

1 SEC. 2. This Act, being deemed of immediate importance, shall be  
 2 in full force and effect from and after its passage and publication in  
 3 the Marshalltown Times-Republican, a newspaper published at Mar-  
 4 shalltown, Iowa, and the Kossuth County Advance, a newspaper pub-  
 5 lished at Algona, Iowa, all without expense to the state.

Approved March 27, 1959.

I hereby certify that the foregoing Act, Senate File 302, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, April 3, 1959, and in the Kossuth County Advance, Algona, Iowa, March 31, 1959.

• MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 355

### DE FACTO JUDGES

#### H. F. 272

AN ACT relating to judges and courts specifying the status of de facto judges and amending section six hundred five point three (605.3), Code 1958.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section six hundred five point three (605.3), Code  
 2 1958, is hereby amended by striking the period in the last line thereof  
 3 and inserting thereafter the following: "or failure to qualify within  
 4 the time fixed by law for good cause shown to the chief justice of the  
 5 supreme court."

1 SEC. 2. This Act being deemed of immediate importance shall be  
 2 in full force and effect from and retroactive to the first day of Novem-  
 3 ber, 1958, after its publication in the Waterloo Daily Courier, a news-  
 4 paper published at Waterloo, Iowa, and the Iowa City Press-Citizen,  
 5 a newspaper published at Iowa City, Iowa.

Approved March 9, 1959.

I hereby certify that the foregoing Act, House File 272, was published in the Waterloo Daily Courier, Waterloo, Iowa, March 12, 1959, and in the Iowa City Press-Citizen, Iowa City, Iowa, March 12, 1959.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 356

### JUDICIAL RETIREMENT SYSTEM

#### H. F. 151

AN ACT to amend chapter six hundred five A (605A), Code 1958, making certain changes in the judicial retirement system; including certain judges thereunder; providing for contributions by such judges and the city and county of their respective court districts to finance their portion of the benefits; and to amend chapter ninety-seven B (97B), Code 1958, relating to the termination of membership of certain judges in the Iowa public employees' retirement system.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section six hundred five A point three (605A.3), Code  
 2 1958, is hereby repealed and the following adopted in lieu thereof:

3 "This chapter shall not apply to any judge of the municipal, superior,  
4 district or supreme court until he gives notice in writing, while serv-  
5 ing as a judge, to the state comptroller and treasurer of state, of his  
6 purpose to come within its purview. Judges of the municipal and  
7 superior courts shall at the same time give a copy of such notice to  
8 the city treasurer and county auditor within the district of such court.  
9 Such notice shall be given within one year after the effective date  
10 hereof or within one year after any date on which he takes oath of  
11 office as such judge."

1 SEC. 2. Section six hundred five A point four (605A.4), Code 1958,  
2 is hereby repealed and the following adopted in lieu thereof: "Each  
3 judge coming within the purview of this chapter shall, on or before  
4 retirement, pay to the state comptroller for deposit with the state  
5 treasurer to the credit of a fund to be known as the 'judicial retire-  
6 ment fund', hereinafter called the 'fund', a sum equal to three per cent  
7 of his basic salary for services as such judge for the total period of  
8 service as a judge of a municipal, superior, district or supreme court  
9 before the date of said notice, and after the date of the notice there  
10 shall be deducted and withheld from the basic salary of each judge  
11 coming within the purview of this chapter a sum equal to three per  
12 cent of such basic salary. Provided that the maximum amount which  
13 any judge shall be required to contribute for past service shall not  
14 exceed for municipal or superior judges twenty-five hundred dollars,  
15 for district judges three thousand dollars and for supreme court  
16 judges four thousand dollars. The amounts so deducted and withheld  
17 from the basic salary of each said judge shall be paid to the state  
18 comptroller for deposit with the treasurer of state to the credit of the  
19 judicial retirement fund, and said fund is hereby appropriated for  
20 the payment of annuities, refunds, and allowances herein provided,  
21 except that the amount of such appropriations affecting payment of  
22 annuities, refunds, and allowances to judges of the municipal and  
23 superior court shall be limited to that part of said fund accumulated  
24 for their benefit as hereinafter provided. The judges of the municipal,  
25 superior, district and supreme court coming within the provisions of  
26 this chapter shall be deemed to consent and agree to the deductions  
27 from basic salary as provided herein, and payment less such deduc-  
28 tions shall be a full and complete discharge and acquittance of all  
29 claims and demands whatsoever for all regular services rendered by  
30 such judges during the period covered by such payment, except the  
31 right to the benefits to which they shall be entitled under the provi-  
32 sions of this chapter. The state shall contribute a sum not exceeding  
33 three per cent of the basic salary of all judges of the district and  
34 supreme court for the years 1949 and 1950 and thereafter such sums  
35 as may be necessary over the amount contributed by the district and  
36 supreme court judges to finance the system, but only to the extent  
37 that the system applies to them."

1 SEC. 3. The city and county within each municipal and superior  
2 court district shall contribute to the fund a sum equal to three per  
3 cent of the salary paid by them to each judge of such courts who  
4 qualify to come within the provisions of this chapter. Each such city  
5 and county shall also contribute a proportionate share of any sum  
6 which may, from time to time, be necessary to finance any deficiency

7 in that part of the fund applicable to the payment of the annuities,  
8 refunds, and allowances to all municipal and superior court judges so  
9 qualified in the state. The amount of any such additional contribution  
10 by each city and county shall be determined by the ratio which the  
11 salary of each such judge bears to the current combined salaries of  
12 all acting municipal and superior court judges who are qualified under  
13 this chapter.

1 SEC. 4. Section six hundred five A point five (605A.5), Code 1958,  
2 is hereby amended by striking the remainder of the sentence after the  
3 word "of" in line six (6) and substituting therefor the following:  
4 "one or more of the courts included in this chapter."

1 SEC. 5. Section six hundred five A point six (605A.6), Code 1958,  
2 is hereby repealed and the following adopted in lieu thereof: "Any  
3 person who shall have become separated from service as a judge of  
4 any of the courts included in this chapter and who has had an aggre-  
5 gate of at least six years of service as a judge of one or more of such  
6 courts and shall have attained the age of sixty-five years or who has  
7 had twenty-five (25) years of consecutive service as a judge of one or  
8 more of said courts, and who shall have otherwise qualified as pro-  
9 vided in this chapter, shall be entitled to an annuity as hereinafter  
10 provided.

1 SEC. 6. Section six hundred five A point seven (605A.7), Code  
2 1958, is hereby amended by striking the words "either or both the  
3 district and supreme courts" in lines four (4) and five (5) and sub-  
4 stituting the words "one or more of the courts included in this chap-  
5 ter"; and by striking the words "either or both the district and  
6 supreme courts" in lines six (6) and seven (7) and substituting the  
7 words "one or more of such courts" therefor.

1 SEC. 7. Sections six hundred five A point eight (605A.8), Code  
2 1958, is hereby amended by inserting the words "municipal, superior"  
3 between the words "the" and "district" of line two (2); by inserting  
4 the words "municipal, superior" between the words "the" and "dis-  
5 trict" in line seven (7); by striking the words "either or both the  
6 district and supreme courts" in lines ten (10) and eleven (11) and  
7 substituting the words "one or more such courts" therefor; and by  
8 striking the words "either or both the district and supreme courts"  
9 in lines sixteen (16) and seventeen (17) and substituting the words  
10 "one or more of such courts" therefor.

1 SEC. 8. Chapter ninety-seven B (97B), Code 1958, is hereby  
2 amended by adding thereto the following four (4) new sections:  
3 "1. Every person who is a member of the judicial retirement system  
4 on the effective date of this Act, or who thereafter becomes a member  
5 shall have his membership terminated in the Iowa public employees'  
6 retirement system.  
7 "2. The tax on wages of each employee and his employer, as re-  
8 quired by section ninety-seven B point eleven (97B.11) of the Code  
9 shall cease on the effective date of such employee's membership in the  
10 judicial retirement system, or the effective date of this Act, whichever  
11 is earlier.

12 "3. Each member whose membership is terminated in the Iowa  
 13 public employees' retirement system shall be paid from the Iowa pub-  
 14 lic employees' retirement fund within the six (6) month period imme-  
 15 diately following the date of termination of his membership a lump  
 16 sum cash amount equal to the sum of such member's accumulated con-  
 17 tributions as defined in subsection nine (9) of section ninety-seven B  
 18 point forty-one (97B.41) of the Code, computed as of the date his mem-  
 19 bership in the system is terminated; plus the total amount contributed  
 20 to the Iowa old age and survivors' insurance fund prior to July 1, 1953,  
 21 by such member which was transferred to the Iowa public employees'  
 22 retirement fund as of July 1, 1953, and would have been refundable  
 23 to him had he not elected to receive prior service credit in accordance  
 24 with section ninety-seven B point forty-three (97B.43) of the Code,  
 25 with interest on such amount at two (2) per cent per annum com-  
 26 pounded annually from July 1, 1953, to the date his membership in the  
 27 system was terminated.

28 "4. Any employee whose membership in the judicial retirement  
 29 fund is subsequently terminated shall be entitled to resume member-  
 30 ship in the Iowa public employees' retirement system."

Approved April 22, 1959.

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## CHAPTER 357

### JUDICIAL RETIREMENT SYSTEM

S. F. 90

AN ACT relating to the judicial retirement system.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Amend section six hundred five A point seven  
 2 (605A.7), Code 1958, by striking all after the word "service" in line  
 3 eleven (11).

Approved February 23, 1959.

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## CHAPTER 358

### REAL ESTATE TITLE CHANGE FEE

H. F. 128

AN ACT relating to fees charged by the clerk of the district court.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section six hundred six point fifteen (606.15), Code  
 2 1958, is amended by adding thereto the following:  
 3 "For certifying change in title of real estate, one dollar."

Approved May 8, 1959.