

Report 3/22

SENATE FILE 2250

FILED MAR 9 1982

BY COMMITTEE ON RULES AND
ADMINISTRATION

Approved (p. 653)

Passed Senate, Date 3-19-82 (p. 831) Passed House, Date 3/24/82 (p. 979)
Vote: Ayes 42 Nays 0 Vote: Ayes 94 Nays 2
Approved April 5, 1982

A BILL FOR

1 An Act relating to the manner of publication of various court
2 rules in the Code or a supplement to the Code and the
3 manner of citing the Code or a supplement to the Code.

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

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S. 2250

1 Section 1. Section 14.6, subsection 4, Code 1981, is
2 amended to read as follows:

3 4. Prepare and cause to be published, at such times as
4 and in the manner the supreme court shall-by-order-direct
5 specifies after consultation with the legislative council,
6 the rules of civil procedure, the rules of criminal procedure,
7 the rules of appellate procedure, and supreme court rules.

8 Sec. 2. Section 14.12, subsection 6, paragraph j, Code
9 1981, is amended by striking the paragraph.

10 Sec. 3. Section 14.12, subsection 6, paragraph k, Code
11 1981, is amended to read as follows:

12 k. An index covering the Constitution and statutes of
13 the state of Iowa and, to the extent the rules are printed
14 in the Code, the rules of the supreme court, rules of civil
15 procedure, rules of criminal procedure, and rules of appellate
16 procedure.

17 Sec. 4. Section 14.12, Code 1981, is amended by adding
18 after subsection 6 the following new subsection:

19 NEW SUBSECTION. The rules of the supreme court, rules
20 of civil procedure, rules of criminal procedure, or rules
21 of appellate procedure shall be published either in the Code
22 or a supplement to the Code in a manner specified by the
23 supreme court after consultation with the legislative council.
24 The publication as provided in section 14.21 may be made in
25 lieu of a Code or supplement publication for all or a portion
26 of the various rules if specified by the supreme court after
27 consultation with the legislative council. In determining
28 the manner of publication consideration shall be given to
29 whether specific rules are subject to change by submission
30 to the general assembly or by order of the court.

31 Sec. 5. Section 14.17, Code 1981, is amended to read as
32 follows:

33 14.17 CITATION OF PERMANENT CODE OR SUPPLEMENTS. The
34 permanent Codes or supplements thereto published subsequent
35 to the adjournment of the extra session of the Fortieth General

1 Assembly shall be known and cited as "The Code",
2 or "~~supplement-to-the~~ Code Supplement", giving
3 year of edition of ~~such the~~ Code or supplement ~~thereof~~.

4 Sec. 6. Section 14.18, Code 1981, is amended to read as
5 follows:

6 14.18 CITATION OF SESSION LAWS. The session laws of each
7 general assembly shall be known ~~and cited~~ as "....."
8 ~~Session Acts~~ of the General Assembly,
9 Session, Chapter (or File No.), Section"
10 (inserting the appropriate number) and may be cited
11 substantially in this manner or as "..... Session Laws"
12 (inserting appropriate year of publication).

13 EXPLANATION

14 The publication of various supreme court rules in the
15 permanent Code of Iowa for 1981 presently comprise
16 approximately 268 pages of the Code. This publication is
17 duplicated to a large degree by the publication provided for
18 in section 14.21 and in addition many of these rules become
19 outdated very soon because the supreme court has authority
20 to order administrative court rule changes in many cases.
21 This bill does not mandate a change in procedures for

but does vest discretion in the supreme
SENATE FILE 2250
FISCAL NOTE

REQUESTED BY SENATOR HULTMAN

In compliance with a written request there is hereby submitted a
Fiscal Note for Senate File 2250 pursuant to Joint Rule 16.

S.F. 2250 is An Act relating to the manner of publication of various court rules
in the Code or a supplement to the Code and the manner of citing the Code or a
supplement to the Code.

This bill would provide for flexibility in publishing the court rules. The
fiscal effect cannot be determined until the Court specifies the times and
manner the rules are to be published. Presently the estimated publication cost
is 268 pages X \$32.00 a page or \$8,576.

SOURCE: CODE EDITOR

RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 18, 1982
FILED: BY GERRY RANKIN, FISCAL DIRECTOR

MARCH 19, 1982

SENATE FILE 2250

BY COMMITTEE ON RULES AND
ADMINISTRATION

(AS AMENDED AND PASSED BY THE SENATE MARCH 19, 1982)

Passed Senate, Date 3-19-82 (p. 831) Passed House, Date 3-24-82 (p. 979)
Vote: Ayes 42 Nays 0 Vote: Ayes 94 Nays 2
Approved April 5, 1982 (p. 1045)

A BILL FOR

1 An Act relating to the manner of publication of various court
2 rules in the Code or a supplement to the Code and the
3 manner of citing the Code or a supplement to the Code or
4 the Acts.

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

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2250

————— = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Section 14.6, subsection 4, Code 1981, is
2 amended to read as follows:

3 4. Prepare and cause to be published, at such times as
4 and in the manner the supreme court shall-by-order-direct
5 specifies after consultation with the legislative council,
6 the rules of civil procedure, the rules of criminal procedure,
7 the rules of appellate procedure, and other rules prescribed
8 by the supreme court rules.

9 Sec. 2. Section 14.12, subsection 6, paragraph j, Code
10 1981, is amended by striking the paragraph.

11 Sec. 3. Section 14.12, subsection 6, paragraph k, Code
12 1981, is amended to read as follows:

13 k. An index covering the Constitution and statutes of
14 the state of Iowa and, to the extent the rules are printed
15 in the Code, the-rules-of-the-supreme-court, rules of civil
16 procedure, rules of criminal procedure, and rules of appellate
17 procedure, and other rules prescribed by the supreme court.

18 Sec. 4. Section 14.12, Code 1981, is amended by adding
19 after subsection 6 the following new subsection:

* 20 NEW SUBSECTION. The rules of civil procedure, rules of
21 criminal procedure, or rules of appellate procedure, and other
22 rules prescribed by the supreme court shall be published
23 either in the Code or a supplement to the Code in a manner
24 specified by the supreme court after consultation with the
25 legislative council. The publication as provided in section
26 14.21 may be made in lieu of a Code or supplement publication
27 for all or a portion of the various rules if specified by
28 the supreme court after consultation with the legislative
29 council. In determining the manner of publication
30 consideration shall be given to whether specific rules are
31 subject to change by submission to the general assembly or
32 by order of the court.

33 Sec. 5. Section 14.17, Code 1981, is amended to read as
34 follows:

35 14.17 CITATION OF PERMANENT CODE OR SUPPLEMENTS. The

1 permanent Codes or supplements thereto published subsequent
2 to the adjournment of the extra 1982 regular session of the
3 Fortieth Sixty-ninth General Assembly shall be known and cited
4 as "The Code-....."-or-"supplement-to-the-Code
5"-giving-year-of-edition-of-such-Code-or
6 supplement-thereto "Iowa Code chapter (or section)
7", or "Iowa Code supplement chapter (or section)",
8 inserting the appropriate chapter or section number and year
9 of edition.

10 Sec. 6. Section 14.18, Code 1981, is amended to read as
11 follows:

12 14.18 CITATION OF SESSION LAWS. The session laws of each
13 general assembly shall be known and-cited as ".....
14 Session Acts of the General Assembly,
15 Session, Chapter (or File No.), Section"
16 (inserting the appropriate number) and shall be cited as
17 "..... Iowa Acts, chapter, section" (inserting
18 the appropriate year, chapter, or section number).

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S-5244

1 Amend Senate File 2250 as follows:

2 1. Page 1, line 7, by striking the words "supreme
3 court rules" and inserting in lieu thereof the words
4 "other rules prescribed by the supreme court rules".

5 2. Page 1, line 14, by striking the words "the
6 rules of the supreme court," and inserting in lieu
7 thereof the words "~~the-rules-of-the-supreme-court,~~".

8 3. Page 1, lines 15 and 16, by striking the words
9 "and rules of appellate procedure" and inserting in
10 lieu thereof the words "and rules of appellate
11 procedure, and other rules prescribed by the supreme
12 court".

13 4. Page 1, line 19, by striking the words "rules
14 of the supreme court,".

15 5. Page 1, line 21, by inserting after the word
16 "procedure" the words ", and other rules prescribed
17 by the supreme court".

18 6. Page 1, line 35, by striking the words "extra
19 session of the Fortieth General" and inserting in
20 lieu thereof the words "extra 1982 regular session
21 of the Fortieth Sixty-ninth General".

22 7. Page 2, by striking lines 1 through 3 and
23 inserting in lieu thereof the words "Assembly shall
24 be known and cited as "~~The-Code-.....~~"-~~or~~
25 "~~supplement-to-the-Code-.....~~",-giving-year
26 of-edition-of-such-Code-or-supplement-thereto "Iowa
27 Code chapter (or section)", or "Iowa
28 Code supplement chapter (or section)", inserting the
29 appropriate chapter or section number and year of
30 edition."

31 8. Page 2, by striking lines 10 through 12 and
32 inserting in lieu thereof the following: "(inserting
33 the appropriate number) and shall be cited as ".....
34 Iowa Acts, chapter, section" (inserting
35 the appropriate year, chapter, or section number)."

36 9. Title page, line 3, by inserting after the
37 words "to the Code" the words "or the Acts".

S-5244 FILED

BY CALVIN O. HULTMAN

MARCH 12, 1982 *Adopted 3/19 (p. 831)*

SENATE FILE 2250

AN ACT

RELATING TO THE MANNER OF PUBLICATION OF VARIOUS COURT RULES IN THE CODE OR A SUPPLEMENT TO THE CODE AND THE MANNER OF CITING THE CODE OR A SUPPLEMENT TO THE CODE OR THE ACTS.

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

Section 1. Section 14.6, subsection 4, Code 1981, is amended to read as follows:

4. Prepare and cause to be published, at such times as ~~and in the manner~~ the supreme court ~~shall-by-order-direct~~ specifies after consultation with the legislative council, the rules of civil procedure, the rules of criminal procedure, the rules of appellate procedure, and other rules prescribed by the supreme court rules.

Sec. 2. Section 14.12, subsection 6, paragraph j, Code 1981, is amended by striking the paragraph.

Sec. 3. Section 14.12, subsection 6, paragraph k, Code 1981, is amended to read as follows:

k. An index covering the Constitution and statutes of the state of Iowa and, to the extent the rules are printed in the Code, the rules-of-the-supreme-court, rules of civil

procedure, rules of criminal procedure, and rules of appellate procedure, and other rules prescribed by the supreme court.

Sec. 4. Section 14.12, Code 1981, is amended by adding after subsection 6 the following new subsection:

NEW SUBSECTION. The rules of civil procedure, rules of criminal procedure, or rules of appellate procedure, and other rules prescribed by the supreme court shall be published either in the Code or a supplement to the Code in a manner specified by the supreme court after consultation with the legislative council. The publication as provided in section 14.21 may be made in lieu of a Code or supplement publication for all or a portion of the various rules if specified by the supreme court after consultation with the legislative council. In determining the manner of publication consideration shall be given to whether specific rules are subject to change by submission to the general assembly or by order of the court.

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14.17 CITATION OF PERMANENT CODE OR SUPPLEMENTS. The permanent Codes or supplements thereto published subsequent to the adjournment of the ~~extra~~ 1982 regular session of the ~~Fortieth~~ Sixty-ninth General Assembly shall be known and cited as ~~"The-Code-*****"-or-"supplement-to-the-Code-*****"-giving-year-of-edition-of-such-Code-or-supplement-thereto~~ "Iowa Code chapter (or section)", or "Iowa Code supplement chapter (or section)", inserting the appropriate chapter or section number and year of edition.

Sec. 6. Section 14.18, Code 1981, is amended to read as follows:

14.18 CITATION OF SESSION LAWS. The session laws of each general assembly shall be known ~~and-cited~~ as "***** Session Acts of the General Assembly, Session, Chapter (or File No.), Section"

S.F. 2250

(inserting the appropriate number) and shall be cited as
"..... Iowa Acts, chapter, section" (inserting
the appropriate year, chapter, or section number).

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2250, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 5, 1982

ROBERT D. RAY
Governor