

## CHAPTER 1090

## ADMINISTRATIVE PROCEDURES

H. F. 1200

AN ACT creating an Iowa administrative procedure Act.

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

## 1 SECTION 1. NEW SECTION. Citation and statement of purpose.

2 1. This Act may be cited as the "Iowa Administrative Procedure  
3 Act".4 2. This Act is intended to provide a minimum procedural code for  
5 the operation of all state agencies when they take action affecting the  
6 rights and duties of the public. Nothing in this Act is meant to dis-  
7 courage agencies from adopting procedures providing greater  
8 protections to the public or conferring additional rights upon the public;  
9 and save for express provisions of this Act to the contrary, nothing  
10 in this Act is meant to abrogate in whole or in part any statute pre-  
11 scribing procedural duties for an agency which are greater than or  
12 in addition to those provided here. This Act is meant to apply to  
13 all rule-making and contested case proceedings and all suits for the  
14 judicial review of agency action that are not specifically excluded  
15 from this Act or some portion thereof by its express terms or by  
16 the express terms of another Act.17 The purposes of the "Iowa Administrative Procedure Act" are:  
18 to provide legislative oversight of powers and duties delegated to  
19 administrative agencies; to increase public accountability of admin-  
20 istrative agencies; to simplify government by assuring a uniform  
21 minimum procedure to which all agencies will be held in the conduct  
22 of their most important functions; to increase public access to gov-  
23 ernmental information; to increase public participation in the for-  
24 mulation of administrative rules; to increase the fairness of agen-  
25 cies in their conduct of contested case proceedings; and to simplify  
26 the process of judicial review of agency action as well as increase its  
27 ease and availability. In accomplishing its objectives, the intention  
28 of this Act is to strike a fair balance between these purposes and  
29 the need for efficient, economical and effective government adminis-  
30 tration. The Act is not meant to alter the substantive rights of any  
31 person or agency. Its impact is limited to procedural rights with  
32 the expectation that better substantive results will be achieved in  
33 the everyday conduct of state government by improving the process  
34 by which those results are attained.

## 1 SEC. 2. NEW SECTION. Definitions. As used in this Act:

2 1. "Agency" means each board, commission, department, officer,  
3 or other administrative office or unit of the state. "Agency" does  
4 not mean the general assembly, the courts, the governor, or a politi-  
5 cal subdivision of the state or its offices and units. Unless provided  
6 otherwise by statute, no less than two-thirds of the members eligible  
7 to vote of a multi-member agency shall constitute a quorum author-  
8 ized to act in the name of the agency.9 2. "Contested case" means a proceeding including but not restricted  
10 to ratemaking, price fixing, and licensing in which the legal rights,  
11 duties, or privileges of a party are required by constitution or stat-

12 ute to be determined by an agency after an opportunity for an evi-  
13 dentiary hearing.

14 3. "License" includes the whole or a part of any agency permit,  
15 certificate, approval, registration, charter, or similar form of per-  
16 mission required by statute.

17 4. "Licensing" includes the agency process respecting the grant,  
18 denial, renewal, revocation, suspension, annulment, withdrawal, or  
19 amendment of a license.

20 5. "Party" means each person or agency named or admitted as a  
21 party, or properly seeking and entitled as of right to be admitted as  
22 a party.

23 6. "Person" means any individual, partnership, corporation, asso-  
24 ciation, governmental subdivision, or public or private organization  
25 of any character other than an agency.

26 7. "Rule" means each agency statement of general applicability  
27 that implements, interprets, or prescribes law or policy, or that  
28 describes the organization, procedure, or practice requirements of  
29 any agency. The term includes the amendment or repeal of an ex-  
30 isting rule, but does not include:

31 a. A statement concerning only the internal management of an  
32 agency and which does not substantially affect the legal rights of, or  
33 procedures available to, the public or any segment thereof.

34 b. A declaratory ruling issued pursuant to section nine (9) of this  
35 Act, or an interpretation issued by an agency with respect to a spe-  
36 cific set of facts and intended to apply only to that specific set of  
37 facts.

38 c. An intergovernmental, interagency, or intra-agency memoran-  
39 dum, directive, manual or other communication which does not sub-  
40 stantially affect the legal rights of, or procedures available to, the  
41 public or any segment thereof.

42 d. A determination, decision, or order in a contested case.

43 e. An opinion of the attorney general.

44 f. Those portions of staff manuals, instructions or other state-  
45 ments issued by an agency which set forth criteria or guidelines to  
46 be used by its staff in auditing, in making inspections, in settling  
47 commercial disputes or negotiating commercial arrangements, or in  
48 the selection or handling of cases, such as operational tactics or  
49 allowable tolerances or criteria for the defense, prosecution, or set-  
50 tlement of cases, when the disclosure of such statements would: (1)  
51 enable law violators to avoid detection; or (2) facilitate disregard of  
52 requirements imposed by law; or (3) give a clearly improper advan-  
53 tage to persons who are in an adverse position to the state.

54 g. A specification of the prices to be charged for goods or services  
55 sold by an agency as distinguished from a license fee, application fee,  
56 or other fees.

57 h. A statement concerning only the physical servicing, maintenance  
58 or care of publicly owned or operated facilities or property.

59 i. A statement relating to the use of a particular publicly owned  
60 or operated facility or property, the substance of which is indicated  
61 to the public by means of signs or signals.

62 j. A decision by an agency not to exercise a discretionary power.

63 k. A statement concerning only inmates of a penal institution, stu-  
64 dents enrolled in an educational institution, or patients admitted to  
65 a hospital, when issued by such an agency.

66 8. "Rule-making" means the process for adopting, amending, or  
67 repealing a rule.

68 9. "Agency action" includes the whole or a part of an agency rule  
69 or other statement of law or policy, order, decision, license, proceed-  
70 ing, investigation, sanction, relief, or the equivalent or a denial  
71 thereof, or a failure to act, or any other exercise of agency discre-  
72 tion or failure to do so, or the performance of any agency duty or  
73 the failure to do so.

74 10. "Agency member" means an individual who is the statutory or  
75 constitutional head of an agency, or an individual who is one of sev-  
76 eral individuals who constitute the statutory or constitutional head  
77 of an agency.

1 SEC. 3. NEW SECTION. Public information—adoption of rules—  
2 availability of rules and orders.

3 1. In addition to other requirements imposed by constitution or  
4 statute, each agency shall:

5 a. Adopt as a rule a description of the organization of the agency  
6 which states the general course and method of its operations, and the  
7 methods by which and location where the public may obtain informa-  
8 tion or make submissions or requests.

9 b. Adopt rules of practice setting forth the nature and require-  
10 ments of all formal and informal procedures available to the public,  
11 including a description of all forms and instructions that are to be  
12 used by the public in dealing with the agency.

13 c. Make available for public inspection all rules, and make avail-  
14 able for public inspection and index by subject, all other written  
15 statements of law or policy, or interpretations formulated, adopted,  
16 or used by the agency in the discharge of its functions. Except as  
17 otherwise required by constitution or statute, or in the use of dis-  
18 covery under the Iowa rules of civil procedure or in criminal cases, an  
19 agency shall not be required to make available for public inspection  
20 those portions of its staff manuals, instructions or other statements  
21 excluded from the definition of "rule" by paragraph f of subsection  
22 seven (7) of section two (2) of this Act.

23 d. Make available for public inspection and index by name and  
24 subject all final orders, decisions, and opinions: Provided that to  
25 the extent required to prevent a clearly unwarranted invasion of per-  
26 sonal privacy or trade secrets, an agency shall delete identifying  
27 details when it makes available for public inspection any final order,  
28 decision, or opinion; however, in each case the justification for the  
29 deletion shall be explained fully in writing.

30 2. No agency rule or other written statement of law or policy, or  
31 interpretation, order, decision or opinion is valid or effective against  
32 any person or party, nor shall it be invoked by the agency for any  
33 purpose, until it has been made available for public inspection and  
34 indexed as required by paragraphs c and d of subsection one (1) of  
35 this section. This provision is not applicable in favor of any per-  
36 son or party who has actual timely knowledge thereof and the bur-  
37 den of proving such knowledge shall be on the agency.

1 SEC. 4. NEW SECTION. Procedure for adoption of rules.

2 1. Prior to the adoption, amendment, or repeal of any rule an  
3 agency shall:

4 a. Give notice of its intended action by causing a notice to be pub-  
5 lished in the "Iowa Administrative Code". Any notice of intended  
6 action shall be published at least thirty-five days in advance of the  
7 action. The notice shall include a statement of either the terms or  
8 substance of the intended action or a description of the subjects and  
9 issues involved, and the time when, the place where, and the man-  
10 ner in which interested persons may present their views thereon.

11 b. Afford all interested persons reasonable opportunity to submit  
12 data, views, or arguments in writing. If timely requested in writing  
13 by twenty-five interested persons, by a governmental subdivision, by  
14 the administrative rules review committee, by an agency, or by an  
15 association having not less than twenty-five members, the agency  
16 must give interested persons an opportunity to make oral presenta-  
17 tion according to agency rules which give the public adequate notice  
18 of the time when and the place where oral presentation may be made,  
19 and which provide for the presentation prior to agency action on the  
20 rule which is the subject of the proceeding. The agency shall con-  
21 sider fully all written and oral submissions respecting the proposed  
22 rule. Within one hundred eighty days following either the notice  
23 published according to the provisions of paragraph a of subsection  
24 one (1) of this section or the last date of the oral presentations on  
25 the proposed rule, whichever is later, the agency shall adopt a rule  
26 pursuant to the rule-making proceeding or shall terminate the pro-  
27 ceeding. If requested to do so by an interested person, either prior to  
28 adoption or within thirty days thereafter, the agency shall issue a  
29 concise statement of the principal reasons for and against the rule it  
30 adopted, incorporating therein the reasons for overruling considera-  
31 tions urged against the rule.

32 2. When an agency for good cause finds that notice and public par-  
33 ticipation would be impracticable, unnecessary, or contrary to the  
34 public interest, the provisions of subsection one (1) of this section  
35 shall be inapplicable. The agency shall incorporate in each rule  
36 issued in reliance upon this provision either the finding and a brief  
37 statement of the reasons therefor, or a statement that the rule is  
38 within a very narrowly-tailored category of rules whose issuance  
39 has previously been exempted from subsection one (1) of this sec-  
40 tion by a special rule relying on this provision and including such a  
41 finding and statement of reasons for the entire category. In any  
42 action contesting a rule adopted pursuant to this subsection, the bur-  
43 den of proof shall be on the agency to show that the procedures of  
44 subsection one (1) of this section were impracticable, unnecessary, or  
45 contrary to the public interest and that, if a category of rules was  
46 involved, the category was very narrowly tailored.

47 3. No rule adopted after the effective date of this Act is valid  
48 unless adopted in substantial compliance with the above require-  
49 ments of this section. However, a rule shall be conclusively presumed  
50 to have been made in compliance with all of the above procedural  
51 requirements of this section if it has not been invalidated on the  
52 grounds of noncompliance in a proceeding commenced within two  
53 years after its effective date.

54 4. a. If the administrative rules review committee created by sec-  
55 tion eight (8) of this Act or the attorney general finds objec-  
56 tion to all or some portion of a proposed rule because that rule is  
57 deemed to be unreasonable, arbitrary, capricious or otherwise be-

58 yond the authority delegated to the agency, the committee or attorney  
59 general may, in writing, notify the agency of the objection prior  
60 to the effective date of such a rule. In the case of a rule issued  
61 under subsection two (2) of section four (4) or a rule made effective  
62 under the terms of paragraph b of subsection two (2) of section  
63 five (5) the committee or attorney general may notify the agency of  
64 such an objection within seventy days of the date such a rule became  
65 effective. The committee or the attorney general shall also file  
66 a certified copy of such an objection in the office of the secretary of  
67 state within the above time limits and a notice to the effect that an  
68 objection has been filed shall be published in the next supplement to  
69 the "Iowa Administrative Code". The burden of proof shall then  
70 be on the agency in any proceeding for judicial review or for enforcement  
71 of the rule heard subsequent to the filing to establish that the  
72 rule or portion of the rule timely objected to according to the above  
73 procedure is not unreasonable, arbitrary, capricious or otherwise  
74 beyond the authority delegated to it.

75 b. If the agency fails to meet the burden of proof prescribed for a  
76 rule objected to according to the provisions of paragraph a of this  
77 subsection, the court shall declare the rule or portion of the rule  
78 objected to invalid and judgment shall be rendered against the agency  
79 for court costs. Such court costs shall include a reasonable attorney  
80 fee and shall be payable by the state comptroller from the support  
81 appropriations of the agency which issued the rule in question.

1 **SEC. 5. NEW SECTION. Filing and taking effect of rules.**

2 1. Each agency shall file in the office of the secretary of state a certified  
3 copy of each rule adopted by it, including all rules as defined in  
4 this Act existing on the effective date of this Act. The secretary of  
5 state shall keep a permanent register of the rules open to public inspection.  
6 Rules presently on file in the office of the secretary of state  
7 need not be refiled.

8 2. Each rule hereafter adopted is effective thirty-five days after  
9 filing, as required in this section, and indexing and publication as required  
10 by section six (6) of this Act, except that:

11 a. If a later date is required by statute or specified in the rule, the  
12 later date is the effective date.

13 b. Subject to applicable constitutional or statutory provisions, a  
14 rule becomes effective immediately upon filing with the secretary of  
15 state, or at a subsequent stated date prior to indexing and publication,  
16 or at a stated date less than thirty-five days after filing, indexing,  
17 and publication, if the agency finds:

18 (1) That a statute so provides;

19 (2) That the rule confers a benefit or removes a restriction on  
20 the public or some segment thereof; or

21 (3) That this effective date is necessary because of imminent peril  
22 to the public health, safety, or welfare. In any subsequent action  
23 contesting the effective date of a rule promulgated under this paragraph,  
24 the burden of proof shall be on the agency to justify its finding.  
25 The agency's finding and a brief statement of the reasons therefor  
26 shall be filed with and made a part of the rule. Prior to indexing  
27 and publication, the agency shall make reasonable efforts to  
28 make known to the persons who may be affected by it a rule made  
29 effective under the terms of this paragraph.

1     **SEC. 6. NEW SECTION. Publication of rules.**

2     1. The Code editor shall cause to be compiled, indexed, and pub-  
3     lished in loose leaf form all rules adopted by each agency and notice  
4     of all proposed rule-making by each agency. The Code editor further  
5     shall cause to be distributed supplements to this publication at least  
6     every other week which supplements shall contain, in such a form  
7     that they may be filed in the appropriate places in the compilation,  
8     all rules and notice of proposed rules filed for publication in the prior  
9     two weeks. The Code editor shall devise a uniform numbering sys-  
10    tem for rules and may renumber rules before publication to conform  
11    with the system.

12    2. The Code editor may omit or cause to be omitted from the pub-  
13    lication any rule the publication of which would be unduly cumber-  
14    some, expensive, or otherwise inexpedient, if the rule in printed or  
15    processed form is made available on application to the adopting  
16    agency at no more than its cost of reproduction, and if the publication  
17    contains a notice stating the specific subject matter of the omitted  
18    rule and stating how a copy thereof may be obtained.

19    3. This publication, which shall be known as the "Iowa Adminis-  
20    trative Code", shall be made available upon request to all persons  
21    who subscribe thereto.

22    4. All expenses incurred by the Code editor under this section shall  
23    be defrayed under the provisions of section fourteen point twenty-  
24    two (14.22) of the Code.

1     **SEC. 7. NEW SECTION. Petition for adoption of rules.** An inter-  
2     ested person may petition an agency requesting the promulgation,  
3     amendment, or repeal of a rule. Each agency shall prescribe by  
4     rule the form for petitions and the procedure for their submission,  
5     consideration, and disposition. Within sixty days after submission  
6     of a petition, the agency either shall deny the petition in writing on  
7     the merits, stating its reasons for the denial, or initiate rule-making  
8     proceedings in accordance with section four (4) of this Act, or issue  
9     a rule if it is not required to be issued according to the procedures  
10    of subsection one (1) of section four (4) of this Act.

1     **SEC. 8. NEW SECTION. Administrative rules review committee.**

2     1. There is created the administrative rules review committee. The  
3     committee shall be bipartisan and shall be composed of the follow-  
4     ing members:

5       a. Three senators appointed by the president of the senate.

6       b. Three representatives appointed by the speaker of the house.

7     2. A committee member shall be appointed prior to the adjourn-  
8     ment of a regular session convened in an odd-numbered year. The  
9     term of office shall be for four years beginning May first of the year  
10    of appointment. However, a member shall serve until a successor  
11    is appointed. A vacancy on the committee shall be filled by the orig-  
12    inal appointing authority for the remainder of the term. A vacancy  
13    shall exist whenever a committee member ceases to be a member of  
14    the houses from which the member was appointed.

15    3. A committee member shall be paid a forty dollar per diem for  
16    each day in attendance and shall be reimbursed for actual and neces-  
17    sary expenses. There is appropriated from money in the general  
18    fund not otherwise appropriated an amount sufficient to pay costs  
19    incurred under this section.

20 4. The committee shall choose a chairperson from its membership  
21 and prescribe its rules of procedure. The committee may employ a  
22 secretary or may appoint the Code editor or a designee to act as sec-  
23 retary.

24 5. A regular committee meeting shall be held at the seat of gov-  
25 ernment on the second Tuesday of each month. Unless impracticable  
26 in advance of each such meeting the subject matter to be considered  
27 shall be published in the "Iowa Administrative Code". A special  
28 committee meeting may be called by the chairperson at any place  
29 in the state and at any time. Unless impracticable, in advance of  
30 each special meeting notice of the time and place of such meeting  
31 and the subject matter to be considered shall be published in the  
32 "Iowa Administrative Code".

33 6. The committee shall meet for the purpose of selectively review-  
34 ing rules, whether proposed or in effect. A regular or special commit-  
35 tee meeting shall be open to the public and an interested person may  
36 be heard and present evidence. The committee may require a repre-  
37 sentative of an agency whose rule or proposed rule is under considera-  
38 tion to attend a committee meeting.

39 7. The committee may refer a rule to the speaker of the house and  
40 the president of the senate at the next regular session of the general  
41 assembly. The speaker and the president shall refer such a rule to  
42 the appropriate standing committee of the general assembly.

43 8. If the committee finds objection to a rule, it may utilize the  
44 procedure provided in subsection four (4) of section four (4). In  
45 addition or in the alternative, the committee may include in the re-  
46 ferral, under subsection seven (7) of this section, a recommenda-  
47 tion that this rule be overcome by statute. If the committee of the  
48 general assembly to which a rule is referred finds objection to the  
49 referred rule, it may recommend to the general assembly that this  
50 rule be overcome by statute. This section shall not be construed to  
51 prevent a committee of the general assembly from reviewing a rule  
52 on its own motion.

1 SEC. 9. NEW SECTION. **Declaratory rulings by agencies.** Each  
2 agency shall provide by rule for the filing and prompt disposition of  
3 petitions for declaratory rulings as to the applicability of any statu-  
4 tory provision, rule or other written statement of law or policy, deci-  
5 sion, or order of the agency. Rulings disposing of petitions have the  
6 same status as agency decisions or orders in contested cases.

1 SEC. 10. NEW SECTION. **Informal settlements—waiver.**

2 1. Unless precluded by statute, informal settlements of controver-  
3 sies that may culminate in contested case proceedings according to  
4 the provisions of this Act are encouraged. Agencies shall prescribe  
5 by rule specific procedures for attempting such informal settlements  
6 prior to the commencement of contested case proceedings. This sub-  
7 section shall not be construed to require either party to such a con-  
8 troversy to utilize the informal procedures or to settle the contro-  
9 versy pursuant to those informal procedures.

10 2. The parties to a contested case proceeding may, by written stip-  
11 ulation representing an informed mutual consent, waive any provi-  
12 sion of this Act relating to such proceedings. In addition to con-  
13 senting to such a waiver in individual cases, an agency may, by rule,  
14 express its consent to such a waiver as to an entire class of cases.

1     **SEC. 11. NEW SECTION. Presiding officer—administrative hear-**  
2 **ing officers.**

3     1. The presiding officer in evidentiary hearings required to be  
4 conducted by an agency according to the provisions of this Act gov-  
5 erning contested cases shall be the agency, one or more members of  
6 a multi-member agency, or an administrative hearing officer ap-  
7 pointed according to the terms of this section. Each agency needing  
8 the services of one or more permanent full-time or part-time admin-  
9 istrative hearing officers shall appoint as many of them to its staff  
10 as are necessary for this purpose. Agencies shall assign administra-  
11 tive hearing officers to cases in rotation unless it is not feasible. Ad-  
12 ministrative hearing officers shall not perform duties inconsistent  
13 with their duties and responsibilities as hearing officers.

14     2. Administrative hearing officers shall be covered by the merit  
15 system of personnel administration, chapter nineteen A (19A) of  
16 the Code. The Iowa merit employment department or other appro-  
17 priate agency specified in section nineteen A point three (19A.3) of  
18 the Code shall, insofar as practicable, provide for different classes of  
19 administrative hearing officers with different salary scales.

20     3. An agency whose work load is such that the appointment of a  
21 permanent full-time or part-time administrative hearing officer is  
22 unwarranted, or an agency whose work load is such that one or more  
23 additional administrative hearing officers are temporarily required,  
24 may use administrative hearing officers selected by the Iowa merit  
25 employment department from other agencies having hearing officers  
26 that are temporarily available and that are qualified to preside at the  
27 hearings held by the agency requesting the temporary use of a hear-  
28 ing officer. In cases where an agency borrows one or more adminis-  
29 trative hearing officers from other agencies, the salaries and expenses  
30 of those administrative hearing officers shall be apportioned and  
31 charged to the several agencies according to their use.

1     **SEC. 12. NEW SECTION. Contested cases — notice — hearing —**  
2 **records.**

3     1. In a contested case, all parties shall be afforded an opportunity for  
4 hearing after reasonable notice in writing delivered either by personal  
5 service as in civil actions or by certified mail return receipt requested.  
6 However, an agency may provide by rule for the delivery of such notice  
7 by other means. Delivery of the notice referred to in this subsection  
8 shall constitute commencement of the contested case proceeding.

9     2. The notice shall include:

10     a. A statement of the time, place, and nature of the hearing.

11     b. A statement of the legal authority and jurisdiction under which  
12 the hearing is to be held.

13     c. A reference to the particular sections of the statutes and rules  
14 involved.

15     d. A short and plain statement of the matters asserted. If the  
16 agency or other party is unable to state the matters in detail at the  
17 time the notice is served, the initial notice may be limited to a state-  
18 ment of the issues involved. Thereafter upon application a more  
19 definite and detailed statement shall be furnished.

20     3. If a party fails to appear in a contested case proceeding after  
21 proper service of notice, the presiding officer may, if no adjournment



22 is granted, proceed with the hearing and make a decision in the ab-  
23 sence of the party.

24 4. Opportunity shall be afforded all parties to respond and pre-  
25 sent evidence and argument on all issues involved and to be repre-  
26 sented by counsel at their own expense.

27 5. Unless precluded by statute, informal disposition may be made  
28 of any contested case by stipulation, agreed settlement, consent order,  
29 or default or by another method agreed upon by the parties in writ-  
30 ing.

31 6. The record in a contested case shall include:

32 a. All pleadings, motions, and intermediate rulings.

33 b. All evidence received or considered and all other submissions.

34 c. A statement of all matters officially noticed.

35 d. All questions and offers of proof, objections, and rulings thereon.

36 e. All proposed findings and exceptions.

37 f. Any decision, opinion, or report by the officer presiding at the  
38 hearing.

39 7. Oral proceedings shall be open to the public and shall be re-  
40 corded either by mechanized means or by certified shorthand report-  
41 ers. Oral proceedings or any part thereof shall be transcribed at  
42 the request of any party with the expense of the transcription  
43 charged to the requesting party. The recording or stenographic  
44 notes of oral proceedings or the transcription thereof shall be filed  
45 with and maintained by the agency for at least five years from the  
46 date of decision.

47 8. Findings of fact shall be based solely on the evidence in the rec-  
48 ord and on matters officially noticed in the record.

1 **SEC. 13. NEW SECTION. Subpoenas—discovery.**

2 1. Agencies shall have all subpoena powers conferred upon them  
3 by their enabling acts or other statutes. In addition, prior to the  
4 commencement of a contested case by the notice referred to in subsec-  
5 tion one (1) of section twelve (12) of this Act an agency having  
6 power to decide such cases shall have authority to subpoena books,  
7 papers, records, and any other real evidence necessary for the agency  
8 to determine whether it should institute such a contested case pro-  
9 ceeding. After the commencement of a contested case, each agency  
10 having power to decide contested cases shall have authority to admin-  
11 ister oaths and to issue subpoenas in such cases. Discovery proce-  
12 dures applicable to civil actions shall be available to all parties in con-  
13 tested cases before an agency. Evidence obtained in such discovery  
14 may be used in the hearing before the agency if that evidence would  
15 otherwise be admissible in the agency hearing. Agency subpoenas  
16 shall be issued to a party on request. On contest, the court shall  
17 sustain the subpoena or similar process or demand to the extent that  
18 it is found to be in accordance with the law applicable to the issuance  
19 of subpoenas or discovery in civil actions. In proceedings for enforce-  
20 ment, the court shall issue an order requiring the appearance of the  
21 witness or the production of the evidence or data within a reasonable  
22 time under penalty of punishment for contempt in cases of willful  
23 failure to comply.

24 2. An agency that relies on a witness in a contested case, whether  
25 or not an agency employee, who has made prior statements or reports  
26 with respect to the subject matter of the witness' testimony, shall,

27 on request, make such statements or reports available to parties for  
 28 use on cross-examination, unless those statements or reports are  
 29 otherwise expressly exempt from disclosure by constitution or stat-  
 30 ute. Identifiable agency records that are relevant to disputed mate-  
 31 rial facts involved in a contested case, shall, upon request, promptly  
 32 be made available to a party unless the requested records are ex-  
 33 pressly exempt from disclosure by constitution or statute.

1     **SEC. 14. NEW SECTION. Rules of evidence—official notice.** In  
 2 contested cases:

3     1. Irrelevant, immaterial, or unduly repetitious evidence should be  
 4 excluded. A finding shall be based upon the kind of evidence on which  
 5 reasonably prudent persons are accustomed to rely for the conduct  
 6 of their serious affairs, and may be based upon such evidence even  
 7 if it would be inadmissible in a jury trial. Agencies shall give effect  
 8 to the rules of privilege recognized by law. Objections to eviden-  
 9 tiary offers may be made and shall be noted in the record. Subject  
 10 to these requirements, when a hearing will be expedited and the in-  
 11 terests of the parties will not be prejudiced substantially, any part  
 12 of the evidence may be required to be submitted in verified written  
 13 form.

14     2. Documentary evidence may be received in the form of copies or  
 15 excerpts, if the original is not readily available. Upon request,  
 16 parties shall be given an opportunity to compare the copy with the  
 17 original, if available.

18     3. Witnesses at the hearing, or persons whose testimony has been  
 19 submitted in written form if available, shall be subject to cross-  
 20 examination by any party as necessary for a full and true disclosure  
 21 of the facts.

22     4. Official notice may be taken of all facts of which judicial notice  
 23 may be taken and of other facts within the specialized knowledge of  
 24 the agency. Parties shall be notified at the earliest practicable time,  
 25 either before or during the hearing, or by reference in preliminary  
 26 reports, preliminary decisions or otherwise, of the facts proposed to  
 27 be noticed and their source, including any staff memoranda or data,  
 28 and the parties shall be afforded an opportunity to contest such  
 29 facts before the decision is announced unless the agency determines  
 30 as part of the record or decision that fairness to the parties does not  
 31 require an opportunity to contest such facts.

32     5. The agency's experience, technical competence, and specialized  
 33 knowledge may be utilized in the evaluation of the evidence.

1     **SEC. 15. NEW SECTION. Final decisions — proposed decisions —**  
 2 **conclusiveness—review by the agency.**

3     1. When the agency presides at the reception of the evidence in a  
 4 contested case, the decision of the agency is a final decision.

5     2. When the agency did not preside at the reception of the evidence  
 6 in a contested case, the presiding officer shall make a proposed deci-  
 7 sion. Findings of fact shall be prepared by the officer presiding at  
 8 the reception of the evidence in a contested case unless the officer  
 9 becomes unavailable to the agency. If the officer is unavailable, the  
 10 findings of fact may be prepared by another person qualified to be  
 11 a presiding officer who has read the record, unless demeanor of wit-  
 12 nesses is a substantial factor. If demeanor is a substantial factor  
 13 and the presiding officer is unavailable, the portions of the hearing

14 involving demeanor shall be heard again or the case shall be dis-  
15 missed.

16 3. When the presiding officer makes a proposed decision, that deci-  
17 sion then becomes the final decision of the agency without further  
18 proceedings unless there is an appeal to, or review on motion of, the  
19 agency within the time provided by rule. On appeal from or review  
20 of the proposed decision, the agency has all the power which it would  
21 have in initially making the final decision except as it may limit the  
22 issues on notice to the parties or by rule. In cases where there is an  
23 appeal from a proposed decision or where a proposed decision is  
24 reviewed on motion of the agency, an opportunity shall be afforded  
25 to each party to file exceptions, present briefs and, with the consent  
26 of the agency, present oral arguments to the agency members who  
27 are to render the final decision.

28 4. This section shall not preclude an agency from instituting a  
29 system whereby the proposed decision of a presiding officer in a  
30 contested case may be appealed to, or reviewed on motion of, a body  
31 consisting of one or more persons that is between the presiding offi-  
32 cer and the agency. If an agency institutes such a system of inter-  
33 mediate review, the proposed decision of the presiding officer be-  
34 comes the final decision of the agency without further proceedings  
35 unless there is an appeal to, or review on motion of, the intermediate  
36 reviewing body within the time provided by rule. An intermediate  
37 reviewing body may be vested with all or a part of the power which  
38 it would have in initially making the decision. A decision of such  
39 an intermediate reviewing body is also a proposed decision and shall  
40 become the final decision of the agency without further proceedings  
41 unless there is an appeal to, or review on motion of, the agency within  
42 the time provided by rule. In cases where there is an appeal from a  
43 proposed decision rendered by a presiding officer to an intermediate  
44 reviewing body, or where such a proposed decision is reviewed on  
45 motion of an intermediate reviewing body, an opportunity shall be  
46 afforded to each party to file exceptions, present briefs and, with the  
47 consent of the intermediate reviewing body, present oral arguments  
48 to those who are to render the decision.

49 5. When an appeal from an agency decision in a contested case  
50 may be taken to another agency pursuant to statute, or a second  
51 agency may according to statute review on its own motion the deci-  
52 sion in a contested case by the first agency, the appeal or review  
53 shall be deemed a continuous proceeding as though before one agency.  
54 A decision of the first agency in such a case is a proposed decision  
55 and shall become the final decision without further proceedings unless  
56 there is an appeal to, or review on motion of, the second agency  
57 within the time provided by statute or rule. In deciding an appeal  
58 from or review of a proposed decision of the first agency, the second  
59 agency shall have all those powers conferred upon it by statute and  
60 shall afford each party an opportunity to file exceptions, present  
61 briefs and, with its consent, present oral arguments to agency mem-  
62 bers who are to render the final decision.

1 SEC. 16. NEW SECTION. **Decisions and orders—rehearing.**

2 1. A proposed or final decision or order in a contested case shall  
3 be in writing or stated in the record. A proposed or final decision  
4 shall include findings of fact and conclusions of law, separately

5 stated. Findings of fact, if set forth in statutory language, shall be  
6 accompanied by a concise and explicit statement of underlying facts  
7 supporting the findings. If, in accordance with agency rules, a party  
8 submitted proposed findings of fact, the decision shall include a rul-  
9 ing upon each proposed finding. Each conclusion of law shall be  
10 supported by cited authority or by a reasoned opinion. Parties shall  
11 be promptly notified of each proposed or final decision or order by  
12 the delivery to them of a copy of such decision or order in the man-  
13 ner provided by subsection one (1) of section twelve (12) of this Act.

14 2. Any party may file an application for rehearing, stating the  
15 specific grounds therefor and the relief sought, within twenty days  
16 after the issuance of any final decision by the agency in a contested  
17 case. A copy of such application shall be timely mailed by the appli-  
18 cant to all parties of record not joining therein. Such an application  
19 for rehearing shall be deemed to have been denied unless the agency  
20 grants the application within twenty days after its filing.

1 **SEC. 17. NEW SECTION. Ex parte communications and separa-**  
2 **tion of functions.**

3 1. Unless required for the disposition of ex parte matters specifi-  
4 cally authorized by statute, individuals assigned to render a proposed  
5 or final decision or to make findings of fact and conclusions of law  
6 in a contested case, shall not communicate, directly or indirectly, in  
7 connection with any issue of fact or law in that contested case, with  
8 any person or party, except upon notice and opportunity for all  
9 parties to participate as shall be provided for by agency rules.

10 However, without such notice and opportunity for all parties to  
11 participate, individuals assigned to render a proposed or final deci-  
12 sion or to make findings of fact and conclusions of law in a contested  
13 case may communicate with members of the agency, and may have  
14 the aid and advice of persons other than those with a personal inter-  
15 est in, or those engaged in prosecuting or advocating in, either the  
16 case under consideration or a pending factually related case involv-  
17 ing the same parties.

18 2. Unless required for the disposition of ex parte matters specifi-  
19 cally authorized by statute, parties or their representatives in a  
20 contested case shall not communicate, directly or indirectly, in con-  
21 nection with any issue of fact or law in that contested case, with in-  
22 dividuals assigned to render a proposed or final decision or to make  
23 findings of fact and conclusions of law in that contested case, except  
24 upon notice and opportunity for all parties to participate as shall be  
25 provided for by agency rules. The agency's rules may require the  
26 recipient of a prohibited communication to submit the communica-  
27 tion if written or a summary of the communication if oral for inclu-  
28 sion in the record of the proceeding. As sanctions for violations,  
29 the rules may provide for a decision against a party who violates the  
30 rules; for censuring, suspending, or revoking a privilege to practice  
31 before the agency; and for censuring, suspending, or dismissing  
32 agency personnel.

33 3. No individual who participates in the making of any proposed  
34 or final decision in a contested case shall have prosecuted or advoc-  
35 ated in connection with that case, the specific controversy underly-  
36 ing that case, or another pending factually related contested case, or  
37 pending factually related controversy that may culminate in a con-

38 tested case, involving the same parties. Nor shall any such individ-  
 39 ual be subject to the authority, direction, or discretion of any person  
 40 who has prosecuted or advocated in connection with that contested  
 41 case, the specific controversy underlying that contested case, or a  
 42 pending factually related contested case or controversy, involving the  
 43 same parties.

44 4. A party to a contested case proceeding may file a timely and suf-  
 45 ficient affidavit asserting disqualification according to the provisions  
 46 of subsection three (3) of this section, or asserting personal bias of  
 47 an individual participating in the making of any proposed or final  
 48 decision in that case. The agency shall determine the matter as part  
 49 of the record in the case. When an agency in these circumstances  
 50 makes such a determination with respect to an agency member, that  
 51 determination shall be subject to de novo judicial review in any sub-  
 52 sequent review proceeding of the case.

1 **SEC. 18. NEW SECTION. Licenses.**

2 1. When the grant, denial, or renewal of a license is required by  
 3 constitution or statute to be preceded by notice and opportunity for  
 4 an evidentiary hearing, the provisions of this Act concerning con-  
 5 tested cases apply.

6 2. When a licensee has made timely and sufficient application for  
 7 the renewal of a license or a new license with reference to any activ-  
 8 ity of a continuing nature, the existing license does not expire until  
 9 the application has been finally determined by the agency, and, in  
 10 case the application is denied or the terms of the new license limited,  
 11 until the last day for seeking judicial review of the agency order or  
 12 a later date fixed by order of the agency or the reviewing court.

13 3. No revocation, suspension, annulment, or withdrawal, in whole  
 14 or in part, of any license is lawful unless, prior to the institution of  
 15 agency proceedings, the agency gave written, timely notice by per-  
 16 sonal service as in civil actions or by restricted certified mail to the  
 17 licensee of facts or conduct and the provisions of law which war-  
 18 rant the intended action, and the licensee was given an opportunity  
 19 to show, in an evidentiary hearing conducted according to the provi-  
 20 sions of this Act for contested cases, compliance with all lawful re-  
 21 quirements for the retention of the license. If the agency finds that  
 22 public health, safety, or welfare imperatively requires emergency  
 23 action, and incorporates a finding to that effect in its order, summary  
 24 suspension of a license may be ordered pending proceedings for revo-  
 25 cation or other action. These proceedings shall be promptly insti-  
 26 tuted and determined.

1 **SEC. 19. NEW SECTION. Judicial review.** Except as expressly  
 2 provided otherwise by another statute referring to this Act by name,  
 3 the judicial review provisions of this Act shall be the exclusive means  
 4 by which a person or party who is aggrieved or adversely affected by  
 5 agency action may seek judicial review of such agency action. How-  
 6 ever, nothing in this Act shall abridge or deny to any person or  
 7 party who is aggrieved or adversely affected by any agency action  
 8 the right to seek relief from such action in the courts.

9 1. A person or party who has exhausted all adequate administra-  
 10 tive remedies and who is aggrieved or adversely affected by any  
 11 final agency action is entitled to judicial review thereof under this

12 Act. When agency action is pursuant to rate regulatory powers  
13 over public utilities or common carriers and the aggrievement or ad-  
14 verse effect is to the rates or charges of a public utility or common  
15 carrier, the agency action shall not be final until all agency reme-  
16 dies have been exhausted and a decision prescribing rates which sat-  
17 isfy the requirements of those provisions of the Code has been ren-  
18 dered. A preliminary, procedural, or intermediate agency action is  
19 immediately reviewable if all adequate administrative remedies have  
20 been exhausted and review of the final agency action would not pro-  
21 vide an adequate remedy. If a declaratory ruling has not been ren-  
22 dered within thirty days after the filing of a petition therefor under  
23 section nine (9) of this Act, or if the agency declines to issue such  
24 a declaratory ruling after receipt of a petition therefor, any adminis-  
25 trative remedy available under section nine (9) of this Act shall be  
26 deemed inadequate or exhausted.

27 2. Proceedings for judicial review shall be instituted by filing a  
28 petition either in Polk county district court or in the district court  
29 for the county in which the petitioner resides or has its principal  
30 place of business. When a proceeding for judicial review has been  
31 commenced, a court may, in the interest of justice, transfer the pro-  
32 ceeding to another county where the venue is proper. Within ten  
33 days after the filing of a petition for judicial review file stamped  
34 copies of the petition shall be mailed by the petitioner to all parties  
35 named in the petition and, if the petition involves review of agency  
36 action in a contested case, all parties of record in that case before  
37 the agency. Such mailing shall be jurisdictional and shall be ad-  
38 dressed to the parties at their last known mailing address. Proof of  
39 mailing shall be by affidavit. Any party of record in a contested case  
40 before an agency wishing to intervene and participate in the review  
41 proceeding thereon must file an appearance within forty-five days  
42 from the time the petition is filed.

43 3. If a party files an application under subsection two (2) of sec-  
44 tion sixteen (16) of this Act for rehearing with the agency, the peti-  
45 tion for judicial review must be filed within thirty days after that  
46 application has been denied or deemed denied. If a party does not  
47 file an application under subsection two (2) of section sixteen (16)  
48 of this Act for rehearing, the petition must be filed within thirty  
49 days after the issuance of the agency's final decision in that con-  
50 tested case. If an application for rehearing is granted, the petition  
51 for review must be filed within thirty days after the issuance of the  
52 agency's final decision on rehearing. In cases involving a petition  
53 for judicial review of agency action other than the decision in a con-  
54 tested case, the petition may be filed at any time petitioner is ag-  
55 grievied or adversely affected by that action.

56 4. The petition for review shall name the agency as respondent  
57 and shall contain a concise statement of:

- 58 a. The nature of the agency action which is the subject of the peti-  
59 tion.
- 60 b. The particular agency action appealed from.
- 61 c. The facts on which venue is based.
- 62 d. The grounds on which relief is sought.
- 63 e. The relief sought.

64 5. The filing of the petition for review does not itself stay execu-  
65 tion or enforcement of any agency action. Upon application the

66 agency or the reviewing court may, in appropriate cases, order such  
67 a stay pending the outcome of the judicial review proceedings.

68 6. Within thirty days after filing of the petition, or within fur-  
69 ther time allowed by the court, the agency shall transmit to the re-  
70 viewing court the original or a certified copy of the entire record of  
71 any contested case which may be the subject of the petition. By stip-  
72 ulation of all parties to the review proceedings, the record of such a  
73 case may be shortened. A party unreasonably refusing to stipulate  
74 to limit the record may be taxed by the court for the additional costs.  
75 The court may require or permit subsequent corrections or additions  
76 to the record.

77 7. In proceedings for judicial review of agency action a court may  
78 hear and consider such evidence as it deems appropriate. In proceed-  
79 ings for judicial review of agency action in a contested case, how-  
80 ever, a court shall not itself hear any further evidence with respect  
81 to those issues of fact whose determination was entrusted by consti-  
82 tution or statute to the agency in that contested case proceeding. Be-  
83 fore the date set for hearing a petition for judicial review of agency  
84 action in a contested case, application may be made to the court for  
85 leave to present evidence in addition to that found in the record of  
86 the case. If it is shown to the satisfaction of the court that the addi-  
87 tional evidence is material and that there were good reasons for fail-  
88 ure to present it in the contested case proceeding before the agency,  
89 the court may order that the additional evidence be taken before the  
90 agency upon conditions determined by the court. The agency may  
91 modify its findings and decision in the case by reason of the addi-  
92 tional evidence and shall file that evidence and any modifications, new  
93 findings, or decisions with the reviewing court and mail copies of  
94 the new findings or decisions to all parties.

95 8. The court may affirm the agency action or remand to the agency  
96 for further proceedings. The court shall reverse, modify, or grant  
97 any other appropriate relief from the agency action, equitable or  
98 legal and including declaratory relief, if substantial rights of the  
99 petitioner have been prejudiced because the agency action is:

- 100 a. In violation of constitutional or statutory provisions;
- 101 b. In excess of the statutory authority of the agency;
- 102 c. In violation of an agency rule;
- 103 d. Made upon unlawful procedure;
- 104 e. Affected by other error of law;
- 105 f. In a contested case, unsupported by substantial evidence in the  
106 record made before the agency when that record is viewed as a  
107 whole; or
- 108 g. Unreasonable, arbitrary or capricious or characterized by an  
109 abuse of discretion or a clearly unwarranted exercise of discretion.

1 SEC. 20. NEW SECTION. **Appeals.** An aggrieved or adversely  
2 affected party to the judicial review proceeding may obtain a review  
3 of any final judgment of the district court under this Act by appeal  
4 to the supreme court. The appeal shall be taken as in other civil  
5 cases, although the appeal may be taken regardless of the amount  
6 involved.

1 SEC. 21. NEW SECTION. **Inconsistency with federal law.** If it is  
2 determined by the attorney general that any provision of this Act

3 would cause denial of funds or services from the United States gov-  
 4 ernment which would otherwise be available to an agency of this  
 5 state, or would otherwise be inconsistent with requirements of fed-  
 6 eral law, such provision shall be suspended as to such agency, but  
 7 only to the extent necessary to prevent denial of such funds or ser-  
 8 vices or to eliminate the inconsistency with federal requirements. If  
 9 the attorney general makes such a suspension determination, he  
 10 shall report it to the general assembly at its next session. This re-  
 11 port shall include any recommendations in regard to corrective leg-  
 12 islation needed to conform this Act with the federal law.

1 **SEC. 22. NEW SECTION. Agency authority to implement Act.**  
 2 Agencies shall have all the authority necessary to comply with the  
 3 requirements of this Act through the issuance of rules or otherwise.

1 **SEC. 23. NEW SECTION. Construction of Act.** Except as ex-  
 2 pressly provided otherwise by this Act or by another statute refer-  
 3 ring to this Act by name, the rights created and the requirements  
 4 imposed by this Act shall be in addition to those created or im-  
 5 posed by every other statute now in existence or hereafter enacted.  
 6 If any other statute now in existence or hereafter enacted diminishes  
 7 any right conferred upon a person by this Act or diminishes any re-  
 8 quirement imposed upon an agency by this Act, this Act shall take  
 9 precedence unless the other statute expressly provides that it shall  
 10 take precedence over all or some specified portion of this named  
 11 Act.

12 The "Iowa Administrative Procedure Act" shall be construed  
 13 broadly to effectuate its purposes. This Act shall also be construed  
 14 to apply to all agencies not expressly exempted by this Act or by  
 15 another statute specifically referring to this Act by name; and except  
 16 as to proceedings in process on its effective date, this Act shall be  
 17 construed to apply to all covered agency proceedings and all agency  
 18 action not expressly exempted by this Act or by another statute spe-  
 19 cifically referring to this Act by name.

1 **SEC. 24. Effective date.** This Act shall take effect on July 1,  
 2 1975, except that sections twenty-five (25) and twenty-six (26) of  
 3 this Act shall be effective July 1, 1974.

1 **SEC. 25.** This Act shall be printed in the Code of Iowa 1975. In  
 2 the Code of Iowa 1975, the Code editor shall designate sections one  
 3 (1) through twenty-three (23) of this Act as chapter seventeen A  
 4 (17A).

1 **SEC. 26.** No new edition of the "Iowa Departmental Rules" vol-  
 2 ume shall be issued. Supplements to the 1973 "Iowa Departmental  
 3 Rules" volume shall continue to be issued until the "Iowa Adminis-  
 4 trative Code" is published.

1 **SEC. 27.** Section fourteen point six (14.6), subsections five (5),  
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-  
 3 sion, chapter one hundred twenty-two (122), and six (6), Code 1973,  
 4 is amended by striking the subsections and inserting in lieu thereof  
 5 the following:

6 5. Prescribe a uniform style and form by which an agency shall  
 7 prepare and file a rule pursuant to chapter seventeen A (17A) which



8 shall correlate each rule to a uniform numbering system devised by  
9 the Code editor.

10 6. Notify an agency whose rule is not in the proper style and  
11 form pursuant to subsection five (5) of this section. If the rule is  
12 not properly redrafted within six months of notification, it shall be  
13 void.

1 SEC. 28. Section sixteen point twenty-four (16.24), unnumbered  
2 paragraph one (1), Code 1973, is amended to read as follows:

3 The superintendent of printing shall make free distribution of the  
4 Code, *the Iowa administrative code*, rules of civil procedure and  
5 supreme court rules, and of the Acts of each general assembly, as  
6 follows:

1 SEC. 29. Section seventeen point twenty-one (17.21), Code 1973,  
2 is amended to read as follows:

3 **17.21 Legal publications.** The Code or supplements thereto, Iowa  
4 ~~departmental rules~~ *administrative code*, rules of civil procedure and  
5 supreme court rules, session laws, annotations, tables of correspond-  
6 ing sections, and reports of the supreme court, unless otherwise spec-  
7 ifically provided by law, shall be printed, and paid for in the same  
8 manner as other public printing.

1 SEC. 30. Section seventeen point twenty-two (17.22), unnum-  
2 bered paragraphs one (1) and two (2), Code 1973, is amended to  
3 read as follows:

4 **17.22 Price.** Said publications shall be sold at a price to be estab-  
5 lished by dividing the total cost only, of printing, binding and paper  
6 stock by the total number printed of each edition.

7 1. Code or supplements thereto and Iowa ~~departmental rules ad-~~  
8 *ministrative code*.

9 2. Session laws.

10 3. Daily journals and bills.

11 4. Book of annotations to the Code.

12 5. Supplements to the book of annotations.

13 6. Tables of corresponding sections to the Code.

14 7. Reports of the supreme court.

15 8. Rules of civil procedure and supreme court rules.

16 The Iowa ~~departmental rules~~ *administrative code* shall be distrib-  
17 uted with each order for purchase of the Code and the price set for  
18 the Code and ~~departmental rules~~ *Iowa administrative code* as pro-  
19 vided above shall include the cost of both the Code and ~~departmental~~  
20 ~~rules~~ *Iowa administrative code*. ~~The departmental rules~~ However, the  
21 *Iowa administrative code* or its supplements may also be distributed  
22 separately. *There shall be established a price for the Iowa adminis-*  
23 *trative code and a separate price for its supplements. The price*  
24 *charged for the Iowa administrative code or its supplements shall*  
25 *represent the cost of compiling and indexing plus the amount charged*  
26 *for the printing and distributing of the Iowa administrative code or*  
27 *its supplements.*

1 SEC. 31. Section seventeen point twenty-seven (17.27), unnum-  
2 bered paragraph two (2), Code 1973, as amended by Acts of the  
3 Sixty-fifth General Assembly, 1973 Session, chapters one hundred

4 twenty (120) and one hundred twenty-two (122), is amended to read  
5 as follows:

6 When such publications, *except supplements to the Iowa adminis-*  
7 *trative code*, paid for by public funds furnished by the state, contain  
8 reprints of statutes or ~~departmental~~ rules, or both, they shall be sold  
9 and distributed at cost by the department ordering same if the cost  
10 per publication is one dollar or more, unless a central library or  
11 depository is established. Such publications shall be obtained from  
12 the superintendent of printing on requisition by the department and  
13 the selling price, if any, shall be determined by the superintendent by  
14 dividing the total cost of printing, paper and binding by the number  
15 printed. Said price shall be set at the nearest multiple of ten to the  
16 quotient thus obtained. Distribution of such publications shall be  
17 made by the superintendent gratis to public officers, purchasers of  
18 licenses from state departments required by statute, and departments.  
19 Funds from the sale of such publications shall be deposited monthly  
20 in the general fund of the state.

1 SEC. 32. Section nineteen A point thirteen (19A.13), Code 1973,  
2 is amended to read as follows:

3 **19A.13 Certification of payrolls—actions.** No state disbursing or  
4 auditing officer shall make or approve or take part in making or ap-  
5 proving any payment for personal service to any person holding a  
6 position in the merit system unless the payroll voucher or account of  
7 such pay bears the certification of the director, or of his authorized  
8 agent, that the persons named therein have been appointed and  
9 employed in accordance with the provisions of this chapter and the  
10 rules, regulations, and orders thereunder, and that funds are avail-  
11 able for the payment of the persons.

12 The director may for proper cause withhold certification from an  
13 entire payroll or from any specific item or items thereon. The direc-  
14 tor may, however, provide that certification of payrolls may be made  
15 once every six months, and such certification shall remain in effect  
16 except in the case of any officer or employee whose status has changed  
17 after the last certification of his payroll. In the latter case no voucher  
18 for payment of salary to such employee shall be issued or payment of  
19 salary made without further certification by the director.

20 Any citizen may maintain ~~a suit~~ *an action in accordance with the*  
21 *terms of the Iowa Administrative Procedure Act* to restrain a dis-  
22 burser officer from making any payment in contravention of any  
23 provision of this chapter, rule, or order thereunder. Any sum paid  
24 contrary to any provision of this chapter or any rule, regulation, or  
25 order thereunder may be recovered in an action *in accordance with*  
26 *the terms of the Iowa Administrative Procedure Act* maintained by  
27 any citizen, from any officer who made, approved, or authorized such  
28 payment or who signed or countersigned a voucher, payroll, check,  
29 or warrant for such payment, or from the sureties on the official bond  
30 of any such officer. All moneys recovered in any such action shall be  
31 paid into the state treasury.

32 Any person appointed or employed in contravention of any provi-  
33 sion of this chapter or of any rule, regulation, or order thereunder  
34 who performs service for which he is not paid, may maintain an action  
35 *in accordance with the terms of the Iowa Administrative Procedure*

36 Act against the officer or officers who purported so to appoint or  
 37 employ him to recover the agreed pay for such services or the reason-  
 38 able value thereof if no pay was agreed upon. No officer shall be  
 39 reimbursed by the state at any time for any sum paid to such person  
 40 on account of such services.

41 If the director wrongfully withholds certification of the payroll  
 42 voucher or account of any employee, such employee may maintain  
 43 a proceeding *in accordance with the terms of the Iowa Adminis-*  
 44 *trative Procedure Act* in the courts to compel the director to certify  
 45 such a payroll voucher or account.

1 SEC. 33. Section nineteen A point fourteen (19A.14), Code 1973,  
 2 is amended to read as follows:

3 **19A.14 Appeal to appointing authority.** Any employee who is  
 4 discharged, suspended, or reduced in rank or grade, except during his  
 5 probation period, may appeal to the appointing authority and if not  
 6 satisfied, may, within thirty days after such discharge, reduction, or  
 7 suspension appeal to the commission for review thereof. Upon such  
 8 review, both the appealing employee and the appointing authority  
 9 whose action is reviewed shall, within thirty days following the date  
 10 of filing of the appeal to the commission, have the right to a hearing  
 11 closed to the public, unless a public hearing is requested by the em-  
 12 ployee, and to present evidentiary facts thereat. Technical rules of  
 13 evidence shall not apply at any hearing so held. If the commission  
 14 finds that the action complained of was taken by the appointing  
 15 authority for any political, religious, racial, national origin, sex, age  
 16 or nonmerit reasons, the employee shall be reinstated to his former  
 17 position without loss of pay for the period of the suspension. In all  
 18 other cases the merit employment commission shall have jurisdiction  
 19 to hear and determine the rights of merit system employees and may  
 20 affirm, modify, or reverse any case on its merits. ~~The employee or the~~  
 21 ~~state may obtain judicial review of the commission's decision by writ~~  
 22 ~~of certiorari as provided by division XIV of the rules of civil proce-~~  
 23 ~~dure. Judicial review of the action of the commission may be sought~~  
 24 ~~in accordance with the terms of the Iowa Administrative Procedure~~  
 25 ~~Act.~~

1 SEC. 34. Section twenty-three point fifteen (23.15), unnumbered  
 2 paragraph one (1), Code 1973, is amended to read as follows:

3 The appeal board shall determine the matters involved in such  
 4 appeal and its decision shall be final, ~~unless either party, within thirty~~  
 5 ~~days from the making of such decision, gives notice to the other party~~  
 6 ~~of an appeal to the district court from such decision.~~ Its decision shall  
 7 be certified to the executive officer of the municipality affected.  
 8 *Judicial review of the action of the appeal board may be sought in*  
 9 *accordance with the terms of the Iowa Administrative Procedure Act.*

1 SEC. 35. Section twenty-nine A point twenty-seven (29A.27), un-  
 2 numbered paragraph six (6), Code 1973, is amended to read as fol-  
 3 lows:

4 Any party aggrieved by any decision of a board provided in this  
 5 section shall have the right of appeal to the district court of the state  
 6 of Iowa in and for the county of his legal residence *Judicial review*  
 7 *of any decision of the board may be sought in accordance with the*  
 8 *terms of the Iowa Administrative Procedure Act. Notwithstanding*

9 *the terms of the Iowa Administrative Procedure Act, petitions for*  
 10 *judicial review must be filed within a period of thirty days from date*  
 11 *of mailing by the adjutant general by certified mail of notice of such*  
 12 *decision. The appeal shall be perfected by filing in the office of the*  
 13 *adjutant general a written notice of appeal setting forth the order or*  
 14 *finding from which appealed and the grounds of the appeal. Within*  
 15 *thirty days after the filing of such notice of appeal a petition for*  
 16 *judicial review, the adjutant general shall make, certify, and file in*  
 17 *the office of the clerk of the district court to which the appeal is taken*  
 18 *in which the judicial review is sought a full and complete transcript*  
 19 *of all documents in the proceeding. The transcript shall include the*  
 20 *notice of appeal, any depositions, and a transcript or certification of*  
 21 *the evidence, if reported. The clerk shall forthwith docket such*  
 22 *appeal. The appeal shall be heard in such district court as in equity*  
 23 *de novo. Appeal may be taken to the supreme court from any final*  
 24 *order or judgment or decree of the district court. The attorney gen-*  
 25 *eral of Iowa, upon the request of the adjutant general, shall represent*  
 26 *the board appointed by the adjutant general against whom any such*  
 27 *appeal has been instituted.*

1 SEC. 36. Section thirty-five A point seven (35A.7), Code 1973, is  
 2 amended to read as follows:

3 **35A.7 Duties of bonus board.** It shall be the duty of the bonus  
 4 board created by section 35.1 to administer the provisions of this  
 5 chapter, to examine all applications and approve or disapprove the  
 6 same and make any investigation necessary to establish facts. In the  
 7 event an application is disapproved by the bonus board, the claimant  
 8 shall have the right of appeal to the district court of the state of Iowa  
 9 in and for the county of his legal residence *Judicial review of any*  
 10 *decision of the board may be sought in accordance with the terms of*  
 11 *the Iowa Administrative Procedure Act. Notwithstanding the terms*  
 12 *of the Iowa Administrative Procedure Act, petitions for judicial*  
 13 *review must be filed within a period of thirty days from date of*  
 14 *mailing by certified mail of notice of such disapproval. The appeal*  
 15 *shall be perfected by filing in the office of the bonus board, a written*  
 16 *notice of appeal setting forth the order or finding appealed from and*  
 17 *the grounds of the appeal. Within thirty days after the filing of such*  
 18 *notice of appeal a petition for judicial review the bonus board shall*  
 19 *make, certify and file in the office of the clerk of the district court*  
 20 *to which the appeal is taken in which the judicial review is sought,*  
 21 *a full and complete transcript of all documents in the proceeding,*  
 22 *including any depositions, a transcript or certification of the evidence,*  
 23 *if reported, including the notice of appeal. The clerk shall forthwith*  
 24 *docket such appeal. The appeal shall be heard in such district court*  
 25 *as in equity de novo. Appeal may be taken to the supreme court from*  
 26 *any final order or judgment or decree of the district court. When any*  
 27 *application has been approved by the bonus board, payment shall be*  
 28 *made to the applicant in accordance with the provisions of this chap-*  
 29 *ter. It shall be the duty of the bonus board to prepare vouchers and*  
 30 *transmit the same to the state comptroller in payment of the bonus*  
 31 *claims provided for herein and other necessary administrative expen-*  
 32 *ses; said state comptroller shall issue a warrant for the amount*  
 33 *stated therein and the state treasurer shall pay such warrants out of*  
 34 *said bonus fund. The bonus board is hereby empowered to employ*

35 such assistants and incur such other expenses as may be necessary  
36 for such administration and carrying out of the provisions of this  
37 chapter, and the funds necessary for such administration and carry-  
38 ing out the provisions of this chapter shall be expended from said  
39 compensation fund; such assistants as said bonus board may deter-  
40 mine shall give bond in such amount as may be fixed by said bonus  
41 board, and shall, whenever practicable, be persons within the classes  
42 as defined in section 35A.4. The bonus board is hereby empowered  
43 to make, adopt and promulgate such rules and regulations for the  
44 carrying out of the provisions of this chapter as it deems necessary  
45 and expedient and which are not inconsistent with any provisions of  
46 this chapter.

1 SEC. 37. Section thirty-five B point seven (35B.7), Code 1973, is  
2 amended to read as follows:

3 **35B.7 Duties.** It shall be the duty of the said board to administer  
4 the provisions of this chapter, to examine all applications and approve  
5 or disapprove the same and make any investigation necessary to estab-  
6 lish facts. ~~In the event an application is disapproved by the board,~~  
7 ~~the claimant shall have the right of appeal to the district court of the~~  
8 ~~state of Iowa in and for the county of his legal residence~~ *Judicial*  
9 *review of any decision of the board may be sought in accordance with*  
10 *the terms of the Iowa Administrative Procedure Act. Notwithstand-*  
11 *ing the terms of the Iowa Administrative Procedure Act, petitions*  
12 *for judicial review must be filed within a period of thirty days from*  
13 *date of mailing by certified mail of notice of such disapproval. The*  
14 *appeal shall be perfected by filing in the office of the board, a written*  
15 *notice of appeal setting forth the order or finding appealed from and*  
16 *the grounds of the appeal. Within thirty days after the filing of such*  
17 *notice of appeal a petition for judicial review the board shall make,*  
18 *certify and file in the office of the clerk of the district court to which*  
19 *the appeal is taken, in which the judicial review is sought a full and*  
20 *complete transcript of all documents in the proceeding, including any*  
21 *depositions, a transcript or certification of the evidence, if reported,*  
22 *including the notice of appeal. The clerk shall forthwith docket such*  
23 *appeal. The appeal shall be heard in such district court as in equity*  
24 *de novo. Appeal may be taken to the supreme court from any final*  
25 *order or judgment or decree of the district court. When any applica-*  
26 *tion has been approved by the board, payment shall be made to the*  
27 *applicant in accordance with the provisions of this chapter. It shall*  
28 *be the duty of the board to prepare vouchers and transmit the same*  
29 *to the state comptroller in payment of the bonus claims provided for*  
30 *herein and other necessary administrative expenses; said state comp-*  
31 *troller shall issue a warrant for the amount stated therein and the*  
32 *state treasurer shall pay such warrants out of said bonus fund. The*  
33 *board is hereby empowered to employ such assistants and incur such*  
34 *other expenses as may be necessary for such administration and*  
35 *carrying out of the provisions of this chapter, and the funds necessary*  
36 *for such administration and carrying out the provisions of this chap-*  
37 *ter shall be expended from said compensation fund; such assistants*  
38 *as said board may determine shall give bond in such amount as may*  
39 *be fixed by said board, and shall, whenever practicable, be persons*  
40 *within the classes as defined in section 35B.4. The board is hereby*  
41 *empowered to make, adopt and promulgate such rules and regulations*

42 for the carrying out of the provisions of this chapter as it deems  
43 necessary and expedient and which are not inconsistent with any  
44 provisions of this chapter.

1 SEC. 38. Section seventy point four (70.4), Code 1973, is amended  
2 to read as follows:

3 **70.4 Mandamus Judicial review.** A refusal to allow said prefer-  
4 ence, or a reduction of the salary for said position with intent to bring  
5 about the resignation or discharge of the incumbent, shall entitle the  
6 applicant or incumbent, as the case may be, to maintain an action of  
7 mandamus to right the wrong. *At their election such parties may, in*  
8 *the alternative, maintain an action for judicial review in accordance*  
9 *with the terms of the Iowa Administrative Procedure Act if that is*  
10 *otherwise applicable to their case.*

1 SEC. 39. Section seventy point five (70.5), Code 1973, is amended  
2 to read as follows:

3 **70.5 Appeals.** In addition to the remedy provided in section 70.4,  
4 an appeal may be taken by any person belonging to any of the  
5 classes of persons to whom a preference is hereby granted, from any  
6 refusal to allow said preference, as provided in this chapter, to the  
7 district court of the county in which such refusal occurs. The appeal  
8 shall be made by serving upon the appointing board within twenty  
9 days after the date of the refusal of said appointing officer, board, or  
10 persons to allow said preference, a written notice of such appeal  
11 stating the grounds of the appeal; a demand in writing for a certified  
12 transcript of the record, and all papers on file in his office affecting  
13 or relating to said appointment. Thereupon, said appointing officer,  
14 board, or person shall, within ten days, make, certify, and deliver to  
15 appellant such a transcript; and the appellant shall, within five days  
16 thereafter, file the same and a copy of the notice of appeal with the  
17 clerk of said court, and said notice of appeal shall stand as appellant's  
18 complaint and thereupon said cause shall be accorded such prefer-  
19 ence in its assignment for trial as to assure its prompt disposition.  
20 The court shall receive and consider any pertinent evidence, whether  
21 oral or documentary, concerning said appointment from which the  
22 appeal is taken, and if the court shall find that the said applicant is  
23 qualified as defined in section 70.1, to hold the position for which he  
24 has applied, said court shall, by its mandate, specifically direct the  
25 said appointing officer, board or persons as to their further action in  
26 the matter. An appeal may be taken from judgment of the said dis-  
27 trict court on any such appeal on the same terms as an appeal is  
28 taken in civil actions. *At their election parties entitled to appeal*  
29 *under this section may, in the alternative, maintain an action for*  
30 *judicial review in accordance with the terms of the Iowa Administra-*  
31 *tive Procedure Act if that is otherwise applicable to their case.*

1 SEC. 40. Section seventy point six (70.6), Code 1973, is amended  
2 to read as follows:

3 **70.6 Removal—certiorari to review.** No person holding a public  
4 position by appointment or employment, and belonging to any of the  
5 classes of persons to whom a preference is herein granted, shall be  
6 removed from such position or employment except for incompetency  
7 or misconduct shown after a hearing, upon due notice, upon stated  
8 charges, and with the right of such employee or appointee to a review

9 by a writ of certiorari *or at such person's election, to judicial review*  
 10 *in accordance with the terms of the Iowa Administrative Procedure*  
 11 *Act if that is otherwise applicable to their case.*

1 SEC. 41. Section eighty point fifteen (80.15), Code 1973, is  
 2 amended to read as follows:

3 **80.15 Examination—oath—probation—dismissal.** No applicant  
 4 for membership in the department of public safety, except clerical  
 5 workers and special agents appointed under section 80.7, shall be  
 6 appointed as a member until he has passed a satisfactory physical and  
 7 mental examination. In addition, such applicant must be a citizen of  
 8 the United States, of good moral character, and be not less than  
 9 twenty-two years of age. The mental examination shall be conducted  
 10 under the direction or supervision of the commissioner of public  
 11 safety and may be oral or written or both. Each applicant shall take  
 12 an oath on becoming a member of the force, to uphold the laws and  
 13 Constitution of the United States and of the state of Iowa. During  
 14 the period of twelve months after appointment, any member of the  
 15 department of public safety, except members of the present Iowa  
 16 highway safety patrol who have served more than six months, shall  
 17 be subject to dismissal at the will of the commissioner. After the  
 18 twelve months' service, no member of the department, who shall have  
 19 been appointed after having passed the before-mentioned examina-  
 20 tions, shall be subject to dismissal unless charges have been filed with  
 21 the secretary of the executive council and a hearing held before the  
 22 executive council, if requested by said member of the department, at  
 23 which he shall have an opportunity to present his defense to such  
 24 charges. The decision of the executive council by majority vote shall  
 25 be final, subject to the right of ~~appeal by the employee to judicial~~  
 26 ~~review in accordance with the terms of the Iowa Administrative~~  
 27 ~~Procedure Act. the district court of Polk county, or to the district~~  
 28 ~~court of the county in Iowa in which the employee resides, within~~  
 29 ~~thirty days after he shall have received notice of the decision of the~~  
 30 ~~executive council.~~ All rules and regulations regarding the enlistment,  
 31 appointment, and employment affecting the personnel of the depart-  
 32 ment shall be established by the commissioner with the approval of  
 33 the governor.

1 SEC. 42. Section eighty-three A point eleven (83A.11), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **83A.11 Judicial review.** Judicial review of the action of the board  
 5 or department may be sought in accordance with the terms of the  
 6 Iowa Administrative Procedure Act.

1 SEC. 43. Section eighty-four point fourteen (84.14), Code 1973, is  
 2 amended to read as follows:

3 **84.14 Appeal to district court—procedure of appeal.**

4 1. ~~Any person adversely affected by an order entered by the council,~~  
 5 ~~may appeal from such order to the district court at the seat of govern-~~  
 6 ~~ment or Judicial review of action of the council may be sought in~~  
 7 ~~accordance with the terms of the Iowa Administrative Procedure Act.~~  
 8 ~~Notwithstanding the terms of the Iowa Administrative Procedure~~  
 9 ~~Act, petitions for judicial review may be filed in the district court of~~  
 10 ~~Polk county or in the district court of any county in which the prop-~~

11 erty affected or some portion thereof is located or to the court of last  
12 appeal. Notice of appeal must be filed by such person with the council  
13 within thirty days after the entry of the order complained of, or  
14 within thirty days after the entry of the order overruling a motion  
15 for rehearing or sustaining the original order in the event a motion  
16 for rehearing has been filed. The notice of appeal must identify the  
17 order and the grounds of appeal, and reasonably specify that portion  
18 of the record which the appellant desires included in the transcript  
19 upon appeal. Immediately upon the filing of the notice of appeal the  
20 council shall certify to the appellant the estimated cost of preparing  
21 the transcript of appeal of the proceedings upon which the order  
22 complained of was entered. The amount of the estimated cost must  
23 be deposited with the council within ten days after the mailing of the  
24 certification of the costs to the appellant. Upon the deposit of the  
25 costs the council shall prepare and certify the transcript. The tran-  
26 script shall be delivered to the appellant, or his designated attorney,  
27 within sixty days after the filing of the notice of appeal.

28 2. Within ninety days after the filing of the notice of appeal, the  
29 appellant must file in the district court the transcript of the proceed-  
30 ings before the council, together with a petition for review which  
31 states briefly the grounds for the appeal. An appeal shall be perfected  
32 by filing the notice of appeal within the specified thirty-day period.  
33 The appeal may be dismissed by the district court for failure of the  
34 appellant to make the required cost deposit or to file the transcript  
35 and petition for review within the time specified, unless for good  
36 cause shown the time is extended by order of the district court. If  
37 the district court deems the transcript insufficient, the court may  
38 dismiss the appeal or return the transcript to the appellant for proper  
39 additions, and thereafter assess such further costs against the appel-  
40 lant as the court in its discretion deems sufficient.

41 3. At 2. If at the time of filing of the notice of appeal, if an applica-  
42 tion for the *petition for judicial review* suspension of the order is  
43 filed *asked for*, the council shall enter an order fixing the amount of  
44 the supersedeas bond. Within ten days after the entry of an order  
45 by the council which fixes the amount of the bond, the appellant  
46 *petitioner* must file with the council a supersedeas bond in the re-  
47 quired amount and with proper surety; upon approval of the bond,  
48 the council shall suspend the order complained of until its final dis-  
49 position upon *appeal review*. The bond shall run in favor of the state  
50 of Iowa for the use and benefit of any person who may suffer damage  
51 by reason of the suspension of the order in the event the same is  
52 affirmed by the district court. If the order of the council is not super-  
53 seded, it shall continue in force and effect as if no *appeal petition for*  
54 *judicial review* was pending.

55 4. The district court shall, insofar as is practicable, give prece-  
56 dence to *appeals from petitions for judicial review* of orders of the  
57 council. Upon the appeal of such an order the district court shall  
58 review the proceedings before the council as disclosed by the tran-  
59 script upon appeal, and thereafter enter its judgment affirming or  
60 reversing the order appealed. Orders of the council shall be sustained  
61 if the council has regularly pursued its authority and its findings and  
62 conclusions are sustained by the law and by substantial and credible  
63 evidence.



1 SEC. 44. Section eighty-five point fifty-nine (85.59), Code 1973,  
2 is amended to read as follows:

3 **85.59 Payment of state employees.** The state comptroller is here-  
4 by authorized and directed to draw warrants on the state treasury for  
5 any and all amounts due state employees under the provisions of this  
6 chapter upon there being filed in his office, either a memorandum of  
7 settlement approved by the industrial commissioner or of an award  
8 made by a board of arbitration, for which no review is pending, or an  
9 order of the industrial commissioner from which ~~no appeal has been~~  
10 ~~taken~~ *judicial review has not been sought*, or a judgment of any court  
11 of the state accompanied by a certificate of the industrial commis-  
12 sioner setting forth the amount of compensation due and the statu-  
13 tory provisions under which the same should be paid.

1 SEC. 45. Section eighty-five A point fifteen (85A.15), Code 1973,  
2 is amended to read as follows:

3 **85A.15 Employers limit of liability.** Payments of compensation  
4 and compliance with other provisions herein by the employer or his  
5 insurance carrier in accordance with the findings and orders of the  
6 industrial commissioner or the ~~appellate~~ court in ~~appealed cases~~  
7 *judicial review proceedings*, shall discharge such employer from any  
8 and all further obligation.

1 SEC. 46. Section eighty-five point seventy (85.70), Code 1973, is  
2 amended to read as follows:

3 **85.70 Additional payment for attendance.** An employee who has  
4 sustained an injury resulting in permanent partial or permanent total  
5 disability, for which compensation is payable under this chapter, and  
6 who cannot return to gainful employment because of such disability,  
7 shall upon application to and approval by the industrial commissioner  
8 be entitled to a twenty-dollar weekly payment from the employer in  
9 addition to any other benefit payments, during each full week in  
10 which he is actively participating in a vocational rehabilitation pro-  
11 gram recognized by the state board for vocational education. The  
12 industrial commissioner's approval of such application for payment  
13 may be given only after a careful evaluation of available facts, and  
14 after consultation with the employer or the employer's representative.  
15 ~~An appeal of the~~ *Judicial review of the* decision of the industrial com-  
16 missioner may be ~~taken to the district court as prescribed in~~ *obtained*  
17 *in accordance with the terms of the Iowa Administrative Procedure*  
18 *Act and section 86.26.* Such additional benefit payment shall be paid  
19 for a period not to exceed thirteen consecutive weeks except that the  
20 industrial commissioner may extend the period of payment not to  
21 exceed an additional thirteen weeks if the circumstances indicate that  
22 a continuation of training will in fact accomplish rehabilitation.

1 SEC. 47. Section eighty-six point twenty-six (86.26), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **86.26 Judicial review.** Judicial review of decisions or orders of  
5 the industrial commissioner in a proceeding on review of an arbitra-  
6 tion decision may be sought in accordance with the terms of the  
7 Iowa Administrative Procedure Act. Notwithstanding the terms of  
8 the Iowa Administrative Procedure Act, petitions for judicial review  
9 may be filed in the district court of the county in which the hearing

10 under section eighty-six point seventeen (86.17) of the Code, was  
 11 held. Such a review proceeding shall be accorded priority over  
 12 other matters pending before the district court.

1 SEC. 48. Section eighty-six point twenty-seven (86.27), Code  
 2 1973, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **86.27 Settlement of controversy.** Notwithstanding the terms of  
 5 the Iowa Administrative Procedure Act, no party to a contested case  
 6 under any provision of the "Workman's Compensation Act" may settle  
 7 a controversy without the approval of the industrial commissioner.

1 SEC. 49. Section eighty-six point twenty-eight (86.28), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **86.28 Assessment of recording charges.** In all contested cases  
 5 under the "Workman's Compensation Act", the industrial commis-  
 6 sioner may assess reasonable charges for the presence of mechanical  
 7 means or a certified shorthand reporter to record the proceedings.

1 SEC. 50. Section eighty-six point twenty-nine (86.29), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **86.29 The judicial review petition.** Notwithstanding the terms  
 5 of the Iowa Administrative Procedure Act, in a petition for judicial  
 6 review of a final decision in a contested case under any provision of  
 7 the "Workman's Compensation Act", the name of the opposing party  
 8 shall precede the name of the agency as respondent.

1 SEC. 51. Section eighty-six point thirty-two (86.32), Code 1973,  
 2 is amended to read as follows:

3 **86.32 Costs on appeal.** ~~The~~ *In proceedings for judicial review of*  
 4 *compensation cases* the clerk shall charge no fee for any service ren-  
 5 dered ~~in compensation cases~~ except the filing fee and transcript fees  
 6 when the transcript of a judgment is required. The taxation of costs  
 7 in such appeals shall be in the discretion of the court.

1 SEC. 52. Section eighty-six point thirty-four (86.34), Code 1973,  
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-  
 3 sion, chapter one hundred forty-four (144), section twenty-eight  
 4 (28), is amended to read as follows:

5 **86.34 Review of award or settlement.** Any award for payments  
 6 or agreement for settlement made under this chapter where the  
 7 amount has not been commuted, may be reviewed by the industrial  
 8 commissioner or a deputy commissioner at the request of the em-  
 9 ployer or of the employee at any time within three years from the  
 10 date of the last payment of compensation made under such award  
 11 or agreement, and if on such review the commissioner finds the con-  
 12 dition of the employee warrants such action, he may end, diminish, or  
 13 increase the compensation so awarded or agreed upon. Once an  
 14 award for payments or agreement for settlement under this chapter  
 15 has been made where the amount has not been commuted, the commis-  
 16 sioner may at any time upon proper application make a determination  
 17 and appropriate order concerning the entitlement of an employee to  
 18 benefits provided for in section eighty-five point twenty-seven (85.27)  
 19 of the Code. ~~Any party aggrieved by any decision or order Judicial~~

20 *review of action* of the industrial commissioner or a deputy commis-  
 21 sioner on a review of award or settlement as provided in this section;  
 22 *may be sought in accordance with the terms of the Iowa Administra-*  
 23 *tive Procedure Act. Notwithstanding the terms of the Iowa Admin-*  
 24 *istrative Procedure Act, petitions for judicial review may be filed in*  
 25 ~~appeal to the district court of the county in which the injury occurred~~  
 26 ~~and in the same manner as is provided in section 86.26.~~

1 SEC. 53. Section eighty-six point forty-two (86.42), Code 1973,  
 2 is amended to read as follows:

3 **86.42 Judgment by district court on award.** Any party in inter-  
 4 est may present a certified copy of an order or decision of the com-  
 5 missioner, or an award of a board of arbitration from which no peti-  
 6 tion for review has been filed within the time allowed therefor, or a  
 7 memorandum of agreement approved by the commissioner, and all  
 8 papers in connection therewith, to the district court of the county in  
 9 which the injury occurred, whereupon said court shall render a decree  
 10 or judgment in accordance therewith and cause the clerk to notify the  
 11 parties. Such decree or judgment, in the absence of ~~an appeal from~~  
 12 ~~a petition for judicial review of the decision of the industrial com-~~  
 13 ~~missioner, shall have the same effect and in all proceedings in relation~~  
 14 ~~thereto shall thereafter be the same as though rendered in a suit duly~~  
 15 ~~heard and determined by said court.~~

1 SEC. 54. Section eighty-seven point seven (87.7), Code 1973, is  
 2 amended to read as follows:

3 **87.7 Termination of plan—appeal.** Such scheme or plan may be  
 4 terminated by the industrial commissioner on reasonable notice to the  
 5 interested parties if it shall appear that the same is not fairly admin-  
 6 istered, or if its operation shall disclose latent defects threatening its  
 7 solvency, or if for any substantial reason it fails to accomplish the  
 8 purpose of this chapter; but from any such order of said industrial  
 9 commissioner ~~the parties affected, whether employer or workman,~~  
 10 ~~may, judicial review may be sought in accordance with the terms of~~  
 11 ~~the Iowa Administrative Procedure Act, upon the giving of proper~~  
 12 ~~bond to protect the interests involved, appeal to the district court in~~  
 13 ~~the same time and manner as appeals from actions of the industrial~~  
 14 ~~commissioner, which appeal shall be tried as an equitable action.~~

1 SEC. 55. Section eighty-seven point twenty-four (87.24), Code  
 2 1973, is amended to read as follows:

3 **87.24 Trial by jury.** When an injured employee ~~has exercised his~~  
 4 ~~or her exercises a right to enforce a compensation claim, based upon~~  
 5 ~~the provisions of section 87.21, and an appeal, as provided in section~~  
 6 ~~86.26, is taken to the district court from judicial review is sought of~~  
 7 ~~a decision or award as made by the industrial commissioner, the~~  
 8 ~~employer and/or the insurance carrier, on the hearing on such appeal~~  
 9 ~~in such a judicial review proceeding in the district court, shall, not-~~  
 10 ~~withstanding the terms of the Iowa Administrative Procedure Act~~  
 11 ~~have the right of trial by jury upon the issues of fact tendered and~~  
 12 ~~allowable within the terms of chapters 85, 86, and 87, and made~~  
 13 ~~of record in arbitration proceedings and/or upon hearing before the~~  
 14 ~~industrial commissioner. But the right of a trial by jury shall only~~  
 15 ~~apply to compensation cases within the purview of section 87.21.~~

1 SEC. 56. Section eighty-seven point twenty-five (87.25), Code  
2 1973, is amended to read as follows:

3 87.25 Evidence—instructions. ~~On~~ *Notwithstanding the terms of*  
4 *the Iowa Administrative Procedure Act, on the trial of the case in the*  
5 *district court with a jury, the evidence the record of the case in the*  
6 *agency, when certified by the industrial commissioner or his deputy,*  
7 *as provided in section 86.27, shall be the only competent, rele-*  
8 *vant and material evidence in the case which shall be read from the*  
9 *record thus certified, subject to the rulings of the trial judge upon*  
10 *objections made in the commissioner's court and urged in the district*  
11 *court. But the law of procedure and evidence, as provided in section*  
12 *86.18, shall apply and govern insofar as reasonably applicable. The*  
13 *trial judge shall give the jury written instruction on the law of the*  
14 *case, but the jury shall determine the facts upon the issues submitted.*

1 SEC. 57. Section eighty-seven point twenty-six (87.26), Code  
2 1973, is amended to read as follows:

3 87.26 Waiver of jury. ~~Upon questions of law raised in the dis-~~  
4 ~~trict court, the appeal shall be considered as if made upon one or more~~  
5 ~~of the grounds for appeal, as provided in section 86.39~~ *With respect*  
6 *to questions of law raised in the district court, the judicial review*  
7 *proceeding in such cases shall be considered as based upon one or*  
8 *more of the grounds for such review as provided in subsection eight*  
9 *(8) of section nineteen (19) of the Iowa Administrative Procedure*  
10 *Act. If demand in writing for a jury trial has not been made and filed*  
11 *with the clerk of the court to which the appeal petition for judicial*  
12 *review is taken, within five days before the case is assigned for hear-*  
13 *ing, it shall be conclusively presumed that the party entitled thereto*  
14 *has waived a jury trial, and in such case the hearing of the case and*  
15 *appeals to the supreme court of Iowa shall, in all respects, be gov-*  
16 *erned by the rules of law and procedure applicable to workmen's*  
17 *compensation cases to which section 87.21 does not apply.*

1 SEC. 58. Section eighty-eight point five (88.5), subsection three  
2 (3), paragraph a, and subsections five (5) and six (6), Code 1973,  
3 are amended to read as follows:

4 3. Temporary variances.  
5 a. Any employer may apply to the commissioner ~~notwithstanding~~  
6 ~~the requirements of chapter 17A~~ for a temporary order granting a  
7 variance from a standard or any provision thereof promulgated under  
8 this section. Such temporary order shall be granted only if the em-  
9 ployer files an application which meets the requirements of para-  
10 graph "b" of this subsection and establishes that he is unable to  
11 comply with the standard by its effective date because of unavailabil-  
12 ity of professional or technical personnel or of materials and equip-  
13 ment needed to come into compliance with the standards or because  
14 necessary construction or operation of the facilities cannot be com-  
15 pleted by the effective date, that he is taking all available steps to  
16 safeguard his employees against the hazards that are covered by the  
17 standard, and that he has an effective program for coming into com-  
18 pliance with this standard as quickly as practicable. Any temporary  
19 order issued under this paragraph shall prescribe the practices,  
20 means, methods, operations, and processes which the employer must  
21 adopt and use while the order is in effect and state in detail his pro-

22 gram for coming into compliance with the standard. Such a tempo-  
23 rary order may be granted only after notice to employees and an  
24 opportunity for a hearing, provided that the commissioner may issue  
25 one interim order to be effective until a decision is made on the basis  
26 of the hearing. No temporary order may be in effect longer than the  
27 period needed by the employer to achieve compliance with the stan-  
28 dard, or one year, whichever is shorter except that such an order may  
29 be renewed not more than twice so long as the requirements of this  
30 paragraph are met and an application for renewal is filed at least  
31 ninety days prior to the expiration date of the order. No interim  
32 renewal of an order may remain in effect for longer than one hun-  
33 dred and eighty days.

34 5. Emergency temporary standards. The commissioner shall pro-  
35 vide, notwithstanding the requirements of chapter 17A, for an emer-  
36 gency temporary standard to take immediate effect if he determines  
37 that employees are exposed to grave danger from exposure from  
38 substances or agents determined to be toxic or physically harmful or  
39 from new hazards and if such emergency temporary standard is nec-  
40 essary to protect the employees from such danger. Such emergency  
41 standard shall cease to be effective and shall no longer be applicable  
42 after the lapse of six-months following the effective date thereof un-  
43 less the commissioner has initiated the procedures provided for under  
44 this chapter, for the purpose of promulgating a permanent standard  
45 as provided in subsection 1 of this section in which case the emer-  
46 gency temporary standard will remain in effect until the permanent  
47 standard is adopted and becomes effective. Abandonment of the pro-  
48 cedure for such promulgation by the commissioner shall terminate the  
49 effectiveness and applicability of the emergency temporary standard.

50 6. Permanent variance. ~~Notwithstanding chapter 17A, any~~ Any  
51 affected employer may apply to the commissioner for a rule or order  
52 for a permanent variance from a standard promulgated under this  
53 section. Affected employees shall be given notice of each such appli-  
54 cation and an opportunity to participate in a hearing. The commis-  
55 sioner shall issue such rule or order if he determines on the record,  
56 after opportunity for an inspection where appropriate and a hear-  
57 ing, that the proponent of the variance has demonstrated by a pre-  
58 ponderance of the evidence that the conditions, practices, means,  
59 methods, operations, or processes used or proposed to be used by an  
60 employer will provide employment and places of employment to his  
61 employees which are as safe and healthful as those which would pre-  
62 vail if he complied with the standard. The rule or order so issued  
63 shall prescribe the conditions the employer must maintain, and the  
64 practices, means, methods, operations, and processes which he must  
65 adopt and utilize to the extent that they differ from the standard in  
66 question. Such a rule or order may be modified or revoked upon  
67 application by an employer, employees, or by the commissioner on his  
68 own motion, in the manner prescribed for its issuance under this sub-  
69 section at any time after six months from its issuance.

1 SEC. 59. Section eighty-eight point five (88.5), subsection ten  
2 (10), is amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 10. Judicial review before enforcement. The provisions of the  
5 Iowa Administrative Procedure Act shall apply to judicial review of

6 standards issued under this section. Notwithstanding any provision  
7 of the Iowa Administrative Procedure Act to the contrary, a person  
8 who is aggrieved or adversely affected by a standard issued under  
9 this section must seek judicial review of such standard prior to the  
10 sixtieth day after such standard becomes effective. All determina-  
11 tions of the commissioner shall be conclusive if supported by substan-  
12 tial evidence in the record as a whole.

1 SEC. 60. Section eighty-eight point nine (88.9), subsections one  
2 (1) and two (2), Code 1973, are amended to read as follows:

3 1. Aggrieved persons. Any person adversely affected or aggrieved  
4 by an order of the commission issued under section 88.8, subsection  
5 3, may obtain a review of such order *Judicial review of any order of*  
6 *the commission issued under section 88.8, subsection 3, may be sought*  
7 *in accordance with the terms of the Iowa Administrative Procedure*  
8 *Act. Notwithstanding the terms of the Iowa Administrative Proce-*  
9 *dure Act, petitions for judicial review may be filed in the district*  
10 *court of the county in which the violation is alleged to have occurred*  
11 *or where the employer has its principal office by filing in such court*  
12 *and may be filed within sixty days following the issuance of such*  
13 *order a written petition that the order be modified or set aside. A*  
14 *copy of such petition shall be forthwith transmitted by the clerk of*  
15 *the court to the commission and to the other parties, and thereupon*  
16 *the commission shall promptly file in the court the transcript of record*  
17 *in the proceedings. Upon such filing, the court shall have jurisdiction of*  
18 *the proceeding and of the question determined therein, and shall have*  
19 *power to grant such temporary relief or restraining order as it deems*  
20 *just and proper, and to make and enter upon the pleadings, testimony,*  
21 *and proceedings set forth in such record a decree affirming, modify-*  
22 *ing, or setting aside in whole or in part, the order of the commission*  
23 *and enforcing the same to the extent that such order is affirmed or*  
24 *modified. The commencement of proceedings under this subsection*  
25 *shall not, unless ordered by the court, operate as a stay of the order*  
26 *of the commission. No objection which has not been urged before the*  
27 *commission shall be considered by the court, unless the failure or*  
28 *neglect to urge such objection shall be excused because of extraor-*  
29 *dinary circumstances. The findings of the commission with respect*  
30 *to questions of fact, if supported by substantial evidence on the record*  
31 *considered as a whole, shall be conclusive. If any party shall apply to*  
32 *the court for leave to adduce additional evidence and shall show to the*  
33 *satisfaction of the court that such additional evidence is material and*  
34 *that there were reasonable grounds for the failure to adduce such*  
35 *evidence in the hearing before the commission, the court may order*  
36 *such additional evidence to be taken before the commission and to be*  
37 *made a part of the record. The commission may modify its findings*  
38 *as to the facts, or make new findings by reason of additional evidence*  
39 *so taken and filed, and it shall file such modified or new findings with*  
40 *the court, which findings with respect to questions of fact, if sup-*  
41 *ported by substantial evidence on the record considered as a whole,*  
42 *shall be conclusive, and its recommendations, if any, for the modifi-*  
43 *cation or setting aside of its original order. The commission's copy*  
44 *of the testimony shall be available to all parties for examination at*  
45 *all reasonable times, without cost, and for the purpose of judicial*  
46 *review of the commission's orders. Upon the filing of the record with*

47 it, the jurisdiction of the court shall be exclusive and its judgment  
 48 and decree shall be final, except that the same shall be subject to  
 49 review by the state supreme court. Petitions filed under this sub-  
 50 section shall be heard expeditiously, and determined upon the tran-  
 51 script filed without requirement for printing.

52 2. Uncontested commission orders. The commissioner may also  
 53 obtain review or enforcement of any final order of the commission by  
 54 filing a petition for such relief in the district court of the county in  
 55 which the alleged violation occurred or in which the employer has its  
 56 principal office and the *judicial review* provisions of subsection 1 of  
 57 this section the *Iowa Administrative Procedure Act* shall govern such  
 58 proceedings to the extent applicable. If no petition for *judicial*  
 59 review, as provided in subsection 1, is filed within sixty days after  
 60 service of the commission's order, the commission's findings of fact  
 61 and order shall be conclusive in connection with any petition for  
 62 enforcement which is filed by the commissioner after the expiration  
 63 of such sixty-day period. In any such case, as well as in the case of a  
 64 noncontested citation or notification by the commissioner which has  
 65 become a final order of the commission under section 88.8, subsection  
 66 1 or 2, the clerk of court, unless otherwise ordered by the court, shall  
 67 forthwith enter a decree enforcing the order and shall transmit a  
 68 copy of such decree to the commission and the employer named in the  
 69 petition. In any contempt proceeding brought to enforce a decree of  
 70 a district court entered pursuant to this subsection or subsection 1 of  
 71 this section, the district court may assess the penalties provided in  
 72 section 88.14 in addition to invoking any other available remedies.

1 SEC. 61. Section eighty-eight A point eight (88A.8), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 88A.8 **Judicial review.** Judicial review of action of the commis-  
 5 sioner may be sought in accordance with the terms of the Iowa Ad-  
 6 ministrative Procedure Act.

1 SEC. 62. Section ninety-six point six (96.6), subsections eight (8)  
 2 through twelve (12), Code 1973, are amended by striking the subsec-  
 3 tions and inserting in lieu thereof the following:

4 8. Judicial review. A decision of the commission shall become final  
 5 ten days after the date of notification or mailing thereof. Judicial  
 6 review of any decision of the commission may be sought in accord-  
 7 ance with the terms of the Iowa Administrative Procedure Act. The  
 8 commission may be represented in any such judicial review proceed-  
 9 ing by any qualified attorney who is a regular salaried employee of  
 10 the commission or who has been designated by the commission for  
 11 that purpose, or at the commission's request, by the attorney general.  
 12 Notwithstanding the terms of the Iowa Administrative Procedure  
 13 Act, petitions for judicial review may be filed in the district court of  
 14 the county in which the claimant was last employed or resides, pro-  
 15 vided that if the claimant does not reside in the state of Iowa the  
 16 action shall be brought in the district court of Polk county, Iowa, and  
 17 any other party to the proceeding before the commission shall be  
 18 named in the petition. The commission may also, in its discretion,  
 19 certify to such courts, questions of law involved in any decision by it.  
 20 Petitions for judicial review and the questions so certified shall be

21 given precedence over all other civil cases except cases arising under  
22 the workmen's compensation law of this state. No bond shall be re-  
23 quired for entering an appeal from any final order, judgment or de-  
24 cree of the district court to the supreme court.

1 SEC. 63. Section ninety-six point seven (96.7), subsection three  
2 (3), paragraph f, and subsection six (6), Code 1973, are amended to  
3 read as follows:

4 f. Based upon the formula above provided in this section the com-  
5 mission shall fix the rate of contribution for each employer. The  
6 commission shall notify the employer of the rate so fixed. An em-  
7 ployer may appeal to the commission for a revision of the rate of  
8 contribution so fixed within thirty days from the date of the notice  
9 to such employer. The commission after such hearing may set aside  
10 its former determination or modify it and may grant the employer a  
11 new rate of contribution. The commission shall notify the employer  
12 of this determination by certified mail. ~~From this determination the~~  
13 ~~employer may appeal to the district court for further hearing. The~~  
14 ~~manner in which such appeal shall be taken and heard shall be in~~  
15 ~~accordance with the provisions of subsections 5 and 6 of this section.~~  
16 *Judicial review of action of the commission may be sought in accord-*  
17 *ance with the terms of the Iowa Administrative Procedure Act.*

18 6. Appeals *Judicial review.*

19 a. An appeal may be taken by the employer to *Notwithstanding*  
20 *the terms of the Iowa Administrative Procedure Act, petitions for*  
21 *judicial review may be filed in the district court of the county in*  
22 *which such employer resides, or in which such employer's principal*  
23 *place of business is located, or in the case of a nonresident not main-*  
24 *taining a place of business in this state either in any county in which*  
25 *the wages payable for employment were earned or paid or in Polk*  
26 *county, within sixty thirty days after the date of the notice to such*  
27 *employer notifying such employer of his rate of contribution, or of*  
28 *the commission's determination as provided for in subsection 3 of*  
29 *this section or subsection 5 of this section.*

30 b. The appeal shall be taken by the employer filing in the office of  
31 the clerk of the district court of such county his petition setting forth  
32 the errors complained of in the commission's ruling. The employer  
33 shall cause an original notice to be served upon the chairman of the  
34 commission in the same manner as provided for in ordinary actions in  
35 court. The commission shall within thirty days from the date on  
36 which said notice was served on the commission certify and file with  
37 the clerk of said court a copy of the records and proceedings upon  
38 which the rate of contributions or the assessment of contributions  
39 was established.

40 The plaintiff *petitioner* shall file with the clerk of said court a bond  
41 for the use of the defendant *respondent*, with sureties approved by  
42 the clerk, in penalty to be fixed and approved by the clerk of said  
43 court. In no case shall the bond be less than fifty dollars conditioned  
44 that the plaintiff *petitioner* shall perform the orders of the court. *In*  
45 *all other respects, the judicial review shall be in accordance with the*  
46 *terms of the Iowa Administrative Procedure Act.*

47 e. The court shall hear the appeal in equity and determine anew all  
48 questions submitted to it on appeal from the determination of the  
49 commission. The court shall render its decree thereon and a certified



50 copy of said decree shall be filed by the clerk of said court with the  
 51 commission who shall then correct the assessment in accordance with  
 52 said decree. An appeal may be taken by the employer or the commis-  
 53 sion to the supreme court of this state in the same manner that  
 54 appeals are taken in suits in equity, irrespective of the amount  
 55 involved.

1 SEC. 64. Section ninety-seven A point six (97A.6), subsection  
 2 fourteen (14), Code 1973, is amended by striking the subsection and  
 3 inserting in lieu thereof the following:

4 14. Judicial review of action of the board of trustees. Judicial re-  
 5 view of any action of the board of trustees may be sought in accord-  
 6 ance with the terms of the Iowa Administrative Procedure Act. Not-  
 7 withstanding the terms of the Iowa Administrative Procedure Act,  
 8 the petition for judicial review must be filed within thirty days after  
 9 the member receives written notice of the trustees' action. The board  
 10 of trustees shall be represented by the attorney general. An appeal  
 11 may be taken by the petitioner or the board of trustees to the su-  
 12 preme court of this state irrespective of the amount involved.

1 SEC. 65. Section ninety-seven B point nineteen (97B.19), Code  
 2 1973, is amended to read as follows:

3 **97B.19 Revision for error.** If, prior to the expiration of six  
 4 months following the delivery of such statement, it is brought to the  
 5 attention of the commission that any entry of such wages in such  
 6 records is erroneous, or that any item of such wages has been omitted  
 7 from the records, the commission may correct such entry or include  
 8 such omitted item in its records, as the case may be. Written notice  
 9 of any revision of any such entry which is adverse to the interest of  
 10 any individual shall be given to such individual in any case where  
 11 such individual has previously been notified by the commission of the  
 12 amount of wages and of the period of payments shown by such entry.  
 13 Upon request in writing made prior to the expiration of six months  
 14 immediately following the giving of the statement provided for in  
 15 section 97B.18, the commission shall afford any individual, or after  
 16 his death shall afford his beneficiary or any other person so entitled  
 17 in the judgment of the commission, reasonable notice and opportu-  
 18 nity for hearing with respect to any entry or alleged omission of  
 19 wages of such individual in such record, or any revision of any such  
 20 entry. If a hearing is held, the commission shall make findings of  
 21 fact and a decision based upon the evidence adduced at such hearing  
 22 and shall revise its records accordingly. ~~Any party aggrieved by the~~  
 23 ~~decision of the commission under this section or section 97B.20 may~~  
 24 ~~appeal to the district court in the manner as provided in section~~  
 25 ~~97B.20.~~ *Judicial review of action of the commission under this sec-*  
 26 *tion and section ninety-seven B point twenty (97B.20) of the Code*  
 27 *may be sought in accordance with the terms of the Iowa Administra-*  
 28 *tive Procedure Act and section ninety-seven B point twenty-nine*  
 29 *(97B.29) of the Code.*

1 SEC. 66. Section ninety-seven B point twenty-six (97B.26), Code  
 2 1973, is amended to read as follows:

3 **97B.26 Referee.** Unless such appeal is withdrawn, an appeal  
 4 referee to be designated by the commission for this purpose, after  
 5 affording the parties reasonable opportunity for fair hearing, shall

6 affirm or modify the findings of fact and decision of the deputy. At  
 7 said hearing all of the evidence taken and the proceedings had shall  
 8 be taken and fully reported by a certified shorthand reporter. Said  
 9 reporter shall promptly transcribe said evidence and proceedings and  
 10 certify to same. The said transcript shall then be made available for  
 11 use by the commission and by the courts at subsequent ~~appeals~~ *judi-*  
 12 *cial review proceedings under the Iowa Administrative Procedure Act,*  
 13 if any. The parties shall be duly notified of such referee's decision,  
 14 together with his reasons therefor, which shall be deemed to be the  
 15 final decision of the commission unless, within thirty days after the  
 16 date of notification or mailing of such decision, further appeal is  
 17 initiated pursuant to section 97B.27.

1 SEC. 67. Section ninety-seven B point twenty-eight (97B.28),  
 2 Code 1973, is amended to read as follows:

3 **97B.28 Conclusiveness of finding Representation of commission.**  
 4 Any decision of the commission in the absence of an appeal therefrom,  
 5 as herein provided, shall become final thirty days after the date of  
 6 notification or mailing thereof, and judicial review thereof shall be  
 7 permitted only after any party claiming to be aggrieved thereby has  
 8 exhausted his remedies before the commission, as provided by this  
 9 chapter. The commission shall be deemed to be a party to any judicial  
 10 action involving any such decision and may be represented in any  
 11 such judicial action by any qualified attorney who is a regular salaried  
 12 employee of the commission or who has been designated by the com-  
 13 mission for that purpose or, at the commission's request, by the  
 14 attorney general.

1 SEC. 68. Section ninety-seven B point twenty-nine (97B.29), Code  
 2 1973, is amended to read as follows:

3 **97B.29 Judicial review.** At any time prior to such commission  
 4 decision becoming final, any party aggrieved thereby may secure  
 5 judicial review thereof by commencing an action *Judicial review of*  
 6 *action of the commission may be sought in accordance with the terms*  
 7 *of the Iowa Administrative Procedure Act. Notwithstanding the*  
 8 *terms of the Iowa Administrative Procedure Act, petitions for judi-*  
 9 *cial review may be filed in the district court of the county in which*  
 10 *the claimant was last employed or resides, provided that if the claim-*  
 11 *ant does not reside in the state of Iowa the action shall be brought*  
 12 *in the district court of Polk county, Iowa, against the commission*  
 13 *for the review of this decision, in which action any other parties to*  
 14 *the proceeding before the commission shall be made a defendant*  
 15 *named in the petition. In such action a petition, which need not be*  
 16 *verified but which shall state the grounds upon which a review is*  
 17 *sought, shall be served on a member of the commission or upon such*  
 18 *person as the commission may designate, and such service shall be*  
 19 *deemed completed service on all parties, but there shall be left with*  
 20 *the parties so served as many copies of the petition as there are*  
 21 *defendants, and the commission shall forthwith mail one such copy*  
 22 *to each such defendant. When service is completed such petition shall*  
 23 *be filed by appellant with the clerk of the district court who shall*  
 24 *docket said cause in the same manner as provided for other civil*  
 25 *actions. The commission shall, within sixty days after the notice of*  
 26 *appeal has been served on the commission, certify and file with said*

27 district court all documents and papers and a transcript of all testi-  
 28 mony taken in the matter, together with the findings of fact and  
 29 decision of the commission therein. With such transcript the com-  
 30 mission shall file its answer. The transcript, as certified and filed by  
 31 the commission, shall be the record upon which the appeal shall be  
 32 heard, and no additional evidence shall be heard. In the absence of  
 33 fraud, any findings of fact by the commission after notice and hear-  
 34 ing, as herein provided, shall be binding on the court on appeal when  
 35 supported by substantial and competent evidences.\* The commission  
 36 may also, in its discretion, certify to such courts, questions of law  
 37 involving any decision by it. Such *aetions petitions for judicial*  
 38 *review* and the questions so certified, shall be heard in a *summary*  
 39 *manner* and shall be given precedence over all other civil cases except  
 40 *cases arising under the workmen's compensation law and the employ-*  
 41 *ment security law of this state.*

1 SEC. 69. Section ninety-seven B point thirty-two (97B.32), Code  
 2 1973, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **97B.32 Appeal to supreme court.** No bond shall be required for  
 5 entering an appeal from any final order, judgment, or decree of the  
 6 district court in a proceeding for judicial review to the supreme court  
 7 of Iowa.

1 SEC. 70. Section ninety-seven B point thirty-three (97B.33), Code  
 2 1973, is amended to read as follows:

3 **97B.33 Certification to comptroller.** Upon final decision of the  
 4 commission, or upon final judgment of any court of competent jurisdic-  
 5 tion, that any person is entitled to any payment or payments under  
 6 this chapter, the commission shall certify to the state comptroller the  
 7 name and address of the person so entitled to receive such payment or  
 8 payments, the amount of such payment or payments, and the time at  
 9 which such payment or payments should be made, and the commis-  
 10 sion, through the state comptroller, shall make payment in accord-  
 11 ance with the certification of the commission provided, that where  
 12 a *judicial review* of the commission decision is or may be sought  
 13 *under section 97B.28 in accordance with the terms of the Iowa Ad-*  
 14 *ministrative Procedure Act*, certification of payment may be withheld  
 15 pending such review. The state comptroller shall not be held person-  
 16 ally liable for any payment or payments made in accordance with a  
 17 certification by the commission.

1 SEC. 71. Section ninety-eight point twenty-nine (98.29), Code  
 2 1973, is amended to read as follows:

3 **98.29 Notice and appeal.** The department shall notify any per-  
 4 son assessed pursuant to section 98.28 by sending a written notice of  
 5 such determination and assessment by certified mail to the principal  
 6 place of business of such person as shown on his application for per-  
 7 mit, if any, and in case no such application was filed by such person,  
 8 to his last known address. ~~Such person may appeal from such deter-~~  
 9 ~~mination and assessment to the district court in the same manner and~~  
 10 ~~subject to the same procedure as is provided in *Judicial review of*~~  
 11 ~~*action of the department may be sought in accordance with the terms*~~  
 12 ~~*of the Iowa Administrative Procedure Act and section 422.29.*~~

\*According to enrolled Act

1 SEC. 72. Section ninety-eight point forty-eight (98.48), subsection  
2 five (5), Code 1973, is amended to read as follows:

3 5. Any person aggrieved by an order of the director fixing a tax,  
4 penalty or interest under section 98.43 may, within thirty days from  
5 the date of notice of the order, appeal to the board of review in the  
6 manner provided by law. ~~Any other order of the director under this~~  
7 ~~division shall be subject to review by certiorari. Judicial review of~~  
8 ~~any other action of the director may be sought in accordance with the~~  
9 ~~terms of the Iowa Administrative Procedure Act.~~

1 SEC. 73. Section ninety-nine A point six (99A.6), unnumbered  
2 paragraphs two (2), three (3), and four (4), Code 1973, are amended  
3 by striking the unnumbered paragraphs and inserting in lieu thereof  
4 the following:

5 Judicial review of actions of the issuing authorities may be sought  
6 in accordance with the terms of the Iowa Administrative Procedure  
7 Act. Municipalities acting as issuing authorities shall be deemed state  
8 agencies solely for the purposes of bringing their actions under this  
9 chapter within the terms of section nineteen (19) of the Iowa Ad-  
10 ministrative Procedure Act. If the licensee has not filed a petition  
11 for judicial review in district court, revocation shall date from the  
12 thirty-first day following the date of the order of the issuing author-  
13 ity. If the licensee has filed a petition for judicial review, revocation  
14 shall date from the thirty-first day following entry of the order of  
15 the district court, if action by the district court is adverse to the  
16 licensee.

1 SEC. 74. Section one hundred point sixteen (100.16), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **100.16 Judicial review.** Judicial review of actions of the fire  
5 marshal may be sought in accordance with the terms of the Iowa  
6 Administrative Procedure Act. Notwithstanding the terms of the  
7 Iowa Administrative Procedure Act, petitions for judicial review  
8 may be filed in the district court of the county where such building is  
9 located.

1 SEC. 75. Section one hundred point seventeen (100.17), Code  
2 1973, is amended to read as follows:

3 **100.17 How appeal taken Bond—suspension of order.** Such  
4 ~~appeal petition for judicial review~~ shall be taken by filing in the office  
5 ~~of the fire marshal notice of such appeal, specifying the order ap-~~  
6 ~~pealed from and the court to which the appeal is taken,~~ accompanied  
7 by a bond in the penal sum of one hundred dollars with sureties  
8 approved by the clerk of said court, conditioned to pay all costs that  
9 shall be adjudged against ~~appellant~~ *petitioner* and abide the decree,  
10 judgment, and order of the court. *Notwithstanding the provisions of*  
11 *the Iowa Administrative Procedure Act, any order of the fire marshal*  
12 *which is the subject of a judicial review proceeding shall be sus-*  
13 *sended during such proceeding.*

1 SEC. 76. Section one hundred point twenty-three (100.23), Code  
2 1973, is amended to read as follows:

3 **100.23 Costs.** If the appellant fails in the ~~appeal~~ *judicial review*  
4 *proceeding* the costs shall be taxed against him, but if the order is

5 revoked or annulled the costs shall be taxed to the state. If the order  
6 shall be modified, the court may in its discretion apportion the costs.

1 SEC. 77. Section one hundred point twenty-six (100.26), Code  
2 1973, is amended to read as follows:

3 **100.26 Time for compliance with order.** When no petition of re-  
4 view has been filed or when the fire marshal on review or the court  
5 on ~~appeal~~ review has affirmed or modified an order for the removal,  
6 destruction, or repair of a building, or the removal of any of its con-  
7 tents, or the change of any of its conditions, the owner, lessee, or  
8 occupant shall comply with such order within thirty days after the  
9 delivery of the same or a copy thereof to him, either personally or  
10 by certified letter to his last known address, or by service upon his  
11 duly appointed agent. If such owner, lessee, or occupant shall fail to  
12 comply with such order he shall be subject to a penalty of ten dollars  
13 for each day of failure or neglect after the expiration of said period,  
14 which shall be recovered in the name of the state and paid into the  
15 treasury of the county where collected.

1 SEC. 78. Section one hundred point twenty-seven (100.27), Code  
2 1973, is amended to read as follows:

3 **100.27 Refusal to obey orders.** If any person fails to comply with  
4 a final order of the marshal or of a court on ~~appeal~~ review and within  
5 the time fixed, then such officers are empowered and authorized to  
6 cause such building or premises to be repaired, torn down, demol-  
7 ished, materials and all dangerous conditions removed, as the case  
8 may be, and at the expense of such person, and if such person within  
9 thirty days thereafter fails, neglects, or refuses to repay said officers  
10 the expense thereby incurred by them, such officers shall certify said  
11 expenses, together with twenty-five percent penalty thereon, to the  
12 auditor of the county in which said property is situated.

1 SEC. 79. Section one hundred point twenty-eight (100.28), Code  
2 1973, is amended to read as follows:

3 **100.28 Notice.** Notice of the reasonableness and amount of as-  
4 sessment shall be given in a manner as provided for giving notice in  
5 ordinary actions by the marshal or his designated subordinate to the  
6 property owner, also notifying the property owner that a hearing  
7 thereon shall be had before the auditor of said county on a day not  
8 less than ten nor more than fifteen days from the date of completed  
9 service of notice upon the property owner and if no ~~appeal~~ is taken  
10 ~~therefrom to the district court~~ *petition for judicial review is filed in*  
11 *accordance with the terms of the Iowa Administrative Procedure Act*  
12 *at the time fixed in said notice the auditor shall hear and determine*  
13 *the matter. Any person aggrieved by the order and determination of*  
14 *the auditor may appeal therefrom to the district court of the county*  
15 *by serving notice within twenty days thereafter upon said auditor;*  
16 *and such appeal shall be heard and determined by the court as in*  
17 *cases of appeals from the order of the fire marshal as provided in*  
18 *this chapter. Judicial review of the order and determination of the*  
19 *auditor may be sought in accordance with the terms of the Iowa*  
20 *Administrative Procedure Act. For the purpose of coming within the*  
21 *judicial review provisions of the Iowa Administrative Procedure Act*  
22 *only, the auditor's order and determination under this section shall be*  
23 *deemed the action of the state fire marshal.*

1 SEC. 80. Section one hundred one A point four (101A.4), subsection  
2 one (1), Code 1973, is amended by striking the subsection and  
3 inserting in lieu thereof the following:

4 1. Judicial review of the action of the commissioner may be sought  
5 in accordance with the terms of the Iowa Administrative Procedure  
6 Act.

1 SEC. 81. Section one hundred three A point seven (103A.7), un-  
2 numbered paragraph three (3), Code 1973, is amended to read as  
3 follows:

4 These rules and regulations shall comprise and be known as the  
5 state building code and shall not be subject to the provisions of chap-  
6 ter 17A.

1 SEC. 82. Section one hundred three A point seventeen (103A.17),  
2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. The decision of the board of review may be appealed to the  
4 advisory council by any party by filing a petition with the advisory  
5 council at any time prior to the effective date of such decision. The  
6 advisory council shall consider all questions of fact and law in-  
7 volved and issue its decision pertaining to the same not later than  
8 ten days after receipt of the appeal. ~~Any party to the proceedings~~  
9 ~~aggrieved by the decision of the advisory council may, within ten~~  
10 ~~days after receipt of the decision, appeal the decision to the district~~  
11 ~~court.~~

1 SEC. 83. Section one hundred three A point eighteen (103A.18),  
2 Code 1973, is amended to read as follows:

3 **103A.18 Court proceedings.** *Judicial review of action of the com-*  
4 *missioner, board of review, or council may be sought in accordance*  
5 *with the terms of the Iowa Administrative Procedure Act. Notwith-*  
6 *standing the terms of the Iowa Administrative Procedure Act:*

7 1. ~~An appeal~~ *Filing of a petition for judicial review* shall stay all  
8 proceedings on the matter ~~appealed with respect to which review is~~  
9 ~~sought~~ unless there is a showing by the state agency or a local build-  
10 ing department that a stay would involve imminent peril to life or  
11 property.

12 2. No court shall entertain an action based on the state building  
13 code unless all administrative remedies have been exhausted, except:

14 a. When the action is instituted by the state or a governmental  
15 subdivision; or

16 b. When there is good cause for the failure to exhaust administra-  
17 tive remedies.

18 3. Subject to subsection 1 of this section, where the construction of  
19 a building or structure or use of a building is in violation of any  
20 code provision or lawful order of a local building department, the dis-  
21 trict court may on petition order removal of the building, abatement  
22 as a public nuisance, or enjoin further construction.

23 4. ~~Judicial Petitions for judicial review may be obtained by com-~~  
24 ~~mencing an action filed~~ in the county where the cause of action or  
25 some part thereof arose. ~~The district court shall hear and decide the~~  
26 ~~matter de novo.~~

27 5. ~~An appeal from a decision of the district court may be taken to~~  
28 ~~the supreme court as in other cases.~~

1 SEC. 84. Section one hundred twelve point eight (112.8), Code  
2 1973, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **112.8 Judicial review—bond.** Judicial review of the orders or  
5 actions of the commission fixing the amount of compensation awarded  
6 or damages sustained by any claimant may be sought in accordance  
7 with the terms of the Iowa Administrative Procedure Act. The peti-  
8 tion for review shall be accompanied by an appeal bond with suffi-  
9 cient sureties to be approved by the clerk of the district court condi-  
10 tioned to pay all costs adjudged against the petitioner.

1 SEC. 85. Section one hundred twelve point nine (112.9), Code  
2 1973, is amended to read as follows:

3 **112.9 Final determination and costs.** The amount of damages or  
4 compensation found by the court shall be entered of record. Unless  
5 the result ~~on the appeal of the judicial review proceeding~~ is more  
6 favorable to the ~~appellant petitioner~~ than the action of the commis-  
7 sion, all costs of the ~~appeal judicial review proceeding~~ shall be taxed  
8 to the ~~appellant petitioner~~, but if more favorable, the cost shall be  
9 taxed to the ~~appellees respondents~~. All damages assessed and all costs  
10 occasioned under this chapter shall be paid from the funds of the  
11 commission.

1 SEC. 86. Section one hundred seventeen point forty-one (117.41),  
2 Code 1973, is amended to read as follows:

3 **117.41 Findings of fact.** If the majority of the commission shall  
4 determine that any applicant is not qualified to receive a license, a  
5 license shall not be granted to such applicant, and if the commission  
6 shall determine that any licensee is guilty of a violation of any of  
7 the provisions of this chapter, the license may be suspended or re-  
8 voked. The commission, upon request of the applicant or licensee,  
9 shall furnish said applicant or licensee with a definite statement of  
10 its findings of fact and its reason or reasons for refusing to grant  
11 the license or for suspension of the rights of the licensee or for the  
12 revocation of the license, as the case may be. ~~The findings of fact~~  
13 ~~made by the commission acting within its powers shall, in the absence~~  
14 ~~of fraud, be conclusive, but the district court of the county of the~~  
15 ~~licensee's residence or the judge thereof shall have the power to~~  
16 ~~review questions of law involved in any final decision or determina-~~  
17 ~~tion of the commission; provided that an application is made by the~~  
18 ~~aggrieved party within ten days after such determination by certio-~~  
19 ~~rari, mandamus, or by any other method permissible under the rules~~  
20 ~~and practices of said court, or the laws of this state, and said court~~  
21 ~~may make such further orders in respect thereto as justice may~~  
22 ~~require. Judicial review of action of the commission may be sought~~  
23 ~~in accordance with the terms of the Iowa Administrative Procedure~~  
24 ~~Act.~~

1 SEC. 87. Section one hundred twenty point ten (120.10), Code  
2 1973, is amended to read as follows:

3 **120.10 Revocation.** The board may revoke a certificate of regis-  
4 tration obtained through error of the board or fraud of the applicant,  
5 or if the holder is grossly incompetent, guilty of immoral or unethical  
6 conduct, or obtained or sought anything of value by fraudulent rep-  
7 resentation in the practice of watchmaking. The holder of such cer-

8 tificate shall be given thirty days' notice in writing enumerating the  
 9 charges and fixing a date for the hearing thereon. Such notice shall  
 10 be given to the certificate holder by certified mail addressed to him at  
 11 his last known address as shown by the secretary. At the hearing he  
 12 shall have the opportunity to defend himself against the charges and  
 13 to introduce evidence tending to disprove the charges. If the board  
 14 should refuse any such application and refuse to renew any such  
 15 license, the applicant may within thirty days after the order of the  
 16 board and not afterward appeal therefrom by a writ of certiorari to  
 17 the district court where upon such appeal the hearing shall be de novo  
 18 and all legal evidence pertaining to the matter of whether or not such  
 19 license should be renewed may be submitted, including new evidence  
 20 not submitted to the board. *Judicial review of any action of the board*  
 21 *may be sought in accordance with the terms of the Iowa Administrative*  
 22 *Procedure Act.* Upon the expiration of one year, and after satisfac-  
 23 tory proof that the cause of revocation no longer exists, a person  
 24 whose certificate has been revoked may be issued a certificate of regis-  
 25 tration at the discretion of the board, upon payment of the fee herein  
 26 provided.

1 SEC. 88. Section one hundred twenty-three point thirty-two  
 2 (123.32), subsection five (5), Code 1973, is amended to read as fol-  
 3 lows:

4 5. *Appeal to courts.* Any applicant who feels aggrieved by a deci-  
 5 sion of the director or local authority disapproving, suspending, or  
 6 revoking issuance of a liquor control license or beer permit may, pro-  
 7 vided he has exercised his right of appeal to the hearing board as  
 8 provided in subsection 4 of this section, appeal from said decision  
 9 within ten days to *Judicial review.* *Judicial review of the action of*  
 10 *the department hearing board may be sought in accordance with the*  
 11 *terms of the Iowa Administrative Procedure Act. Notwithstanding*  
 12 *the terms of the Iowa Administrative Procedure Act, petitions for*  
 13 *judicial review may be filed in the district court of the county wherein*  
 14 *the premises covered by the application are situated.*

15 Where the hearing board on an appeal by an applicant finds that  
 16 the local authority acted arbitrarily, capriciously, or without reason-  
 17 able cause in disapproving an application and the director issues a  
 18 license or permit, the local authority may appeal from such decision  
 19 seek *judicial review of such decision according to the terms of the*  
 20 *Iowa Administrative Procedure Act* within ~~ten~~ thirty days to the  
 21 district court of the county wherein the premises covered by the  
 22 application are situated.

1 SEC. 89. Section one hundred thirty-five B point six (135B.6),  
 2 Code 1973, is amended to read as follows:

3 135B.6 **Denial or revocation of license—hearings and review.** The  
 4 state department of health shall have the authority to deny, suspend  
 5 or revoke a license in any case where it finds that there has been a  
 6 substantial failure to comply with the provisions of this chapter or  
 7 the rules, regulations or minimum standards promulgated under this  
 8 chapter.

9 Such denial, suspension, or revocation shall be effected by mailing  
 10 to the applicant or licensee by certified mail, or by personal service  
 11 of, a notice setting forth the particular reasons for such action. Such



12 denial, suspension, or revocation shall become effective thirty days  
 13 after the mailing or service of the notice, unless the applicant or  
 14 licensee, within such thirty-day period shall give written notice to the  
 15 department requesting a hearing, in which case the notice shall be  
 16 deemed to be suspended. If a hearing has been requested, the appli-  
 17 cant or licensee shall be given an opportunity for a prompt and fair  
 18 hearing before the department. At any time at or prior to hearing,  
 19 the department may rescind the notice of denial, suspension or revo-  
 20 cation upon being satisfied that the reasons for the denial, suspension  
 21 or revocation have been or will be removed. On the basis of any such  
 22 hearing, or upon default of the applicant or licensee the determina-  
 23 tion involved in the notice may be affirmed, modified, or set aside, by  
 24 the department. A copy of such decision, setting forth the finding of  
 25 facts and the particular reasons for the decision shall be sent by  
 26 certified mail, or served personally upon, the applicant or licensee.  
 27 ~~The decision shall become final thirty days after it is so mailed or~~  
 28 ~~served, unless the applicant or licensee, within such thirty-day period,~~  
 29 ~~appeals the decision to the court, pursuant to section 135B.14.~~

30 The procedure governing hearings authorized by this section shall  
 31 be in accordance with rules promulgated by said department with the  
 32 advice of the hospital licensing board. A full and complete record  
 33 shall be kept of all proceedings, and all testimony shall be reported  
 34 but need not be transcribed unless ~~the decision is appealed~~ *judicial*  
 35 *review is sought* pursuant to section 135B.14. A copy or copies of the  
 36 transcript may be obtained by an interested party on payment of the  
 37 cost of preparing such copy or copies. Witnesses may be subpoenaed  
 38 by either party and shall be allowed fees at a rate prescribed by the  
 39 aforesaid rules.

1 SEC. 90. Section one hundred thirty-five B point fourteen  
 2 (135B.14), Code 1973, is amended by striking the section and insert-  
 3 ing in lieu thereof the following:

4 **135B.14 Judicial review.** Judicial review of the action of the  
 5 commissioner of public health may be sought in accordance with the  
 6 terms of the Iowa Administrative Procedure Act. Notwithstanding  
 7 the terms of the Iowa Administrative Procedure Act, petitions for  
 8 judicial review may be filed in the district court of the county in  
 9 which the hospital is located or to be located, and the status quo of  
 10 the petitioner or licensee shall be preserved pending final disposition  
 11 of the matter in the courts.

1 SEC. 91. Section one hundred thirty-five C point eleven (135C.11),  
 2 Code 1973, is amended to read as follows:

3 **135C.11 Notice—hearings.** Such denial, suspension, or revocation  
 4 shall be effected by mailing to the applicant or licensee by certified  
 5 mail or by personal service of a notice setting forth the particular  
 6 reasons for such action. Such denial, suspension, or revocation shall  
 7 become effective thirty days after the mailing or service of the notice,  
 8 unless the applicant or licensee, within such thirty-day period, shall  
 9 give written notice to the department requesting a hearing, in which  
 10 case the notice shall be deemed to be suspended. If a hearing has  
 11 been requested, the applicant or licensee shall be given an opportu-  
 12 nity for a prompt and fair hearing before the department. At any  
 13 time at or prior to the hearing the department may rescind the notice

14 of the denial, suspension or revocation upon being satisfied that the  
 15 reasons for the denial, suspension or revocation have been or will be  
 16 removed. On the basis of any such hearing, or upon default of the  
 17 applicant or licensee, the determination involved in the notice may  
 18 be affirmed, modified, or set aside by the department. A copy of such  
 19 decision shall be sent by certified mail, or served personally upon the  
 20 applicant or licensee. ~~The decision shall become final thirty days~~  
 21 ~~after it is so mailed or served, unless the~~ *The applicant or licensee,*  
 22 ~~within such thirty-day period, appeals the decision to the court may~~  
 23 *seek judicial review* pursuant to section 135C.13.

24 The procedure governing hearings authorized by this section shall  
 25 be in accordance with the rules promulgated by the department. A  
 26 full and complete record shall be kept of all proceedings, and all testi-  
 27 mony shall be reported but need not be transcribed unless the decision  
 28 ~~is appealed~~ *judicial review is sought* pursuant to section 135C.13. A  
 29 copy or copies of the transcript may be obtained by an interested  
 30 party upon payment of the cost of preparing such copy or copies.  
 31 Witnesses may be subpoenaed by either party and shall be allowed  
 32 fees at a rate prescribed by the aforesaid rules. The commissioner  
 33 may, with the advice and consent of the care review committee estab-  
 34 lished pursuant to section 135C.25, remove all residents and patients  
 35 and suspend the license or licenses of any health care facility, prior  
 36 to a hearing, when he finds that the health or safety of residents or  
 37 patients of the health care facility requires such action on an emer-  
 38 gency basis.

1 SEC. 92. Section one hundred thirty-five C point thirteen  
 2 (135C.13), Code 1973, is amended to read as follows:

3 **135C.13 Appeal judicial review.** Any applicant or licensee who is  
 4 dissatisfied with the decision of the commissioner as a result of the  
 5 hearing procedure provided herein may appeal the decision within  
 6 thirty days after the mailing or serving of notice of the decision by  
 7 filing a notice of appeal *Judicial review of action of the commissioner*  
 8 *may be sought in accordance with the terms of the Iowa Administra-*  
 9 *tive Procedure Act. Notwithstanding the terms of the Iowa Admin-*  
 10 *istrative Procedure Act, petitions for judicial review may be filed in*  
 11 *the district court of the county where the facility or proposed facility*  
 12 *is located, and by serving a copy of said notice of appeal upon the*  
 13 *department. Thereupon the department shall within thirty days*  
 14 *certify and file with the court a copy of the record and decision, in-*  
 15 *cluding the transcript of the hearings on which the decision is based.*  
 16 *The trial before the court shall be de novo and all legal evidence per-*  
 17 *taining to the matter of whether or not such license shall be denied,*  
 18 *suspended, or revoked, as the case may be, may be submitted includ-*  
 19 *ing new or additional evidence not submitted to the commissioner,*  
 20 *and the court shall have power to affirm, modify, or reverse the deci-*  
 21 *sion of the commissioner. Pending* *pending* *final disposition of the*  
 22 *matter the status quo of the applicant or licensee shall be preserved*  
 23 *except when the commissioner, with the advice and consent of the*  
 24 *care review committee established pursuant to section 135C.25, deter-*  
 25 *mines that the health, safety or welfare of the residents or patients of*  
 26 *the facility are in immediate danger, in which case he may order the*  
 27 *immediate removal of such residents or patients.*

1 SEC. 93. Section one hundred thirty-five D point eight (135D.8),  
2 Code 1973, is amended to read as follows:

3 **135D.8 Denial of permit or license.** If the application for a per-  
4 mit to construct or make alterations upon a mobile home park and  
5 the appurtenances thereto, or a primary license to operate the same, is  
6 denied by the state department of health, it shall so state in writing,  
7 giving the reasons for denying the application. If the objection can  
8 be corrected, the applicant may amend his application and resubmit  
9 it for approval, and if denied the applicant may within thirty days  
10 thereafter appeal from the decision of the state board of health to.  
11 *Judicial review of the action of the state board of health may be*  
12 *sought in accordance with the terms of the Iowa Administrative*  
13 *Procedure Act. Notwithstanding the terms of the Iowa Administra-*  
14 *tive Procedure Act, petitions for judicial review may be filed in the*  
15 *district court of the county in which said mobile home park is located,*  
16 *and the case shall be tried in equity.*

1 SEC. 94. Section one hundred thirty-eight point ten (138.10),  
2 Code 1973, is amended to read as follows:

3 **138.10 Appeal to court judicial review.** Any person aggrieved by  
4 a final order or determination of the commissioner may appeal such  
5 final order or determination, for trial de novo in equity, to *Judicial*  
6 *review of actions of the commissioner may be sought in accordance*  
7 *with the terms of the Iowa Administrative Procedure Act. Notwith-*  
8 *standing the terms of the Iowa Administrative Procedure Act, peti-*  
9 *tions for judicial review may be filed in the district court of the*  
10 *county wherein the license was to be issued or wherein such license*  
11 *is to be revoked or suspended. Any such appeal shall be filed within*  
12 *twenty days of the date of the final order or determination by the*  
13 *commissioner. Notice of appeal shall be served upon all parties to the*  
14 *appeal and hearing before the commissioner in the same manner as*  
15 *are original notices in civil actions. However, such appeal, and such a*  
16 *petition for judicial review shall not operate to stay any order or final*  
17 *determination of the commissioner unless the district court finds upon*  
18 *hearing after reasonable notice to all interested parties, that substan-*  
19 *tial damage would result to the appealing party unless such order or*  
20 *final determination was stayed and such a stay would not endanger*  
21 *the health, safety, or welfare of any inhabitants of a migrant labor*  
22 *camp. Any aggrieved party may appeal to the supreme court from*  
23 *the final determination of the district court as provided by law.*

1 SEC. 95. Section one hundred forty-four point fifteen (144.15),  
2 unnumbered paragraph two (2), Code 1973, is amended to read as  
3 follows:

4 When an applicant does not submit the substantiating evidence  
5 required for delayed registration or when the state registrar finds  
6 reason to question the validity or adequacy of the evidence, the state  
7 registrar shall not register the delayed certificate and shall advise the  
8 applicant of the reasons for this action. The registration official  
9 shall advise the applicant of his right of appeal to the district court  
10 pursuant to sections one hundred forty-four point seventeen (144.17)  
11 and one hundred forty-four point eighteen (144.18) of the Code,  
12 which sections shall be applicable to such appeal notwithstanding the  
13 terms of the Iowa Administrative Procedure Act.

1 SEC. 96. Section one hundred forty-five point seventeen (145.17),  
2 Code 1973, is amended to read as follows:

3 145.17 **Court procedure.** *This section shall be applicable notwith-*  
4 *standing the terms of the Iowa Administrative Procedure Act.* The  
5 issue thereby raised shall be whether the findings and conclusions of  
6 said board shall be affirmed by the court, and shall be tried in the dis-  
7 trict court of such county, as a special proceeding, in the same man-  
8 ner as a civil action at law in which the state shall be the plaintiff  
9 and the person so summoned shall be the defendant. Each party  
10 shall have the same rights as to production of evidence and the case  
11 shall be tried in the same manner as any other civil action. In all  
12 such cases the county attorney of the county where such proceed-  
13 ings are tried shall appear and prosecute such action on behalf of the  
14 state. If the defendant has no attorney and he is unable to secure  
15 one, the court shall appoint an attorney from the membership of  
16 the bar of said county to conduct his defense, and appeal, if any be  
17 taken as hereinafter provided, and such attorney shall be compen-  
18 sated by the state, upon order of the court. Upon the request of  
19 either party to such proceeding all questions of fact shall be tried by  
20 a jury and the court in every instance shall have the testimony fully  
21 reported at the expense of the state.

1 SEC. 97. Section one hundred forty-seven point one hundred  
2 twenty-one (147.121), Code 1973, is amended to read as follows:

3 147.121 **Licensing function.** The board shall license nursing home  
4 administrators in accordance with rules and regulations issued, and  
5 from time to time revised, by it. A nursing home administrator's  
6 license shall not be transferable and shall be valid until surrendered  
7 for cancellation or suspended or revoked for violation of this division  
8 or any other laws or regulations relating to the proper administra-  
9 tion and management of a nursing home. Any denial of issuance or  
10 renewal, suspension, or revocation under any section of this division  
11 shall be subject to *judicial review upon the timely request of the*  
12 ~~applicant or licensee and pursuant to Iowa state procedures in accord-~~  
13 ~~ance with the terms of the Iowa Administrative Procedure Act.~~

1 SEC. 98. Section one hundred forty-eight point seven (148.7),  
2 subsection eight (8), Code 1973, is amended by striking the subsec-  
3 tion and inserting in lieu thereof the following:

4 8. Judicial review of the board's action may be sought in accord-  
5 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 99. Section one hundred fifty-three point twenty-eight  
2 (153.28), Code 1973, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 153.28 **Judicial review.** Judicial review of actions of the board  
5 may be sought in accordance with the terms of the Iowa Administra-  
6 tive Procedure Act.

1 SEC. 100. Section one hundred fifty-three point twenty-nine  
2 (153.29), Code 1973, is amended to read as follows:

3 153.29 **Order stands during review.** *The Notwithstanding the*  
4 *terms of the Iowa Administrative Procedure Act, the order of the*  
5 *board rejecting such application, and refusing to renew such license,*  
6 *shall remain in force and effect until such writ of certiorari petition*  
7 *for judicial review is finally determined and disposed of upon the*

8 merits and no new or temporary license shall be issued to the appli-  
9 cant pending such disposition.

1 SEC. 101. Section one hundred fifty-three point thirty (153.30),  
2 Code 1973, is amended to read as follows:

3 **153.30 Reinstatement—examination.** Any former licensee whose  
4 application for renewal of license has been rejected by the board and  
5 who has not successfully prosecuted a ~~review by certiorari proceeding~~  
6 *for judicial review* therefrom as herein provided shall not thereafter  
7 receive such license or renewal thereof unless same shall be granted  
8 by the board and upon payment of the renewal fees then due. Said  
9 board may require examination of the former licensee, in which case  
10 he shall pay the examination fees provided by law.

1 SEC. 102. Section one hundred fifty-five point fourteen (155.14),  
2 Code 1973, is amended to read as follows:

3 **155.14 Notice—hearing.** Such denial, suspension or revocation  
4 shall be effected by mailing to the applicant or licensee by registered  
5 mail, or by personal service of, a notice setting forth the particular  
6 reasons for such action. Such denial, suspension or revocation shall  
7 become effective thirty days after the mailing or service thereof,  
8 unless the applicant or licensee, within such thirty-day period shall  
9 give written notice to the board requesting a hearing in which case  
10 the notice shall be deemed to be suspended. If a hearing has been  
11 requested, the applicant or licensee shall be given an opportunity  
12 for a prompt and fair hearing before the board. At any time at or  
13 prior to the hearing the board may rescind the notice of denial, sus-  
14 pension or revocation upon being satisfied that the reasons for denial,  
15 suspension or revocation have been or will be removed. On the basis  
16 of any such hearing, or upon default of the applicant or licensee, the  
17 determination involved in the notice may be affirmed, modified or set  
18 aside by the board. A copy of such decisions, setting forth the find-  
19 ings of fact and the particular reasons for the decision shall be sent  
20 by registered mail, or served, ~~unless the applicant or licensee, within~~  
21 ~~such thirty days, appeals the decision to the district court.~~

1 SEC. 103. Section one hundred fifty-five point fifteen (155.15),  
2 Code 1973, is amended to read as follows:

3 **155.15 Procedure at hearing.** The procedure governing hearings  
4 authorized by section 155.14 shall be in accordance with rules promul-  
5 gated by said board. A full and complete record shall be kept of all  
6 proceedings, and all testimony shall be reported but need not be tran-  
7 scribed unless the ~~decision is appealed to the court~~ *judicial review is*  
8 *sought*. A copy or copies of the transcript may be obtained by the  
9 party or parties involved in the controversy on payment of the cost  
10 of preparing such copy or copies. Witnesses may be subpoenaed by  
11 either party and shall be allowed fees as prescribed by law in courts  
12 of record in criminal cases.

1 SEC. 104. Section one hundred fifty-five point sixteen (155.16),  
2 Code 1973, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **155.16 Judicial review.** Judicial review of actions or decisions of  
5 the board may be sought in accordance with the terms of the Iowa  
6 Administrative Procedure Act.

1 SEC. 105. Section one hundred fifty-seven point nine (157.9),  
2 unnumbered paragraph three (3), Code 1973, is amended by striking  
3 the unnumbered paragraph and inserting in lieu thereof the follow-  
4 ing:

5 Judicial review of actions of the board or department of health may  
6 be sought in accordance with the terms of the Iowa Administrative  
7 Procedure Act.

1 SEC. 106. Section one hundred sixty-six B point seven (166B.7),  
2 Code 1973, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **166B.7 Judicial review.** Judicial review of department of agri-  
5 culture action under this chapter may be sought in accordance with  
6 the terms of the Iowa Administrative Procedure Act. Notwithstand-  
7 ing the terms of the Iowa Administrative Procedure Act, petitions  
8 for judicial review may be filed in the district court of the county,  
9 wherein the hogs are situated.

1 SEC. 107. Section one hundred eighty-nine A point fourteen  
2 (189A.14), Code 1973, is amended to read as follows:

3 **189A.14 Appeal Judicial review—enforcement.**

4 1. Any order issued under subsection 3 of section 189A.5 or subsec-  
5 tions 1, 2, or 3 of section 189A.7 shall be final unless appealed to the  
6 district court within thirty days after service. Review of any such  
7 order and the determinations upon which it is based shall be upon the  
8 record in the proceedings in which the order was issued. *Judicial*  
9 *review of the action of the secretary may be sought in accordance*  
10 *with the terms of the Iowa Administrative Procedure Act.*

11 2. The district court is hereby vested with jurisdiction to enforce  
12 this chapter, to prevent and restrain violations herein, and shall have  
13 jurisdiction in all other kinds of cases arising hereunder.

1 SEC. 108. Section one hundred ninety-one A point seven (191A.7),  
2 Code 1973, is amended to read as follows:

3 **191A.7 Disciplinary action.** Any license issued under this chap-  
4 ter may be revoked by the department for violation by the licensee  
5 of any provision of this chapter or any applicable rules or regulations  
6 of the department. In lieu of license revocation, the department may  
7 require the immediate discontinuance of operation of any vending ma-  
8 chine or commissary whenever the department finds unsanitary condi-  
9 tions or any other conditions which constitute a substantial hazard  
10 to the public health. The order shall apply only to the vending ma-  
11 chines, commissary, or product involved. Any person whose license  
12 is revoked, or who is ordered to discontinue the operation of any vend-  
13 ing machine or commissary, may appeal such decision to the secre-  
14 tary. The secretary or his designee shall schedule and hold a hear-  
15 ing upon the appeal not later than thirty days from the time of revo-  
16 cation or the order of discontinuance, and shall issue his decision im-  
17 mediately following the hearing. ~~Any person aggrieved by the deci-~~  
18 ~~sion of the secretary or his designee may appeal such decision to the~~  
19 ~~district court.~~ *Judicial review may be sought in accordance with the*  
20 *terms of the Iowa Administrative Procedure Act.*

1 SEC. 109. Section one hundred ninety-two A point twenty  
2 (192A.20), Code 1973, is amended to read as follows:

3 **192A.20 Order to appear—appeal judicial review.** Whenever the  
 4 secretary has reason to believe that any person has violated any of  
 5 the provisions of this chapter or any rules or regulations adopted  
 6 thereunder, he may enter an order requiring such person to appear  
 7 before him and show cause why an order should not be entered re-  
 8 quiring such person to cease and desist from the violations charged.  
 9 Such order shall set forth the alleged violations, fix the time and  
 10 place of the hearing, and provide for notice thereof which shall be  
 11 given not less than twenty days before the date of such hearing.  
 12 After hearing by the secretary, or if the person charged with such  
 13 violation fails to appear at the time of said hearing, if he finds such  
 14 person to be in violation he shall enter an order requiring such per-  
 15 son to cease and desist from the specific acts, practices, or omissions  
 16 so found to be in violation and from related acts, practices or omis-  
 17 sions. ~~Any such order shall become final upon the expiration of~~  
 18 ~~thirty days after its entry if no appeal is taken therefrom.~~

19 ~~Any person aggrieved by any~~ Any order entered by the secretary  
 20 or other action of the secretary may take an appeal therefrom to the  
 21 district court as provided elsewhere herein for license denial, suspen-  
 22 sion or revocation *be judicially reviewed in accordance with the terms*  
 23 *of the Iowa Administrative Procedure Act.*

24 Any person violating any order of the secretary under the first  
 25 paragraph of this section after the ~~same has become final period for~~  
 26 ~~seeking judicial review thereof has elapsed without the filing of a~~  
 27 ~~petition for such review~~, or on the termination of any review proceed-  
 28 ings shall be subject to a civil penalty to be levied by the district  
 29 court in a proceeding instituted for that purpose in an amount of not  
 30 less than five hundred dollars and not more than ten thousand dollars  
 31 provided that in the case of continuing violations the minimum  
 32 amount of such penalty shall be either five hundred dollars or twenty-  
 33 five dollars for each day of violation, whichever is the larger.

1 SEC. 110. Section one hundred ninety-two A point twenty-five  
 2 (192A.25), Code 1973, is amended to read as follows:

3 **192A.25 Procedure—judicial review.** The department shall by  
 4 certified mail or by personal service notify the person whose license  
 5 has been denied, suspended, or revoked setting forth the reasons for  
 6 the decision. The denial, suspension, or revocation shall become effec-  
 7 tive thirty days after the mailing or service of the notification unless  
 8 ~~the person whose license has been denied, suspended, or revoked files~~  
 9 ~~within the thirty-day period a notice of appeal in the district court~~  
 10 ~~and serves a copy of the notice of appeal upon the department. There-~~  
 11 ~~upon the department shall within thirty days certify and file with the~~  
 12 ~~court a copy of the record and decision including the transcript of the~~  
 13 ~~hearings upon which the decision was based. Judicial review may be~~  
 14 ~~sought of any such action in accordance with the terms of the Iowa~~  
 15 ~~Administrative Procedure Act.~~

1 SEC. 111. Section one hundred ninety-eight point thirteen  
 2 (198.13),\* subsection five (5), Code 1973, is amended to read as fol-  
 3 lows:

4 5. ~~Any person adversely affected by an~~ *Judicial review of any Act,*  
 5 order or ruling made pursuant to the provisions of this chapter may

\*Chapter 198 repealed by chapter 1156, §19 hereof

6 *be sought in accordance with the terms of the Iowa Administrative*  
 7 *Procedure Act. Notwithstanding the terms of the Iowa Administrative*  
 8 *Procedure Act, petitions for judicial review must be filed within*  
 9 *forty-five days thereafter bring action in the district court in and for*  
 10 *Polk county for new trial of the issues bearing upon such Act, order*  
 11 *or ruling, and upon such trial the court may issue and enforce such*  
 12 *orders, judgments or decrees as the court may deem proper, just and*  
 13 *equitable after the Act, order or ruling is final.*

1 SEC. 112. Section one hundred ninety-nine point eleven (199.11),  
 2 subsection two (2), paragraph b, Code 1973, is amended to read as fol-  
 3 lows:

4 b. To issue and enforce a written or printed "stop sale" order to  
 5 the owner or custodian of any lot of agricultural seed which the state  
 6 secretary of agriculture or his authorized agents believe is in violation  
 7 of any of the provisions of this chapter which shall prohibit further  
 8 sale of such seed until such officer has evidence that the law has been  
 9 complied with; provided, that the owner or custodian of such seed  
 10 shall be permitted to remove said seed from a salesroom open to the  
 11 public; provided further, that in respect to seeds which have been  
 12 denied sale as provided in this subsection, ~~the owner or custodian of~~  
 13 ~~such seeds shall have the right to appeal from such order to a court~~  
 14 ~~of competent jurisdiction~~ *judicial review may be sought in accordance*  
 15 *with the terms of the Iowa Administrative Procedure Act. Notwith-*  
 16 *standing the terms of the Iowa Administrative Procedure Act, peti-*  
 17 *tions for judicial review may be filed in the district court where the*  
 18 *seeds are found, praying for a judgment as to the justification of said*  
 19 *order and for the discharge of such seed from the order prohibiting*  
 20 *the sale in accordance with the findings of the court; and. And pro-*  
 21 *vided further, that the provisions of this subsection shall not be con-*  
 22 *strued as limiting the right of the enforcement officer to proceed as*  
 23 *authorized by other sections of this chapter.*

1 SEC. 113. Section two hundred point fourteen (200.14), subsection  
 2 three (3), Code 1973, is amended by striking the subsection.

1 SEC. 114. Section two hundred four point three hundred five  
 2 (204.305), subsection two (2), Code 1973, is amended to read as fol-  
 3 lows:

4 2. The board, without an order to show cause, may suspend any  
 5 registration simultaneously with the institution of proceedings under  
 6 section 204.304, or where renewal of registration is refused, if it finds  
 7 that there is an imminent danger to the public health or safety which  
 8 warrants this action. The suspension shall continue in effect until  
 9 the conclusion of the proceedings, including judicial review thereof,  
 10 *under the provisions of the Iowa Administrative Procedure Act,*  
 11 *unless sooner withdrawn by the board or dissolved by the district or*  
 12 *supreme court.*

1 SEC. 115. Section two hundred four point five hundred eight  
 2 (204.508), Code 1973, is amended by striking the section and insert-  
 3 ing in lieu thereof the following:

4 **204.508 Judicial review.** Judicial review of actions of board or  
 5 department may be sought in accordance with the terms of the Iowa  
 6 Administrative Procedure Act.



1 SEC. 116. Section two hundred twenty-two point fifty-nine  
2 (222.59), subsection four (4), unnumbered paragraph two (2), as cre-  
3 ated by Acts of the Sixty-fifth General Assembly, 1973 Session, chap-  
4 ter one hundred seventy-nine (179), section one (1), Code 1973, is  
5 amended to read as follows:

6 An appellant aggrieved by the result of such hearing may, within  
7 thirty days, appeal to *Judicial review of actions of the department*  
8 *may be sought in accordance with the terms of the Iowa Administra-*  
9 *tive Procedure Act. the district court of Polk County or of the county*  
10 *in which the appellant resides; by serving notice of such appeal upon*  
11 *the commissioner of social services or his designee, in the manner*  
12 *required for the service of original notice in a civil action. Upon such*  
13 *notice, the The department shall furnish the appellant petitioner with*  
14 *a copy of any papers filed by him in support of his position, a tran-*  
15 *script of any testimony taken, and a copy of the department's deci-*  
16 *sion.*

1 SEC. 117. Section two hundred twenty-two point fifty-nine  
2 (222.59), subsection four (4), unnumbered paragraph four (4), as  
3 created by Acts of the Sixty-fifth General Assembly, 1973 Session,  
4 chapter one hundred seventy-nine (179), section one (1), Code 1973,  
5 is amended by striking the unnumbered paragraph and inserting in  
6 lieu thereof the following:

7 Notwithstanding the terms of the Iowa Administrative Procedure  
8 Act, where a petition is filed for judicial review of a proposed place-  
9 ment, the proposed placement shall be stayed pending the outcome of  
10 said review proceeding.

1 SEC. 118. Section two hundred twenty-four point five (224.5),  
2 Code 1973, is amended to read as follows:

3 **224.5 Mental illness of narcotic addicts.** Should a person, com-  
4 mitted because of his excessive use of narcotic drugs or intoxicating  
5 liquors, become mentally ill, the commissioner of the state department  
6 of social services, on complaint of the superintendent having the cus-  
7 tody of such person, and on due hearing, may order such person com-  
8 mitted to a hospital for the mentally ill. Such order shall have the  
9 same force and effect as though entered by the commissioners of  
10 hospitalization of the county of the patient's residence, and *notwith-*  
11 *standing the terms of the Iowa Administrative Procedure Act, such*  
12 *person may appeal from such order in the same manner in which*  
13 *appeals are allowed from the orders of the commissioners of hos-*  
14 *pitalization.*

1 SEC. 119. Section two hundred twenty-five point thirty-nine  
2 (225.39), Code 1973, is amended by adding the following new para-  
3 graph:

4 **NEW PARAGRAPH.** This section applies notwithstanding the pro-  
5 visions of the Iowa Administrative Procedure Act.

1 SEC. 120. Section two hundred thirty-eight point twelve (238.12),  
2 unnumbered paragraph two (2), Code 1973, is amended by striking  
3 the unnumbered paragraph and inserting in lieu thereof the follow-  
4 ing:

5 Judicial review of the actions of the council may be sought in ac-  
6 cordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 121. Section two hundred thirty-nine point seven (239.7),  
2 Code 1973, is amended to read as follows:

3 **239.7 Appeal—judicial review.** If an application is not acted upon  
4 within a reasonable time, if it is denied in whole or in part, or if any  
5 award of assistance is modified, suspended, or canceled under any pro-  
6 vision of this chapter, the applicant or recipient may appeal to the  
7 department of social services. The department shall give the appel-  
8 lant reasonable notice and opportunity for a fair hearing before the  
9 commissioner or his designee. ~~An applicant or recipient aggrieved by~~  
10 ~~the result of such hearing may, within thirty days, appeal to Judicial~~  
11 ~~review of the result of such hearing may be sought in accordance with~~  
12 ~~the terms of the Iowa Administrative Procedure Act. the district~~  
13 ~~court of the county in which he resides, by serving notice of such~~  
14 ~~appeal upon the commissioner of social services or his designee, in the~~  
15 ~~manner required for the service of original notice in a civil action.~~  
16 Upon receipt of such notice ~~the notice of the filing of a petition for~~  
17 ~~judicial review,~~ the department shall furnish the appellant petitioner  
18 with a copy of any papers filed by him in support of his ~~the petition-~~  
19 ~~er's~~ position, a transcript of any testimony taken, and a copy of the  
20 department's decision. ~~The district court shall review the depart-~~  
21 ~~ment's decision to determine its legality.~~

1 SEC. 122. Section two hundred forty-nine point eleven (249.11),  
2 unnumbered paragraph three (3), Code 1973, is amended to read as  
3 follows:

4 If an application is not acted upon within a reasonable time, if it is  
5 denied in whole or in part, or if any award of assistance is modified,  
6 suspended, or canceled under any provision of this chapter, the appli-  
7 cant or recipient may appeal to the department of social services. The  
8 department shall give the appellant reasonable notice and opportunity  
9 for a fair hearing before the commissioner or his designee. ~~An appli-~~  
10 ~~cant or recipient aggrieved by the result of such hearing may, within~~  
11 ~~thirty days, appeal to the district court of the county in which he~~  
12 ~~resides, by serving notice of such appeal upon the commissioner of~~  
13 ~~social services or his designee, in the manner required for the service~~  
14 ~~of original notice in a civil action. Judicial review of the actions of~~  
15 ~~the department may be sought in accordance with the terms of the~~  
16 ~~Iowa Administrative Procedure Act. Upon receipt of such notice a~~  
17 ~~petition for judicial review,~~ the department shall furnish the appel-  
18 lant petitioner with a copy of any papers filed by him in support of his  
19 petitioner's position, a transcript of any testimony taken, and a copy  
20 of the department's decision. ~~The district court shall review the~~  
21 ~~department's decision to determine its legality.~~

1 SEC. 123. Section two hundred forty-nine A point four (249A.4),  
2 subsection ten (10), unnumbered paragraph two (2), Code 1973, is  
3 amended by striking the unnumbered paragraph and inserting in lieu  
4 thereof the following:

5 Judicial review of the actions of the commissioner or department  
6 may be sought in accordance with the terms of the Iowa Administra-  
7 tive Procedure Act. In the event a petition for judicial review is  
8 filed, the commissioner or his authorized representative shall furnish  
9 the petitioner with a copy of the application and all supporting papers,

10 a transcript of the testimony taken at the hearing, if any, and a copy  
11 of its decision.

1 SEC. 124. Section two hundred sixty-two point sixty-nine  
2 (262.69), unnumbered paragraph two (2), Code 1973, is amended to  
3 read as follows:

4 Any rules made pursuant to this section may be enforced under pro-  
5 cedures adopted by the board for each institution under its control.  
6 Sanctions may be imposed upon students, faculty and staff for viola-  
7 tion of the rules, including, but not limited to, a reasonable monetary  
8 sanction which may be deducted from student deposits and faculty or  
9 staff salaries or other funds in the possession of the institution, or  
10 added to student tuition bills. The rules made pursuant to this sec-  
11 tion may also be enforced by the impoundment of vehicles parked in  
12 violation of the rules, and a reasonable fee may be charged for the  
13 cost of impoundment and storage, prior to the release of the vehicles  
14 to their owners. Each institution under the control of the board shall  
15 establish procedures for the determination of controversies in con-  
16 nection with imposition of sanctions. The procedures shall require  
17 giving notice of the violation and the sanction involved and provide an  
18 opportunity for an administrative hearing. ~~Appeal~~ *Judicial review* of  
19 the administrative ruling may be heard ~~de novo~~ by the district court  
20 *sought in accordance with the terms of the Iowa Administrative Pro-*  
21 *cedure Act.* The rules promulgated under this section shall be subject  
22 to chapter 17A.

1 SEC. 125. Section two hundred seventy-five point eight (275.8),  
2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-  
3 lows:

4 The state department of public instruction shall co-operate with the  
5 several county boards of education in making the studies and surveys  
6 required hereunder. In the case of controversy over the planning of  
7 joint districts, the matter shall be submitted to the state board of  
8 public instruction *judicial review* of and its decision may be appealed  
9 to a court of record in one of the counties involved, by an aggrieved  
10 party to the controversy, *sought in accordance with the terms of the*  
11 *Iowa Administrative Procedure Act.* ~~Notwithstanding the terms of~~  
12 ~~the Iowa Administrative Procedure Act, petitions for judicial review~~  
13 ~~must be filed~~ within thirty days after the decision of the state board  
14 of public instruction. Joint districts shall mean districts that lie in  
15 two or more adjacent counties. ~~An aggrieved party is hereby defined~~  
16 ~~as the board of directors of a school district whose directors are~~  
17 ~~elected at large, or, if said board is elected from director districts,~~  
18 ~~then that membership of the board of directors whose districts are~~  
19 ~~included in the proposed reorganized area, or a county board of~~  
20 ~~education.~~

1 SEC. 126. Section two hundred seventy-five point sixteen (275.16),  
2 unnumbered paragraphs two (2) and three (3), are amended to read  
3 as follows:

4 In case a controversy arises from such meeting, the county board or  
5 boards or any school district aggrieved may bring the controversy to  
6 the state department of public instruction, as provided in section  
7 275.8, within twenty days from the publication of this order, and if

8 said controversy is taken to the state department of public instruc-  
 9 tion, a ten-day notice in writing shall be given to all county boards  
 10 and school districts affected or portions thereof. The state depart-  
 11 ment shall have the authority to affirm the action of the joint boards,  
 12 to vacate, to dismiss all proceedings or to make such modification of  
 13 the action of the joint boards as in their judgment would serve the  
 14 best interest of all the counties. This decision may be appealed to a  
 15 court of record in one of the counties by any aggrieved\* party to the  
 16 controversy as defined in section 275.8, *Judicial review of the actions*  
 17 *of the department may be sought in accordance with the terms of the*  
 18 *Iowa Administrative Procedure Act. Notwithstanding the terms of*  
 19 *the Iowa Administrative Procedure Act, petitions for judicial review*  
 20 *must be filed within thirty days after the decision of the state depart-*  
 21 *ment of public instruction.*

22 The court on appeal shall have the same authority as is granted in  
 23 this section to the state department of public instruction.

1 SEC. 127. Section two hundred eighty-five point twelve (285.12),  
 2 Code 1973, is amended to read as follows:

3 285.12 **Disputes—hearings and appeals.** In the event of a dis-  
 4 agreement between a school patron and the board of the school dis-  
 5 trict, the patron if dissatisfied with the decision of the district board,  
 6 may appeal the same to the county board of education, notifying the  
 7 secretary of the district in writing within ten days of the decision of  
 8 the board and by filing an affidavit of appeal with the county board  
 9 of education within the ten-day period. The affidavit of appeal shall  
 10 include the reasons for the appeal and points at issue. The secre-  
 11 tary of the local board on receiving notice of appeal shall certify all  
 12 papers to the county board of education which shall hear the appeal  
 13 within ten days of the receipt of the papers and decide it within  
 14 three days of the conclusion of the hearing and shall immediately  
 15 notify all parties of its decision. Either party may appeal the deci-  
 16 sion of the county board to the state superintendent of public instruc-  
 17 tion by notifying the opposite party and the county superintendent  
 18 of schools in writing within five days after receipt of notice of the  
 19 decision of the county board of education and shall file with the state  
 20 superintendent of public instruction an affidavit of appeal, reasons for  
 21 appeal, and the facts involved in the disagreement. The county super-  
 22 intendent of schools shall, within ten days of said notice, file with the  
 23 state superintendent of public instruction all records and papers per-  
 24 taining to the case, including action of the county board of education.  
 25 The state superintendent of public instruction shall hear the appeal  
 26 within fifteen days of the filing of the records in his office, notifying  
 27 all parties and the county superintendent of schools of the time of  
 28 hearing. The state superintendent of public instruction shall forth-  
 29 with decide the same and notify all parties of his decision and return  
 30 all papers with a copy of the decision to the county superintendent of  
 31 schools. The decision of the state superintendent of public instruction  
 32 shall be subject to appeal to the district court *judicial review in ac-*  
 33 *cordance with the terms of the Iowa Administrative Procedure Act.*  
 34 ~~Any order of the district court shall be subject to appeal to the~~  
 35 ~~supreme court in accord with the statutes respecting appeals to that~~

\*According to enrolled Act

36 ~~court.~~ Pending final order made by the state superintendent of public  
 37 instruction, ~~or the district court, or the supreme court,~~ as the case  
 38 ~~may be,~~ upon any appeal prosecuted to such superintendent ~~or to such~~  
 39 ~~courts,~~ the order of the county board of education from which the  
 40 appeal is taken shall be operative and be in full force and effect.

1 SEC. 128. Section two hundred eighty-five point thirteen (285.13),  
 2 Code 1973, is amended to read as follows:

3 **285.13 Disagreements between boards.** In the event of a dis-  
 4 agreement between the board of a school district and the county  
 5 board of education, the board of the school district may appeal to the  
 6 state superintendent of public instruction and the procedure and  
 7 times provided for in section 285.12 shall prevail in any such case.  
 8 The decision of the state superintendent of public instruction shall be  
 9 subject to ~~appeal to the courts as provided for in section 285.12~~  
 10 *judicial review in accordance with the terms of the Iowa Administra-*  
 11 *tive Procedure Act.*

1 SEC. 129. Section three hundred six point seventeen (306.17),  
 2 Code 1973, is amended to read as follows:

3 **306.17 Appeal.** *Any Notwithstanding the terms of the Iowa*  
 4 *Administrative Procedure Act, any claimant for damages may, by*  
 5 *servng, within twenty days after the said final order has been issued,*  
 6 *a written notice upon the commission, board or boards which instituted*  
 7 *and conducted such proceedings, appeal as to the amount of damages,*  
 8 *to the district court of the county in which the land is located, in the*  
 9 *manner and form prescribed in chapter 472 with reference to appeals*  
 10 *from condemnation, and such proceedings shall thereafter likewise*  
 11 *conform to the applicable provisions of said chapter.*

1 SEC. 130. Section three hundred twenty-one point two hundred  
 2 ten (321.210), unnumbered paragraph three (3), Code 1973, is  
 3 amended to read as follows:

4 Prior to a suspension taking effect under subsections 2, 3, 4, 5 or  
 5 7, the licensee shall have received twenty days advance notice of the  
 6 effective date of the suspension, ~~and an appeal under the provisions of~~  
 7 ~~section 321.215.~~ *Notwithstanding the terms of the Iowa Administra-*  
 8 *tive Procedure Act, the filing of a petition for judicial review shall*  
 9 *operate to stay the suspension pending the determination by the dis-*  
 10 *trict court.*

1 SEC. 131. Section three hundred twenty-one point two hundred  
 2 fifteen (321.215), Code 1973, is amended by striking the section and  
 3 inserting in lieu thereof the following:

4 **321.215 Judicial review.** Judicial review of the actions of the de-  
 5 partment may be sought in accordance with the terms of the Iowa  
 6 Administrative Procedure Act.

1 SEC. 132. Section three hundred twenty-one point two hundred  
 2 thirty-eight (321.238), subsection fifteen (15), Code 1973, is amended  
 3 by striking the subsection and inserting in lieu thereof the following:

4 **15.** Judicial review of the actions of the commissioner may be  
 5 sought in accordance with the terms of the Iowa Administrative Pro-  
 6 cedure Act.

1 SEC. 133. Section three hundred twenty-one A point two (321A.2),  
2 subsection two (2), Code 1973, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 2. Judicial review of the actions of the commissioner may be sought  
5 in accordance with the terms of the Iowa Administrative Procedure  
6 Act.

1 SEC. 134. Section three hundred twenty-one B point nine  
2 (321B.9), Code 1973, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 **321B.9 Judicial review.** Judicial review of the actions of the  
5 commissioner may be sought in accordance with the terms of the  
6 Iowa Administrative Procedure Act. Notwithstanding the terms of  
7 the Iowa Administrative Procedure Act, petitions for judicial review  
8 may be filed in the district court in the county wherein the alleged  
9 events occurred for which the licensee was arrested or in the county  
10 in which the administrative hearing was held.

1 SEC. 135. Section three hundred twenty-two point ten (322.10),  
2 Code 1973, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **322.10 Judicial review.** Judicial review of actions of the depart-  
5 ment may be sought in accordance with the terms of the Iowa Admin-  
6 istrative Procedure Act. The petitioner shall file with the clerk a  
7 bond for the use of the respondent, with sureties approved by such  
8 clerk and in an amount fixed by him, provided in no case shall the  
9 bond be less than fifty dollars, conditioned that the petitioner shall  
10 perform the orders of the court.

1 SEC. 136. Section three hundred twenty-two A point seventeen  
2 (322A.17), Code 1973, is amended to read as follows:

3 **322A.17 Appeal Judicial review.** ~~Any party to a hearing before~~  
4 ~~the commission may take an appeal from any final order entered in~~  
5 ~~such hearing~~ *Judicial review of actions of the commission may be*  
6 *sought in the manner provided for appeals in section 322.10.*

1 SEC. 137. Section three hundred twenty-five point twenty-one  
2 (325.21), Code 1973, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 **325.21 Judicial review.** Judicial review of the decisions and ac-  
5 tions of the commission may be sought in accordance with the terms  
6 of the Iowa Administrative Procedure Act. Such petitioners must  
7 file with the clerk of the district court a bond for costs in the sum  
8 of not less than five hundred dollars.

1 SEC. 138. Section three hundred twenty-six point thirty-one  
2 (326.31), unnumbered paragraph two (2), Code 1973, is amended to  
3 read as follows:

4 Any person whose privileges are canceled may request an adminis-  
5 trative hearing of said action, and during the period pending the hear-  
6 ing the apportioned registration privileges shall be reinstated if the  
7 fleet owner posts security with the reciprocity board in an amount suf-  
8 ficient to pay such full annual fees if an adverse decision is rendered  
9 at the hearing. At such hearing the fleet owner shall have the bur-  
10 den of proof as to the accuracy of any report filed by the fleet owner  
11 with the reciprocity board, department of public safety, or the depart-

12 ment of revenue. ~~Any person aggrieved by a decision reached at the~~  
 13 ~~administrative hearing may appeal from such decision to the district~~  
 14 ~~court. Judicial review of any decision reached at the administrative~~  
 15 ~~hearing may be sought in accordance with the terms of the Iowa~~  
 16 ~~Administrative Procedure Act.~~

1 SEC. 139. Section three hundred twenty-eight point thirty-nine  
 2 (328.39), unnumbered paragraph two (2), Code 1973, is amended by  
 3 striking the unnumbered paragraph and inserting in lieu thereof the  
 4 following:

5 Any order of the commission or any refusal to issue, revocation or  
 6 suspension of any certificate shall be subject to judicial review in ac-  
 7 cordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 140. Section four hundred twenty-one point one (421.1), sub-  
 2 section three (3), Code 1973, is amended by striking the subsection.

1 SEC. 141. Section four hundred twenty-one point seventeen  
 2 (421.17), subsection ten (10), unnumbered paragraph two (2), Code  
 3 1973, is amended to read as follows:

4 The director may correct errors or obvious injustices in the assess-  
 5 ment of any individual property, but the director shall not reduce the  
 6 valuation of any individual property except upon the recommendation  
 7 of the local board of review and no order of the director affecting any  
 8 valuation shall be retroactive as to any reduction or increase in taxes  
 9 payable prior to January 1 of the year in which such order is issued,  
 10 or prior to September 1 of the preceding year in cities under special  
 11 charter which collect their own municipal levies. ~~Any increase in~~  
 12 ~~individual valuations ordered by the director shall be subject to right~~  
 13 ~~of appeal to the courts under the same procedure as that provided in~~  
 14 ~~the case of increases made by local boards of review. Judicial review~~  
 15 ~~of the actions of the director may be sought in accordance with the~~  
 16 ~~terms of the Iowa Administrative Procedure Act.~~

1 SEC. 142. Section four hundred twenty-two point twenty-nine  
 2 (422.29), Code 1973, is amended to read as follows:

3 **422.29 Appeals Judicial review.**

4 1. ~~An appeal may be taken by the taxpayer to Judicial review of~~  
 5 ~~actions of the director may be sought in accordance with the terms of~~  
 6 ~~the Iowa Administrative Procedure Act. Notwithstanding the terms~~  
 7 ~~of the Iowa Administrative Procedure Act, petitions for judicial~~  
 8 ~~review may be filed in the district court of the county in which he the~~  
 9 ~~petitioner resides, or in which his principal place of business is~~  
 10 ~~located, or in the case of a nonresident not maintaining a place of~~  
 11 ~~business in this state either in any county in which the income in-~~  
 12 ~~volved was earned or derived or in Polk county, within sixty days~~  
 13 ~~after he shall have received notice of a determination by the director~~  
 14 ~~as provided for in section 422.28.~~

15 2. The appeal shall be taken by a written notice to the director and  
 16 served as an original notice. When said notice is so served it shall,  
 17 with the return thereon, be filed in the office of the clerk of said dis-  
 18 trict court, and docketed as other cases, with the taxpayer as plaintiff  
 19 and the director as defendant. The plaintiff petitioner shall file with  
 20 such the clerk a bond for the use of the defendant respondent, with  
 21 sureties approved by such clerk, in penalty at least double the amount

22 of tax appealed from, and in no case shall the bond be less than fifty  
 23 dollars, conditioned that the ~~plaintiff~~ *petitioner* shall perform the  
 24 orders of the court.

25 3. ~~The court shall hear the appeal in equity and determine anew all~~  
 26 ~~questions submitted to it on appeal from the determination of the~~  
 27 ~~director. The court shall render its decree thereon and a certified copy~~  
 28 ~~of said decree shall be filed by the clerk of said court with the director~~  
 29 ~~who shall then correct the assessment in accordance with said decree.~~  
 30 An appeal may be taken by the taxpayer or the director to the  
 31 supreme court of this state in the same manner that appeals are taken  
 32 in suits in equity, irrespective of the amount involved.

1 SEC. 143. Section four hundred twenty-two point fifty-five  
 2 (422.55), Code 1973, is amended to read as follows:

3 422.55 Appeals.

4 1. An appeal may be taken by the taxpayer to *Judicial review of*  
 5 *actions of the director may be sought in accordance with the terms of*  
 6 *the Iowa Administrative Procedure Act. the district court of the*  
 7 *county in which he resides, or in which his principal place of business*  
 8 *is located, within sixty days after he shall have received notice of a*  
 9 *determination by the director as provided for in section 422.54.*

10 2. The appeal shall be taken by a written notice to the director and  
 11 served as an original notice. When said notice is so served it shall,  
 12 with the return thereon, be filed in the office of the clerk of said dis-  
 13 trict court, and docketed as other cases, with the taxpayer as plaintiff  
 14 and the director as defendant. The plaintiff *petitioner* shall file with  
 15 such *the* clerk a bond for the use of the defendant *respondent*, with  
 16 sureties approved by such clerk, in penalty at least double the amount  
 17 of tax appealed from, and in no case shall the bond be less than fifty  
 18 dollars, conditioned that the ~~plaintiff~~ *petitioner* shall perform the  
 19 orders of the court.

20 3. ~~The court shall hear the appeal in equity and determine anew all~~  
 21 ~~questions submitted to it on appeal from the determination of the~~  
 22 ~~director. In such appeal, the burden of proof shall be upon the tax-~~  
 23 ~~payer. The court shall render its decree thereon and a certified copy~~  
 24 ~~of said decree shall be filed by the clerk of said court with the director~~  
 25 ~~who shall then correct the assessment in accordance with said decree.~~  
 26 An appeal may be taken by the taxpayer or the director to the  
 27 supreme court of this state in the same manner that appeals are taken  
 28 in suits in equity, irrespective of the amount involved.

1 SEC. 144. Section four hundred twenty-two point fifty-seven  
 2 (422.57), subsection one (1), Code 1973, is amended to read as fol-  
 3 lows:

4 1. Any notice, ~~except notice of appeal~~, authorized or required under  
 5 the provisions of this division may be given by mailing the same to  
 6 the person for whom it is intended by certified mail, addressed to such  
 7 person at the address given in the last return filed by him pursuant to  
 8 the provisions of this division, or if no return has been filed, then to  
 9 such address as may be obtainable. The mailing of such notice shall  
 10 be presumptive evidence of the receipt of the same by the person  
 11 to whom addressed. Any period of time which is determined accord-  
 12 ing to the provisions of this division by the giving of notice shall



13 commence to run from the date of registration and posting of such  
14 notice.

1 SEC. 145. Section four hundred twenty-three point sixteen  
2 (423.16), Code 1973, is amended to read as follows:

3 **423.16 Determination by department.** If any return required by  
4 this chapter is not filed, or if any return when filed is incorrect or in-  
5 sufficient, and the maker or person from whom it is due fails to file a  
6 corrected or sufficient return within twenty days after the same is  
7 required by notice from the department, the department shall have  
8 the same power to determine the amount due, as is vested in the  
9 department by sections 422.54, 422.55, and 422.57, subject to all of  
10 the provisions, and restrictions, and rights of appeal to seek judicial  
11 review provided in said sections. Where a return required by this  
12 chapter has been filed, the five-year period of limitation specified in  
13 subsection 1 of section 422.54 shall apply to the making of a determi-  
14 nation by the department of the amount of tax due hereunder and to  
15 the giving of notice to the taxpayer of such determination.

1 SEC. 146. Section four hundred twenty-four point six (424.6),  
2 Code 1973, is amended to read as follows:

3 **424.6 Appeals.**

4 1. ~~An appeal may be taken by the taxpayer to~~ *Judicial review of*  
5 *actions of the director may be sought in accordance with the terms*  
6 *of the Iowa Administrative Procedure Act. the district court of the*  
7 *county in which he resides, or in which his principal place of business*  
8 *is located, within sixty days after he shall have received notice of a*  
9 *determination by the director as provided for in section 424.5.*

10 2. ~~The appeal shall be taken by a written notice to the director and~~  
11 ~~served as an original notice. When said notice is so served it shall,~~  
12 ~~with the return thereon, be filed in the office of the clerk of said dis-~~  
13 ~~trict court, and docketed as other cases, with the taxpayer as plaintiff~~  
14 ~~and the director as defendant. The plaintiff petitioner shall file with~~  
15 ~~such the clerk a bond for the use of the defendant respondent and the~~  
16 ~~state with sureties approved by such clerk, in penalty at least double~~  
17 ~~the amount of tax appealed from which review is sought, and in no~~  
18 ~~case shall the bond be less than fifty dollars and conditioned that the~~  
19 ~~plaintiff petitioner shall pay any amount found to be due the defend-~~  
20 ~~ant respondent or the state and will perform the orders of the court.~~

21 3. ~~The court shall hear the appeal in equity and determine anew all~~  
22 ~~questions submitted to it on appeal from the determination of the~~  
23 ~~director. The court shall render its decree thereon and a certified copy~~  
24 ~~of said decree shall be filed by the clerk of said court with the direc-~~  
25 ~~tor who shall then correct the assessment in accordance with said~~  
26 ~~decree. An appeal may be taken by the taxpayer or the director to~~  
27 ~~the supreme court of this state in the same manner that appeals are~~  
28 ~~taken in suits in equity, irrespective of the amount involved.~~

1 SEC. 147. Section four hundred twenty-five point seven (425.7),  
2 subsection three (3), Code 1973, is amended to read as follows:

3 3. Should the director of revenue determine, upon investigation,  
4 that any claim for homestead credit has been allowed by any board  
5 of supervisors which is not justifiable under the law and not substan-  
6 tiated by proper facts, the director may, at any time within one year

7 after the receipt by the department of revenue of the certification of  
 8 such credit by any county treasurer, set aside such allowance. Notice  
 9 of such disallowance shall be given to the county auditor of the county  
 10 in which such claim has been improperly granted and a written notice  
 11 of such disallowance shall also be addressed to the claimant at his last  
 12 known address. Such claimant, or the board of supervisors, may  
 13 ~~appeal from~~ *seek judicial review of the action of the director of revenue*  
 14 ~~in the same manner, and in the same time, as provided by subsec-~~  
 15 ~~tion 4 accordance with the terms of the Iowa Administrative Procedure~~  
 16 ~~Act. Where such appeal is taken by the claimant or by the board~~  
 17 ~~of supervisors, the appellant shall within ten days after the filing of~~  
 18 ~~such appeal, notify the director of revenue by restricted certified mail~~  
 19 ~~of the filing of said appeal. In any case where a claim is so disallowed~~  
 20 ~~by the director of revenue and no appeal is taken from such disallow-~~  
 21 ~~ance~~ *petition for judicial review is filed with respect to such disallow-*  
 22 *ance, any amounts of credits allowed and paid from the homestead*  
 23 *credit fund shall become a lien upon the property on which said credit*  
 24 *was originally granted, if still in the hands of the claimant, and not in*  
 25 *the hands of a bona fide purchaser, and any amount so erroneously*  
 26 *paid shall be collected by the county treasurer in the same manner as*  
 27 *other taxes and such collections shall be returned to the department*  
 28 *of revenue and credited to the homestead credit fund. The director of*  
 29 *revenue shall also have the authority to institute legal proceedings*  
 30 *against a homestead credit claimant for the collection of all payments*  
 31 *made on such disallowed credits.*

32 Said appeals shall be tried by equitable proceedings.

1 SEC. 148. Section four hundred twenty-six A point six (426A.6),  
 2 Code 1973, is amended to read as follows:

3 426A.6 **Setting aside allowance.** Should the director of revenue  
 4 determine, upon investigation, that any claim for military service tax  
 5 exemption has been allowed by any board of supervisors which is not  
 6 justifiable under the law and not substantiated by proper facts, the  
 7 director may, at any time within one year after the receipt by the  
 8 department of revenue of the certification of such exemption by any  
 9 county treasurer, set aside such allowance. Notice of such disallow-  
 10 ~~ance shall be given to the county auditor of the county in which such~~  
 11 ~~claim has been improperly granted and a written notice of such dis-~~  
 12 ~~allowance shall also be addressed to the claimant at his last known~~  
 13 ~~address. Such claimant, or the board of supervisors, may~~ ~~appeal from~~  
 14 ~~the action of~~ *seek judicial review of the action of the director of reve-*  
 15 *nuce in the same manner, and in the same time, as provided for appeals*  
 16 *from disallowance by the board of supervisors accordance with the*  
 17 *terms of the Iowa Administrative Procedure Act. When such appeal*  
 18 *is taken by claimant or by the board of supervisors, the appellant*  
 19 *shall, within ten days after the filing of such appeal, notify the direc-*  
 20 *tor of revenue, by restricted certified mail of the filing of said appeal.*  
 21 *In any case, where a claim is so disallowed by the director of revenue*  
 22 *and no appeal is taken from* *petition for judicial review is filed with*  
 23 *respect to such disallowance, any amounts of credits allowed and paid*  
 24 *from the military service tax credit fund shall become a lien upon the*  
 25 *property on which said credit was originally granted, if still in the*  
 26 *hands of the claimant, and not in the hands of a bona fide purchaser,*  
 27 *and any amount so erroneously paid shall be collected by the county*

28 treasurer in the same manner as other taxes and such collections shall  
29 be returned to the department of revenue and credited to the military  
30 service tax credit fund. The director of revenue shall also have the  
31 authority to institute legal proceedings against a military service tax  
32 exemption claimant for the collection of all payments made on such  
33 disallowed exemptions. ~~Said appeals shall be tried by equitable pro-~~  
34 ~~ceedings.~~

1 SEC. 149. Section four hundred twenty-seven point one (427.1),  
2 subsection twenty-six (26), Code 1973, is amended to read as follows:  
3 26. Revoking exemption. Any taxpayer or any taxing district may  
4 make application to the director of revenue for revocation for any ex-  
5 emption, based upon alleged violations of the provisions of this chap-  
6 ter. The director of revenue may also on his own motion set aside  
7 any exemption which has been granted upon property for which ex-  
8 emption is claimed under this chapter. The director of revenue shall  
9 give notice by certified mail to the societies or organizations claiming  
10 an exemption upon property, exemption of which is questioned before  
11 or by the director of revenue, and any order made by the director of  
12 revenue revoking or modifying such exemption shall be subject to  
13 ~~appeal to judicial review in accordance with the terms of the Iowa~~  
14 ~~Administrative Procedure Act. Notwithstanding the terms of the~~  
15 ~~Iowa Administrative Procedure Act, petitions for judicial review may~~  
16 ~~be filed in the district court having jurisdiction in the county in which~~  
17 ~~such property is located, such appeal to be triable in equity, and to be~~  
18 ~~made within twenty days after any order revoking such exemption is~~  
19 ~~made by the director of revenue and must be filed within thirty days~~  
20 ~~after any order revoking such exemption is made by the director of~~  
21 ~~revenue.~~

1 SEC. 150. Section four hundred twenty-eight point thirty-one  
2 (428.31), Code 1973, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 **428.31 Judicial review.** Judicial review of the actions of the  
5 director may be sought in accordance with the terms of the Iowa Ad-  
6 ministrative Procedure Act. Notwithstanding the provisions of the  
7 Iowa Administrative Procedure Act, petitions for judicial review shall  
8 be filed within thirty days after the final decision of the director has  
9 been certified to the county auditor.

1 SEC. 151. Section four hundred thirty A point five (430A.5), Code  
2 1973, is amended to read as follows:

3 **430A.5 Forms—several places of business.** The director of rev-  
4 enue shall prescribe forms for the making of returns as provided by  
5 this chapter. Any individual, partnership or agency subject to the  
6 provisions of this chapter and which maintains more than one place  
7 of business within the state of Iowa, may elect to make the return  
8 provided for by this chapter to the director of revenue, who shall de-  
9 termine the proper assessment to be made in each taxing district in  
10 which such taxpayer maintains a place of business, and the results  
11 thereof shall be by the director of revenue promptly certified to the  
12 county auditors of the respective counties in which offices are main-  
13 tained, who shall add such assessments to the tax lists. In making  
14 such assessments the director of revenue shall determine the propor-  
15 tion of business done by such taxpayer in each taxing district in which

16 a place of business is maintained, and shall assess in each taxing dis-  
 17 trict an amount in proportion to the business done in such taxing dis-  
 18 trict to the amount of business done in the entire state. The director  
 19 of revenue shall have the power to require the making of a return by  
 20 any corporation, individual, partnership, or agency which the director  
 21 deems to be subject to taxation under the provisions of this chapter  
 22 and in case of failure or refusal to make such a return, the director of  
 23 revenue shall make an assessment based upon the best information the  
 24 director is able to obtain against any such corporation, individual,  
 25 partnership, or agency, and shall certify such assessment as provided  
 26 by this chapter. ~~Appeals~~ *Judicial review may be taken from* ~~sought of~~  
 27 the action of the director of revenue in regard to assessments or  
 28 orders made by the director in connection with this chapter under the  
 29 same procedure generally, as is provided by section 422.29.

1 SEC. 152. Section four hundred forty-one point forty-seven  
 2 (441.47), Code 1973, is amended to read as follows:

3 441.47 **Adjusted valuations.** The director of revenue on or about  
 4 the third Monday of September in each year shall adjust the valua-  
 5 tion of property in the several counties adding to or deducting from  
 6 the valuation of each kind or class of property such percentage in  
 7 each case as will bring the same to its taxable value as fixed in this  
 8 chapter and chapters 427 to 443, inclusive. The director shall also  
 9 adjust the valuations as between each kind or class of property in any  
 10 city assessed by a city assessor and each kind or class of property  
 11 in the same county assessed by the county assessor. The director  
 12 shall order the equalization of the levels of assessment of each class  
 13 of property in the first and third year of the quadrennial assessment  
 14 period. For purposes of such value adjustments and before such  
 15 equalization the director shall adopt, ~~with approval of the state board~~  
 16 ~~of tax review and~~ in the manner prescribed by chapter 17A, such rules  
 17 as may be necessary to determine the level of assessment for each  
 18 class of property in each county. The rules shall cover: (a) The  
 19 proposed use of the assessment-sales ratio study set out in section  
 20 421.17, subsection 6; (b) the proposed use of any state-wide income  
 21 capitalization studies; (c) the proposed use of other methods that  
 22 would assist the director in arriving at the accurate level of assess-  
 23 ment of each class of property in each assessing jurisdiction.

1 SEC. 153. Section four hundred fifty-five A point twenty  
 2 (455A.20), unnumbered paragraph one (1), Code 1973, is amended to  
 3 read as follows:

4 455A.20 **Hearing—appeal.** If the water commissioner at the first  
 5 hearing or the council at the hearing on appeal shall determine after  
 6 due investigation that such diversion, storage or withdrawal will not  
 7 be detrimental to the public interests, including drainage and levee  
 8 districts, or to the interests of property owners with prior or superior  
 9 rights who might be affected, the water commissioner following the  
 10 first hearing, or the council following the hearing on appeal shall  
 11 grant a permit for such diversion, storage or withdrawal. ~~Any person~~  
 12 ~~or public body aggrieved by the granting of such permit may appeal~~  
 13 ~~as provided by~~ *Judicial review of such action is available in accord-*  
 14 *ance with the terms of the Iowa Administrative\* Procedure Act and*

\*According to enrolled Act

15 section 455A.37. Permits may be granted for any period of time but  
16 not to exceed ten years. Permits may be granted which provide for  
17 less diversion, storage, or withdrawal of waters than set forth in the  
18 application. Permits may be extended by the water commissioner  
19 for a period of not more than ninety days during the pendency of an  
20 application for renewal. Any permit granted shall remain as an  
21 appurtenance of the land described therein through the date specified  
22 in such permit and any extension thereof or such earlier date as the  
23 permit or any extension thereof is revoked or canceled under the  
24 provisions of section 455A.28.

1 SEC. 154. Section four hundred fifty-five A point thirty-seven  
2 (455A.37), Code 1973, is amended by striking the section and insert-  
3 ing in lieu thereof the following:

4 455A.37 **Judicial review.** Judicial review of action of the council  
5 may be sought in accordance with the terms of the Iowa Administra-  
6 tive Procedure Act. Notwithstanding the provisions of the Iowa Ad-  
7 ministrative Procedure Act, petitions for judicial review may be filed  
8 in the district court of Polk county or of any county in which the  
9 property affected is located. If the council, the district court, or the  
10 supreme court shall determine that the order of the council be stayed,  
11 the petitioner shall file an appropriate bond approved by the court.

1 SEC. 155. Section four hundred fifty-five B point nineteen  
2 (455B.19), Code 1973, is amended by striking the section and insert-  
3 ing in lieu thereof the following:

4 455B.19 **Judicial review.** Judicial review of actions of the com-  
5 mission or of the executive director may be sought in accordance with  
6 the terms of the Iowa Administrative Procedure Act. Notwithstand-  
7 ing the terms of the Iowa Administrative Procedure Act, petitions for  
8 judicial review may be filed in the district court of the county in  
9 which the alleged offense was committed.

1 SEC. 156. Section four hundred fifty-five B point thirty-nine  
2 (455B.39), Code 1973, is amended by striking the section and insert-  
3 ing in lieu thereof the following:

4 455B.39 **Judicial review.** Judicial review of any order or other  
5 action of the commission or of the executive director may be sought  
6 in accordance with the terms of the Iowa Administrative Procedure  
7 Act. Notwithstanding the terms of the Iowa Administrative Proce-  
8 dure Act, petitions for judicial review may be filed in the district  
9 court of the county in which the alleged offense was committed or  
10 such final order was entered. The setting aside of any order of the  
11 executive director or the commission by the court shall not preclude  
12 the commission or the executive director from again instituting pro-  
13 ceedings against the same person if the commission or the executive  
14 director feels that the public health is endangered.

1 SEC. 157. Section four hundred fifty-five B point forty-one  
2 (455B.41), Code 1973, is amended to read as follows:

3 455B.41 **Stay order.** ~~Action of the department shall not be stayed~~  
4 ~~by an appeal except by order of the court for good cause shown by the~~  
5 ~~appellant.~~ The granting of a stay may be conditioned upon the fur-  
6 nishing by the appellant of such reasonable security as the court may  
7 direct. A stay may be vacated on application of the department or  
8 any other party after hearing by the court.

1 SEC. 158. Section four hundred fifty-five B point eighty-three  
 2 (455B.83), Code 1973, is amended to read as follows:  
 3 **455B.83 Appeal from order.** Any person aggrieved by an order  
 4 of the commission or the executive director may appeal the same by  
 5 filing a written notice of appeal with the executive director within  
 6 thirty days of the issuance of the order. The executive director shall  
 7 schedule a hearing for the purpose of hearing the arguments of the  
 8 aggrieved person within thirty days of the filing of the notice of  
 9 appeal. The hearing may be held before the commission or its des-  
 10 ignee. A complete record shall be made of the proceedings. The ex-  
 11 ecutive director shall issue the findings in writing to the aggrieved  
 12 person within thirty days of the conclusion of such hearing. ~~If such~~  
 13 ~~person is not satisfied with the findings of the commission, he may~~  
 14 ~~appeal such findings to Judicial review may be sought of actions of~~  
 15 ~~the commission or executive director in accordance with the terms of~~  
 16 ~~the Iowa Administrative Procedure Act. Notwithstanding the terms~~  
 17 ~~of the Iowa Administrative Procedure Act, petitions for judicial~~  
 18 ~~review may be filed in the district court of the county wherein the~~  
 19 ~~acts in issue occurred. Such appeal shall be made within thirty days~~  
 20 ~~of the issuance of the findings of the commission and a copy of the~~  
 21 ~~same shall be filed with the commission. The court upon the filing of~~  
 22 ~~such appeal shall hear the appeal in equity.~~

1 SEC. 159. Section four hundred fifty-five B point ninety-two  
 2 (455B.92), Code 1973, is amended by striking the section and insert-  
 3 ing in lieu thereof the following:  
 4 **455B.92 Judicial review.** Judicial review of the actions of the  
 5 commission may be sought in accordance with the terms of the Iowa  
 6 Administrative Procedure Act. Notwithstanding the terms of the  
 7 Iowa Administrative Procedure Act, a petition for judicial review  
 8 may be filed in the district court of the county in which the alleged  
 9 violation was committed or in which a final order was entered.

1 SEC. 160. Section four hundred seventy-four point twenty-eight  
 2 (474.28), Code 1973, is amended by striking the section and inserting  
 3 in lieu thereof the following:  
 4 **474.28 Judicial review.** Judicial review of the actions of the com-  
 5 mission may be sought in accordance with the terms of the Iowa  
 6 Administrative Procedure Act.

1 SEC. 161. Section four hundred seventy-four point twenty-nine  
 2 (474.29), Code 1973, is amended to read as follows:  
 3 **474.29 Remitting penalty.** When any common carrier shall fail  
 4 ~~upon appeal in a judicial review proceeding to secure a vacation of~~  
 5 ~~the order appealed from objected to, it may apply to the court in~~  
 6 ~~which the appeal review proceeding is finally adjudicated for an order~~  
 7 ~~remitting the penalty which has accrued during the pendency of the~~  
 8 ~~appeal review proceeding. Upon a satisfactory showing that the~~  
 9 ~~appeal was prosecuted petition for judicial review was filed in good~~  
 10 ~~faith and not for the purpose of delay, and that there were reasonable~~  
 11 ~~grounds to believe that the order appealed from was unreasonable or~~  
 12 ~~unjust or that the power of the commission to make the same was~~  
 13 ~~doubtful, such court may remit the penalty that has accrued during~~  
 14 ~~the pendency of the appeal review proceeding.~~

1 SEC. 162. Section four hundred eighty-four point sixteen (484.16),  
2 Code 1973, is amended to read as follows:

3 **484.16 Compensation—disagreement—proceedings.** Any interur-  
4 ban railway company shall pay a reasonable compensation for the  
5 privileges and facilities furnished to it by a street railway company  
6 and in case of disagreement as to the facilities to be furnished or the  
7 conditions for their use or the compensation therefor, the question  
8 shall be submitted to and heard and determined by the state com-  
9 merce commission, on petition of either party, and on ten days' writ-  
10 ten notice of such hearing served on the opposite party. Any order  
11 made by the commission or the court ~~on appeal in a judicial review~~  
12 *proceeding* shall be subject to review and modification from time to  
13 time on ten days' written notice by either party setting forth the  
14 grounds of the application.

1 SEC. 163. Section four hundred eighty-four point seventeen  
2 (484.17), Code 1973, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 **484.17 Judicial review.** Judicial review of actions of the commis-  
5 sion may be sought in accordance with the terms of the Iowa Admin-  
6 istrative Procedure Act.

1 SEC. 164. Section four hundred eighty-four point eighteen  
2 (484.18), Code 1973, is amended to read as follows:

3 **484.18 Trial—Bond.** ~~The appeal shall be triable in equity at any~~  
4 ~~time following the expiration of twenty days after filing of the tran-~~  
5 ~~script and shall be accorded priority for disposition over all other civil~~  
6 ~~causes. No appeal~~ *Neither the agency nor the court shall suspend the*  
7 *order or decision appealed from under review, if the interurban*  
8 *company on whose behalf the order or decision is made shall file with*  
9 *the secretary of the commission a bond with sureties approved by the*  
10 *commission, conditioned for the payment of any judgment for costs*  
11 *and compensation and for obedience to any order or decree of the*  
12 *court.*

1 SEC. 165. Section four hundred eighty-five point three (485.3),  
2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** This section is applicable notwithstanding the  
4 terms of the Iowa Administrative Procedure Act.

1 SEC. 166. Section four hundred eighty-nine point thirty-two  
2 (489.32), Code 1973, is amended to read as follows:

3 **489.32 Rehearing and appeal—judicial review.** Any person, com-  
4 pany, or corporation aggrieved by the action of the commission in  
5 granting or failing to grant a franchise under the provisions of this  
6 chapter, shall be entitled to the rehearing ~~and appeal procedures pro-~~  
7 ~~cedure provided in sections section 490A.12 through 490A.19, inclu-~~  
8 ~~sive.~~ *Judicial review of actions of the commissioner may be sought in*  
9 *accordance with the terms of the Iowa Administrative Procedure Act.*

1 SEC. 167. Section four hundred ninety point thirty-two (490.32),  
2 Code 1973, is amended to read as follows:

3 **490.32 Rehearing and appeal—judicial review.** Rehearing ~~and~~  
4 ~~appeal procedures procedure~~ for any person, company, or corporation  
5 aggrieved by the action of the commission in granting or failing to

6 grant a permit under the provisions of this chapter shall be as pro-  
 7 vided in ~~sections section~~ *section 490A.12 through 490A.19, inclusive. Judicial*  
 8 *review may be sought in accordance with the terms of the Iowa Ad-*  
 9 *ministrative Procedure Act.*

1 SEC. 168. Section four hundred ninety A point six (490A.6), un-  
 2 numbered paragraph seven (7), Code 1973, is amended to read as fol-  
 3 lows:

4 If, after hearing and decision on all issues presented for determi-  
 5 nation in such rate proceeding, the commission shall find the rates,  
 6 charges, schedules or regulations of the utility to be unlawful, the  
 7 same shall be set aside and the commission shall by order authorize  
 8 and direct the utility to file rates, charges, schedules or regulations  
 9 which, when approved by the commission and placed in effect, will  
 10 satisfy the requirements of this chapter. The rates, charges, sched-  
 11 ules or regulations so approved shall be lawful and effective unless  
 12 changed as herein provided. In the event a petition for rehearing is  
 13 filed ~~or an appeal is taken from or a petition for judicial review is~~  
 14 ~~sought from~~ an order concerning rates, charges, schedules or regu-  
 15 lations which are in effect under bond, those rates, charges, schedules  
 16 or regulations may, *notwithstanding the terms of the Iowa Adminis-*  
 17 *trative Procedure Act*, be continued in effect by the utility under the  
 18 terms of a bond or other undertaking pending final determination  
 19 of the application for rehearing or ~~appeal from proceeding for judi-~~  
 20 ~~cial review of an order of the commission.~~

1 SEC. 169. Section four hundred ninety A point thirteen (490A.13),  
 2 Code 1973, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 **490A.13 Judicial review.** Judicial review of actions of the com-  
 5 mission may be sought in accordance with the terms of the Iowa  
 6 Administrative Procedure Act. Notwithstanding the terms of the  
 7 Iowa Administrative Procedure Act, petition for judicial review may  
 8 be filed in the district court of any county wherein the order of the  
 9 commission or some part thereof is to take effect.

1 SEC. 170. Section four hundred ninety-six A point one hundred  
 2 thirty-five (496A.135), Code 1973, is amended to read as follows:

3 **496A.135 Appeal from secretary of state Judicial review.** If the  
 4 secretary of state shall fail to approve any articles of incorporation,  
 5 amendment, merger, consolidation or dissolution, or any other docu-  
 6 ment required by this chapter to be approved by the secretary of state  
 7 before the same shall be filed in his office, he shall, within ten days  
 8 after the delivery thereof to him, give written notice of his disap-  
 9 proval to the person or corporation, domestic or foreign, delivering  
 10 the same, specifying the reasons therefor. ~~From such disapproval~~  
 11 ~~such person or corporation may appeal to~~ *Judicial review of the acts*  
 12 *of the secretary of state may be sought in accordance with the terms*  
 13 *of the Iowa Administrative Procedure Act. Notwithstanding the*  
 14 *terms of the Iowa Administrative Procedure Act, petitions for judi-*  
 15 *cial review may be filed in the district court of the county in which*  
 16 *the registered office of such corporation is, or is proposed to be, situ-*  
 17 *ated by filing with the clerk of such court a petition setting forth a*  
 18 *copy of the articles or other documents sought to be filed and a copy*  
 19 *of the written disapproval thereof by the secretary of state; where-*



20 upon the matter shall be tried de novo by the court, and the court  
 21 shall either sustain the action of the secretary of state or direct him  
 22 to take such action as the court may deem proper.

23 If the secretary of state shall revoke the certificate of authority to  
 24 transact business in this state of any foreign corporation, pursuant  
 25 to the provisions of this chapter, ~~such foreign corporation may like-~~  
 26 ~~wise appeal to judicial review of such action of the secretary of state~~  
 27 ~~may be sought in accordance with the terms of the Iowa Administra-~~  
 28 ~~tive Procedure Act. Notwithstanding the terms of the Iowa Admin-~~  
 29 ~~istrative Procedure Act, petitions for judicial review may be filed in~~  
 30 the district court of the county where the registered office of such cor-  
 31 poration in this state is situated by filing with the clerk of such court  
 32 a petition setting forth a copy of its certificate of authority to transact  
 33 business in this state and a copy of the notice of revocation given by  
 34 the secretary of state; whereupon the matter shall be tried de novo  
 35 by the court, and the court shall either sustain the action of the sec-  
 36 retary of state or direct him to take such action as the court may  
 37 deem proper.

38 Appeals from all final orders and judgments entered by the district  
 39 court under this section in review of any ruling or decision of the  
 40 secretary of state may be taken as in other civil actions.

1 SEC. 171. Section five hundred two point twenty-four (502.24),  
 2 Code 1973, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 **502.24 Judicial review.** Judicial review of actions of the com-  
 5 missioner of insurance may be sought in accordance with the terms  
 6 of the Iowa Administrative Procedure Act, upon execution of a bond  
 7 in the penal sum of one thousand dollars to the state of Iowa, with  
 8 sufficient surety, to be approved by the clerk of the court conditioned  
 9 upon the faithful prosecution of such petition for judicial review, and  
 10 the payment of all costs adjudged against the petitioner.

1 SEC. 172. Section five hundred four A point ninety-two (504A.92),  
 2 Code 1973, is amended to read as follows:

3 **504A.92 Appeal from secretary of state Judicial review.** If the  
 4 secretary of state shall fail to approve any articles of incorporation,  
 5 amendment, merger, consolidation or dissolution or any other docu-  
 6 ment required by this chapter to be approved by the secretary of state  
 7 before the same shall be filed in his office, he shall, within ten days  
 8 after the delivery thereof to him, give written notice of his disap-  
 9 proval to the person or corporation, domestic or foreign, delivering  
 10 the same, specifying the reasons therefor. ~~From such disapproval~~  
 11 ~~such person or corporation may appeal to Judicial review of the acts~~  
 12 ~~of the secretary of state may be sought in accordance with the terms~~  
 13 ~~of the Iowa Administrative Procedure Act. Notwithstanding the~~  
 14 ~~terms of the Iowa Administrative Procedure Act, petitions for judi-~~  
 15 ~~cial review may be filed in the district court of the county in which~~  
 16 the registered office of such corporation is, or is proposed to be, situ-  
 17 ated by filing with the clerk of such court a petition setting forth a  
 18 copy of the articles or other document sought to be filed and a copy  
 19 of the written disapproval thereof by the secretary of state; where-  
 20 upon the matter shall be tried de novo by the court, and the court

21 shall either sustain the action of the secretary of state or direct him  
22 to take such action as the court may deem proper.

23 If the secretary of state shall revoke the certificate of authority to  
24 conduct affairs in this state of any foreign corporation, pursuant to  
25 the provisions of this chapter, ~~such foreign corporation may likewise~~  
26 ~~appeal to judicial review may be sought of such action in accordance~~  
27 ~~with the terms of the Iowa Administrative Procedure Act. Notwith-~~  
28 ~~standing for judicial review may be filed in the district court of the~~  
29 ~~county where the registered office of such corporation in this state is~~  
30 ~~situated by filing with the clerk of such court a petition setting forth~~  
31 ~~a copy of its certificate of authority to conduct affairs in this state~~  
32 ~~and a copy of the notice of revocation given by the secretary of state;~~  
33 ~~whereupon the matter shall be tried de novo by the court, and the~~  
34 ~~court shall either sustain the action of the secretary of state or direct~~  
35 ~~him to take such action as the court may deem proper.~~

37 Appeals from all final orders and judgments entered by the district  
38 court under this section in review of any ruling or decision of the  
39 secretary of state may be taken as in other civil actions.

1 SEC. 173. Section five hundred six point nine (506.9), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **506.9 Judicial review.** Judicial review of the acts of commis-  
5 sioner of insurance may be sought in accordance with the terms of the  
6 Iowa Administrative Procedure Act.

1 SEC. 174. Section five hundred seven B point eight (507B.8), sub-  
2 sections one (1), two (2), and three (3), Code 1973, are amended by  
3 striking the subsections and inserting in lieu thereof the following:

4 Judicial review of the actions of the commissioner may be sought  
5 in accordance with the terms of the Iowa Administrative Procedure  
6 Act. To the extent that an order of the commissioner is affirmed in  
7 any judicial review proceeding, the court shall thereupon issue its  
8 own order commanding obedience to the terms of such order of the  
9 commissioner.

1 SEC. 175. Section five hundred fourteen point thirteen (514.13),  
2 Code 1973, is amended to read as follows:

3 **514.13 Arbitration of disputes.** Any dispute arising between a  
4 corporation organized under said chapter and any hospital with which  
5 such corporation has a contract for hospital service, or any physician  
6 and surgeon, dentist, podiatrist, osteopathic physician, or osteopathic  
7 physician and surgeon with whom any such corporation has a con-  
8 tract for medical and surgical service or any pharmacy or optomet-  
9 rist with whom any such corporation has a contract for pharmaceu-  
10 tical or optometric service, as provided for herein, may be submitted  
11 to the commissioner of insurance for his decision. All decisions and  
12 findings of the commissioner of insurance may be *judicially* reviewed  
13 by proper proceedings in a court of competent jurisdiction in accord-  
14 *ance with the terms of the Iowa Administrative Procedure Act.*

1 SEC. 176. Section five hundred fourteen A point ten (514A.10),  
2 Code 1973, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **514A.10 Judicial review.** Judicial review of the actions of the  
5 commissioner may be sought in accordance with the terms of the Iowa  
6 Administrative Procedure Act.

1 SEC. 177. Section five hundred fifteen point one hundred thirty-  
2 five (515.135), Code 1973, is amended by striking the section and in-  
3 serting in lieu thereof the following:

4 **515.135 Judicial review.** Judicial review of the actions of the com-  
5 missioner of insurance may be sought in accordance with the terms of  
6 the Iowa Administrative Procedure Act, upon filing with the clerk of  
7 court a good and sufficient bond for the payment of all costs adjudged  
8 against the petitioner. Notwithstanding the terms of the Iowa Ad-  
9 ministrative Procedure Act, petitions for judicial review may be filed  
10 in the district court of the county where the decision of the commis-  
11 sioner, pursuant to section five hundred fifteen point one hundred  
12 thirty-four (515.134) of the Code, was made.

1 SEC. 178. Section five hundred fifteen point one hundred thirty-  
2 six (515.136), Code 1973, is amended to read as follows:

3 **515.136 Incrimination.** The statements and declarations made or  
4 testimony given by any such officer, agent or employee in the investi-  
5 gation before the commissioner of insurance, or upon the hearing ~~and~~  
6 ~~trial before the district court~~ *on the petition for judicial review*, as  
7 provided in sections 515.133 to 515.135, inclusive, shall not be used  
8 against the person making the same in any criminal prosecution  
9 against him.

1 SEC. 179. Section five hundred fifteen A point eighteen (515A.18),  
2 subsection three (3), Code 1973, is amended by striking the subsec-  
3 tion and inserting in lieu thereof the following:

4 3. Judicial review of the actions of the commissioner may be sought  
5 in accordance with the terms of the Iowa Administrative Procedure  
6 Act.

1 SEC. 180. Section five hundred fifteen B point seven (515B.7), sub-  
2 section three (3), Code 1973, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 3. Judicial review of actions of the commissioner may be sought in  
5 accordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 181. Section five hundred twenty-one A point thirteen  
2 (521A.13), Code 1973, is amended by striking the section and insert-  
3 ing in lieu thereof the following:

4 **521A.13 Judicial review.** Judicial review of the actions of the  
5 commissioner may be sought in accordance with the terms of the  
6 Iowa Administrative Procedure Act.

1 SEC. 182. Section five hundred twenty-four point two hundred  
2 twenty-five (524.225), Code 1973, is amended by striking the section  
3 and inserting in lieu thereof the following:

4 **524.225 Judicial review.** Judicial review of the actions of the  
5 superintendent may be sought in accordance with the terms of the  
6 Iowa Administrative Procedure Act.

1 SEC. 183. Section five hundred twenty-four point three hundred  
2 five (524.305), subsection six (6), unnumbered paragraph three (3),

3 Code 1973, is amended by striking the unnumbered paragraph and  
4 inserting in lieu thereof the following:

5 The actions of the superintendent shall be subject to judicial re-  
6 view in accordance with the terms of the Iowa Administrative Proce-  
7 dure Act. The court may award damages to the incorporators if it  
8 finds that review is sought frivolously and in bad faith.

1 SEC. 184. Section five hundred twenty-four point six hundred six  
2 (524.606), subsection two (2), unnumbered paragraph two (2), Code  
3 1973, is amended to read as follows:

4 The decision of the superintendent shall be subject to *judicial*  
5 review by the district court of Polk county upon petition by the  
6 removed director within thirty days after the superintendent notifies  
7 such director of his decision in accordance with the terms of the Iowa  
8 Administrative Procedure Act. The decision of the superintendent  
9 shall be upheld unless unsupported by substantial evidence. No action  
10 taken by a director prior to his removal shall be subject to attack on  
11 the ground of his disqualification.

1 SEC. 185. Section five hundred twenty-four point one thousand  
2 three hundred three (524.1303), subsection two (2), Code 1973, is  
3 amended to read as follows:

4 2. Upon receipt of an application for approval of a plan of dissolu-  
5 tion the superintendent shall conduct such investigation as he may  
6 deem necessary to determine whether the plan adequately protects  
7 the interests of depositors, other creditors and shareholders and, if  
8 the plan involves an acquisition of assets and assumption of liabili-  
9 ties by another state bank, whether such acquisition and assumption  
10 would be consistent with adequate and sound banking and in the  
11 public interest, on the basis of factors substantially similar to those  
12 set forth in paragraph "d" of subsection 1 of section 524.1403. With-  
13 in ninety days after receipt of the application, the superintendent  
14 shall approve or disapprove the application on the basis of his inves-  
15 tigation. Before receiving the decision of the superintendent with  
16 respect to the pending application, the applying state bank shall, upon  
17 notice, reimburse the superintendent to the extent of the expenses  
18 incurred by him in connection with the application. Thereafter the  
19 superintendent shall give to the applying state bank written notice of  
20 his decision, and in the event of disapproval, a statement of the  
21 reasons for his decision. The decision of the superintendent shall be  
22 subject to *judicial* review by the district court of Polk county upon  
23 petition by any interested party within thirty days after the superin-  
24 tendent notifies the applying bank of his decision in accordance with  
25 the terms of the Iowa Administrative Procedure Act. The decision  
26 of the superintendent shall be upheld unless unsupported by substan-  
27 tial evidence.

1 SEC. 186. Section five hundred twenty-four point one thousand  
2 four hundred three (524.1403), subsection two (2), Code 1973, is  
3 amended to read as follows:

4 2. Within one hundred eighty days after receipt of the application,  
5 or within an additional period of not more than sixty days after  
6 receipt of an amendment of the application, the superintendent shall  
7 make a determination whether to approve or disapprove the applica-  
8 tion on the basis of his investigation. The plan shall not be modified

9 at any time after approval of the application by the superintendent.  
10 Prior to making a determination on the pending application the super-  
11 intendent shall, upon adequate notice, afford all interested persons an  
12 opportunity for a stenographically reported hearing during which  
13 such persons shall be allowed to present evidence in support of, or in  
14 opposition to, the pending application. If the superintendent finds  
15 that he must act immediately on the pending application in order to  
16 protect the interests of depositors or the assets of any party to the  
17 plan, he may proceed without requiring publication of the notice and  
18 without providing for the hearing referred to in this subsection. Be-  
19 fore receiving the decision of the superintendent with respect to the  
20 pending application, the parties to the plan shall, upon notice, reim-  
21 burse the superintendent to the extent of the expenses incurred by  
22 him in connection with the application. Thereafter the superintend-  
23 ent shall give to the parties to the plan written notice of his decision  
24 and, in the event of disapproval, a statement of the reasons for his  
25 decision. The decision of the superintendent shall be subject to *judi-*  
26 *cial* review by the district court of Polk county upon petition by any  
27 interested person within thirty days after the superintendent notifies  
28 the parties to the plan of his decision in accordance with the terms of  
29 the Iowa Administrative Procedure Act. The decision of the super-  
30 intendent shall be upheld unless unsupported by substantial evidence.

1 SEC. 187. Section five hundred twenty-four point one thousand  
2 four hundred thirteen (524.1413), unnumbered paragraph two (2),  
3 Code 1973, is amended to read as follows:

4 Within ninety days after receipt of the application the superintend-  
5 ent shall make a determination whether to approve or disapprove the  
6 pending application on the basis of his investigation. Before receiv-  
7 ing the decision of the superintendent with respect to the pending  
8 application, the national bank shall, upon notice, reimburse the super-  
9 intendent to the extent of the expenses incurred by him in connection  
10 with the application. Thereafter, the superintendent shall give the  
11 national bank written notice of his decision and, in the event of dis-  
12 approval, a statement of the reasons for his decision. If the superin-  
13 tendent approves the pending application, he shall deliver the articles  
14 of conversion, with his approval indicated thereon, to the secretary  
15 of state. The decision of the superintendent shall be subject to *judi-*  
16 *cial* review by the district court of Polk county upon petition by any  
17 interested party in accordance with the terms of the Iowa Adminis-  
18 trative Procedure Act. Notwithstanding the terms of the Iowa Ad-  
19 ministrative Procedure Act, such a petition for judicial review must  
20 be filed within thirty days after the superintendent notifies the  
21 national bank of his decision. The decision of the superintendent shall  
22 be upheld unless unsupported by substantial evidence.

1 SEC. 188. Section five hundred twenty-four point one thousand  
2 five hundred five (524.1505), subsection two (2), Code 1973, is  
3 amended to read as follows:

4 2. Within sixty days after receipt of the articles of amendment the  
5 superintendent shall approve or disapprove the articles of amendment  
6 on the basis of his investigation. If the superintendent shall approve  
7 the articles of amendment, he shall deliver them with his written  
8 approval to the secretary of state and notify the state bank of his

9 action. If the superintendent shall disapprove the articles of amend-  
 10 ment, he shall give written notice to the state bank of his disapproval  
 11 and a statement of the reasons for his decision. The decision of the  
 12 superintendent shall be subject to *judicial review by the district court*  
 13 *of Polk county upon petition by any interested party in accordance*  
 14 *with the terms of the Iowa Administrative Procedure Act. Notwith-*  
 15 *standing the terms of the Iowa Administrative Procedure Act, such a*  
 16 *petition for judicial review must be filed within thirty days after the*  
 17 *superintendent notifies the state bank of his decision. The decision of*  
 18 *the superintendent shall be upheld unless unsupported by substantial*  
 19 *evidence.*

1 SEC. 189. Section five hundred twenty-four point one thousand  
 2 five hundred seven (524.1507), subsection two (2), Code 1973, is  
 3 amended to read as follows:

4 2. Upon receipt of an application for approval of a change of loca-  
 5 tion of the principal place of business of a state bank pursuant to  
 6 subsection 1 of this section, the superintendent shall conduct such  
 7 investigation as he deems necessary giving due consideration to fac-  
 8 tors substantially similar to those set forth in subsections 2 through  
 9 6 of section 524.305. Within one hundred eighty days after receipt  
 10 of the application, the superintendent shall make a determination  
 11 whether to approve or disapprove the application on the basis of his  
 12 investigation. Prior to making a determination on the pending appli-  
 13 cation the superintendent shall, upon adequate notice, afford all inter-  
 14 ested persons an opportunity for a stenographically reported hearing  
 15 during which such persons shall be allowed to present evidence in  
 16 support of, or in opposition to, the pending application. Thereafter  
 17 the superintendent shall give written notice of his decision to the  
 18 state bank and, in the event of disapproval, a statement of the rea-  
 19 sons for his decision. If the superintendent shall approve the change  
 20 in location he shall deliver the articles of amendment to the secretary  
 21 of state. The decision of the superintendent shall be subject to *judi-*  
 22 *cial review by the district court of Polk county upon petition by any*  
 23 *interested person within thirty days after the superintendent notifies*  
 24 *the state bank of his decision in accordance with the terms of the*  
 25 *Iowa Administrative Procedure Act. The decision of the superin-*  
 26 *tendent shall be upheld unless unsupported by substantial evidence.*  
 27 Before receiving the decision of the superintendent with respect to  
 28 the pending application, the state bank shall upon notice reimburse  
 29 the superintendent to the extent of the expenses incurred by him in  
 30 connection with the application.

1 SEC. 190. Section five hundred thirty-three A point fifteen  
 2 (533A.15), Code 1973, is amended by striking the section and insert-  
 3 ing in lieu thereof the following:

4 **533A.15 Judicial review.** Judicial review of actions of the super-  
 5 intendent pursuant to sections 533A.3 and 533A.7 may be sought in  
 6 accordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 191. Section five hundred thirty-four point three (534.3),  
 2 subsection three (3), paragraphs b and j, Code 1973, are amended  
 3 to read as follows:

4 b. If the executive council does not affirmatively find as to each and  
 5 all of the said requirements it shall enter its disapproval of record

6 together with a statement of its findings and conclusions and a cer-  
 7 tificate of incorporation shall not be issued. Upon such disapproval  
 8 the executive council shall, by registered mail, notify one, or all, of  
 9 the proposed incorporators of its disapproval together with the rea-  
 10 sons for such disapproval. ~~and thereupon, the proposed incorporators,~~  
 11 ~~if not satisfied with such action, may~~ *Judicial review of the actions*  
 12 *of the executive council may be sought in accordance with the terms*  
 13 *of the Iowa Administrative Procedure Act. Notwithstanding the*  
 14 *terms of the Iowa Administrative Procedure Act, petitions for judi-*  
 15 *cial review must be filed within sixty thirty days after the mailing of*  
 16 ~~such notice appeal to, and may be filed in~~ the district court of Iowa  
 17 in and for the county in which the principal place of business of the  
 18 proposed association is to be located ~~from such findings and disap-~~  
 19 ~~approval by serving a notice of such appeal upon the auditor of state,~~  
 20 ~~setting forth in general terms the decisions appealed from and the~~  
 21 ~~grounds of the appeal and by filing with the clerk of the said court,~~  
 22 ~~within such sixty days, a duly verified petition stating the facts and~~  
 23 ~~the grounds of complaint and having attached thereto a copy of the~~  
 24 ~~proposed articles of incorporation and bylaws and a copy of the find-~~  
 25 ~~ings and conclusions of the executive council. Such appeal shall be tri-~~  
 26 ~~able as a mandamus proceeding in equity and the findings and deci-~~  
 27 ~~sions of the executive council shall be binding upon the court unless~~  
 28 ~~overcome by clear and convincing proof. Any party aggrieved by the~~  
 29 ~~order, judgment, or decree of the court may appeal therefrom to the~~  
 30 ~~supreme court of Iowa.~~

31 j. The executive council shall have the power and it shall be its  
 32 duty, to revoke any certificate of authority given to any association  
 33 whenever it appears to said council that said association is transact-  
 34 ing business illegally, or is unjust and oppressive to its members or  
 35 the public. Before any such revocation shall be declared, the execu-  
 36 tive council shall first give thirty days' written notice of its intentions  
 37 to revoke to the association involved and to the federal home loan  
 38 bank. Said notice shall fix a time and place for hearing on the  
 39 intended revocation and a permanent record shall be made of the  
 40 proceedings, hearing and findings and parties so involved and noti-  
 41 fied shall be furnished with a copy thereof. ~~The association may~~  
 42 ~~appeal any such finding of revocation to the district court within ten~~  
 43 ~~days from receipt of a copy thereof. Trial shall be in equity and de~~  
 44 ~~noxe. Judicial review of actions of the executive council may be~~  
 45 ~~sought in accordance with the terms of the Iowa Administrative~~  
 46 ~~Procedure Act.~~

1 SEC. 192. Section five hundred thirty-four point sixty-eight  
 2 (534.68), Code 1973, is amended by striking the section and inserting  
 3 in lieu thereof the following:

4 **534.68 Judicial review.** Judicial review of the actions of the  
 5 supervisor may be sought in accordance with the terms of the Iowa  
 6 Administrative Procedure Act.

1 SEC. 193. Section five hundred thirty-six point twenty-three  
 2 (536.23), Code 1973, is amended by striking the section and inserting  
 3 in lieu thereof the following:

4 **536.23 Judicial review.** Judicial review of the actions of the  
5 superintendent or the state banking board may be sought in accord-  
6 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 194. Section five hundred thirty-six A point eleven  
2 (536A.11), unnumbered paragraph three (3), Code 1973, is amended  
3 by striking the section\* and inserting in lieu thereof the following:

4 Judicial review of actions of the auditor may be sought in accord-  
5 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 195. Section five hundred thirty-six A point eighteen  
2 (536A.18), unnumbered paragraphs two (2) and three (3), Code  
3 1973, are amended to read as follows:

4 No suspension, revocation, relinquishment or expiration of any  
5 license shall invalidate, impair or affect the legality of obligations of  
6 any pre-existing contracts, or prevent the enforcement and collection  
7 thereof, and provided further that any such suspension or revocation  
8 shall not become final if any licensee, within thirty days from entry  
9 of such order suspending or revoking its license appeals to the district  
10 court of Polk county, Iowa. *Judicial review of the actions of the*  
11 *auditor may be sought in accordance with the terms of the Iowa*  
12 *Administrative Procedure Act.*

13 The district court of Polk county, Iowa, shall have the power to  
14 enter such order as justice shall require pending the hearing of such  
15 appeal, and shall set aside the order or decision of the auditor if it be  
16 found that:

- 17 1. The auditor acted arbitrarily, capriciously or in excess of his  
18 power.
- 19 2. The order or decision was obtained by fraud.
- 20 3. The order or decision is contrary to law.

1 SEC. 196. Section five hundred forty-three point ten (543.10),  
2 Code 1973, is amended to read as follows:

3 **543.10 Suspension or revocation of license.** The commission is  
4 empowered after hearing before it and upon information being filed  
5 with the commission by the duly authorized head of the warehouse  
6 division of the commission or upon complaint filed by any person to  
7 suspend or revoke the license of anyone licensed under this chapter  
8 for the violation of or failure to comply with the provisions of this  
9 chapter or any rule or regulation made in pursuance of the authority  
10 therefor granted under this chapter. An information or a verified  
11 complaint stating the grounds for suspension or revocation shall be  
12 filed with the commission in triplicate, and thereupon the commission  
13 shall serve the licensee complained against with a copy of the informa-  
14 tion or the complaint and a copy of the order of the commission fixing  
15 the time for hearing thereon, which time shall be at least twenty days  
16 from the date of service. If the commission determines that the pub-  
17 lic good requires it, it may upon the filing of the information or the  
18 complaint and without hearing, temporarily suspend a license pend-  
19 ing the determination by it of the complaint. Any licensee aggrieved  
20 by the decision of the commission may appeal said decision to the  
21 district court by service of notice of appeal upon the commission  
22 within thirty days following the filing of the decision of the commis-  
23 sion in the office of the commission. The commission shall forthwith

\*According to enrolled Act



24 upon service of notice of appeal certify the complete record of the  
 25 proceedings before it to the office of the clerk of the district court.  
 26 The appeal shall be tried by the court only upon the record so certified  
 27 to the court. *Judicial review of the actions of the commission may be*  
 28 *sought in accordance with the terms of the Iowa Administrative Pro-*  
 29 *cedure Act.*

1 SEC. 197. Section five hundred forty-eight point two (548.2), sub-  
 2 section two (2), Code 1973, is amended by striking the subsection and  
 3 inserting in lieu thereof the following:

4 2. Judicial review of actions of the secretary of state may be  
 5 sought in accordance with the terms of the Iowa Administrative Pro-  
 6 cedure Act.

1 SEC. 198. Section five hundred fifty-one A point eleven (551A.11),  
 2 unnumbered paragraph three (3), Code 1973, is amended by striking  
 3 the unnumbered paragraph and inserting in lieu thereof the follow-  
 4 ing:

5 Judicial review of the actions of the director may be sought in ac-  
 6 cordance with the terms of the Iowa Administrative Procedure Act,  
 7 and section four hundred twenty-two point fifty-five (422.55) of the  
 8 Code.

1 SEC. 199. Section six hundred one A point ten (601A.10), Code  
 2 1973, is amended to read as follows:

3 **601A.10 Judicial review—enforcement.**

4 1. ~~Any complainant or respondent claiming to be aggrieved by a~~  
 5 ~~final order of the commission, including a refusal to issue an order,~~  
 6 ~~may obtain judicial review thereof, and the Judicial review of the~~  
 7 ~~actions of the commission may be sought in accordance with the~~  
 8 ~~terms of the Iowa Administrative Procedure Act. Notwithstanding~~  
 9 ~~the terms of the Iowa Administrative Procedure Act, petition for~~  
 10 ~~judicial review may be filed in the district court in which an enforce-~~  
 11 ~~ment proceeding under subsection two (2) of this section may be~~  
 12 ~~brought.~~

13 2. The commission may obtain an order of court for the enforce-  
 14 ment of commission orders in a proceeding as provided in this sec-  
 15 tion.

16 2. Such an *enforcement* proceeding shall be brought in the district  
 17 court of the district in the county in which the alleged discriminatory  
 18 or unfair practice which is the subject of the commission's order was  
 19 committed, or in which any respondent required in the order to  
 20 cease or desist from a discriminatory or unfair practice or to take  
 21 other affirmative action, resides, or transacts business.

22 3. Such an *enforcement* proceeding shall be initiated by the filing  
 23 of a petition in such court and the service of a copy thereof upon the  
 24 ~~commission and upon respondent or complainant.~~ Thereupon the  
 25 commission shall file with the court a transcript of the record of the  
 26 hearing before it. The court shall ~~have jurisdiction of the proceeding~~  
 27 ~~and the questions determined therein, and shall have power to grant~~  
 28 such temporary relief or restraining order as it deems just and  
 29 proper, and to make and enter upon the pleadings, testimony, and  
 30 proceedings set forth in such transcript an order enforcing, modify-  
 31 ing, and enforcing as so modified, or setting aside the order of the  
 32 commission, in whole or in part.

33 4. An objection that has not been urged before the commission  
34 shall not be considered by the court *in an enforcement proceeding*,  
35 unless the failure or neglect to urge such objection shall be excused  
36 because of extraordinary circumstances.

37 5. Any party *to the enforcement proceeding* may move the court  
38 to remit the case to the commission in the interests of justice for the  
39 purpose of adducing additional specified and material evidence and  
40 seeking findings thereof, providing such party shall show reasonable  
41 grounds for the failure to adduce such evidence before the commis-  
42 sion.

43 ~~6. The hearing on appeal shall be tried in equity and shall be de~~  
44 ~~novo. The court may receive additional testimony and may affirm,~~  
45 ~~modify, or reverse the order of the commission. In the enforcement~~  
46 ~~proceeding the court shall determine its order on the same basis as~~  
47 ~~it would in a proceeding reviewing commission action under subsection~~  
48 ~~eight (8) of section nineteen (19) of the Iowa Administrative~~  
49 ~~Procedure Act.~~

50 ~~7. The jurisdiction of the court shall be exclusive and its judgment~~  
51 ~~and order shall be final subject to review by the supreme court as pre-~~  
52 ~~vided by law.~~

53 ~~8 7. The commission's copy of the testimony shall be available to~~  
54 ~~all parties for examination at all reasonable times, without cost, and~~  
55 ~~for the purpose of judicial review of the commission's orders.~~

56 ~~9 8. The commission may appear in court by its own attorney.~~

57 ~~10. Unless otherwise directed by the commission or court, com-~~  
58 ~~mencement of review proceedings under this section shall operate as a~~  
59 ~~stay of any order.~~

60 ~~11 9. Petitions filed under this section shall be heard expeditiously~~  
61 ~~and determined upon the transcript filed without requirement for~~  
62 ~~printing.~~

63 ~~12 10. If no proceeding to obtain judicial review is instituted by~~  
64 ~~a complainant or respondent within thirty days from the service of~~  
65 ~~an order of the commission under section 601A.9, the commission~~  
66 ~~may obtain an order of the court for the enforcement of such order~~  
67 ~~upon showing that respondent is subject to the jurisdiction of the~~  
68 ~~commission and resides or transacts business within the county in~~  
69 ~~which the petition for enforcement is brought.~~

1 SEC. 200. Acts of the Sixty-fifth General Assembly, 1973 Session,  
2 chapter one hundred seventy-six (176), section eight (8), is amended  
3 to read as follows:

4 Sec. 8. Rules and guidelines issued pursuant to the authority  
5 granted in this Act shall be confined to programs and services author-  
6 ized by this Act and supported by state funds. ~~Notwithstanding, any~~  
7 ~~other provisions of the Code, any rules, regulations or guidelines~~  
8 ~~issued under provisions of this Act shall be subject to approval by the~~  
9 ~~departmental rules review committee and the attorney general.~~

1 SEC. 201. Acts of the Sixty-fifth General Assembly, 1973 Session,  
2 chapter one hundred eighty-one (181), section nineteen (19), is  
3 amended to read as follows:

4 Sec. 19. **NEW SECTION. Hearing before licensing board.** If a  
5 licensee under this Act makes a written request for a hearing within  
6 thirty days of suspension, revocation or refusal to renew his license, a

7 hearing before the drug treatment licensing board shall be expedi-  
 8 tiously arranged. If the role of a licensing board member is incon-  
 9 sistent with any member's job role or function, or if any member  
 10 feels he is unable for any reason to disinterestedly weigh the merits  
 11 of the case before him, a substitute representative from the agency  
 12 that member represents on the board shall be appointed by the direc-  
 13 tor for the hearing on that case. The board shall, within thirty days  
 14 after conclusion of the hearing, issue a written statement of its find-  
 15 ings upholding or reversing the proposed suspension, revocation or  
 16 refusal to renew a license. No action involving suspension, revoca-  
 17 tion or refusal to renew a license shall be taken by the licensing board  
 18 unless a quorum of six of the ten members are present at the meeting.  
 19 A copy of the decision shall be promptly transmitted to the affected  
 20 licensee who may, if he is aggrieved by the decision, request a second  
 21 hearing before the board in the manner provided by this section. ~~If~~  
 22 ~~the second hearing is denied, or its outcome is unsatisfactory to the~~  
 23 ~~licensee, he may appeal to district court which may hear the matter~~  
 24 ~~de novo. Judicial review of the actions of the board may be sought in~~  
 25 ~~accordance with the terms of the Iowa Administrative Procedure Act.~~

1 SEC. 202. Acts of the Sixty-fifth General Assembly, 1973 Session,  
 2 chapter one hundred eighty-six (186), section six (6), is amended to  
 3 read as follows:

4 Sec. 6. NEW SECTION. **Appeal procedure.** If an application is  
 5 not acted upon within a reasonable time, if it is denied in whole or  
 6 in part, or if any award of assistance is modified, suspended, or can-  
 7 celed under any provision of this Act, the applicant or recipient may  
 8 appeal to the department, which shall give the appellant reasonable  
 9 notice and opportunity for a fair hearing before the commissioner or  
 10 his designee. ~~An applicant or recipient aggrieved by the result of such~~  
 11 ~~hearing may, within thirty days, appeal to Judicial review of the~~  
 12 ~~actions of the commission may be sought in accordance with the terms~~  
 13 ~~of the Iowa Administrative Procedure Act. the district court of the~~  
 14 ~~county in which he resides by serving notice of such appeal upon the~~  
 15 ~~commissioner or his designee, in the manner required for the service~~  
 16 ~~of original notice in a civil action. Upon\* Upon\* receipt of such notice~~  
 17 ~~the petition for judicial review, the department shall furnish the~~  
 18 ~~appellant petitioner with a copy of any papers filed by him in support~~  
 19 ~~of his position, a transcript of any testimony taken, and a copy of the~~  
 20 ~~department's decision. The district court shall review the depart-~~  
 21 ~~ment's decision to determine its legality.~~

1 SEC. 203. Acts of the Sixty-fifth General Assembly, 1973 Session,  
 2 chapter two hundred eight (208), section seven (7), new subsection  
 3 three (3), unnumbered paragraph three (3) of this new subsection,  
 4 amending section three hundred twenty-one point two hundred thirty-  
 5 eight (321.238), Code 1973, is amended to read as follows:

6 After the hearing, the review board may sustain, modify, or re-  
 7 verse the commissioner's order of suspension or revocation. A sus-  
 8 pension or revocation sustained or modified by the review board shall  
 9 take effect ten days from the date of the decision ~~unless the permit~~  
 10 ~~holder files an appeal. Judicial review of actions of the review board~~

\*According to enrolled Act

11 *may be sought in accordance with the terms of the Iowa Administra-*  
 12 *tive Procedure Act. in the district court of the county in which the*  
 13 *vehicle inspection station is located within ten days from the date of*  
 14 *the decision of the review board. The order of suspension or revoca-*  
 15 *tion sustained or modified and appealed to the district court shall*  
 16 *become effective ten days from the date the appeal is filed unless the*  
 17 *suspension or revocation is stayed by the court.*

1 SEC. 204. Acts of the Sixty-fifth General Assembly, 1973 Session,  
 2 chapter two hundred seventy-four (274), section twenty-eight (28),  
 3 is amended by striking the section and inserting in lieu thereof the  
 4 following:

5 Sec. 28. NEW SECTION. **Judicial review.** The action of the com-  
 6 missioner and the recommendation and findings of the commissioner  
 7 of public health under section twenty-seven (27) of this Act shall be  
 8 subject to judicial review in accordance with the terms of the Iowa  
 9 Administrative Procedure Act.

1 SEC. 205. Acts of the Sixty-fifth General Assembly, 1973 Session,  
 2 chapter two hundred seventy-six (276), section ten (10), unnum-  
 3 bered paragraph one (1), is amended to read as follows:

4 The commission may after hearing and upon information being  
 5 filed with the commission by the head of the warehouse division of  
 6 the commission or upon complaint filed by any person, suspend or  
 7 revoke the license of any person licensed under this Act for the vio-  
 8 lation of or failure to comply with the provisions of this Act or any  
 9 rule or regulation adopted under this Act. An information or a veri-  
 10 fied complaint stating the grounds for suspension or revocation shall  
 11 be filed with the commission in triplicate. The commission shall  
 12 notify the licensee of the complaint and furnish him with a copy of the  
 13 information or the complaint and a copy of the order of the commis-  
 14 sion fixing the time for a hearing, which time shall be at least five  
 15 days from the date of notification. If the commission determines that  
 16 the public good requires immediate action, the commission may, upon  
 17 the filing of the information or the complaint and without hearing,  
 18 temporarily suspend a license pending the determination by it of the  
 19 complaint. Any person aggrieved by the decision of the commission  
 20 may appeal the decision of the commission to the district court by  
 21 service of notice of appeal upon the commission within thirty days  
 22 following the filing of the decision of the commission in the office of  
 23 the commission. The commission shall, upon service of notice of  
 24 appeal, certify the complete record of the proceedings before it to the  
 25 clerk of the district court. *Judicial review of the actions of the com-*  
 26 *mission may be sought in accordance with the terms of the Iowa*  
 27 *Administrative Procedure Act.*

1 SEC. 206. Acts of the Sixty-fifth General Assembly, 1973 Session,  
 2 chapter two hundred ninety-four (294), section five (5), unnum-  
 3 bered paragraphs two (2) and three (3), are amended to read as fol-  
 4 lows:

5 Any person who files with the bureau a written statement to the ef-  
 6 fect that a statement contained in the criminal history data that refers  
 7 to him is nonfactual, or information not authorized by law to be kept,  
 8 and requests a correction or elimination of that information that  
 9 refers to him shall be notified within twenty days by the bureau, in

10 writing, of the bureau's decision or order regarding the correction or  
 11 elimination. ~~The bureau's decision or order or failure to allow exami-~~  
 12 ~~nation may be appealed to the district court of Polk county by the~~  
 13 ~~person requesting said examination, correction or elimination. Judi-~~  
 14 ~~cial review of the actions of the bureau may be sought in accordance~~  
 15 ~~with the terms of the Iowa Administrative Procedure Act. Immedi-~~  
 16 ~~ately upon such appeal the filing of the petition for judicial review the~~  
 17 court shall order the bureau to file with the court a certified copy of  
 18 the criminal history data and in no other situation shall the bureau  
 19 furnish an individual or his attorney with a certified copy, except as  
 20 provided by this Act.

21 Upon the request of the ~~appellant~~ petitioner, the record and evi-  
 22 dence in ~~such cases a judicial review proceeding~~ shall be closed to all  
 23 but the court and its officers, and access thereto shall be refused  
 24 unless otherwise ordered by the court. The clerk shall maintain a  
 25 separate docket for such actions. No person, other than the ~~appellant~~  
 26 petitioner shall permit a copy of any of the testimony or pleadings or  
 27 the substance thereof to be made available to any person other than  
 28 a party to the action or his attorney. Violation of the provisions of  
 29 this section shall be a public offense, punishable under section seven  
 30 (7) of this Act.

1 SEC. 207. Section twenty-five A point one (25A.1), Code 1973, is  
 2 amended to read as follows:

3 **25A.1 Citation and applicability.** This chapter may be cited as  
 4 the "Iowa Tort Claims Act". *Every provision of this chapter is appli-*  
 5 *cable and of full force and effect notwithstanding any inconsistent*  
 6 *provision of the Iowa Administrative Procedure Act.*

1 SEC. 208. Section twenty-five A point three (25A.3), unnumbered  
 2 paragraph three (3), Code 1973, is amended to read as follows:

3 The state appeal board ~~may~~ shall adopt rules, regulations, and pro-  
 4 cedures for the handling, processing, and investigation of claims,  
 5 according to the provisions of the Iowa Administrative Procedure  
 6 Act.

1 SEC. 209. Section twenty-eight A point seven (28A.7), Code  
 2 1973, is amended to read as follows:

3 **28A.7 Mandamus or injunction Enforcement of rights.** The pro-  
 4 visions of this chapter and all rights of citizens under this chapter  
 5 may be enforced by mandamus or injunction, whether or not any  
 6 other remedy is also available. *In the alternative, rights under this*  
 7 *chapter also may be enforced by an action for judicial review accord-*  
 8 *ing to the provisions of the Iowa Administrative Procedure Act, if the*  
 9 *meeting involved is a meeting of an "agency" as defined in that act.*

1 SEC. 210. Section sixty-eight A point 5 (68A.5), Code 1973, is  
 2 amended to read as follows:

3 **68A.5 Enforcement of rights.** The provisions of this chapter and  
 4 all rights of citizens under this chapter may be enforced by manda-  
 5 mus or injunction, whether or not any other remedy is also available.  
 6 *In the alternative, rights under this chapter also may be enforced by*  
 7 *an action for judicial review according to the provisions of the Iowa*  
 8 *Administrative Procedure Act, if the records involved are records of*  
 9 *an "agency" as defined in that act.*

1 SEC. 211. Chapter seventeen A (17A), as amended by Acts of the  
 2 Sixty-fifth General Assembly, 1973 Session, chapter one hundred  
 3 twenty-eight (128), and sections eighty-three A point twelve  
 4 (83A.12), eighty-six point thirty (86.30), eighty-six point thirty-one  
 5 (86.31), eighty-six point thirty-three (86.33), ninety-seven B point  
 6 twenty-one (97B.21), ninety-seven B point thirty (97B.30), ninety-  
 7 seven B point thirty-one (97B.31), one hundred point eighteen  
 8 (100.18), one hundred point nineteen (100.19), one hundred point  
 9 twenty-one (100.21), one hundred point twenty-two (100.22), one  
 10 hundred point twenty-four (100.24), one hundred point twenty-five  
 11 (100.25), one hundred ninety-two A point twenty-six (192A.26), two  
 12 hundred thirty-eight point thirteen (238.13), two hundred thirty-  
 13 eight point fourteen (238.14), two hundred thirty-eight point fifteen  
 14 (238.15), two hundred seventy-five point thirty-four (275.34), three  
 15 hundred twenty-five point twenty-two (325.22), three hundred  
 16 twenty-five point twenty-three (325.23), three hundred twenty-five  
 17 point twenty-four (325.24), four hundred twenty-eight point thirty-  
 18 two (428.32), four hundred twenty-eight point thirty-three (428.33),  
 19 four hundred fifty-five B point forty (455B.40), four hundred fifty-  
 20 five B point forty-two (455B.42), four hundred ninety A point four-  
 21 teen (490A.14), four hundred ninety A point fifteen (490A.15),  
 22 four hundred ninety A point sixteen (490A.16), four hundred ninety  
 23 A point seventeen (490A.17), four hundred ninety A point eighteen  
 24 (490A.18), four hundred ninety A point nineteen (490A.19), and  
 25 five hundred seven B point ten (507B.10), Code 1973, are repealed.

Approved May 29, 1974

## CHAPTER 1091

### MILEAGE RATE FOR USE OF PRIVATE VEHICLES

S. F. 1139

AN ACT raising the mileage rate paid to members of the general assembly and employees of the state or its political subdivisions.

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

1 SECTION 1. Section twenty-one point four (21.4), unnumbered  
 2 paragraph one (1), Code 1973, is amended to read as follows:  
 3 No state officer or employee shall use any state-owned motor vehicle  
 4 for his own personal private use, nor shall he be compensated for driv-  
 5 ing his own motor vehicle except if such is done on state business with  
 6 the approval of the state vehicle dispatcher, and in such case he shall  
 7 ~~not receive more than ten~~ fifteen cents per mile. A statutory provision  
 8 stipulating necessary, mileage, travel, or actual expenses reimburse-  
 9 ment to a state officer shall be construed to fall under this fifteen cents  
 10 limitation unless specifically provided otherwise. Any peace officer as  
 11 defined in section seven hundred forty-eight point three (748.3) of the  
 12 Code who is required to use his private vehicle in the performance of  
 13 his official duties shall receive reimbursement for mileage expense at