

Sec. 2. In the case of rules and forms filed within twenty days after the commencement of the second session of the Sixty-seventh General Assembly which did not become effective because the general assembly did not adjourn prior to July 1, 1978, such rules and forms shall become effective July 1, 1979 as if they had been reported within twenty days after commencement of the first session of the Sixty-eighth General Assembly.

Sec. 3. This Act shall take effect and be in force on and retroactive to January 8, 1979 for rules and forms filed during the first session of the Sixty-eighth General Assembly, after its publication in The Clinton Herald, a newspaper published in Clinton, Iowa, and in The Des Moines Register, a newspaper published in Des Moines, Iowa.

Approved April 12, 1979

I hereby certify that the foregoing Act, House File 64, was published in The Clinton Herald, Clinton, Iowa on April 19, 1979, and in The Des Moines Register, Des Moines, Iowa on April 20, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 144

QUESTIONS OF LAW IN SUPREME COURT CERTIFIED

S. F. 294

AN ACT to provide uniform procedures for certifying questions of law.

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

Section 1. NEW SECTION. POWER TO ANSWER. The supreme court may answer questions of law certified to it by the supreme court of the United States, a court of appeals of the United States, a United States district court or the highest appellate court or the intermediate appellate court of another state, when requested by the certifying court, if there are involved in a proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the appellate courts of this state.

Sec. 2. NEW SECTION. METHOD OF INVOKING. This Act may be invoked by an order of a court referred to in section one (1) of this Act upon the court's own motion or upon the motion of a party to the cause.

Sec. 3. NEW SECTION. CONTENTS OF CERTIFICATION ORDER. A certification order shall set forth the questions of law to be answered and a statement of facts relevant to the questions certified, showing fully the nature of the controversy in which the questions arose.

Sec. 4. NEW SECTION. PREPARATION OF CERTIFICATION ORDER. The certification order shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the supreme court by the

clerk of the certifying court under its official seal. The supreme court may require the original or copies of all or of a portion of the record before the certifying court to be filed with the certification order, if, in the opinion of the supreme court, the record or portion of it is necessary in answering the questions.

Sec. 5. NEW SECTION. COSTS OF CERTIFICATION. Fees and costs shall be the same as in civil appeals docketed before the supreme court and shall be equally divided between the parties unless otherwise ordered by the certifying court in its order of certification.

Sec. 6. NEW SECTION. PROCEDURE. The supreme court may prescribe its own rules of procedure concerning the answering and certification of questions of law under this Act, subject to section six hundred eighty-four point nineteen (684.19) of the Code.

Sec. 7. NEW SECTION. OPINION. The written opinion of the supreme court stating the law governing the questions certified shall be sent by the clerk under the seal of the supreme court to the certifying court and to the parties.

Sec. 8. NEW SECTION. POWER TO CERTIFY. The supreme court or the court of appeals, on its own motion or the motion of a party, may order certification of questions of law to the highest court of another state when it appears to the certifying court that there are involved in a proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

Sec. 9. NEW SECTION. PROCEDURE ON CERTIFYING. The procedures for certification from this state to the receiving state are those provided in the laws of the receiving state.

Sec. 10. NEW SECTION. CONSTRUCTION. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 11. NEW SECTION. TITLE. This Act may be cited as the "Uniform Certification of Questions of Law Act".

Sec. 12. This Act is effective January first following its enactment.

Approved May 3, 1979