

Fisher of	Johannes	Milroy	Rusk
Greene	Johns	Mowry	Sersland
Flatt	Johnson of	Mueller	Shaw
Frank	Audubon	Naden	Sickels
Freed	Johnson of	Naughton	Smith
Fuelling	Hancock	Nelson	Stanley
Fulton	Kimball	Nielsen	Steenhusen
Gordy	Klefstad	Nutt	Stephens
Grassley	Kluever	Ossian	Stringer
Gray	Loss	Owen	Summa
Greenwood	Lucken	Patton	Swisher
Hagedorn	Lutz	Paul	Tabor
Hall	Maggert	Pierce	Walter
Halling	Main	Rapson	Weik
Hanson	Martin	Reppert	Wells
Harrington	Maule	Robinson	Wier
Hirsch	McArthur	Rooney	Wilson
Hoth	McNeal	Rockwell	Mr. Speaker
Houston	Mensing		

The nays were, none.

Absent or not voting, 6:

Dodds	Edgington	Johnson of	O'Toole
Duffy	Jarvis	Fremont	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### CONSIDERATION OF SENATE JOINT RESOLUTION 7

Senate Joint Resolution 7, 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, with report of committee without recommendation, was taken up for consideration.

#### CALL OF THE HOUSE

The undersigned hereby request a call of the House on Senate Joint Resolution 7.

DAVID M. STANLEY.  
RAY CUNNINGHAM.  
JOHN A. BAUMHOVER.  
M. W. SMITH.  
HAROLD O. FISCHER.

On motion by McNeal of Wright, the House recessed until 2:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Lisle in the chair.

The House resumed consideration of Senate Joint Resolution 7.

Mowry of Marshall offered the following amendment and moved its adoption:

Amend Senate Joint Resolution 7, by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Amend Article Five (V) of the Constitution of the State of Iowa as follows:

1. Amend Section four (4) thereof, as it appears in the Code 1958, by striking from lines eight (8) and nine (9) of such section the words 'exercise a supervisory' and inserting in lieu thereof the words, 'shall exercise a supervisory and administrative'.

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 Sections three (3), five (5), nine (9) and eleven (11) thereof are repealed.

3. Article Five (V) is further amended by adding thereto the following:

(1) The method of selecting judges of all courts shall be as provided by the General Assembly.

(2) The terms of office of such judges shall be determined by the General Assembly, provided, however, that the terms of Supreme Court judges shall be not less than eight (8) years and the terms of District Court judges shall be not less than six (6) years.

(3) Judges of the Supreme Court and District Court shall receive salaries from the state and such salaries shall not be diminished during their continuance in office. They shall be members of the bar of the state and shall have such other qualifications as may be provided by law and shall be ineligible to hold or be a candidate for any other public office while serving on said courts as otherwise provided by law.

(4) The General Assembly shall prescribe mandatory retirement for judges of the Supreme Court and District Court at a specified age and shall provide for adequate retirement compensation. Retired judges may be assigned to temporary judicial duties by the Chief Justice of the Supreme Court during their period of retirement.

(5) Judges of the Supreme Court and District Court who are holding office on the effective date hereof shall continue in such office for the remainder of the term to which they were elected or appointed and for such further time as may be provided by the General Assembly."

"Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the General Assembly to be chosen at the next general election, and the secretary of state is hereby directed to cause the same to be published as provided by law."

Roll call was requested.

On the question "Shall the Mowry amendment be adopted?"

The ayes were, 26:

Andrews	Duffy	Houston	Nielsen
Bohi	Dunton	Johnson of	Reppert
Briles	Eggers	Fremont	Rooney
Coffman	Eveland	Klefstad	Sersland
Conner	Hall	Mensing	Weik
Currie	Halling	Mowry	Wier
Dodds	Harrington	Naughton	

The nays were, 73:

Allen	Balch	Brinck	Burtch
Aubrey	Baumhover	Brown	Cagley

Camp	Freed	Loss	Pierce
Carstensen	Fuelling	Lucken	Rapson
Casey	Fulton	Lutz	Robinson
Christophel	Gordy	Main	Rockwell
Cunningham	Grassley	Martin	Rusk
Den Herder	Gray	Maule	Shaw
Dietz	Greenwood	McArthur	Smith
Doyle	Hagedorn	McNeal	Stanley
Edgington	Hanson	Milroy	Steenhusen
Eldred	Hirsch	Mueller	Stephens
Fairchild	Hoth	Naden	Stringer
Falvey	Johannes	Nelson	Summa
Fischer of Grundy	Johns	Nutt	Tabor
Fisher of Greene	Johnson of Hancock	Ossian	Walter
Flatt	Kimball	Owen	Wells
	Kluever	Patton	Wilson
		Paul	Mr. Speaker

Absent or not voting, 9:

Chalupa	Jarvis	Maggert	Sickels
Darrington	Johnson of	O'Toole	Swisher
Frank	Audubon		

Amendment lost.

Martin of Linn offered the following amendment, from the floor, and moved its adoption:

Amend Senate Joint Resolution 7 as follows:

1. By inserting after the period (.) in line twenty-one (21) the following: "Until July 4, 1973, and thereafter unless otherwise provided by law, the State Judicial Nominating Commission shall be composed and selected as follows:"

2. By inserting after the period (.) in line thirty-four (34) the following: "Until July 4, 1973, and thereafter unless otherwise provided by law, District Judicial Nominating Commissions shall be composed and selected as follows:"

Roll call was requested.

On the question "Shall the Martin amendment be adopted?"

The ayes were, 54:

Balch	Dodds	Johnson of	Mueller
Baumhover	Dunton	Fremont	Nelson
Briles	Eveland	Johnson of	Paul
Brinck	Falvey	Hancock	Rapson
Brown	Fischer of	Klefstad	Rusk
Burtch	Grundy	Kluever	Shaw
Cagley	Flatt	Loss	Sickels
Casey	Frank	Lutz	Smith
Christophel	Freed	Main	Stanley
Conner	Fuelling	Martin	Stephens
Cunningham	Fulton	McArthur	Stringer
Currie	Gray	McNeal	Summa
Den Herder	Hagedorn	Milroy	Swisher
Dietz	Hirsch	Mowry	Walter
			Weik

The nays were, 46:

Allen	Aubrey	Camp	Chalupa
Andrews	Bohi	Carstensen	Coffman

Doyle	Harrington	Naden	Robinson
Duffy	Hoth	Naughton	Rockwell
Eggers	Houston	Nielsen	Rooney
Fairchild	Jarvis	Nutt	Sersland
Gordy	Johannes	Ossian	Steenhusen
Grassley	Johns	Owen	Tabor
Greenwood	Lucken	Patton	Wells
Hall	Maule	Pierce	Wier
Halling	Mensing	Reppert	Wilson
Hanson			Mr. Speaker

Absent or not voting, 8:

Darrington	Fisher of	Johnson of	Maggert
Edgington	Greene	Audubon	O'Toole
Eldred		Kimball	

Amendment adopted.

Grassley of Butler offered the following amendment, filed by him, and moved its adoption:

Amend Senate Joint Resolution 7, section one (1), line seventy-five (75), by striking the words "and for two years thereafter".

Roll call was requested.

On the question "Shall the Grassley amendment be adopted?"

The ayes were, 25:

Andrews	Fulton	Houston	Naughton
Bohi	Gordy	Johns	Rooney
Briles	Grassley	Klefstad	Sersland
Camp	Hall	Maggert	Stringer
Currie	Halling	Main	Swisher
Dunton	Hoth	Mowry	Wells
Eggers			

The nays were, 67:

Allen	Duffy	Johnson of	Paul
Aubrey	Eldred	Fremont	Rapson
Balch	Eveland	Johnson of	Rockwell
Baumhover	Fairchild	Hancock	Rusk
Brinck	Falvey	Kluever	Shaw
Brown	Fischer of	Loss	Sickels
Burtch	Grundy	Lutz	Smith
Cagley	Flatt	Martin	Stanley
Carstensen	Frank	Maule	Steenhusen
Casey	Freed	McArthur	Stephens
Chalupa	Fuelling	McNeal	Summa
Christophel	Greenwood	Mensing	Tabor
Coffman	Hagedorn	Milroy	Walter
Conner	Hanson	Naden	Weik
Cunningham	Harrington	Nielsen	Wier
Den Herder	Hirsch	Nutt	Wilson
Dietz	Johannes	Ossian	Mr. Speaker
Doyle		Patton	

Absent or not voting, 16:

Darrington	Gray	Lucken	Owen
Dodds	Jarvis	Mueller	Pierce
Edgington	Johnson of	Nelson	Reppert
Fisher of	Audubon	O'Toole	Robinson
Greene	Kimball		

Amendment lost.

Stanley of Muscatine moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 7, 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:

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

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

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

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

3. The following sections are added thereto:

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

"Section 16. There shall be a State Judicial Nominating Commission. Such commission shall make nominations to fill vacancies in the Supreme Court. Until July 4, 1973, and thereafter unless otherwise provided by law, the State Judicial Nominating Commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such Commission, all of whom shall be electors of the state. The appointive members shall be appointed by the Governor subject to confirmation by the Senate. The elective members shall be elected by the resident members of the

bar of the state. The judge of the Supreme Court who is senior in length of service on said Court, other than the Chief Justice, shall also be a member of such Commission and shall be its chairman.

“There shall be a district Judicial Nominating Commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the District Court within their respective districts. Until July 4, 1973, and thereafter unless otherwise provided by law, District Judicial Nominating Commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and an equal number of elective members on each such commission, all of whom shall be electors of the district. The appointive members shall be appointed by the Governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a member of such commission and shall be its chairman.

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

“Section 17. Members of all courts shall have such tenure in office as may be fixed by law, but terms of Supreme Court Judges shall be not less than eight years and terms of District Court Judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot. Present Supreme Court and District Court Judges, at the expiration of their respective terms, may be retained in office in like manner for the tenure prescribed for such office. The General Assembly shall prescribe the time for holding judicial elections.

"Section 18. Judges of the Supreme Court and District Court shall receive salaries from the state, shall be members of the bar of the state and shall have such other qualifications as may be prescribed by law. Judges of the Supreme Court and District Court shall be ineligible to any other office of the state while serving on said court and for two years thereafter, except that District Judges shall be eligible to the office of Supreme Court Judge. Other judicial officers shall be selected in such manner and shall have such tenure, compensation and other qualification as may be fixed by law. The General Assembly shall prescribe mandatory retirement for Judges of the Supreme Court and District Court at a specified age and shall provide for adequate retirement compensation. Retired judges may be subject to special assignment to temporary judicial duties by the Supreme Court, as provided by law."

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the General Assembly to be chosen at the next general election and the Secretary of State is directed to cause the same to be published as provided by law for three months previous to the time of making such choice.

On the question "Shall the joint resolution pass?"

The yeas were, 57:

Allen	Falvey	Hoth	Paul
Balch	Fischer of	Jarvis	Pierce
Baumhover	Grundy	Johannes	Rapson
Brown	Fisher of	Johns	Robinson
Burtch	Greene	Kimball	Sersland
Camp	Flatt	Kluever	Shaw
Carstensen	Frank	Loss	Smith
Christophel	Freed	Lutz	Stanley
Cunningham	Fuelling	Maggert	Stephens
Darrington	Fulton	Martin	Stringer
Den Herder	Grassley	McArthur	Walter
Dietz	Gray	McNeal	Wier
Dodds	Greenwood	Milroy	Wilson
Edgington	Hagedorn	Naden	Mr. Speaker
Eldred	Hanson	Owen	

The nays were, 50:

Andrews	Eggers	Johnson of	Ossian
Aubrey	Eveland	Hancock	Patton
Bohi	Fairchild	Klefstad	Reppert
Briles	Gordy	Lucken	Rockwell
Brinck	Hall	Main	Rooney
Cagley	Halling	Maule	Rusk
Casey	Harrington	Mensing	Sickels
Chalupa	Hirsch	Mowry	Steenhusen
Coffman	Houston	Mueller	Summa
Conner	Johnson of	Naughton	Swisher
Currie	Audubon	Nelson	Tabor
Doyle	Johnson of	Nielsen	Weik
Duffy	Fremont	Nutt	Wells
Dunton			

Absent or not voting, 1:

O'Toole

The joint resolution having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### CALL OF THE HOUSE LIFTED

Reppert of Polk moved that the call of the House be lifted.

Motion prevailed and the call of the House was lifted.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate has passed the following bill in which the concurrence of the House is asked:

Senate File 503, a bill for an act to make appropriations to certain named persons in settlement of claims made against the State of Iowa.

Also: That the Senate has passed the following bill in which the concurrence of the House is asked:

Senate File 504, a bill for an act to make appropriations to certain named persons in settlement of claims made against the State of Iowa.

Also: That the Senate has passed the following bill in which the concurrence of the House is asked:

Senate File 507, a bill for an act to make appropriations to certain named persons in settlement of claims made against the State of Iowa.

Also: That the Senate has passed the following bill in which the concurrence of the House is asked:

Senate File 508, a bill for an act to make appropriations to certain counties in settlement of drainage assessment claims made against the State of Iowa.

Also: That the Senate has passed the following bill in which the concurrence of the House is asked:

Senate File 509, a bill for an act to make appropriations to certain named persons in settlement of claims made against the State of Iowa.

RICHARD W. BERGLUND, *Secretary.*

#### SECOND CONFERENCE COMMITTEE APPOINTED

(Senate File 345)

The Speaker announced the appointment of Smith of O'Brien, Nelson of Winnebago, Loss of Kossuth and Baumhover of Carroll, on the part of the House, to the second conference committee for the consideration of Senate File 345.