

## CHAPTER 96

### POSTCONVICTION RELIEF ACTION TIME LIMIT

*S.F. 253*

**AN ACT** relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

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

Section 1. Section 663A.3, Code 1989, is amended to read as follows:

**663A.3 HOW TO COMMENCE PROCEEDING — LIMITATION.**

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 663A.2, subsection 6, the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. ~~An application~~ All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

Sec. 2. This Act takes effect July 1, 1989, and applies to all final disciplinary decisions entered under section 903A.3 on or after that date. For all final disciplinary decisions entered under section 903A.3 before July 1, 1989, an application seeking relief under section 663A.2, subsection 6, must be filed no later than January 1, 1990.

Approved May 2, 1989

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## CHAPTER 97

### UTILITIES DIVISION COMPLAINTS ELIMINATED

*S.F. 260*

**AN ACT** eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

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

Section 1. Section 476.3, subsection 2, Code 1989, is amended to read as follows:

2. If, as a result of a review procedure conducted under section 476.31, a review conducted under section 476.32, a special audit, an investigation by division staff, or an investigation by the consumer advocate, ~~a complaint is filed by division staff, or~~ a petition is filed with the board by the consumer advocate, alleging that a utility's rates are excessive, the disputed amount shall be specified in the ~~complaint or~~ petition. The public utility shall, within the time prescribed by the board, file a bond or undertaking approved by the board conditioned upon the refund in a manner prescribed by the board of amounts collected after the date of filing of the ~~complaint or~~ petition in excess of rates or charges finally determined by the board to be lawful. If