

## CHAPTER 1075

### AFFIRMATIVE ACTION PLANS AND REPORTS

*S.F. 2268*

**AN ACT** changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

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

Section 1. Section 19B.4, subsection 1, Code 1989, is amended to read as follows:

1. Each state agency, including the state board of regents and its institutions, shall annually prepare an affirmative action plan. State agencies other than the state board of regents and its institutions shall submit their plans to the department of personnel by July 31 each year. Institutions under the jurisdiction of the state board of regents shall submit their plans to that board. ~~The plans shall be submitted between December 15 and December 31 each year.~~ Each plan shall contain a clear and unambiguous written program containing goals and time specifications related to personnel administration.

Sec. 2. Section 19B.5, subsections 1 and 2, Code 1989, are amended to read as follows:

1. The head of each state agency other than the state board of regents and its institutions is personally responsible for submitting by July 31 an annual report of the affirmative action accomplishments of that agency to the department of personnel ~~between December 15 and December 31 each year.~~

2. The department of personnel shall submit a report on the condition of affirmative action programs in state agencies covered by subsection 1 by January 31 August 31 of each year to the department of management.

Sec. 3. IMPLEMENTATION.

In order to implement the provisions of this Act, notwithstanding sections 1 and 2 of this Act, for the period covering January 1, 1991, through June 30, 1992, each state agency required to submit an affirmative action plan pursuant to section 19B.4, subsection 1, shall submit such plan by December 31, 1990. Each state agency required to submit an annual report pursuant to section 19B.5, subsection 1, shall submit such report by July 31, 1992, for the period covering January 1, 1991, through June 30, 1992. In addition, for the period covering January 1, 1991, through June 30, 1992, the department of personnel shall submit the report required by section 19B.5, subsection 2, by August 31, 1992.

Sec. 4. EFFECTIVE DATE.

This Act takes effect February 1, 1991.

Approved March 27, 1990

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## CHAPTER 1076

### BANK MERGER OR CONSOLIDATION PLANS

*S.F. 2271*

**AN ACT** specifying the required contents of a plan for bank merger or consolidation.

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

Section 1. Section 524.1402, subsection 1, Code 1989, is amended to read as follows:

1. The parties shall adopt a plan stating ~~the method, terms and conditions of the merger or consolidation, including the rights under the plan of the shareholders of each of the parties, and an agreement concerning the merger or consolidation.~~ all of the following:

- a. The names of the banks proposing to merge or consolidate and the name of the bank into which they propose to merge, which is the "resulting bank".
- b. The terms and conditions of the proposed merger or consolidation.
- c. The manner and basis of the converting of shares of each bank into shares, obligations, or other securities of the resulting bank or of any other corporation, or, in whole or in part, into cash or other property.
- d. The rights of the shareholders of each of the parties.
- e. An agreement concerning the merger or consolidation.
- f. Such other provisions with respect to the proposed merger or consolidation which are deemed necessary or desirable.

Approved March 27, 1990

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## CHAPTER 1077

### AGRICULTURAL EQUIPMENT DEALERS AND SUPPLIERS

*S.F. 2334*

**AN ACT** regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

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

Section 1. Section 322D.7, Code 1989, is amended to read as follows:

#### 322D.7 APPLICATION — FARM IMPLEMENT FRANCHISE AGREEMENTS.

This chapter applies until July 1, 1990, to all farm implement franchise agreements now in effect before July 1, 1990, which have no expiration date and to all other such agreements entered into or renewed after April 12, 1985, but before July 1, 1990, which will expire after April 12, 1985. Any agreement in effect on April 12, 1985, which by its own terms will terminate on a subsequent date shall be governed by the law as it existed prior to April 12, 1985.

#### Sec. 2. NEW SECTION. 322F.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Dealer" or "dealership" means a person engaged in the retail sale of equipment, if the person sells equipment designed to be principally used for agricultural or horticultural operations, or raising livestock.
2. "Dealership agreement" means an oral or written agreement, either express or implied, between a supplier and a dealer which provides that the dealer is granted the right to sell, distribute, or service the supplier's equipment, regardless of whether the equipment carries a trade name, trademark, service mark, logo type, advertisement, or other commercial symbol, and which provides evidence of a continuing commercial relationship between the supplier and the dealer.
3. "Equipment" means a device or part of a device designed to be used for agriculture, horticulture, or livestock raising. Equipment includes but is not limited to tractors, trailers, combines, tillage, planting, and cultivating implements, balers, and irrigation implements. Equipment also includes attachments to equipment. Equipment does not include self-propelled machines designed primarily for the transportation of persons or property on a street or highway.
4. "Good cause" means a condition which occurs under any of the following circumstances:
  - a. The dealer fails to substantially comply with an essential and reasonable requirement imposed upon the dealer by the dealership agreement, but only if that requirement is also generally imposed upon similarly situated dealers.