

House File 109 - Introduced

HOUSE FILE 109

BY SALMON

A BILL FOR

1 An Act regarding legislative oversight of supreme court
2 decisions, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.1615 Challenges to the validity
2 of a statute — exclusive jurisdiction — public hearings —
3 legislative oversight.

4 1. The supreme court shall have discretionary and exclusive
5 original jurisdiction over any challenge to any law. A
6 decision of the supreme court that invalidates existing law or
7 has the effect of creating new law shall not have any effect
8 for one year from the date the decision was published. A
9 district court or the court of appeals shall not invalidate a
10 law on any grounds.

11 2. *a.* Within one year of the date a supreme court decision
12 is published that invalidates existing law or has the effect
13 of creating new law, the general assembly may, by resolution,
14 compel the attendance of specified justices to a public hearing
15 to discuss and debate the justification for the decision with
16 members of the general assembly. A public record of the
17 hearing shall be made.

18 *b.* Based on the results of a hearing commenced pursuant to
19 this subsection, a justice whose presence was required at the
20 hearing may change the justice's vote or alter the justice's
21 individual contribution to the decision.

22 3. A supreme court decision invalidating existing law or
23 having the effect of creating new law will not take effect if
24 two-thirds of both the senate and the house of representatives
25 approve a resolution to overturn the decision within one year
26 of the date the decision was published. The resolution must
27 specify the basis for overturning the decision, including
28 its reasoning, not to be limited by court precedent that is
29 responsive to the supreme court's initial published decision.

30 Sec. 2. APPLICABILITY. This Act applies to decisions
31 published by the supreme court on or after the effective date
32 of this Act.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill gives the supreme court discretionary and
2 exclusive jurisdiction over any challenge to any law and
3 provides that district courts and the court of appeals shall
4 not invalidate a law on any grounds.

5 The bill provides that any decision of the supreme court that
6 invalidates existing law or has the effect of creating a new
7 law does not have any effect for one year.

8 The bill provides that, if within one year of the date a
9 supreme court decision is rendered that invalidates existing
10 law or has the effect of creating new law, the general assembly
11 may hold a public hearing and compel the attendance of justices
12 to justify the decision.

13 Based on the results of the hearing, a justice present at the
14 hearing may change the justice's vote or alter the justice's
15 individual contribution to a decision that invalidates existing
16 law or has the effect of creating a new law.

17 Lastly, the bill provides that a supreme court decision
18 that invalidates existing law or has the effect of creating
19 new law will not take effect if two-thirds of both the senate
20 and the house of representatives approves of a resolution to
21 overturn the decision within one year of the date the decision
22 was published.

23 The bill applies to decisions published by the supreme court
24 on or after the effective date of the bill.