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REFERENCE TITLE: **justices and judges; retirement age**

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SCR 1013

Introduced by
Senator Brotherton: Representatives Burton Cahill, Lopez L

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 20 AND 39, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Article VI, sections 20 and 39, Constitution of Arizona, are
4 proposed to be amended as follows, if approved by the voters and on
5 proclamation of the Governor:

6 20. Retirement and service of retired justices and
7 judges

8 Section 20. The legislature shall prescribe by law a plan
9 of retirement for justices and judges of courts of record,
10 including the basis and amount of retirement pay, and requiring,
11 except as provided in section 35 of this article, that justices
12 and judges of courts of record be retired upon reaching the age
13 of ~~seventy~~ SEVENTY-FIVE. Any retired justice or judge of any
14 court of record who is drawing retirement pay may serve as a
15 justice or judge of any court. When serving outside ~~his~~ THE
16 JUSTICE'S OR JUDGE'S county of residence, any such retired
17 justice or judge shall receive ~~his~~ necessary traveling and
18 subsistence expenses. A retired JUSTICE OR judge who is
19 temporarily called back to the active duties of a JUSTICE OR
20 judge is entitled to receive the same compensation and expenses
21 as other like active JUSTICES OR judges less any amount received
22 for such period in retirement benefits.

23 39. Retirement of justices and judges; vacancies

24 Section 39. A. On attaining the age of ~~seventy~~
25 SEVENTY-FIVE years a justice or judge of a court of record shall
26 retire and ~~his~~ THE JUSTICE'S OR JUDGE'S judicial office shall be
27 vacant, except as otherwise provided in section 35 of this
28 article. In addition to becoming vacant as provided in this
29 section, the office of a justice or judge of any court of record
30 becomes vacant upon ~~his~~ THE JUSTICE'S OR JUDGE'S death, ~~or his~~
31 voluntary retirement pursuant to statute or ~~his~~ voluntary
32 resignation, and also, as provided in section 38 of this
33 article, upon the expiration of ~~his~~ THE JUSTICE'S OR JUDGE'S
34 term next following a general election at which a majority of
35 those voting on the question of ~~his~~ THE JUSTICE'S OR JUDGE'S
36 retention vote in the negative or for which general election ~~he~~
37 THE JUSTICE OR JUDGE is required, but fails, to file a
38 declaration of ~~his~~ desire to be retained in office.

39 B. This section is alternative to and cumulative with the
40 methods of removal of judges and justices provided in ARTICLE
41 VIII, parts 1 and 2 ~~of article 8~~ and article ~~6.1 of this~~
42 ~~Constitution VI.I.~~

43 2. The Secretary of State shall submit this proposition to the voters
44 at the next general election as provided by article XXI, Constitution of
45 Arizona.