

CHAPTER 314

COMPENSATION OF HOUSE MEMBERS

H. J. R. 23

A JOINT RESOLUTION establishing legislative compensation to be paid because of a vacancy resulting in the House membership.

WHEREAS, a vacancy was created in the thirteenth district due to the death of Representative Delbert Trowbridge; and

WHEREAS, this vacancy was filled by the election of Representative Rollin Howell at a special election held on March 27, 1973; and

WHEREAS, some question has arisen with reference to the language in section two point ten (2.10), subsection four (4) of the Code, regarding proportional compensation when a vacancy occurs because it appears that such subsection anticipates that legislative salaries be paid over a twelve month period rather than a six month period as provided in subsection five (5) of section two point ten (2.10) of the Code; and

WHEREAS, the proceedings for computing the proportional compensation of a member of the General Assembly are vague and subject to ambiguity and Article three (III), section nine (9), of the Constitution of the State of Iowa grants to each house of the General Assembly the power to determine its rules and proceedings, NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Representative Delbert Trowbridge or his surviving
- 2 spouse shall be paid a total of \$1,833.32 in salary for the calendar year
- 3 1973, and Representative Rollin Howell be paid a total of \$4,125 in
- 4 salary for the calendar year 1973.

Approved June 29, 1973.

CHAPTER 315

RULES OF CIVIL PROCEDURE AMENDED

S. F. 514

AN ACT to amend the rules of civil procedure proposed by the supreme court.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Amend the proposed rules of civil procedure found in
- 2 Senate Journal, January 18, 1973, page 104, Rule thirty-four (34),
- 3 unnumbered paragraph one (1) to read as follows:

4 That "rule ~~31~~ 33" be stricken from line 2 of rule 74 and "rules 33
5 and 34" be substituted, that "(a) AGAINST COPARTIES." be
6 stricken from rule 33, and that rules 33(b) and 34 be stricken and
7 the following be substituted:

- 1 SEC. 2. Amend the proposed rules of civil procedure found in
- 2 Senate Journal, January 18, 1973, page 116, Rule one hundred ninety-
- 3 six (196), by striking subdivision one (1).

1 SEC. 3. Amend the proposed rules of civil procedure found in
2 Senate Journal, January 18, 1973, pages 104 and 105, Rule one hun-
3 dred twenty-two (122), subdivision three (3), unnumbered paragraph
4 two (2) to read as follows:

5 A party may obtain without the required showing a statement con-
6 cerning the action or its subject matter previously made by that party.
7 Upon request, a person not a party may obtain without the required
8 showing a statement concerning the action or its subject matter pre-
9 viously made by that person. If the request is refused, the person may
10 move for a court order. The provisions of rule 134(a)(4) apply to the
11 award of expenses incurred in relation to the motion. For purposes
12 of this paragraph, a statement previously made ~~in~~ is (A) a written
13 statement signed or otherwise adopted or approved by the person
14 making it, or (B) a stenographic, mechanical, electrical, or other
15 recording, or a transcription thereof, which is a substantially verbatim
16 recital of an oral statement by the person making it and contempo-
17 raneously recorded.

1 SEC. 4. Amend the proposed rules of civil procedure found in
2 Senate Journal, January 18, 1973, page 116, Rule two hundred three
3 (203), subdivision two (2), paragraph (a), by adding the following
4 new sentence: However, no general verdict, special verdict, or answers
5 to interrogatories may be rendered by five-sixths of the jurors or less
6 until the jurors have deliberated for a period of not less than six hours
7 after the issues to be decided have been submitted to them.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 316

RULES OF CIVIL PROCEDURE

IN THE MATTER OF THE RULES OF CIVIL PROCEDURE	}	REPORT OF THE SUPREME COURT
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To the First Regular Session of the Sixty-fifth General Assembly of the State of Iowa:

1 Pursuant to Sections 684.18 and 684.19, Code 1973, the Supreme
2 Court of Iowa has prescribed and hereby reports to the General
3 Assembly changes in the existing Rules of Civil Procedure as follows:

4 **Rule 8. Injury or death of a minor.**

5 That rule 8 be stricken and the following be substituted:

6 A parent, or the parents, may sue for the expense and actual loss
7 of services, companionship and society resulting from injury to or
8 death of a minor child.

9 **Rule 34. Bringing in new parties—procedure.**

10 That "rule 33" be stricken from line 2 of rule 74 and "rules 33 and
11 34" be substituted, that "(a) AGAINST COPARTIES." be stricken from
12 rule 33, and that rules 33(b) and 34 be stricken and the following
13 be substituted: