

## CHAPTER 222

## CONTENTS OF ORIGINAL NOTICE OF SUIT

AN ACT to amend section eleven thousand fifty-five (11055), code, 1927, relating to the contents of an original notice of suit.

*Be it enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. Section eleven thousand fifty-five (11055), code, 1927,
- 2 is amended by striking from line thirteen (13) the word "it" and by
- 3 inserting in lieu thereof the following words, to wit:
- 4 "said term, and the date when and place where said court will con-
- 5 vene".

Senate File No. 143. Approved April 27, 1931.

## CHAPTER 223

## CHALLENGE OF PROPOSED AMENDMENTS

AN ACT providing a means whereby any taxpayer may challenge the legality, validity or constitutionality of any proposed constitutional amendment, and to amend sections eleven thousand fifty-nine (11059), eleven thousand one hundred twenty-one (1121), eleven thousand one hundred twenty-three (1123), eleven thousand four hundred thirty-six (11436), twelve thousand eight hundred thirty-two (12832), twelve thousand eight hundred forty-seven (12847), and twelve thousand eight hundred seventy-one (12871) of the code, 1927, relating to procedure in civil cases.

*Be it enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. Whenever an amendment to the constitution of the
- 2 state of Iowa shall have been proposed and agreed to by the general
- 3 assembly and shall have been agreed to by the succeeding general
- 4 assembly, any taxpayer may file suit in equity in the district court
- 5 at the seat of government of the state, challenging the validity, legal-
- 6 ity or constitutionality of such amendment, or the procedure con-
- 7 nected therewith, and in such suit the district court shall have juris-
- 8 diction to determine the validity, legality or constitutionality of said
- 9 amendment or the procedure connected therewith, and enter its decree
- 10 accordingly, and may grant a writ of injunction enjoining the gov-
- 11 ernor and secretary of state from submitting such constitutional
- 12 amendment, if it, or the procedure connected therewith shall have
- 13 been found to be invalid, illegal or unconstitutional.

- 1 SEC. 2. In such suit the taxpayer shall be plaintiff and the gov-
- 2 ernor and secretary of state shall be defendants. Any tax payer may
- 3 intervene, either as party plaintiff or defendant.

- 1 SEC. 3. Amend section eleven thousand fifty-nine (11059), of the
- 2 code, 1927, by inserting after the word "service" in line three (3)
- 3 thereof, the following: ", except as provided in paragraph four (4)
- 4 of this section."

- 5 Also further amend said section eleven thousand fifty-nine (11059)
- 6 of the code, 1927, by adding paragraph four (4) as follows:

- 7 "If the action challenges the legality, validity or constitutionality
- 8 of a proposed constitutional amendment, the defendant shall be held

9 to appear within three (3) days after the service of an original  
10 notice."

1 SEC. 4. Amend section eleven thousand one hundred twenty-one  
2 (11121) of the code, 1927, by adding at the end thereof the following:  
3 "If the action challenges the legality, validity or constitutionality  
4 of a proposed constitutional amendment, the defendant shall plead  
5 within three (3) days after service of the original notice."

1 SEC. 5. Amend section eleven thousand one hundred twenty-three  
2 (11123) of the code, 1927, by adding at the end thereof the following:  
3 "If the action challenges the legality, validity or constitutionality  
4 of a proposed constitutional amendment, the court shall not extend  
5 the time to plead more than two (2) days beyond the time fixed  
6 herein."

1 SEC. 6. Amend section eleven thousand four hundred thirty-six  
2 (11436) of the code, 1927, by adding at the end thereof the following:  
3 "If the action challenges the legality, validity or constitutionality  
4 of a proposed constitutional amendment, the cause shall be tried either  
5 in term time or in vacation within three (3) days after the issues  
6 are made up."

1 SEC. 7. Amend section twelve thousand eight hundred thirty-two  
2 (12832) of the code, 1927, by inserting after the word "months" in  
3 line four (4), the following:  
4 "except as hereinafter provided"  
5 Further amend section twelve thousand eight hundred thirty-two  
6 (12832) of the code, 1927, by adding at the end thereof the following:  
7 "If the action challenges the legality, validity or constitutionality  
8 of a proposed constitutional amendment, notice of appeal may be  
9 taken within three (3) days from and after the entry of the decree  
10 in district court, and not afterwards.

1 SEC. 8. Amend section twelve thousand eight hundred forty-seven  
2 (12847) of the code, 1927, by inserting after the word "days" in line  
3 two (2), the following:  
4 "except as hereinafter provided".  
5 Also further amend section twelve thousand eight hundred forty-  
6 seven (12847) of the code, 1927, by adding at the end thereof, the  
7 following:  
8 "If the action challenges the legality, validity or constitutionality  
9 of a proposed constitutional amendment, an abstract of record shall  
10 be filed within five (5) days after the service of notice of appeal,  
11 unless additional time, not to exceed three (3) days, be granted by  
12 the chief justice.

1 SEC. 9. Amend section twelve thousand eight hundred seventy-one  
2 (12871) of the code, 1927, by inserting after the word "thereof" in  
3 line seven (7), the following:  
4 "If the action challenges the legality, validity or constitutionality  
5 of a proposed constitutional amendment, the appellant shall file a  
6 written argument within ten (10) days after the filing of the abstract  
7 and appellee shall file his argument within ten (10) days thereafter,  
8 and appellant shall then file his reply within three (3) days. The

9 cause shall then be submitted to the supreme court in regular or  
10 special full bench session as soon thereafter as the chief justice may  
11 order.

1 SEC. 10. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in two news-  
3 papers of the state as provided by law.

House File No. 154. Approved February 20, 1931.

I hereby certify that the foregoing act was published in the Des Moines Daily Record  
February 21, 1931, and the Newton Daily News February 21, 1931.

G. C. GREENWALT, *Secretary of State.*

## CHAPTER 224

### PUBLICATION OF NOTICE IN CIVIL ACTIONS

AN ACT to amend section (11081) of the code, 1927, relating to publication of notice  
in civil actions.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. That subdivision eight (8) of section eleven thousand  
2 eighty-one (11081) of the code, 1927, be amended by inserting after  
3 the word "divorce" at the end of line one (1) thereof, the following:  
4 ", or for a change or for modification of a decree of divorce".

House File No. 304. Approved April 30, 1931.

## CHAPTER 225

### SIGNING OF ORDERS IN VACATION

AN ACT to amend the law relating to the signing of orders by judges of the district  
court in vacation.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. When a judge of the district court is authorized to sign  
2 orders in vacation, he may do so outside his judicial district, if done  
3 within the state.

House File No. 17. Approved April 25, 1931.

## CHAPTER 226

### USE OF CERTAIN RECORDS AS EVIDENCE

AN ACT to amend section eleven thousand two hundred ninety-one (11291), code, 1927,  
relating to the use as evidence of certain records or certified copies thereof.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section eleven thousand two hundred ninety-one  
2 (11291), code, 1927, is amended by striking therefrom the following  
3 words, to wit:  
4 "there is a statement in the certificate of acknowledgment that the  
5 same is made under his hand and seal of office, and".

Senate File No. 141. Approved May 2, 1931.