

CHAPTER 59

UTILITIES BOARD FORMAL PROCEEDINGS

S.F. 229

AN ACT allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding.

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

Section 1. Section 476.3, subsection 1, Code 1989, is amended to read as follows:

1. A public utility shall furnish reasonably adequate service at rates and charges in accordance with tariffs filed with the board. When there is filed with the board by any person or body politic, or filed by the board upon its own motion, a written complaint requesting the board to determine the reasonableness of the rates, charges, schedules, service, regulations, or anything done or omitted to be done by a public utility subject to this chapter in contravention of this chapter, the written complaint shall be forwarded by the board to the public utility, which shall be called upon to satisfy the complaint or to answer it in writing within a reasonable time to be specified by the board. Copies of the written complaint forwarded by the board to the public utility and copies of all correspondence from the public utility in response to the complaint shall be provided by the board in an expeditious manner to the consumer advocate. If the board determines the public utility's response is inadequate and there appears to be any reasonable ground for investigating the complaint, the board shall promptly initiate a formal proceeding. If the consumer advocate determines the public utility's response to the complaint is inadequate, the consumer advocate may file a petition with the board which shall promptly initiate a formal proceeding if the board determines that there is any reasonable ground for investigating the complaint. The complainant or the public utility also may petition the board to initiate a formal proceeding which petition shall be granted if the board determines that there is any reasonable ground for investigating the complaint. The formal proceeding may be initiated at any time by the board on its own motion. If a proceeding is initiated upon petition filed by the consumer advocate, complainant, or the public utility, or upon the board's own motion, the board shall set the case for hearing and give notice as it deems appropriate. When the board, after a hearing held after reasonable notice, finds a public utility's rates, charges, schedules, service, or regulations are unjust, unreasonable, discriminatory, or otherwise in violation of any provision of law, the board shall determine just, reasonable, and non-discriminatory rates, charges, schedules, service, or regulations to be observed and enforced.

Approved April 26, 1989

CHAPTER 60

INDUSTRIAL SERVICES PERSONNEL AND DUTIES

S.F. 444

AN ACT relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters.

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

Section 1. Section 19A.3, subsection 21, Code 1989, is amended to read as follows:

21. A ~~chief~~ Chief deputy industrial ~~commissioner~~ commissioners.

Sec. 2. Section 85.35, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 8. A substantial portion of the claimed disability is related to physical or mental conditions other than those caused by the injury.

Sec. 3. Section 86.2, Code 1989, is amended to read as follows:

86.2 APPOINTMENT OF DEPUTIES.

The commissioner may appoint: ~~deputy~~

1. Chief deputy industrial commissioners for whose acts the commissioner is responsible, who are exempt from the merit system provisions of chapter 19A, and who shall serve at the pleasure of the commissioner.

2. Deputy industrial commissioners for whose acts the commissioner shall be is responsible and who shall serve during at the pleasure of the commissioner, and all such.

All chief deputies and deputies must be lawyers admitted to practice in this state.

Approved April 26, 1989

CHAPTER 61

APPEALS FROM PURCHASING DECISIONS

S.F. 482

AN ACT relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters.

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

Section 1. Section 18.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

18.7 APPEAL.

A bidder whose bid is timely filed, and who is aggrieved by the award of the purchasing division of the department, may appeal the decision to the director by filing a written appeal stating the grounds for appeal, and delivering the appeal to the department within five days after receipt of the "notice of intent to award", exclusive of Saturdays, Sundays, and legal holidays. The director shall conduct a hearing and determine the appeal within twenty days after the appeal is filed. The decision of the director is final.

Disputes arising between the department of corrections and a purchasing department or agency over the procurement of products from Iowa state industries as described in section 246.808 shall be referred to the director. The decision of the director is final unless a written appeal is filed with the executive council within five days of receipt of the decision of the director, excluding Saturdays, Sundays, and legal holidays. If an appeal is filed, the executive council shall hear and determine the appeal within thirty days. The decision of the executive council is final.

Approved April 26, 1989