

appointed for a term of three years beginning and ending as provided in section 69.19. Members, ~~except the member from the accounting practitioner advisory council,~~ shall serve a maximum of three terms or nine years, whichever is less. Vacancies occurring in the membership of the board for any cause shall be filled in the same manner as original appointments are made by the governor, for the unexpired term and subject to senate confirmation. The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 2. Section 116.11, unnumbered paragraph 3, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

The examination shall be prescribed by the board and shall be designed and given in a manner as to fairly test the applicant's knowledge of accounting. The examination shall not include questions relating to the subject of auditing.

Sec. 3. Section 116.9, Code 1989, is repealed.

Sec. 4. The term of office of the member of the accountancy board who represents the advisory council shall expire June 30, 1989. The term of office of the member of the board who is a licensed accounting practitioner shall commence July 1, 1989, and expire April 30, 1992.

Approved April 26, 1989

CHAPTER 57

COMMON CARRIER FILINGS

S.F. 169

AN ACT relating to the rate filing requirements of common carriers.

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

Section 1. Section 327D.66, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Every common carrier except railway corporations, subject to the provisions of this chapter shall file with the department and shall print schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points on the route and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate has been established or ordered between any two points. If no joint rate over a through route has been established, the schedules of the several carriers in the through route shall show the separately established rates, applicable to the through transportation.

Sec. 2. Section 327D.66, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Railway corporations shall maintain a copy of schedules and rates on file in the office of the carrier readily accessible to and for inspection by the public.

Sec. 3. Section 327D.72, Code 1989, is amended to read as follows:

327D.72 INTERSTATE COMMERCE SCHEDULES.

When schedules and classifications required by the interstate commerce commission contain in whole or in part the information required by the provisions of this chapter, the posting and filing of a copy of such schedules and classifications with the department interstate commerce commission shall be deemed a compliance with the filing requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted and filed in a supplementary schedule.

Approved April 26, 1989

CHAPTER 58**UTILITIES BOARD REJECTION OF APPLICATIONS***S.F. 225*

AN ACT allowing the utilities board to reject an application for new or changed rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances.

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

Section 1. Section 476.6, subsection 7, Code 1989, is amended to read as follows:

7. HEARING SET. After the filing of an application for new or changed rates, charges, schedules, or regulations by a public utility subject to rate regulation, the board, prior to the expiration of thirty days after the filing date, shall docket the case as a formal proceeding and set the case for hearing unless the new or changed rates, charges, schedules, or regulations are approved by the board. However, if an application presents no material issue of fact subject to dispute, and the board determines that the application violates a relevant statute, or is not in substantial compliance with a board rule lawfully adopted pursuant to chapter 17A, the application may be rejected by the board without prejudice and without a hearing, provided that the board issues a written order setting forth all of its reasons for rejecting the application. In the case of a gas public utility having less than two thousand customers, the board shall docket a case as a formal proceeding and set the case for hearing as provided in section 476.1C. In the case of a rural electric cooperative, the board may docket the case as a formal proceeding and set the case for hearing prior to the proposed effective date of the tariff. The board shall give notice of formal proceedings as it deems appropriate. The docketing of a case as a formal proceeding suspends the effective date of the new or changed rates, charges, schedules, or regulations until the rates, charges, schedules, or regulations are approved by the board, except as provided in subsection 13.

Approved April 26, 1989