

Senate File 266 2/26/87 (p. 491)

Senate File 266

JUDICIARY: Doyle, Chair; Mann and Hoyt

House Judiciary 2/4/87

Senate File 266

NATE FILE *266*

Judiciary and Law Enforcement: Siegrist, Chair; Peterson of Carroll

HUTCHINS and HULTMAN

Passed Senate, Date 3-2-87 (p. 494) Passed House, Date 4-18-87 (p. 1250)

Vote: Ayes 46 Nays 0 Vote: Ayes 91 Nays 0

Approved May 4, 1987 (p. 1760)

Repassed Senate as amended by House

4-20-87 (p. 1381)

46-0

A BILL FOR

- 1 An Act relating to the affirmation of certain provisions of law
- 2 concerning judicial procedures and court enforced orders, and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 266

H-3198

1 Amend Senate File 266 as follows:

2 1. Title page, line 1, by inserting after the
3 word "affirmation" the following: "and reenactment".

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

H-3198 FILED MARCH 17, 1987

Adopted 4/10/87 (p. 1250)

HOUSE AMENDMENT TO
SENATE FILE 266

S-3547

1 Amend Senate File 266 as follows:

2 1. Title page, line 1, by inserting after the
3 word "affirmation" the following: "and reenactment".

S-3547

Filed April 14, 1987

Senate concurred 4/20/87 (p. 1381)

RECEIVED FROM THE HOUSE

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1 Section 1. It is the finding of the general assembly that
2 certain recent court cases have raised questions in some
3 quarters in regard to the proper enactment of certain
4 provisions contained in Code editor's bills. It is the intent
5 of the general assembly to resolve any doubt as to the
6 validity of provisions enacted in the Code editor's bills of
7 prior years. It is the position of the general assembly that
8 all of the following provisions contained in Code editor's
9 bills and all other provisions of the Code editor's bills were
10 properly enacted in the Code editor's bills. Passage of an
11 Act by the general assembly necessarily includes a finding by
12 the general assembly, that the Act embraced but one subject
13 and matters properly connected therewith, and that the subject
14 is properly expressed in the title.

15 Sec. 2. Sections 675.25 and 675.39, Code 1987, are
16 affirmed and reenacted in accordance with the amendments to
17 sections 675.25 and 675.39, Code 1979, enacted in sections 65
18 and 66 of chapter 1015 of 1980 Iowa Acts, including any
19 subsequent amendments and editorial changes.

20 Sec. 3. Section 628.28, Code 1987, is affirmed and
21 reenacted in accordance with the amendments to section 628.28,
22 Code 1985, enacted in section 58 of chapter 195 of 1985 Iowa
23 Acts, including any subsequent amendments and editorial
24 changes.

25 Sec. 4. Section 331.756, subsection 5, Code 1987, is
26 affirmed and reenacted in accordance with the amendments to
27 section 331.756, subsection 5, Code Supplement 1985, enacted
28 in section 17 of chapter 1238 of 1986 Iowa Acts, and including
29 any other 1986 amendments and editorial changes.

30 Sec. 5. Section 602.8105, subsection 1, paragraph "s",
31 Code 1987, is affirmed and reenacted in accordance with the
32 amendments to section 602.8105, subsection 1, paragraph "s",
33 Code Supplement 1985, enacted in section 24 of chapter 1238 of
34 1986 Iowa Acts, and including any other 1986 amendments and
35 editorial changes.

1 Sec. 6. Section 631.17, Code 1987, is affirmed and
2 reenacted in accordance with the action on section 631.17
3 enacted in section 25 of chapter 1238 of 1986 Iowa Acts,
4 including any other 1986 amendments and editorial changes.

5 Sec. 7. Section 642.22, Code 1987, is affirmed and
6 reenacted in accordance with the amendment to section 642.22,
7 Code Supplement 1985, enacted in section 26 of chapter 1238 of
8 1986 Iowa Acts, including any other 1986 amendments and
9 editorial changes.

10 Sec. 8. 1986 Iowa Acts, chapter 1238, section 60, is
11 affirmed and reenacted.

12 Sec. 9. This Act, being deemed of immediate importance, is
13 effective upon enactment.

14 EXPLANATION

15 This bill affirms and reenacts certain prior actions of the
16 general assembly which may have been subject to question in
17 some quarters concerning the proper enactment because of their
18 inclusion in a prior year's Code editor's bill. The
19 reaffirmed sections pertain to judicial procedures and court
20 enforced orders. The general assembly asserts its position
21 that prior enactments of the same legislation adhered to all
22 constitutional requirements.

23 Section 2 affirms and reenacts a requirement that paternity
24 support is extended to age 18 rather than 16.

25 Section 3 affirms and reenacts the time periods provided
26 for the redemption of certain properties.

27 Section 4 affirms and reenacts the authorization of
28 professional collection service fees to satisfy an obligation
29 payable to the clerk of the district court.

30 Section 5 affirms and reenacts the elimination of the
31 administrative fee for the collection of child support
32 payments.

33 Section 6 affirms and reenacts the authorization for the
34 district court to prohibit persons from appearing in court in
35 cases where the persons have purchased or have been assigned

1 the cause of action.

2 Section 7 affirms and reenacts that expiration of an
3 execution does not affect a garnishee's duties and liabilities
4 respecting property already withheld pursuant to the
5 garnishment.

6 Section 8 affirms and reenacts the provision that statutory
7 name changes due to state reorganization do not affect the
8 validity of legal filings.

9 Section 9 provides that the Act is effective upon
10 enactment.

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SENATE FILE 266

AN ACT

RELATING TO THE AFFIRMATION AND REENACTMENT OF CERTAIN PROVISIONS OF LAW CONCERNING JUDICIAL PROCEDURES AND COURT ENFORCED ORDERS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. It is the finding of the general assembly that certain recent court cases have raised questions in some quarters in regard to the proper enactment of certain provisions contained in Code editor's bills. It is the intent of the general assembly to resolve any doubt as to the validity of provisions enacted in the Code editor's bills of prior years. It is the position of the general assembly that all of the following provisions contained in Code editor's bills and all other provisions of the Code editor's bills were properly enacted in the Code editor's bills. Passage of an Act by the general assembly necessarily includes a finding by

the general assembly, that the Act embraced but one subject and matters properly connected therewith, and that the subject is properly expressed in the title.

Sec. 2. Sections 675.25 and 675.39, Code 1987, are affirmed and reenacted in accordance with the amendments to sections 675.25 and 675.39, Code 1979, enacted in sections 65 and 66 of chapter 1015 of 1980 Iowa Acts, including any subsequent amendments and editorial changes.

Sec. 3. Section 628.28, Code 1987, is affirmed and reenacted in accordance with the amendments to section 628.28, Code 1985, enacted in section 58 of chapter 195 of 1985 Iowa Acts, including any subsequent amendments and editorial changes.

Sec. 4. Section 331.756, subsection 5, Code 1987, is affirmed and reenacted in accordance with the amendments to section 331.756, subsection 5, Code Supplement 1985, enacted in section 17 of chapter 1238 of 1986 Iowa Acts, and including any other 1986 amendments and editorial changes.

Sec. 5. Section 602.8105, subsection 1, paragraph "s", Code 1987, is affirmed and reenacted in accordance with the amendments to section 602.8105, subsection 1, paragraph "s", Code Supplement 1985, enacted in section 24 of chapter 1238 of 1986 Iowa Acts, and including any other 1986 amendments and editorial changes.

Sec. 6. Section 631.17, Code 1987, is affirmed and reenacted in accordance with the action on section 631.17 enacted in section 25 of chapter 1238 of 1986 Iowa Acts, including any other 1986 amendments and editorial changes.

Sec. 7. Section 642.22, Code 1987, is affirmed and reenacted in accordance with the amendment to section 642.22, Code Supplement 1985, enacted in section 26 of chapter 1238 of 1986 Iowa Acts, including any other 1986 amendments and editorial changes.

Sec. 8. 1986 Iowa Acts, chapter 1238, section 60, is affirmed and reenacted.

Sec. 9. This Act, being deemed of immediate importance, is effective upon enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 266, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 4, 1987

TERRY E. BRANSTAD
Governor