

JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE

CHAPTER 1282

CONSTITUTIONAL AMENDMENT—APPROPRIATION OF FINES

Second time passed

H. J. R. 13

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the appropriation of fines as provided by law.

Be It Resolved by the General Assembly of the State of Iowa:

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 1. Section four (4), subdivision two (2) entitled "School Funds
4 and School Lands", of Article nine (IX) of the Constitution of the
5 State of Iowa is hereby repealed.

6 2. Section four (4) of Article twelve (XII) of the Constitution of
7 the State of Iowa is hereby repealed.

1 SEC. 2. The foregoing proposed amendment, having been adopted
2 and agreed to by the Sixty-fourth General Assembly, thereafter duly
3 published, and now adopted and agreed to by the Sixty-fifth General
4 Assembly, in this Joint Resolution, shall be submitted to the people
5 of the State of Iowa at the general election in November of the year
6 nineteen hundred seventy-four (1974) in the manner required by the
7 Constitution of the State of Iowa and the laws of the State of Iowa.

CHAPTER 1283

CONSTITUTIONAL AMENDMENT ON CONVENING OF GENERAL ASSEMBLY

Second time passed

H. J. R. 3

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa to provide means for the general assembly to convene itself into special session between regular sessions.

Be It Resolved by the General Assembly of the State of Iowa:

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 Section two (2) of Article three (III) of the Constitution of the
4 State of Iowa, as amended by amendment number one (1) of the
5 Amendments of 1968 to the Constitution of the State of Iowa, is re-
6 pealed and the following adopted in lieu thereof:

7 The General Assembly shall meet in session on the second Monday of
8 January of each year. Upon the written request to the presiding offi-
9 cer of each House of the General Assembly by two-thirds of the mem-

10 bers of each House, the General Assembly shall convene in special ses-
 11 sion. The Governor of the state may convene the General Assembly
 12 by proclamation in the interim.

1 SEC. 2. The foregoing proposed amendment, having been adopted
 2 and agreed to by the Sixty-fourth General Assembly, Second Session,
 3 thereafter duly published, and now adopted and agreed to by the Sixty-
 4 fifth General Assembly in this Joint Resolution, shall be submitted to
 5 the people of the State of Iowa at the general election in November of
 6 the year nineteen hundred seventy-four in the manner required by the
 7 Constitution of the State of Iowa and the laws of the State of Iowa.

CHAPTER 1284

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
 THE
 RULES OF CIVIL PROCEDURE

REPORT OF THE
 SUPREME COURT

To the 1974 Regular Session of the Sixty-fifth General Assembly of the State of Iowa:

1 Pursuant to Sections 684.18 and 684.19, Code 1973, the Supreme
 2 Court of Iowa has prescribed and hereby reports to the General
 3 Assembly changes in the existing Rules of Civil Procedure as follows:

4 **Rule 9. Actions by and against the state.**

5 That Rule 9 be amended by striking the following sentence:

6 "It may be sued as provided by any statutes in force at the time."

7 **Rule 49. Tolling limitations.**

8 That Rule 49 be stricken and the following substituted:

9 "49. **Tolling limitations.** For the purpose of determining whether
 10 an action has been commenced within the time allowed by statutes
 11 for limitation of actions, whether the limitation inheres in the stat-
 12 utes creating the remedy or not, the following shall be deemed a
 13 commencement of the action, to-wit:

14 (a) The delivery of the original notice to the sheriff of the proper
 15 county with the intent that it be served immediately (which intent
 16 shall be presumed unless the contrary appears).

17 (b) The filing of the original notice with the Secretary of State
 18 as provided in Section 617.3 provided that service is completed as
 19 required by said section.

20 (c) The filing of the original notice with the commissioner of
 21 public safety as provided by Section 321.498 provided that service is
 22 completed as provided in said section."

23 **Rule 56. Personal service.**

24 That Rule 56 be amended by adding the following:

25 "(n) If service cannot be made by any of the methods provided by
 26 this rule, any defendant may be served as provided by Court Order,
 27 consistent with due process of law."