

Sec. 29. Suits by commissioners. When the board has reason to believe that any common carrier has been guilty of extortion or unjust discrimination, it shall immediately cause actions to be commenced and prosecuted against such carrier. Such action may be brought in any county through or into which any line of railway owned or operated by such carrier may extend. No actions thus commenced shall be dismissed unless the board and the commerce counsel consent thereto. The court in which any such action is pending may, in its discretion, give preference as to the time of trial of such action over other business, except criminal cases.

Sec. 30. Uniform gauge - inspection - order. As often as it deems it expedient, the board shall examine all the railroads in the state that are less than four (4) feet eight and one-half (8 1/2) inches gauge, and if, in the judgment of the board, it is necessary and reasonable to change the gauge of any such railroad to four (4) feet eight and one-half (8 1/2) inches, it shall make an order in writing, fixing a reasonable time within which such gauge shall be changed, taking into consideration the life of the rolling stock of such narrow gauged road and all other facts and conditions bearing on the length of time required to make such change.

Sec. 31. Rights and remedies not exclusive. Nothing in this chapter shall abridge any rights or remedies existing at common law or by statute, but shall be in addition to such remedies.

Approved February 26, 1924.

CHAPTER 130

COMMERCE COUNSEL

S. F. 189

AN ACT to amend, revise, and codify chapter two (2) of title sixteen (16) of the compiled code of Iowa, and of the supplement to said code, relating to commerce counsel.

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

That chapter two (2) of title sixteen (16) of the compiled Code of Iowa, and of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 2

COMMERCE COUNSEL, HIS JURISDICTION AND DUTIES

Section 1. Appointment - term. Within sixty (60) days after the general assembly convenes in nineteen hundred twenty-seven (1927) and every four (4) years thereafter, the board of railroad commissioners shall appoint a competent attorney to the office of commerce counsel, subject to the approval of two thirds of the members of the senate. His term of office shall be for four (4) years and till his successor is appointed, and shall begin on the first day of July of the year he is appointed.

Sec. 2. Vacancy. A vacancy in said office occurring while the general assembly is in session, shall be filled for the unexpired term in the same manner as original appointments. If the general assembly is not in session, a vacancy shall be filled by an appointment made by the board, which appointment shall expire thirty (30) days from the time the next general assembly convenes.

Sec. 3. Disqualification. The existence of any fact which would disqualify a person from election or acting as a railroad commissioner, shall disqualify such person from appointment or acting as commerce counsel.

Sec. 4. Other employment and political activity prohibited. The commerce counsel shall devote his entire time to the duties of his office, and during his term of office he shall not be a member of any political committee or contribute to any political campaign fund or take any part in political campaigns or be a candidate for any political office.

Sec. 5. Removal. The board may, with the approval of the senate, during a session of the general assembly, remove said counsel for malfeasance or nonfeasance in office, or for any cause which renders him ineligible for appointment, or incapable or unfit to discharge the duties of his office; and his removal, when so made, shall be final.

Sec. 6. Offices--assistants--expenses. The office of commerce counsel shall be at the seat of government and he shall have free access to all the files, records, and documents in the office of the board. The commerce counsel, his assistants and office help shall be paid their actual necessary traveling expenses and other disbursements incurred in the discharge of official duties; such expenditures are to be approved by the board of railroad commissioners.

Sec. 7. Duties. The commerce counsel shall:

1. Act as attorney for, and legal adviser of, the board of railroad commissioners.

2. Investigate the legality of all rates, charges, tariffs, rules, regulations, and practices of all common carriers and persons under the jurisdiction of the board, and institute civil proceedings before the board or any proper court to correct any illegality on the part of any common carrier and prosecute the same to final determination.

3. Investigate the reasonableness of rates, tariffs, charges, rules, regulations, and practices of all such common carriers in interstate transportation when directed by the board, or when in his judgment they are unlawful, prejudicial, and discriminate against any city, town, community, business, industry, or citizen of the state, and institute before the interstate commerce commission or any other tribunal having jurisdiction and prosecute to final determination any proceeding growing out of such matters.

4. Appear on behalf of any person or persons who shall file any complaint against any common carrier before the board in any matter within its jurisdiction.

5. Appear for and represent the board, the state and any citizen, community, city or town or business or industry of the state in all proceedings brought by or against any common carrier before the interstate commerce commission in which any or all of such parties are interested.

6. Appear for the board or for the state and the citizens and industries thereof in all actions instituted in any state or federal court wherein is involved the validity of any rule, order, or regulation of said board, or the validity of any rule, order, or regulation of the interstate commerce commission affecting the interests of the citizens and industries of the state and prosecute in any state or federal court in the name of the state, all actions necessary to enforce, or to restrain the violation of, any rule, order, or regulation made by the board or by the interstate commerce commission.

Sec. 8. Present commerce counsel. Nothing herein shall be construed to affect the term of office of the present incumbent.

Approved February 15, 1924.