in ~~sections~~ section 602.6304 ~~and 602.6305~~.

4 28 Sec. 5. Section 602.6304, Code 2009, is amended by  
4 29 striking the section and inserting in lieu thereof the  
4 30 following:

4 31 602.6304 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE.

4 32 1. A district associate judge authorized by the formula  
4 33 pursuant to section 602.6301 or authorized by section 602.6302  
4 34 or 602.6307, shall be nominated, serve an initial term, and  
4 35 stand for retention in office as provided in this section and  
5 1 as provided in chapter 46.

5 2 2. A person does not qualify for appointment to the office  
5 3 of district associate judge unless the person is at the time  
5 4 of appointment a resident of the judicial election district in  
5 5 which the vacancy exists, licensed to practice law in Iowa,  
5 6 and will be able, measured by the person's age at the time of  
5 7 appointment, to complete the initial term of office prior to  
5 8 reaching age seventy-two. An applicant for district associate  
5 9 judge shall file a certified application form, to be provided  
5 10 by the supreme court, with the chairperson of the district  
5 11 judicial nominating commission.

5 12 3. A district associate judge shall be a resident of the  
5 13 judicial election district in which appointed and retained. A  
5 14 district associate judge shall serve in the judicial district  
5 15 of the residence of the district associate judge while in  
5 16 office, regardless of the number of district associate  
5 17 judgeships authorized. A district associate judge is subject  
5 18 to reassignment as provided in section 602.6108.

5 19 4. A district associate judge shall qualify for office as  
5 20 provided in chapter 63 for a district judge.

5 21 5. For purposes of this section, "vacancy" means the  
5 22 death, resignation, retirement, or removal of a district  
5 23 associate judge, or the failure of a district associate judge  
5 24 to be retained in office at the judicial election, or an  
5 25 increase in judgeships allowable by law.

5 26 6. Applicants for the office of district associate judge  
5 27 shall apply to the district judicial nominating commission for  
5 28 the judicial election district in which the vacancy is  
5 29 located. The judicial district nominating commission and the  
5 30 nominating process shall be governed by chapter 46 if not  
5 31 inconsistent with the provisions of this section.

5 32 7. The district judicial nominating commission shall  
5 33 nominate three persons to the district judges of the judicial  
5 34 election district. The district judicial nominating  
5 35 commission shall certify the nominees in writing to the  
6 1 district judge with the longest service in the judicial  
6 2 election district in which the appointment is to occur.  
6 3 Copies shall be sent to the chief judge of the judicial  
6 4 district, the district court administrator of the judicial  
6 5 district, and the state court administrator. The longest  
6 6 serving district judge of the judicial election district shall  
6 7 serve as the chairperson of the district judges for the  
6 8 purpose of this section.

6 9 8. Within thirty days of the date the longest serving  
6 10 district judge in the judicial election district receives the  
6 11 list of nominees from the judicial district nominating  
6 12 commission to a vacancy in the office of district associate  
6 13 judge, the district judges in the judicial election district  
6 14 shall, by majority vote, appoint one of the nominees to fill  
6 15 the vacancy. If the appointment is not made within thirty  
6 16 days, the chief justice shall make the appointment from the  
6 17 list of nominees.

6 18 Sec. 6. Section 602.6404, subsection 3, Code 2009, is  
6 19 amended by striking the subsection and inserting in lieu  
6 20 thereof the following:

6 21 3. A magistrate shall be an attorney licensed to practice  
6 22 law in this state. However, a magistrate holding office on  
6 23 April 1, 2009, shall be eligible to be reappointed as a  
6 24 magistrate in the same county for a term commencing August 1,  
6 25 2009, and subsequent successive terms.

6 26 Sec. 7. Section 602.7103B, Code 2009, is amended by  
6 27 striking the section and inserting in lieu thereof the  
6 28 following:

6 29 602.7103B APPOINTMENT OF AN ASSOCIATE JUVENILE JUDGE.

6 30 1. An associate juvenile judge shall be nominated, serve  
6 31 an initial term, and stand for retention in office as provided  
6 32 in this section and as provided in chapter 46.

6 33 2. A person does not qualify for appointment to the office  
6 34 of an associate juvenile judge unless the person is at the  
6 35 time of appointment a resident of the judicial election  
7 1 district in which the vacancy exists, licensed to practice law  
7 2 in Iowa, and will be able, measured by the person's age at the

7 3 time of appointment, to complete the initial term of office  
7 4 prior to reaching age seventy=two. An applicant for associate  
7 5 juvenile judge shall file a certified application form, to be  
7 6 provided by the supreme court, with the chairperson of the  
7 7 district judicial nominating commission.

7 8 3. An associate juvenile judge shall be a resident of the  
7 9 judicial election district in which appointed and retained.  
7 10 An associate juvenile judge shall serve in the judicial  
7 11 district of the residence of the judge while in office,  
7 12 regardless of the number of judgeships authorized. An  
7 13 associate juvenile judge is subject to reassignment under  
7 14 section 602.6108.

7 15 4. An associate juvenile judge shall qualify for office as  
7 16 provided in chapter 63 for a district judge.

7 17 5. For purposes of this section, "vacancy" means the  
7 18 death, resignation, retirement, or removal of an associate  
7 19 juvenile judge, or the failure of an associate juvenile judge  
7 20 to be retained in office at the judicial election, or an  
7 21 increase in associate juvenile judgeships allowable by law.

7 22 6. Applicants for the office of associate juvenile judge  
7 23 shall apply to the district judicial nominating commission for  
7 24 the judicial election district in which the vacancy is  
7 25 located. The judicial district nominating commission and the  
7 26 nominating process shall be governed by chapter 46 if not  
7 27 inconsistent with the provisions of this section.

7 28 7. The district judicial nominating commission shall  
7 29 nominate three persons to the district judges of the judicial  
7 30 election district. The district judicial nominating  
7 31 commission shall certify the nominees in writing to the  
7 32 district judge with the longest service in the judicial  
7 33 election district in which the appointment is to occur.  
7 34 Copies shall be sent to the chief judge of the judicial  
7 35 district, the district court administrator of the judicial  
8 1 district, and the state court administrator. The longest  
8 2 serving district judge of the judicial election district shall  
8 3 serve as the chairperson of the district judges for the  
8 4 purpose of this section.

8 5 8. Within thirty days of the date the longest serving  
8 6 district judge in the judicial election district receives the  
8 7 list of nominees from the judicial district nominating  
8 8 commission to a vacancy in the office of associate juvenile  
8 9 judge, the district judges in the judicial election district  
8 10 shall, by majority vote, appoint one of the nominees to fill  
8 11 the vacancy. If the appointment is not made within thirty  
8 12 days, the chief justice shall make the appointment from the  
8 13 list of nominees.

8 14 Sec. 8. Section 602.9202, subsection 4, Code 2009, is  
8 15 amended to read as follows:

8 16 4. "Senior judge retirement age" means seventy=eight years  
8 17 of age or, if the senior judge is reappointed as a senior  
8 18 judge for ~~an two additional two=year term~~ one=year terms upon  
8 19 attaining seventy=eight years of age pursuant to section  
8 20 602.9203, eighty years of age.

8 21 Sec. 9. Section 602.9203, subsection 1, Code 2009, is  
8 22 amended to read as follows:

8 23 1. A supreme court judge, court of appeals judge, district  
8 24 judge, district associate judge, full=time associate juvenile  
8 25 judge, or full=time associate probate judge, who qualifies  
8 26 under subsection 2 may become a senior judge by filing with  
8 27 the clerk of the supreme court a written election in the form  
8 28 specified by the ~~court administrator~~ supreme court. The  
8 29 election shall be filed within six months of the date of  
8 30 retirement.

8 31 Sec. 10. Section 602.9203, subsection 2, unnumbered  
8 32 paragraph 1, Code 2009, is amended to read as follows:

8 33 ~~A~~ Except as otherwise provided in subsection 5, a judicial  
8 34 officer referred to in subsection 1 may be appointed, at the  
8 35 discretion of the supreme court, for a two=year term as a  
9 1 senior judge if the judicial officer meets all of the  
9 2 following requirements:

9 3 Sec. 11. Section 602.9203, subsection 2, paragraph c, Code  
9 4 2009, is amended to read as follows:

9 5 c. Agrees in writing on a form prescribed by the ~~court~~  
9 6 ~~administrator~~ supreme court to be available as long as the  
9 7 judicial officer is a senior judge to perform judicial duties  
9 8 as assigned by the supreme court for an aggregate period of  
9 9 thirteen weeks out of each successive twelve=month period.

9 10 Sec. 12. Section 602.9203, subsection 5, paragraph b, Code  
9 11 2009, is amended to read as follows:

9 12 b. A senior judge may be reappointed to ~~an two additional~~  
9 13 ~~two=year term~~ one=year terms upon attaining seventy=eight

9 14 years of age, at the discretion of the supreme court, if the  
9 15 judicial officer meets the requirements of subsection 2.

9 16 Sec. 13. Section 602.9204, subsection 1, paragraph b,  
9 17 subparagraph (2), Code 2009, is amended to read as follows:

9 18 (2) However, ~~following the twelve-month period during~~  
~~9 19 which~~ after the senior judge or retired senior judge attains  
9 20 senior judge retirement age, the annuity paid to the person  
9 21 shall be an amount equal to the applicable percentage  
9 22 multiplier of the basic senior judge salary cap, multiplied by  
9 23 the judge's years of service prior to retirement as a judge of  
9 24 one or more of the courts included under this article, for  
9 25 which contributions were made to the system, except that the  
9 26 annuity shall not exceed an amount equal to the applicable  
9 27 specified percentage of the basic senior judge salary cap.

9 28 Sec. 14. Section 602.9204, subsection 1, paragraph c, Code  
9 29 2009, is amended to read as follows:

9 30 c. A senior judge or retired senior judge shall not  
9 31 receive benefits calculated using a basic senior judge salary  
9 32 established after ~~the twelve-month period in which~~ the senior  
9 33 judge or retired senior judge attains senior judge retirement  
9 34 age.

9 35 Sec. 15. Section 602.9204, subsection 2, paragraphs d and  
10 1 e, Code 2009, are amended to read as follows:

10 2 d. "Basic senior judge salary cap" means the basic senior  
10 3 judge salary, at the ~~end of the twelve-month period during~~  
~~10 4 which~~ time the senior judge or retired senior judge attained  
10 5 senior judge retirement age, of the office in which the person  
10 6 last served as a judge before retirement as a judge or senior  
10 7 judge.

10 8 e. "Escalator" means the difference between the current  
10 9 basic salary, as of the time each payment is made up to ~~and~~  
~~10 10 including the twelve-month period during which~~ the time the  
10 11 senior judge or retired senior judge attains senior judge  
10 12 retirement age, of the office in which the senior judge last  
10 13 served as a judge before retirement as a judge or senior  
10 14 judge, and the basic annual salary which the judge is  
10 15 receiving at the time the judge becomes separated from  
10 16 full-time service as a judge of one or more of the courts  
10 17 included in this article, as would be used in computing an  
10 18 annuity pursuant to section 602.9107 without service as a  
10 19 senior judge.

10 20 Sec. 16. Section 602.9207, subsection 1, Code 2009, is  
10 21 amended to read as follows:

10 22 1. A senior judge shall cease to be a senior judge upon  
10 23 ~~completion of the twelve-month period during which the judge~~  
~~10 24 attains~~ attaining senior judge retirement age. The clerk of a  
10 25 the supreme court shall make a notation of the retirement of a  
10 26 senior judge in the roster of senior judges, at which time the  
10 27 senior judge shall become a retired senior judge.

10 28 Sec. 17. Section 602.9208, subsection 1, Code 2009, is  
10 29 amended to read as follows:

10 30 1. A senior judge, at any time prior to ~~the end of the~~  
~~10 31 twelve-month period during which the judge attains~~ attaining  
10 32 senior judge retirement age, may submit to the clerk of the  
10 33 supreme court a written request that the judge's name be  
10 34 stricken from the roster of senior judges. Upon the receipt  
10 35 of the request the clerk shall strike the name of the person  
11 1 from the roster of senior judges, at which time the person  
11 2 shall cease to be a senior judge. A person who relinquishes a  
11 3 senior judgeship as provided in this subsection may be  
11 4 assigned to temporary judicial duties as provided in section  
11 5 602.1612.

11 6 Sec. 18. Section 633.20B, Code 2009, is amended by  
11 7 striking the section and inserting in lieu thereof the  
11 8 following:

11 9 633.20B APPOINTMENT OF AN ASSOCIATE PROBATE JUDGE.

11 10 1. An associate probate judge shall be nominated, serve an  
11 11 initial term, and stand for retention in office as provided in  
11 12 this section and as provided in chapter 46.

11 13 2. A person does not qualify for appointment to the office  
11 14 of associate probate judge unless the person is at the time of  
11 15 appointment a resident of the judicial election district in  
11 16 which the vacancy exists, licensed to practice law in Iowa,  
11 17 and will be able, measured by the person's age at the time of  
11 18 appointment, to complete the initial term of office prior to  
11 19 reaching age seventy-two. An applicant for associate probate  
11 20 judge shall file a certified application form, to be provided  
11 21 by the supreme court, with the chairperson of the district  
11 22 judicial nominating commission.

11 23 3. An associate probate judge shall be a resident of the  
11 24 judicial election district in which appointed and retained.

11 25 An associate probate judge shall serve in the judicial  
11 26 district of the residence of the associate probate judge while  
11 27 in office, regardless of the number of associate probate  
11 28 judgeships authorized. An associate probate judge is subject  
11 29 to reassignment under section 602.6108.

11 30 4. An associate probate judge shall qualify for office as  
11 31 provided in chapter 63 for a district judge.

11 32 5. For purposes of this section, "vacancy" means the  
11 33 death, resignation, retirement, or removal of an associate  
11 34 probate judge, or the failure of an associate probate judge to  
11 35 be retained in office at the judicial election, or an increase  
12 1 in associate probate judgeships allowable by law.

12 2 6. Applicants for the office of associate probate judge  
12 3 shall apply to the district judicial nominating commission for  
12 4 the judicial election district in which the vacancy is  
12 5 located. The judicial district nominating commission and the  
12 6 nominating process shall be governed by chapter 46 if not  
12 7 inconsistent with the provisions of this section.

12 8 7. The district judicial nominating commission shall  
12 9 nominate three persons to the district judges of the judicial  
12 10 election district. The district judicial nominating  
12 11 commission shall certify the nominees in writing to the  
12 12 district judge with the longest service in the judicial  
12 13 election district in which the appointment is to occur.  
12 14 Copies shall be sent to the chief judge of the judicial  
12 15 district, the district court administrator of the judicial  
12 16 district, and the state court administrator. The longest  
12 17 serving district judge of the judicial election district shall  
12 18 serve as the chairperson of the district judges for the  
12 19 purpose of this section.

12 20 8. Within thirty days of the date the longest serving  
12 21 district judge in the judicial election district receives the  
12 22 list of nominees from the judicial district nominating  
12 23 commission to a vacancy in the office of associate probate  
12 24 judge, the district judges in the judicial election district  
12 25 shall, by majority vote, appoint one of the nominees to fill  
12 26 the vacancy. If the appointment is not made within thirty  
12 27 days, the chief justice shall make the appointment from the  
12 28 list of nominees.

12 29 Sec. 19. Sections 602.6305, 602.7103C, and 633.20C, Code  
12 30 2009, are repealed.

12 31 Sec. 20. Section 602.6113, as enacted in this Act, is  
12 32 repealed July 1, 2014.

#### 12 33 EXPLANATION

12 34 This bill relates to the appointment of judicial officers  
12 35 and the appointment and retirement of senior judges.

13 1 The bill authorizes the chief justice to delay the  
13 2 nomination process of any judicial officer for up to 180 days  
13 3 for budgetary reasons.

13 4 The bill changes the nominating process for district  
13 5 associate judges, associate juvenile judges, and associate  
13 6 probate judges. The bill provides that the district judicial  
13 7 nominating commission shall nominate persons for appointment  
13 8 to the office of district associate judge, associate juvenile  
13 9 judge, or associate probate judge, rather than the county  
13 10 magistrate appointing commission.

13 11 The bill provides that a person at the time of appointment  
13 12 to the office of district associate judge, associate juvenile  
13 13 judge, or associate probate judge, shall be a resident of the  
13 14 judicial election district where the vacancy occurs. Current  
13 15 law provides that a person at the time of appointment be a  
13 16 resident of the county where the vacancy occurs.

13 17 The bill provides that the district judicial nominating  
13 18 commission shall carefully consider all applicants, and shall  
13 19 within 60 days of receiving notice of the vacancy, certify  
13 20 three persons for appointment in writing to the longest  
13 21 serving district judge in the judicial election district where  
13 22 the vacancy occurs. Current law provides that the list of  
13 23 nominees be provided to the chief judge of the judicial  
13 24 district.

13 25 The bill also provides that the district judges of the  
13 26 judicial election district where the vacancy occurs, within 30  
13 27 days of receiving the nominees and by a majority vote, shall  
13 28 appoint a person from the list of nominees to fill the vacant  
13 29 district associate judge, associate juvenile judge, or  
13 30 associate probate judge position. If the district judges fail  
13 31 to make the appointment within 30 days, the chief justice of  
13 32 the supreme court shall make the appointment. Under current  
13 33 law, the district judges of the judicial election district  
13 34 where the vacancy occurs shall appoint within 15 days of  
13 35 receiving the list of nominees.

14 1 Under the bill, if a vacancy occurs in the office of  
14 2 district judge, district associate judge, associate juvenile  
14 3 judge, or associate probate judge, the chief justice of the  
14 4 supreme court may apportion the vacant office from the  
14 5 judicial election district where the vacancy occurs to another  
14 6 judicial election district. An apportionment from one  
14 7 judicial election district to another judicial election  
14 8 district shall not occur under the bill, unless the chief  
14 9 justice finds a substantial disparity exists in the allocation  
14 10 of judgeships and judicial workload between judicial election  
14 11 districts, and the judicial council, by majority vote,  
14 12 approves the apportionment. However, a vacant district  
14 13 associate judge office created in lieu of magistrates pursuant  
14 14 to Code section 602.6302 or created in lieu of an associate  
14 15 juvenile judge pursuant to Code section 602.6307 shall not be  
14 16 apportioned by a substantial disparity finding under the bill.  
14 17 Current law does not permit the chief justice and the judicial  
14 18 council to apportion vacant judgeships across judicial  
14 19 election district boundaries. This provision is repealed July  
14 20 1, 2014.

14 21 The bill requires a magistrate to be an attorney licensed  
14 22 to practice law in this state. However, the bill allows a  
14 23 magistrate currently holding office who is not a licensed  
14 24 attorney to be reappointed as a magistrate in the same county.

14 25 The bill provides that a senior judge shall cease being a  
14 26 senior judge upon attaining the age of 78 years of age, unless  
14 27 the senior judge is reappointed by the supreme court for two  
14 28 additional one-year terms until the age of 80 is attained.

14 29 Upon attaining the age of 80 a senior judge shall cease being  
14 30 a senior judge. Current law provides that a senior judge  
14 31 shall cease being a senior judge upon completion of the  
14 32 12-month period during which the judge attains the age of 78.

14 33 The bill repeals Code sections 602.6305, 602.7103C, and  
14 34 633.20C because the provisions have been subsumed or modified  
14 35 by the bill in Code sections 602.6304, 602.7103B, and 633.20B.

15 1 LSB 1408SV 83

15 2 jm/rj/5