

APR 6 1971

HOUSE FILE 587

Place On Calendar

By COMMITTEE ON JUDICIARY

*Sen. Judiciary 4/22, Pass 4/29*

Passed House, Date 4-19-71 Passed Senate, Date 5-11-71

Vote: Ayes 90 Nays 0 Vote: Ayes 48 Nays 0

Approved 5-24-71

## A BILL FOR

1 An Act relating to rules of statutory construction.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Chapter four (4), Code 1971, is amended by  
2 adding sections two (2) through eleven (11) of this Act.

3 Sec. 2. PRESUMPTION OF ENACTMENT. In enacting a statute,  
4 it is presumed that:

5 1. Compliance with the constitutions of the state and of  
6 the United States is intended.

7 2. The entire statute is intended to be effective.

8 3. A just and reasonable result is intended.

9 4. A result feasible of execution is intended.

10 5. Public interest is favored over any private interest.

11 Sec. 3. PROSPECTIVE STATUTES. A statute is presumed to  
12 be prospective in its operation unless expressly made  
13 retrospective.

14 Sec. 4. AMBIGUOUS STATUTES - INTERPRETATION. If a statute  
15 is ambiguous, the court, in determining the intention of the  
16 legislature, may consider among other matters:

17 1. The object sought to be attained.

18 2. The circumstances under which the statute was enacted.

19 3. The legislative history.

20 4. The common law or former statutory provisions, includ-  
21 ing laws upon the same or similar subjects.

22 5. The consequences of a particular construction.

23 6. The administrative construction of the statute.

24 7. The preamble or statement of policy.

25 Sec. 5. CONFLICTS BETWEEN GENERAL AND SPECIAL STATUTES.

26 If a general provision conflicts with a special or local pro-  
27 vision, they shall be construed, if possible, so that effect  
28 is given to both. If the conflict between the provisions  
29 is irreconcilable, the special or local provision prevails  
30 as an exception to the general provision.

31 Sec. 6. IRRECONCILABLE STATUTES. If statutes enacted  
32 at the same or different sessions of the legislature are irre-  
33 concilable, the statute latest in date of enactment by the  
34 general assembly prevails. If provisions of the same Act  
35 are irreconcilable, the provision listed last in the Act

1 prevails.

2 Sec. 7. OFFICIAL COPY PREVAILS. If the language of the  
3 official copy of a statute conflicts with the language of  
4 any subsequent printing or reprinting of the statute, the  
5 language of the official copy prevails.

6 Sec. 8. REENACTMENT OF STATUTES - CONTINUATION. A statute  
7 which is reenacted, revised or amended is intended to be a  
8 continuation of the prior statute and not a new enactment,  
9 so far as it is the same as the prior statute.

10 Sec. 9. CONFLICTING AMENDMENTS TO SAME STATUTES - INTERPRE-  
11 TATION. If amendments to the same statute are enacted at  
12 the same or different sessions of the general assembly, one  
13 amendment without reference to another, the amendments are  
14 to be harmonized, if possible, so that effect may be given  
15 to each. If the amendments are irreconcilable, the latest  
16 in date of enactment by the general assembly prevails.

17 Sec. 10. ACTS OR STATUTES ARE SEVERABLE. If any provision  
18 of an act or statute or the application thereof to any person  
19 or circumstance is held invalid, the invalidity does not  
20 affect other provisions or applications of the act or statute  
21 which can be given effect without the invalid provision or  
22 application, and to this end the provisions of the act or  
23 statute are severable.

24 Sec. 11. GENERAL SAVINGS PROVISION. The reenactment,  
25 revision, amendment, or repeal of a statute does not affect:

26 1. The prior operation of the statute or any prior action  
27 taken thereunder;

28 2. Any validation, cure, right, privilege, obligation,  
29 or liability previously acquired, accrued, accorded, or  
30 incurred thereunder;

31 3. Any violation thereof or penalty, forfeiture, or punish-  
32 ment incurred in respect thereto, prior to the amendment or  
33 repeal; or

34 4. Any investigation, proceeding, or remedy in respect  
35 of any privilege, obligation, liability, penalty, forfeiture,

1 or punishment; and the investigation, proceeding, or remedy  
2 may be instituted, continued, or enforced, and the penalty,  
3 forfeiture, or punishment imposed, as if the statute had not  
4 been repealed or amended.

5 If the penalty, forfeiture, or punishment for any offense  
6 is reduced by a reenactment, revision, or amendment of a  
7 statute, the penalty, forfeiture, or punishment if not already  
8 imposed shall be imposed according to the statute as amended.

9 Sec. 12. Section four point one (4.1), subsection three  
10 (3), Code 1971, is amended by striking the subsection and  
11 inserting in lieu thereof the following:

12 3. Unless otherwise specifically provided by law the  
13 singular includes the plural, and the plural includes the  
14 singular. Words of one gender include the other genders.

15 Sec. 13. Section four point one (4.1), subsection thirteen  
16 (13), Code 1971, is amended by striking the subsection and  
17 inserting in lieu thereof the following:

18 13. Unless otherwise provided by law "person" means indi-  
19 vidual, corporation, government or governmental subdivision  
20 or agency, business trust, estate, trust, partnership or  
21 association, or any other legal entity.

22 Sec. 14. Section four point one (4.1), Code 1971, is  
23 amended by adding the following new subsections:

24 1. "If a statute refers to a series of numbers or letters,  
25 the first and the last numbers or letters are included."

26 2. "'Child' includes child by adoption."

27 3. "If there is a conflict between figures and words in  
28 expressing a number, the words govern."

29 4. "'Preceding' and 'following' when used by way of refer-  
30 ence to a chapter or other part of a statute means the next  
31 preceding or next following chapter or other part."

32 5. "A quorum of a public body is a majority of the number  
33 of members fixed by statute."

34 6. "'Rule' includes regulation."

35 7. "Words in the present tense include the future."

- 1 8. "'United States' includes all the states."
- 2 9. "The word 'week' means seven consecutive days."
- 3 10. "The word 'year' means twelve consecutive months."

EXPLANATION

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 5 This bill adopts the majority of the provisions of the  
 6 uniform statutory construction act not already contained in  
 7 chapter 4 of the Code. The additional provisions should aid  
 8 in the preparation of legislation and its ultimate  
 9 codification. Much unnecessary and surplus language can be  
 10 avoided through reliance upon statutory rules of construction.  
 11 Other provisions of this Act establish guidelines for the  
 12 interpretation of statutes. While the courts may not be bound  
 13 to follow such rules in all cases, the existence of them  
 14 cannot be ignored and they should aid in the interpretation  
 15 of statutes. Iowa courts have in most cases held the proposed  
 16 rules to be the law in Iowa.

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- 1 Amend House File 587 by adding the following
- 2 section:
- 3 Unless otherwise specifically provided by the
- 4 general assembly, whenever the following words are
- 5 used in a statute hereafter enacted, their meaning
- 6 and application shall be:
- 7 1. The word "shall" imposes a duty.
- 8 2. The word "must" states a requirement
- 9 3. The word "may" confers a power.

EXPLANATION

These definitions are recommended by the Cities and Towns Committee in the comprehensive "home rule" bill (House File 574). The Committee has so well and so clearly expressed these definitions that they should be added to the bill on statutory construction. The proper definition of these words in a statute is a question of frequent occurrence.

Filed - *Adopted 4/19*  
April 16, 1971

By FISCHER OF Grundy  
District 35

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