

Senator Hill offered the following amendment and moved its adoption:

Amend Senate File 110 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section one hundred ten point seventeen (110.17), Code 1958, is hereby amended by inserting after the word "States" in line twenty-two (22) the following: "on active duty, and a legal resident of the State of Iowa,".

The amendment was adopted.

Senator Putney moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 50:

Brown	Getting	Nolan	Shoeman
Buck	Gilmour	Nystrom	Stuart
Butler	Gray	O'Malley	Turner
Coleman	Grimstead	Phelps	Vance
Cowden	Hansen	Potter	Van Eaton
Curran	Hill	Prentis	Walker
Dykhouse	Hoschek	Price	Walter
Elijah	Hoxie	Putney	Wearin
Elvers	Long	Rigler	Weber
Eppers	Lucken	Schroeder	Wiley
Fisher	Lynes	Scott	Wilson
Flatt	Mincks	Shaff	Wolf
Frommelt	Moore		

Nays, none.

Absent or not voting, none.

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

SPECIAL ORDER

The hour of 10:15 a.m. having arrived, the Chair announced the special order of business for the consideration of Senate Joint Resolution 14.

THIRD READING OF BILLS

On motion of Senator Stuart, Senate Joint Resolution 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, was taken up and considered.

Senator Vance offered the following amendment:

Amend Senate Joint Resolution 14, section 1, by adding at the end of line 18 the following:

"Such nominees shall be appointed without regard to their political affiliation, their race, color or creed, and only on the basis of their judicial qualifications.

The Chair announced that the following Call of the Senate had been filed and directed the Secretary to call the roll.

CALL OF THE SENATE

MR. PRESIDENT: Pursuant to Rule 5 of the Temporary Rules of the Senate of the Fifty-ninth General Assembly, we, the undersigned, do hereby request a Call of the Senate on Senate Joint Resolution 14 and all amendments thereto and thereon.

W. C. STUART.
DAVID O. SHAFF.
JACK SCHROEDER.
IRVING D. LONG.
J. LOUIS FISHER.
EARL ELIJAH.
JOHN D. SHOEMAN.

J. KENDALL LYNES.
MELVIN H. WOLF.
J. T. DYKHOUSE.
JOHN A. WALKER.
EUGENE M. HILL.
C. EDWIN GILMORE.
CLIFFORD NYSTROM.

Roll call revealed all members present and the Chair declared the Call of the Senate in effect.

On motion of Senator Lynes, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Mooty presiding.

Roll call revealed all members present.

The Senate resumed consideration of Senate Joint Resolution 14 and the amendment filed thereto by Senator Vance.

Senator Vance moved the adoption of the amendment and requested a roll call.

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

Ayes, 14:

Coleman
Dykhouse
Eppers
Frommelt

Lucken
Mincks
Moore
Nolan

Potter
Prentis
Putney

Scott
Vance
Walker

Nays, 36:

Brown
Buck
Butler
Cowden
Curran
Elijah

Elvers
Fisher
Flatt
Getting
Gilmour
Gray

Grimstead
Hansen
Hill
Hoschek
Hoxie
Long

Lynes
Nystrom
O'Malley
Phelps
Price
Rigler

Schroeder	Stuart	Walter	Wiley
Shaff	Turner	Wearin	Wilson
Shoeman	Van Eaton	Weber	Wolf

Absent or not voting, none.

The amendment was lost.

Senator Potter offered the following amendment and moved its adoption and requested a roll call:

Amend Senate Joint Resolution 14 by striking from line 79 of section 1 the following: "and for two years thereafter".

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

Ayes, 14:

Coleman	Lucken	Potter	Scott
Dykhouse	Mincks	Prentis	Vance
Eppers	Moore	Putney	Walker
Frommelt	Nolan		

Nays, 36:

Brown	Getting	Lynes	Stuart
Buck	Gilmour	Nystrom	Turner
Butler	Gray	O'Malley	Van Eaton
Cowden	Grimstead	Phelps	Walter
Curran	Hansen	Price	Wearin
Elijah	Hill	Rigler	Weber
Elvers	Hoschek	Schroeder	Wiley
Fisher	Hoxie	Shaff	Wilson
Flatt	Long	Shoeman	Wolf

Absent or not voting, none.

The amendment was lost.

Senator Nolan offered the following amendment:

Amend Senate Joint Resolution 14, section 1, as follows:

1. Amend Senate Joint Resolution 14, by inserting after the word "state" in line 29 the following "in such manner as provided by law".

2. By inserting after the word "district" in line 42 the following "in such manner as provided by law".

3. By striking from line 50 the words "shall serve for six year terms," and by striking from line 51 the words "six year".

4. By striking in lines 55 and 56 the words "As near as may be, the terms of one-third of such members shall expire every two years.", and inserting in lieu thereof the words "As near as may be, the terms of such members first appointed and elected hereunder shall be one-third for two years, one-third for four years, one-third for six years, and thereafter for a term of six years."

5. By striking the period (.) in line 60 and adding the following words "subject to the condition that such".

6. By striking the period (.) in line 63 and adding the following word "when".

7. By striking the following in lines 66 and 67 "when such tenure for a term of years,".

8. Insert after the comma (,) in line 75 the following "which salaries shall not be diminished during the term for which they have been appointed,".

Senator Nolan moved the adoption of divisions 1 and 2 of the amendment.

Roll call was requested.

On the question "Shall divisions 1 and 2 of the amendment be adopted?" the vote was:

Ayes, 14:

Coleman	Lucken	Potter	Scott
Dykhouse	Mincks	Prentis	Vance
Eppers	Moore	Putney	Walker
Frommelt	Nolan		

Nays, 36:

Brown	Getting	Lynes	Stuart
Buck	Gilmour	Nystrom	Turner
Butler	Gray	O'Malley	Van Eaton
Cowden	Grimstead	Phelps	Walter
Curran	Hansen	Price	Wearin
Elijah	Hill	Rigler	Weber
Elvers	Hoschek	Schroeder	Wiley
Fisher	Hoxie	Shaff	Wilson
Flatt	Long	Shoeman	Wolf

Absent or not voting, none.

Divisions 1 and 2 of the amendment were lost.

Senator Nolan moved the adoption of divisions 3 and 4 of the amendment.

Roll call was requested.

On the question "Shall divisions 3 and 4 of the amendment be adopted?" the vote was:

Ayes, 13:

Coleman	Mincks	Potter	Scott
Eppers	Moore	Prentis	Vance
Frommelt	Nolan	Putney	Walker
Lucken			

Nays, 37:

Brown	Getting	Lynes	Stuart
Buck	Gilmour	Nystrom	Turner
Butler	Gray	O'Malley	Van Eaton
Cowden	Grimstead	Phelps	Walter
Curran	Hansen	Price	Wearin
Dykhouse	Hill	Rigler	Weber
Elijah	Hoschek	Schroeder	Wiley
Elvers	Hoxie	Shaff	Wilson
Fisher	Long	Shoeman	Wolf
Flatt			

Absent or not voting, none.

Divisions 3 and 4 of the amendment were lost.

Senator Nolan asked and received unanimous consent to withdraw divisions 5, 6 and 7 of the amendment.

Senator Nolan moved the adoption of division 8 of the amendment.

Roll call was requested.

On the question "Shall division 8 of the amendment be adopted?" the vote was:

Ayes, 13:

Coleman	Mincks	Potter	Scott
Eppers	Moore	Prentis	Vance
Frommelt	Nolan	Putney	Walker
Lucken			

Nays, 37:

Brown	Getting	Lynes	Stuart
Buck	Gilmour	Nystrom	Turner
Butler	Gray	O'Malley	Van Eaton
Cowden	Grimstead	Phelps	Walter
Curran	Hansen	Price	Wearin
Dykhouse	Hill	Rigler	Weber
Elijah	Hoschek	Schroeder	Wiley
Elvers	Hoxie	Shaff	Wilson
Fisher	Long	Shoeman	Wolf
Flatt			

Absent or not voting, none.

Division 8 of the amendment was lost.

Senator Prentis offered the following amendment, filed by Senators Prentis and Putney, moved its adoption and requested a roll call:

Amend Senate Joint Resolution 14 as follows:

1. Insert after the word "commission" in line 14 of section 1 the following words: "subject to confirmation by the Senate".
2. Insert after the word "court" in line 18 of section 1 the following words: "subject to confirmation by the Senate".
3. Insert after the word "governor" in line 42 of section 1 the following words: "subject to confirmation by the Senate".

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

Ayes, 12:

Coleman	Mincks	Potter	Scott
Eppers	Moore	Prentis	Vance
Lucken	Nolan	Putney	Walker

Nays, 38:

Brown	Frommelt	Lynes	Stuart
Buck	Getting	Nystrom	Turner
Butler	Gilmour	O'Malley	Van Eaton
Cowden	Gray	Phelps	Walter
Curran	Grimstead	Price	Wearin
Dykhouse	Hansen	Rigler	Weber
Elijah	Hill	Schroeder	Wiley
Elvers	Hoschek	Shaff	Wilson
Fisher	Hoxie	Shoeman	Wolf
Flatt	Long		

Absent or not voting, none.

The amendment was lost.

Senator Walker asked and received unanimous consent to withdraw the following amendment filed by him:

Amend Senate Joint Resolution 14, section 1, as follows:

By inserting in line 76 after the word "state" the following "and who shall not have attained their fiftieth year of age when appointed".

Senator Moore offered the following amendment and moved its adoption and requested a roll call:

Amend Senate Joint Resolution 14, section 1, by striking lines 19 to 56, inclusive, and inserting in lieu thereof the following:

"Section 16. There shall be a state judicial nominating commission as shall be provided by law. The commission shall make nominations to fill vacancies in the supreme court. There shall also be a district judicial nominating commission in each judicial district of the state as shall be provided by law. Such commissions shall make nominations to fill vacancies in the district court within their respective districts."

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

Ayes, 13:

Coleman	Mincks	Potter	Scott
Eppers	Moore	Prentis	Vance
Frommelt	Nolan	Putney	Walker
Lucken			

Nays, 37:

Brown	Getting	Lynes	Stuart
Buck	Gilmour	Nystrom	Turner
Butler	Gray	O'Malley	Van Eaton
Cowden	Grimstead	Phelps	Walter
Curran	Hansen	Price	Wearin
Dykhouse	Hill	Rigler	Weber
Elijah	Hoschek	Schroeder	Wiley
Elvers	Hoxie	Shaff	Wilson
Fisher	Long	Shoeman	Wolf
Flatt			

Absent or not voting, none.

The amendment was lost.

Senator Shaff moved that the resolution be read a third time now, which motion prevailed, and the resolution was read a third time.

Senate Joint Resolution 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:

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 Iowa, having been adopted and agreed to by the Fifty-eighth (58th) General Assembly, thereafter duly published, and now adopted and

agreed to by the Fifty-ninth (59th) General Assembly in this Joint Resolution, shall be submitted to the people at a special election to be held for that purpose at the same time and in conjunction with the primary election to be held for the selection of political party candidates for public office in the year nineteen hundred sixty-two (1962). The submission at said special election shall in all respects be governed and conducted as prescribed by law for the submission of a Constitutional amendment at a general election.

On the question "Shall the resolution pass?" the vote was:

Yeas, 40:

Brown	Flatt	Lynes	Stuart
Buck	Getting	Moore	Turner
Butler	Gilmour	Nystrom	Van Eaton
Coleman	Gray	O'Malley	Walker
Cowden	Grimstead	Phelps	Walter
Curran	Hansen	Putney	Wearin
Dykhouse	Hill	Rigler	Weber
Elijah	Hoschek	Schroeder	Wiley
Elvers	Hoxie	Shaff	Wilson
Fisher	Long	Shoeman	Wolf

Nays, 10:

Eppers	Mincks	Prentis	Scott
Frommelt	Nolan	Price	Vance
Lucken	Potter		

Absent or not voting, none.

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.

Roll call was requested.

On the question "Shall the Senate reconsider and the motion to reconsider be laid on the table?" the vote was:

Rule 8 was invoked.

Ayes, 37:

Brown	Getting	Lynes	Stuart
Buck	Gilmour	Moore	Turner
Butler	Gray	Nystrom	Van Eaton
Cowden	Grimstead	O'Malley	Walter
Curran	Hansen	Phelps	Wearin
Dykhouse	Hill	Putney	Weber
Elijah	Hoschek	Schroeder	Wiley
Elvers	Hoxie	Shaff	Wilson
Fisher	Long	Shoeman	Wolf
Flatt			

Nays, 13:

Coleman	Mincks	Prentis	Scott
Eppers	Nolan	Price	Vance
Frommelt	Potter	Rigler	Walker
Lucken			

Absent or not voting, none.

The motion prevailed.

Senator Mincks submitted the following report:

REPORT OF THE PUBLIC ASSISTANCE STUDY COMMITTEE
TO THE MEMBERS OF THE FIFTY-NINTH GENERAL ASSEMBLY
JANUARY, 1961
ORGANIZATION

The Fifty-eighth General Assembly by Joint Resolution 8, created a joint bipartisan Committee to study Public Assistance in this state, and to make a written report and recommendations to the Fifty-ninth General Assembly.

The Committee has been composed of six members from the House of Representatives and six members from the Senate; three Republicans and three Democrats from each chamber. After the initial organizational meeting, the Committee was composed as follows:

Senate Members	House Members
Jake B. Mincks, Chairman	Riley Dietz, Secretary
George E. O'Malley	A. L. Mensing
Walter F. Edelen	Hillman H. Sersland
Jack Schroeder	Kenneth E. Owen
J. Louis Fisher	Robert R. Dodds
Guy G. Butler	Robert D. Fulton

Mrs. Winifred Dalrymple was employed as secretary by the Committee and took minutes of all meetings. These have been retained and are available for study by the members of the Fifty-ninth General Assembly. As a result of the information received, the following summaries and recommendations are made.

WELFARE PROGRAMS OF IOWA

Following is a brief explanation of the welfare programs in Iowa:

Categorical Relief

Aid to Dependent Children, Aid to the Blind, Aid to the Permanently and Totally Disabled, Old Age Assistance are welfare programs that are supported by funds from the federal, state, and county government. These are commonly called the categorical relief programs. Although the contributions to the programs vary, they are approximately on the following basis: The federal government contributes 50 per cent and the state and county governments, 25 per cent each.

These programs in accordance with the Social Security Act are administered by the State Department of Social Welfare. These programs must be administered according to broad rules and regulations promulgated by the Social Security Office. Failure to comply with these basic requirements of the Federal Government can result in the State of Iowa being deprived of federal matching funds.

On the local level, these programs are directed by the county board of social welfare "with only such powers and duties as prescribed in the laws relating thereto" (Sec. 234.11, 1958, Code of Iowa). This means that the local welfare boards must comply with the rules and regulations of the