

Senate Study Bill 3098 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act requiring notice to the general assembly in actions
2 regarding the constitutionality of a statute and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **613.22 Challenges to**
2 **constitutionality of statutes — notice to general assembly.**

3 A party that files a pleading, motion, or petition
4 challenging the constitutionality of a statute shall do all of
5 the following:

6 1. File a notice of constitutional question stating the
7 question and identifying the pleading, motion, or petition that
8 raises the challenge to the constitutionality of the statute.

9 2. Serve the notice and copy of the pleading, motion, or
10 petition on the general assembly by the chief clerk of the
11 house and the secretary of the senate by restricted certified
12 mail or by personal service at the time the pleading, motion,
13 or petition is filed.

14 Sec. 2. NEW SECTION. **625A.7 Challenges to constitutionality**
15 **of statutes — notice to general assembly.**

16 In an action that challenges the constitutionality of a
17 statute, the appellant shall do all of the following:

18 1. File a notice of constitutional question stating the
19 question and identifying the pleading, motion, or petition that
20 raises the challenge to the constitutionality of the statute.

21 2. Serve notice and a copy of the pleading, motion, or
22 petition that raises the challenge to the constituent of the
23 statute upon the general assembly by the chief clerk of the
24 house and the secretary of the senate by personal service or
25 by restricted certified mail at the time of application for
26 interlocutory appeal or notice of appeal is filed.

27 Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate
28 importance, takes effect upon enactment.

29 Sec. 4. **APPLICABILITY.** This Act applies to petitions and
30 appeals filed on or after the effective date of this Act.

31 **EXPLANATION**

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

34 This bill requires service of notice on the general assembly
35 for actions regarding the constitutionality of a statute

1 enacted by the general assembly.

2 The bill provides that in a district court action
3 challenging the constitutionality of a statute, the party
4 bringing the constitutionality of the statute into question
5 is required to serve a copy of original notice and a copy of
6 the motion, pleading, or petition to the general assembly by
7 the chief clerk of the house or the secretary of the senate
8 by either restricted certified mail or personal service. The
9 bill also requires notice to be served to the general assembly
10 in actions challenging the constitutionality of a statute on
11 appeal.