

city's boundaries. The natural resource commission, by rule, shall establish procedures for application, review, and selection of city projects on a competitive basis. The rules shall provide for three categories of cities based on population within which the cities shall compete for grants. There is appropriated from the cities' parks and open space account to the department the amount in that account, or so much thereof as is necessary, to carry out the competitive grant program as provided in this paragraph.

Sec. 7. Section 455A.20, subsection 1, paragraph c, Code 1991, is amended to read as follows:

c. The chairperson titular head or the chairperson's head's designee of each recognized farm organization having a county organization in the county. The designee shall be a member of the organization represented. The recognized farm organizations are the following:

- (1) The Iowa farm bureau federation, the.
- (2) The Iowa farmers union, the.
- (3) The Iowa grange, the.
- (4) The national farmers organization, and the.
- (5) The Iowa farm unity coalition.
- (6) Any other recognized farm or farm commodity group.

Sec. 8. Section 455A.20, subsection 1, paragraph d, subparagraph (9), Code 1991, is amended to read as follows:

(9) Other recognized wildlife, conservation, environmental, recreation, or conservation education, or historical-cultural preservation groups, or a nonpartisan governmental research or study group limited to the league of women voters.

Sec. 9. Section 455A.20, subsection 1, paragraph e, Code 1991, is amended to read as follows:

e. If a question arises as to whether a recognized county organization exists under paragraph "c" or "d", the question shall be decided by a majority vote of the members selected under paragraphs "a" and "b" excluding the representative of the county conservation board. Sections 69.16 and 69.16A do not apply to appointments made pursuant to this subsection.

Approved May 9, 1991

CHAPTER 147

DEPARTMENT OF TRANSPORTATION — UTILITY ACCOMMODATION POLICY S.F. 329

AN ACT authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems.

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

Section 1. Section 306A.3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, 479, and 479A. This paragraph shall

not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

Sec. 2. Section 319.14, Code 1991, is amended to read as follows:

319.14 PERMIT REQUIRED.

A person shall not excavate, fill, or make ~~any~~ a physical change within the right of way of a public road or highway without obtaining a permit from the highway authority having jurisdiction of ~~such~~ the public road or highway. ~~Any work~~ Work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the excavation, fill, or physical change within the right of way of a public road or highway does not conform to the specifications that accompany the permit the person shall be notified to make such conforming changes. If after twenty days the changes have not been made, the public road or highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person ~~responsible for the work done not in conformance to the specifications~~. If within ~~ten~~ thirty days after sending the statement the cost is not paid, the highway authority may institute proceedings in the district court ~~system~~ to collect the cost of correction. ~~Utility~~ Except as provided in section 306A.3, utility companies are exempted from the provisions of this section.

Approved May 9, 1991

CHAPTER 148

PUBLIC IMPROVEMENT CONTRACTS

S.F. 346

AN ACT relating to payments made pursuant to public contracts.

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

Section 1. Section 573.12, subsection 2, Code 1991, is amended to read as follows:

2. Prompt payment.

a. (1) Interest shall be paid to the contractor on any progress payment that is approved as payable by the public corporation's project architect or engineer and remains unpaid for a period of fourteen days after receipt of the payment request at the place, or by the person, designated in the contract, or by the public corporation to first receive the request, or for a time period greater than fourteen days, unless a time period greater than fourteen days is specified in the contract documents, not to exceed thirty days, to afford the public corporation a reasonable opportunity to inspect the work and to determine the adequacy of the contractor's performance under the contract.

(2) Interest shall accrue during the period commencing the day after the expiration of the period defined in subparagraph (1) and ending on the date of payment. The rate of interest shall be determined as set forth in section 573.14.

b. A progress payment or final payment to a subcontractor for satisfactory performance of the subcontractor's work shall be made no later than one of the following, as applicable:

a.(1) Seven days after the contractor receives payment for that subcontractor's work.

b.(2) A reasonable time after the contractor could have received payment for the subcontractor's work, if the reason for nonpayment is not the subcontractor's fault.