

JOINT RESOLUTIONS

CHAPTER 343

PROPOSED CONSTITUTIONAL AMENDMENT IN RE JUDGES

(Second time passed by G. A.)

S. J. R. 14

A JOINT RESOLUTION proposing to amend article five (V) of the Constitution of the state of Iowa relating to the supervisory and administrative control of the inferior courts by the supreme court; to the qualifications, selection, tenure, compensation, powers and duties of judicial nominating commission members, judges and other judicial officers and to the mandatory retirement with compensation of judges of the supreme and district courts.

Be It Resolved by the General Assembly of the State of Iowa:

1 SECTION 1. An amendment to the Constitution of the State of
2 Iowa as it appears in the Code of 1958 is proposed as follows:

3 Article Five (V) is amended in the following manner:

4 1. Section four (4) is amended by striking from lines eight (8)
5 and nine (9) of such section the words, "exercise a supervisory" and
6 inserting in lieu thereof the words, "shall exercise a supervisory and
7 administrative".

8 2. Sections three (3), five (5), nine (9) and eleven (11) are
9 repealed.

10 3. The following sections are added thereto:

11 "SECTION 15. Vacancies in the Supreme Court and District Court
12 shall be filled by appointment by the Governor from lists of nominees
13 submitted by the appropriate judicial nominating commission. Three
14 nominees shall be submitted for each Supreme Court vacancy, and
15 two nominees shall be submitted for each District Court vacancy. If
16 the Governor fails for thirty days to make the appointment, it shall
17 be made from such nominees by the Chief Justice of the Supreme
18 Court.

19 "SECTION 16. There shall be a State Judicial Nominating Com-
20 mission. Such commission shall make nominations to fill vacancies
21 in the Supreme Court. Until July 4, 1973, and thereafter unless
22 otherwise provided by law, the State Judicial Nominating Commission
23 shall be composed and selected as follows: There shall be not less
24 than three nor more than eight appointive members, as provided by
25 law, and an equal number of elective members on such Commission,
26 all of whom shall be electors of the state. The appointive members
27 shall be appointed by the Governor subject to confirmation by the
28 Senate. The elective members shall be elected by the resident mem-
29 bers of the bar of the state. The judge of the Supreme Court who is
30 senior in length of service on said Court, other than the Chief Justice,
31 shall also be a member of such Commission and shall be its chairman.

32 "There shall be a District Judicial Nominating Commission in each
33 judicial district of the state. Such commissions shall make nomina-
34 tions to fill vacancies in the District Court within their respective
35 districts. Until July 4, 1973, and thereafter unless otherwise pro-

36 vided by law, District Judicial Nominating Commissions shall be com-
37 posed and selected as follows: There shall be not less than three nor
38 more than six appointive members, as provided by law, and an equal
39 number of elective members on each such commission, all of whom
40 shall be electors of the district. The appointive members shall be
41 appointed by the Governor. The elective members shall be elected
42 by the resident members of the bar of the district. The district judge
43 of such district who is senior in length of service shall also be a mem-
44 ber of such commission and shall be its chairman.

45 "Due consideration shall be given to area representation in the
46 appointment and election of Judicial Nominating Commission mem-
47 bers. Appointive and elective members of Judicial Nominating
48 Commissions shall serve for six year terms, shall be ineligible for a
49 second six year term on the same commission, shall hold no office of
50 profit of the United States or of the state during their terms, shall be
51 chosen without reference to political affiliation, and shall have such
52 other qualifications as may be prescribed by law. As near as may be,
53 the terms of one-third of such members shall expire every two years.

54 "SECTION 17. Members of all courts shall have such tenure in
55 office as may be fixed by law, but terms of Supreme Court Judges shall
56 be not less than eight years and terms of District Court Judges shall
57 be not less than six years. Judges shall serve for one year after ap-
58 pointment and until the first day of January following the next
59 judicial election after the expiration of such year. They shall at such
60 judicial election stand for retention in office on a separate ballot
61 which shall submit the question of whether such judge shall be re-
62 tained in office for the tenure prescribed for such office and when such
63 tenure is a term of years, on their request, they shall, at the judicial
64 election next before the end of each term, stand again for retention
65 on such ballot. Present Supreme Court and District Court Judges,
66 at the expiration of their respective terms, may be retained in office
67 in like manner for the tenure prescribed for such office. The General
68 Assembly shall prescribe the time for holding judicial elections.

69 "SECTION 18. Judges of the Supreme Court and District Court
70 shall receive salaries from the state, shall be members of the bar of the
71 state and shall have such other qualifications as may be prescribed by
72 law. Judges of the Supreme Court and District Court shall be in-
73 eligible to any other office of the state while serving on said court and
74 for two years thereafter, except that District Judges shall be eligible
75 to the office of Supreme Court Judge. Other judicial officers shall be
76 selected in such manner and shall have such tenure, compensation
77 and other qualification as may be fixed by law. The General
78 Assembly shall prescribe mandatory retirement for Judges of the
79 Supreme Court and District Court at a specified age and shall provide
80 for adequate retirement compensation. Retired judges may be sub-
81 ject to special assignment to temporary judicial duties by the Supreme
82 Court, as provided by law."

1 SEC. 2. The foregoing proposed amendment to the Constitution
2 of Iowa, having been adopted and agreed to by the Fifty-eighth (58th)
3 General Assembly, thereafter duly published, and now adopted and
4 agreed to by the Fifty-ninth (59th) General Assembly in this Joint
5 Resolution, shall be submitted to the people at a special election to be
6 held for that purpose at the same time and in conjunction with the

7 primary election to be held for the selection of political party candi-
 8 dates for public office in the year nineteen hundred sixty-two (1962).
 9 The submission at said special election shall in all respects be governed
 10 and conducted as prescribed by law for the submission of a Constitu-
 11 tional amendment at a general election.

CHAPTER 344

PROPOSED CONSTITUTIONAL AMENDMENT IN RE COMPOSITION OF GENERAL ASSEMBLY

(First time passed by G. A.)

S. J. R. 16

A JOINT RESOLUTION proposing a constitutional amendment to the constitution of the state of Iowa relating to the composition of the general assembly, the basis of representation of the members thereof, and to amend such constitution by repeal of section six (6), article three (III) thereof, section thirty-four (34) of such article three (III) thereof and the 1904 and 1928 amendments thereto, sections thirty-five (35) and thirty-six (36) of such article three (III), and the 1904 amendment to each such section, and section thirty-seven (37) of said article three (III), and proposing substitutes in lieu thereof.

Be It Resolved by the General Assembly of the State of Iowa:

1 SECTION 1. The following amendment to the Constitution of the
 2 State of Iowa is hereby proposed.

3 "Section six (6) of Article three (III), section thirty-four (34) of
 4 Article three (III) and the 1904 and 1928 amendments thereto, sec-
 5 tions thirty-five (35) and thirty-six (36) of Article three (III) and
 6 the 1904 amendment to each such section, and section thirty-seven
 7 (37) of Article three (III) are hereby repealed and the following
 8 proposed in lieu thereof:

9 "SECTION 6. The senate shall consist of fifty-eight (58) senators,
 10 one (1) senator elected from each senatorial district. For each re-
 11 districting, changed senatorial districts shall be so classified by lot
 12 by the redistricting authority so that as nearly as possible one-half
 13 of the senators shall be elected every two (2) years.

14 "If a senatorial district is unchanged or is reduced in size and
 15 no new territory is added to it, and the incumbent senator resides
 16 in the district of reduced size or the unchanged district, he shall be
 17 permitted to complete the term for which he was elected, and the
 18 senatorial district shall remain in the same class of districts.

19 "The redistricting authority shall provide in its redistricting
 20 statement, law, or court order for the cutting short of terms of sena-
 21 tors, where necessary. Any senator whose term is cut short by a re-
 22 districting shall not be compensated for the uncompleted part of his
 23 term.

24 "SECTION 34. The house of representatives shall consist of ninety-
 25 nine (99) members, one (1) elected from each county as county lines
 26 existed on January 1, 1961.

27 "SECTION 35. Senatorial districts shall meet the following re-
 28 quirements:

29 "1. Each shall have a population, as shown by the most recent
 30 decennial United States census, equal to that of every other district,
 31 a deviation of no more than ten (10) percent from the population
 32 unit (the state population divided by fifty-eight (58)) being allowed.

33 "2. Each shall consist of compact and contiguous territory; areas