

FEB 8 1993

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HOUSE FILE 113  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

Place On Calendar

(SUCCESSOR TO HSB 22)

Passed House, Date <sup>(p. 221)</sup> 2/9/93 Passed Senate, Date <sup>(p. 446)</sup> 3-1-93  
Vote: Ayes 96 Nays 0 Vote: Ayes 43 Nays 0  
Approved March 9, 1993

A BILL FOR

1 An Act relating to computing the time for filings with the clerk  
2 of the district court and providing a retroactive  
3 applicability date.

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

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*HF 113*

1 Section 1. Section 4.1, subsection 34, Code 1993, is  
2 amended to read as follows:

3 34. Time -- legal holidays. In computing time, the first  
4 day shall be excluded and the last included, unless the last  
5 falls on Sunday, in which case the time prescribed shall be  
6 extended so as to include the whole of the following Monday.  
7 However, when by the provisions of a statute or rule  
8 prescribed under authority of a statute, the last day for the  
9 commencement of an action or proceedings, the filing of a  
10 pleading or motion in a pending action or proceedings, or the  
11 perfecting or filing of an appeal from the decision or award  
12 of a court, board, commission, or official falls on a  
13 Saturday, a Sunday, a day on which the office of the clerk of  
14 the district court is closed in whole or in part pursuant to  
15 an order of the supreme court, the first day of January, the  
16 third Monday in January, the twelfth day of February, the  
17 third Monday in February, the last Monday in May, the fourth  
18 day of July, the first Monday in September, the eleventh day  
19 of November, the fourth Thursday in November, the twenty-fifth  
20 day of December, and the following Monday when any of the  
21 foregoing named legal holidays fall on a Sunday, and any day  
22 appointed or recommended by the governor of Iowa or the  
23 president of the United States as a day of fasting or  
24 thanksgiving, the time shall be extended to include the next  
25 day which is not a Saturday, Sunday, a day on which the office  
26 of the clerk of the district court is closed in whole or in  
27 part pursuant to an order of the supreme court, or legal  
28 holiday named in this subsection.

29 Sec. 2. RETROACTIVE APPLICABILITY. This Act is  
30 retroactively applicable to December 1, 1992, and is  
31 applicable on and after that date.

32 EXPLANATION

33 This bill provides that the time for filing for the  
34 commencement of a proceeding prior to the statute of  
35 limitations running, as well as for other filings, is extended

1 to the next business day in the case of the deadline falling  
2 on a day on which the clerk of district court's office is  
3 closed pursuant to the supreme court's order directing certain  
4 offices of the clerk of the district court to be open fewer  
5 hours.

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HOUSE FILE 113

H-3044

1 Amend House File 113 as follows:

2 1. Page 1, line 15, by striking the words "an  
3 order" and inserting the following: "the authority".

4 2. Page 1, by striking lines 25 through 28 and  
5 inserting the following: "day which is not a  
6 Saturday, Sunday, or legal holiday named in this  
7 subsection the office of the clerk of the court or the  
8 office of the board, commission, or official is open  
9 to receive the filing of a commencement of an action,  
10 pleading or a motion in a pending action or  
11 proceeding, or the perfecting or filing of an appeal."

By McNEAL of Hardin

H-3044 FILED FEBRUARY 9, 1993

*Adopted*  
(p. 22) 2/9/93

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(P. 345) 2-17-93  
Senate Sub Comm. - Judiciary  
Sweeney, Basingman, Taylor

(P. 312) 2/5/93 Senate - Judiciary  
(P. 365) 2-13-93 Senate - Do Pass

HOUSE FILE 113  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 22)

(As Amended and Passed by the House February 10, 1993)

Passed House, Date \_\_\_\_\_ Passed Senate, Date <sup>(P. 446)</sup> 3-1-93  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 43 Nays 6  
Approved March 9, 1993

A BILL FOR

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House Amendments \_\_\_\_\_

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13 Saturday, a Sunday, a day on which the office of the clerk of  
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22 appointed or recommended by the governor of Iowa or the  
23 president of the United States as a day of fasting or  
24 thanksgiving, the time shall be extended to include the next  
25 day which is not a Saturday, Sunday, or legal holiday named in  
26 this subsection the office of the clerk of the court or the  
27 office of the board, commission, or official is open to  
28 receive the filing of a commencement of an action, pleading or  
29 a motion in a pending action or proceeding, or the perfecting  
30 or filing of an appeal.

31 Sec. 2. RETROACTIVE APPLICABILITY. This Act is  
32 retroactively applicable to December 1, 1992, and is  
33 applicable on and after that date.

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HSB 22

Judiciary & Law Enforcement

McNeal, Chair  
Rafferty, v. Chair  
Brand

HOUSE FILE 113  
BY (PROPOSED COMMITTEE ON  
JUDICIARY AND LAW  
ENFORCEMENT BILL BY  
CHAIRPERSON MCNEAL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to computing the time for filings with the clerk  
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29 Sec. 2. RETROACTIVE APPLICABILITY. This Act is  
30 retroactively applicable to December 1, 1992, and is  
31 applicable on and after that date.

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EXPLANATION

33 This bill provides that the time for filing for the  
34 commencement of a proceeding prior to the statute of  
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HOUSE FILE 113

AN ACT  
RELATING TO COMPUTING THE TIME FOR FILINGS WITH THE CLERK  
OF THE DISTRICT COURT AND PROVIDING A RETROACTIVE  
APPLICABILITY DATE.

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

Section 1. Section 4.1, subsection 34, Code 1993, is amended to read as follows:

34. Time -- legal holidays. In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday. However, when by the provisions of a statute or rule prescribed under authority of a statute, the last day for the commencement of an action or proceedings, the filing of a pleading or motion in a pending action or proceedings, or the perfecting or filing of an appeal from the decision or award of a court, board, commission, or official falls on a Saturday, a Sunday, a day on which the office of the clerk of the district court is closed in whole or in part pursuant to the authority of the supreme court, the first day of January, the third Monday in January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday when any of the foregoing named legal holidays fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time shall be extended to include the next day which ~~is not a Saturday, Sunday, or legal holiday named in this subsection~~ the office of the clerk of the court or the

office of the board, commission, or official is open to receive the filing of a commencement of an action, pleading or a motion in a pending action or proceeding, or the perfecting or filing of an appeal.

Sec. 2. RETROACTIVE APPLICABILITY. This Act is retroactively applicable to December 1, 1992, and is applicable on and after that date.

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HAROLD VAN MAANEN  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 113, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House  
Approved March 9, 1993

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TERRY E. BRANSTAD  
Governor