

*eighth General Assembly, the Senate Concurring*, that the House and Senate meet in a joint convention at 11:30 a.m. on April 10, 1959, in the House chamber to participate in a program to welcome and receive its honored guests.

The motion prevailed and the resolution was adopted.

Senator O'Malley called up the following resolution and moved its adoption :

#### HOUSE CONCURRENT RESOLUTION 11

*Whereas*, plans have been formulated for the creation and erection of a Lincoln statue (Lincoln and his son Tad) on the statehouse grounds by a committee selected by the Governor and organized as the "Friends of Lincoln," a non-profit benevolent organization of the State of Iowa, and

*Whereas*, the site chosen for the location of such statue is the north fountain circle on the esplanade of the west statehouse front,

*Therefore, Be It Resolved by the House, the Senate Concurring*, that the Fifty-eighth General Assembly of Iowa recommends that the Executive Council of the State of Iowa grant permission and authority to said group or organization, "Friends of Lincoln" to erect such statue at such chosen site.

The motion prevailed and the resolution was adopted.

#### HOUSE AMENDMENTS CONSIDERED

Senator Shaff called up for consideration 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, amended by the House as follows:

Amend Senate Joint Resolution 7 as follows:

1. By inserting after the period (.) in line 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 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:".

Senator Putney offered the following amendment to the House amendment and moved its adoption :

Amend the House amendment to Senate Joint Resolution 7 as follows :

By striking all of divisions 1 and 2 and inserting in lieu thereof the following:

"1. By striking the period (.) in line 21 and inserting in lieu thereof 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 striking the period (.) in line 34 and inserting in lieu thereof the following:

'until July 4, 1973, and thereafter unless otherwise provided by law. The District Judicial Nominating Commissions shall be composed and selected as follows:'.

Roll call was demanded.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 23:

Boothby	Frommelt	Moore	Price
Byers	Gillespie	Nolan	Putney
Coleman	Grimstead	O'Connor	Scott
Edelen	Hansen	O'Malley	Vance
Eppers	Hoffman	Potter	Walker
Fisher	Mincks	Prentis	

Nays, 24:

Buck	Harbor	Lynes	Shaff
Butler	Henry	Miller	Shoeman
Elijah	Hill	Prince	Stuart
Evans	Hoschek	Rigler	Turner
Getting	Hoxie	Ringgenberg	Weber
Gilmour	Long	Schroeder	Wolf

Absent or not voting, 3:

Dewel	Dykhouse	McCurdy
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The amendment was lost.

Senator Nolan called up the following amendment and moved its adoption:

Amend the House amendment as follows:

1. By striking the following in line 4 "Until July 4, 1973, and thereafter unless" and inserting in lieu thereof "Unless".

2. By striking the following in line 9 "Until July 4, 1973, and thereafter unless" and inserting in lieu thereof "Unless".

Senator Mincks moved the previous question on the amendment to the amendment which motion prevailed.

Roll call was demanded.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 22:

Boothby	Eppers	Gillespie	Hoffman
Byers	Fisher	Grimstead	Mincks
Coleman	Frommelt	Hansen	Moore

Nolan  
O'Connor  
O'Malley

Potter  
Prentis  
Price

Putney  
Scott

Vance  
Walker

Nays, 27:

Buck  
Butler  
Dewel  
Dykhouse  
Edelen  
Elijah  
Evans

Getting  
Gilmour  
Harbor  
Henry  
Hill  
Hoschek  
Hoxie

Long  
Lynes  
Miller  
Prince  
Rigler  
Ringgenberg  
Schroeder

Shaff  
Shoeman  
Stuart  
Turner  
Weber  
Wolf

Absent or not voting, 1:

McCurdy

The amendment to the amendment was lost.

Senator Shaff moved that the Senate concur in the House amendments, which motion prevailed, and the Senate concurred in the House amendments.

Senator Shaff moved that the resolution as amended by the House and concurred in by the Senate be read a last time now, which motion prevailed, and the 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 resolution pass?” the vote was:

Yeas, 30:

Buck	Fisher	Hoschek	Schroeder
Butler	Getting	Long	Shaff
Coleman	Gillespie	Lynes	Shoeman
Dewel	Gilmour	Miller	Stuart
Dykhouse	Hansen	O'Malley	Walker
Edelen	Henry	Prince	Weber
Elijah	Hill	Rigler	Wolf
Evans	Hoffman		

Nays, 16:

Boothby	Grimstead	Nolan	Putney
Byers	Harbor	O'Connor	Ringgenberg
Eppers	Hoxie	Potter	Scott
Frommelt	Mincks	Prentis	Turner

Absent or not voting, 4:

McCurdy	Moore	Price	Vance
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The resolution having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Shaff moved that the vote by which the resolution passed the Senate be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

#### UNFINISHED BUSINESS

On motion of Senator Nolan, House File 340, a bill for an act relating to the highway systems in the state, was taken up for further consideration.

Senator Nolan offered the following amendment:

1. Amend House File 340 by striking all of lines 20 and 21 and inserting in lieu thereof the following: "year the traffic on the section in question exceeds three hundred (300) vehicles per day it shall remain in the primary".

2. Further amend House File 340 by striking all of line 23 and inserting in lieu thereof the following: "section does not exceed three hundred (300) vehicles per day,".

Senator Dykhouse offered the following amendment to the amendment, filed by Senators Schroeder and Dykhouse, and moved its adoption:

Amend the amendment by striking in line 3, the words and figures "three hundred (300)" and inserting in lieu thereof the words and figures "seven hundred (700)".

Further amend the Nolan amendment by striking in line 7, the words and figures "three hundred (300)" and inserting in lieu thereof the words and figures "seven hundred (700)".

The amendment to the amendment was lost.

Senator Nolan offered the following amendment to the amendment and moved its adoption:

Amend the amendment as follows:

1. Lines 1 and 2 by striking the figures "20 and 21" and inserting in lieu thereof "22 and 23".

2. Line 6 by striking the figure "23" and inserting in lieu thereof "25".

The amendment to the amendment was adopted.

Senator Nolan asked unanimous consent to withdraw his amendment as amended.

Objection was raised.

On the adoption of the amendment as amended roll call was demanded.