

Senate File 36
Judiciary and
Law Enforcement
Patchett, chair
Pelton
Shimanek

also Do pass 316 (800) 1977

SENATE FILE 36

BY COMMITTEE ON JUDICIARY *Do pass 1/27 (p. 200)*

Passed Senate, Date 2-7-77 (p. 322) Passed House, Date 4-1-77 (p. 1175)
Vote: Ayes 47 Nays 0 Vote: Ayes 87 Nays 0
Approved April 15, 1977

A BILL FOR

1 An Act correcting an erroneous correlating amendment contained
2 in chapter twelve hundred forty-one (1241) of the Acts of
3 the Sixty-sixth General Assembly.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred twenty-four point four
2 (624.4), Code 1977, is amended to read as follows:

3 624.4 EQUITABLE ACTIONS--EVIDENCE ON APPEAL. The evidence
4 in actions cognizable in equity shall be presented on appeal
5 to the appellate court, which shall try such causes anew.
6 However, upon ~~certiorari~~ further review by the supreme
7 court of equity actions heard by the court of appeals the
8 review may be limited in scope as provided in the rules of
9 appellate procedure.

10 EXPLANATION

11 This bill corrects an erroneous amendment which was con-
12 tained as a correlating amendment in S.F. 1092, the bill
13 creating the court of appeals. That bill provides that the
14 procedure for review by the supreme court of decisions by
15 the court of appeals is via an application for "further
16 review", rather than by "certiorari". The latter has a strict
17 legal meaning and imposes unintended limitations on the
18 exercise by the supreme court of the power of review.

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LSB 25S
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AN ACT

CORRECTING AN ERRONEOUS CORRELATING AMENDMENT CONTAINED IN
CHAPTER TWELVE HUNDRED FORTY-ONE (1241) OF THE ACTS OF THE
SIXTY-SIXTH GENERAL ASSEMBLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section six hundred twenty-four point four
(624.4), Code 1977, is amended to read as follows:

624.4 EQUITABLE ACTIONS--EVIDENCE ON APPEAL. The evidence
in actions cognizable in equity shall be presented on appeal
to the appellate court, which shall try such causes anew.
However, upon ~~certiorari~~ to further review by the supreme
court of equity actions heard by the court of appeals the
review may be limited in scope as provided in the rules of
appellate procedure.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 36, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved April 15, 1977

ROBERT D. RAY
Governor