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By COMMITTEE ON STATE GOVERNMENT

Passed House, Date 3-18-74 Passed Senate, Date _____
Vote: Ayes 91 Nays 3 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act creating an Iowa Administrative Procedure Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. NEW SECTION. CITATION AND STATEMENT OF PURPOSE.

2 1. This Act may be cited as the "Iowa Administrative
3 Procedure Act".

4 2. This Act is intended to provide a minimum procedural
5 code for the operation of all state agencies when they take
6 action affecting the rights and duties of the public. Nothing
7 in this Act is meant to discourage agencies from adopting
8 procedures providing greater protections to the public or
9 conferring additional rights upon the public; and save for
10 express provisions of this Act to the contrary, nothing in
11 this Act is meant to abrogate in whole or in part any statute
12 prescribing procedural duties for an agency which are greater
13 than or in addition to those provided here. This Act is meant
14 to apply to all rule-making and contested case proceedings
15 and all suits for the judicial review of agency action that
16 are not specifically excluded from this Act or some portion
17 thereof by its express terms or by the express terms of another
18 Act.

19 The purposes of the "Iowa Administrative Procedure Act"
20 are to increase public accountability of administrative
21 agencies; to simplify government by assuring a uniform minimum
22 procedure to which all agencies will be held in the conduct
23 of their most important functions; to increase public access
24 to governmental information; to increase public participation
25 in the formulation of administrative rules; to increase the
26 fairness of agencies in their conduct of contested case
27 proceedings; and to simplify the process of judicial review
28 of agency action as well as increase its ease and availability.
29 In accomplishing its objectives, the intention of this Act
30 is to strike a fair balance between these purposes and the
31 need for efficient, economical and effective government
32 administration. The Act is not meant to alter the substantive
33 rights of any individual. Its impact is limited to procedural
34 rights with the expectation that better substantive results
35 will be achieved in the everyday conduct of state government

1 by improving the process by which those results are attained.

2 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act:

3 1. "Agency" means each board, commission, department,
4 officer, or other administrative office or unit of the state.
5 "Agency" does not mean the general assembly, the courts, the
6 governor, or a political subdivision of the state or its
7 offices and units. Unless provided otherwise by statute,
8 no less than two-thirds of the sitting members of a multi-
9 member agency shall constitute a quorum authorized to act
10 in the name of the agency.

11 2. "Contested case" means a proceeding including but not
12 restricted to ratemaking, price fixing, and licensing in which
13 the legal rights, duties, or privileges of a party are required
14 by constitution or statute to be determined by an agency after
15 an opportunity for an evidentiary hearing.

16 3. "License" includes the whole or a part of any agency
17 permit, certificate, approval, registration, charter, or
18 similar form of permission required by statute.

19 4. "Licensing" includes the agency process respecting
20 the grant, denial, renewal, revocation, suspension, annulment,
21 withdrawal, or amendment of a license.

22 5. "Party" means each person or agency named or admitted
23 as a party, or properly seeking and entitled as of right to
24 be admitted as a party.

25 6. "Person" means any individual, partnership, corporation,
26 association, governmental subdivision, or public or private
27 organization of any character other than an agency.

28 7. "Rule" means each agency statement of general applica-
29 bility that implements, interprets, or prescribes law or
30 policy, or that describes the organization, procedure, or
31 practice requirements of any agency. The term includes the
32 amendment or repeal of an existing rule, but does not include:

- 33 a. A statement concerning only the internal management
34 of an agency and which does not substantially affect the legal
35 rights of, or procedures available to, the public or any

1 segment thereof.

2 b. A declaratory ruling issued pursuant to section nine
3 (9) of this Act, or an interpretation issued by an agency
4 with respect to a specific set of facts and intended to apply
5 only to that specific set of facts.

6 c. An intergovernmental, interagency, or intra-agency
7 memorandum, directive, manual or other communication which
8 does not substantially affect the legal rights of, or proce-
9 dures available to, the public or any segment thereof.

10 d. A determination, decision, or order in a contested
11 case.

12 e. An opinion of the attorney general.

13 f. Those portions of staff manuals, instructions or other
14 statements issued by an agency which set forth criteria or
15 guidelines to be used by its staff in auditing, in making
16 inspections, in settling commercial disputes or negotiating
17 commercial arrangements, or in the selection or handling of
18 cases, such as operational tactics or allowable tolerances
19 or criteria for the defense, prosecution, or settlement of
20 cases, when the disclosure of such statements would: (1)
21 enable law violators to avoid detection; or (2) facilitate
22 disregard of requirements imposed by law; or (3) give a clearly
23 improper advantage to persons who are in an adverse position
24 to the state.

25 g. A specification of the prices to be charged for goods
26 or services sold by an agency as distinguished from a license
27 fee, application fee, or other fees.

28 h. A statement concerning only the physical servicing,
29 maintenance or care of publicly owned or operated facilities
30 or property.

31 i. A statement relating to the use of a particular publicly
32 owned or operated facility or property, the substance of which
33 is indicated to the public by means of signs or signals.

34 j. A decision by an agency not to exercise a discretionary
35 power.

1 k. A statement concerning only inmates of a penal institu-
2 tion, students enrolled in an educational institution, or
3 patients admitted to a hospital, when issued by such an agency.

4 8. "Rule-making" means the process for adopting, amending,
5 or repealing a rule.

6 9. "Agency action" includes the whole or a part of an
7 agency rule, order, decision, license, proceeding,
8 investigation, sanction, relief, or the equivalent or a denial
9 thereof, or a failure to act, or any other exercise of agency
10 discretion or failure to do so, or the performance of any
11 agency duty or the failure to do so.

12 10. "Agency member" means an individual who is the
13 statutory or constitutional head of an agency, or an individual
14 who is one of several individuals who constitute the statutory
15 or constitutional head of an agency.

16 Sec. 3. NEW SECTION. PUBLIC INFORMATION--ADOPTION OF
17 RULES--AVAILABILITY OF RULES AND ORDERS.

18 1. In addition to other requirements imposed by
19 constitution or statute, each agency shall:

20 a. Adopt as a rule a description of the organization of
21 the agency which states the general course and method of its
22 operations, and the methods by which and location where the
23 public may obtain information or make submissions or requests.

24 b. Adopt rules of practice setting forth the nature and
25 requirements of all formal and informal procedures available
26 to the public, including a description of all forms and
27 instructions that are to be used by the public in dealing
28 with the agency.

29 c. Make available for public inspection all rules, and
30 make available for public inspection and index by subject,
31 all other written statements of law or policy, or
32 interpretations formulated, adopted, or used by the agency
33 in the discharge of its functions. Except as otherwise
34 required by constitution or statute, or in the use of discovery
35 under the Iowa rules of civil procedure or in criminal cases,

1 an agency shall not be required to make available for public
2 inspection those portions of its staff manuals, instructions
3 or other statements excluded from the definition of "rule"
4 by paragraph f of subsection seven (7) of section two (2)
5 of this Act.

6 d. Make available for public inspection and index by name
7 and subject all final orders, decisions, and opinions: Provided
8 that to the extent required to prevent a clearly unwarranted
9 invasion of personal privacy or trade secrets, an agency shall
10 delete identifying details when it makes available for public
11 inspection any final order, decision, or opinion; however,
12 in each case the justification for the deletion shall be
13 explained fully in writing.

14 2. No agency rule or other written statement of law or
15 policy, or interpretation, order, decision or opinion is valid
16 or effective against any person or party, nor shall it be
17 invoked by the agency for any purpose, until it has been made
18 available for public inspection and indexed as required by
19 paragraphs c and d of subsection one (1) of this section.
20 This provision is not applicable in favor of any person or
21 party who has actual timely knowledge thereof and the burden
22 of proving such knowledge shall be on the agency.

23 Sec. 4. NEW SECTION. PROCEDURE FOR ADOPTION OF RULES.

24 1. Prior to the adoption, amendment, or repeal of any
25 rule an agency shall:

26 a. Give at least thirty-five days' advance notice of its
27 intended action by publication in the "Iowa Administrative
28 Code". The notice shall include a statement of either the
29 terms or substance of the intended action or a description
30 of the subjects and issues involved, and the time when, the
31 place where, and the manner in which interested persons may
32 present their views thereon.

33 b. Afford all interested persons reasonable opportunity
34 to submit data, views, or arguments in writing. If timely
35 requested in writing by twenty-five interested persons, by

1 a governmental subdivision, by the administrative rules review
2 committee, by an agency, or by an association having not less
3 than twenty-five members, the agency must give interested
4 individuals an opportunity to make oral presentation according
5 to agency rules which give the public adequate notice of the
6 time when and the place where oral presentation may be made,
7 and which provide for the presentation prior to agency action
8 on the rule which is the subject of the proceeding. The
9 agency shall consider fully all written and oral submissions
10 respecting the proposed rule. Within one hundred eighty days
11 following either the notice published according to the
12 provisions of paragraph a of subsection one (1) of this section
13 or the last date of the oral presentations on the proposed
14 rule, whichever is later, the agency shall adopt a rule
15 pursuant to the rule-making proceeding or shall terminate
16 the proceeding. If requested to do so by an interested
17 individual, either prior to adoption or within thirty days
18 thereafter, the agency shall issue a concise statement of
19 the principal reasons for and against the rule it adopted,
20 incorporating therein the reasons for overruling considerations
21 urged against the rule.

22 2. When an agency for good cause finds that notice and
23 public participation would be impracticable, unnecessary,
24 or contrary to the public interest, the provisions of subsec-
25 tion one (1) of this section shall be inapplicable. The
26 agency shall incorporate in each rule issued in reliance upon
27 this provision either the finding and a brief statement of
28 the reasons therefor, or a statement that the rule is within
29 a very narrowly-tailored category of rules whose issuance
30 has previously been exempted from subsection one (1) of this
31 section by a special rule relying on this provision and
32 including such a finding and statement of reasons for the
33 entire category. In any action contesting a rule adopted
34 pursuant to this subsection, the burden of proof shall be
35 on the agency to show that the procedures of subsection one

1 (1) of this section were impracticable, unnecessary, or
2 contrary to the public interest and that, if a category of
3 rules was involved, the category was very narrowly tailored.

4 3. No rule hereafter adopted is valid unless adopted in
5 substantial compliance with this section. However, a rule
6 shall be conclusively presumed to have been made in compliance
7 with all procedural requirements of this section if it has
8 not been invalidated on the grounds of noncompliance in a
9 proceeding commenced within two years after its effective
10 date.

11 Sec. 5. NEW SECTION. FILING AND TAKING EFFECT OF RULES.

12 1. Each agency shall file in the office of the secretary
13 of state a certified copy of each rule adopted by it, including
14 all rules as defined in this Act existing on the effective
15 date of this Act. The secretary of state shall keep a perma-
16 nent register of the rules open to public inspection.

17 2. Each rule hereafter adopted is effective thirty-five
18 days after filing, as required in this section, and indexing
19 and publication as required by section six (6) of this Act,
20 except that:

21 a. If a later date is required by statute or specified
22 in the rule, the later date is the effective date.

23 b. Subject to applicable constitutional or statutory
24 provisions, a rule becomes effective immediately upon filing
25 with the secretary of state, or at a subsequent stated date
26 prior to indexing and publication, or at a stated date less
27 than thirty days after filing, indexing, and publication,
28 if the agency finds:

29 (1) That a statute so provides;

30 (2) That the rule confers a benefit or removes a restric-
31 tion on the public or some segment thereof; or

32 (3) That this effective date is necessary because of
33 imminent peril to the public health, safety, or welfare.

34 In any subsequent action contesting the effective date of
35 a rule promulgated under this paragraph, the burden of proof

1 shall be on the agency to justify its finding. The agency's
2 finding and a brief statement of the reasons therefor shall
3 be filed with and made a part of the rule. Prior to indexing
4 and publication, the agency shall make reasonable efforts
5 to make known to the persons who may be affected by it a rule
6 made effective under the terms of this paragraph.

7 Sec. 6. NEW SECTION. PUBLICATION OF RULES.

8 1. The Code editor shall cause to be compiled, indexed,
9 and published in loose leaf form all rules adopted by each
10 agency and notice of all proposed rule-making by each agency.
11 The Code editor further shall cause to be distributed
12 supplements to this publication at least every other week
13 which supplements shall contain, in such a form that they
14 may be filed in the appropriate places in the compilation,
15 all rules and notice of proposed rules filed for publication
16 in the prior two weeks. The Code editor shall devise a uniform
17 numbering system for rules and may renumber rules before
18 publication to conform with the system.

19 2. The Code editor may omit or cause to be omitted from
20 the publication any rule the publication of which would be
21 unduly cumbersome, expensive, or otherwise inexpedient, if
22 the rule in printed or processed form is made available on
23 application to the adopting agency at no more than its cost
24 of reproduction, and if the publication contains a notice
25 stating the specific subject matter of the omitted rule and
26 stating how a copy thereof may be obtained.

27 3. This publication, which shall be known as the "Iowa
28 Administrative Code", shall be made available upon request
29 to all persons who subscribe thereto.

30 Sec. 7. NEW SECTION. PETITION FOR ADOPTION OF RULES.

31 An interested person may petition an agency requesting the
32 promulgation, amendment, or repeal of a rule. Each agency
33 shall prescribe by rule the form for petitions and the
34 procedure for their submission, consideration, and disposition.
35 Within sixty days after submission of a petition, the agency

1 either shall deny the petition in writing on the merits,
2 stating its reasons for the denial, or initiate rule-making
3 proceedings in accordance with section four (4) of this Act,
4 or issue a rule if it is not required to be issued according
5 to the procedures of subsection one (1) of section four (4)
6 of this Act.

7 Sec. 8. NEW SECTION. ADMINISTRATIVE RULES REVIEW
8 COMMITTEE.

9 1. There is created the administrative rules review commit-
10 tee. The committee shall be bipartisan and shall be composed
11 of the following members:

12 a. Three senators appointed by the president of the senate.

13 b. Three representatives appointed by the speaker of the
14 house.

15 2. A committee member shall be appointed prior to the
16 adjournment of a regular session convened in an odd-numbered
17 year. The term of office shall be for four years beginning
18 May first of the year of appointment. However, a member shall
19 serve until a successor is appointed. A vacancy on the
20 committee shall be filled by the original appointing authority
21 for the remainder of the term. A vacancy shall exist whenever
22 a committee member ceases to be a member of the general
23 assembly.

24 3. A committee member shall be paid a forty dollar per
25 diem for each day in attendance and shall be reimbursed for
26 actual and necessary expenses. There is appropriated from
27 money in the general fund not otherwise appropriated an amount
28 sufficient to pay costs incurred under this section.

29 4. The committee shall choose a chairperson from its
30 membership and prescribe its rules of procedure. The committee
31 may employ a secretary or may appoint the Code editor or a
32 designee to act as secretary.

33 5. A regular committee meeting shall be held at the seat
34 of government on the second Tuesday of each month. Unless
35 impracticable in advance of each such meeting the subject

1 matter to be considered shall be published in the "Iowa Ad-
2 ministrative Code". A special committee meeting may be called
3 by the chairperson at any place in the state and at any time.
4 Unless impracticable, in advance of each special meeting
5 notice of the time and place of such meeting and the subject
6 matter to be considered shall be published in the "Iowa
7 Administrative Code".

8 6. The committee shall meet for the purpose of selectively
9 reviewing rules, whether proposed or in effect. A regular
10 or special committee meeting shall be open to the public and
11 an interested person may be heard and present evidence. The
12 committee may require a representative of an agency whose
13 rule or proposed rule is under consideration to attend a
14 committee meeting.

15 7. The committee may refer a rule to the speaker of the
16 house and the president of the senate at the next regular
17 session of the general assembly. The speaker and the president
18 shall refer such a rule to the appropriate committee of the
19 general assembly.

20 8. If the committee finds objection to a rule, it may
21 include in the referral, under subsection seven (7) of this
22 section, a recommendation that this rule be overcome by
23 statute. If the committee of the general assembly to which
24 a rule is referred finds objection to the referred rule, it
25 may recommend to the general assembly that this rule be
26 overcome by statute. This section shall not be construed
27 to prevent a committee of the general assembly from reviewing
28 a rule on its own motion.

29 9. There shall be distributed to each member of the com-
30 mittee a free copy of the "Iowa Administrative Code".

31 Sec. 9. NEW SECTION. DECLARATORY RULINGS BY AGENCIES.
32 Each agency shall provide by rule for the filing and prompt
33 disposition of petitions for declaratory rulings as to the
34 applicability of any statutory provision, rule, decision,
35 or order of the agency. Rulings disposing of petitions have

1 the same status as agency decisions or orders in contested
2 cases.

3 Sec. 10. NEW SECTION. INFORMAL SETTLEMENTS--WAIVER.

4 1. Unless precluded by statute, informal settlements of
5 controversies that may culminate in contested case proceedings
6 according to the provisions of this Act are encouraged. Agen-
7 cies shall prescribe by rule specific procedures for attempting
8 such informal settlements prior to the commencement of con-
9 tested case proceedings. This subsection shall not be con-
10 strued to require either party to such a controversy to utilize
11 the informal procedures or to settle the controversy pursuant
12 to those informal procedures.

13 2. The parties to a contested case proceeding may, by
14 written stipulation representing an informed mutual consent,
15 waive any provision of this Act relating to such proceedings.
16 In addition to consenting to such a waiver in individual
17 cases, an agency may, by rule, express its consent to such
18 a waiver as to an entire class of cases.

19 Sec. 11. NEW SECTION. PRESIDING OFFICER--ADMINISTRATIVE
20 HEARING OFFICERS.

21 1. The presiding officer in evidentiary hearings required
22 to be conducted by an agency according to the provisions of
23 this Act governing contested cases shall be the agency, one
24 or more members of a multi-member agency, or an administrative
25 hearing officer appointed according to the terms of this
26 section. Each agency needing the services of one or more
27 permanent full-time or part-time administrative hearing
28 officers shall appoint as many of them to its staff as are
29 necessary for this purpose. Agencies shall assign administra-
30 tive hearing officers to cases in rotation unless it is not
31 feasible. Administrative hearing officers shall not perform
32 duties inconsistent with their duties and responsibilities
33 as hearing officers.

34 2. Administrative hearing officers shall be covered by
35 the merit system of personnel administration, chapter nineteen

1 A (19A) of the Code. The Iowa merit employment department
2 or other appropriate agency specified in section nineteen
3 A point three (19A.3) of the Code shall, insofar as
4 practicable, provide for different classes of administrative
5 hearing officers with different salary scales.

6 3. An agency whose work load is such that the appointment
7 of a permanent full-time or part-time administrative hearing
8 officer is unwarranted, or an agency whose work load is such
9 that one or more additional administrative hearing officers
10 are temporarily required, may use administrative hearing offi-
11 cers selected by the Iowa merit employment department from
12 other agencies having hearing officers that are temporarily
13 available and that are qualified to preside at the hearings
14 held by the agency requesting the temporary use of a hearing
15 officer. In cases where an agency borrows one or more admin-
16 istrative hearing officers from other agencies, the salaries
17 and expenses of those administrative hearing officers shall
18 be apportioned and charged to the several agencies according
19 to their use.

20 Sec. 12. NEW SECTION. CONTESTED CASES--NOTICE--HEAR-
21 ING--RECORDS.

22 1. In a contested case, all parties shall be afforded
23 an opportunity for hearing after reasonable notice in writing
24 delivered either by personal service as in civil actions or
25 by certified mail return receipt requested. However, an
26 agency may provide by rule for the delivery of such notice
27 by other means. Delivery of the notice referred to in this
28 subsection shall constitute commencement of the contested
29 case proceeding.

30 2. The notice shall include:

31 a. A statement of the time, place, and nature of the hear-
32 ing.

33 b. A statement of the legal authority and jurisdiction
34 under which the hearing is to be held.

35 c. A reference to the particular sections of the statutes

1 and rules involved.

2 d. A short and plain statement of the matters asserted.
3 If the agency or other party is unable to state the matters
4 in detail at the time the notice is served, the initial notice
5 may be limited to a statement of the issues involved. There-
6 after upon application a more definite and detailed statement
7 shall be furnished.

8 3. If a party fails to appear in a contested case proceed-
9 ing after proper service of notice, the presiding officer
10 may, if no adjournment is granted, proceed with the hearing
11 and make a decision in the absence of the party.

12 4. Opportunity shall be afforded all parties to respond
13 and present evidence and argument on all issues involved and
14 to be represented by counsel at their own expense.

15 5. Unless precluded by statute, informal disposition may
16 be made of any contested case by stipulation, agreed
17 settlement, consent order, or default or by another method
18 agreed upon by the parties in writing.

19 6. The record in a contested case shall include:

20 a. All pleadings, motions, and intermediate rulings.

21 b. All evidence received or considered and all other
22 submissions.

23 c. A statement of all matters officially noticed.

24 d. All questions and offers of proof, objections, and
25 rulings thereon.

26 e. All proposed findings and exceptions.

27 f. Any decision, opinion, or report by the officer presid-
28 ing at the hearing.

29 7. Oral proceedings shall be open to the public and shall
30 be recorded either by mechanized means or by certified
31 shorthand reporters. Oral proceedings or any part thereof
32 shall be transcribed at the request of any party with the
33 expense of the transcription charged to the requesting party.
34 The recording or stenographic notes of oral proceedings or
35 the transcription thereof shall be filed with and maintained

1 by the agency for at least five years from the date of
2 decision.

3 8. Findings of fact shall be based solely on the evidence
4 in the record and on matters officially noticed in the record.

5 Sec. 13. NEW SECTION. SUBPOENAS--DISCOVERY.

6 1. Agencies shall have all subpoena powers conferred upon
7 them by their enabling acts or other statutes. In addition,
8 prior to the commencement of a contested case by the notice
9 referred to in subsection one (1) of section twelve (12) of
10 this Act an agency having power to decide such cases shall
11 have authority to subpoena books, papers, records, and any
12 other real evidence necessary for the agency to determine
13 whether it should institute such a contested case proceeding.
14 After the commencement of a contested case, each agency having
15 power to decide contested cases shall have authority to
16 administer oaths and to issue subpoenas in such cases.
17 Discovery procedures applicable to civil actions shall be
18 available to all parties in contested cases before an agency.
19 Evidence obtained in such discovery may be used in the hearing
20 before the agency if that evidence would otherwise be
21 admissible in the agency hearing. Agency subpoenas shall
22 be issued to a party on request. On contest, the court shall
23 sustain the subpoena or similar process or demand to the
24 extent that it is found to be in accordance with the law
25 applicable to the issuance of subpoenas or discovery in civil
26 actions. In proceedings for enforcement, the court shall
27 issue an order requiring the appearance of the witness or
28 the production of the evidence or data within a reasonable
29 time under penalty of punishment for contempt in cases of
30 willful failure to comply.

31 2. An agency that relies on a witness in a contested case,
32 whether or not an agency employee, who has made prior state-
33 ments or reports with respect to the subject matter of the
34 witness' testimony, shall, on request, make such statements
35 or reports available to parties for use on cross-examination,

1 unless those statements or reports are otherwise expressly
2 exempt from disclosure by constitution or statute.
3 Identifiable agency records that are relevant to disputed
4 material facts involved in a contested case, shall, upon
5 request, promptly be made available to a party unless the
6 requested records are expressly exempt from disclosure by
7 constitution or statute.

8 Sec. 14. NEW SECTION. RULES OF EVIDENCE--OFFICIAL NOTICE.

9 In contested cases:

10 1. Irrelevant, immaterial, or unduly repetitious evidence
11 should be excluded. A finding shall be based upon the kind
12 of evidence on which reasonably prudent persons are accustomed
13 to rely for the conduct of their serious affairs, and may
14 be based upon such evidence even if it would be inadmissible
15 in a jury trial. Agencies shall give effect to the rules
16 of privilege recognized by law. Objections to evidentiary
17 offers may be made and shall be noted in the record. Subject
18 to these requirements, when a hearing will be expedited and
19 the interests of the parties will not be prejudiced
20 substantially, any part of the evidence may be required to
21 be submitted in verified written form.

22 2. Documentary evidence may be received in the form of
23 copies or excerpts, if the original is not readily available.
24 Upon request, parties shall be given an opportunity to compare
25 the copy with the original.

26 3. Witnesses at the hearing, or persons whose testimony
27 has been submitted in written form if available, shall be
28 subject to cross-examination by any party as necessary for
29 a full and true disclosure of the facts.

30 4. Official notice may be taken of all facts of which
31 judicial notice may be taken and of other facts within the
32 specialized knowledge of the agency. Parties shall be notified
33 at the earliest practicable time, either before or during
34 the hearing, or by reference in preliminary reports,
35 preliminary decisions or otherwise, of the facts proposed

1 to be noticed and their source, including any staff memoranda
2 or data, and the parties shall be afforded an opportunity
3 to contest such facts before the decision is announced unless
4 the agency determines as part of the record or decision that
5 fairness to the parties does not require an opportunity to
6 contest such facts.

7 5. The agency's experience, technical competence, and
8 specialized knowledge may be utilized in the evaluation of
9 the evidence.

10 Sec. 15. NEW SECTION. FINAL DECISIONS--PROPOSED DECI-
11 SIONS--CONCLUSIVENESS--REVIEW BY THE AGENCY.

12 1. When the agency presides at the reception of the
13 evidence in a contested case, the decision of the agency is
14 a final decision.

15 2. When the agency did not preside at the reception of
16 the evidence in a contested case, the presiding officer shall
17 make a proposed decision. Findings of fact shall be prepared
18 by the officer presiding at the reception of the evidence
19 in a contested case unless the officer becomes unavailable
20 to the agency. If the officer is unavailable, the findings
21 of fact may be prepared by another person qualified to be
22 a presiding officer who has read the record, unless demeanor
23 of witnesses is a substantial factor. If demeanor is a
24 substantial factor and the presiding officer is unavailable,
25 the portions of the hearing involving demeanor shall be heard
26 again or the case shall be dismissed.

27 3. When the presiding officer makes a proposed decision,
28 that decision then becomes the final decision of the agency
29 without further proceedings unless there is an appeal to,
30 or review on motion of, the agency within the time provided
31 by rule. On appeal from or review of the proposed decision,
32 the agency has all the power which it would have in initially
33 making the final decision except as it may limit the issues
34 on notice to the parties or by rule. In cases where there
35 is an appeal from a proposed decision or where a proposed

1 decision is reviewed on motion of the agency, an opportunity
2 shall be afforded to each party to file exceptions, present
3 briefs and, with the consent of the agency, present oral
4 arguments to the agency members who are to render the final
5 decision.

6 4. This section shall not preclude an agency from institut-
7 ing a system whereby the proposed decision of a presiding
8 officer in a contested case may be appealed to, or reviewed
9 on motion of, a body consisting of one or more persons that
10 is between the presiding officer and the agency. If an agency
11 institutes such a system of intermediate review, the pro-
12 posed decision of the presiding officer becomes the final
13 decision of the agency without further proceedings unless
14 there is an appeal to, or review on motion of, the intermediate
15 reviewing body within the time provided by rule. An inter-
16 mediate reviewing body may be vested with all or a part of
17 the power which it would have in initially making the decision.
18 A decision of such an intermediate reviewing body is also
19 a proposed decision and shall become the final decision of
20 the agency without further proceedings unless there is an
21 appeal to, or review on motion of, the agency within the time
22 provided by rule. In cases where there is an appeal from
23 a proposed decision rendered by a presiding officer to an
24 intermediate reviewing body, or where such a proposed decision
25 is reviewed on motion of an intermediate reviewing body, an
26 opportunity shall be afforded to each party to file exceptions,
27 present briefs and, with the consent of the intermediate
28 reviewing body, present oral arguments to those who are to
29 render the decision.

30 5. When an appeal from an agency decision in a contested
31 case may be taken to another agency pursuant to statute, or
32 a second agency may according to statute review on its own
33 motion the decision in a contested case by the first agency,
34 the appeal or review shall be deemed a continuous proceeding
35 as though before one agency. A decision of the first agency

1 in such a case is a proposed decision and shall become the
2 final decision without further proceedings unless there is
3 an appeal to, or review on motion of, the second agency within
4 the time provided by statute or rule. In deciding an appeal
5 from or review of a proposed decision of the first agency,
6 the second agency shall have all those powers conferred upon
7 it by statute and shall afford each party an opportunity to
8 file exceptions, present briefs and, with its consent, present
9 oral arguments to agency members who are to render the final
10 decision.

11 Sec. 16. NEW SECTION. DECISIONS AND ORDERS--REHEARING.

12 1. A proposed or final decision or order in a contested
13 case shall be in writing or stated in the record. A proposed
14 or final decision shall include findings of fact and conclu-
15 sions of law, separately stated. Findings of fact, if set
16 forth in statutory language, shall be accompanied by a concise
17 and explicit statement of underlying facts supporting the
18 findings. If, in accordance with agency rules, a party
19 submitted proposed findings of fact, the decision shall include
20 a ruling upon each proposed finding. Each conclusion of law
21 shall be supported by cited authority or by a reasoned opinion.
22 Parties shall be promptly notified of each proposed or final
23 decision or order by the delivery to them of a copy of such
24 decision or order in the manner provided by subsection one
25 (1) of section twelve (12) of this Act.

26 2. Any party may file an application for rehearing, stating
27 the specific grounds therefor and the relief sought, within
28 twenty days after the issuance of any final decision by the
29 agency in a contested case. A copy of such application shall
30 be timely mailed by the applicant to all parties of record
31 not joining therein. Such an application for rehearing shall
32 be deemed to have been denied unless the agency grants the
33 application within twenty days after its filing.

34 Sec. 17. NEW SECTION. EX PARTE COMMUNICATIONS AND SEPARA-
35 TION OF FUNCTIONS.

1 1. Unless required for the disposition of ex parte matters
2 specifically authorized by statute, individuals assigned to
3 render a proposed or final decision or to make findings of
4 fact and conclusions of law in a contested case, shall not
5 communicate, directly or indirectly, in connection with any
6 issue of fact or law in that contested case, with any person
7 or party, except upon notice and opportunity for all parties
8 to participate as shall be provided for by agency rules.

9 However, without such notice and opportunity for all parties
10 to participate, individuals assigned to render a proposed
11 or final decision or to make findings of fact and conclusions
12 of law in a contested case may communicate with members of
13 the agency, and may have the aid and advice of persons other
14 than those with a personal interest in, or those engaged in
15 prosecuting or advocating in, either the case under
16 consideration or a pending factually related case involving
17 the same parties.

18 2. Unless required for the disposition of ex parte matters
19 specifically authorized by statute, parties or their
20 representatives in a contested case shall not communicate,
21 directly or indirectly, in connection with any issue of fact
22 or law in that contested case, with individuals assigned to
23 render a proposed or final decision or to make findings of
24 fact and conclusions of law in that contested case, except
25 upon notice and opportunity for all parties to participate
26 as shall be provided for by agency rules. The agency's rules
27 may require the recipient of a prohibited communication to
28 submit the communication if written or a summary of the
29 communication if oral for inclusion in the record of the
30 proceeding. As sanctions for violations, the rules may provide
31 for a decision against a party who violates the rules; for
32 censuring, suspending, or revoking a privilege to practice
33 before the agency; and for censuring, suspending, or dis-
34 missing agency personnel.

35 3. No individual who participates in the making of any

1 proposed or final decision in a contested case shall have
2 prosecuted or advocated in connection with that case, the
3 specific controversy underlying that case, or another pending
4 factually related contested case, or pending factually related
5 controversy that may culminate in a contested case, involving
6 the same parties. Nor shall any such individual be subject
7 to the authority, direction, or discretion of any person who
8 has prosecuted or advocated in connection with that contested
9 case, the specific controversy underlying that contested case,
10 or a pending factually related contested case or controversy,
11 involving the same parties.

12 4. A party to a contested case proceeding may file a
13 timely and sufficient affidavit asserting disqualification
14 according to the provisions of subsection three (3) of this
15 section, or asserting personal bias of an individual
16 participating in the making of any proposed or final decision
17 in that case. The agency shall determine the matter as part
18 of the record in the case. When an agency in these
19 circumstances makes such a determination with respect to an
20 agency member, that determination shall be subject to de novo
21 judicial review in any subsequent review proceeding of the
22 case.

23 Sec. 18. NEW SECTION. LICENSES.

24 1. When the grant, denial, or renewal of a license is
25 required by constitution or statute to be preceded by notice
26 and opportunity for an evidentiary hearing, the provisions
27 of this Act concerning contested cases apply.

28 2. When a licensee has made timely and sufficient applica-
29 tion for the renewal of a license or a new license with refer-
30 ence to any activity of a continuing nature, the existing
31 license does not expire until the application has been finally
32 determined by the agency, and, in case the application is
33 denied or the terms of the new license limited, until the
34 last day for seeking judicial review of the agency order or
35 a later date fixed by order of the agency or the reviewing

1 court.

2 3. No revocation, suspension, annulment, or withdrawal,
3 in whole or in part, of any license is lawful unless, prior
4 to the institution of agency proceedings, the agency gave
5 written, timely notice by personal service as in civil actions
6 or by restricted certified mail to the licensee of facts or
7 conduct and the provisions of law which warrant the intended
8 action, and the licensee was given an opportunity to show,
9 in an evidentiary hearing conducted according to the provisions
10 of this Act for contested cases, compliance with all lawful
11 requirements for the retention of the license. If the agency
12 finds that public health, safety, or welfare imperatively
13 requires emergency action, and incorporates a finding to that
14 effect in its order, summary suspension of a license may be
15 ordered pending proceedings for revocation or other action.
16 These proceedings shall be promptly instituted and determined.

17 Sec. 19. NEW SECTION. JUDICIAL REVIEW. Except as
18 expressly provided otherwise by another statute referring
19 to this Act by name, the judicial review provisions of this
20 Act shall be the exclusive means by which a person or party
21 who is aggrieved or adversely affected by agency action may
22 seek judicial review of such agency action.

23 1. A person or party who has exhausted all adequate admin-
24 istrative remedies and who is aggrieved or adversely affected
25 by any final agency action is entitled to judicial review
26 thereof under this Act. When agency action is pursuant to
27 rate regulatory powers over public utilities or common carriers
28 and the aggrievement or adverse effect is to the rates or
29 charges of a public utility or common carrier, the agency
30 action shall not be final until all agency remedies have been
31 exhausted and a decision prescribing rates which satisfy the
32 requirements of those provisions of the Code has been ren-
33 dered. A preliminary, procedural, or intermediate agency
34 action is immediately reviewable if all adequate administrative
35 remedies have been exhausted and review of the final agency

1 action would not provide an adequate remedy. If a declaratory
2 ruling has not been rendered within thirty days after the
3 filing of a petition therefor under section nine (9) of this
4 Act, or if the agency declines to issue such a declaratory
5 ruling after receipt of a petition therefor, any administrative
6 remedy available under section nine (9) of this Act shall
7 be deemed inadequate or exhausted.

8 2. Proceedings for judicial review shall be instituted
9 by filing a petition either in Polk county district court
10 or in the district court for the most populous county in the
11 judicial district in which the petitioner resides or has its
12 principal place of business. Within ten days after the filing
13 of a petition for judicial review file stamped copies of the
14 petition shall be mailed by the petitioner to all parties
15 named in the petition and, if the petition involves review
16 of agency action in a contested case, all parties of record
17 in that case before the agency. Such mailing shall be
18 jurisdictional and shall be addressed to the parties at their
19 last known mailing address. Proof of mailing shall be by
20 affidavit. Any party of record in a contested case before
21 an agency wishing to intervene and participate in the review
22 proceeding thereon must file an appearance within forty-five
23 days from the time the petition is filed.

24 3. If a party files an application under subsection two
25 (2) of section sixteen (16) of this Act for rehearing with
26 the agency, the petition for judicial review must be filed
27 within thirty days after that application has been denied
28 or deemed denied. If a party does not file an application
29 under subsection two (2) of section sixteen (16) of this Act
30 for rehearing, the petition must be filed within thirty days
31 after the issuance of the agency's final decision in that
32 contested case. If an application for rehearing is granted,
33 the petition for review must be filed within thirty days after
34 the issuance of the agency's final decision on rehearing.
35 In cases involving a petition for judicial review of agency

1 action other than the decision in a contested case, the
2 petition may be filed at any time petitioner is aggrieved
3 or adversely affected by that action.

4 4. The petition for review shall name the agency as
5 respondent and shall contain a concise statement of:

6 a. The nature of the agency action which is the subject
7 of the petition.

8 b. The particular agency action appealed from.

9 c. The facts on which venue is based.

10 d. The grounds on which relief is sought.

11 e. The relief sought.

12 5. The filing of the petition for review does not itself
13 stay execution or enforcement of any agency action. Upon
14 application the agency or the reviewing court may, in appro-
15 priate cases, order such a stay pending the outcome of the
16 judicial review proceedings.

17 6. Within thirty days after filing of the petition, or
18 within further time allowed by the court, the agency shall
19 transmit to the reviewing court the original or a certified
20 copy of the entire record of any contested case which may
21 be the subject of the petition. By stipulation of all parties
22 to the review proceedings, the record of such a case may be
23 shortened. A party unreasonably refusing to stipulate to
24 limit the record may be taxed by the court for the additional
25 costs. The court may require or permit subsequent corrections
26 or additions to the record.

27 7. In proceedings for judicial review of agency action
28 a court may hear and consider such evidence as it deems
29 appropriate. In proceedings for judicial review of agency
30 action in a contested case, however, a court shall not itself
31 hear any further evidence with respect to those issues of
32 fact whose determination was entrusted by constitution or
33 statute to the agency in that contested case proceeding.
34 Before the date set for hearing a petition for judicial review
35 of agency action in a contested case, application may be made

1 to the court for leave to present evidence in addition to
2 that found in the record of the case. If it is shown to the
3 satisfaction of the court that the additional evidence is
4 material and that there were good reasons for failure to
5 present it in the contested case proceeding before the agency,
6 the court may order that the additional evidence be taken
7 before the agency upon conditions determined by the court.
8 The agency may modify its findings and decision in the case
9 by reason of the additional evidence and shall file that
10 evidence and any modifications, new findings, or decisions
11 with the reviewing court and mail copies of the new findings
12 or decisions to all parties.

13 8. The court may affirm the agency action or remand to
14 the agency for further proceedings. The court shall reverse,
15 modify, or grant any other appropriate relief from the agency
16 action, equitable or legal and including declaratory relief,
17 if substantial rights of the petitioner have been prejudiced
18 because the agency action is:

- 19 a. In violation of constitutional or statutory provi-
20 sions;
- 21 b. In excess of the statutory authority of the agency;
- 22 c. In violation of an agency rule;
- 23 d. Made upon unlawful procedure;
- 24 e. Affected by other error of law;
- 25 f. In a contested case, unsupported by substantial evidence
26 in the record made before the agency when that record is
27 viewed as a whole; or
- 28 g. Unreasonable, arbitrary or capricious or characterized
29 by an abuse of discretion or a clearly unwarranted exercise
30 of discretion.

31 Sec. 20. NEW SECTION. APPEALS. An aggrieved or adversely
32 affected party to the judicial review proceeding may obtain
33 a review of any final judgment of the district court under
34 this Act by appeal to the supreme court. The appeal shall
35 be taken as in other civil cases.

1 Sec. 21. NEW SECTION. INCONSISTENCY WITH FEDERAL LAW.
2 If it is determined by the attorney general that any provision
3 of this Act would cause denial of funds or services from the
4 United States government which would otherwise be available
5 to an agency of this state, or would otherwise be inconsistent
6 with requirements of federal law, such provision shall be
7 suspended as to such agency, but only to the extent necessary
8 to prevent denial of such funds or services or to eliminate
9 the inconsistency with federal requirements.

10 Sec. 22. NEW SECTION. AGENCY AUTHORITY TO IMPLEMENT ACT.
11 Agencies shall have all the authority necessary to comply
12 with the requirements of this Act through the issuance of
13 rules or otherwise.

14 Sec. 23. NEW SECTION. CONSTRUCTION OF ACT. Except as
15 expressly provided otherwise by this Act or by another statute
16 referring to this Act by name, the rights created and the
17 requirements imposed by this Act shall be in addition to those
18 created or imposed by every other statute now in existence
19 or hereafter enacted. If any other statute now in existence
20 or hereafter enacted diminishes any right conferred upon a
21 person by this Act or diminishes any requirement imposed upon
22 an agency by this Act, this Act shall take precedence unless
23 the other statute expressly provides that it shall take
24 precedence over all or some specified portion of this named
25 Act. Nothing in this Act shall diminish the constitutional
26 rights of any person.

27 The "Iowa Administrative Procedure Act" shall be construed
28 broadly to effectuate its purposes. This Act shall also be
29 construed to apply to all agencies not expressly exempted
30 by this Act or by another statute specifically referring to
31 this Act by name; and except as to proceedings in process
32 on its effective date, this Act shall be construed to apply
33 to all covered agency proceedings and all agency action not
34 expressly exempted by this Act or by another statute
35 specifically referring to this Act by name.

1 Sec. 24. EFFECTIVE DATE. This Act shall take effect on
2 July 1, 1975.

3 Sec. 25. This Act shall be printed in the Code of Iowa
4 1975. In the Code of Iowa 1975, the Code editor shall
5 designate sections one (1) through twenty-three (23) of this
6 Act as chapter seventeen A (17A).

7 Sec. 26. No new edition of the "Iowa Departmental Rules"
8 volume shall be issued. Supplements to the 1973 "Iowa Depart-
9 mental Rules" volume shall continue to be issued until the
10 "Iowa Administrative Code" is published.

11 Sec. 27. Section fourteen point six (14.6), subsections
12 five (5), as amended by Acts of the Sixty-fifth General Assem-
13 bly, 1973 Session, chapter one hundred twenty-two (122), and
14 six (6), Code 1973, is amended by striking the subsections
15 and inserting in lieu thereof the following:

16 5. Prescribe a uniform style and form by which an agency
17 shall prepare and file a rule pursuant to chapter seventeen
18 A (17A) which shall correlate each rule to a uniform num-
19 bering system devised by the Code editor.

20 6. Notify an agency whose rule is not in the proper style
21 and form pursuant to subsection five (5) of this section.
22 If the rule is not properly redrafted within six months of
23 notification, it shall be void.

24 Sec. 28. Section nineteen A point thirteen (19A.13), Code
25 1973, is amended to read as follows:

26 19A.13 CERTIFICATION OF PAYROLLS--ACTIONS. No state dis-
27 bursing or auditing officer shall make or approve or take
28 part in making or approving any payment for personal service
29 to any person holding a position in the merit system unless
30 the payroll voucher or account of such pay bears the certifi-
31 cation of the director, or of his authorized agent, that the
32 persons named therein have been appointed and employed in
33 accordance with the provisions of this chapter and the rules,
34 regulations, and orders thereunder, and that funds are avail-
35 able for the payment of the persons.

1 The director may for proper cause withhold certification
2 from an entire payroll or from any specific item or items
3 thereon. The director may, however, provide that certifica-
4 tion of payrolls may be made once every six months, and such
5 certification shall remain in effect except in the case of
6 any officer or employee whose status has changed after the
7 last certification of his payroll. In the latter case no
8 voucher for payment of salary to such employee shall be issued
9 or payment of salary made without further certification by
10 the director.

11 Any citizen may maintain ~~a-suit~~ an action in accordance
12 with the terms of the Iowa Administrative Procedure Act to
13 restrain a disbursing officer from making any payment in
14 contravention of any provision of this chapter, rule, or order
15 thereunder. Any sum paid contrary to any provision of this
16 chapter or any rule, regulation, or order thereunder may be
17 recovered in an action in accordance with the terms of the
18 Iowa Administrative Procedure Act maintained by any citizen,
19 from any officer who made, approved, or authorized such payment
20 or who signed or countersigned a voucher, payroll, check,
21 or warrant for such payment, or from the sureties on the
22 official bond of any such officer. All moneys recovered in
23 any such action shall be paid into the state treasury.

24 Any person appointed or employed in contravention of any
25 provision of this chapter or of any rule, regulation, or order
26 thereunder who performs service for which he is not paid,
27 may maintain an action in accordance with the terms of the
28 Iowa Administrative Procedure Act against the officer or
29 officers who purported so to appoint or employ him to recover
30 the agreed pay for such services or the reasonable value
31 thereof if no pay was agreed upon. No officer shall be
32 reimbursed by the state at any time for any sum paid to such
33 person on account of such services.

34 If the director wrongfully withholds certification of the
35 payroll voucher or account of any employee, such employee

1 may maintain a proceeding in accordance with the terms of
2 the Iowa Administrative Procedure Act in the courts to compel
3 the director to certify such a payroll voucher or account.

4 Sec. 29. Section nineteen A point fourteen (19A.14), Code
5 1973, is amended to read as follows:

6 19A.14 APPEAL TO APPOINTING AUTHORITY. Any employee who
7 is discharged, suspended, or reduced in rank or grade, except
8 during his probation period, may appeal to the appointing
9 authority and if not satisfied, may, within thirty days after
10 such discharge, reduction, or suspension appeal to the com-
11 mission for review thereof. Upon such review, both the ap-
12 pealing employee and the appointing authority whose action
13 is reviewed shall, within thirty days following the date of
14 filing of the appeal to the commission, have the right to
15 a hearing closed to the public, unless a public hearing is
16 requested by the employee, and to present evidentiary facts
17 thereat. Technical rules of evidence shall not apply at any
18 hearing so held. If the commission finds that the action
19 complained of was taken by the appointing authority for any
20 political, religious, racial, national origin, sex, age or
21 nonmerit reasons, the employee shall be reinstated to his
22 former position without loss of pay for the period of the
23 suspension. In all other cases the merit employment commission
24 shall have jurisdiction to hear and determine the rights of
25 merit system employees and may affirm, modify, or reverse
26 any case on its merits. ~~The employee or the state may obtain~~
27 ~~judicial review of the commission's decision by writ of~~
28 ~~certiorari as provided by division XIV of the rules of civil~~
29 ~~procedure.~~ Judicial review of the action of the commission
30 may be sought in accordance with the terms of the Iowa Admin-
31 istrative Procedure Act.

32 Sec. 30. Section twenty-three point fifteen (23.15),
33 unnumbered paragraph one (1), Code 1973, is amended to read
34 as follows:

35 The appeal board shall determine the matters involved in

1 such appeal ~~and its decision shall be final, unless either~~
2 ~~party, within thirty days from the making of such decision,~~
3 ~~gives notice to the other party of an appeal to the district~~
4 ~~court from such decision.~~ Its decision shall be certified
5 to the executive officer of the municipality affected.
6 Judicial review of the action of the appeal board may be
7 sought in accordance with the terms of the Iowa Administrative
8 Procedure Act.

9 Sec. 31. Section seventy point four (70.4), Code 1973,
10 is amended to read as follows:

11 70.4 MANDAMUS JUDICIAL REVIEW. A refusal to allow said
12 preference, or a reduction of the salary for said position
13 with intent to bring about the resignation or discharge of
14 the incumbent, shall entitle the applicant or incumbent, as
15 the case may be, to maintain an action of mandamus to right
16 the wrong. At their election such parties may, in the
17 alternative, maintain an action for judicial review in accor-
18 dance with the terms of the Iowa Administrative Procedure
19 Act if that is otherwise applicable to their case.

20 Sec. 32. Section seventy point five (70.5), Code 1973,
21 is amended to read as follows:

22 70.5 APPEALS. In addition to the remedy provided in sec-
23 tion 70.4, an appeal may be taken by any person belonging
24 to any of the classes of persons to whom a preference is
25 hereby granted, from any refusal to allow said preference,
26 as provided in this chapter, to the district court of the
27 county in which such refusal occurs. The appeal shall be
28 made by serving upon the appointing board within twenty days
29 after the date of the refusal of said appointing officer,
30 board, or persons to allow said preference, a written notice
31 of such appeal stating the grounds of the appeal; a demand
32 in writing for a certified transcript of the record, and all
33 papers on file in his office affecting or relating to said
34 appointment. Thereupon, said appointing officer, board, or
35 person shall, within ten days, make, certify, and deliver

1 to appellant such a transcript; and the appellant shall,
2 within five days thereafter, file the same and a copy of the
3 notice of appeal with the clerk of said court, and said notice
4 of appeal shall stand as appellant's complaint and thereupon
5 said cause shall be accorded such preference in its assignment
6 for trial as to assure its prompt disposition. The court
7 shall receive and consider any pertinent evidence, whether
8 oral or documentary, concerning said appointment from which
9 the appeal is taken, and if the court shall find that the
10 said applicant is qualified as defined in section 70.1, to
11 hold the position for which he has applied, said court shall,
12 by its mandate, specifically direct the said appointing
13 officer, board or persons as to their further action in the
14 matter. An appeal may be taken from judgment of the said
15 district court on any such appeal on the same terms as an
16 appeal is taken in civil actions. At their election parties
17 entitled to appeal under this section may, in the alternative,
18 maintain an action for judicial review in accordance with
19 the terms of the Iowa Administrative Procedure Act if that
20 is otherwise applicable to their case.

21 Sec. 33. Section seventy point six (70.6), Code 1973,
22 is amended to read as follows:

23 70.6 REMOVAL--CERTIORARI-TO-REVIEW. No person holding
24 a public position by appointment or employment, and belonging
25 to any of the classes of persons to whom a preference is
26 herein granted, shall be removed from such position or employ-
27 ment except for incompetency or misconduct shown after a
28 hearing, upon due notice, upon stated charges, and with the
29 right of such employee or appointee to a review by a writ
30 of certiorari or at such person's election, to judicial review
31 in accordance with the terms of the Iowa Administrative
32 Procedure Act if that is otherwise applicable to their case.

33 Sec. 34. Section eighty point fifteen (80.15), Code 1973,
34 is amended to read as follows:

35 80.15 EXAMINATION--OATH--PROBATION--DISMISSAL. No appli-

1 cant for membership in the department of public safety, except
2 clerical workers and special agents appointed under section
3 80.7, shall be appointed as a member until he has passed a
4 satisfactory physical and mental examination. In addition,
5 such applicant must be a citizen of the United States, of
6 good moral character, and be not less than twenty-two years
7 of age. The mental examination shall be conducted under the
8 direction or supervision of the commissioner of public safety
9 and may be oral or written or both. Each applicant shall
10 take an oath on becoming a member of the force, to uphold
11 the laws and Constitution of the United States and of the
12 state of Iowa. During the period of twelve months after
13 appointment, any member of the department of public safety,
14 except members of the present Iowa highway safety patrol who
15 have served more than six months, shall be subject to dismissal
16 at the will of the commissioner. After the twelve months'
17 service, no member of the department, who shall have been
18 appointed after having passed the before-mentioned
19 examinations, shall be subject to dismissal unless charges
20 have been filed with the secretary of the executive council
21 and a hearing held before the executive council, if requested
22 by said member of the department, at which he shall have an
23 opportunity to present his defense to such charges. The
24 decision of the executive council by majority vote shall be
25 final, subject to the right of ~~appeal-by-the-employee-to~~
26 judicial review in accordance with the terms of the Iowa
27 Administrative Procedure Act. Notwithstanding the provisions
28 of the Iowa Administrative Procedure Act, petitions for
29 judicial review may be filed in the district court of Polk
30 county, or ~~to~~ in the district court of the county in Iowa
31 in which the employee resides, ~~within-thirty-days-after-he~~
32 ~~shall-have-received-notice-of-the-decision-of-the-executive~~
33 ~~council.~~ All rules and regulations regarding the enlistment,
34 appointment, and employment affecting the personnel of the
35 department shall be established by the commissioner with the

1 approval of the governor.

2 Sec. 35. Section eighty-three A point eleven (83A.11),
3 Code 1973, is amended by striking the section and inserting
4 in lieu thereof the following:

5 83A.11 JUDICIAL REVIEW. Judicial review of the action
6 of the board or department may be sought in accordance with
7 the terms of the Iowa Administrative Procedure Act.

8 Sec. 36. Section eighty-four point fourteen (84.14), Code
9 1973, is amended to read as follows:

10 84.14 APPEAL TO DISTRICT COURT--PROCEDURE OF APPEAL.

11 ~~1. Any person adversely affected by an order entered by~~
12 ~~the council, may appeal from such order to the district court~~
13 ~~at the seat of government or~~ Judicial review of action of
14 the council may be sought in accordance with the terms of
15 the Iowa Administrative Procedure Act. Notwithstanding the
16 terms of the Iowa Administrative Procedure Act, petitions
17 for judicial review may be filed in the district court of
18 Polk county or in the district court of any county in which
19 the property affected or some portion thereof is located or
20 ~~to the court of last appeal. Notice of appeal must be filed~~
21 ~~by such person with the council within thirty days after the~~
22 ~~entry of the order complained of, or within thirty days after~~
23 ~~the entry of the order overruling a motion for rehearing or~~
24 ~~sustaining the original order in the event a motion for~~
25 ~~rehearing has been filed.--The notice of appeal must identify~~
26 ~~the order and the grounds of appeal, and reasonably specify~~
27 ~~that portion of the record which the appellant desires included~~
28 ~~in the transcript upon appeal.--Immediately upon the filing~~
29 ~~of the notice of appeal the council shall certify to the~~
30 ~~appellant the estimated cost of preparing the transcript of~~
31 ~~appeal of the proceedings upon which the order complained~~
32 ~~of was entered.--The amount of the estimated cost must be~~
33 ~~deposited with the council within ten days after the mailing~~
34 ~~of the certification of the costs to the appellant.--Upon~~
35 ~~the deposit of the costs the council shall prepare and certify~~

1 the-transcript.--The-transcript-shall-be-delivered-to-the
2 appellant, or his designated attorney, within sixty days after
3 the filing of the notice of appeal.

4 2.--Within ninety days after the filing of the notice of
5 appeal, the appellant must file in the district court the
6 transcript of the proceedings before the council, together
7 with a petition for review which states briefly the grounds
8 for the appeal.--An appeal shall be perfected by filing the
9 notice of appeal within the specified thirty-day period.
10 The appeal may be dismissed by the district court for failure
11 of the appellant to make the required cost deposit or to file
12 the transcript and petition for review within the time
13 specified, unless for good cause shown the time is extended
14 by order of the district court.--If the district court deems
15 the transcript insufficient, the court may dismiss the appeal
16 or return the transcript to the appellant for proper additions,
17 and thereafter assess such further costs against the appellant
18 as the court in its discretion deems sufficient.

19 3.--At 2. If at the time of filing of the notice of appeal,
20 if an application for the petition for judicial review
21 suspension of the order is filed asked for, the council shall
22 enter an order fixing the amount of the supersedeas bond.
23 Within ten days after the entry of an order by the council
24 which fixes the amount of the bond, the appellant petitioner
25 must file with the council a supersedeas bond in the required
26 amount and with proper surety; upon approval of the bond,
27 the council shall suspend the order complained of until its
28 final disposition upon appeal review. The bond shall run
29 in favor of the state of Iowa for the use and benefit of any
30 person who may suffer damage by reason of the suspension of
31 the order in the event the same is affirmed by the district
32 court. If the order of the council is not superseded, it
33 shall continue in force and effect as if no appeal petition
34 for judicial review was pending.

35 4. The district court shall, insofar as is practicable,

1 give precedence to ~~appeals from~~ petitions for judicial review
2 of orders of the council. ~~Upon the appeal of such an order~~
3 ~~the district court shall review the proceedings before the~~
4 ~~council as disclosed by the transcript upon appeal, and~~
5 ~~thereafter enter its judgment affirming or reversing the order~~
6 ~~appealed.~~ ~~Orders of the council shall be sustained if the~~
7 ~~council has regularly pursued its authority and its findings~~
8 ~~and conclusions are sustained by the law and by substantial~~
9 ~~and credible evidence.~~

10 Sec. 37. Section eighty-six point twenty-six (86.26),
11 Code 1973, is amended by striking the section and inserting
12 in lieu thereof the following:

13 86.26 JUDICIAL REVIEW. Judicial review of decisions or
14 orders of the industrial commissioner in a proceeding on
15 review of an arbitration decision may be sought in accordance
16 with the terms of the Iowa Administrative Procedure Act.
17 Notwithstanding the terms of the Iowa Administrative Procedure
18 Act, petitions for judicial review may be filed in the district
19 court of the county in which the hearing under section eighty-
20 six point seventeen (86.17) of the Code, was held. Such a
21 review proceeding shall be accorded priority over other matters
22 pending before the district court.

23 Sec. 38. Section eighty-six point twenty-seven (86.27),
24 Code 1973, is amended by striking the section and inserting
25 in lieu thereof the following:

26 86.27 SETTLEMENT OF CONTROVERSY. Notwithstanding the
27 terms of the Iowa Administrative Procedure Act, no party to
28 a contested case under any provision of the "Workman's
29 Compensation Act" may settle a controversy without the approval
30 of the industrial commissioner.

31 Sec. 39. Section eighty-six point twenty-eight (86.28),
32 Code 1973, is amended by striking the section and inserting
33 in lieu thereof the following:

34 86.28 ASSESSMENT OF RECORDING CHARGES. In all contested
35 cases under the "Workman's Compensation Act", the industrial

1 commissioner may assess reasonable charges for the presence
2 of mechanical means or a certified shorthand reporter to
3 record the proceedings.

4 Sec. 40. Section eighty-six point twenty-nine (86.29),
5 Code 1973, is amended by striking the section and inserting
6 in lieu thereof the following:

7 86.29 THE JUDICIAL REVIEW PETITION. Notwithstanding the
8 terms of the Iowa Administrative Procedure Act, in a peti-
9 tion for judicial review of a final decision in a contested
10 case under any provision of the "Workman's Compensation Act",
11 the name of the opposing party shall precede the name of the
12 agency as respondent.

13 Sec. 41. Section eighty-six point thirty-two (86.32),
14 Code 1973, is amended to read as follows:

15 86.32 COSTS ON APPEAL. The In proceedings for judicial
16 review of compensation cases the clerk shall charge no fee
17 for any service rendered ~~in-compensation-cases~~ except the
18 filing fee and transcript fees when the transcript of a
19 judgment is required. The taxation of costs in such appeals
20 shall be in the discretion of the court.

21 Sec. 42. Section eighty-six point thirty-four (86.34),
22 Code 1973, as amended by Acts of the Sixty-fifth General
23 Assembly, 1973 Session, chapter one hundred forty-four (144),
24 section twenty-eight (28), is amended to read as follows:

25 86.34 REVIEW OF AWARD OR SETTLEMENT. Any award for pay-
26 ments or agreement for settlement made under this chapter
27 where the amount has not been commuted, may be reviewed by
28 the industrial commissioner or a deputy commissioner at the
29 request of the employer or of the employee at any time within
30 three years from the date of the last payment of compensation
31 made under such award or agreement, and if on such review
32 the commissioner finds the condition of the employee warrants
33 such action, he may end, diminish, or increase the compensation
34 so awarded or agreed upon. Once an award for payments or
35 agreement for settlement under this chapter has been made

1 where the amount has not been commuted, the commissioner may
 2 at any time upon proper application make a determination and
 3 appropriate order concerning the entitlement of an employee
 4 to benefits provided for in section eighty-five point twenty-
 5 seven (85.27) of the Code. ~~Any-party-aggrieved-by-any-decision~~
 6 ~~or-order~~ Judicial review of action of the industrial
 7 commissioner or a deputy commissioner on a review of award
 8 or settlement as provided in this section, may be sought in
 9 accordance with the terms of the Iowa Administrative Procedure
 10 Act. Notwithstanding the terms of the Iowa Administrative
 11 Procedure Act, petitions for judicial review may be filed
 12 in appeal-to the district court of the county in which the
 13 injury occurred ~~and-in-the-same-manner-as-is-provided-in~~
 14 ~~section-86-26.~~

15 Sec. 43. Section eighty-seven point seven (87.7), Code
 16 1973, is amended to read as follows:

17 87.7 TERMINATION OF PLAN--APPEAL. Such scheme or plan
 18 may be terminated by the industrial commissioner on reasonable
 19 notice to the interested parties if it shall appear that the
 20 same is not fairly administered, or if its operation shall
 21 disclose latent defects threatening its solvency, or if for
 22 any substantial reason it fails to accomplish the purpose
 23 of this chapter; but from any such order of said industrial
 24 commissioner ~~the-parties-affected, whether employer or workman,~~
 25 ~~may,~~ judicial review may be sought in accordance with the
 26 terms of the Iowa Administrative Procedure Act, upon the
 27 giving of proper bond to protect the interests involved,
 28 ~~appeal-to-the-district-court-in-the-same-time-and-manner-as~~
 29 ~~appeals-from-actions-of-the-industrial-commissioner, which~~
 30 ~~appeal-shall-be-tried-as-an-equitable-action.~~

31 Sec. 44. Section eighty-seven point twenty-four (87.24),
 32 Code 1973, is amended to read as follows:

33 87.24 TRIAL BY JURY. When an injured employee ~~has exer-~~
 34 ~~cised-his-or-her~~ exercises a right to enforce a compensa-
 35 tion claim, based upon the provisions of section 87.21, and

1 ~~an appeal, as provided in section 86.26, is taken to the~~
2 ~~district court from~~ judicial review is sought of a decision
3 or award as made by the industrial commissioner, the employer
4 and/or the insurance carrier, on the hearing ~~on such appeal~~
5 in such a judicial review proceeding in the district court,
6 shall, notwithstanding the terms of the Iowa Administrative
7 Procedure Act have the right of trial by jury upon the issues
8 of fact tendered and allowable within the terms of chapters
9 85, 86, and 87, and made of record in arbitration proceedings
10 and/or upon hearing before the industrial commissioner. But
11 the right of a trial by jury shall only apply to compensation
12 cases within the purview of section 87.21.

13 Sec. 45. Section eighty-seven point twenty-five (87.25),
14 Code 1973, is amended to read as follows:

15 87.25 EVIDENCE--INSTRUCTIONS. ~~On~~ Notwithstanding the
16 terms of the Iowa Administrative Procedure Act, on the trial
17 of the case in the district court with a jury, ~~the evidence~~
18 the record of the case in the agency, when certified by the
19 industrial commissioner or his deputy, ~~as provided in sec-~~
20 ~~tion 86.27,~~ shall be the only competent, relevant and material
21 evidence in the case which shall be read from the record thus
22 certified, subject to the rulings of the trial judge upon
23 objections made in the commissioner's court and urged in the
24 district court. But the law of procedure and evidence, as
25 provided in section 86.18, shall apply and govern insofar
26 as reasonably applicable. The trial judge shall give the
27 jury written instruction on the law of the case, but the jury
28 shall determine the facts upon the issues submitted.

29 Sec. 46. Section eighty-seven point twenty-six (87.26),
30 Code 1973, is amended to read as follows:

31 87.26 WAIVER OF JURY. ~~Upon questions of law raised in~~
32 ~~the district court, the appeal shall be considered as if made~~
33 ~~upon one or more of the grounds for appeal, as provided in~~
34 ~~section 86.30~~ With respect to questions of law raised in the
35 district court, the judicial review proceeding in such cases

1 shall be considered as based upon one or more of the grounds
2 for such review as provided in subsection eight (8) of section
3 nineteen (19) of the Iowa Administrative Procedure Act. If
4 demand in writing for a jury trial has not been made and filed
5 with the clerk of the court to which the appeal petition for
6 judicial review is taken, within five days before the case
7 is assigned for hearing, it shall be conclusively presumed
8 that the party entitled thereto has waived a jury trial, and
9 in such case the hearing of the case and appeals to the supreme
10 court of Iowa shall, in all respects, be governed by the rules
11 of law and procedure applicable to workmen's compensation
12 cases to which section 87.21 does not apply.

13 Sec. 47. Section eighty-eight point five (88.5), subsec-
14 tion three (3), paragraph a, and subsections five (5) and
15 six (6), Code 1973, are amended to read as follows:

16 3. TEMPORARY VARIANCES.

17 a. Any employer may apply to the commissioner ~~notwith-~~
18 ~~standing-the-requirements-of-chapter-47A~~ for a temporary order
19 granting a variance from a standard or any provision thereof
20 promulgated under this section. Such temporary order shall
21 be granted only if the employer files an application which
22 meets the requirements of paragraph "b" of this subsection
23 and establishes that he is unable to comply with the standard
24 by its effective date because of unavailability of professional
25 or technical personnel or of materials and equipment needed
26 to come into compliance with the standards or because necessary
27 construction or operation of the facilities cannot be completed
28 by the effective date, that he is taking all available steps
29 to safeguard his employees against the hazards that are covered
30 by the standard, and that he has an effective program for
31 coming into compliance with this standard as quickly as
32 practicable. Any temporary order issued under this paragraph
33 shall prescribe the practices, means, methods, operations,
34 and processes which the employer must adopt and use while
35 the order is in effect and state in detail his program for

1 coming into compliance with the standard. Such a temporary
2 order may be granted only after notice to employees and an
3 opportunity for a hearing, provided that the commissioner
4 may issue one interim order to be effective until a decision
5 is made on the basis of the hearing. No temporary order may
6 be in effect longer than the period needed by the employer
7 to achieve compliance with the standard, or one year, whichever
8 is shorter except that such an order may be renewed not more
9 than twice so long as the requirements of this paragraph are
10 met and an application for renewal is filed at least ninety
11 days prior to the expiration date of the order. No interim
12 renewal of an order may remain in effect for longer than one
13 hundred and eighty days.

14 5. EMERGENCY TEMPORARY STANDARDS. The commissioner shall
15 provide, ~~notwithstanding the requirements of chapter 47A,~~
16 for an emergency temporary standard to take immediate effect
17 if he determines that employees are exposed to grave danger
18 from exposure from substances or agents determined to be toxic
19 or physically harmful or from new hazards and if such emergency
20 temporary standard is necessary to protect the employees from
21 such danger. Such emergency standard shall cease to be
22 effective and shall no longer be applicable after the lapse
23 of six-months following the effective date thereof unless
24 the commissioner has initiated the procedures provided for
25 under this chapter, for the purpose of promulgating a permanent
26 standard as provided in subsection 1 of this section in which
27 case the emergency temporary standard will remain in effect
28 until the permanent standard is adopted and becomes effective.
29 Abandonment of the procedure for such promulgation by the
30 commissioner shall terminate the effectiveness and
31 applicability of the emergency temporary standard.

32 6. PERMANENT VARIANCE. ~~Notwithstanding chapter 47A, any~~
33 Any affected employer may apply to the commissioner for a
34 rule or order for a permanent variance from a standard
35 promulgated under this section. Affected employees shall

1 be given notice of each such application and an opportunity
2 to participate in a hearing. The commissioner shall issue
3 such rule or order if he determines on the record, after
4 opportunity for an inspection where appropriate and a hearing,
5 that the proponent of the variance has demonstrated by a pre-
6 ponderance of the evidence that the conditions, practices,
7 means, methods, operations, or processes used or proposed
8 to be used by an employer will provide employment and places
9 of employment to his employees which are as safe and healthful
10 as those which would prevail if he complied with the standard.
11 The rule or order so issued shall prescribe the conditions
12 the employer must maintain, and the practices, means, methods,
13 operations, and processes which he must adopt and utilize
14 to the extent that they differ from the standard in question.
15 Such a rule or order may be modified or revoked upon applica-
16 tion by an employer, employees, or by the commissioner on
17 his own motion, in the manner prescribed for its issuance
18 under this subsection at any time after six months from its
19 issuance.

20 Sec. 48. Section eighty-eight point five (88.5), subsec-
21 tion ten (10), is amended by striking the subsection and
22 inserting in lieu thereof the following:

23 10. JUDICIAL REVIEW BEFORE ENFORCEMENT. The provisions
24 of the Iowa Administrative Procedure Act shall apply to judi-
25 cial review of standards issued under this section. Notwith-
26 standing any provision of the Iowa Administrative Procedure
27 Act to the contrary, a person who is aggrieved or adversely
28 affected by a standard issued under this section must seek
29 judicial review of such standard prior to the sixtieth day
30 after such standard becomes effective. All determinations
31 of the commissioner shall be conclusive if supported by
32 substantial evidence in the record as a whole.

33 Sec. 49. Section eighty-eight point nine (88.9), subsec-
34 tions one (1) and two (2), Code 1973, are amended to read
35 as follows:

1 1. AGGRIEVED PERSONS. Any person adversely affected or
2 aggrieved by an order of the commission issued under section
3 88.8, subsection 3, may obtain a review of such order Judicial
4 review of any order of the commissioner issued under section
5 88.8, subsection 3, may be sought in accordance with the
6 terms of the Iowa Administrative Procedure Act. Notwithstand-
7 ing the terms of the Iowa Administrative Procedure Act, peti-
8 tions for judicial review may be filed in the district court
9 of the county in which the violation is alleged to have
10 occurred or where the employer has its principal office by
11 filing in such court and may be filed within sixty days
12 following the issuance of such order a written petition that
13 the order be modified or set aside. A copy of such peti-
14 tion shall be forthwith transmitted by the clerk of the court
15 to the commission and to the other parties, and thereupon
16 the commission shall promptly file in the court the transcript
17 of record in the proceedings. Upon such filing, the court
18 shall have jurisdiction of the proceeding and of the question
19 determined therein, and shall have power to grant such tempo-
20 rary relief or restraining order as it deems just and proper,
21 and to make and enter upon the pleadings, testimony, and
22 proceedings set forth in such record a decree affirming,
23 modifying, or setting aside in whole or in part, the order
24 of the commission and enforcing the same to the extent that
25 such order is affirmed or modified. The commencement of
26 proceedings under this subsection shall not, unless ordered
27 by the court, operate as a stay of the order of the commission.
28 No objection which has not been urged before the commission
29 shall be considered by the court, unless the failure or neglect
30 to urge such objection shall be excused because of
31 extraordinary circumstances. The findings of the commission
32 with respect to questions of fact, if supported by substantial
33 evidence on the record considered as a whole, shall be conclu-
34 sive. If any party shall apply to the court for leave to
35 adduce additional evidence and shall show to the satisfaction

1 of-the-court-that-such-additional-evidence-is-material-and
2 that-there-were-reasonable-grounds-for-the-failure-to-adduce
3 such-evidence-in-the-hearing-before-the-commission, the-court
4 may-order-such-additional-evidence-to-be-taken-before-the
5 commission-and-to-be-made-a-part-of-the-record.--The-commission
6 may-modify-its-findings-as-to-the-facts, or-make-new-findings
7 by-reason-of-additional-evidence-so-taken-and-filed, and-it
8 shall-file-such-modified-or-new-findings-with-the-court, which
9 findings-with-respect-to-questions-of-fact, if-supported-by
10 substantial-evidence-on-the-record-considered-as-a-whole,
11 shall-be-conclusive, and-its-recommendations, if-any, for
12 the-modification-or-setting-aside-of-its-original-order.
13 The commission's copy of the testimony shall be available
14 to all parties for examination at all reasonable times, without
15 cost, and for the purpose of judicial review of the
16 commission's orders. Upon-the-filing-of-the-record-with-it,
17 the-jurisdiction-of-the-court-shall-be-exclusive-and-its
18 judgment-and-deeree-shall-be-final, except-that-the-same-shall
19 be-subject-to-review-by-the-state-supreme-court. Petitions
20 filed under this subsection shall be heard expeditiously,
21 and-determined-upon-the-transcript-filed-without-requirement
22 for-printing.

23 2. UNCONTESTED COMMISSION ORDERS. The commissioner may
24 also obtain review or enforcement of any final order of the
25 commission by filing a petition for such relief in the district
26 court of the county in which the alleged violation occurred
27 or in which the employer has its principal office and the
28 judicial review provisions of subsection 4 of this section
29 the Iowa Administrative Procedure Act shall govern such
30 proceedings to the extent applicable. If no petition for
31 judicial review, as-provided-in-subsection 4, is filed within
32 sixty days after service of the commission's order, the
33 commission's findings of fact and order shall be conclusive
34 in connection with any petition for enforcement which is fil
35 by the commissioner after the expiration of such sixty-day

1 period. In any such case, as well as in the case of a
2 noncontested citation or notification by the commissioner
3 which has become a final order of the commission under section
4 88.8, subsection 1 or 2, the clerk of court, unless otherwise
5 ordered by the court, shall forthwith enter a decree enforcing
6 the order and shall transmit a copy of such decree to the
7 commission and the employer named in the petition. In any
8 contempt proceeding brought to enforce a decree of a district
9 court entered pursuant to this subsection or subsection 1
10 of this section, the district court may assess the penalties
11 provided in section 88.14 in addition to invoking any other
12 available remedies.

13 Sec. 50. Section eighty-eight A point eight (88A.8), Code
14 1973, is amended by striking the section and inserting in
15 lieu thereof the following:

16 88A.8 JUDICIAL REVIEW. Judicial review of action of the
17 commissioner may be sought in accordance with the terms of
18 the Iowa Administrative Procedure Act.

19 Sec. 51. Section ninety-six point six (96.6), subsections
20 eight (8) through twelve (12), Code 1973, are amended by
21 striking the subsections and inserting in lieu thereof the
22 following:

23 8. JUDICIAL REVIEW. A decision of the commission shall
24 become final ten days after the date of notification or mail-
25 ing thereof. Judicial review of any decision of the commis-
26 sion may be sought in accordance with the terms of the Iowa
27 Administrative Procedure Act. The commission may be repre-
28 sented in any such judicial review proceeding by any qualified
29 attorney who is a regular salaried employee of the commission
30 or who has been designated by the commission for that purpose,
31 or at the commission's request, by the attorney general.
32 Notwithstanding the terms of the Iowa Administrative Procedure
33 Act, petitions for judicial review may be filed in the dis-
34 trict court of the county in which the claimant was last
35 employed or resides, provided that if the claimant does not

1 reside in the state of Iowa the action shall be brought in
 2 the district court of Polk county, Iowa, and any other party
 3 to the proceeding before the commission shall be named in
 4 the petition. The commission may also, in its discretion,
 5 certify to such courts, questions of law involved in any deci-
 6 sion by it. Petitions for judicial review and the questions
 7 so certified shall be given precedence over all other civil
 8 cases except cases arising under the workmen's compensation
 9 law of this state. No bond shall be required for entering
 10 an appeal from any final order, judgment or decree of the
 11 district court to the supreme court.

12 Sec. 52. Section ninety-six point seven (96.7), subsection
 13 three (3), paragraph f, and subsection six (6), Code 1973,
 14 are amended to read as follows:

15 f. Based upon the formula above provided in this section
 16 the commission shall fix the rate of contribution for each
 17 employer. The commission shall notify the employer of the
 18 rate so fixed. An employer may appeal to the commission for
 19 a revision of the rate of contribution so fixed within thirty
 20 days from the date of the notice to such employer. The com-
 21 mission after such hearing may set aside its former deter-
 22 mination or modify it and may grant the employer a new rate
 23 of contribution. The commission shall notify the employer
 24 of this determination by certified mail. ~~From this deter-~~
 25 ~~mination the employer may appeal to the district court for~~
 26 ~~further hearing. The manner in which such appeal shall be~~
 27 ~~taken and heard shall be in accordance with the provisions~~
 28 ~~of subsections 5 and 6 of this section.~~ Judicial review of
 29 action of the commission may be sought in accordance with
 30 the terms of the Iowa Administrative Procedure Act.

31 6. APPEALS JUDICIAL REVIEW.

32 ~~a. An appeal may be taken by the employer to~~ Notwith-
 33 standing the terms of the Iowa Administrative Procedure Act,
 34 petitions for judicial review may be filed in the district
 35 court of the county in which such employer resides, or in

1 which such employer's principal place of business is located,
2 or in the case of a nonresident not maintaining a place of
3 business in this state either in any county in which the wages
4 payable for employment were earned or paid or in Polk county,
5 within ~~sixty~~ thirty days after the date of the notice to such
6 employer notifying such employer of his rate of contribu-
7 tion, or of the commission's determination as provided for
8 in subsection 3 of this section or subsection 5 of this sec-
9 tion.

10 ~~b.--The appeal shall be taken by the employer filing in~~
11 ~~the office of the clerk of the district court of such county~~
12 ~~his petition setting forth the errors complained of in the~~
13 ~~commission's ruling.--The employer shall cause an original~~
14 ~~notice to be served upon the chairman of the commission in~~
15 ~~the same manner as provided for in ordinary actions in court.~~
16 ~~The commission shall within thirty days from the date on which~~
17 ~~said notice was served on the commission certify and file~~
18 ~~with the clerk of said court a copy of the records and~~
19 ~~proceedings upon which the rate of contributions or the~~
20 ~~assessment of contributions was established.~~

21 The ~~plaintiff~~ petitioner shall file with the clerk of said
22 court a bond for the use of the ~~defendant~~ respondent, with
23 sureties approved by the clerk, in penalty to be fixed and
24 approved by the clerk of said court. In no case shall the
25 bond be less than fifty dollars conditioned that the ~~plaintiff~~
26 petitioner shall perform the orders of the court. In all
27 other respects, the judicial review shall be in accordance
28 with the terms of the Iowa Administrative Procedure Act.

29 ~~c.--The court shall hear the appeal in equity and deter-~~
30 ~~mine anew all questions submitted to it on appeal from the~~
31 ~~determination of the commission.--The court shall render its~~
32 ~~decree thereon and a certified copy of said decree shall be~~
33 ~~filed by the clerk of said court with the commission who shall~~
34 ~~then correct the assessment in accordance with said decree.~~
35 An appeal may be taken by the employer or the commission to

1 the supreme court of this state ~~in-the-same-manner-that-appeals~~
2 ~~are-taken-in-suits-in-equity~~, irrespective of the amount
3 involved.

4 Sec. 53. Section ninety-seven A point six (97A.6), sub-
5 section fourteen (14), Code 1973, is amended by striking the
6 subsection and inserting in lieu thereof the following:

7 14. JUDICIAL REVIEW OF ACTION OF THE BOARD OF TRUSTEES.
8 Judicial review of any action of the board of trustees may
9 be sought in accordance with the terms of the Iowa
10 Administrative Procedure Act. Notwithstanding the terms of
11 the Iowa Administrative Procedure Act, the petition for
12 judicial review must be filed within thirty days after the
13 member receives written notice of the trustees' action. The
14 board of trustees shall be represented by the attorney general.
15 An appeal may be taken by the petitioner or the board of
16 trustees to the supreme court of this state irrespective of
17 the amount involved.

18 Sec. 54. Section ninety-seven B point nineteen (97B.19),
19 Code 1973, is amended to read as follows:

20 97B.19 REVISION FOR ERROR. If, prior to the expiration
21 of six months following the delivery of such statement, it
22 is brought to the attention of the commission that any entry
23 of such wages in such records is erroneous, or that any item
24 of such wages has been omitted from the records, the commis-
25 sion may correct such entry or include such omitted item in
26 its records, as the case may be. Written notice of any
27 revision of any such entry which is adverse to the interest
28 of any individual shall be given to such individual in any
29 case where such individual has previously been notified by
30 the commission of the amount of wages and of the period of
31 payments shown by such entry. Upon request in writing made
32 prior to the expiration of six months immediately following
33 the giving of the statement provided for in section 97B.18,
34 the commission shall afford any individual, or after his death
35 shall afford his beneficiary or any other person so entitled

1 in the judgment of the commission, reasonable notice and
2 opportunity for hearing with respect to any entry or alleged
3 omission of wages of such individual in such record, or any
4 revision of any such entry. If a hearing is held, the commis-
5 sion shall make findings of fact and a decision based upon
6 the evidence adduced at such hearing and shall revise its
7 records accordingly. ~~Any-party-aggrieved-by-the-decision~~
8 ~~of-the-commission-under-this-section-or-section-97B.20-may~~
9 ~~appeal-to-the-district-court-in-the-manner-as-provided-in~~
10 ~~section-97B.29.~~ Judicial review of action of the commis-
11 sion under this section and section ninety-seven B point
12 twenty (97B.20) of the Code may be sought in accordance with
13 the terms of the Iowa Administrative Procedure Act and section
14 ninety-seven B point twenty-nine (97B.29) of the Code.

15 Sec. 55. Section ninety-seven B point twenty-eight
16 (97B.28), Code 1973, is amended to read as follows:

17 97B.28 CONCLUSIVENESS-OF-FINDING REPRESENTATION OF
18 COMMISSION. ~~Any-decision-of-the-commission-in-the-absence~~
19 ~~of-an-appeal-therefrom,-as-herein-provided,-shall-become-final~~
20 ~~thirty-days-after-the-date-of-notification-or-mailing-thereof,~~
21 ~~and-judicial-review-thereof-shall-be-permitted-only-after~~
22 ~~any-party-claiming-to-be-aggrieved-thereby-has-exhausted-his~~
23 ~~remedies-before-the-commission,-as-provided-by-this-chapter.~~
24 The commission shall be deemed to be a party to any judicial
25 action involving any such decision and may be represented
26 in any such judicial action by any qualified attorney who
27 is a regular salaried employee of the commission or who has
28 been designated by the commission for that purpose or, at
29 the commission's request, by the attorney general.

30 Sec. 56. Section ninety-seven B point twenty-nine (97B.29),
31 Code 1973, is amended to read as follows:

32 97B.29 JUDICIAL REVIEW. ~~At-any-time-prior-to-such~~
33 ~~commission-decision-becoming-final,-any-party-aggrieved-thereby~~
34 ~~may-secure-judicial-review-thereof-by-commencing-an-action~~
35 Judicial review of action of the commission may be sought

1 in accordance with the terms of the Iowa Administrative
2 Procedure Act. Notwithstanding the terms of the Iowa
3 Administrative Procedure Act, petitions for judicial review
4 may be filed in the district court of the county in which
5 the claimant was last employed or resides, provided that if
6 the claimant does not reside in the state of Iowa the action
7 shall be brought in the district court of Polk county, Iowa,
8 against the commission for the review of this decision, in
9 which action any other parties to the proceeding before the
10 commission shall be made-a-defendant named in the petition.
11 ~~In-such-action-a-petition, which need not be verified but~~
12 ~~which shall state the grounds upon which a review is sought,~~
13 ~~shall be served on a member of the commission or upon such~~
14 ~~person as the commission may designate, and such service shall~~
15 ~~be deemed completed service on all parties, but there shall~~
16 ~~be left with the parties so served as many copies of the peti-~~
17 ~~tion as there are defendants, and the commission shall forth-~~
18 ~~with mail one such copy to each such defendant.--When service~~
19 ~~is completed such petition shall be filed by appellant with~~
20 ~~the clerk of the district court who shall docket said cause~~
21 ~~in the same manner as provided for other civil actions.--The~~
22 ~~commission shall, within sixty days after the notice of appeal~~
23 ~~has been served on the commission, certify and file with said~~
24 ~~district court all documents and papers and a transcript of~~
25 ~~all testimony taken in the matter, together with the findings~~
26 ~~of fact and decision of the commission therein.--With such~~
27 ~~transcript the commission shall file its answer.--The trans-~~
28 ~~cript, as certified and filed by the commission, shall be~~
29 ~~the record upon which the appeal shall be heard, and no~~
30 ~~additional evidence shall be heard.--In the absence of fraud,~~
31 ~~any findings of fact by the commission after notice and~~
32 ~~hearing, as herein provided, shall be binding on the court~~
33 ~~on appeal when supported by substantial and competent~~
34 ~~evidences. The commission may also, in its discretion, certify~~
35 to such courts, questions of law involving any decision by

1 it. Such ~~actions~~ petitions for judicial review and the
2 questions so certified, ~~shall-be-heard-in-a-summary-manner~~
3 and shall be given precedence over all other civil cases
4 except cases arising under the workmen's compensation law
5 and the employment security law of this state.

6 | Sec. 57. Section ninety-seven B point thirty-two (97B.32),
7 Code 1973, is amended by striking the section and inserting
8 in lieu thereof the following:

9 97B.32 APPEAL TO SUPREME COURT. No bond shall be required
10 for entering an appeal from any final order, judgment, or
11 decree of the district court in a proceeding for judicial
12 review to the supreme court of Iowa.

13 Sec. 58. Section ninety-seven B point thirty-three
14 (97B.33), Code 1973, is amended to read as follows:

15 97B.33 CERTIFICATION TO COMPTROLLER. Upon final decision
16 of the commission, or upon final judgment of any court of
17 competent jurisdiction, that any person is entitled to any
18 payment or payments under this chapter, the commission shall
19 certify to the state comptroller the name and address of the
20 person so entitled to receive such payment or payments, the
21 amount of such payment or payments, and the time at which
22 such payment or payments should be made, and the commission,
23 through the state comptroller, shall make payment in accordance
24 with the certification of the commission provided, that where
25 a judicial review of the commission decision is or may be
26 sought ~~under-section-97B-28~~ in accordance with the terms of
27 the Iowa Administrative Procedure Act, certification of payment
28 may be withheld pending such review. The state comptroller
29 shall not be held personally liable for any payment or payments
30 made in accordance with a certification by the commission.

31 Sec. 59. Section ninety-eight point twenty-nine (98.29),
32 Code 1973, is amended to read as follows:

33 98.29 NOTICE AND APPEAL. The department shall notify
34 any person assessed pursuant to section 98.28 by sending a
35 written notice of such determination and assessment by

1 certified mail to the principal place of business of such
2 person as shown on his application for permit, if any, and
3 in case no such application was filed by such person, to his
4 last known address. ~~Such person may appeal from such~~
5 ~~determination and assessment to the district court in the~~
6 ~~same manner and subject to the same procedure as is provided~~
7 in Judicial review of action of the department may be sought
8 in accordance with the terms of the Iowa Administrative
9 Procedure Act and section 422.29.

10 Sec. 60. Section ninety-eight point forty-eight (98.48),
11 subsection five (5), Code 1973, is amended to read as follows:

12 5. Any person aggrieved by an order of the director fixing
13 a tax, penalty or interest under section 98.43 may, within
14 thirty days from the date of notice of the order, appeal to
15 the board of review in the manner provided by law. ~~Any other~~
16 ~~order of the director under this division shall be subject~~
17 ~~to review by certiorari.~~ Judicial review of any other action
18 of the director may be sought in accordance with the terms
19 of the Iowa Administrative Procedure Act.

20 Sec. 61. Section ninety-nine A point six (99A.6), unnum-
21 bered paragraphs two (2), three (3), and four (4), Code 1973,
22 are amended by striking the unnumbered paragraphs and insert-
23 ing in lieu thereof the following:

24 Judicial review of actions of the issuing authorities may
25 be sought in accordance with the terms of the Iowa Administra-
26 tive Procedure Act. Municipalities acting as issuing author-
27 ities shall be deemed state agencies solely for the purposes
28 of bringing their actions under this chapter within the terms
29 of section nineteen (19) of the Iowa Administrative Procedure
30 Act. Notwithstanding the provisions of the Iowa Administra-
31 tive Procedure Act, petitions for judicial review may be filed
32 in the district court in and for the county where the business
33 of the licensee is located. If the licensee has not filed
34 a petition for judicial review in district court, revocation
35 shall date from the thirty-first day following the date of

1 the order of the issuing authority. If the licensee has filed
2 a petition for judicial review, revocation shall date from
3 the thirty-first day following entry of the order of the dis-
4 trict court, if action by the district court is adverse to
5 the licensee.

6 Sec. 62. Section one hundred point sixteen (100.16), Code
7 1973, is amended by striking the section and inserting in
8 lieu thereof the following:

9 100.16 JUDICIAL REVIEW. Judicial review of actions of
10 the fire marshal may be sought in accordance with the terms
11 of the Iowa Administrative Procedure Act. Notwithstanding
12 the terms of the Iowa Administrative Procedure Act, petitions
13 for judicial review may be filed in the district court of
14 the county where such building is located.

15 Sec. 63. Section one hundred point seventeen (100.17),
16 Code 1973, is amended to read as follows:

17 100.17 ~~HOW-APPEAL-TAKEN BOND--SUSPENSION OF ORDER.~~ Such
18 ~~appeal~~ petition for judicial review shall be ~~taken-by-filing~~
19 ~~in-the-office-of-the-fire-marshal-notice-of-such-appeal,~~
20 ~~specifying-the-order-appealed-from-and-the-court-to-which~~
21 ~~the-appeal-is-taken,~~ accompanied by a bond in the penal sum
22 of one hundred dollars with sureties approved by the clerk
23 of said court, conditioned to pay all costs that shall be
24 adjudged against ~~appellant~~ petitioner and abide the decree,
25 judgment, and order of the court. Notwithstanding the
26 provisions of the Iowa Administrative Procedure Act, any order
27 of the fire marshal which is the subject of a judicial review
28 proceeding shall be suspended during such proceeding.

29 Sec. 64. Section one hundred point twenty-three (100.23),
30 Code 1973, is amended to read as follows:

31 100.23 COSTS. If the appellant fails in the ~~appeal~~
32 judicial review proceeding the costs shall be taxed against
33 him, but if the order is revoked or annulled the costs shall
34 be taxed to the state. If the order shall be modified, the
35 court may in its discretion apportion the costs.

1 Sec. 65. Section one hundred point twenty-six (100.26),
2 Code 1973, is amended to read as follows:

3 100.26 TIME FOR COMPLIANCE WITH ORDER. When no petition
4 of review has been filed or when the fire marshal on review
5 or the court on appeal review has affirmed or modified an
6 order for the removal, destruction, or repair of a building,
7 or the removal of any of its contents, or the change of any
8 of its conditions, the owner, lessee, or occupant shall comply
9 with such order within thirty days after the delivery of the
10 same or a copy thereof to him, either personally or by certi-
11 fied letter to his last known address, or by service upon
12 his duly appointed agent. If such owner, lessee, or occu-
13 pant shall fail to comply with such order he shall be subject
14 to a penalty of ten dollars for each day of failure or neglect
15 after the expiration of said period, which shall be recovered
16 in the name of the state and paid into the treasury of the
17 county where collected.

18 Sec. 66. Section one hundred point twenty-seven (100.27),
19 Code 1973, is amended to read as follows:

20 100.27 REFUSAL TO OBEY ORDERS. If any person fails to
21 comply with a final order of the marshal or of a court on
22 #appeal review and within the time fixed, then such offi-
23 cers are empowered and authorized to cause such building or
24 premises to be repaired, torn down, demolished, materials
25 and all dangerous conditions removed, as the case may be,
26 and at the expense of such person, and if such person within
27 thirty days thereafter fails, neglects, or refuses to repay
28 said officers the expense thereby incurred by them, such
29 officers shall certify said expenses, together with twenty-
30 five percent penalty thereon, to the auditor of the county
31 in which said property is situated.

32 Sec. 67. Section one hundred point twenty-eight (100.28),
33 Code 1973, is amended to read as follows:

34 100.28 NOTICE. Notice of the reasonableness and amount
35 of assessment shall be given in a manner as provided for

1 giving notice in ordinary actions by the marshal or his
2 designated subordinate to the property owner, also notifying
3 the property owner that a hearing thereon shall be had before
4 the auditor of said county on a day not less than ten nor
5 more than fifteen days from the date of completed service
6 of notice upon the property owner and if no ~~appeal-is-taken~~
7 ~~therefrom-to-the-district-court~~ petition for judicial review
8 is filed in accordance with the terms of the Iowa
9 Administrative Procedure Act at the time fixed in said notice
10 the auditor shall hear and determine the matter. ~~Any person~~
11 ~~aggrieved-by-the-order-and-determination-of-the-auditor-may~~
12 ~~appeal-therefrom-to-the-district-court-of-the-county-by-serving~~
13 ~~notice-within-twenty-days-thereafter-upon-said-auditor,-and~~
14 ~~such-appeal-shall-be-heard-and-determined-by-the-court-as~~
15 ~~in-cases-of-appeals-from-the-order-of-the-fire-marshal-as~~
16 ~~provided-in-this-chapter.~~ Judicial review of the order and
17 determination of the auditor may be sought in accordance with
18 the terms of the Iowa Administrative Procedure Act. For the
19 purpose of coming within the judicial review provisions of
20 the Iowa Administrative Procedure Act only, the auditor's
21 order and determination under this section shall be deemed
22 the action of the state fire marshal.

23 Sec. 68. Section one hundred one A point four (101A.4),
24 subsection one (1), Code 1973, is amended by striking the
25 subsection and inserting in lieu thereof the following:

26 1. Judicial review of the action of the commissioner may
27 be sought in accordance with the terms of the Iowa Adminis-
28 trative Procedure Act.

29 Sec. 69. Section one hundred three A point seventeen
30 (103A.17), subsection seven (7), Code 1973, is amended to
31 read as follows:

32 7. The decision of the board of review may be appealed
33 to the advisory council by any party by filing a petition
34 with the advisory council at any time prior to the effective
35 date of such decision. The advisory council shall consider

1 all questions of fact and law involved and issue its decision
2 pertaining to the same not later than ten days after receipt
3 of the appeal. ~~Any party to the proceedings aggrieved by~~
4 ~~the decision of the advisory council may, within ten days~~
5 ~~after receipt of the decision, appeal the decision to the~~
6 ~~district court.~~

7 Sec. 70. Section one hundred three A point eighteen
8 (103A.18), Code 1973, is amended to read as follows:

9 103A.18 COURT PROCEEDINGS. Judicial review of action
10 of the commissioner, board of review, or council may be sought
11 in accordance with the terms of the Iowa Administrative Pro-
12 cedure Act. Notwithstanding the terms of the Iowa Adminis-
13 trative Procedure Act:

14 1. An appeal Filing of a petition for judicial review
15 shall stay all proceedings on the matter appealed with respect
16 to which review is sought unless there is a showing by the
17 state agency or a local building department that a stay would
18 involve imminent peril to life or property.

19 2. No court shall entertain an action based on the state
20 building code unless all administrative remedies have been
21 exhausted, except:

22 a. When the action is instituted by the state or a govern-
23 mental subdivision; or

24 b. When there is good cause for the failure to exhaust
25 administrative remedies.

26 3. Subject to subsection 1 of this section, where the
27 construction of a building or structure or use of a building
28 is in violation of any code provision or lawful order of a
29 local building department, the district court may on petition
30 order removal of the building, abatement as a public nuisance,
31 or enjoin further construction.

32 4. Judicial Petitions for judicial review may be obtained
33 by commencing an action filed in the county where the cause
34 of action or some part thereof arose. ~~The district court~~
35 ~~shall hear and decide the matter de novo.~~

1 ~~5.--An appeal from a decision of the district court may~~
2 ~~be taken to the supreme court as in other cases.~~

3 Sec. 71. Section one hundred twelve point eight (112.8),
4 Code 1973, is amended by striking the section and inserting
5 in lieu thereof the following:

6 112.8 JUDICIAL REVIEW--BOND. Judicial review of the
7 orders or actions of the commission fixing the amount of com-
8 pensation awarded or damages sustained by any claimant may
9 be sought in accordance with the terms of the Iowa
10 Administrative Procedure Act. The petition for review shall
11 be accompanied by an appeal bond with sufficient sureties
12 to be approved by the clerk of the district court conditioned
13 to pay all costs adjudged against the petitioner.

14 Sec. 72. Section one hundred twelve point nine (112.9),
15 Code 1973, is amended to read as follows:

16 112.9 FINAL DETERMINATION AND COSTS. The amount of damages
17 or compensation found by the court shall be entered of record.
18 Unless the result ~~on the appeal~~ of the judicial review
19 proceeding is more favorable to the ~~appellant~~ petitioner than
20 the action of the commission, all costs of the ~~appeal~~ judicial
21 review proceeding shall be taxed to the ~~appellant~~ petitioner,
22 but if more favorable, the cost shall be taxed to the ~~appellees~~
23 respondents. All damages assessed and all costs occasioned
24 under this chapter shall be paid from the funds of the
25 commission.

26 Sec. 73. Section one hundred seventeen point forty-one
27 (117.41), Code 1973, is amended to read as follows:

28 -117.41 FINDINGS OF FACT. If the majority of the commis-
29 sion shall determine that any applicant is not qualified to
30 receive a license, a license shall not be granted to such
31 applicant, and if the commission shall determine that any
32 licensee is guilty of a violation of any of the provisions
33 of this chapter, the license may be suspended or revoked.
34 The commission, upon request of the applicant or licensee,
35 shall furnish said applicant or licensee with a definite

1 statement of its findings of fact and its reason or reasons
2 for refusing to grant the license or for suspension of the
3 rights of the licensee or for the revocation of the license,
4 as the case may be. ~~The findings of fact made by the~~
5 ~~commission acting within its powers shall, in the absence~~
6 ~~of fraud, be conclusive, but the district court of the county~~
7 ~~of the licensee's residence or the judge thereof shall have~~
8 ~~the power to review questions of law involved in any final~~
9 ~~decision or determination of the commission, provided that~~
10 ~~an application is made by the aggrieved party within ten days~~
11 ~~after such determination by certiorari, mandamus, or by any~~
12 ~~other method permissible under the rules and practices of~~
13 ~~said court, or the laws of this state, and said court may~~
14 ~~make such further orders in respect thereto as justice may~~
15 ~~require.~~ Judicial review of action of the commission may
16 be sought in accordance with the terms of the Iowa
17 Administrative Procedure Act. Notwithstanding the terms of
18 the Iowa Administrative Procedure Act, petitions for judicial
19 review may be filed in the district court of the county of
20 the licensee's residence.

21 Sec. 74. Section one hundred twenty point ten (120.10),
22 Code 1973, is amended to read as follows:

23 120.10 REVOCATION. The board may revoke a certificate
24 of registration obtained through error of the board or fraud
25 of the applicant, or if the holder is grossly incompetent,
26 guilty of immoral or unethical conduct, or obtained or sought
27 anything of value by fraudulent representation in the practice
28 of watchmaking. The holder of such certificate shall be given
29 thirty days' notice in writing enumerating the charges and
30 fixing a date for the hearing thereon. Such notice shall
31 be given to the certificate holder by certified mail addressed
32 to him at his last known address as shown by the secretary.
33 At the hearing he shall have the opportunity to defend himself
34 against the charges and to introduce evidence tending to
35 disprove the charges. ~~If the board should refuse any such~~

1 application-and-refuse-to-renew-any-such-license-the-applicant
2 may-within-thirty-days-after-the-order-of-the-board-and-not
3 afterward-appeal-therefrom-by-a-writ-of-certiorari-to-the
4 district-court-where-upon-such-appeal-the-hearing-shall-be
5 de-novo-and-all-legal-evidence-pertaining-to-the-matter-of
6 whether-or-not-such-license-should-be-renewed-may-be-submitted,
7 including-new-evidence-not-submitted-to-the-board. Judicial
8 review of any action of the board may be sought in accordance
9 with the terms of the Iowa Administrative Procedure Act.

10 Upon the expiration of one year, and after satisfactory proof
11 that the cause of revocation no longer exists, a person whose
12 certificate has been revoked may be issued a certificate of
13 registration at the discretion of the board, upon payment
14 of the fee herein provided.

15 Sec. 75. Section one hundred thirty-five B point six
16 (135B.6), Code 1973, is amended to read as follows:

17 135B.6 DENIAL OR REVOCATION OF LICENSE--HEARINGS AND
18 REVIEW. The state department of health shall have the
19 authority to deny, suspend or revoke a license in any case
20 where it finds that there has been a substantial failure to
21 comply with the provisions of this chapter or the rules,
22 regulations or minimum standards promulgated under this
23 chapter.

24 Such denial, suspension, or revocation shall be effected
25 by mailing to the applicant or licensee by certified mail,
26 or by personal service of, a notice setting forth the
27 particular reasons for such action. Such denial, suspension,
28 or revocation shall become effective thirty days after the
29 mailing or service of the notice, unless the applicant or
30 licensee, within such thirty-day period shall give written
31 notice to the department requesting a hearing, in which case
32 the notice shall be deemed to be suspended. If a hearing
33 has been requested, the applicant or licensee shall be given
34 an opportunity for a prompt and fair hearing before the
35 department. At any time at or prior to hearing, the department

1 may rescind the notice of denial, suspension or revocation
2 upon being satisfied that the reasons for the denial,
3 suspension or revocation have been or will be removed. On
4 the basis of any such hearing, or upon default of the applicant
5 or licensee the determination involved in the notice may be
6 affirmed, modified, or set aside, by the department. A copy
7 of such decision, setting forth the finding of facts and the
8 particular reasons for the decision shall be sent by certified
9 mail, or served personally upon, the applicant or licensee.
10 ~~The decision shall become final thirty days after it is se~~
11 ~~mailed or served, unless the applicant or licensee, within~~
12 ~~such thirty-day period, appeals the decision to the court,~~
13 ~~pursuant to section 135B.14.~~

14 The procedure governing hearings authorized by this section
15 shall be in accordance with rules promulgated by said depart-
16 ment with the advice of the hospital licensing board. A full
17 and complete record shall be kept of all proceedings, and
18 all testimony shall be reported but need not be transcribed
19 unless ~~the decision is appealed~~ judicial review is sought
20 pursuant to section 135B.14. A copy or copies of the
21 transcript may be obtained by an interested party on payment
22 of the cost of preparing such copy or copies. Witnesses may
23 be subpoenaed by either party and shall be allowed fees at
24 a rate prescribed by the aforesaid rules.

25 Sec. 76. Section one hundred thirty-five B point fourteen
26 (135B.14), Code 1973, is amended by striking the section and
27 inserting in lieu thereof the following:

28 135B.14 JUDICIAL REVIEW. Judicial review of the action
29 of the commissioner of public health may be sought in accor-
30 dance with the terms of the Iowa Administrative Procedure
31 Act. Notwithstanding the terms of the Iowa Administrative
32 Procedure Act, petitions for judicial review may be filed
33 in the district court of the county in which the hospital
34 is located or to be located, and the status quo of the
35 petitioner or licensee shall be preserved pending final

1 disposition of the matter in the courts.

2 Sec. 77. Section one hundred thirty-five C point thirteen
3 (135C.13), Code 1973, is amended to read as follows:

4 135C.13 APPEAL JUDICIAL REVIEW. ~~Any applicant or licensee~~
5 ~~who is dissatisfied with the decision of the commissioner~~
6 ~~as a result of the hearing procedure provided herein may~~
7 ~~appeal the decision within thirty days after the mailing or~~
8 ~~-serving of notice of the decision by filing a notice of appeal~~
9 Judicial review of action of the commissioner may be sought
10 in accordance with the terms of the Iowa Administrative
11 Procedure Act. Notwithstanding the terms of the Iowa
12 Administrative Procedure Act, petitions for judicial review
13 may be filed in the district court of the county where the
14 facility or proposed facility is located, and ~~by serving a~~
15 ~~copy of said notice of appeal upon the department. -- Thereupon~~
16 ~~the department shall within thirty days certify and file with~~
17 ~~the court a copy of the record and decision, including the~~
18 ~~transcript of the hearings on which the decision is based.~~
19 ~~The trial before the court shall be de novo and all legal~~
20 ~~evidence pertaining to the matter of whether or not such~~
21 ~~license shall be denied, suspended, or revoked, as the case~~
22 ~~may be, may be submitted including new or additional evidence~~
23 ~~not submitted to the commissioner, and the court shall have~~
24 ~~power to affirm, modify, or reverse the decision of the~~
25 ~~commissioner. -- Pending~~ pending final disposition of the matter
26 the status quo of the applicant or licensee shall be preserved
27 except when the commissioner, with the advice and consent
28 of the care review committee established pursuant to section
29 135C.25, determines that the health, safety or welfare of
30 the residents or patients of the facility are in immediate
31 danger, in which case he may order the immediate removal of
32 such residents or patients.

33 Sec. 78. Section one hundred thirty-five D point eight
34 (135D.8), Code 1973, is amended to read as follows:

35 135D.8 DENIAL OF PERMIT OR LICENSE. If the application

1 for a permit to construct or make alterations upon a mobile
 2 home park and the appurtenances thereto, or a primary license
 3 to operate the same, is denied by the state department of
 4 health, it shall so state in writing, giving the reasons for
 5 denying the application. If the objection can be corrected,
 6 the applicant may amend his application and resubmit it for
 7 approval~~7-and-if-denied-the-applicant-may-within-thirty-days~~
 8 ~~thereafter-appeal-from-the-decision-of-the-state-board-of~~
 9 ~~health-to.~~ Judicial review of the action of the state board
 10 of health may be sought in accordance with the terms of the
 11 Iowa Administrative Procedure Act. Notwithstanding the terms
 12 of the Iowa Administrative Procedure Act, petitions for
 13 judicial review may be filed in the district court of the
 14 county in which said mobile home park is located~~7-and-the~~
 15 ~~case-shall-be-tried-in-equity.~~

16 Sec. 79. Section one hundred thirty-eight point ten
 17 (138.10), Code 1973, is amended to read as follows:

18 138.10 ~~APPEAL-TO-COURT~~ JUDICIAL REVIEW. Any person
 19 ~~aggrieved-by-a-final-order-or-determination-of-the-commis-~~
 20 ~~sioner-may-appeal-such-final-order-or-determination7--for~~
 21 ~~trial-de-novo-in-equity7--to~~ Judicial review of actions of
 22 the commissioner may be sought in accordance with the terms
 23 of the Iowa Administrative Procedure Act. Notwithstanding
 24 the terms of the Iowa Administrative Procedure Act, petitions
 25 for judicial review may be filed in the district court of
 26 the county wherein the license was to be issued or wherein
 27 such license is to be revoked or suspended~~7--Any-such-appeal~~
 28 ~~shall-be-filed-within-twenty-days-of-the-date-of-the-final~~
 29 ~~order-or-determination-by-the-commissioner7--Notice-of-appeal~~
 30 ~~shall-be-served-upon-all-parties-to-the-appeal-and-hearing~~
 31 ~~before-the-commissioner-in-the-same-manner-as-are-original~~
 32 ~~notices-in-civil-actions7--However7-such-appeal~~ , and such
 33 a petition for judicial review shall not operate to stay any
 34 order or final determination of the commissioner unless the
 35 district court finds upon hearing after reasonable notice

1 to all interested parties, that substantial damage would
2 result to the appealing party unless such order or final
3 determination was stayed and such a stay would not endanger
4 the health, safety, or welfare of any inhabitants of a migrant
5 labor camp. ~~Any aggrieved party may appeal to the supreme
6 court from the final determination of the district court as
7 provided by law.~~

8 Sec. 80. Section one hundred forty-four point fifteen
9 (144.15), unnumbered paragraph two (2), Code 1973, is amended
10 to read as follows:

11 When an applicant does not submit the substantiating evi-
12 dence required for delayed registration or when the state
13 registrar finds reason to question the validity or adequacy
14 of the evidence, the state registrar shall not register the
15 delayed certificate and shall advise the applicant of the
16 reasons for this action. The registration official shall
17 advise the applicant of his right of appeal to the district
18 court pursuant to sections one hundred forty-four point
19 seventeen (144.17) and one hundred forty-four point eighteen
20 (144.18) of the Code, which sections shall be applicable to
21 such appeal notwithstanding the terms of the Iowa Administra-
22 tive Procedure Act.

23 Sec. 81. Section one hundred forty-seven point one hundred
24 twenty-one (147.121), Code 1973, is amended to read as follows:

25 147.121 LICENSING FUNCTION. The board shall license nurs-
26 ing home administrators in accordance with rules and regula-
27 tions issued, and from time to time revised, by it. A nursing
28 home administrator's license shall not be transferable and
29 shall be valid until surrendered for cancellation or suspended
30 or revoked for violation of this division or any other laws
31 or regulations relating to the proper administration and
32 management of a nursing home. Any denial of issuance or
33 renewal, suspension, or revocation under any section of this
34 division shall be subject to judicial review upon the timely
35 request of the applicant or licensee and pursuant to Iowa

1 state-procedures in accordance with the terms of the Iowa
2 Administrative Procedure Act.

3 Sec. 82. Section one hundred forty-eight point seven
4 (148.7), subsection eight (8), Code 1973, is amended by strik-
5 ing the subsection and inserting in lieu thereof the following:

6 | 8. Judicial review of the board's action may be sought
7 in accordance with the terms of the Iowa Administrative
8 Procedure Act. Notwithstanding the terms of the Iowa
9 Administrative Procedure Act, petitions for judicial review
10 may be filed in the district court in and for Polk county,
11 or in the district court of the county in which the licensee
12 resides.

13 Sec. 83. Section one hundred fifty-three point twenty-
14 eight (153.28), Code 1973, is amended by striking the section
15 and inserting in lieu thereof the following:

16 153.28 JUDICIAL REVIEW. Judicial review of actions of
17 the board may be sought in accordance with the terms of the
18 Iowa Administrative Procedure Act. Notwithstanding the terms
19 of the Iowa Administrative Procedure Act, petitions for
20 judicial review may be filed in the district court in the
21 county where an applicant for a license resides.

22 Sec. 84. Section one hundred fifty-three point twenty-
23 nine (153.29), Code 1973, is amended to read as follows:

24 153.29 ORDER STANDS DURING REVIEW. The Notwithstanding
25 the terms of the Iowa Administrative Procedure Act, the order
26 of the board rejecting such application, and refusing to renew
27 such license, shall remain in force and effect until such
28 writ-of-certiorari petition for judicial review is finally
29 determined and disposed of upon the merits and no new or
30 temporary license shall be issued to the applicant pending
31 such disposition.

32 Sec. 85. Section one hundred fifty-three point thirty
33 (153.30), Code 1973, is amended to read as follows:

34 153.30 REINSTATEMENT--EXAMINATION. Any former licensee
35 whose application for renewal of license has been rejected

1 by the board and who has not successfully prosecuted a review
2 ~~by-certierari~~ proceeding for judicial review therefrom as
3 herein provided shall not thereafter receive such license
4 or renewal thereof unless same shall be granted by the board
5 and upon payment of the renewal fees then due. Said board
6 may require examination of the former licensee, in which case
7 he shall pay the examination fees provided by law.

8 Sec. 86. Section one hundred fifty-five point sixteen
9 (155.16), Code 1973, is amended by striking the section and
10 inserting in lieu thereof the following:

11 155.16 JUDICIAL REVIEW. Judicial review of actions or
12 decisions of the board may be sought in accordance with the
13 terms of the Iowa Administrative Procedure Act. Notwithstand-
14 ing the terms of the Iowa Administrative Procedure Act, peti-
15 tions for judicial review may be filed in the district court
16 of the county in which the licensee is located.

17 Sec. 87. Section one hundred fifty-seven point nine
18 (157.9), unnumbered paragraph three (3), Code 1973, is amended
19 by striking the unnumbered paragraph and inserting in lieu
20 thereof the following:

21 Judicial review of actions of the board or department of
22 health may be sought in accordance with the terms of the Iowa
23 Administrative Procedure Act.

24 Sec. 88. Section one hundred sixty-six B point seven
25 (166B.7), Code 1973, is amended by striking the section and
26 inserting in lieu thereof the following:

27 166B.7 JUDICIAL REVIEW. Judicial review of department
28 of agriculture action under this chapter may be sought in
29 accordance with the terms of the Iowa Administrative Procedure
30 Act. Notwithstanding the terms of the Iowa Administrative
31 Procedure Act, petitions for judicial review may be filed
32 in the district court of the county, wherein the hogs are
33 situated.

34 Sec. 89. Section one hundred eighty-nine A point fourteen
35 (189A.14), Code 1973, is amended to read as follows:

1 189A.14 APPEAL JUDICIAL REVIEW--ENFORCEMENT.

2 1. ~~Any order issued under subsection 3 of section 489A.5~~
3 ~~or subsections 47-27, or 3 of section 489A.7 shall be final~~
4 ~~unless appealed to the district court within thirty days after~~
5 ~~service.--Review of any such order and the determinations~~
6 ~~upon which it is based shall be upon the record in the proceed-~~
7 ~~ings in which the order was issued.~~ Judicial review of the
8 action of the secretary may be sought in accordance with the
9 terms of the Iowa Administrative Procedure Act.

10 2. The district court is hereby vested with jurisdiction
11 to enforce this chapter, to prevent and restrain violations
12 herein, ~~and shall have jurisdiction in all other kinds of~~
13 ~~cases arising hereunder.~~

14 Sec. 90. Section one hundred ninety-one A point seven
15 (191A.7), Code 1973, is amended to read as follows:

16 191A.7 DISCIPLINARY ACTION. Any license issued under
17 this chapter may be revoked by the department for violation
18 by the licensee of any provision of this chapter or any
19 applicable rules or regulations of the department. In lieu
20 of license revocation, the department may require the imme-
21 diate discontinuance of operation of any vending machine or
22 commissary whenever the department finds unsanitary conditions
23 or any other conditions which constitute a substantial hazard
24 to the public health. The order shall apply only to the
25 vending machines, commissary, or product involved. Any person
26 whose license is revoked, or who is ordered to discontinue
27 the operation of any vending machine or commissary, may appeal
28 such decision to the secretary. The secretary or his designee
29 shall schedule and hold a hearing upon the appeal not later
30 than thirty days from the time of revocation or the order
31 of discontinuance, and shall issue his decision immediately
32 following the hearing. ~~Any person aggrieved by the decision~~
33 ~~of the secretary or his designee may appeal such decision~~
34 ~~to the district court.~~ Judicial review may be sought in
35 accordance with the terms of the Iowa Administrative Procedure

1 Act.

2 Sec. 91. Section one hundred ninety-two A point twenty
3 (192A.20), Code 1973, is amended to read as follows:

4 192A.20 ~~ORDER TO APPEAR--APPEAL~~ JUDICIAL REVIEW. Whenever
5 the secretary has reason to believe that any person has
6 violated any of the provisions of this chapter or any rules
7 or regulations adopted thereunder, he may enter an order
8 requiring such person to appear before him and show cause
9 why an order should not be entered requiring such person to
10 cease and desist from the violations charged. Such order
11 shall set forth the alleged violations, fix the time and place
12 of the hearing, and provide for notice thereof which shall
13 be given not less than twenty days before the date of such
14 hearing. After hearing by the secretary, or if the person
15 charged with such violation fails to appear at the time of
16 said hearing, if he finds such person to be in violation he
17 shall enter an order requiring such person to cease and desist
18 from the specific acts, practices, or omissions so found to
19 be in violation and from related acts, practices or omissions.

20 ~~Any such order shall become final upon the expiration of~~
21 ~~thirty days after its entry if no appeal is taken therefrom.~~

22 ~~Any person aggrieved by any~~ Any order entered by the
23 secretary or other action of the secretary may ~~take an appeal~~
24 ~~therefrom to the district court as provided elsewhere herein~~
25 ~~for license denial, suspension or revocation~~ be judicially
26 reviewed in accordance with the terms of the Iowa Administra-
27 tive Procedure Act.

28 Any person violating any order of the secretary under the
29 first paragraph of this section after the ~~same has become~~
30 ~~final~~ period for seeking judicial review thereof has elapsed
31 without the filing of a petition for such review, or on the
32 termination of any review proceedings shall be subject to
33 a civil penalty to be levied by the district court in a
34 proceeding instituted for that purpose in an amount of not
35 less than five hundred dollars and not more than ten thousand

1 dollars provided that in the case of continuing violations
2 the minimum amount of such penalty shall be either five hundred
3 dollars or twenty-five dollars for each day of violation,
4 whichever is the larger.

5 Sec. 92. Section one hundred ninety-two A point twenty-
6 five (192A.25), Code 1973, is amended to read as follows:

7 192A.25 PROCEDURE--JUDICIAL REVIEW. The department shall
8 by certified mail or by personal service notify the person
9 whose license has been denied, suspended, or revoked setting
10 forth the reasons for the decision. The denial, suspension,
11 or revocation shall become effective thirty days after the
12 mailing or service of the notification ~~unless the person whose~~
13 ~~license has been denied, suspended, or revoked files within~~
14 ~~the thirty-day period a notice of appeal in the district court~~
15 ~~and serves a copy of the notice of appeal upon the depart-~~
16 ~~ment. Thereupon the department shall within thirty days~~
17 ~~certify and file with the court a copy of the record and deci-~~
18 ~~sion including the transcript of the hearings upon which the~~
19 ~~decision was based.~~ Judicial review may be sought of any
20 such action in accordance with the terms of the Iowa Adminis-
21 trative Procedure Act.

22 Sec. 93. Section one hundred ninety-nine point eleven
23 (199.11), subsection two (2), paragraph b, Code 1973, is
24 amended to read as follows:

25 b. To issue and enforce a written or printed "stop sale"
26 order to the owner or custodian of any lot of agricultural
27 seed which the state secretary of agriculture or his authorized
28 agents believe is in violation of any of the provisions of
29 this chapter which shall prohibit further sale of such seed
30 until such officer has evidence that the law has been complied
31 with; provided, that the owner or custodian of such seed shall
32 be permitted to remove said seed from a salesroom open to
33 the public; provided further, that in respect to seeds which
34 have been denied sale as provided in this subsection, ~~the~~
35 ~~owner or custodian of such seeds shall have the right to~~

1 ~~appeal from such order to a court of competent jurisdiction~~
2 judicial review may be sought in accordance with the terms
3 of the Iowa Administrative Procedure Act. Notwithstanding
4 the terms of the Iowa Administrative Procedure Act, petitions
5 for judicial review may be filed in the district court where
6 ~~the seeds are found, praying for a judgment as to the justifi-~~
7 ~~cation of said order and for the discharge of such seed~~
8 ~~from the order prohibiting the sale in accordance with the~~
9 ~~findings of the court, and~~ And provided further, that the
10 provisions of this subsection shall not be construed as limit-
11 ing the right of the enforcement officer to proceed as autho-
12 rized by other sections of this chapter.

13 Sec. 94. Section two hundred point fourteen (200.14),
14 subsection three (3), Code 1973, is amended by striking the
15 subsection.

16 Sec. 95. Section two hundred four point three hundred
17 five (204.305), subsection two (2), Code 1973, is amended
18 to read as follows:

19 2. The board, without an order to show cause, may sus-
20 pend any registration simultaneously with the institution
21 of proceedings under section 204.304, or where renewal of
22 registration is refused, if it finds that there is an im-
23 minent danger to the public health or safety which warrants
24 this action. The suspension shall continue in effect until
25 the conclusion of the proceedings, including judicial review
26 thereof, under the provisions of the Iowa Administrative
27 Procedure Act, unless sooner withdrawn by the board or dis-
28 solved by the district or supreme court.

29 Sec. 96. Section two hundred four point five hundred eight
30 (204.508), Code 1973, is amended by striking the section and
31 inserting in lieu thereof the following:

32 204.508 JUDICIAL REVIEW. Judicial review of actions of
33 board or department may be sought in accordance with the terms
34 of the Iowa Administrative Procedure Act.

35 Sec. 97. Section two hundred twenty-two point fifty-nine

1 (222.59), subsection four (4), unnumbered paragraph two (2),
2 as created by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred seventy-nine (179), section one
4 (1), Code 1973, is amended to read as follows:

5 ~~An appellant aggrieved by the result of such hearing may,~~
6 ~~within thirty days, appeal to~~ Judicial review of actions
7 of the department may be sought in accordance with the terms
8 of the Iowa Administrative Procedure Act. Notwithstanding
9 the terms of the Iowa Administrative Procedure Act, peti-
10 tions for judicial review may be filed in the district court
11 of Polk County or of the county in which the appellant pe-
12 tioner resides; ~~by serving notice of such appeal upon the~~
13 ~~commissioner of social services or his designee, in the man-~~
14 ~~ner required for the service of original notice in a civil~~
15 ~~action.~~ Upon such notice, and the department shall furnish
16 the appellant petitioner with a copy of any papers filed by
17 him in support of his position, a transcript of any testi-
18 mony taken, and a copy of the department's decision.

19 Sec. 98. Section two hundred twenty-two point fifty-nine
20 (222.59), subsection four (4), unnumbered paragraph four (4),
21 as created by Acts of the Sixty-fifth General Assembly, 1973
22 Session, chapter one hundred seventy-nine (179), section one
23 (1), Code 1973, is amended by striking the unnumbered para-
24 graph and inserting in lieu thereof the following:

25 Notwithstanding the terms of the Iowa Administrative Pro-
26 cedure Act, where a petition is filed for judicial review
27 of a proposed placement, the proposed placement shall be
28 stayed pending the outcome of said review proceeding.

29 Sec. 99. Section two hundred twenty-four point five
30 (224.5), Code 1973, is amended to read as follows:

31 224.5 MENTAL ILLNESS OF NARCOTIC ADDICTS. Should a per-
32 son, committed because of his excessive use of narcotic drugs
33 or intoxicating liquors, become mentally ill, the commissioner
34 of the state department of social services, on complaint of
35 the superintendent having the custody of such person, and

1 on due hearing, may order such person committed to a hospital
2 for the mentally ill. Such order shall have the same force
3 and effect as though entered by the commissioners of hos-
4 pitalization of the county of the patient's residence, and
5 notwithstanding the terms of the Iowa Administrative Pro-
6 cedure Act, such person may appeal from such order in the
7 same manner in which appeals are allowed from the orders of
8 the commissioners of hospitalization.

9 Sec. 100. Section two hundred twenty-five point thirty-
10 nine (225.39), Code 1973, is amended by adding the following
11 new paragraph:

12 NEW PARAGRAPH. This section applies notwithstanding the
13 provisions of the Iowa Administrative Procedure Act.

14 Sec. 101. Section two hundred thirty-eight point twelve
15 (238.12), unnumbered paragraph two (2), Code 1973, is amended
16 by striking the unnumbered paragraph and inserting in lieu
17 thereof the following:

18 Judicial review of the actions of the council may be sought
19 in accordance with the terms of the Iowa Administrative Pro-
20 cedure Act. Notwithstanding the terms of the Iowa Adminis-
21 trative Procedure Act, petitions for judicial review may be
22 filed in the county where the child-placing agency is situ-
23 ated.

24 Sec. 102. Section two hundred thirty-nine point seven
25 (239.7), Code 1973, is amended to read as follows:

26 239.7 APPEAL--JUDICIAL REVIEW. If an application is not
27 acted upon within a reasonable time, if it is denied in whole
28 or in part, or if any award of assistance is modified, sus-
29 pended, or canceled under any provision of this chapter, the
30 applicant or recipient may appeal to the department of so-
31 cial services. The department shall give the appellant rea-
32 sonable notice and opportunity for a fair hearing before the
33 commissioner or his designee. ~~An applicant or recipient~~
34 ~~aggrieved by the result of such hearing may, within thirty~~
35 ~~days, appeal to~~ Judicial review of the result of such hear-

1 ing may be sought in accordance with the terms of the Iowa
2 Administrative Procedure Act. Notwithstanding the terms of
3 the Iowa Administrative Procedure Act, petitions for judi-
4 cial review may be filed in the district court of the county
5 in which he the petitioner resides, by serving notice of such
6 appeal upon the commissioner of social services or his
7 designee, in the manner required for the service of orig-
8 inal notice in a civil action. Upon receipt of such notice
9 the notice of the filing of a petition for judicial review,
10 the department shall furnish the appellant petitioner with
11 a copy of any papers filed by him in support of his the pe-
12 itioner's position, a transcript of any testimony taken,
13 and a copy of the department's decision. The district court
14 shall review the department's decision to determine its le-
15 gality.

16 Sec. 103. Section two hundred forty-nine A point four
17 (249A.4), subsection ten (10), unnumbered paragraph two (2),
18 Code 1973, is amended by striking the unnumbered paragraph
19 and inserting in lieu thereof the following:

20 Judicial review of the actions of the commissioner or de-
21 partment may be sought in accordance with the terms of the
22 Iowa Administrative Procedure Act. Notwithstanding the terms
23 of the Iowa Administrative Procedure Act, petitions for judicial
24 review may be filed in the district court of the county in
25 which the applicant or recipient resides. In the event a
26 petition for judicial review is filed, the commissioner or
27 his authorized representative shall furnish the petitioner
28 with a copy of the application and all supporting papers,
29 a transcript of the testimony taken at the hearing, if any,
30 and a copy of its decision.

31 Sec. 104. Section two hundred sixty-two point sixty-nine
32 (262.69), unnumbered paragraph two (2), Code 1973, is amended
33 to read as follows:

34 Any rules made pursuant to this section may be enforced
35 under procedures adopted by the board for each institution

1 under its control. Sanctions may be imposed upon students,
2 faculty and staff for violation of the rules, including, but
3 not limited to, a reasonable monetary sanction which may be
4 deducted from student deposits and faculty or staff salaries
5 or other funds in the possession of the institution, or added
6 to student tuition bills. The rules made pursuant to this
7 section may also be enforced by the impoundment of vehicles
8 parked in violation of the rules, and a reasonable fee may
9 be charged for the cost of impoundment and storage, prior
10 to the release of the vehicles to their owners. Each insti-
11 tution under the control of the board shall establish pro-
12 cedures for the determination of controversies in connection
13 with imposition of sanctions. The procedures shall require
14 giving notice of the violation and the sanction involved and
15 provide an opportunity for an administrative hearing. Appeal
16 Judicial review of the administrative ruling may be heard
17 de-novo-by-the-district-court sought in accordance with the
18 terms of the Iowa Administrative Procedure Act. The rules
19 promulgated-under-this-section-shall-be-subject-to-chapter
20 47A.

21 Sec. 105. Section two hundred eighty-five point twelve
22 (285.12), Code 1973, is amended to read as follows:

23 285.12 DISPUTES--HEARINGS AND APPEALS. In the event of
24 a disagreement between a school patron and the board of the
25 school district, the patron if dissatisfied with the decision
26 of the district board, may appeal the same to the county board
27 of education, notifying the secretary of the district in
28 writing within ten days of the decision of the board and by
29 filing an affidavit of appeal with the county board of edu-
30 cation within the ten-day period. The affidavit of appeal
31 shall include the reasons for the appeal and points at is-
32 sue. The secretary of the local board on receiving notice
33 of appeal shall certify all papers to the county board of
34 education which shall hear the appeal within ten days of the
35 receipt of the papers and decide it within three days of the

1 conclusion of the hearing and shall immediately notify all
2 parties of its decision. Either party may appeal the deci-
3 sion of the county board to the state superintendent of pub-
4 lic instruction by notifying the opposite party and the county
5 superintendent of schools in writing within five days after
6 receipt of notice of the decision of the county board of edu-
7 cation and shall file with the state superintendent of pub-
8 lic instruction an affidavit of appeal, reasons for appeal,
9 and the facts involved in the disagreement. The county su-
10 perintendent of schools shall, within ten days of said notice,
11 file with the state superintendent of public instruction all
12 records and papers pertaining to the case, including action
13 of the county board of education. The state superintendent
14 of public instruction shall hear the appeal within fifteen
15 days of the filing of the records in his office, notifying
16 all parties and the county superintendent of schools of the
17 time of hearing. The state superintendent of public instruc-
18 tion shall forthwith decide the same and notify all parties
19 of his decision and return all papers with a copy of the de-
20 cision to the county superintendent of schools. The decision
21 of the state superintendent of public instruction shall be
22 subject to ~~appeal to the district court~~ judicial review in
23 accordance with the terms of the Iowa Administrative Pro-
24 cedure Act. ~~Any order of the district court shall be sub-~~
25 ~~ject to appeal to the supreme court in accord with the statutes~~
26 ~~respecting appeals to that court.~~ Pending final order made
27 by the state superintendent of public instruction, ~~or the~~
28 ~~district court, or the supreme court, as the case may be,~~
29 upon any appeal prosecuted to such superintendent ~~or to such~~
30 ~~courts,~~ the order of the county board of education from which
31 the appeal is taken shall be operative and be in full force
32 and effect.

33 Sec. 106. Section two hundred eighty-five point thirteen
34 (285.13), Code 1973, is amended to read as follows:

35 285.13 DISAGREEMENTS BETWEEN BOARDS. In the event of

1 a disagreement between the board of a school district and
2 the county board of education, the board of the school dis-
3 trict may appeal to the state superintendent of public in-
4 struction and the procedure and times provided for in sec-
5 tion 285.12 shall prevail in any such case. The decision
6 of the state superintendent of public instruction shall be
7 subject to ~~appeal to the courts as provided for in section~~
8 285.42 judicial review in accordance with the terms of the
9 Iowa Administrative Procedure Act.

10 Sec. 107. Section three hundred six point seventeen
11 (306.17), Code 1973, is amended to read as follows:

12 306.17 APPEAL. Any Notwithstanding the terms of the Iowa
13 Administrative Procedure Act, any claimant for damages may,
14 by serving, within twenty days after the said final order
15 has been issued, a written notice upon the commission, board
16 or boards which instituted and conducted such proceedings,
17 appeal as to the amount of damages, to the district court
18 of the county in which the land is located, in the manner
19 and form prescribed in chapter 472 with reference to appeals
20 from condemnation, and such proceedings shall thereafter like-
21 wise conform to the applicable provisions of said chapter.

22 Sec. 108. Section three hundred twenty-one point two hun-
23 dred fifteen (321.215), Code 1973, is amended by striking
24 the section and inserting in lieu thereof the following:

25 321.215 JUDICIAL REVIEW. Judicial review of the actions
26 of the department may be sought in accordance with the terms
27 of the Iowa Administrative Procedure Act. Notwithstanding
28 the terms of the Iowa Administrative Procedure Act, petitions
29 for judicial review may be filed in the district court in
30 the county wherein such petitioner shall reside.

31 Sec. 109. Section three hundred twenty-one point two
32 hundred thirty-eight (321.238), subsection fifteen (15), Code
33 1973, is amended by striking the subsection and inserting
34 in lieu thereof the following:

35 15. Judicial review of the actions of the commissioner

1 may be sought in accordance with the terms of the Iowa Adminis-
2 trative Procedure Act. Notwithstanding the terms of the Iowa
3 Administrative Procedure Act, petitions for judicial review
4 may be filed in the district court for the county in which
5 the inspection station is located or to the district court
6 for Polk county.

7 Sec. 110. Section three hundred twenty-one A point two
8 (321A.2), subsection two (2), Code 1973, is amended by striking
9 the subsection and inserting in lieu thereof the following:

10 2. Judicial review of the actions of the commissioner
11 may be sought in accordance with the terms of the Iowa Adminis-
12 trative Procedure Act. Notwithstanding the terms of the Iowa
13 Administrative Procedure Act, petitions for judicial review
14 may be filed in the district court of the county of the
15 petitioner's residence.

16 Sec. 111. Section three hundred twenty-one B point nine
17 (321B.9), Code 1973, is amended by striking the section and
18 inserting in lieu thereof the following:

19 321B.9 JUDICIAL REVIEW. Judicial review of the actions
20 of the commissioner may be sought in accordance with the terms
21 of the Iowa Administrative Procedure Act. Notwithstanding
22 the terms of the Iowa Administrative Procedure Act, petitions
23 for judicial review may be filed in the district court in
24 the county wherein the alleged events occurred for which the
25 licensee was arrested or in the county in which the adminis-
26 trative hearing was held.

27 Sec. 112. Section three hundred twenty-two point ten
28 (322.10), Code 1973, is amended by striking the section and
29 inserting in lieu thereof the following:

30 322.10 JUDICIAL REVIEW. Judicial review of actions of
31 the department may be sought in accordance with the terms
32 of the Iowa Administrative Procedure Act. Notwithstanding
33 the terms of the Iowa Administrative Procedure Act, petitions
34 for judicial review may be filed in the district court of
35 the county in which the petitioner resides or in which the

1 petitioner's principal place of business is located. The
2 petitioner shall file with the clerk a bond for the use of
3 the respondent, with sureties approved by such clerk and in
4 an amount fixed by him, provided in no case shall the bond
5 be less than fifty dollars, conditioned that the petitioner
6 shall perform the orders of the court.

7 Sec. 113. Section three hundred twenty-two A point seven-
8 teen (322A.17), Code 1973, is amended to read as follows:

9 322A.17 APPEALS JUDICIAL REVIEW. ~~Any-party-to-a-hearing~~
10 ~~before-the-commission-may-take-an-appeal-from-any-final-order~~
11 ~~entered-in-such-hearing~~ Judicial review of actions of the
12 commission may be sought in the manner provided for appeals
13 in section 322.10.

14 Sec. 114. Section three hundred twenty-five point twenty-
15 one (325.21), Code 1973, is amended by striking the section
16 and inserting in lieu thereof the following:

17 325.21 JUDICIAL REVIEW. Judicial review of the decisions
18 and actions of the commission may be sought in accordance
19 with the terms of the Iowa Administrative Procedure Act.
20 Such petitioners must file with the clerk of the district
21 court a bond for costs in the sum of not less than five hundred
22 dollars.

23 Sec. 115. Section three hundred twenty-eight point thirty-
24 nine (328.39), unnumbered paragraph two (2), Code 1973, is
25 amended by striking the unnumbered paragraph and inserting
26 in lieu thereof the following:

27 Any order of the commission or any refusal to issue, revoca-
28 tion or suspension of any certificate shall be subject to
29 judicial review in accordance with the terms of the Iowa
30 Administrative Procedure Act.

31 Sec. 116. Section four hundred twenty-two point twenty-
32 nine (422.29), Code 1973, is amended to read as follows:

33 422.29 APPEALS JUDICIAL REVIEW.

34 1. ~~An-appeal-may-be-taken-by-the-taxpayer-to~~ Judicial
35 review of actions of the director may be sought in accordance

1 with the terms of the Iowa Administrative Procedure Act.
 2 Notwithstanding the terms of the Iowa Administrative Procedure
 3 Act, petitions for judicial review may be filed in the dis-
 4 trict court of the county in which he the petitioner resides,
 5 or in which his principal place of business is located, or
 6 in the case of a nonresident not maintaining a place of busi-
 7 ness in this state either in any county in which the income
 8 involved was earned or derived or in Polk county, within sixty
 9 days after he shall have received notice of a determination
 10 by the director as provided for in section 422.28.

11 ~~2. The appeal shall be taken by a written notice to the~~
 12 ~~director and served as an original notice. When said notice~~
 13 ~~is so served it shall, with the return thereon, be filed in~~
 14 ~~the office of the clerk of said district court, and docketed~~
 15 ~~as other cases, with the taxpayer as plaintiff and the direc-~~
 16 ~~tor as defendant. The plaintiff petitioner shall file with~~
 17 ~~such the clerk a bond for the use of the defendant respondent,~~
 18 ~~with sureties approved by such clerk, in penalty at least~~
 19 ~~double the amount of tax appealed from, and in no case shall~~
 20 ~~the bond be less than fifty dollars, conditioned that the~~
 21 ~~plaintiff petitioner shall perform the orders of the court.~~

22 ~~3. The court shall hear the appeal in equity and deter-~~
 23 ~~mine anew all questions submitted to it on appeal from the~~
 24 ~~determination of the director. The court shall render its~~
 25 ~~decree thereon and a certified copy of said decree shall be~~
 26 ~~filed by the clerk of said court with the director who shall~~
 27 ~~then correct the assessment in accordance with said decree.~~
 28 An appeal may be taken by the taxpayer or the director to
 29 the supreme court of this state ~~in the same manner that appeals~~
 30 ~~are taken in suits in equity,~~ irrespective of the amount
 31 involved.

32 Sec. 117. Section four hundred twenty-two point fifty-
 33 five (422.55), Code 1973, is amended to read as follows:

34 422.55 APPEALS.

35 1. ~~An appeal may be taken by the taxpayer to~~ Judicial

1 review of actions of the director may be sought in accor-
2 dance with the terms of the Iowa Administrative Procedure
3 Act. Notwithstanding the terms of the Iowa Administrative
4 Procedure Act, petitions for judicial review may be filed
5 in the district court of the county in which he the taxpayer
6 resides, or in which his principal place of business is
7 located, within sixty thirty days after he shall have received
8 notice is received of a determination by the director as
9 provided for in section 422.54.

10 2. ~~The appeal shall be taken by a written notice to the~~
11 ~~director and served as an original notice. When said notice~~
12 ~~is so served it shall, with the return thereon, be filed in~~
13 ~~the office of the clerk of said district court, and docketed~~
14 ~~as other cases, with the taxpayer as plaintiff and the director~~
15 ~~as defendant. The plaintiff petitioner shall file with such~~
16 ~~the clerk a bond for the use of the defendant respondent,~~
17 ~~with sureties approved by such clerk, in penalty at least~~
18 ~~double the amount of tax appealed from, and in no case shall~~
19 ~~the bond be less than fifty dollars, conditioned that the~~
20 ~~plaintiff petitioner shall perform the orders of the court.~~

21 3. ~~The court shall hear the appeal in equity and deter-~~
22 ~~mine anew all questions submitted to it on appeal from the~~
23 ~~determination of the director. In such appeal, the burden~~
24 ~~of proof shall be upon the taxpayer. The court shall render~~
25 ~~its decree thereon and a certified copy of said decree shall~~
26 ~~be filed by the clerk of said court with the director who~~
27 ~~shall then correct the assessment in accordance with said~~
28 ~~decree. An appeal may be taken by the taxpayer or the director~~
29 ~~to the supreme court of this state in the same manner that~~
30 ~~appeals are taken in suits in equity, irrespective of the~~
31 ~~amount involved.~~

32 Sec. 118. Section four hundred twenty-two point fifty-
33 seven (422.57), subsection one (1), Code 1973, is amended
34 to read as follows:

35 1. Any notice, ~~except notice of appeal,~~ authorized or

1 required under the provisions of this division may be given
2 by mailing the same to the person for whom it is intended
3 by certified mail, addressed to such person at the address
4 given in the last return filed by him pursuant to the
5 provisions of this division, or if no return has been filed,
6 then to such address as may be obtainable. The mailing of
7 such notice shall be presumptive evidence of the receipt of
8 the same by the person to whom addressed. Any period of time
9 which is determined according to the provisions of this
10 division by the giving of notice shall commence to run from
11 the date of registration and posting of such notice.

12 Sec. 119. Section four hundred twenty-three point sixteen
13 (423.16), Code 1973, is amended to read as follows:

14 423.16 DETERMINATION BY DEPARTMENT. If any return required
15 by this chapter is not filed, or if any return when filed
16 is incorrect or insufficient, and the maker or person from
17 whom it is due fails to file a corrected or sufficient return
18 within twenty days after the same is required by notice from
19 the department, the department shall have the same power to
20 determine the amount due, as is vested in the department by
21 sections 422.54, 422.55, and 422.57, subject to all of the
22 provisions, and restrictions, and rights ~~of appeal to seek~~
23 judicial review provided in said sections. Where a return
24 required by this chapter has been filed, the five-year period
25 of limitation specified in subsection 1 of section 422.54
26 shall apply to the making of a determination by the department
27 of the amount of tax due hereunder and to the giving of notice
28 to the taxpayer of such determination.

29 Sec. 120. Section four hundred twenty-four point six
30 (424.6), Code 1973, is amended to read as follows:

31 424.6 APPEALS.

32 1. ~~An appeal may be taken by the taxpayer to~~ Judicial
33 review of actions of the director may be sought in accordance
34 with the terms of the Iowa Administrative Procedure Act.
35 Notwithstanding the terms of the Iowa Administrative Procedure

1 Act, petitions for judicial review may be filed in the district
2 court of the county in which he petitioner resides, or in
3 which his principal place of business is located, within sixty
4 thirty days after he shall have received notice notice is
5 received of a determination by the director as provided for
6 in section 424.5.

7 2. ~~The appeal shall be taken by a written notice to the~~
8 ~~director and served as an original notice. When said notice~~
9 ~~is so served it shall, with the return thereon, be filed in~~
10 ~~the office of the clerk of said district court, and docketed~~
11 ~~as other cases, with the taxpayer as plaintiff and the direc-~~
12 ~~tor as defendant.~~ The plaintiff petitioner shall file with
13 such the clerk a bond for the use of the defendant respondent
14 and the state with sureties approved by such clerk, in penalty
15 at least double the amount of tax appealed from which review
16 is sought, and in no case shall the bond be less than fifty
17 dollars and conditioned that the plaintiff petitioner shall
18 pay any amount found to be due the defendant respondent or
19 the state and will perform the orders of the court.

20 3. ~~The court shall hear the appeal in equity and deter-~~
21 ~~mine anew all questions submitted to it on appeal from the~~
22 ~~determination of the director. The court shall render its~~
23 ~~decree thereon and a certified copy of said decree shall be~~
24 ~~filed by the clerk of said court with the director who shall~~
25 ~~then correct the assessment in accordance with said decree.~~
26 An appeal may be taken by the taxpayer or the director to
27 the supreme court of this state ~~in the same manner that appeals~~
28 ~~are taken in suits in equity~~, irrespective of the amount
29 involved.

30 Sec. 121. Section four hundred twenty-five point seven
31 (425.7), subsection three (3), Code 1973, is amended to read
32 as follows:

33 3. Should the director of revenue determine, upon investi-
34 gation, that any claim for homestead credit has been allowed
35 by any board of supervisors which is not justifiable under

1 the law and not substantiated by proper facts, the director
2 may, at any time within one year after the receipt by the
3 department of revenue of the certification of such credit
4 by any county treasurer, set aside such allowance. Notice
5 of such disallowance shall be given to the county auditor
6 of the county in which such claim has been improperly granted
7 and a written notice of such disallowance shall also be
8 addressed to the claimant at his last known address. Such
9 claimant, or the board of supervisors, may ~~appeal from~~ seek
10 judicial review of the action of the director of revenue in
11 ~~the same manner, and in the same time, as provided by~~
12 subsection 4 accordance with the terms of the Iowa
13 Administrative Procedure Act. ~~Where such appeal is taken~~
14 ~~by the claimant or by the board of supervisors, the appellant~~
15 ~~shall within ten days after the filing of such appeal, notify~~
16 ~~the director of revenue by registered certified mail of the~~
17 ~~filing of said appeal.~~ In any case where a claim is so
18 disallowed by the director of revenue and no ~~appeal is taken~~
19 ~~from such disallowance~~ petition for judicial review is filed
20 with respect to such disallowance, any amounts of credits
21 allowed and paid from the homestead credit fund shall become
22 a lien upon the property on which said credit was originally
23 granted, if still in the hands of the claimant, and not in
24 the hands of a bona fide purchaser, and any amount so
25 erroneously paid shall be collected by the county treasurer
26 in the same manner as other taxes and such collections shall
27 be returned to the department of revenue and credited to the
28 homestead credit fund. The director of revenue shall also
29 have the authority to institute legal proceedings against
30 a homestead credit claimant for the collection of all payments
31 made on such disallowed credits.

32 ~~Said appeals shall be tried by equitable proceedings.~~

33 Sec. 122. Section four hundred twenty-six A point six
34 (426A.6), Code 1973, is amended to read as follows:

35 426A.6 SETTING ASIDE ALLOWANCE. Should the director of

1 revenue determine, upon investigation, that any claim for
2 military service tax exemption has been allowed by any board
3 of supervisors which is not justifiable under the law and
4 not substantiated by proper facts, the director may, at any
5 time within one year after the receipt by the department of
6 revenue of the certification of such exemption by any county
7 treasurer, set aside such allowance. Notice of such
8 disallowance shall be given to the county auditor of the
9 county in which such claim has been improperly granted and
10 a written notice of such disallowance shall also be addressed
11 to the claimant at his last known address. Such claimant,
12 or the board of supervisors, may ~~appeal from the action of~~
13 seek judicial review of the action of the director of revenue
14 ~~in the same manner, and in the same time, as provided for~~
15 ~~appeals from disallowance by the board of supervisors~~
16 accordance with the terms of the Iowa Administrative Procedure
17 Act. When such appeal is taken by claimant or by the board
18 ~~of supervisors, the appellant shall, within ten days after~~
19 ~~the filing of such appeal, notify the director of revenue,~~
20 ~~by restricted certified mail of the filing of said appeal.~~
21 In any case, where a claim is so disallowed by the director
22 of revenue and no ~~appeal is taken from~~ petition for judicial
23 review is filed with respect to such disallowance, any amounts
24 of credits allowed and paid from the military service tax
25 credit fund shall become a lien upon the property on which
26 said credit was originally granted, if still in the hands
27 of the claimant, and not in the hands of a bona fide purchaser,
28 and any amount so erroneously paid shall be collected by the
29 county treasurer in the same manner as other taxes and such
30 collections shall be returned to the department of revenue
31 and credited to the military service tax credit fund. The
32 director of revenue shall also have the authority to institute
33 legal proceedings against a military service tax exemption
34 claimant for the collection of all payments made on such
35 disallowed exemptions. ~~Said appeals shall be tried by~~

1 ~~equitable-proceedings-~~

2 Sec. 123. Section four hundred twenty-seven point one
3 (427.1), subsection twenty-six (26), Code 1973, is amended
4 to read as follows:

5 26. REVOKING EXEMPTION. Any taxpayer or any taxing dis-
6 trict may make application to the director of revenue for
7 revocation for any exemption, based upon alleged violations
8 of the provisions of this chapter. The director of revenue
9 may also on his own motion set aside any exemption which has
10 been granted upon property for which exemption is claimed
11 under this chapter. The director of revenue shall give notice
12 by certified mail to the societies or organizations claiming
13 an exemption upon property, exemption of which is questioned
14 before or by the director of revenue, and any order made by
15 the director of revenue revoking or modifying such exemption
16 shall be subject to appeal-to judicial review in accordance
17 with the terms of the Iowa Administrative Procedure Act.
18 Notwithstanding the terms of the Iowa Administrative Procedure
19 Act, petitions for judicial review may be filed in the district
20 court having jurisdiction in the county in which such property
21 is located, -such-appeal-to-be-triable-in-equity,-and-to-be
22 made-within-twenty-days-after-any-order-revoking-such-exemption
23 is-made-by-the-director-of-revenue and must be filed within
24 thirty days after any order revoking such exemption is made
25 by the director of revenue.

26 Sec. 124. Section four hundred twenty-eight point thirty-
27 one (428.31), Code 1973, is amended by striking the section
28 and inserting in lieu thereof the following:

29 428.31 JUDICIAL REVIEW. Judicial review of the actions
30 of the director may be sought in accordance with the terms
31 of the Iowa Administrative Procedure Act. Notwithstanding
32 the provisions of the Iowa Administrative Procedure Act,
33 petitions for judicial review may be filed in the district
34 court of the county in which an individual, copartnership,
35 corporation, or association has its principal place of business

1 within thirty days after the final decision of the director
2 has been certified to the county auditor.

3 Sec. 125. Section four hundred thirty A point five
4 (430A.5), Code 1973, is amended to read as follows:

5 430A.5 FORMS--SEVERAL PLACES OF BUSINESS. The director
6 of revenue shall prescribe forms for the making of returns
7 as provided by this chapter. Any individual, partnership
8 or agency subject to the provisions of this chapter and which
9 maintains more than one place of business within the state
10 of Iowa, may elect to make the return provided for by this
11 chapter to the director of revenue, who shall determine the
12 proper assessment to be made in each taxing district in which
13 such taxpayer maintains a place of business, and the results
14 thereof shall be by the director of revenue promptly certified
15 to the county auditors of the respective counties in which
16 offices are maintained, who shall add such assessments to
17 the tax lists. In making such assessments the director of
18 revenue shall determine the proportion of business done by
19 such taxpayer in each taxing district in which a place of
20 business is maintained, and shall assess in each taxing
21 district an amount in proportion to the business done in such
22 taxing district to the amount of business done in the entire
23 state. The director of revenue shall have the power to require
24 the making of a return by any corporation, individual,
25 partnership, or agency which the director deems to be subject
26 to taxation under the provisions of this chapter and in case
27 of failure or refusal to make such a return, the director
28 of revenue shall make an assessment based upon the best
29 information the director is able to obtain against any such
30 corporation, individual, partnership, or agency, and shall
31 certify such assessment as provided by this chapter. Appeals
32 Judicial review may be ~~taken-from~~ sought of the action of
33 the director of revenue in regard to assessments or orders
34 made by the director in connection with this chapter under
35 the same procedure generally, as is provided by section 422.29.

1 Sec. 126. Section four hundred fifty-five A point twenty
2 (455A.20), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 455A.20 HEARING--APPEAL. If the water commissioner at
5 the first hearing or the council at the hearing on appeal
6 shall determine after due investigation that such diversion,
7 storage or withdrawal will not be detrimental to the public
8 interests, including drainage and levee districts, or to the
9 interests of property owners with prior or superior rights
10 who might be affected, the water commissioner following the
11 first hearing, or the council following the hearing on appeal
12 shall grant a permit for such diversion, storage or withdrawal.
13 ~~Any person or public body aggrieved by the granting of such~~
14 ~~permit may appeal as provided by~~ Judicial review of such
15 action is available in accordance with the terms of the Iowa
16 Administrative Procedure Act and section 455A.37. Permits
17 may be granted for any period of time but not to exceed ten
18 years. Permits may be granted which provide for less
19 diversion, storage, or withdrawal of waters than set forth
20 in the application. Permits may be extended by the water
21 commissioner for a period of not more than ninety days during
22 the pendency of an application for renewal. Any permit granted
23 shall remain as an appurtenance of the land described therein
24 through the date specified in such permit and any extension
25 thereof or such earlier date as the permit or any extension
26 thereof is revoked or canceled under the provisions of section
27 455A.28.

28 Sec. 127. Section four hundred fifty-five A point thirty-
29 seven (455A.37), Code 1973, is amended by striking the section
30 and inserting in lieu thereof the following:

31 455A.37 JUDICIAL REVIEW. Judicial review of action of
32 the council may be sought in accordance with the terms of
33 the Iowa Administrative Procedure Act. Notwithstanding the
34 provisions of the Iowa Administrative Procedure Act, petitions
35 for judicial review may be filed in the district court of

1 Polk county or of any county in which the property affected
2 is located. If the council, the district court, or the supreme
3 court shall determine that the order of the council be stayed,
4 the petitioner shall file an appropriate bond approved by
5 the court.

6 Sec. 128. Section four hundred fifty-five B point nine-
7 teen (455B.19), Code 1973, is amended by striking the section
8 and inserting in lieu thereof the following:

9 455B.19 JUDICIAL REVIEW. Judicial review of actions of
10 the commission or of the executive director may be sought
11 in accordance with the terms of the Iowa Administrative Proce-
12 dure Act. Notwithstanding the terms of the Iowa Administra-
13 tive Procedure Act, petitions for judicial review may be filed
14 in the district court of the county in which the alleged
15 offense was committed.

16 Sec. 129. Section four hundred fifty-five B point thirty-
17 nine (455B.39), Code 1973, is amended by striking the section
18 and inserting in lieu thereof the following:

19 455B.39 JUDICIAL REVIEW. Judicial review of any order
20 or other action of the commission or of the executive director
21 may be sought in accordance with the terms of the Iowa Admin-
22 istrative Procedure Act. Notwithstanding the terms of the
23 Iowa Administrative Procedure Act, petitions for judicial
24 review may be filed in the district court of the county in
25 which the alleged offense was committed or such final order
26 was entered. The setting aside of any order of the executive
27 director or the commission by the court shall not preclude
28 the commission or the executive director from again instituting
29 proceedings against the same person if the commission or the
30 executive director feels that the public health is endangered.

31 Sec. 130. Section four hundred fifty-five B point forty-
32 one (455B.41), Code 1973, is amended to read as follows:

33 455B.41 STAY ORDER. ~~Action of the department shall not~~
34 ~~be stayed by an appeal except by order of the court for good~~
35 ~~cause shown by the appellant.~~ The granting of a stay may

1 be conditioned upon the furnishing by the appellant of such
2 reasonable security as the court may direct. A stay may be
3 vacated on application of the department or any other party
4 after hearing by the court.

5 Sec. 131. Section four hundred fifty-five B point eighty-
6 three (455B.83), Code 1973, is amended to read as follows:

7 455B.83 APPEAL FROM ORDER. Any person aggrieved by an
8 order of the commission or the executive director may appeal
9 the same by filing a written notice of appeal with the
10 executive director within thirty days of the issuance of the
11 order. The executive director shall schedule a hearing for
12 the purpose of hearing the arguments of the aggrieved person
13 within thirty days of the filing of the notice of appeal.
14 The hearing may be held before the commission or its designee.
15 A complete record shall be made of the proceedings. The
16 executive director shall issue the findings in writing to
17 the aggrieved person within thirty days of the conclusion
18 of such hearing. ~~If such person is not satisfied with the~~
19 ~~findings of the commission, he may appeal such findings to~~
20 Judicial review may be sought of actions of the commission
21 or executive director in accordance with the terms of the
22 Iowa Administrative Procedure Act. Notwithstanding the terms
23 of the Iowa Administrative Procedure Act, petitions for
24 judicial review may be filed in the district court of the
25 county wherein the acts in issue occurred. ~~Such appeal shall~~
26 ~~be made within thirty days of the issuance of the findings~~
27 ~~of the commission and a copy of the same shall be filed with~~
28 ~~the commission. The court upon the filing of such appeal~~
29 ~~shall hear the appeal in equity.~~

30 Sec. 132. Section four hundred eighty-four point seven-
31 teen (484.17), Code 1973, is amended by striking the section
32 and inserting in lieu thereof the following:

33 484.17 JUDICIAL REVIEW. Judicial review of actions of
34 the commission may be sought in accordance with the terms
35 of the Iowa Administrative Procedure Act. Notwithstanding

1 the provisions of the Iowa Administrative Procedure Act,
2 petitions for judicial review may be filed in the district
3 court of the county in which the street railway is located.

4 Sec. 133. Section four hundred eighty-four point eighteen
5 (484.18), Code 1973, is amended to read as follows:

6 484.18 TRIAL--BOND. ~~The appeal shall be triable in equity~~
7 ~~at any time following the expiration of twenty days after~~
8 ~~filing of the transcript and shall be accorded priority for~~
9 ~~disposition over all other civil causes.--No appeal~~ Neither
10 the agency nor the court shall suspend the order or decision
11 ~~appealed from~~ under review, if the interurban company on whose
12 behalf the order or decision is made shall file with the
13 secretary of the commission a bond with sureties approved
14 by the commission, conditioned for the payment of any judgment
15 for costs and compensation and for obedience to any order
16 or decree of the court.

17 Sec. 134. Section four hundred eighty-five point three
18 (485.3), Code 1973, is amended by adding the following new
19 paragraph:

20 NEW PARAGRAPH. This section is applicable notwithstanding
21 the terms of the Iowa Administrative Procedure Act.

22 Sec. 135. Section four hundred eighty-nine point thirty-
23 two (489.32), Code 1973, is amended to read as follows:

24 489.32 REHEARING AND-APPEAL --JUDICIAL REVIEW. Any person,
25 company, or corporation aggrieved by the action of the
26 commission in granting or failing to grant a franchise under
27 the provisions of this chapter, shall be entitled to the
28 rehearing ~~and appeal procedures~~ procedure provided in ~~sections~~
29 section 490A.12 through 490A.19, inclusive. Judicial review
30 of actions of the commissioner may be sought in accordance
31 with the terms of the Iowa Administrative Procedure Act.

32 Sec. 136. Section four hundred ninety point thirty-two
33 (490.32), Code 1973, is amended to read as follows:

34 490.32 REHEARING AND-APPEAL --JUDICIAL REVIEW. Rehearing
35 ~~and appeal procedures~~ procedure for any person, company, or

1 corporation aggrieved by the action of the commission in
2 granting or failing to grant a permit under the provisions
3 of this chapter shall be as provided in ~~sections~~ section
4 490A.12 through-490A.497--inclusive. Judicial review may be
5 sought in accordance with the terms of the Iowa Administrative
6 Procedure Act.

7 Sec. 137. Section four hundred ninety A point thirteen
8 (490A.13), Code 1973, is amended by striking the section and
9 inserting in lieu thereof the following:

10 490A.13 JUDICIAL REVIEW. Judicial review of actions of
11 the commission may be sought in accordance with the terms
12 of the Iowa Administrative Procedure Act. Notwithstanding
13 the terms of the Iowa Administrative Procedure Act, petition
14 for judicial review may be filed in the district court of
15 any county wherein the order of the commission or some part
16 thereof is to take effect.

17 Sec. 138. Section four hundred ninety-six A point one
18 hundred thirty-five (496A.135), Code 1973, is amended to read
19 as follows:

20 496A.135 ~~APPEAL-FROM-SECRETARY-OF-STATE~~ JUDICIAL REVIEW.
21 If the secretary of state shall fail to approve any articles
22 of incorporation, amendment, merger, consolidation or dissolu-
23 tion, or any other document required by this chapter to be
24 approved by the secretary of state before the same shall be
25 filed in his office, he shall, within ten days after the
26 delivery thereof to him, give written notice of his disapproval
27 to the person or corporation, domestic or foreign, delivering
28 the same, specifying the reasons therefor. ~~From-such-dis-~~
29 ~~approval-such-person-or-corporation-may-appeal-to~~ Judicial
30 review of the acts of the secretary of state may be sought
31 in accordance with the terms of the Iowa Administrative
32 Procedure Act. Notwithstanding the terms of the Iowa
33 Administrative Procedure Act, petitions for judicial review
34 may be filed in the district court of the county in which
35 the registered office of such corporation is, or is proposed

1 to be, situated by ~~filing with the clerk of such court a~~
2 ~~petition setting forth a copy of the articles or other~~
3 ~~documents sought to be filed and a copy of the written~~
4 ~~disapproval thereof by the secretary of state, whereupon the~~
5 ~~matter shall be tried de novo by the court, and the court~~
6 ~~shall either sustain the action of the secretary of state~~
7 ~~or direct him to take such action as the court may deem proper.~~

8 If the secretary of state shall revoke the certificate
9 of authority to transact business in this state of any foreign
10 corporation, pursuant to the provisions of this chapter, such
11 ~~foreign corporation may likewise appeal to~~ judicial review
12 of such action of the secretary of state may be sought in
13 accordance with the terms of the Iowa Administrative Procedure
14 Act. Notwithstanding the terms of the Iowa Administrative
15 Procedure Act, petitions for judicial review may be filed
16 in the district court of the county where the registered
17 office of such corporation in this state is situated by filing
18 with the clerk of such court a petition setting forth a copy
19 of its certificate of authority to transact business in this
20 state and a copy of the notice of revocation given by the
21 secretary of state, whereupon the matter shall be tried de
22 novo by the court, and the court shall either sustain the
23 action of the secretary of state or direct him to take such
24 action as the court may deem proper.

25 ~~Appeals from all final orders and judgments entered by~~
26 ~~the district court under this section in review of any ruling~~
27 ~~or decision of the secretary of state may be taken as in other~~
28 ~~civil actions.~~

29 Sec. 139. Section five hundred two point twenty-four
30 (502.24), Code 1973, is amended by striking the section and
31 inserting in lieu thereof the following:

32 502.24 JUDICIAL REVIEW. Judicial review of actions of
33 the commissioner of insurance may be sought in accordance
34 with the terms of the Iowa Administrative Procedure Act, upon
35 execution of a bond in the penal sum of one thousand dollars

1 to the state of Iowa, with sufficient surety, to be approved
2 by the clerk of the court conditioned upon the faithful
3 prosecution of such petition for judicial review, and the
4 payment of all costs adjudged against the petitioner.

5 Sec. 140. Section five hundred four A point ninety-two
6 (504A.92), Code 1973, is amended to read as follows:

7 504A.92 ~~APPEAL-FROM-SECRETARY-OF-STATE~~ JUDICIAL REVIEW.

8 If the secretary of state shall fail to approve any articles
9 of incorporation, amendment, merger, consolidation or
10 dissolution or any other document required by this chapter
11 to be approved by the secretary of state before the same shall
12 be filed in his office, he shall, within ten days after the
13 delivery thereof to him, give written notice of his disapproval
14 to the person or corporation, domestic or foreign, delivering
15 the same, specifying the reasons therefor. ~~From-such~~
16 ~~disapproval-such-person-or-corporation-may-appeal-to~~ Judicial
17 review of the acts of the secretary of state may be sought
18 in accordance with the terms of the Iowa Administrative
19 Procedure Act. Notwithstanding the terms of the Iowa Adminis-
20 trative Procedure Act, petitions for judicial review may be
21 filed in the district court of the county in which the
22 registered office of such corporation is, or is proposed to
23 be, situated by filing with the clerk of such court a petition
24 setting forth a copy of the articles or other document sought
25 to be filed and a copy of the written disapproval thereof
26 by the secretary of state; whereupon the matter shall be tried
27 de novo by the court, and the court shall either sustain the
28 action of the secretary of state or direct him to take such
29 action as the court may deem proper.

30 If the secretary of state shall revoke the certificate
31 of authority to conduct affairs in this state of any foreign
32 corporation, pursuant to the provisions of this chapter, ~~sueh~~
33 ~~foreign-corporation-may-likewise-appeal-to~~ judicial review
34 may be sought of such action in accordance with the terms
35 of the Iowa Administrative Procedure Act. Notwithstanding

1 the terms of the Iowa Administrative Procedure Act, petitions
2 for judicial review may be filed in the district court of
3 the county where the registered office of such corporation
4 in this state is situated by-filing-with-the-clerk-of-such
5 court-a-petition-setting-forth-a-copy-of-its-certificate-of
6 authority-to-conduct-affairs-in-this-state-and-a-copy-of-the
7 notice-of-revocation-given-by-the-secretary-of-state;-whereupon
8 the-matter-shall-be-tried-de-novo-by-the-court;-and-the-court
9 shall-either-sustain-the-action-of-the-secretary-of-state
10 or-direct-him-to-take-such-action-as-the-court-may-deem-proper.

11 ~~Appeals from all final orders and judgments entered by~~
12 ~~the district court under this section in review of any ruling~~
13 ~~or decision of the secretary of state may be taken as in other~~
14 ~~civil actions.~~

15 Sec. 141. Section five hundred six point nine (506.9),
16 Code 1973, is amended by striking the section and inserting
17 in lieu thereof the following:

18 506.9 JUDICIAL REVIEW. Judicial review of the acts of
19 commissioner of insurance may be sought in accordance with
20 the terms of the Iowa Administrative Procedure Act.

21 Sec. 142. Section five hundred seven B point eight
22 (507B.8), subsections one (1), two (2), and three (3), Code
23 1973, are amended by striking the subsections and inserting
24 in lieu thereof the following:

25 Judicial review of the actions of the commissioner may
26 be sought in accordance with the terms of the Iowa
27 Administrative Procedure Act. To the extent that an order
28 of the commissioner is affirmed in any judicial review
29 proceeding, the court shall thereupon issue its own order
30 commanding obedience to the terms of such order of the
31 commissioner.

32 Sec. 143. Section five hundred fourteen point thirteen
33 (514.13), Code 1973, is amended to read as follows:

34 514.13 ARBITRATION OF DISPUTES. Any dispute arising
35 between a corporation organized under said chapter and any

1 hospital with which such corporation has a contract for
2 hospital service, or any physician and surgeon, dentist,
3 podiatrist, osteopathic physician, or osteopathic physician
4 and surgeon with whom any such corporation has a contract
5 for medical and surgical service or any pharmacy or optometrist
6 with whom any such corporation has a contract for
7 pharmaceutical or optometric service, as provided for herein,
8 may be submitted to the commissioner of insurance for his
9 decision. All decisions and findings of the commissioner
10 of insurance may be judicially reviewed by proper proceedings
11 in a court of competent jurisdiction in accordance with the
12 terms of the Iowa Administrative Procedure Act.

13 Sec. 144. Section five hundred fourteen A point ten
14 (514A.10), Code 1973, is amended by striking the section and
15 inserting in lieu thereof the following:

16 514A.10 JUDICIAL REVIEW. Judicial review of the actions
17 of the commissioner may be sought in accordance with the terms
18 of the Iowa Administrative Procedure Act.

19 Sec. 145. Section five hundred fifteen point one hundred
20 thirty-five (515.135), Code 1973, is amended by striking the
21 section and inserting in lieu thereof the following:

22 515.135 JUDICIAL REVIEW. Judicial review of the actions
23 of the commissioner of insurance may be sought in accordance
24 with the terms of the Iowa Administrative Procedure Act, upon
25 filing with the clerk of court a good and sufficient bond
26 for the payment of all costs adjudged against the petitioner.
27 Notwithstanding the terms of the Iowa Administrative Procedure
28 Act, petitions for judicial review may be filed in the district
29 court of the county where the decision of the commissioner,
30 pursuant to section five hundred fifteen point one hundred
31 thirty-four (515.134) of the Code, was made.

32 Sec. 146. Section five hundred fifteen point one hundred
33 thirty-six (515.136), Code 1973, is amended to read as fol-
34 lows:

35 515.136 INCRIMINATION. The statements and declarations

1 made or testimony given by any such officer, agent or employee
2 in the investigation before the commissioner of insurance,
3 or upon the hearing ~~and-trial-before-the-district-court~~ on
4 the petition for judicial review, as provided in sections
5 515.133 to 515.135, inclusive, shall not be used against the
6 person making the same in any criminal prosecution against
7 him.

8 Sec. 147. Section five hundred fifteen A point eighteen
9 (515A.18), subsection three (3), Code 1973, is amended by
10 striking the subsection and inserting in lieu thereof the
11 following:

12 3. Judicial review of the actions of the commissioner
13 may be sought in accordance with the terms of the Iowa
14 Administrative Procedure Act.

15 Sec. 148. Section five hundred fifteen B point seven
16 (515B.7), subsection three (3), Code 1973, is amended by
17 striking the subsection and inserting in lieu thereof the
18 following:

19 3. Judicial review of actions of the commissioner may
20 be sought in accordance with the terms of the Iowa Administra-
21 tive Procedure Act.

22 Sec. 149. Section five hundred twenty-one A point thir-
23 teen (521A.13), Code 1973, is amended by striking the sec-
24 tion and inserting in lieu thereof the following:

25 521A.13 JUDICIAL REVIEW. Judicial review of the actions
26 of the commissioner may be sought in accordance with the terms
27 of the Iowa Administrative Procedure Act.

28 Sec. 150. Section five hundred twenty-four point two hun-
29 dred twenty-five (524.225), Code 1973, is amended by striking
30 the section and inserting in lieu thereof the following:

31 524.225 JUDICIAL REVIEW. Judicial review of the actions
32 of the superintendent may be sought in accordance with the
33 terms of the Iowa Administrative Procedure Act.

34 Notwithstanding the terms of the Iowa Administrative Procedure
35 Act, petitions for judicial review may be filed in the district

1 court of the county in which the state bank has its principal
2 place of business.

3 Sec. 151. Section five hundred twenty-four point three
4 hundred five (524.305), subsection six (6), unnumbered
5 paragraph three (3), Code 1973, is amended by striking the
6 unnumbered paragraph and inserting in lieu thereof the
7 following:

8 The actions of the superintendent shall be subject to
9 judicial review in accordance with the terms of the Iowa
10 Administrative Procedure Act. The court may award damages
11 to the incorporators if it finds that review is sought
12 frivolously and in bad faith.

13 Sec. 152. Section five hundred twenty-four point one thou-
14 sand three hundred three (524.1303), subsection two (2), Code
15 1973, is amended to read as follows:

16 2. Upon receipt of an application for approval of a plan
17 of dissolution the superintendent shall conduct such investi-
18 gation as he may deem necessary to determine whether the plan
19 adequately protects the interests of depositors, other credi-
20 tors and shareholders and, if the plan involves an acquisition
21 of assets and assumption of liabilities by another state bank,
22 whether such acquisition and assumption would be consistent
23 with adequate and sound banking and in the public interest,
24 on the basis of factors substantially similar to those set
25 forth in paragraph "d" of subsection 1 of section 524.1403.
26 Within ninety days after receipt of the application, the
27 superintendent shall approve or disapprove the application
28 on the basis of his investigation. Before receiving the
29 decision of the superintendent with respect to the pending
30 application, the applying state bank shall, upon notice,
31 reimburse the superintendent to the extent of the expenses
32 incurred by him in connection with the application. Thereafter
33 the superintendent shall give to the applying state bank
34 written notice of his decision, and in the event of
35 disapproval, a statement of the reasons for his decision.

1 The decision of the superintendent shall be subject to judicial
2 ~~review by the district court of Polk county upon petition~~
3 ~~by any interested party within thirty days after the~~
4 ~~superintendent notifies the applying bank of his decision~~
5 in accordance with the terms of the Iowa Administrative
6 Procedure Act. ~~The decision of the superintendent shall be~~
7 ~~upheld unless unsupported by substantial evidence.~~

8 Sec. 153. Section five hundred twenty-four point one thou-
9 sand four hundred three (524.1403), subsection two (2), Code
10 1973, is amended to read as follows:

11 2. Within one hundred eighty days after receipt of the
12 application, or within an additional period of not more than
13 sixty days after receipt of an amendment of the application,
14 the superintendent shall make a determination whether to
15 approve or disapprove the application on the basis of his
16 investigation. The plan shall not be modified at any time
17 after approval of the application by the superintendent.
18 Prior to making a determination on the pending application
19 the superintendent shall, upon adequate notice, afford all
20 interested persons an opportunity for a stenographically
21 reported hearing during which such persons shall be allowed
22 to present evidence in support of, or in opposition to, the
23 pending application. If the superintendent finds that he
24 must act immediately on the pending application in order to
25 protect the interests of depositors or the assets of any party
26 to the plan, he may proceed without requiring publication
27 of the notice and without providing for the hearing referred
28 to in this subsection. Before receiving the decision of the
29 superintendent with respect to the pending application, the
30 parties to the plan shall, upon notice, reimburse the super-
31 intendent to the extent of the expenses incurred by him in
32 connection with the application. Thereafter the superintendent
33 shall give to the parties to the plan written notice of his
34 decision and, in the event of disapproval, a statement of
35 the reasons for his decision. The decision of the superin-

1 tendent shall be subject to judicial review by the district
2 court of Peik county upon petition by any interested person
3 within thirty days after the superintendent notifies the
4 parties to the plan of his decision in accordance with the
5 terms of the Iowa Administrative Procedure Act. ~~The decision~~
6 ~~of the superintendent shall be upheld unless unsupported by~~
7 ~~substantial evidence.~~

8 Sec. 154. Section five hundred twenty-four point one thou-
9 sand four hundred thirteen (524.1413), unnumbered paragraph
10 two (2), Code 1973, is amended to read as follows:

11 Within ninety days after receipt of the application the
12 superintendent shall make a determination whether to approve
13 or disapprove the pending application on the basis of his
14 investigation. Before receiving the decision of the super-
15 intendent with respect to the pending application, the na-
16 tional bank shall, upon notice, reimburse the superintendent
17 to the extent of the expenses incurred by him in connection
18 with the application. Thereafter, the superintendent shall
19 give the national bank written notice of his decision and,
20 in the event of disapproval, a statement of the reasons for
21 his decision. If the superintendent approves the pending
22 application, he shall deliver the articles of conversion,
23 with his approval indicated thereon, to the secretary of
24 state. The decision of the superintendent shall be subject
25 to judicial review by the district court of Peik county upon
26 petition by any interested party in accordance with the terms
27 of the Iowa Administrative Procedure Act. Notwithstanding
28 the terms of the Iowa Administrative Procedure Act, such a
29 petition for judicial review must be filed within thirty days
30 after the superintendent notifies the national bank of his
31 decision. ~~The decision of the superintendent shall be up-~~
32 ~~held unless unsupported by substantial evidence.~~

33 Sec. 155. Section five hundred twenty-four point one
34 thousand five hundred five (524.1505), subsection two (2),
35 Code 1973, is amended to read as follows:

1 2. Within sixty days after receipt of the articles of
2 amendment the superintendent shall approve or disapprove the
3 articles of amendment on the basis of his investigation.
4 If the superintendent shall approve the articles of amend-
5 ment, he shall deliver them with his written approval to the
6 secretary of state and notify the state bank of his action.
7 If the superintendent shall disapprove the articles of amend-
8 ment, he shall give written notice to the state bank of his
9 disapproval and a statement of the reasons for his decision.
10 The decision of the superintendent shall be subject to judicial
11 ~~review by the district court of Polk county upon petition~~
12 ~~by any interested party~~ in accordance with the terms of the
13 Iowa Administrative Procedure Act. Notwithstanding the terms
14 of the Iowa Administrative Procedure Act, such a petition
15 for judicial review must be filed within thirty days after
16 the superintendent notifies the state bank of his decision.
17 ~~The decision of the superintendent shall be upheld unless~~
18 ~~unsupported by substantial evidence.~~

19 Sec. 156. Section five hundred twenty-four point one thou-
20 sand five hundred seven (524.1507), subsection two (2), Code
21 1973, is amended to read as follows:

22 2. Upon receipt of an application for approval of a change
23 of location of the principal place of business of a state
24 bank pursuant to subsection 1 of this section, the
25 superintendent shall conduct such investigation as he deems
26 necessary giving due consideration to factors substantially
27 similar to those set forth in subsections 2 through 6 of
28 section 524.305. Within one hundred eighty days after receipt
29 of the application, the superintendent shall make a
30 determination whether to approve or disapprove the application
31 on the basis of his investigation. Prior to making a
32 determination on the pending application the superintendent
33 shall, upon adequate notice, afford all interested persons
34 an opportunity for a stenographically reported hearing during
35 which such persons shall be allowed to present evidence in

1 support of, or in opposition to, the pending application.
2 Thereafter the superintendent shall give written notice of
3 his decision to the state bank and, in the event of
4 disapproval, a statement of the reasons for his decision.
5 If the superintendent shall approve the change in location
6 he shall deliver the articles of amendment to the secretary
7 of state. The decision of the superintendent shall be subject
8 to judicial review by the district court of Polk county upon
9 petition by any interested person within thirty days after
10 the superintendent notifies the state bank of his decision
11 in accordance with the terms of the Iowa Administrative
12 Procedure Act. The decision of the superintendent shall be
13 upheld unless unsupported by substantial evidence. Before
14 receiving the decision of the superintendent with respect
15 to the pending application, the state bank shall upon notice
16 reimburse the superintendent to the extent of the expenses
17 incurred by him in connection with the application.

18 Sec. 157. Section five hundred thirty-three A point fif-
19 teen (533A.15), Code 1973, is amended by striking the section
20 and inserting in lieu thereof the following:

21 533A.15 JUDICIAL REVIEW. Judicial review of actions of
22 the superintendent pursuant to sections 533A.3 and 533A.7
23 may be sought in accordance with the terms of the Iowa Admin-
24 istrative Procedure Act. Notwithstanding the terms of the
25 Iowa Administrative Procedure Act, petitions for judicial
26 review may be filed in the district court of the county in
27 which the applicant or business resides.

28 Sec. 158. Section five hundred thirty-four point three
29 (534.3), subsection three (3), paragraphs b and j, Code 1973,
30 are amended to read as follows:

31 b. If the executive council does not affirmatively find
32 as to each and all of the said requirements it shall enter
33 its disapproval of record together with a statement of its
34 findings and conclusions and a certificate of incorporation
35 shall not be issued. Upon such disapproval the executive

1 council shall, by registered mail, notify one, or all, of
2 the proposed incorporators of its disapproval together with
3 the reasons for such disapproval. ~~and thereupon, the proposed~~
4 ~~incorporators, if not satisfied with such action, may~~ Judicial
5 review of the actions of the executive council may be sought
6 in accordance with the terms of the Iowa Administrative
7 Procedure Act. Notwithstanding the terms of the Iowa
8 Administrative Procedure Act, petitions for judicial review
9 must be filed within sixty thirty days after the mailing of
10 such notice ~~appeal to~~ , and may be filed in the district court
11 of Iowa in and for the county in which the principal place
12 of business of the proposed association is to be located ~~from~~
13 ~~such findings and disapproval by serving a notice of such~~
14 ~~appeal upon the auditor of state, setting forth in general~~
15 ~~terms the decisions appealed from and the grounds of the~~
16 ~~appeal and by filing with the clerk of the said court, within~~
17 ~~such sixty days, a duly verified petition stating the facts~~
18 ~~and the grounds of complaint and having attached thereto a~~
19 ~~copy of the proposed articles of incorporation and bylaws~~
20 ~~and a copy of the findings and conclusions of the executive~~
21 ~~council. Such appeal shall be triable as a mandamus proceeding~~
22 ~~in equity and the findings and decisions of the executive~~
23 ~~council shall be binding upon the court unless overcome by~~
24 ~~clear and convincing proof. Any party aggrieved by the order,~~
25 ~~judgment, or decree of the court may appeal therefrom to the~~
26 ~~supreme court of Iowa.~~

27 j. The executive council shall have the power and it shall
28 be its duty, to revoke any certificate of authority given
29 to any association whenever it appears to said council that
30 said association is transacting business illegally, or is
31 unjust and oppressive to its members or the public. Before
32 any such revocation shall be declared, the executive coun-
33 cil shall first give thirty days' written notice of its
34 intentions to revoke to the association involved and to the
35 federal home loan bank. Said notice shall fix a time and

1 place for hearing on the intended revocation and a permanent
2 record shall be made of the proceedings, hearing and findings
3 and parties so involved and notified shall be furnished with
4 a copy thereof. ~~The association may appeal any such finding~~
5 ~~of revocation to the district court within ten days from~~
6 ~~receipt of a copy thereof. -- Trial shall be in equity and de~~
7 ~~note.~~ Judicial review of actions of the executive council
8 may be sought in accordance with the terms of the Iowa
9 Administrative Procedure Act.

10 Sec. 159. Section five hundred thirty-four point sixty-
11 eight (534.68), Code 1973, is amended by striking the section
12 and inserting in lieu thereof the following:

13 534.68 JUDICIAL REVIEW. Judicial review of the actions
14 of the supervisor may be sought in accordance with the terms
15 of the Iowa Administrative Procedure Act. Notwithstanding
16 the terms of the Iowa Administrative Procedure Act, petitions
17 for judicial review may be filed by an association in the
18 county in which the home office of the association is located.

19 Sec. 160. Section five hundred thirty-six point twenty-
20 three (536.23), Code 1973, is amended by striking the section
21 and inserting in lieu thereof the following:

22 536.23 JUDICIAL REVIEW. Judicial review of the actions
23 of the superintendent or the state banking board may be sought
24 in accordance with the terms of the Iowa Administrative
25 Procedure Act.

26 Sec. 161. Section five hundred thirty-six A point eleven
27 (536A.11), unnumbered paragraph three (3), Code 1973, is
28 amended by striking the section and inserting in lieu thereof
29 the following:

30 Judicial review of actions of the auditor may be sought
31 in accordance with the terms of the Iowa Administrative Proce-
32 dure Act.

33 Sec. 162. Section five hundred thirty-six A point eighteen
34 (536A.18), unnumbered paragraphs two (2) and three (3), Code
35 1973, are amended to read as follows:

1 No suspension, revocation, relinquishment or expiration
2 of any license shall invalidate, impair or affect the legality
3 of obligations of any pre-existing contracts, or prevent the
4 enforcement and collection thereof, ~~and provided further that~~
5 ~~any such suspension or revocation shall not become final if~~
6 ~~any licensee, within thirty days from entry of such order~~
7 ~~suspending or revoking its license appeals to the district~~
8 ~~court of Polk county, Iowa.~~ Judicial review of the actions
9 of the auditor may be sought in accordance with the terms
10 of the Iowa Administrative Procedure Act.

11 ~~The district court of Polk county, Iowa, shall have the~~
12 ~~power to enter such order as justice shall require pending~~
13 ~~the hearing of such appeal, and shall set aside the order~~
14 ~~or decision of the auditor if it be found that:~~

15 1. ~~The auditor acted arbitrarily, capriciously or in~~
16 ~~excess of his power.~~

17 2. ~~The order or decision was obtained by fraud.~~

18 3. ~~The order or decision is contrary to law.~~

19 Sec. 163. Section five hundred forty-three point ten
20 (543.10), Code 1973, is amended to read as follows:

21 543.10 SUSPENSION OR REVOCATION OF LICENSE. The commis-
22 sion is empowered after hearing before it and upon information
23 being filed with the commission by the duly authorized head
24 of the warehouse division of the commission or upon complaint
25 filed by any person to suspend or revoke the license of any-
26 one licensed under this chapter for the violation of or failure
27 to comply with the provisions of this chapter or any rule
28 or regulation made in pursuance of the authority therefor
29 granted under this chapter. An information or a verified
30 complaint stating the grounds for suspension or revocation
31 shall be filed with the commission in triplicate, and thereupon
32 the commission shall serve the licensee complained against
33 with a copy of the information or the complaint and a copy
34 of the order of the commission fixing the time for hearing
35 thereon, which time shall be at least twenty days from the

1 date of service. If the commission determines that the public
2 good requires it, it may upon the filing of the information
3 or the complaint and without hearing, temporarily suspend
4 a license pending the determination by it of the complaint.
5 ~~Any licensee aggrieved by the decision of the commission may~~
6 ~~appeal said decision to the district court by service of~~
7 ~~notice of appeal upon the commission within thirty days~~
8 ~~following the filing of the decision of the commission in~~
9 ~~the office of the commission.--The commission shall forthwith~~
10 ~~upon service of notice of appeal certify the complete record~~
11 ~~of the proceedings before it to the office of the clerk of~~
12 ~~the district court.--The appeal shall be tried by the court~~
13 ~~only upon the record so certified to the court.~~ Judicial
14 review of the actions of the commission may be sought in
15 accordance with the terms of the Iowa Administrative Procedure
16 Act.

17 Sec. 164. Section five hundred forty-eight point two
18 (548.2), subsection two (2), Code 1973, is amended by striking
19 the subsection and inserting in lieu thereof the following:
20 2. Judicial review of actions of the secretary of state
21 may be sought in accordance with the terms of the Iowa Admin-
22 istrative Procedure Act.

23 Sec. 165. Section five hundred fifty-one A point eleven
24 (551A.11), unnumbered paragraph three (3), Code 1973, is
25 amended by striking the unnumbered paragraph and inserting
26 in lieu thereof the following:

27 Judicial review of the actions of the director may be
28 sought in accordance with the terms of the Iowa Administrative
29 Procedure Act, and section four hundred twenty-two point
30 fifty-five (422.55) of the Code.

31 Sec. 166. Section six hundred one A point ten (601A.10),
32 Code 1973, is amended to read as follows:

33 601A.10 JUDICIAL REVIEW--ENFORCEMENT.

34 1. ~~Any complainant or respondent claiming to be aggrieved~~
35 ~~by a final order of the commission, including a refusal to~~

1 ~~issue an order, may obtain judicial review thereof, and the~~
2 Judicial review of the actions of the commission may be sought
3 in accordance with the terms of the Iowa Administrative
4 Procedure Act. Notwithstanding the terms of the Iowa Adminis-
5 trative Procedure Act, petition for judicial review may be
6 filed in the district court in which an enforcement proceeding
7 under subsection two (2) of this section may be brought.

8 2. The commission may obtain an order of court for the
9 enforcement of commission orders in a proceeding as provided
10 in this section.

11 2. Such an enforcement proceeding shall be brought in
12 the district court of the district in the county in which
13 the alleged discriminatory or unfair practice which is the
14 subject of the commission's order was committed, or in which
15 any respondent required in the order to cease or desist from
16 a discriminatory or unfair practice or to take other
17 affirmative action, resides, or transacts business.

18 3. Such an enforcement proceeding shall be initiated by
19 the filing of a petition in such court and the service of
20 a copy thereof upon the ~~commission and upon~~ respondent ~~or~~
21 ~~complainant~~. Thereupon the commission shall file with the
22 court a transcript of the record of the hearing before it.
23 The court shall ~~have jurisdiction of the proceeding and the~~
24 ~~questions determined therein, and shall~~ have power to grant
25 such temporary relief or restraining order as it deems just
26 and proper, and to make and enter upon the pleadings, testi-
27 mony, and proceedings set forth in such transcript an order
28 enforcing, modifying, and enforcing as so modified, or setting
29 aside the order of the commission, in whole or in part.

30 4. An objection that has not been urged before the commis-
31 sion shall not be considered by the court in an enforcement
32 proceeding, unless the failure or neglect to urge such objec-
33 tion shall be excused because of extraordinary circumstances.

34 5. Any party to the enforcement proceeding may move the
35 court to remit the case to the commission in the interests

1 of justice for the purpose of adducing additional specified
2 and material evidence and seeking findings thereof, providing
3 such party shall show reasonable grounds for the failure to
4 adduce such evidence before the commission.

5 ~~6. The hearing on appeal shall be tried in equity and~~
6 ~~shall be de novo. The court may receive additional testimony~~
7 ~~and may affirm, modify, or reverse the order of the commis-~~
8 ~~sion.~~ In the enforcement proceeding the court shall deter-
9 mine its order on the same basis as it would in a proceeding
10 reviewing commission action under subsection eight (8) of
11 section nineteen (19) of the Iowa Administrative Procedure
12 Act.

13 ~~7. The jurisdiction of the court shall be exclusive and~~
14 ~~its judgment and order shall be final subject to review by~~
15 ~~the supreme court as provided by law.~~

16 8 7. The commission's copy of the testimony shall be
17 available to all parties for examination at all reasonable
18 times, without cost, and for the purpose of judicial review
19 of the commission's orders.

20 9 8. The commission may appear in court by its own
21 attorney.

22 ~~10. Unless otherwise directed by the commission or court,~~
23 ~~commencement of review proceedings under this section shall~~
24 ~~operate as a stay of any order.~~

25 44 9. Petitions filed under this section shall be heard
26 expeditiously and determined upon the transcript filed without
27 requirement for printing.

28 42 10. If no proceeding to obtain judicial review is
29 instituted ~~by a complainant or respondent~~ within thirty days
30 from the service of an order of the commission under sec-
31 tion 601A.9, the commission may obtain an order of the court
32 for the enforcement of such order upon showing that respondent
33 is subject to the jurisdiction of the commission and resides
34 or transacts business within the county in which the petition
35 for enforcement is brought.

1 Sec. 167. Acts of the Sixty-fifth General Assembly, 1973
2 Session, chapter one hundred seventy-six (176), section eight
3 (8), is amended to read as follows:

4 Sec. 8. Rules and guidelines issued pursuant to the
5 authority granted in this Act shall be confined to programs
6 and services authorized by this Act and supported by state
7 funds. ~~Notwithstanding, any other provisions of the Code,~~
8 ~~any rules, regulations or guidelines issued under provisions~~
9 ~~of this Act shall be subject to approval by the departmental~~
10 ~~rules review committee and the attorney general.~~

11 Sec. 168. Acts of the Sixty-fifth General Assembly, 1973
12 Session, chapter one hundred eighty-one (181), section nine-
13 teen (19), is amended to read as follows:

14 Sec. 19. NEW SECTION. HEARING BEFORE LICENSING BOARD.
15 If a licensee under this Act makes a written request for a
16 hearing within thirty days of suspension, revocation or refusal
17 to renew his license, a hearing before the drug treatment
18 licensing board shall be expeditiously arranged. If the role
19 of a licensing board member is inconsistent with any member's
20 job role or function, or if any member feels he is unable
21 for any reason to disinterestedly weigh the merits of the
22 case before him, a substitute representative from the agency
23 that member represents on the board shall be appointed by
24 the director for the hearing on that case. The board shall,
25 within thirty days after conclusion of the hearing, issue
26 a written statement of its findings upholding or reversing
27 the proposed suspension, revocation or refusal to renew a
28 license. No action involving suspension, revocation or refusal
29 to renew a license shall be taken by the licensing board
30 unless a quorum of six of the ten members are present at the
31 meeting. A copy of the decision shall be promptly transmitted
32 to the affected licensee who may, if he is aggrieved by the
33 decision, request a second hearing before the board in the
34 manner provided by this section. ~~If the second hearing is~~
35 ~~denied, or its outcome is unsatisfactory to the licensee,~~

1 ~~he may appeal to district court which may hear the matter~~
 2 ~~de novo.~~ Judicial review of the actions of the board may
 3 be sought in accordance with the terms of the Iowa
 4 Administrative Procedure Act.

5 Sec. 169. Acts of the Sixty-fifth General Assembly, 1973
 6 Session, chapter one hundred eighty-six (186), section six
 7 (6), is amended to read as follows:

8 Sec. 6. NEW SECTION. APPEAL PROCEDURE. If an application
 9 is not acted upon within a reasonable time, if it is denied
 10 in whole or in part, or if any award of assistance is modified,
 11 suspended, or canceled under any provision of this Act, the
 12 applicant or recipient may appeal to the department, which
 13 shall give the appellant reasonable notice and opportunity
 14 for a fair hearing before the commissioner or his designee.

15 ~~An applicant or recipient aggrieved by the result of such~~
 16 ~~hearing may, within thirty days, appeal to~~ Judicial review
 17 of the actions of the commission may be sought in accordance
 18 with the terms of the Iowa Administrative Procedure Act.

19 Notwithstanding the terms of the Iowa Administrative Procedure
 20 Act, petitions for judicial review may be filed in the district
 21 court of the county in which he the petitioner resides by
 22 ~~servicing notice of such appeal upon the commissioner or his~~
 23 ~~designee, in the manner required for the service of original~~
 24 ~~notice in a civil action.~~ Upon , and upon receipt of such
 25 notice the petition for judicial review, the department shall
 26 furnish the appellant petitioner with a copy of any papers
 27 filed by him in support of his position, a transcript of any
 28 testimony taken, and a copy of the department's decision.

29 ~~The district court shall review the department's decision~~
 30 ~~to determine its legality.~~

31 Sec. 170. Acts of the Sixty-fifth General Assembly, 1973
 32 Session, chapter two hundred eight (208), section seven (7),
 33 new subsection three (3), unnumbered paragraph three (3) of
 34 this new subsection, as amending section three hundred twenty-
 35 one point two hundred thirty-eight (321.238), Code 1973, is

1 amended to read as follows:

2 After the hearing, the review board may sustain, modify,
3 or reverse the commissioner's order of suspension or
4 revocation. A suspension or revocation sustained or modified
5 by the review board shall take effect ten days from the date
6 of the decision ~~unless the permit holder files an appeal~~ .
7 Judicial review of actions of the review board may be sought
8 in accordance with the terms of the Iowa Administrative
9 Procedure Act. Notwithstanding the terms of the Iowa
10 Administrative Procedure Act, petitions for judicial review
11 may be filed in the district court of the county in which
12 the vehicle inspection station is located ~~within ten days~~
13 ~~from the date of the decision of the review board. The order~~
14 ~~of suspension or revocation sustained or modified and appealed~~
15 ~~to the district court shall become effective ten days from~~
16 ~~the date the appeal is filed unless the suspension or~~
17 ~~revocation is stayed by the court.~~

18 Sec. 171. Acts of the Sixty-fifth General Assembly, 1973
19 Session, chapter two hundred seventy-four (274), section
20 twenty-eight (28), is amended by striking the section and
21 inserting in lieu thereof the following:

22 Sec. 28. NEW SECTION. JUDICIAL REVIEW. The action of
23 the commissioner and the recommendation and findings of the
24 commissioner of public health under section twenty-seven (27)
25 of this Act shall be subject to judicial review in accordance
26 with the terms of the Iowa Administrative Procedure Act.
27 Notwithstanding the terms of the Iowa Administrative Procedure
28 Act, petitions for judicial review may be filed in the district
29 court of the county where the health maintenance organization's
30 principal place of business is located.

31 Sec. 172. Acts of the Sixty-fifth General Assembly, 1973
32 Session, chapter two hundred seventy-six (276), section ten
33 (10), unnumbered paragraph one (1), is amended to read as
34 follows:

35 The commission may after hearing and upon information being

1 filed with the commission by the head of the warehouse division
2 of the commission or upon complaint filed by any person, sus-
3 pend or revoke the license of any person licensed under this
4 Act for the violation of or failure to comply with the provi-
5 sions of this Act or any rule or regulation adopted under
6 this Act. An information or a verified complaint stating
7 the grounds for suspension or revocation shall be filed with
8 the commission in triplicate. The commission shall notify
9 the licensee of the complaint and furnish him with a copy
10 of the information or the complaint and a copy of the order
11 of the commission fixing the time for a hearing, which time
12 shall be at least five days from the date of notification.
13 If the commission determines that the public good requires
14 immediate action, the commission may, upon the filing of the
15 information or the complaint and without hearing, temporarily
16 suspend a license pending the determination by it of the
17 complaint. ~~Any person aggrieved by the decision of the commis-~~
18 ~~sion may appeal the decision of the commission to the district~~
19 ~~court by service of notice of appeal upon the commission~~
20 ~~within thirty days following the filing of the decision of~~
21 ~~the commission in the office of the commission. -- The commission~~
22 ~~shall, upon service of notice of appeal, certify the complete~~
23 ~~record of the proceedings before it to the clerk of the~~
24 ~~district court.~~ Judicial review of the actions of the
25 commission may be sought in accordance with the terms of the
26 Iowa Administrative Procedure Act.

27 Sec. 173. Acts of the Sixty-fifth General Assembly, 1973
28 Session, chapter two hundred ninety-four (294), section five
29 (5), unnumbered paragraphs two (2) and three (3), are amended
30 to read as follows:

31 Any person who files with the bureau a written statement
32 to the effect that a statement contained in the criminal
33 history data that refers to him is nonfactual, or information
34 not authorized by law to be kept, and requests a correction
35 or elimination of that information that refers to him shall

1 be notified within twenty days by the bureau, in writing,
2 of the bureau's decision or order regarding the correction
3 or elimination. ~~The bureau's decision or order or failure~~
4 ~~to allow examination may be appealed to the district court~~
5 ~~of Polk county by the person requesting said examination,~~
6 ~~correction or elimination.~~ Judicial review of the actions
7 of the bureau may be sought in accordance with the terms of
8 the Iowa Administrative Procedure Act. Immediately upon such
9 appeal the filing of the petition for judicial review the
10 court shall order the bureau to file with the court a certified
11 copy of the criminal history data and in no other situation
12 shall the bureau furnish an individual or his attorney with
13 a certified copy, except as provided by this Act.

14 Upon the request of the appellant petitioner, the record
15 and evidence in ~~such cases~~ a judicial review proceeding shall
16 be closed to all but the court and its officers, and access
17 thereto shall be refused unless otherwise ordered by the
18 court. The clerk shall maintain a separate docket for such
19 actions. No person, other than the appellant petitioner shall
20 permit a copy of any of the testimony or pleadings or the
21 substance thereof to be made available to any person other
22 than a party to the action or his attorney. Violation of the
23 provisions of this section shall be a public offense,
24 punishable under section seven (7) of this Act.

25 Sec. 174. Section twenty-five A point one (25A.1), Code
26 1973, is amended to read as follows:

27 25A.1 CITATION AND APPLICABILITY. This chapter may be
28 cited as the "Iowa Tort Claims Act". Every provision of this
29 chapter is applicable and of full force and effect notwith-
30 standing any inconsistent provision of the Iowa Administra-
31 tive Procedure Act.

32 Sec. 175. Section twenty-five A point three (25A.3),
33 unnumbered paragraph three (3), Code 1973, is amended to read
34 as follows:

35 The state appeal board ~~may~~ shall adopt rules, regulations,

1 and procedures for the handling, processing, and investigation
2 of claims, according to the provisions of the Iowa
3 Administrative Procedure Act.

4 Sec. 176. Section twenty-eight A point seven (28A.7),
5 Code 1973, is amended to read as follows:

6 28A.7 MANDAMUS-OR-INJUNCTION ENFORCEMENT OF RIGHTS. The
7 provisions of this chapter and all rights of citizens under
8 this chapter may be enforced by mandamus or injunction, whether
9 or not any other remedy is also available. In the alternative,
10 rights under this chapter also may be enforced by an action
11 for judicial review according to the provisions of the Iowa
12 Administrative Procedure Act, if the meeting involved is a
13 meeting of an "agency" as defined in that act.

14 Sec. 177. Section sixty-eight A point five (68A.5), Code
15 1973, is amended to read as follows:

16 68A.5 ENFORCEMENT OF RIGHTS. The provisions of this chap-
17 ter and all rights of citizens under this chapter may be
18 enforced by mandamus or injunction, whether or not any other
19 remedy is also available. In the alternative, rights under
20 this chapter also may be enforced by an action for judicial
21 review according to the provisions of the Iowa Administrative
22 Procedure Act, if the records involved are records of an
23 "agency" as defined in that act.

24 Sec. 178. Chapter seventeen A (17A), as amended by Acts
25 of the Sixty-fifth General Assembly, 1973 Session, chapter
26 one hundred twenty-eight (128), and sections eighty-three
27 A point twelve (83A.12), eighty-six point thirty (86.30),
28 eighty-six point thirty-one (86.31), eighty-six point thirty-
29 three (86.33), ninety-seven B point twenty-one (97B.21),
30 ninety-seven B point thirty (97B.30), ninety-seven B point
31 thirty-one (97B.31), one hundred point eighteen (100.18),
32 one hundred point nineteen (100.19), one hundred point twenty-
33 one (100.21), one hundred point twenty-two (100.22); one
34 hundred point twenty-four (100.24), one hundred point twenty-
35 five (100.25), one hundred ninety-two A point twenty-six

1 (192A.26), two hundred thirty-eight point thirteen (238.13),
2 two hundred thirty-eight point fourteen (238.14), two hundred
3 thirty-eight point fifteen (238.15), three hundred twenty-
4 five point twenty-two (325.22), three hundred twenty-five
5 point twenty-three (325.23), three hundred twenty-five point
6 twenty-four (325.24), four hundred twenty-eight point thirty-
7 two (428.32), four hundred twenty-eight point thirty-three
8 (428.33), four hundred fifty-five B point forty (455B.40),
9 four hundred fifty-five B point forty-two (455B.42), four
10 hundred ninety A point fourteen (490A.14), four hundred ninety
11 A point fifteen (490A.15), four hundred ninety A point sixteen
12 (490A.16), four hundred ninety A point seventeen (490A.17),
13 four hundred ninety A point eighteen (490A.18), four hundred
14 ninety A point nineteen (490A.19), and five hundred seven
15 B point ten (507B.10), Code 1973, are repealed.

EXPLANATION

17 This Act provides a procedural code for the operation of
18 all state administrative agencies as defined in section 2,
19 subsection 1, when they make rules and hold required hearings
20 to determine the rights of any person. The Act also imposes
21 certain requirements on state agencies to facilitate public
22 access to their processes and the policies under which they
23 operate. A simplified method of obtaining judicial review
24 of any action of a state agency which injures a person and
25 is allegedly improper is also included. The substantive
26 rights of individuals and the substantive duties of agencies
27 are not altered because this Act operates only procedurally.
28 The provisions of the IAPA are in addition to existing
29 statutory provisions, except that it contemplates repeal or
30 amendment of inconsistent provisions of the Code, especially
31 those providing for judicial review of agency action.
32 Consequently, this Act will assure a uniform minimum procedure
33 to which all agencies will have to adhere in the conduct of
34 their most important functions; and it will provide the public
35 with a readily accessible and usable code with which to measure

1 their minimum procedural rights in the administrative process.
2 More than half of the states and the federal government already
3 have such comprehensive administrative procedure acts. The
4 detailed purposes of the IAPA are specified in section 1,
5 subsection 2, which should be read in conjunction with section
6 23 providing the method by which this Act is to be applied.
7 Section 2 contains the definitions applicable throughout
8 the Act. The general definition of a "rule" in section two,
9 subsection 7, is similar to that presently contained in Chapter
10 17A, but a number of practical exemptions are found in section
11 2, subsection 7, paragraphs a through k, which are not found
12 in the current definition. Exemptions from the definition
13 of a "rule" have the effect of removing only those specified
14 statements from the rule-making provisions of the Act; such
15 exempted statements are still subject to most of section 3
16 and all of the judicial review provisions, and are invocable
17 by a party in contested case proceedings under this Act.
18 Section 3 imposes a duty on agencies to promulgate certain
19 rules describing their organization, internal processes and
20 procedures that would facilitate public access to the agencies.
21 It also requires agencies to make available to the public
22 in usable form all of its rules and other written policies,
23 decisions, and precedents so that persons affected will be
24 able to ascertain their rights more easily than at present.
25 Agencies failing to make such policies, decisions, or prece-
26 dents available for public inspection may not apply them to
27 the detriment of any person who does not have actual knowledge
28 of their contents.
29 Section 4 provides a procedure for the adoption of rules
30 that would require, in most cases, thirty-five days advance
31 published notice of proposed rule-making and an opportunity
32 by interested persons to make written and sometimes oral
33 input prior to the time the agency decides upon the final
34 form of a rule. Failure to follow this procedure makes the
35 rules issued voidable, and agencies seeking to come within

1 the very narrow exceptions to this procedure allowed for
2 unusual cases have the burden of proving that their failure
3 to follow normal procedures is lawful.

4 Section 5 provides that, with some exceptions, no rule
5 shall become effective until 35 days after it has been filed
6 with the Secretary of State and indexed and published in the
7 Administrative Code referred to in section 6. Agencies seeking
8 to come within the very narrow exceptions allowed from the
9 35-day effective date provision have the burden of proving
10 that their actions are within those exceptions.

11 Section 6 provides for the publication of all rules in
12 a multi-volume loose-leaf publication called the "Iowa Adminis-
13 trative Code" which will be supplemented every two weeks with
14 all new rules and notices of all proposed rule-making. The
15 Administrative Code would be financed by subscriptions.

16 Section 7 authorizes any interested person to petition
17 an agency for the issuance, amendment or repeal of a rule,
18 and requires a response by the agency which includes a brief
19 statement of reasons.

20 Section 8 retains the bipartisan Administrative Rules
21 Review Committee of the General Assembly which is charged
22 with oversight of all agency rule-making.

23 Section 9 requires agencies to establish a procedure whereby
24 requesting affected parties can obtain a binding advisory
25 ruling as to the applicability of any statute enforced by
26 the agency or the applicability of any rule, decision or order
27 of the agency.

28 Sections 10 through 18 concern contested cases. Section
29 2, subsection 2, defined "contested cases" as proceedings
30 before an agency that determine an individual's rights, duties
31 or privileges, and that are required by the constitution or
32 a statute other than the IAPA to be decided after an eviden-
33 tiary hearing has been held before an agency.

34 Section 10 makes clear that unless in a given situation
35 a statute precludes it, informal settlement is encouraged

1 of controversies whose resolution would otherwise require
2 a formal hearing before an agency. Agencies must, by rule,
3 provide a procedure for such settlements, but neither party
4 is required to utilize those procedures or settle prior to
5 a hearing. This section also permits the parties to a con-
6 tested case proceeding to agree to waive any of the provisions
7 of the IAPA governing such a proceeding.

8 Section 11 provides that only the agency head, a member
9 of the agency head, or an administrative hearing officer
10 appointed under the merit system can be the presiding officer
11 in a contested case hearing before an agency. Hearing officers
12 cannot perform duties inconsistent with their duties as impar-
13 tial hearing officers and can be loaned from one agency to
14 another for efficiency purposes.

15 Section 12 details the procedural requirements for hearings
16 held before agencies in contested cases. It specifies such
17 things, among others, as notice, pleadings, contents of the
18 record, the right to cross-examination, the right to present
19 witnesses, and the right to be represented by counsel.

20 Section 13 confers upon agencies certain subpoena powers
21 that are necessary for them to determine whether they should
22 institute action against an individual which would require
23 a prior hearing, and also subpoena powers sufficient to enable
24 the agency to conduct any such contested case hearing fairly
25 and effectively. It also provides for discovery procedures
26 in contested cases.

27 Section 14 provides for the rules of evidence applicable
28 in contested case hearings held before agencies, and requires
29 agencies to base their decisions in such cases upon the kind
30 of evidence on which reasonably prudent persons are accustomed
31 to rely in the conduct of their serious affairs.

32 Section 15 deals with the preparation and finality of deci-
33 sions rendered by a presiding officer in hearings before an
34 agency, and provides certain procedural protections for persons
35 appealing to the agency from a decision of a presiding officer

1 who is not the agency head. It also permits agencies to
2 create systems of intermediate appeals from the officer
3 presiding at the agency hearing to an official between the
4 agency head and the presiding officer. In addition, this
5 section facilitates appeals from one agency to another where
6 such appeals are provided for by another provision of the
7 Iowa Code.

8 Section 16 requires decisions rendered after a required
9 hearing before an agency to be in writing or in the record
10 of the case, and to contain explicit findings of fact and
11 conclusions of law. It also permits parties to file for a
12 rehearing before the agency prior to the time when they might
13 seek judicial review of the contested case proceeding.

14 Section 17 seeks to ensure the impartiality and fairness
15 of agency members or hearing officers who make decisions in
16 contested cases. The decision-maker in such a case is pro-
17 hibited from communicating with any party to the controversy
18 unless all other parties have an opportunity to be present
19 and participate. The person who makes a decision in a con-
20 tested case, may, however, have the aid of assistants other
21 than those who have a personal interest in the case or who
22 are engaged in prosecuting or advocating in the case. Parties
23 to such a contested case are also prohibited from communicat-
24 ing with the decision-maker without giving the other parties
25 to the controversy an opportunity to be present and partici-
26 pate. The section also bars the administrative decision-maker
27 from having prosecuted or advocated in the case to be decided
28 by that person, and provides a procedure by which the decision-
29 maker can be disqualified for bias.

30 Section 18 applies the procedural protections of sections
31 10 through 17 to licensing. If an application for an initial
32 license is required by another statute or the constitution
33 to be decided after an evidentiary hearing before the agency,
34 all of the procedural protections for contested cases apply
35 to that hearing. According to this section, agencies are

1 always required to hold a hearing according to the procedural
2 requirements of sections 10 through 17 when they seek to
3 revoke or suspend a license. In exceptional circumstances
4 an agency can suspend a license and then hold the hearing,
5 but normally it must hold the hearing prior to any suspension;
6 and it may never revoke a license unless a hearing has been
7 held first. Further, the Act states that a license does not
8 expire until the agency has acted one way or another on an
9 application for its renewal.

10 Section 19 provides the exclusive means by which agency
11 action can be reviewed in a court. "Agency action" is very
12 broadly defined in section 2, subsection 9, so that it covers
13 anything an agency may do whether it be rule-making, a con-
14 tested case proceeding, or otherwise. This provision describes
15 who can sue, where they can sue, when they can sue, what their
16 petition for judicial review shall contain, the grounds upon
17 which a court shall give relief, and other technical details
18 of such a proceeding.

19 Section 20 provides for appeals to the Supreme Court from
20 the initial judicial review proceeding.

21 Section 21 states that if any part of this Act will cause
22 loss of federal funds or is inconsistent with federal law,
23 it shall be inoperable.

24 Section 22 gives agencies authority to implement this Act.

25 Section 23 provides a rule of construction for the Act
26 making it clear that, save for the judicial review provision,
27 its provisions are in addition to existing rights and respon-
28 sibilities. This Act will also take precedence over other
29 Acts where there is a conflict unless the other Act expressly
30 excepts itself from all or a portion of this Act.

31 Section 24 makes the Act effective on July 1, 1975, thereby
32 giving agencies time to prepare for its provisions.

33 Sections 25 through 27 deal with details concerning certain
34 responsibilities and authority of the Code editor in
35 implementing this Act.

1 Sections 28 to the end contain repealers and amendments
2 to other sections of the Iowa Code necessary to fit this Act
3 into the existing statutes.

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LSF 3337
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HOUSE FILE 1200

H-2458

1 Amend House File 1200 as follows:

2 1. Page 2, line 33, by striking the word
3 "individual" and inserting in lieu thereof the words
4 "person or agency".

5 2. Page 5, line 7, by inserting after the word
6 "rule" the words "or other statement of law or policy".

7 3. Page 7, line 17, by striking the word
8 "individual" and inserting in lieu thereof the word
9 "person".

10 4. Page 11, line 34, by inserting after the word
11 "rule" the words "or other written statement of law
12 or policy".

13 5. Page 35, by inserting after line 9 the
14 following:

15 "Sec. _____. Section eighty-five point fifty-nine
16 (85.59), Code 1973, is amended to read as follows:

17 85.59 PAYMENT OF STATE EMPLOYEES. The state comp-
18 troller is hereby authorized and directed to draw
19 warrants on the state treasury for any and all amounts
20 due state employees under the provisions of this
21 chapter upon there being filed in his office, either
22 a memorandum of settlement approved by the industrial
23 commissioner or of an award made by a board of
24 arbitration, for which no review is pending, or an
25 order of the industrial commissioner from which ~~no~~
26 ~~appeal-has-been-taken~~ judicial review has not been
27 sought, or a judgment of any court of the state
28 accompanied by a certificate of the industrial
29 commissioner setting forth the amount of compensa-
30 tion due and the statutory provisions under which
31 the same should be paid.

32 Sec. _____. Section eighty-five A point fifteen
33 (85A.15), Code 1973, is amended to read as follows:

34 85A.15 EMPLOYERS LIMIT OF LIABILITY. Payments
35 of compensation and compliance with other provisions
36 herein by the employer or his insurance carrier in
37 accordance with the findings and orders of the
38 industrial commissioner or the ~~appellate~~ court in
39 ~~appealed-cases~~ judicial review proceedings, shall
40 discharge such employer from any and all further
41 obligation."

42 6. Page 37, by inserting after line 14 the
43 following:

44 "Sec. _____. Section eighty-six point forty-two
45 (86.42), Code 1973, is amended to read as follows:

46 86.42 JUDGMENT BY DISTRICT COURT ON AWARD. Any
47 party in interest may present a certified copy of
48 an order or decision of the commissioner, or an award
49 of a board of arbitration from which no petition for
50 review has been filed within the time allowed therefor,

A
adopted
3/14 (99)

B
adopted
(499)

51 or a memorandum of agreement approved by the
52 commissioner, and all papers in connection therewith,
53 to the district court of the county in which the
54 injury occurred, whereupon said court shall render
55 a decree or judgment in accordance therewith and cause
56 the clerk to notify the parties. Such decree or
57 judgment, in the absence of an appeal from a peti-
58 tion for judicial review of the decision of the
59 industrial commissioner, shall have the same effect
60 and in all proceedings in relation thereto shall
61 thereafter be the same as though rendered in a suit
62 duly heard and determined by said court."

63 7. Page 71, by inserting after line 15 the
64 following:

65 "Sec. _____. Section two hundred forty-one point
66 eleven (241.11), Code 1973, is amended to read as
67 follows:

68 241.11 APPEAL--JUDICIAL REVIEW. If an application
69 is not acted upon within a reasonable time, if it
70 is denied in whole or in part, or if any award of
71 assistance is modified, suspended, or canceled under
72 any provision of this chapter, the applicant or
73 recipient may appeal to the department of social
74 services. The department shall give the appellant
75 reasonable notice and opportunity for a fair hearing
76 before the commissioner or his designee. An applicant
77 or recipient aggrieved by the result of such hearing
78 may, within thirty days, appeal to the district court
79 of the county in which he resides, by serving notice
80 of such appeal upon the commissioner of social services
81 or his designee, in the manner required for the service
82 of original notice in a civil action. Judicial review
83 of the actions of the department may be sought in
84 accordance with the terms of the Iowa Administrative
85 Procedure Act. Upon receipt of such notice a petition
86 for judicial review, the department shall furnish
87 the appellant petitioner with a copy of any papers
88 filed by him in support of his petitioner's position,
89 a transcript of any testimony taken, and a copy of
90 the department's decision. The district court shall
91 review the department's decision to determine its
92 legality.

93 Sec. _____. Section two hundred forty-one A point
94 eight (241A.8), Code 1973, is amended to read as
95 follows:

96 241A.8 APPEAL--JUDICIAL REVIEW. If an application
97 is not acted upon within a reasonable time, if it
98 is denied in whole or in part, or if any award of
99 assistance is modified, suspended, or canceled under
100 any provision of this chapter, the applicant or

William

101 recipient may appeal to the department of social
102 services. The department shall give the appellant
103 reasonable notice and opportunity for a fair hearing
104 before the commissioner or his designee. ~~An applicant~~
105 ~~or recipient aggrieved by the result of such hearing~~
106 ~~may, within thirty days, appeal to the district court~~
107 ~~of the county in which he resides, by serving notice~~
108 ~~of such appeal upon the commissioner of social services~~
109 ~~or his designee, in the manner required for the service~~
110 ~~of original notice in a civil action.~~ Judicial review
111 of the actions of the department may be sought in
112 accordance with the terms of the Iowa Administrative
113 Procedure Act. Upon receipt of such notice a petition
114 for judicial review, the department shall furnish
115 the appellant petitioner with a copy of any papers
116 filed by him in support of his petitioner's position,
117 a transcript of any testimony taken, and a copy of
118 the department's decision. ~~The district court shall~~
119 ~~review the department's decision to determine its~~
120 ~~legality.~~

121 Sec. _____. Section two hundred forty-nine point
122 eleven (249.11), unnumbered paragraph three (3), Code
123 1973, is amended to read as follows:

124 If an application is not acted upon within a reason-
125 able time, if it is denied in whole or in part, or
126 if any award of assistance is modified, suspended,
129 or canceled under any provision of this chapter, the
128 applicant or recipient may appeal to the department
129 of social services. The department shall give the
130 appellant reasonable notice and opportunity for a
131 fair hearing before the commissioner or his designee.
132 ~~An applicant or recipient aggrieved by the result~~
133 ~~of such hearing may, within thirty days, appeal to~~
134 ~~the district court of the county in which he resides,~~
135 ~~by serving notice of such appeal upon the commis-~~
136 ~~sioner of social services or his designee, in the~~
137 ~~manner required for the service of original notice~~
138 ~~in a civil action.~~ Judicial review of the actions
139 of the department may be sought in accordance with
140 the terms of the Iowa Administrative Procedure Act.
141 Upon receipt of such notice a petition for judicial
142 review, the department shall furnish the appellant
143 petitioner with a copy of any papers filed by him
144 in support of his petitioner's position, a transcript
145 of any testimony taken, and a copy of the department's
146 decision. ~~The district court shall review the~~
147 ~~department's decision to determine its legality."~~

148 8. Page 72, by inserting after line 20 the
149 following:

150 "Sec. _____. Section two hundred seventy-five point

B
delegated
3/14

151 eight (275.8), unnumbered paragraph one (1), Code
152 1973, is amended to read as follows:

153 The state department of public instruction shall
154 co-operate with the several county boards of education
155 in making the studies and surveys required hereunder.
156 In the case of controversy over the planning of joint
157 districts, the matter shall be submitted to the state
158 board of public instruction judicial review of and
159 its decision may be appealed-to-a-court-of-record
160 in-one-of-the-counties-involved, by-an-aggrieved-party
161 to-the-controversy, sought in accordance with the
162 terms of the Iowa Administrative Procedure Act.

163 Notwithstanding the terms of the Iowa Administrative
164 Procedure Act, petitions for judicial review must
165 be filed within thirty days after the decision of
166 the state board of public instruction. Joint districts
167 shall mean districts that lie in two or more adjacent
168 counties. An-aggrieved-party-is-hereby-defined-as
169 the-board-of-directors-of-a-school-district-whose
170 directors-are-elected-at-large, or, if-said-board
171 is-elected-from-director-districts, then-that
172 membership-of-the-board-of-directors-whose-districts
173 are-included-in-the-proposed-reorganized-area, or
174 a-county-board-of-education.

175 Sec. _____. Section two hundred seventy-five point
176 sixteen (275.16), unnumbered paragraphs two (2) and
171 three (3), are amended to read as follows:

172 In case a controversy arises from such meeting,
179 the county board or boards or any school district
180 aggrieved may bring the controversy to the state
181 department of public instruction, as provided in
182 section 275.8, within twenty days from the publication
183 of this order, and if said controversy is taken to
184 the state department of public instruction, a ten-
185 day notice in writing shall be given to all county
196 boards and school districts affected or portions
187 thereof. The state department shall have the authority
188 to affirm the action of the joint boards, to vacate,
189 to dismiss all proceedings or to make such modifi-
190 cation of the action of the joint boards as in their
191 judgment would serve the best interest of all the
192 counties. This-decision-may-be-appealed-to-a-court
193 of-record-in-one-of-the-counties-by-any-aggrieved
194 party-to-the-controversy-as-defined-in-section-275-8,
195 Judicial review of the actions of the department may
196 be sought in accordance with the terms of the Iowa
197 Administrative Procedure Act. Notwithstanding the
198 terms of the Iowa Administrative Procedure Act,
199 petitions for judicial review must be filed within
200 thirty days after the decision of the state department

201 of public instruction.

202 ~~The court on appeal shall have the same authority~~
203 ~~as is granted in this section to the state department~~
204 ~~of public instruction."~~

205 9. Page 74, by inserting after line 21 the
206 following:

207 "Sec. _____. Section three hundred twenty-one point
208 two hundred ten (321.210), unnumbered paragraph three
209 (3), Code 1973, is amended to read as follows:

210 Prior to a suspension taking effect under
211 subsections 2, 3, 4, 5 or 7, the licensee shall have
212 received twenty days advance notice of the effective
213 date of the suspension, ~~and an appeal under the~~
214 ~~provisions of section 321.215.~~ Notwithstanding the
215 terms of the Iowa Administrative Procedure Act, the
216 filing of a petition for judicial review shall operate
217 to stay the suspension pending the determination by
218 the district court."

219 10. Page 76, by inserting after line 22 the
220 following:

221 "Sec. _____. Section three hundred twenty-six point
222 thirty-one (326.31), unnumbered paragraph two (2),
223 Code 1973, is amended to read as follows:

224 Any person whose privileges are canceled may request
225 an administrative hearing of said action, and during
226 the period pending the hearing the apportioned
227 registration privileges shall be reinstated if the
228 fleet owner posts security with the reciprocity board
229 in an amount sufficient to pay such full annual fees
230 if an adverse decision is rendered at the hearing.
231 At such hearing the fleet owner shall have the burden
232 of proof as to the accuracy of any report filed by
233 the fleet owner with the reciprocity board, department
234 of public safety, or the department of revenue. ~~Any~~
235 ~~person aggrieved by a decision reached at the~~
236 ~~administrative hearing may appeal from such deci-~~
237 ~~sion to the district court.~~ Judicial review of any
238 decision reached at the administrative hearing may
239 be sought in accordance with the terms of the Iowa
240 Administrative Procedure Act."

241 II. Page 76, by inserting after line 30 the
242 following:

243 "Sec. _____. Section four hundred twenty-one point
244 seventeen (421.17), subsection ten (10), unnumbered
245 paragraph two (2), is amended to read as follows:

246 The director may correct errors or obvious
247 injustices in the assessment of any individual
248 property, but the director shall not reduce the
249 valuation of any individual property except upon the
250 recommendation of the local board of review and no

251 order of the director affecting any valuation shall
252 be retroactive as to any reduction or increase in
253 taxes payable prior to January 1 of the year in which
254 such order is issued, or prior to September 1 of the
255 preceding year in cities under special charter which
256 collect their own municipal levies. ~~Any increase~~
257 ~~in individual valuations ordered by the director shall~~
258 ~~be subject to right of appeal to the courts under~~
259 ~~the same procedure as that provided in the case of~~
260 ~~increases made by local boards of review. Judicial~~
261 review of the actions of the director may be sought
262 in accordance with the terms of the Iowa Administrative
263 Procedure Act."

264 13. Page 87, by inserting after line 29 the
265 following:

266 "Sec. _____. Section four hundred fifty-five B point
267 ninety-two (455B.92), Code 1973, is amended by striking
268 the section and inserting in lieu thereof the
269 following:

270 455B.92 JUDICIAL REVIEW. Judicial review of the
271 actions of the commission may be sought in accordance
272 with the terms of the Iowa Administrative Procedure
273 Act. Notwithstanding the terms of the Iowa
274 Administrative Procedure Act, a petition for judicial
275 review may be filed in the district court of the
276 county in which the alleged violation was committed
277 or in which a final order was entered.

278 Sec. _____. Section four hundred seventy-four point
279 twenty-eight (474.28), Code 1973, is amended by
280 striking the section and inserting in lieu thereof
281 the following:

282 474.28 JUDICIAL REVIEW. Judicial review of the
283 actions of the commission may be sought in accordance
284 with the terms of the Iowa Administrative Procedure
285 Act.

286 Sec. _____. Section four hundred seventy-four point
287 twenty-nine (474.29), Code 1973, is amended to read
288 as follows:

289 474.29 REMITTING PENALTY. When any common carrier
290 shall fail upon appeal in a judicial review proceed-
291 ing to secure a vacation of the order appealed from
292 objected to, it may apply to the court in which the
293 appeal review proceeding is finally adjudicated for
294 an order remitting the penalty which has accrued
295 during the pendency of the appeal review proceeding.
296 Upon a satisfactory showing that the appeal was
297 prosecuted petition for judicial review was filed
298 in good faith and not for the purpose of delay, and
299 that there were reasonable grounds to believe that
300 the order appealed from was unreasonable or unjust

301 or that the power of the commission to make the same
302 was doubtful, such court may remit the penalty that
303 has accrued during the pendency of the appeal review
304 proceeding.

305 Sec. _____. Section four hundred eighty-four point
306 sixteen (484.16), Code 1973, is amended to read as
307 follows:

308 484.16 COMPENSATION--DISAGREEMENT--PROCEEDINGS.
309 Any interurban railway company shall pay a reasonable
310 compensation for the privileges and facilities
311 furnished to it by a street railway company and in
312 case of disagreement as to the facilities to be
313 furnished or the conditions for their use or the
314 compensation therefor, the question shall be submitted
315 to and heard and determined by the state commerce
316 commission, on petition of either party, and on ten
317 days' written notice of such hearing served on the
318 opposite party. Any order made by the commission
319 or the court on-appeal in a judicial review proceeding
320 shall be subject to review and modification from time
321 to time on ten days' written notice by either party
322 setting forth the grounds of the application."

323 13. Page 89, by inserting after line 6 the
324 following:

325 "Sec. _____. Section four hundred ninety A point
326 six (490A.6), unnumbered paragraph seven (7), Code
327 1973, is amended to read as follows:

328 If, after hearing and decision on all issues
329 presented for determination in such rate proceeding,
330 the commission shall find the rates, charges, schedules
331 or regulations of the utility to be unlawful, the
332 same shall be set aside and the commission shall by
333 order authorize and direct the utility to file rates,
334 charges, schedules or regulations which, when approved
335 by the commission and placed in effect, will satisfy
336 the requirements of this chapter. The rates, charges,
337 schedules or regulations so approved shall be lawful
338 and effective unless changed as herein provided.
339 In the event a petition for rehearing is filed ~~or~~
340 ~~an-appeal-is-taken-from~~ or a petition for judicial
341 review is sought from an order concerning rates,
342 charges, schedules or regulations which are in effect
343 under bond, those rates, charges, schedules or
344 regulations may, notwithstanding the terms of the
345 Iowa Administrative Procedure Act, be continued in
346 effect by the utility under the terms of a bond or
347 other undertaking pending final determination of the
348 application for rehearing or ~~appeal-from~~ proceeding
349 for judicial review of an order of the commission."

350 14. Page 95, by inserting after line 12 the

351 following:

352 "Sec. _____. Section five hundred twenty-four point
353 six hundred six (524.606), subsection two (2),
354 unnumbered paragraph two (2), Code 1973, is amended
355 to read as follows:

356 The decision of the superintendent shall be subject
357 to judicial review by the district court of Polk
358 county upon petition by the removed director within
359 thirty days after the superintendent notifies such
360 director of his decision in accordance with the terms
361 of the Iowa Administrative Procedure Act. The decision
362 of the superintendent shall be upheld unless
363 unsupported by substantial evidence. No action taken
364 by a director prior to his removal shall be subject
365 by attack on the ground of his disqualification."

366 15. Page 112, line 3, by inserting before the
367 word "three" the words and number "two hundred seventy-
368 five point thirty-four (275.34),".

H-2458 Filed *A and B adopted 2/14* By WEST of Marshall
March 12, 1974 *@ - withdrawn* BITTLE of Polk
FISHER of Greene
HARGRAVE of Johnson
NIELSEN of Polk

HOUSE FILE 1200

H-2452

1 Amend House File 1200 as follows:

2 1. Page 3, by striking from line 8 the words
3 "sitting members", and inserting in lieu thereof the
4 words "members eligible to vote".

5 2. Page 15, by striking from line 7 the words
6 "In addition," and all of lines 8 through 13.

7 3. Page 26, by striking lines 2 through 9, and
8 inserting in lieu thereof the following: "If any
9 provision of this Act or the application thereof is
10 help to be invalid or if any provision or application
11 of this Act would cause denial of funds or services from
12 the United States government which would otherwise be
13 available to an agency of this state, any invalidity
14 or inconsistency with federal law shall not affect
15 other provisions or applications of this Act, and to
16 this end the invalid or inconsistent provisions or
17 applications are severable from the remainder of the
18 Act in order to prevent the denial of such funds or
19 services."

20 4. Page 26, by striking all after the period in
21 line 25, and all of line 26.

H-2452 Filed *1,4 - adopted 3/14 (999)* By SCHROEDER of Pottawattamie
March 12, 1974 *2,3, & - withdrawn 3/14*

HOUSE FILE 1200

H-2417

1 Amend House File 1200 as follows:

2 1. Page 23, line 10, by striking the words "most
3 populous" and "in the".

4 2. Page 23, line 11, by striking the words
5 "judicial district".

6 3. Page 23, line 12, by inserting before the word
7 "Within" the following: "When a proceeding for judi-
8 cial review has been commenced, a court may, in the
9 interest of justice, transfer the proceeding to an-
10 other county where the venue is proper."

11 4. Page 32, by striking lines 27 through 31 and
12 inserting in lieu thereof the following:

13 "Administrative Procedure Act. the-district-court
14 of-Polk-county,-or-to-the-district-court-of-the
15 county-in-Iowa-in-which-the-employee-resides,-within
16 thirty-days-after-he".

17 5. Page 51, by striking lines 30 through 33 and
18 inserting in lieu thereof the following: "Act. If
19 the licensee has not filed".

20 6. Page 57, by striking lines 17 through 20 and
21 inserting in lieu thereof the following: "Administra-
22 tive Procedure Act."

23 7. Page 63, by striking lines 8 through 12 and
24 inserting in lieu thereof the following: "Procedure
25 Act."

26 8. Page 63, by striking lines 18 through 21 and
27 inserting in lieu thereof the following: "Iowa
28 Administrative Procedure Act."

29 9. Page 64, by striking lines 13 through 16 and
30 inserting in lieu thereof the following: "terms of
31 the Iowa Administrative Procedure Act."

32 10. Page 69, by striking lines 8 through 12 and
33 inserting in lieu thereof the following: "of the Iowa
34 Administrative Procedure Act. the-district-court-of
35 Polk-County-or-of-the-county-in-which-the-appellant
36 resides,-by-serving-notice-of-such-appeal-upon-the".

37 11. Page 69, line 15, by striking the words "and
38 the" and inserting in lieu thereof the words "the The".

39 12. Page 70, by striking lines 20 through 23 and
40 inserting in lieu thereof the following: "cedure Act."

41 13. Page 71, by striking lines 2 through 5 and
42 inserting in lieu thereof the following: "Administra-
43 tive Procedure Act. the-district-court-of-the-county
44 in-which-he-resides,-by-serving-notice-of-such".

45 14. Page 71, by striking lines 22 through 25 and
46 inserting in lieu thereof the following: "Iowa
47 Administrative Procedure Act. In the event a".

48 15. Page 74, by striking lines 27 through 30 and
49 inserting in lieu thereof the following: "of the
50 Iowa Administrative Procedure Act."

- 51 16. Page 75, by striking lines 2 through 6 and in-
52 sserting in lieu thereof the following: "trative Pro-
53 cedure Act."
- 54 17. Page 75, by striking lines 12 through 15 and
55 inserting in lieu thereof the following: "trative
56 Procedure Act."
- 57 18. Page 75, by striking lines 32 through 35 and
58 inserting in lieu thereof the following: "of the
59 Iowa Administrative Procedure Act."
- 60 19. Page 76, by striking line 1 and inserting in
61 lieu thereof the following: "The".
- 62 20. Page 78, by striking lines 3 through 9 and in-
63 sserting in lieu thereof the following: "Act. the
64 ~~district-court-of-the-county-in-which-he-resides,-or~~
65 ~~in-which-his-principal-place-of-business-is-located,~~
66 ~~within-sixty-days-after-he-shall-have-received-notice~~
67 ~~of-a-determination-by-the-director-as-provided-for-in~~
68 ~~section-422-54."~~
- 69 21. Page 79, by striking line 35.
- 70 22. Page 80, by striking lines 1 through 6 and
71 inserting in lieu thereof the following: "~~the-dis-~~
72 ~~trict-court-of-the-county-in-which-he-resides,-or-in~~
73 ~~which-his-principal-place-of-business-is-located,-with-~~
74 ~~in-sixty-days-after-he-shall-have-received-notice-of~~
75 ~~a-determination-by-the-director-as-provided-for-in~~
76 ~~section-424-5."~~
- 77 23. Page 83, by striking lines 33 through 35 and
78 inserting in lieu thereof the following: "petitions
79 for judicial review shall be filed".
- 80 24. Page 87, line 35, by striking the word "Not-
81 withstanding".
- 82 25. Page 88, by striking lines 1 through 3.
- 83 26. Page 94, by striking lines 34 and 35.
- 84 27. Page 95, by striking lines 1 and 2.
- 85 28. Page 99, by striking lines 24 through 27 and
86 inserting in lieu thereof the following: "istrative
87 Procedure Act."
- 88 29. Page 101, by striking lines 15 through 18 and
89 inserting in lieu thereof the following: "of the Iowa
90 Administrative Procedure Act."
- 91 30. Page 107, by striking lines 19 through 21 and
92 inserting in lieu thereof the following: "~~the-dis-~~
93 ~~trict-court-of-the-county-in-which-he-resides-by~~".
- 94 31. Page 107, line 24, by striking the words "
95 and upon" and inserting in lieu thereof the word
96 "Upon".
- 97 32. Page 108, by striking lines 9 through 12 and
98 inserting in lieu thereof the following: "Procedure
99 Act. in-the-district-court-of-the-county-in-which-the
100 vehicle-inspection-station-is-located-within-ten-days".

101 33. Page 108, by striking lines 27 through 30.

H—2417 Filed
March 6, 1974

Adopted 3/18

By OAKLEY of Clinton

EXPLANATION OF AMENDMENT

This amendment allows judicial review under the Iowa Administrative Procedure Act to be instituted by filing a petition either in Polk county district court or in the district court for the county in which the petitioner resides or has its principal place of business, rather than either in Polk county district court or in the district court for the most populous county in the judicial district in which the petitioner resides or has its principal place of business. This amendment also allows venue to be changed under the doctrine of "forum non conviens". Because of these venue changes, redundant provisions in the coordinating amendments are eliminated.

HOUSE FILE 1200

H-2413

1 Amend House File 1200 as follows:

2 1. Page 2, line 27, by inserting before the word
3 "and" the words and punctuation "to provide legislative
4 oversight;".

5 2. Page 9, after line 29, by inserting the fol-
6 lowing:

7 4. All expenses incurred by the Code editor under
8 this section shall be defrayed under the provisions
9 of section fourteen point twenty-two (14.22) of the Code.

10 3. Page 25, line 35, by inserting after the word
11 "cases" the words ", although the appeal may be taken
12 regardless of the amount involved".

13 4. Page 26, line 9, after the period by inserting
14 the following sentences:

15 If the attorney general makes such a suspension
16 determination, he shall report it to the general
17 assembly at its next session. This report shall
18 include any recommendations in regard to corrective
19 legislation needed to conform this Act with the federal
20 law.

21 5. Page 27, after line 23, by inserting the fol-
22 lowing:

23 Sec. _____. Section sixteen point twenty-four
24 (16.24), unnumbered paragraph one (1), Code 1973,
25 is amended to read as follows:

26 The superintendent of printing shall make free
27 distribution of the Code, the Iowa administrative
28 code, rules of civil procedure and supreme court
29 rules, and of the Acts of each general assembly, as
30 follows:

31 Sec. _____. Section seventeen point twenty-one
32 (17.21), Code 1973, is amended to read as follows:

33 17.21 LEGAL PUBLICATIONS. The Code or supplements
34 thereto, Iowa ~~departmental-rules~~ administrative code,
35 rules of civil procedure and supreme court rules,
36 session laws, annotations, tables of corresponding
37 sections, and reports of the supreme court, unless
38 otherwise specifically provided by law, shall be
39 printed, and paid for in the same manner as other
40 public printing.

41 Sec. _____. Section seventeen point twenty-two
42 (17.22), unnumbered paragraphs one (1) and two (2),
43 Code 1973, is amended to read as follows:

44 17.22 PRICE. Said publications shall be sold
45 at a price to be established by dividing the total
46 cost only, of printing, binding and paper stock by
47 the total number printed of each edition.

48 1. Code or supplements thereto and Iowa
49 ~~departmental-rules~~ administrative code.

50 2. Session laws.

A
3/14/74
B

C

D

B

- 51 3. Daily journals and bills.
- 52 4. Book of annotations to the Code.
- 53 5. Supplements to the book of annotations.
- 54 6. Tables of corresponding sections to the Code.
- 55 7. Reports of the supreme court.
- 56 8. Rules of civil procedure and supreme court
- 57 rules.

58 The Iowa ~~departmental-rules~~ administrative code
59 shall be distributed with each order for purchase
60 of the Code and the price set for the Code and
61 ~~departmental-rules~~ Iowa administrative code as provided
62 above shall include the cost of both the Code and
63 ~~departmental-rules~~ Iowa administrative code. The
64 ~~departmental-rules~~ Iowa administrative code may also
65 be distributed separately.

66 Sec. _____. Section seventeen point twenty-seven
67 (17.27), unnumbered paragraph two (2), Code 1973,
68 as amended by Acts of the Sixty-fifth General Assembly,
69 1973 Session, chapters one hundred twenty (120) and
70 one hundred twenty-two (122), is amended to read as
71 follows:

72 When such publications paid for by public funds
73 furnished by the state, contain reprints of statutes
74 or ~~departmental~~ rules, or both, they shall be sold
75 and distributed at cost by the department ordering
76 same if the cost per publication is one dollar or
77 more, unless a central library or depository is
78 established. Such publications shall be obtained
79 from the superintendent of printing on requisition
80 by the department and the selling price, if any, shall
81 be determined by the superintendent by dividing the
82 total cost of printing, paper and binding by the
83 number printed. Said price shall be set at the nearest
84 multiple of ten to the quotient thus obtained.
85 Distribution of such publications shall be made by
86 the superintendent gratis to public officers,
87 purchasers of licenses from state departments required
88 by statute, and departments. Funds from the sale
89 of such publications shall be deposited monthly in
90 the general fund of the state.

91 6. Page 30, after line 8, by inserting the fol- E
92 lowing:

93 Sec. _____. Section twenty-nine A point twenty-seven
94 (29A.27), unnumbered paragraph six (6), is amended
95 to read as follows:

96 ~~Any party aggrieved by any decision of a board~~
97 ~~provided in this section shall have the right of~~
98 ~~appeal to the district court of the state of Iowa~~
99 ~~in and for the county of his legal residence~~ Judicial
100 review of any decision of the board may be sought

101 in accordance with the terms of the Iowa Administrative
102 Procedure Act. Notwithstanding the terms of the Iowa
103 Administrative Procedure Act, petitions for judicial
104 review must be filed within a period of thirty days
105 from date of mailing by the adjutant general by
106 certified mail of notice of such decision. The appeal
107 shall be perfected by filing in the office of the
108 adjutant general a written notice of appeal setting
109 forth the order or finding from which appealed and
110 the grounds of the appeal. Within thirty days after
111 the filing of such notice of appeal a petition for
112 judicial review, the adjutant general shall make,
113 certify, and file in the office of the clerk of the
114 district court to which the appeal is taken in which
115 the judicial review is sought a full and complete
116 transcript of all documents in the proceeding. The
117 transcript shall include the notice of appeal, any
118 depositions, and a transcript or certification of
119 the evidence, if reported. The clerk shall forthwith
120 docket such appeal. The appeal shall be heard in
121 such district court as in equity de novo. Appeal
122 may be taken to the supreme court from any final order
123 or judgment or decree of the district court. The
124 attorney general of Iowa, upon the request of the
125 adjutant general, shall represent the board appointed
126 by the adjutant general against whom any such appeal
127 has been instituted.

128 Sec. . Section thirty-five A point seven
129 (35A.7), Code 1973, is amended to read as follows:
130 35A.7 DUTIES OF BONUS BOARD. It shall be the
131 duty of the bonus board created by section 35.1 to
132 administer the provisions of this chapter, to examine
133 all applications and approve or disapprove the same
134 and make any investigation necessary to establish
135 facts. In the event an application is disapproved
136 by the bonus board, the claimant shall have the right
137 of appeal to the district court of the state of Iowa
138 in and for the county of his legal residence Judicial
139 review of any decision of the board may be sought
140 in accordance with the terms of the Iowa Administrative
141 Procedure Act. Notwithstanding the terms of the Iowa
142 Administrative Procedure Act, petitions for judicial
143 review must be filed within a period of thirty days
144 from date of mailing by certified mail of notice of
145 such disapproval. The appeal shall be perfected by
146 filing in the office of the bonus board, a written
147 notice of appeal setting forth the order or finding
148 appealed from and the grounds of the appeal. Within
149 thirty days after the filing of such notice of appeal
150 a petition for judicial review the bonus board shall

151 make, certify and file in the office of the clerk
152 of the district court ~~to which the appeal is taken~~
153 in which the judicial review is sought, a full and
154 complete transcript of all documents in the proceeding,
155 including any depositions, a transcript or
156 certification of the evidence, if reported, ~~including~~
157 ~~the notice of appeal. The clerk shall forthwith~~
158 ~~docket such appeal. The appeal shall be heard in~~
159 ~~such district court as in equity de novo. Appeal~~
160 ~~may be taken to the supreme court from any final order~~
161 ~~or judgment or decree of the district court.~~ When
162 any application has been approved by the bonus board,
163 payment shall be made to the applicant in accordance
164 with the provisions of this chapter. It shall be
165 the duty of the bonus board to prepare vouchers and
166 transmit the same to the state comptroller in payment
167 of the bonus claims provided for herein and other
168 necessary administrative expenses; said state
169 comptroller shall issue a warrant for the amount
170 stated therein and the state treasurer shall pay such
171 warrants out of said bonus fund. The bonus board is
172 hereby empowered to employ such assistants and incur
173 such other expenses as may be necessary for such
174 administration and carrying out of the provisions
175 of this chapter, and the funds necessary for such
176 administration and carrying out the provisions of
177 this chapter shall be expended from said compensation
178 fund; such assistants as said bonus board may determine
179 shall give bond in such amount as may be fixed by
180 said bonus board, and shall, whenever practicable,
181 be persons within the classes as defined in section
182 35A.4. The bonus board is hereby empowered to make,
183 adopt and promulgate such rules and regulations for
184 the carrying out of the provisions of this chapter
185 as it deems necessary and expedient and which are
186 not inconsistent with any provisions of this chapter.
187 Sec. _____. Section thirty-five B point seven
188 (35B.7), Code 1973, is amended to read as follows:
189 35B.7 DUTIES. It shall be the duty of the said
190 board to administer the provisions of this chapter,
191 to examine all applications and approve or disapprove
192 the same and make any investigation necessary to
193 establish facts. ~~In the event an application is~~
194 ~~disapproved by the board, the claimant shall have~~
195 ~~the right of appeal to the district court of the state~~
196 ~~of Iowa in and for the county of his legal residence~~
197 Judicial review of any decision of the board may be
198 sought in accordance with the terms of the Iowa
199 Administrative Procedure Act. Notwithstanding the
200 terms of the Iowa Administrative Procedure Act,

201 petitions for judicial review must be filed within
202 a period of thirty days from date of mailing by
203 certified mail of notice of such disapproval. The
204 ~~appeal shall be perfected by filing in the office~~
205 ~~of the board, a written notice of appeal setting forth~~
206 ~~the order or finding appealed from and the grounds~~
207 ~~of the appeal.~~ Within thirty days after the filing
208 of ~~such notice of appeal~~ a petition for judicial
209 review the board shall make, certify and file in the
210 office of the clerk of the district court ~~to which~~
211 ~~the appeal is taken,~~ in which the judicial review
212 is sought a full and complete transcript of all
213 documents in the proceeding, including any depositions,
214 a transcript or certification of the evidence, if
215 reported, ~~including the notice of appeal.~~ The clerk
216 ~~shall forthwith docket such appeal.~~ ~~The appeal shall~~
217 ~~be heard in such district court as in equity de novo.~~
218 ~~Appeal may be taken to the supreme court from any~~
219 ~~final order or judgment or decree of the district~~
220 ~~court.~~ When any application has been approved by
221 the board, payment shall be made to the applicant
222 in accordance with the provisions of this chapter.
223 It shall be the duty of the board to prepare vouchers
224 and transmit the same to the state comptroller in
225 payment of the bonus claims provided for herein and
226 other necessary administrative expenses; said state
227 comptroller shall issue a warrant for the amount
228 stated therein and the state treasurer shall pay such
229 warrants out of said bonus fund. The board is hereby
230 empowered to employ such assistants and incur such
231 other expenses as may be necessary for such
232 administration and carrying out of the provisions
233 of this chapter, and the funds necessary for such
234 administration and carrying out the provisions of
235 this chapter shall be expended from said compensation
236 fund; such assistants as said board may determine
237 shall give bond in such amount as may be fixed by
238 said board, and shall, whenever practicable, be persons
239 within the classes as defined in section 35B.4. The
240 board is hereby empowered to make, adopt and promulgate
241 such rules and regulations for the carrying out of
242 the provisions of this chapter as it deems necessary
243 and expedient and which are not inconsistent with
244 any provisions of this chapter.

245 7. Page 33, after line 1, by inserting the fol-
246 lowing:

247 Sec. ____ . Section eighty-two point ten (82.10),
248 Code 1973, is amended to read as follows:

249 82.10 ~~APPEAL---NOTICE---MANNER-OF-TRIAL~~ JUDICIAL
250 ~~REVIEW.~~ The aggrieved party shall have the right

F
Withdrawn 3/10
(989)

251 ~~to appeal from such findings and order to~~ Judicial
252 review of action of the board may be sought in
253 accordance with the terms of the Iowa Administrative
254 Procedure Act. Notwithstanding the terms of the Iowa
255 Administrative Procedure Act, petitions for judicial
256 review may be filed in the district court of any
257 county in the district of the inspector against whom
258 charges were made, by giving notice in writing to
259 the board, or any member thereof, served in the same
260 manner as original notices, within ten days from the
261 time of filing the findings with the governor, or
262 if the order of removal is made, within ten days
263 therefrom. Upon such appeal all matters shall be
264 heard bearing upon the charges made, and the pleadings
265 may be amended within the discretion of the court.
266 The appeal shall be tried as an equitable action.
267 Upon such hearing the court shall render and enter
268 such order or decree as the evidence warrants in
269 equity and justice. Nothing herein contained shall
270 prevent the governor from proceeding under any law
271 provided for the suspension or removal of state
272 officers for malfeasance or nonfeasance in office.

273 Sec. ____. Section eighty-two point thirty-eight
274 (82.38), Code 1973, is amended by striking the section
275 and inserting in lieu thereof the following:

276 82.38 JUDICIAL REVIEW OF ORDER. Judicial review
277 of the actions of the mine inspector may be sought
278 in accordance with the Iowa Administrative Procedure
279 Act.

280 Sec. ____. Section eighty-two point forty-one
281 (82.41), Code 1973, is amended to read as follows:

282 82.41 DISPUTE AS TO ORDERS--COPY--APPEAL. If
283 any dispute or difference should arise as to the
284 findings or orders of the mine inspector under the
285 provisions of section 82.40, between such inspector
286 and employer operating the mine, or between such
287 inspector and at least five employees working in the
288 mine, then and in that case the inspector shall
289 furnish, on demand, to the aggrieved party or parties
290 a copy of his findings or orders complained of and
291 he shall also file the originals thereof in the general
292 office of the state mine inspectors, ~~and the aggrieved~~
293 ~~party or parties may have the right to appeal from~~
294 ~~said findings and orders to the district court of~~
295 ~~the county in which said mine is located on the same~~
296 ~~terms and conditions as appeals from orders relating~~
297 ~~to air shafts and escape ways.~~ Judicial review of
298 the action of the mine inspector may be sought in
299 accordance with the terms of the Iowa Administrative
300 Procedure Act.

301 Sec. _____. Section eighty-two point forty-two
302 (82.42), Code 1973, is amended to read as follows:
303 82.42 TIME AND MANNER OF TRIAL--FINAL ORDER.
304 When an appeal a petition for judicial review is taken
305 filed as provided in section 82.41, the case shall
306 be docketed and precedence given over all other cases
307 excepting criminal cases where the party is in jail,
308 and the inspector may bring the case on for hearing
309 before any judge of the judicial district where the
310 mine is located by giving five days' notice in writing
311 to the opposite party. If the evidence shows that
312 the order was a reasonable one as made by the inspec-
313 tor the findings and order of the inspector shall
314 stand as made by him. If the evidence shows that
315 the order was not a reasonable one, the court shall
316 vacate it or so modify it as to be equitable and just.

317 8. Page 35, after line 9, by inserting the fol-
318 lowing: E

319 Sec. _____. Section eighty-five point seventy
320 (85.70), Code 1973, is amended to read as follows:
321 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE. An
322 employee who has sustained an injury resulting in
323 permanent partial or permanent total disability, for
324 which compensation is payable under this chapter,
325 and who cannot return to gainful employment because
326 of such disability, shall upon application to and
327 approval by the industrial commissioner be entitled
328 to a twenty-dollar weekly payment from the employer
329 in addition to any other benefit payments, during
330 each full week in which he is actively participating
331 in a vocational rehabilitation program recognized
332 by the state board for vocational education. The
333 industrial commissioner's approval of such appli-
334 cation for payment may be given only after a careful
335 evaluation of available facts, and after consultation
336 with the employer or the employer's representative.
337 An appeal of the Judicial review of the decision of
338 the industrial commissioner may be taken to the
339 district court as prescribed in obtained in accordance
340 with the terms of the Iowa Administrative Procedure
341 Act and section 86.26. Such additional benefit payment
342 shall be paid for a period not to exceed thirteen
343 consecutive weeks except that the industrial
344 commissioner may extend the period of payment not
345 to exceed an additional thirteen weeks if the
346 circumstances indicate that a continuation of training
347 will in fact accomplish rehabilitation.

348 9. Page 37, after line 14, by inserting the fol-
349 lowing:

350 Sec. _____. Section eighty-six point forty-two

G
Withdrawn 3/11
(1974)

351 (86.42), Code 1973, is amended to read as follows:
352 86.42 JUDGMENT BY DISTRICT COURT ON AWARD. Any
353 party in interest may present a certified copy of
354 an order or decision of the commissioner, or an award
355 of a board of arbitration from which no petition for
356 review has been filed within the time allowed therefor,
357 or a memorandum of agreement approved by the commis-
358 sioner, and all papers in connection therewith, to
359 the district court of the county in which the injury
360 occurred, whereupon said court shall render a decree
361 or judgment in accordance therewith and cause the
362 clerk to notify the parties. Such decree or judgment,
363 in the absence of ~~an appeal from~~ a timely proceeding
364 for judicial review of the decision of the industrial
365 commissioner, shall have the same effect and in all
366 proceedings in relation thereto shall thereafter be
367 the same as though rendered in a suit duly heard and
368 determined by said court.

369 10. Page 48, after line 14, by inserting the E
370 following:

371 Sec. _____. Section ninety-seven B point twenty-
372 six (97B.26), Code 1973, is amended to read as follows:

373 97B.26 REFEREE. Unless such appeal is withdrawn,
374 an appeal referee to be designated by the commission
375 for this purpose, after affording the parties rea-
376 sonable opportunity for fair hearing, shall affirm
377 or modify the findings of fact and decision of the
378 deputy. At said hearing all of the evidence taken
379 and the proceedings had shall be taken and fully
380 reported by a certified shorthand reporter. Said
381 reporter shall promptly transcribe said evidence and
382 proceedings and certify to same. The said transcript
383 shall then be made available for use by the commission
384 and by the courts at subsequent appeals judicial
385 review proceedings under the Iowa Administrative
386 Procedure Act, if any. The parties shall be duly
387 notified of such referee's decision, together with
388 his reasons therefor, which shall be deemed to be
389 the final decision of the commission unless, within
390 thirty days after the date of notification or mailing
391 of such decision, further appeal is initiated pursuant
392 to section 97B.27.

393 11. Page 54, after line 28, by inserting the
394 following:

395 Sec. _____. Section one hundred three A point seven
396 (103A.7), unnumbered paragraph three (3), Code 1973,
397 is amended to read as follows:

398 These rules and regulations shall comprise and
399 be known as the state building code ~~and shall not~~
400 ~~be subject to the provisions of chapter 17A.~~

401 12. Page 58, after line 14, by inserting the fol-
402 lowing:

403 Sec. _____. Section one hundred twenty-three point
404 thirty-two (123.32), subsection five (5), Code 1973,
405 is amended to read as follows:

406 5. ~~APPEAL-TO-COURTS--Any-applicant-who-feels~~
407 ~~aggrieved-by-a-decision-of-the-director-or-local~~
408 ~~authority-disapproving, suspending, or revoking~~
409 ~~issuance-of-a-liquor-control-license-or-beer-permit~~
410 ~~may, provided he has exercised his right of appeal~~
411 ~~to the hearing board as provided in subsection 4 of~~
412 ~~this section, appeal from said decision within ten~~
413 ~~days to~~ JUDICIAL REVIEW. Judicial review of the
414 action of the department hearing board may be sought
415 in accordance with the terms of the Iowa Administrative
416 Procedure Act. Notwithstanding the terms of the Iowa
417 Administrative Procedure Act, petitions for judicial
418 review may be filed in the district court of the
419 county wherein the premises covered by the application
420 are situated.

421 Where the hearing board on an appeal by an applicant
422 finds that the local authority acted arbitrarily,
423 capriciously, or without reasonable cause in disapprov-
424 ing an application and the director issues a license
425 or permit, the local authority may ~~appeal from such~~
426 ~~decision seek~~ judicial review of such decision
427 according to the terms of the Iowa Administrative
428 Procedure Act within ten thirty days to the district
429 court of the county wherein the premises covered by
430 the application are situated.

431 13. Page 60, after line 1, by inserting the fol-
432 lowing:

433 Sec. _____. Section one hundred thirty-five C point
434 eleven (135C.11), Code 1973, is amended to read as
435 follows:

436 135C.11 NOTICE--HEARINGS. Such denial, suspension,
437 or revocation shall be effected by mailing to the
438 applicant or licensee by certified mail or by personal
439 service of a notice setting forth the particular rea-
440 sons for such action. Such denial, suspension, or
441 revocation shall become effective thirty days after
442 the mailing or service of the notice, unless the
443 applicant or licensee, within such thirty-day period,
444 shall give written notice to the department requesting
445 a hearing, in which case the notice shall be deemed
446 to be suspended. If a hearing has been requested,
447 the applicant or licensee shall be given an opportunity
448 for a prompt and fair hearing before the department.
449 At any time at or prior to the hearing the department
450 may rescind the notice of the denial, suspension or

451 revocation upon being satisfied that the reasons for
452 the denial, suspension or revocation have been or
453 will be removed. On the basis of any such hearing,
454 or upon default of the applicant or licensee, the
455 determination involved in the notice may be affirmed,
456 modified, or set aside by the department. A copy
457 of such decision shall be sent by certified mail,
458 or served personally upon the applicant or licensee.
459 ~~The decision shall become final thirty days after~~
460 ~~it is so mailed or served, unless the~~ The applicant
461 ~~or licensee, within such thirty day period, appeals~~
462 ~~the decision to the court~~ may seek judicial review
463 pursuant to section 135C.13.

464 The procedure governing hearings authorized by
465 this section shall be in accordance with the rules
466 promulgated by the department. A full and complete
467 record shall be kept of all proceedings, and all
468 testimony shall be reported but need not be transcribed
469 unless ~~the decision is appealed~~ judicial review is
470 sought pursuant to section 135C.13. A copy or copies
471 of the transcript may be obtained by an interested
472 party upon payment of the cost of preparing such copy
473 or copies. Witnesses may be subpoenaed by either
474 party and shall be allowed fees at a rate prescribed
475 by the aforesaid rules. The commissioner may, with
476 the advice and consent of the care review committee
477 established pursuant to section 135C.25, remove all
478 residents and patients and suspend the license or
479 licenses of any health care facility, prior to a
480 hearing, when he finds that the health or safety of
481 residents or patients of the health care facility
482 requires such action on an emergency basis.

483 14. Page 62, after line 22, by inserting the fol-
484 lowing:

485 Sec. _____. Section one hundred forty-five point
486 seventeen (145.17), Code 1973, is amended to read
487 as follows:

488 145.17 COURT PROCEDURE. This section shall be
489 applicable notwithstanding the terms of the Iowa
490 Administrative Procedure Act. The issue thereby
491 raised shall be whether the findings and conclusions
492 of said board shall be affirmed by the court, and
493 shall be tried in the district court of such county,
494 as a special proceeding, in the same manner as a civil
495 action at law in which the state shall be the plaintiff
496 and the person so summoned shall be the defendant.
497 Each party shall have the same rights as to production
498 of evidence and the case shall be tried in the same
499 manner as any other civil action. In all such cases
500 the county attorney of the county where such

501 proceedings are tried shall appear and prosecute such
502 action on behalf of the state. If the defendant has
503 no attorney and he is unable to secure one, the court
504 shall appoint an attorney from the membership of the
505 bar of said county to conduct his defense, and appeal,
506 if any be taken as hereinafter provided, and such
507 attorney shall be compensated by the state, upon order
508 of the court. Upon the request of either party to
509 such proceeding all questions of fact shall be tried
510 by a jury and the court in every instance shall have
511 the testimony fully reported at the expense of the
512 state.

513 15. Page 64, after line 7, by inserting the fol-
514 lowing:

515 Sec. _____. Section one hundred fifty-five point
516 fourteen (155.14), Code 1973, is amended to read as
517 follows:

518 155.14 NOTICE--HEARING. Such denial, suspension
519 or revocation shall be effected by mailing to the
520 applicant or licensee by registered mail, or by
521 personal service of, a notice setting forth the
522 particular reasons for such action. Such denial,
523 suspension or revocation shall become effective thirty
524 days after the mailing or service thereof, unless
525 the applicant or licensee, within such thirty-day
526 period shall give written notice to the board
527 requesting a hearing in which case the notice shall
528 be deemed to be suspended. If a hearing has been
529 requested, the applicant or licensee shall be given
530 an opportunity for a prompt and fair hearing before
531 the board. At any time at or prior to the hearing
532 the board may rescind the notice of denial, suspension
533 or revocation upon being satisfied that the reasons
534 for denial, suspension or revocation have been or
535 will be removed. On the basis of any such hearing,
536 or upon default of the applicant or licensee, the
537 determination involved in the notice may be affirmed,
538 modified or set aside by the board. A copy of such
539 decisions, setting forth the findings of fact and
540 the particular reasons for the decision shall be sent
541 by registered mail, or served, ~~unless the applicant~~
542 ~~or licensee, within such thirty days, appeals the~~
543 ~~decision to the district court.~~

544 Sec. _____. Section one hundred fifty-five point
545 fifteen (155.15), Code 1973, is amended to read as
546 follows:

547 155.15 PROCEDURE AT HEARING. The procedure govern-
548 ing hearings authorized by section 155.14 shall be
549 in accordance with rules promulgated by said board.
550 A full and complete record shall be kept of all

551 proceedings, and all testimony shall be reported but
552 need not be transcribed unless ~~the decision is appealed~~
553 ~~to the court~~ judicial review is sought. A copy or
554 copies of the transcript may be obtained by the party
555 or parties involved in the controversy on payment
556 of the cost of preparing such copy or copies.
557 Witnesses may be subpoenaed by either party and shall
558 be allowed fees as prescribed by law in courts of
559 record in criminal cases.

560 16. Page 67, after line 21, by inserting the fol-
561 lowing:

562 Sec. _____. Section one hundred ninety-eight point
563 thirteen (198.13), subsection five (5), Code 1973,
564 is amended to read as follows:

565 5. ~~Any person adversely affected by an~~ Judicial
566 review of any Act, order or ruling made pursuant to
567 the provisions of this chapter may be sought in accor-
568 dance with the terms of the Iowa Administrative Pro-
569 cedure Act. Notwithstanding the terms of the Iowa
570 Administrative Procedure Act, petitions for judicial
571 review must be filed within forty-five days there-
572 after bring action in the district court in and for
573 Polk county for new trial of the issues bearing upon
574 such Act, order or ruling, and upon such trial the
575 court may issue and enforce such orders, judgments
576 or decrees as the court may deem proper, just and
577 equitable after the Act, order or ruling is final.

578 17. Page 76, after line 30, by inserting the fol-
579 lowing:

580 Sec. _____. Section four hundred twenty-one point
581 one (421.1), subsection three (3), Code 1973, is
582 amended by striking the subsection.

583 18. Page 84, after line 35, by inserting the fol-
584 lowing:

585 Sec. _____. Section four hundred forty-one point
586 forty-seven (441.47), Code 1973, is amended to read
587 as follows:

588 441.47 ADJUSTED VALUATIONS. The director of
589 revenue on or about the third Monday of September
590 in each year shall adjust the valuation of property
591 in the several counties adding to or deducting from
592 the valuation of each kind or class of property such
593 percentage in each case as will bring the same to
594 its taxable value as fixed in this chapter and chapters
595 427 to 443, inclusive. The director shall also adjust
596 the valuations as between each kind or class of
597 property in any city assessed by a city assessor and
598 each kind or class of property in the same county
599 assessed by the county assessor. The director shall
600 order the equalization of the levels of assessment

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601 of each class of property in the first and third year
602 of the quadrennial assessment period. For purposes
603 of such value adjustments and before such equalization
604 the director shall adopt, ~~with approval of the state~~
605 ~~board of tax review and~~ in the manner prescribed by
606 chapter 17A, such rules as may be necessary to
607 determine the level of assessment for each class of
608 property in each county. The rules shall cover: (a)
609 The proposed use of the assessment-sales ratio study
610 set out in section 421.17, subsection 6; (b) the
611 proposed use of any state-wide income capitalization
612 studies; (c) the proposed use of other methods that
613 would assist the director in arriving at the accurate
614 level of assessment of each class of property in each
615 assessing jurisdiction.

H-2413 Filed *A, F, G - withdrawn 3/14 (1984)* By BITTLE of Polk
March 6, 1974 *B, C, D, E - adopted 3/14* FISHER of Greene
HARGRAVE of Johnson
NIELSEN of Polk
WEST of Marshall

1 Amend House File 1200 as follows:

2 1. Page 2, line 20, by inserting before the word
3 "to" the words and punctuation ": to provide legis-
4 lative oversight of powers and duties delegated to
5 administrative agencies,".

6 2. Page 7, after line 21, by inserting the follow-
7 ing lettered paragraph:

8 "c. Submit, in the style and form prescribed by
9 the Code editor, a copy of a rule proposed to be
10 adopted, amended, or repealed to each member of the
11 administrative rules review committee. These submis-
12 sions shall not be submitted less than ten days prior
13 to the meeting at which consideration of such a pro-
14 posed rule is scheduled."

15 3. Page 7, line 24, by inserting after the word
16 "of" the words and letters "paragraphs a and b of".

17 4. Page 7, line 30, by inserting after the word
18 "from" the words and letters "paragraphs a and b of".

19 5. Page 7, line 35, by inserting after the word
20 "of" the words and letters "paragraphs a and b of".

21 6. Page 8, after line 3, by inserting the follow-
22 ing subsection:

23 "3. a. Within thirty days of submission under
24 paragraph c of subsection one (1) of this section,
25 the administrative rules review committee shall, if it
26 finds objection to a submitted rule, report such find-
27 ing to the agency submitting the rule. This report
28 shall contain the recommendations of the committee on
29 how the objectionable part of the proposed rule may
30 be corrected. If the committee does not find objec-
31 tion to the submitted rule, it may report such finding
32 to the agency submitting the proposed rule at any
33 time. However, the provisions of paragraph b of this
34 subsection shall not apply unless the committee has
35 made a proper objection within thirty days of sub-
36 mission.

37 b. A proposed rule that is objected to under this
38 subsection shall not be adopted until it either has
39 been corrected in compliance with the committee's
40 recommendations or has been referred to and approved
41 by the general assembly when it next convenes. If
42 the general assembly does not approve the referred
43 proposed rule within thirty-five days after convening
44 or if the proposed rule is not referred within this
45 time period, the agency may adopt the proposed rule
46 pursuant to this Act. However, a proposed rule which
47 is not so approved shall not be resubmitted to the
48 administrative rules review committee. Approval of a
49 referred proposed rule shall be in the same manner
50 that laws are approved by the general assembly."

51 7. Page 8, line 4, by striking the number "3" and
52 inserting in lieu thereof the number "4".

53 8. Page 11, line 9, by striking the words and
54 punctuation ", whether proposed or in effect" and
55 inserting in lieu thereof the words "in effect or
56 examining proposed rules submitted under subsection
57 three (3) of section four (4) of this Act".

58 9. Page 11, line 15, by inserting before the word
59 "to" the words "or proposed rule".

60 10. Page 11, line 18, by inserting before the
61 word "to" the words "or proposed rule".

HOUSE FILE 1200

H-2351

1 Amend House File 1200 as follows:

2 1. Page 7, line 14, before the word "whichever"
3 by inserting the words and punctuation "or within
4 forty-five days of submission under paragraph c of
5 this subsection,".

6 2. Page 7, after line 21, by inserting the
7 following lettered paragraph:

8 c. Submit, in the style and form prescribed by
9 the Code editor, four copies of such proposed rule
10 to the attorney general and a copy of such proposed
11 rule to each member of the administrative rules review
12 committee. These submissions shall not be submitted
13 less than ten days prior to the meeting at which
14 consideration of the proposed rule is scheduled.

15 3. Page 7, line 24, by inserting after the word
16 "of" the words and letters "paragraphs a and b of".

17 4. Page 7, line 30, by inserting after the word
18 "from" the words and letters "paragraphs a and b of".

19 5. Page 7, line 35, by inserting after the word
20 "of" the words and letters "paragraphs a and b of".

21 6. Page 8, after line 3, by inserting the follow-
22 ing subsection:

23 3. a. Within thirty days after submission of
24 the four copies of a proposed rule, the attorney
25 general shall give to the proposing agency and the
26 administrative rules review committee a written advisory
27 opinion on the form and possible legality of the
28 submitted rule.

29 b. Within forty-five days after submission of the
30 copies of a proposed rule, the administrative rules
31 review committee shall, if it finds objection to a
32 submitted rule, report such finding to the agency
33 submitting the rule. This report shall contain the
34 recommendations of the committee on how the objection-
35 able part of the rule may be corrected. If the com-
36 mittee does not find objection to the submitted rule,
37 it may report such finding to the agency submitting
38 the rule at any time.

39 7. Page 8, line 4, by striking the number "3" and
40 inserting in lieu thereof the number "4".

41 8. Page 8, after line 10, by inserting the follow-
42 ing subsection:

43 5. a. If a rule does not have an advisory
44 opinion by the attorney general, unless the attorney
45 general fails to render such an opinion within the
46 thirty-day period prescribed in paragraph a of sub-
47 section three (3) of this section, or if the administra-
48 tive rules review committee has found objection to
49 a submitted rule and this objectionable rule has not
50 been corrected in compliance with the committee's recom-

51 mendations, or if a rule has not been submitted to the
52 proper parties, then the agency prescribing, promulgat-
53 ing, or enforcing such rule shall have the burden
54 of proof to establish that such rule is not arbitrary,
55 capricious, or otherwise illegal.

56 b. If the agency fails to meet the proof prescribed
57 in paragraph a of this subsection, or if the district
58 court finds that such a rule is arbitrary, capricious,
59 or otherwise illegal, judgment shall be rendered
60 against the agency for court costs. Such court costs
61 shall include a reasonable attorney fee and shall be
62 payable by the state comptroller from the support
63 appropriations of the agency which prescribed,
64 promulgated, or enforced such a rule.

65 9. Page 11, line 8, by striking the word
66 "selectively".

67 10. Page 11, line 9, by inserting before the
68 word "rules" the word "proposed".

69 11. Page 11, line 9, by striking the words and
70 punctuation ", whether proposed or in effect" and
71 inserting in lieu thereof the words, number, and
72 letter "submitted under paragraph c of subsection
73 one (1) of Section 4 of this Act".

74 12. Page 11, line 9, by inserting before the word
75 "A" the sentence "The committee may also meet for the
76 purpose of reviewing rules already in effect."

H-2351 Filed - *Adopted 3/15 (1027)* By MONROE of Des Moines
February 27, 1974 *Motion to reconsider*

filed 3/15 (1028) - motion passed 3/18 (1051)
H 2524 - sub
for H. 2351 - 3/18 (1051)

H. 2351 - withdrawal
3/18

FISCAL NOTE
HOUSE FILE 1200

Date prepared March 7, 1974

Requested by Representative Bittle.

Prepared in regard to House File 1200 - An Act creating an Iowa Administrative Procedure Act as amended by H-2413. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

Several departments have been contacted regarding the fiscal effect of implementing House File 1200. Each department contacted expressed uncertainty as to the scope of their responsibilities under this Act, but gave the following as estimates:

Code Editor	
2 Additional Employees	<u>\$ 16,000</u>
Printing	
Based on 7200 copies the approximate size of the IDR	
First edition and supplements	\$139,999
Less current cost of printing 7200 copies of IDR and Supplements	<u>54,000</u>
	<u>85,999</u>
Reimbursement by subscription based on 4200 subscriptions	<u>16,632</u>
	<u>\$ 69,367</u>
Postage and mailing of supplement biweekly	<u>48,256</u>
	<u>\$117,623</u>
Secretary of State	
Clerical help and equipment	<u>5,000</u>
Attorney General	
At the present time all rules must be submitted to the Attorney General for review and approval prior to publication. Under this Act this step would no longer be required and the number of hours now expended by the staff in review of rules would be greatly decreased. It is anticipated that the various agencies will, in time, find that the uniform procedures set out in this Act will simplify the work load, however, in the period of transistion, it may be necessary to increase the staff of the Attorney General's office by three or four persons to advise and assist in the matter of adjusting to formalized procedures.	<u>\$ 60,000</u>
	<u>\$198,623</u>

Merit Employment

There are currently 18 Hearing Officers assigned to various departments under the merit system. The need for additional Hearing Officers to serve agencies on a part time basis is unknown. A docket would have to be maintained in the Merit Employment Department to facilitate assignment of Hearing Officers. The cost to that department is not estimated.

We have made no attempt to estimate the cost to other agencies affected by this Act, nor have we made any estimates beyond first year costs. Since the effective date of this Act is July 1, 1975, each agency would have an opportunity to submit the projected cost of this Act in their budget request for the next biennium for consideration by the Appropriations Committees during the 1975 session of the General Assembly.

Filed
March 15, 1974

GERRY D. RANKIN
Legislative Fiscal Director

H-2388

- 1 Amend House File 1200 as follows:
- 2 Page 25, by striking lines 34 and 35 and in-
- 3 serting in lieu thereof the following: "this Act,
- 4 by certiorari only."

H-2388 Filed *w.d. 3/14*
March 4, 1974

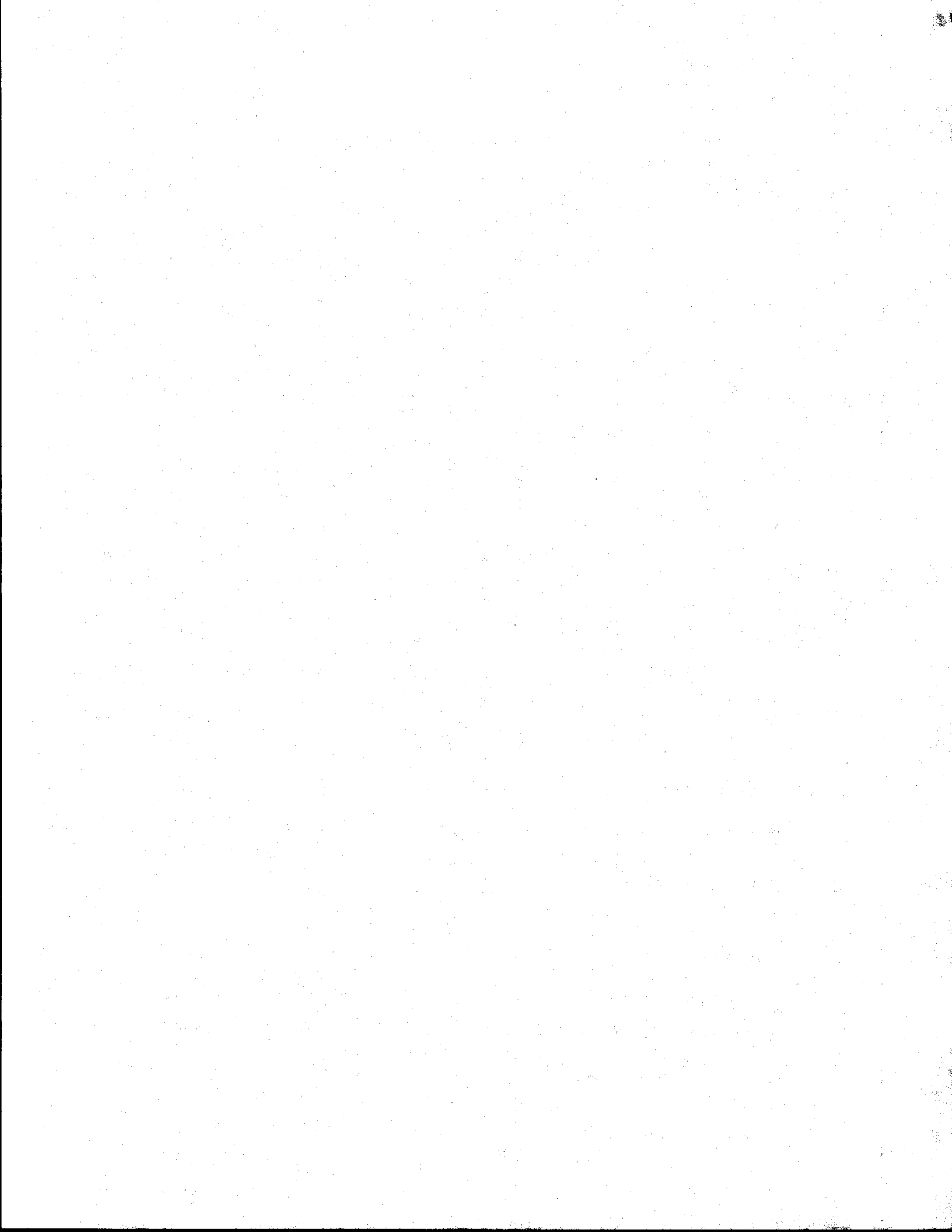
By KNOKE of Pottawattamie

H-2387

- 1 Amend House File 1200 as follows:
- 2 Page 25, by striking lines 31 through 35
- 3 inclusive and inserting in lieu thereof the foll-
- 4 owing: "Sec. 20. NEW SECTION. DISCRETIONARY
- 5 REVIEW. An aggrieved or adversely affected party
- 6 to the judicial review proceeding may obtain a
- 7 discretionary review of any final judgment of the
- 8 district court under this Act, by the supreme
- 9 court. The discretionary review shall be taken
- 10 as civil actions tried as small claims are taken
- 11 under section six hundred two point seventy-one
- 12 (602.71) of the Code."

H-2387 Filed *w.d. 3/14*
March 4, 1974

By KNOKE of Pottawattamie



H—2524

1 Amend House File 1200 as follows:

2 1. Page 8, line 5, before the word "this" by
3 inserting the words "the above requirements of".

4 2. Page 8, line 7, before the word "procedural"
5 by inserting the words "of the above".

6 3. Page 8, after line 10, by inserting the follow-
7 ing subsection:

8 4. a. If the administrative rules review commit-
9 tee created by section eight (8) of this Act or the
10 attorney general finds objection to all or some portion
11 of a proposed rule because that rule is deemed to be
12 unreasonable, arbitrary, capricious or otherwise
13 beyond the authority delegated to the agency, the
14 committee or attorney general may, in writing, notify
15 the agency of the objection prior to the effective
16 date of such a rule. In the case of a rule issued under
17 subsection two (2) of section four (4) or a rule made
18 effective under the terms of paragraph b of subsection
19 two (2) of section five (5) the committee or attorney
20 general may notify the agency of such an objection
21 within seventy days of the date such a rule became
22 effective. The committee or the attorney general shall
23 also file a certified copy of such an objection in
24 the office of the secretary of state within the above
25 time limits and a notice to the effect that an objection
26 has been filed shall be published in the next supplement
27 to the "Iowa Administrative Code". The burden of proof
28 shall then be on the agency in any proceeding for
29 judicial review or for enforcement of the rule heard
30 subsequent to the filing to establish that the rule or
31 portion of the rule timely objected to according to the
32 above procedure is not unreasonable, arbitrary,
33 capricious or otherwise beyond the authority delegated
34 to it.

35 b. If the agency fails to meet the burden of proof
36 prescribed for a rule objected to according to the
37 provisions of paragraph a of this subsection, the court
38 shall declare the rule or portion of the rule objected
39 to invalid and judgment shall be rendered against the
40 agency for court costs. Such court costs shall include
41 a reasonable attorney fee and shall be payable by the
42 state comptroller from the support appropriations of
43 the agency which issued the rule in question.

44 4. Page 11, line 20, after the word "may" by
45 inserting the following words: "utilize the procedure
46 provided in subsection four (4) of section four (4).
47 In addition or in the alternative, the committee may".

H—2524 Filed and adopted
March 18, 1974

By WEST of Marshall
MONROE of Des Moines
BITTLE of Polk
GRASSLEY of Butler

H—2492

1 Amend House File 1200 as follows:

2 1. Page 11, line 18, by inserting after the word
3 "appropriate" the word "standing".

4 2. Page 11, by striking all of lines 29 and 30.

H—2492 Filed *sub. for H. 2427*
March 14, 1974 *H 2492 - adopted 3/18*

By OAKLEY of Clinton

H-2487

- 1 Amend House File 1200 as follows:
- 2 1. Page 7, line 4, by striking the word
- 3 "individuals" and inserting in lieu thereof the word
- 4 "persons".
- 5 2. Page 8, line 27, by inserting after the
- 6 word "thirty" the word "-five".

H-2487 Filed - *Lost 3/15 (1025)* By WEST of Marshall
March 14, 1974

H-2527

- 1 Amend the West, et al., amendment H-2524 to House
- 2 File 1200 by striking all of lines 35 through 43.

H-2527 Filed and lost By LIPSKY of Linn
March 18, 1974

H-2525

- 1 Amend House File 1200, Page 22, line 20, by
- 2 striking the words "the exclusive" and by adding
- 3 after the period in line 22 the following: "However,
- 4 nothing in this Act shall abridge or deny to any per-
- 5 son or party who is aggrieved or adversely affected
- 6 by any agency action the right to seek relief from
- 7 such action in the courts at any time."

H-2525 Filed, By WELDEN of Hardin
substituted by amendment
H-2528 and withdrawn
March 18, 1974

H-2528

- 1 Amend House File 1200, Page 22, by
- 2 adding after the period in line 22 the following:
- 3 "However, nothing in this Act shall abridge or deny
- 4 to any person or party who is aggrieved or adversely
- 5 affected by any agency action the right to seek re-
- 6 lief from such action in the courts."

H-2528 Filed and adopted By WELDEN of Hardin
March 18, 1974

H-2529

- 1 Amend House File 1200, page 27, by striking all
- 2 of lines 3 through 6 and inserting in lieu thereof the
- 3 following:
- 4 "Sec. 25. Chapter seventeen A (17A), Code 1973, is
- 5 repealed and sections one (1) through twenty-three
- 6 (23) of this Act are enacted in lieu thereof."

H-2529 Filed and withdrawn By MONROE of Des Moines
March 18, 1974

H-2427

1 Amend House File 1200 as follows:
2 1. Page 11, line 18, by inserting after the
3 word "appropriate" the word "standing".
4 2. Page 11, by striking from lines 29 and 30
5 the word "committee" and inserting in lieu thereof
6 the following: "general assembly, upon request,".

*H 2492 sub
for H 2427/3.18*

*withdrawn
3/18*

H-2427 Filed
March 8, 1974

By OAKLEY of Clinton

H-2443

1 Amend the Bittle, et al., amendment, H-2413, to
2 House File 1200 as follows:
3 1. By striking lines 63 through 65, amending page
4 27 of the bill, and inserting in lieu thereof the
5 following:
6 "~~departmental-rules~~ Iowa administrative code. The
7 ~~departmental-rules~~ However, the Iowa administrative
8 code or its supplements may also be distributed
9 separately. There shall be established a price for
10 the Iowa administrative code and a separate price for
11 its supplements. The price charged for the Iowa
12 administrative code or its supplements shall represent
13 the cost of compiling and indexing plus the amount
14 charged for the printing and distributing of the Iowa
15 administrative code or its supplements."
16 2. Amend line 72, amending page 27 of the bill,
17 by adding after the word "publications" the words
18 ", except supplements to the Iowa administrative code,".

H-2443 Filed - *adopted 3/14 (990)* By FISHER of Greene
March 12, 1974

H-2442

1 Amend House File 1200 as follows:
2 Page 25, by striking lines 31 through 35 and in-
3 serting in lieu thereof the following:
4 "Sec. 20. NEW SECTION. DISCRETIONARY REVIEW. A
5 party who is adversely affected or aggrieved by a
6 final district court judgment under the judicial re-
7 view provisions of section nineteen (19) of this Act
8 may seek a discretionary review of the judgment by the
9 supreme court. "Discretionary review" is the process
10 by which the supreme court may exercise its discre-
11 tion, in like manner as under the rules pertaining
12 to interlocutory appeals and certiorari in civil
13 cases, to review specified matters not subject to
14 appeal as a matter of right. Application for dis-
15 cretionary review must be made within, and not after,
16 thirty days from the final district court judgment.
17 The supreme court may adopt additional rules to con-
18 trol access to discretionary review under this sec-
19 tion."

H-2442 Filed - *Lost 3/14 (991)*
March 12, 1974

By KNOKE of Pottawattamie
BITTLE of Polk
WEST of Marshall

H-2399

- 1 Amend House File 1200 as follows:
- 2 Page 42, line 4 by striking the word "commiss-
- 3 ioner" and inserting the word "commission".

H-2399 Filed
March 5, 1974

accepted
3/18

By KNOKE of Pottawattamie

H-2418

- 1 Amend the Holden amendment to House File 1200
- 2 (H-2378) as follows:
- 3 1. Line 41, by striking the word "If" and insert-
- 4 ing in lieu thereof the words "However, if".
- 5 2. Line 42, by striking the word "approve" and in-
- 6 sserting in lieu thereof the words "act upon, either by
- 7 approval or disapproval,"
- 8 3. Line 46, by striking the words "However, a"
- 9 and inserting in lieu thereof the word "A".
- 10 4. Line 47, by striking the word "approved" and
- 11 inserting in lieu thereof the words "referred or acted
- 12 upon".
- 13 5. Line 48, by inserting after the word "Approval"
- 14 the words "or disapproval".
- 15 6. Lines 49 and 50, by striking the words "in the
- 16 same manner that laws are approved by" and inserting
- 17 in lieu thereof the words "by concurrent resolution
- 18 of".
- 19 7. Line 59, by inserting before the word "or" the
- 20 words "in effect".
- 21 8. After line 61, by inserting the following:
- 22 11. Page 11, line 20, by inserting after the word
- 23 "rule" the words "which is in effect".
- 24 12. Page 11, line 23, by inserting after the word
- 25 "which" the word "such".
- 26 13. Page 11, line 24, by striking the word "the"
- 27 and inserting in lieu thereof the word "this".

H-2418 Filed - *Adopted 3/14 (977)* By HOLDEN of Scott
March 6, 1974

H-2424

- 1 Amend House File 1200 as follows:
- 2 1. Page 29, line 11, by inserting before the word
- 3 "Upon" the following: "An employee shall not be
- 4 considered to be in a probation period simply because
- 5 the agency, or the division of the agency by which he
- 6 is employed is legislatively or administratively trans-
- 7 ferred from one employment system to another."

H-2424 Filed
March 7, 1974

Filed
Not germane *3/18*

By KRAUSE of Palo Alto

S—2734

1 Amend House File 1200, as amended, passed and re-
2 printed by the House, page 107, line 32 by striking
3 the word "as".

S—2734 Filed and adopted
April 11, 1974

By KELLY

S—2735

1 Amend House File 1200, as amended, passed and re-
2 printed by the House, page 2A, line 21 by striking
3 the comma and inserting in lieu thereof a semi-colon
4 (;).

S—2735 Filed and adopted
April 11, 1974

By KELLY

SENATE AMENDMENT TO HOUSE FILE 1200

1 Amend House File 1200 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2A, line 21, by striking the comma and
4 inserting in lieu thereof a semicolon (;).
5 2. Page 6, by striking lines 26 and 27, and by
6 striking the word "Code" in line 28, and inserting
7 in lieu thereof the following:
8 "a. Give notice of its intended action by
9 causing a notice to be published in the 'Iowa
10 Administrative Code'. Any notice of intended action
11 shall be published at least thirty-five days in
12 advance of the action".
13 3. Page 8A, line 4, by striking the words
14 "hereafter adopted" and inserting in lieu thereof
15 the following: "adopted after the effective date
16 of this Act".
17 4. Page 8B, line 52, by adding after the period
18 the following: "Rules presently on file in the
19 office of the secretary of state need not be
20 refiled."
21 5. Page 10, lines 22 and 23 by striking the words
22 "general assembly" and inserting in lieu thereof
23 "house from which the member was appointed".
24 6. Page 16, line 25, by inserting after the
25 word "original" the words ", if available".
26 7. Page 27A, line 2, by inserting after the numeral
27 "1975" the following: ", except that sections
28 twenty-five (25) and twenty-six (26) of this Act
29 shall be effective July 1, 1974".
30 8. Page 107, line 32, by striking the word "as".

Received from the Senate
April 11, 1974

House concurred 4/15

S-2664

1 Amend House File 1200, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, line 27, by striking the word "publi-
4 cation" and inserting in lieu thereof the following:
5 "causing such notice to be published".
6 2. Page 7, line 29, by striking "narrowly-tailored"
7 and inserting in lieu thereof the word "narrow".
8 3. Page 8A, line 3, by striking "narrowly tailored"
9 and inserting in lieu thereof the word "narrow".
10 4. Page 8A, line 4, by striking the words
11 "hereafter adopted" and inserting in lieu thereof
12 the following: "adopted after the effective date
13 of this Act".
14 5. Page 8B, line 52, by adding after the period
15 the following: "Rules presently on file in the
16 office of the secretary of state need not be
17 refiled."
18 6. Page 10, lines 22 and 23 by striking the
19 words "general assembly" and inserting in lieu
20 thereof "house from which the member was appointed".
21 7. Page 27A, line 2, by inserting after the numeral
22 "1975" the following: ", except that sections
23 twenty-five (25) and twenty-six (26) of this Act
24 shall be effective July 1, 1974".

S-2664 Filed *2,3 withdrawn*
April 4, 1974 *1,4,5,6,7-adopted 4/11 as amended by 2724 (1303)* By DeKOSTER

S-2725

1 Amend House File 1200, as amended, passed and
2 reprinted by the House, page 16, line 25 by
3 inserting after the word "original" the words
4 ", if available".

S-2725 Filed - *adopted 4/11*
April 10, 1974 By KELLY

S-2724

1 Amend the DeKoster amendment S-2664, to page 6 of
2 House File 1200, as amended, passed and reprinted by
3 the House, as follows:
4 1. By striking lines 3 through 5 and inserting in
5 lieu thereof the following:
6 a. Page 6, by striking lines 26 and 27, and by
7 striking the word "Code" in line 28, and inserting in
8 lieu thereof the following:
9 a. Give notice of its intended action by
10 causing a notice to be published in the 'Iowa Admini-
11 strative Code'. Any notice of intended action shall
12 be published at least thirty-five days in advance
13 of the action".

S-2724 Filed - *adopted 4/11*
April 10, 1974 By DE KOSTER

March 29, 1974

HOUSE FILE 1200

Sen. Jucherry 3/29

By COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date ^{*per Senate amendment*} 4-15-74 (1713) Passed Senate, Date 4-11-74 (1304)

Vote: Ayes 85 Nays 2 Vote: Ayes 44 Nays 1

Approved 5-29-74

A BILL FOR

- 1 An Act creating an Iowa Administrative Procedure Act.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION.* CITATION AND STATEMENT
2 OF PURPOSE.

3 1. This Act may be cited as the "Iowa Administrative
4 Procedure Act".

5 2. This Act is intended to provide a minimum procedural
6 code for the operation of all state agencies when they take
7 action affecting the rights and duties of the public. Nothing
8 in this Act is meant to discourage agencies from adopting
9 procedures providing greater protections to the public or
10 conferring additional rights upon the public; and save for
11 express provisions of this Act to the contrary, nothing in
12 this Act is meant to abrogate in whole or in part any statute
13 prescribing procedural duties for an agency which are greater
14 than or in addition to those provided here. This Act is meant
15 to apply to all rule-making and contested case proceedings
16 and all suits for the judicial review of agency action that
17 are not specifically excluded from this Act or some portion
18 thereof by its express terms or by the express terms of another
19 Act.

20 The purposes of the "Iowa Administrative Procedure Act"
21 are: to provide legislative oversight of powers and duties
22 delegated to administrative agencies,

23 to increase public accountability of administrative
24 agencies; to simplify government by assuring a uniform minimum
25 procedure to which all agencies will be held in the conduct
26 of their most important functions; to increase public access
27 to governmental information; to increase public participation
28 in the formulation of administrative rules; to increase the
29 fairness of agencies in their conduct of contested case
30 proceedings; and to simplify the process of judicial review
31 of agency action as well as increase its ease and availability.
32 In accomplishing its objectives, the intention of this Act
33 is to strike a fair balance between these purposes and the
34 need for efficient, economical and effective government
35 administration. The Act is not meant to alter the substantive
rights of any person or agency.

- 36 Its impact limited to procedural
37 rights with the expectation that better substantive results
38 will be achieved in the everyday conduct of state government

1 by improving the process by which those results are attained.

2 Sec. 2. *NEW SECTION.* DEFINITIONS. As used in **this Act:**

3 1. "Agency" means each board, commission, department,
4 officer, or other administrative office or unit of the state.

5 "Agency" does not mean the general assembly, the courts, the
6 governor, or a political subdivision of the state or its

7 offices and units. Unless provided otherwise by statute,

8 no less than two-thirds of the **members eligible to vote**

9

of a multi-

10 member agency shall constitute a quorum authorized to act

11 in the name of the agency.

12 2. "Contested case" means a proceeding including but not
13 restricted to ratemaking, price fixing, and licensing in which

14 the legal rights, duties, or privileges of a party are required
15 by constitution or statute to be determined by an agency after

16 an opportunity for an evidentiary hearing.

17 3. "License" includes the whole or a part of any agency

18 permit, certificate, approval, registration, charter, or

19 similar form of permission required by statute.

20 4. "Licensing" includes the agency process respecting

21 the grant, denial, renewal, revocation, suspension, annulment,

22 withdrawal, or amendment of a license.

23 5. "Party" means each person or agency named or admitted

24 as a party, or properly seeking and entitled as of right to

25 be admitted as a party.

26 6. "Person" means any individual, partnership, corporation,

27 association, governmental subdivision, or public or private

28 organization of any character other than an agency.

29 7. "Rule" means each agency statement of general applica-

30 bility that implements, interprets, or prescribes law or

31 policy, or that describes the organization, procedure, or

32 practice requirements of any agency. The term includes the

33 amendment or repeal of an existing rule, but does not include:

34 a. A statement concerning only the internal management

35 of an agency and which does not substantially affect the legal

36 rights of, or procedures available to, the public or any

- 1 segment thereof.
- 2 b. A declaratory ruling issued pursuant to section nine
- 3 (9) of this Act, or an interpretation issued by an agency
- 4 with respect to a specific set of facts and intended to apply
- 5 only to that specific set of facts.
- 6 c. An intergovernmental, interagency, or intra-agency
- 7 memorandum, directive, manual or other communication which
- 8 does not substantially affect the legal rights of, or proce-
- 9 dures available to, the public or any segment thereof.
- 10 d. A determination, decision, or order in a contested
- 11 case.
- 12 e. An opinion of the attorney general.
- 13 f. Those portions of staff manuals, instructions or other
- 14 statements issued by an agency which set forth criteria or
- 15 guidelines to be used by its staff in auditing, in making
- 16 inspections, in settling commercial disputes or negotiating
- 17 commercial arrangements, or in the selection or handling of
- 18 cases, such as operational tactics or allowable tolerances
- 19 or criteria for the defense, prosecution, or settlement of
- 20 cases, when the disclosure of such statements would: (1)
- 21 enable law violators to avoid detection; or (2) facilitate
- 22 disregard of requirements imposed by law; or (3) give a clearly
- 23 improper advantage to persons who are in an adverse position
- 24 to the state.
- 25 g. A specification of the prices to be charged for goods
- 26 or services sold by an agency as distinguished from a license
- 27 fee, application fee, or other fees.
- 28 h. A statement concerning only the physical servicing,
- 29 maintenance or care of publicly owned or operated facilities
- 30 or property.
- 31 i. A statement relating to the use of a particular publicly
- 32 owned or operated facility or property, the substance of which
- 33 is indicated to the public by means of signs or signals.
- 34 j. A decision by an agency not to exercise a discretionary
- 35 power.

1 k. A statement concerning only inmates of a penal institu-
2 tion, students enrolled in an educational institution, or
3 patients admitted to a hospital, when issued by such an agency.

4 8. "Rule-making" means the process for adopting, amending,
5 or repealing a rule.

6 9. "Agency action" includes the whole or a part of an
7 agency rule or other statement of law or policy,
8 order, decision, license, proceeding,
9 investigation, sanction, relief, or the equivalent or a denial
10 thereof, or a failure to act, or any other exercise of agency
11 discretion or failure to do so, or the performance of any
12 agency duty or the failure to do so.

13 10. "Agency member" means an individual who is the
14 statutory or constitutional head of an agency, or an individual
15 who is one of several individuals who constitute the statutory
16 or constitutional head of an agency.

17 Sec. 3. *NEW SECTION.* PUBLIC INFORMATION—ADOP-
18 TION OF RULES—AVAILABILITY OF RULES AND ORDERS.

19 1. In addition to other requirements imposed by
20 constitution or statute, each agency shall:

21 a. Adopt as a rule a description of the organization of
22 the agency which states the general course and method of its
23 operations, and the methods by which and location where the
24 public may obtain information or make submissions or requests.

25 b. Adopt rules of practice setting forth the nature and
26 requirements of all formal and informal procedures available
27 to the public, including a description of all forms and
28 instructions that are to be used by the public in dealing
29 with the agency.

30 c. Make available for public inspection all rules, and
31 make available for public inspection and index by subject,
32 all other written statements of law or policy, or
33 interpretations formulated, adopted, or used by the agency
34 in the discharge of its functions. Except as otherwise
35 required by constitution or statute, or in the use of discovery

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36 under the Iowa rules of civil procedure or in criminal cases,

1 an agency shall not be required to make available for public
2 inspection those portions of its staff manuals, instructions
3 or other statements excluded from the definition of "rule"
4 by paragraph f of subsection seven (7) of section two (2)
5 of this Act.

6 d. Make available for public inspection and index by name
7 and subject all final orders, decisions, and opinions: **Provided**
8 that to the extent required to prevent a clearly unwarranted
9 invasion of personal privacy or trade secrets, an agency shall
10 delete identifying details when it makes available for public
11 inspection any final order, decision, or opinion; however,
12 in each case the justification for the deletion shall be
13 explained fully in writing.

14 2. No agency rule or other written statement of law or
15 policy, or interpretation, order, decision or opinion is valid
16 or effective against any person or party, nor shall it be
17 invoked by the agency for any purpose, until it has been made
18 available for public inspection and indexed as required by
19 paragraphs c and d of subsection one (1) of this section.
20 This provision is not applicable in favor of any person or
21 party who has actual timely knowledge thereof and the burden
22 of proving such knowledge shall be on the agency.

23 **Sec. 4. NEW SECTION. PROCEDURE FOR ADOPTION OF**
24 **RULES.**

24 1. Prior to the adoption, amendment, or repeal of any
25 rule an agency shall:

26 a. Give at least thirty-five days' advance notice of its
27 intended action by publication in the "Iowa Administrative
28 Code". The notice shall include a statement of either the
29 terms or substance of the intended action or a description
30 of the subjects and issues involved, and the time when, the
31 place where, and the manner in which interested persons may
32 present their views thereon.

33 b. Afford all interested persons reasonable opportunity
34 to submit data, views, or arguments in writing. If timely
35 requested in writing by twenty-five interested persons, by

1 a governmental subdivision, by the administrative rules review
2 committee, by an agency, or by an association having not less
3 than twenty-five members, the agency must give interested
4 persons an opportunity to make oral presentations according
5 to agency rules which give the public adequate notice of the
6 time when and the place where oral presentations may be made,
7 and which provide for the presentation prior to agency action
8 on the rule which is the subject of the proceeding. The
9 agency shall consider fully all written and oral submissions
10 respecting the proposed rule. Within one hundred eighty days
11 following either the notice published according to the
12 provisions of paragraph a of subsection one (1) of this section
13 or the last date of the oral presentations on the proposed
14 rule, whichever is later, the agency shall adopt a rule
15 pursuant to the rule-making proceeding or shall terminate
16 the proceeding. If requested to do so by an interested
17 person, either prior to adoption or within thirty days
18 thereafter, the agency shall issue a concise statement of
19 the principal reasons for and against the rule it adopted,
20 incorporating therein the reasons for overruling considerations
21 urged against the rule.

22 2. When an agency for good cause finds that notice and
23 public participation would be impracticable, unnecessary,
24 or contrary to the public interest, the provisions of subsec-
25 tion one (1) of this section shall be inapplicable. The
26 agency shall incorporate in each rule issued in reliance upon
27 this provision either the finding and a brief statement of
28 the reasons therefor, or a statement that the rule is within
29 a very narrowly-tailored category of rules whose issuance
30 has previously been exempted from subsection one (1) of this
31 section by a special rule relying on this provision and
32 including such a finding and statement of reasons for the
33 entire category. In any action contesting a rule adopted
34 pursuant to this subsection, the burden of proof shall be
35 on the agency to show that the procedures of subsection one

1 (1) of this section were impracticable, unnecessary, or
2 contrary to the public interest and that, if a category of
3 rules was involved, the category was very narrowly tailored.

4 3. No rule hereafter adopted is valid unless adopted in
5 substantial compliance with **the above requirements of**
6 this section. However, a rule
7 shall be conclusively presumed to have been made in compliance
8 with all of **the above**

9 procedural requirements of this section if it has
10 not been invalidated on the grounds of noncompliance in a
11 proceeding commenced within two years after its effective
12 date.

13 4. a. If the administrative rules review commit-
14 tee created by section eight (8) of this Act or the attor-
15 ney general finds objection to all or some portion of a
16 proposed rule because that rule is deemed to be unreasonable,
17 arbitrary, capricious or otherwise beyond the authority
18 delegated to the agency, the committee or attorney general
19 may, in writing, notify the agency of the objection prior
20 to the effective date of such a rule. In the case of a
21 rule issued under subsection two (2) of section four (4)
22 or a rule made effective under the terms of paragraph b
23 of subsection two (2) of section five (5) the committee
24 or attorney general may notify the agency of such an
25 objective within seventy days of the date such a rule be-
26 came effective. The committee or the attorney general shall
27 also file a certified copy of such an objective in the
28 office of the secretary of state within the above time limits
29 and a notice to the effect that an objection has been filed
30 shall be published in the next supplement to the "Iowa
31 Administrative Code". The burden of proof shall then be
32 on the agency in any proceeding for judicial review or for
33 enforcement of the rule heard subsequent to the filing to
34 establish that the rule or portion of the rule timely ob-
35 jected to according to the above procedure is not un-

36 reasonable, arbitrary, capricious or otherwise beyond the
37 authority delegated to it.

38 b. If the agency fails to meet the burden of proof
39 prescribed for a rule objected to according to the pro-
40 visions of paragraph a of this subsection, the court shall
41 declare the rule or portion of the rule objected to invalid
42 and judgment shall be rendered against the agency for court
43 costs. Such court costs shall include a reasonable
44 attorney fee and shall be payable by the state comptroller
45 from the support appropriations of the agency which issued
46 the rule in question.

47 Sec. 5. *NEW SECTION.* FILING AND TAKING EFFECT OF
48 RULES.

48 1. Each agency shall file in the office of the secretary
49 of state a certified copy of each rule adopted by it, including
50 all rules as defined in this Act existing on the effective
51 date of this Act. The secretary of state shall keep a perma-
52 nent register of the rules open to public inspection.

53 2. Each rule hereafter adopted is effective thirty-five
54 days after filing, as required in this section, and indexing
55 and publication as required by section six (6) of this Act,
56 except that:

57 a. If a later date is required by statute or specified
58 in the rule, the later date is the effective date.

59 b. Subject to applicable constitutional or statutory
60 provisions, a rule becomes effective immediately upon filing
61 with the secretary of state, or at a subsequent stated date
62 prior to indexing and publication, or at a stated date less
63 than thirty-five

64 days after filing, indexing, and publication,
65 if the agency finds:

- 66 (1) That a statute so provides;
- 67 (2) That the rule confers a benefit or removes a restric-
68 tion on the public or some segment thereof; or
- 69 (3) That this effective date is necessary because of
70 imminent peril to the public health, safety, or welfare.

- 71 In any subsequent action contesting the effective date of
72 a rule promulgated under this paragraph, the burden of proof

1 shall be on the agency to justify its finding. The agency's
2 finding and a brief statement of the reasons therefor shall
3 be filed with and made a part of the rule. Prior to indexing
4 and publication, the agency shall make reasonable efforts
5 to make known to the persons who may be affected by it a rule
6 made effective under the terms of this paragraph.

7 Sec. 6. *NEW SECTION.* PUBLICATION OF RULES.

8 1. The Code editor shall cause to be compiled, indexed,
9 and published in loose leaf form all rules adopted by each
10 agency and notice of all proposed rule-making by each agency.
11 The Code editor further shall cause to be distributed
12 supplements to this publication at least every other week
13 which supplements shall contain, in such a form that they
14 may be filed in the appropriate places in the compilation,
15 all rules and notice of proposed rules filed for publication
16 in the prior two weeks. The Code editor shall devise a uniform
17 numbering system for rules and may renumber rules before
18 publication to conform with the system.

19 2. The Code editor may omit or cause to be omitted from
20 the publication any rule the publication of which would be
21 unduly cumbersome, expensive, or otherwise inexpedient, if
22 the rule in printed or processed form is made available on
23 application to the adopting agency at no more than its cost
24 of reproduction, and if the publication contains a notice
25 stating the specific subject matter of the omitted rule and
26 stating how a copy thereof may be obtained.

27 3. This publication, which shall be known as the "Iowa
28 Administrative Code", shall be made available upon request
29 to all persons who subscribe thereto.

30 4. All expenses incurred by the Code editor under
31 this section shall be defrayed under the provisions of
32 section fourteen point twenty-two (14.22) of the Code.

33 Sec. 7. *NEW SECTION.* PETITION FOR ADOPTION OF
34 RULES.

35 An interested person may petition an agency requesting the
promulgation, amendment, or repeal of a rule. Each agency

- 36 shall prescribe by rule the form for petitions and the
37 procedure for their submission, consideration, and disposition.
38 Within sixty days after submission of a petition, the agency

1 either shall deny the petition in writing on the merits,
2 stating its reasons for the denial, or initiative rule-making
3 proceedings in accordance with section four (4) of this Act,
4 or issue a rule if it is not required to be issued according
5 to the procedures of subsection one (1) of section four (4)
6 of this Act.

7 Sec. 8. *NEW SECTION.* ADMINISTRATIVE RULES REVIEW
8 COMMITTEE.

9 1. There is created the administrative rules review commit-
10 tee. The committee shall be bipartisan and shall be composed
11 of the following members:

12 a. Three senators appointed by the president of the senate.

13 b. Three representatives appointed by the speaker of the
14 house.

15 2. A committee member shall be appointed prior to the
16 adjournment of a regular session convened in an odd-numbered
17 year. The term of office shall be for four years beginning
18 May first of the year of appointment. However, a member shall
19 serve until a successor is appointed. A vacancy on the
20 committee shall be filled by the original appointing authority
21 for the remainder of the term. A vacancy shall exist whenever
22 a committee member ceases to be a member of the general
23 assembly.

24 3. A committee member shall be paid a forty dollar per
25 diem for each day in attendance and shall be reimbursed for
26 actual and necessary expenses. There is appropriated from
27 money in the general fund not otherwise appropriated an amount
28 sufficient to pay costs incurred under this section.

29 4. The committee shall choose a chairperson from its
30 membership and prescribe its rules of procedure. The committee
31 may employ a secretary or may appoint the Code editor or a
32 designee to act as secretary.

33 5. A regular committee meeting shall be held at the seat
34 of government on the second Tuesday of each month. Unless
35 impracticable in advance of each such meeting the subject

1 matter to be considered shall be published in the "Iowa Ad-
2 ministrative Code". A special committee meeting may be called
3 by the chairperson at any place in the state and at any time.
4 Unless impracticable, in advance of each special meeting
5 notice of the time and place of such meeting and the subject
6 matter to be considered shall be published in the "Iowa
7 Administrative Code".

8 6. The committee shall meet for the purpose of selectively
9 reviewing rules, whether proposed or in effect. A regular
10 or special committee meeting shall be open to the public and
11 an interested person may be heard and present evidence. The
12 committee may require a representative of an agency whose
13 rule or proposed rule is under consideration to attend a
14 committee meeting.

15 7. The committee may refer a rule to the speaker of the
16 house and the president of the senate at the next regular
17 session of the general assembly. The speaker and the president
18 shall refer such a rule to the appropriate standing
19 committee of the
20 general assembly.

21 8. If the committee find objection to a rule, it may
22 utilize the procedure provided in subsection four (4) of
23 section four (4). In addition or in the alternative, the
24 committee may
25 include in the referral, under subsection seven (7) of this
26 section, a recommendation that this rule be overcome by
27 statute. If the committee of the general assembly to which
28 a rule is referred finds objection to the referred rule, it
29 may recommend to the general assembly that this rule be
30 overcome by statute. This section shall not be construed
31 to prevent a committee of the general assembly from reviewing
32 a rule on its own motion.

33 Sec. 9. *NEW SECTION.* DECLARATORY RULINGS BY
AGENCIES.

34 Each agency shall provide by rule for the filing and prompt
35 disposition of petitions for declaratory rulings as to the

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36 applicability of any statutory provision, rule, or other

37 written statement of law or policy, decision,

38 or order of the agency. Rulings disposing of petitions have

1 the same status as agency decisions or orders in contested
2 cases.

3 Sec. 10. *NEW SECTION.* INFORMAL SETTLEMENTS—
4 WAIVER.

4 1. Unless precluded by statute, informal settlements of
5 controversies that may culminate in contested case proceedings
6 according to the provisions of this Act are encouraged. Agen-
7 cies shall prescribe by rule specific procedures for attempting
8 such informal settlements prior to the commencement of con-
9 tested case proceedings. This subsection shall not be con-
10 strued to require either party to such a controversy to utilize
11 the informal procedures or to settle the controversy pursuant
12 to those informal procedures.

13 2. The parties to a contested case proceeding may, by
14 written stipulation representing an informed mutual consent,
15 waive any provision of this Act relating to such proceedings.
16 In addition to consenting to such a waiver in individual
17 cases, an agency may, by rule, express its consent to such
18 a waiver as to an entire class of cases.

19 Sec. 11. *NEW SECTION.* PRESIDING OFFICER — ADMIN-
20 ISTRATIVE HEARING OFFICERS.

21 1. The presiding officer in evidentiary hearings required
22 to be conducted by an agency according to the provisions of
23 this Act governing contested cases shall be the agency, one
24 or more members of a multi-member agency, or an administrative
25 hearing officer appointed according to the terms of this
26 section. Each agency needing the services of one or more
27 permanent full-time or part-time administrative hearing
28 officers shall appoint as many of them to its staff as are
29 necessary for this purpose. Agencies shall assign administra-
30 tive hearing officers to cases in rotation unless it is not
31 feasible. Administrative hearing officers shall not perform
32 duties inconsistent with their duties and responsibilities
33 as hearing officers.

34 2. Administrative hearing officers shall be covered by
35 the merit system of personnel administration, chapter nineteen

1 A (19A) of the Code. The Iowa merit employment department
2 or other appropriate agency specified in section nineteen
3 A point three (19A.3) of the Code shall, insofar as
4 practicable, provide for different classes of administrative
5 hearing officers with different salary scales.

6 3. An agency whose work load is such that the appointment
7 of a permanent full-time or part-time administrative hearing
8 officer is unwarranted, or an agency whose work load is such
9 that one or more additional administrative hearing officers
10 are temporarily required, may use administrative hearing offi-
11 cers selected by the Iowa merit employment department from
12 other agencies having hearing officers that are temporarily
13 available and that are qualified to preside at the hearings
14 held by the agency requesting the temporary use of a hearing
15 officer. In cases where an agency borrows one or more admin-
16 istrative hearing officers from other agencies, the salaries
17 and expenses of those administrative hearing officers shall
18 be apportioned and charged to the several agencies according
19 to their use.

20 Sec. 12. *NEW SECTION.* CONTESTED CASES — NOTICE —
HEAR-
21 ING—RECORDS.

22 1. In a contested case, all parties shall be afforded
23 an opportunity for hearing after reasonable notice in writing
24 delivered either by personal service as in civil actions or
25 by certified mail return receipt requested. However, an
26 agency may provide by rule for the delivery of such notice
27 by other means. Delivery of the notice referred to in this
28 subsection shall constitute commencement of the contested
29 case proceeding.

30 2. The notice shall include:

31 a. A statement of the time, place, and nature of the hear-
32 ing.

33 b. A statement of the legal authority and jurisdiction
34 under which the hearing is to be held.

35 c. A reference to the particular sections of the statutes

1 and rules involved.

2 d. A short and plain statement of the matters asserted.
3 If the agency or other party is unable to state the matters
4 in detail at the time the notice is served, the initial notice
5 may be limited to a statement of the issues involved. There-
6 after upon application a more definite and detailed statement
7 shall be furnished.

8 3. If a party fails to appear in a contested case proceed-
9 ing after proper service of notice, the presiding officer
10 may, if no adjournment is granted, proceed with the hearing
11 and make a decision in the absence of the party.

12 4. Opportunity shall be afforded all parties to respond
13 and present evidence and argument on all issues involved and
14 to be represented by counsel at their own expense.

15 5. Unless precluded by statute, informal disposition may
16 be made of any contested case by stipulation, agreed
17 settlement, consent order, or default or by another method
18 agreed upon by the parties in writing.

19 6. The record in a contested case shall include:

20 a. All pleadings, motions, and intermediate rulings.

21 b. All evidence received or considered and all other
22 submissions.

23 c. A statement of all matters officially noticed.

24 d. All questions and offers of proof, objections, and
25 rulings thereon.

26 e. All proposed findings and exceptions.

27 f. Any decision, opinion, or report by the officer presid-
28 ing at the hearing.

29 7. Oral proceedings shall be open to the public and shall
30 be recorded either by mechanized means or by certified
31 shorthand reporters. Oral proceedings or any part thereof
32 shall be transcribed at the request of any party with the
33 expense of the transcription charged to the requesting party.
34 The recording or stenographic notes of oral proceedings or
35 the transcription thereof shall be filed with and maintained

1 by the agency for at least five years from the date of
2 decision.

3 8. Findings of fact shall be based solely on the evidence
4 in the record and on matters officially noticed in the record.

5 Sec. 13. *NEW SECTION.* SUBPOENAS—DISCOVERY.

6 1. Agencies shall have all subpoena powers conferred upon
7 them by their enabling acts or other statutes. In addition,
8 prior to the commencement of a contested case by the notice
9 referred to in subsection one (1) of section twelve (12) of
10 this Act an agency having power to decide such cases shall
11 have authority to subpoena books, papers, records, and any
12 other real evidence necessary for the agency to determine
13 whether it should institute such a contested case proceeding.
14 After the commencement of a contested case, each agency having
15 power to decide contested cases shall have authority to
16 administer oaths and to issue subpoenas in such cases.
17 Discovery procedures applicable to civil actions shall be
18 available to all parties in contested cases before an agency.
19 Evidence obtained in such discovery may be used in the hearing
20 before the agency if that evidence would otherwise be
21 admissible in the agency hearing. Agency subpoenas shall
22 be issued to a party on request. On contest, the court shall
23 sustain the subpoena or similar process or demand to the
24 extent that it is found to be in accordance with the law
25 applicable to the issuance of subpoenas or discovery in civil
26 actions. In proceedings for enforcement, the court shall
27 issue an order requiring the appearance of the witness or
28 the production of the evidence or data within a reasonable
29 time under penalty of punishment for contempt in cases of
30 willful failure to comply.

31 2. An agency that relies on a witness in a contested case,
32 whether or not an agency employee, who has made prior state-
33 ments or reports with respect to the subject matter of the
34 witness' testimony, shall, on request, make such statements
35 or reports available to parties for use on cross-examination,

1 unless those statements or reports are otherwise expressly
2 exempt from disclosure by constitution or statute.
3 Identifiable agency records that are relevant to disputed
4 material facts involved in a contested case, shall, upon
5 request, promptly be made available to a party unless the
6 requested records are expressly exempt from disclosure by
7 constitution or statute.

8 Sec. 14. *NEW SECTION.* RULES OF EVIDENCE—OFFICIAL
NOTICE.

9 In contested cases:

10 1. Irrelevant; immaterial, or unduly repetitious evidence
11 should be excluded. A finding shall be based upon the kind
12 of evidence on which reasonably prudent persons are accustomed
13 to rely for the conduct of their serious affairs, and may
14 be based upon such evidence even if it would be inadmissible
15 in a jury trial. Agencies shall give effect to the rules
16 of privilege recognized by law. Objections to evidentiary
17 offers may be made and shall be noted in the record. Subject
18 to these requirements, when a hearing will be expedited and
19 the interests of the parties will not be prejudiced
20 substantially, any part of the evidence may be required to
21 be submitted in verified written form.

22 2. Documentary evidence may be received in the form of
23 copies or excerpts, if the original is not readily available.
24 Upon request, parties shall be given an opportunity to compare
25 the copy with the original.

26 3. Witnesses at the hearing, or persons whose testimony
27 has been submitted in written form if available, shall be
28 subject to cross-examination by any party as necessary for
29 a full and true disclosure of the facts.

30 4. Official notice may be taken of all facts of which
31 judicial notice may be taken and of other facts within the
32 specialized knowledge of the agency. Parties shall be notified
33 at the earliest practicable time, either before or during
34 the hearing, or by reference in preliminary reports,
35 preliminary decisions or otherwise, of the facts proposed

1 to be noticed and their source, including any staff memoranda
2 or data, and the parties shall be afforded an opportunity
3 to contest such facts before the decision is announced unless
4 the agency determines as part of the record or decision that
5 fairness to the parties does not require an opportunity to
6 contest such facts.

7 5. The agency's experience, technical competence, and
8 specialized knowledge may be utilized in the evaluation of
9 the evidence.

10 Sec. 15. *NEW SECTION.* FINAL DECISIONS—PROPOSED
11 DECISIONS—CONCLUSIVENESS—REVIEW BY THE AGENCY.

12 1. When the agency presides at the reception of the
13 evidence in a contested case, the decision of the agency is
14 a final decision.

15 2. When the agency did not preside at the reception of
16 the evidence in a contested case, the presiding officer shall
17 make a proposed decision. Findings of fact shall be prepared
18 by the officer presiding at the reception of the evidence
19 in a contested case unless the officer becomes unavailable
20 to the agency. If the officer is unavailable, the findings
21 of fact may be prepared by another person qualified to be
22 a presiding officer who has read the record, unless demeanor
23 of witnesses is a substantial factor. If demeanor is a
24 substantial factor and the presiding officer is unavailable,
25 the portions of the hearing involving demeanor shall be heard
26 again or the case shall be dismissed.

27 3. When the presiding officer makes a proposed decision,
28 that decision then becomes the final decision of the agency
29 without further proceedings unless there is an appeal to,
30 or review on motion of, the agency within the time provided
31 by rule. On appeal from or review of the proposed decision,
32 the agency has all the power which it would have in initially
33 making the final decision except as it may limit the issues
34 on notice to the parties or by rule. In cases where there
35 is an appeal from a proposed decision or where a proposed

1 decision is reviewed on motion of the agency, an opportunity
2 shall be afforded to each party to file exceptions, present
3 briefs and, with the consent of the agency, present oral
4 arguments to the agency members who are to render the final
5 decision.

6 4. This section shall not preclude an agency from institut-
7 ing a system whereby the proposed decision of a presiding
8 officer in a contested case may be appealed to, or reviewed
9 on motion of, a body consisting of one or more persons that
10 is between the presiding officer and the agency. If an agency
11 institutes such a system of intermediate review, the pro-
12 posed decision of the presiding officer becomes the final
13 decision of the agency without further proceedings unless
14 there is an appeal to, or review on motion of, the intermediate
15 reviewing body within the time provided by rule. An inter-
16 mediate reviewing body may be vested with all or a part of
17 the power which it would have in initially making the decision.
18 A decision of such an intermediate reviewing body is also
19 a proposed decision and shall become the final decision of
20 the agency without further proceedings unless there is an
21 appeal to, or review on motion of, the agency within the time
22 provided by rule. In cases where there is an appeal from
23 a proposed decision rendered by a presiding officer to an
24 intermediate reviewing body, or where such a proposed decision
25 is reviewed on motion of an intermediate reviewing body, an
26 opportunity shall be afforded to each party to file exceptions,
27 present briefs and, with the consent of the intermediate
28 reviewing body, present oral arguments to those who are to
29 render the decision.

30 5. When an appeal from an agency decision in a contested
31 case may be taken to another agency pursuant to statute, or
32 a second agency may according to statute review on its own
33 motion the decision in a contested case by the first agency,
34 the appeal or review shall be deemed a continuous proceeding
35 as though before one agency. A decision of the first agency

1 in such a case is a proposed decision and shall become the
2 final decision without further proceedings unless there is
3 an appeal to, or review on motion of, the second agency within
4 the time provided by statute or rule. In deciding an appeal
5 from or review of a proposed decision on the first agency,
6 the second agency shall have all those powers conferred upon
7 it by statute and shall afford each party an opportunity to
8 file exceptions, present briefs and, with its consent, present
9 oral arguments to agency members who are to render the final
10 decision.

11 Sec. 16. *NEW SECTION.* DECISIONS AND ORDERS — RE-
HEARING.

12 1. A proposed or final decision or order in a contested
13 case shall be in writing or stated in the record. A proposed
14 or final decision shall include findings of fact and conclu-
15 sions of law, separately stated. Findings of fact, if set
16 forth in statutory language, shall be accompanied by a concise
17 and explicit statement of underlying facts supporting the
18 findings. If, in accordance with agency rules, a party
19 submitted proposed findings of fact, the decision shall include
20 a ruling upon each proposed finding. Each conclusion of law
21 shall be supported by cited authority or by a reasoned opinion.
22 Parties shall be promptly notified of each proposed or final
23 decision or order by the delivery to them of a copy of such
24 decision or order in the manner provided by subsection one
25 (1) of section twelve (12) of this Act.

26 2. Any party may file an application for rehearing, stating
27 the specific grounds therefor and the relief sought, within
28 twenty days after the issuance of any final decision by the
29 agency in a contested case. A copy of such application shall
30 be timely mailed by the applicant to all parties of record
31 not joining therein. Such an application for rehearing shall
32 be deemed to have been denied unless the agency grants the
33 application within twenty days after its filing.

34 Sec. 17. *NEW SECTION.* EX PARTE COMMUNICATIONS
AND SEPARA-
35 TIONS OF FUNCTIONS.

1 1. Unless required for the disposition of ex parte matters
2 specifically authorized by statute, individuals assigned to
3 render a proposed or final decision or to make findings of
4 fact and conclusions of law in a contested case, shall not
5 communicate, directly or indirectly, in connection with any
6 issue of fact or law in that contested case, with any person
7 or party, except upon notice and opportunity for all parties
8 to participate as shall be provided for by agency rules.

9 However, without such notice and opportunity for all parties
10 to participate, individuals assigned to render a proposed
11 or final decision or to make findings of fact and conclusions
12 of law in a contested case may communicate with members of
13 the agency, and may have the aid and advice of persons other
14 than those with a personal interest in, or those engaged in
15 prosecuting or advocating in, either the case under
16 consideration or a pending factually related case involving
17 the same parties.

18 2. Unless required for the disposition of ex parte matters
19 specifically authorized by statute, parties or their
20 representatives in a contested case shall not communicate,
21 directly or indirectly, in connection with any issue of fact
22 or law in that contested case, with individuals assigned to
23 render a proposed or final decision or to make findings of
24 fact and conclusions of law in that contested case, except
25 upon notice and opportunity for all parties to participate
26 as shall be provided for by agency rules. The agency's rules
27 may require the recipient of a prohibited communication to
28 submit the communication if written or a summary of the
29 communication if oral for inclusion in the record of the
30 proceeding. As sanctions for violations, the rules may provide
31 for a decision against a party who violates the rules; for
32 censuring, suspending, or revoking a privilege to practice
33 before the agency; and for censuring, suspending, or dis-
34 missing agency personnel.

35 3. No individual who participates in the making of any

1 Proposed or final decision in a contested case shall have
2 prosecuted or advocated in connection with that case, the
3 specific controversy underlying that case, or another pending
4 factually related contested case, or pending factually related
5 controversy that may culminate in a contested case, involving
6 the same parties. Nor shall any such individual be subject
7 to the authority, direction, or discretion of any person who
8 has prosecuted or advocated in connection with that contested
9 case, the specific controversy underlying that contested case,
10 or a pending factually related contested case or controversy,
11 involving the same parties.

12 4. A party to a contested case proceeding may file a
13 timely and sufficient affidavit asserting disqualification
14 according to the provisions of subsection three (3) of this
15 section, or asserting personal bias of an individual
16 participating in the making of any proposed or final decision
17 in that case. The agency shall determine the matter as part
18 of the record in the case. When an agency in these
19 circumstances makes such a determination with respect to an
20 agency member, that determination shall be subject to de novo
21 judicial review in any subsequent review proceeding of the
22 case.

23 Sec. 18. *NEW SECTION. LICENSES.*

24 1. When the grant, denial, or renewal of a license is
25 required by constitution or statute to be preceded by notice
26 and opportunity for an evidentiary hearing, the provisions
27 of this Act concerning contested cases apply.

28 2. When a licensee has made timely and sufficient applica-
29 tion for the renewal of a license or a new license with refer-
30 ence to any activity of a continuing nature, the existing
31 license does not expire until the application has been finally
32 determined by the agency, and, in case the application is
33 denied or the terms of the new license limited, until the
34 last day for seeking judicial review of the agency order or
35 a later date fixed by order of the agency or the reviewing

1 court.

2 3. No revocation, suspension, annulment, or withdrawal,
3 in whole or in part, of any license is lawful unless, prior
4 to the institution of agency proceedings, the agency gave
5 written, timely notice by personal service as in civil actions
6 or by restricted certified mail to the licensee of facts or
7 conduct and the provisions of law which warrant the intended
8 action, and the licensee was given an opportunity to show,
9 in an evidentiary hearing conducted according to the provisions
10 of this Act for contested cases, compliance with all lawful
11 requirements for the retention of the license. If the agency
12 finds that public health, safety, or welfare imperatively
13 requires emergency action, and incorporates a finding to that
14 effect in its order, summary suspension of a license may be
15 ordered pending proceedings for revocation or other action.
16 These proceedings shall be promptly instituted and determined.

17 Sec. 19 *NEW SECTION. JUDICIAL REVIEW.* Except as
18 expressly provided otherwise by another statute referring
19 to this Act by name, the judicial review provisions of this
20 Act shall be the exclusive means by which a person or party
21 who is aggrieved or adversely affected by agency action may
22 seek judicial review of such agency action. **However,**
23 **nothing in this Act shall abridge or deny to any person**
24 **or party who is aggrieved or adversely affected by any**
25 **agency action the right to seek relief from such action**
26 **in the courts.**

27 1. A person or party who has exhausted all adequate admin-
28 istrative remedies and who is aggrieved or adversely affected
29 by any final agency action is entitled to judicial review
30 thereof under this Act. When agency action is pursuant to
31 rate regulatory powers over public utilities or common carriers
32 and the aggrievement or adverse effect is to the rates or
33 charges of a public utility or common carrier, the agency
34 action shall not be final until all agency remedies have been
35 exhausted and a decision prescribing rates which satisfy the

36 requirements of those provisions of the Code has been ren-
37 dered. A preliminary, procedural, or intermediate agency
38 action is immediately reviewable if all adequate administrative
39 remedies have been exhausted and review of the final agency

1 action would not provide an adequate remedy. If a declaratory
2 ruling has not been rendered within thirty days after the
3 filing of a petition therefor under section nine (9) of this
4 Act, or if the agency declines to issue such a declaratory
5 ruling after receipt of a petition therefor, any administrative
6 remedy available under section nine (9) of this Act shall
7 be deemed inadequate or exhausted.

8 2. Proceedings for judicial review shall be instituted
9 by filing a petition either in Polk county district court
10 or in the district court for the county
11 in which the petitioner resides or has its
12 principal place of business. When a proceeding for
13 judicial review has been commenced, a court may, in
14 the interest of justice, transfer the proceeding to
15 another county where the venue is proper.

16 Within ten days after the filing
17 of a petition for judicial review file stamped copies of the
18 petition shall be mailed by the petitioner to all parties
19 named in the petition and, if the petition involves review
20 of agency action in a contested case, all parties of record
21 in that case before the agency. Such mailing shall be
22 jurisdictional and shall be addressed to the parties at their
23 last known mailing address. Proof of mailing shall be by
24 affidavit. Any party of record in a contested case before
25 an agency wishing to intervene and participate in the review
26 proceeding thereon must file an appearance within forty-five
27 days from the time the petition is filed.

28 3. If a party files an application under subsection two
29 (2) of section sixteen (16) of this Act for rehearing with
30 the agency, the petition for judicial review must be filed
31 within thirty days after that application has been denied
32 or deemed denied. If a party does not file an application
33 under subsection two (2) of section sixteen (16) of this Act
34 for rehearing, the petition must be filed within thirty days
35 after the issuance of the agency's final decision in that

- 36 contested case. If an application for rehearing is granted,
- 37 the petition for review must be filed within thirty days after
- 38 the issuance of the agency's final decision on rehearing.
- 39 In cases involving a petition for judicial review of agency

1 action other than the decision in a contested case, the
2 petition may be filed at any time petitioner is aggrieved
3 or adversely affected by that action.

4 4. The petition for review shall name the agency as
5 respondent and shall contain a concise statement of:

6 a. The nature of the agency action which is the subject
7 of the petition.

8 b. The particular agency action appealed from.

9 c. The facts on which venue is based.

10 d. The grounds on which relief is sought.

11 e. The relief sought.

12 5. The filing of the petition for review does not itself
13 stay execution or enforcement of any agency action. Upon
14 application the agency or the reviewing court may, in appro-
15 priate cases, order such a stay pending the outcome of the
16 judicial review proceedings.

17 6. Within thirty days after filing of the petition, or
18 within further time allowed by the court, the agency shall
19 transmit to the reviewing court the original or a certified
20 copy of the entire record of any contested case which may
21 be the subject of the petition. By stipulation of all parties
22 to the review proceedings, the record of such a case may be
23 shortened. A party unreasonably refusing to stipulate to
24 limit the record may be taxed by the court for the additional
25 costs. The court may require or permit subsequent corrections
26 or additions to the record.

27 7. In proceedings for judicial review of agency action
28 a court may hear and consider such evidence as it deems
29 appropriate. In proceedings for judicial review of agency
30 action in a contested case, however, a court shall not itself
31 hear any further evidence with respect to those issues of
32 fact whose determination was entrusted by constitution or
33 statute to the agency in that contested case proceeding.
34 Before the date set for hearing a petition for judicial review
35 of agency action in a contested case, application may be made

1 to the court for leave to present evidence in addition to
2 that found in the record of the case. If it is shown to the
3 satisfaction of the court that the additional evidence is
4 material and that there was good reasons for failure to
5 present it in the contested case proceeding before the agency,
6 the court may order that the additional evidence be taken
7 before the agency upon conditions determined by the court.
8 The agency may modify its findings and decision in the case
9 by reason of the additional evidence and shall file that
10 evidence and any modifications, new findings, or decisions
11 with the reviewing court and mail copies of the new findings
12 or decision to all parties.

13 8. The court may affirm the agency action or remand to
14 the agency for further proceedings. The court shall reverse,
15 modify, or grant any other appropriate relief from the agency
16 action, equitable or legal and including declaratory relief,
17 if substantial rights of the petitioner have been prejudiced
18 because the agency action is:

19 a. In violation of constitutional or statutory provi-
20 sions;

21 b. In excess of the statutory authority of the agency;

22 c. In violation of an agency rule;

23 d. Made upon unlawful procedure;

24 e. Affected by other error of law;

25 f. In a contested case, unsupported by substantial evidence
26 in the record made before the agency when that record is
27 viewed as a whole; or

28 g. Unreasonable, arbitrary or capricious or characterized
29 by an abuse of discretion or a clearly unwarranted exercise
30 of discretion.

31 Sec. 20. *NEW SECTION.* APPEALS. An aggrieved or ad-
32 affected party to the judicial review proceeding may obtain
33 a review of any final judgment of the district court under
34 this Act by appeal to the supreme court. The appeal shall
35 be taken as in other civil cases, although the appeal may
versely

36 be taken regardless of the amount involved.

36 on its effective date, this Act shall be construed to apply
37 to all covered agency proceedings and all agency action not
38 expressly exempted by this Act or by another statute
39 specifically referring to this Act by name.

1 Sec. 24. **EFFECTIVE DATE.** This Act shall take effect on
2 July 1, 1975.

3 Sec. 26. This Act shall be printed in the Code of Iowa
4 1975. In the Code of Iowa 1975, the Code editor shall
5 designate sections one (1) through twenty-three (23) of this
6 Act as chapter seventeen A (17A).

7 Sec. 26. No new edition of the "Iowa Departmental Rules"
8 volume shall be issued. Supplements to the 1973 "Iowa Depart-
9 mental Rules" volume shall continue to be issued until the
10 "Iowa Administrative Code" is published.

11 Sec. 27. Section fourteen point six (14.6), subsections
12 five (5), as amended by Acts of the Sixty-fifth General Assem-
13 bly, 1973 Session, chapter one hundred twenty-two (122), and
14 six (6), Code 1973, is amended by striking the subsections
15 and inserting in lieu thereof the following:

16 5. Prescribe a uniform style and form by which an agency
17 shall prepare and file a rule pursuant to chapter seventeen
18 A (17A) which shall correlate each rule to a uniform num-
19 bering system devised by the Code Editor.

20 6. Notify an agency whose rule is not in the proper style
21 and form pursuant to subsection five (5) of this section.
22 If the rule is not properly redrafted within six months of
23 notification, it shall be void.

24 Sec. 28. Section sixteen point twenty-four (16.24),
25 unnumbered paragraph one (1), Code 1973, is amended
26 to read as follows:

27 **The superintendent of printing shall make free**
28 **distribution of the Code, *the Iowa administrative code,***
29 **rules of civil procedure and supreme court rules, and**
30 **of the Acts of each general assembly, as follows:**

31 Sec. 29. Section seventeen point twenty-one (17.21),
32 Code 1973, is amended to read as follows:

33 **17.21 LEGAL PUBLICATIONS. The Code or supplements**
34 **thereto, Iowa [department rules] *administrative code,***
35 **rules of civil procedure and supreme court rules, session**

36 laws, annotations, tables of corresponding sections, and
37 reports of the supreme court, unless otherwise
38 specifically provided by law, shall be printed, and
39 paid for in the same manner as other public printing.

40 Sec. 30. Section seventeen point twenty-two (17.22),
41 unnumbered paragraphs one (1) and two (2), Code 1973,
42 is amended to read as follows:

43 17.22 PRICE. Said publications shall be sold at a
44 price to be established by dividing the total cost only, of
45 printing, binding and paper stock by the total number printed
46 of each edition.

47 1. Code or supplements thereto and Iowa [departmental
48 rules] *administrative code*.

49 2. Session laws.

50 3. Daily journals and bills.

51 4. Book of annotations to the Code.

52 5. Supplements to the book of annotations.

53 6. Tables of corresponding sections to the Code.

54 7. Reports of the supreme court.

55 8. Rules of civil procedure and supreme court rules.

56 The Iowa [departmental rules] *administrative code* shall be
57 distributed with each order for purchase of the Code and the
58 price set for the Code and [departmental rules] *Iowa administra-*
59 *tive code* as provided above shall include the most of both
60 the Code and [departmental rules] *Iowa administrative code*. [The
61 departmental rules] *However, the Iowa administrative code or*
62 *its supplements* may [also] be distributed separately. *There shall*
63 *be established a price for the Iowa administrative code and a*
64 *separate price for its supplements. The price charged for the*
65 *Iowa administrative code or its supplements shall represent the*
66 *cost of compiling and indexing plus the amount charged*
67 *for the printing and distributing of the Iowa administrative*
68 *code or its supplements.*

69 Sec. 31. Section seventeen point twenty-seven (17.27),
70 unnumbered paragraph two (2), Code 1973, as amended by

71 Acts of the Sixty-fifth General Assembly, 1973 Session,
72 chapters one hundred twenty (120) and one hundred twenty-
73 two (122), is amended to read as follows:

74 When such publications, *except supplements to the Iowa*
75 *administrative code*, paid for by public funds furnished by
76 the state, contain reprints of statutes or [departmental] rules,
77 or both, they shall be sold and distributed at cost by the
78 department ordering same if the cost per publication is one
79 dollar or more, unless a central library or depository is
80 established. Such publications shall be obtained from the
81 superintendent of printing on requisition by the department
82 and the selling price, if any, shall be determined by the
83 superintendent by dividing the total cost of printing, paper
84 and binding by the number printed. Said price shall be set
85 at the nearest multiple of ten to the quotient thus
86 obtained. Distribution of such publications shall be made
87 by the superintendent gratis to public officers, purchasers
88 of licenses from state departments required by statute, and
89 departments. Funds from the sale of such publications shall
90 be deposited monthly in the general fund of the state.

91 Sec. 32. Section nineteen A point thirteen (19A.13), Code
92 1973, is amended to read as follows:

93 19A.13 CERTIFICATION OF PAYROLLS—ACTIONS. No
state dis-
94 bursing or auditing officer shall make or approve or take
95 part in making or approving any payment for personal service
96 to any person holding a position in the merit system unless
97 the payroll voucher or account of such pay bears the certifi-
98 cation of the director, or of his authorized agent, that the
99 persons named therein have been appointed and employed in
100 accordance with the provisions of this chapter and the rules,
101 regulations, and orders thereunder, and that funds are avail-
102 able for the payment of the persons.

1 The director may for proper cause withhold certification
2 from an entire payroll or from any specific item or items
3 thereon. The director may, however, provide that certifica-
4 tion of payrolls may be made once every six months, and such
5 certification shall remain in effect except in the case of
6 any officer or employee whose status has changed after the
7 last certification of his payroll. In the latter case no
8 voucher for payment of salary to such employee shall be issued
9 or payment of salary made without further certification by
10 the director.

11 Any citizen may maintain [a suit] *an action in accordance*
12 *with the terms of the Iowa Administrative Procedure Act* to
13 restrain a disbursing officer from making any payment in
14 contravention of any provision of this chapter, rule, or order
15 thereunder. Any sum paid contrary to any provision of this
16 chapter or any rule, regulation, or order thereunder may be
17 recovered in an action *in accordance with the terms of the*
18 *Iowa Administrative Procedure Act* maintained by any citizen,
19 from any officer who made, approved, or authorized such payment
20 or who signed or countersigned a voucher, payroll, check,
21 or warrant for such payment, or from the sureties on the
22 official bond of any such officer. All moneys recovered in
23 any such action shall be paid into the state treasury.

24 Any person appointed or employed in contravention of any
25 provision of this chapter or of any rule, regulation, or order
26 thereunder who performs service for which he is not paid,
27 may maintain an action *in accordance with the terms of the*
28 *Iowa Administrative Procedure Act* against the officer or
29 officers who purported so to appoint or employ him to recover
30 the agreed pay for such services or the reasonable value
31 thereof if no pay was agreed upon. No officer shall be
32 reimbursed by the state at any time for any sum paid to such
33 person on account of such services.

34 If the director wrongfully withholds certification of the
35 payroll voucher or account of any employee, such employee

1 may maintain a proceeding *in accordance with the terms of*
2 *the Iowa Administrative Procedure Act* in the courts to compel
3 the director to certify such a payroll voucher or account.

4 Sec. 33. Section nineteen A point fourteen (19A.14), Code
5 1973, is amended to read as follows:

6 19A.14 APPEAL TO APPOINTING AUTHORITY. Any employee
7 who
8 is discharged, suspended, or reduced in rank or grade, except
9 during his probation period, may appeal to the appointing
10 authority and if not satisfied, may, within thirty days after
11 such discharge, reduction, or suspension appeal to the com-
12 mission for review thereof. Upon such review, both the ap-
13 pealing employee and the appointing authority whose action
14 is reviewed shall, within thirty days following the date of
15 filing of the appeal to the commission, have the right to
16 a hearing closed to the public, unless a public hearing is
17 requested by the employee, and to present evidentiary facts
18 thereat. Technical rules of evidence shall not apply at any
19 hearing so held. If the commission finds that the action
20 complained of was taken by the appointing authority for any
21 political, religious, racial, national origin, sex, age or
22 nonmerit reasons, the employee shall be reinstated to his
23 former position without loss of pay for the period of the
24 suspension. In all other cases the merit employment commission
25 shall have jurisdiction to hear and determine the rights of
26 merit system employees and may affirm, modify, or reverse
27 any case on its merits. [The employee or the state may obtain
28 judicial review of the commission's decision by writ of
29 certiorari as provided by division XIV of the rules of civil
30 procedure.] *Judicial review of the action of the commission*
31 *may be sought in accordance with the terms of the Iowa Admin-*
istrative Procedure Act.

32 Sec. 34. Section twenty-three point fifteen (23.15),
33 unnumbered paragraph one (1), Code 1973, is amended to read
34 as follows:

35 The appeal board shall determine the matters involved in

1 such appeal [and its decision shall be final, unless either
2 party, within thirty days from the making of such decision,
3 gives notice to the other party of an appeal to the district
4 court from such decision]. Its decision shall be certified
5 to the executive officer of the municipality affected.

6 *Judicial review of action of the appeal board may be*
7 *sought in accordance with the terms of the Iowa Administrative*
8 *Procedure Act.*

9 **Sec. 35.** Section twenty-nine A point twenty-seven (29A.27),
10 unnumbered paragraph six (6), is amended to read as follows:

11 [Any party aggrieved by any decision of a board provided in
12 this section shall have the right of appeal to the district
13 court of the state of Iowa in and for the county of his legal
14 residence] *Judicial review of any decision of the board may*
15 *be sought in accordance with the terms of the Iowa Adminis-*
16 *trative Procedure Act. Notwithstanding the terms of the*
17 *Iowa Administrative Procedure Act, petitions for judicial*
18 *review must be filed within a period of thirty days from*
19 *date of mailing by the adjutant general by certified mail*
20 *of notice of such decision. [The appeal shall be perfected*
21 *by filing in the office of the adjutant general a written*
22 *notice of appeal setting forth the order or finding from*
23 *which appealed and the grounds of the appeal.] Within thirty*
24 *days after the filing of such [notice of appeal] a petition*
25 *for judicial review, the adjutant general shall make,*
26 *certify, and file in the office of the clerk of the district*
27 *court [to which the appeal is taken] in which the judicial review*
28 *is sought a full and complete transcript of all documents in*
29 *the proceeding. The transcript shall include [the notice of*
30 *appeal], any depositions, and a transcription or certification of*
31 *the evidence, if reported. [The clerk shall forthwith docket*
32 *such appeal. The appeal shall be heard in such district court*
33 *as in equity de novo. Appeal may be taken to the supreme court*
34 *from any final order or judgment or decree of the district*
35 *court.] The attorney general of Iowa, upon the request of*

36 the adjutant general, shall represent the board appointed
37 by the adjutant general against whom any such appeal has
38 been instituted.

39 Sec. 36. Section thirty-five A point seven (35A.7),
40 Code 1973, is amended to read as follows:

41 35A.7 DUTIES OF BONUS BOARD. It shall be the duty
42 of the bonus board created by section 35.1 to administer
43 the provisions of this chapter, to examine all applications
44 and approve or disapprove the same and make any investigation
45 necessary to establish facts. [In the event an application
46 is disapproved by the bonus board, the claimant shall have
47 the right of appeal to the district court of the state of
48 Iowa in and for the county of his legal residence] *Judicial*
49 *review of any decision of the board may be sought in*
50 *accordance with the terms of the Iowa Administrative*
51 *Procedure Act. Notwithstanding the terms of the Iowa*
52 *Administrative Procedure Act, petitions for judicial review*
53 *must be filed within a period of thirty days from date of*
54 *mailing by certified mail of notice of such disapproval. [The*
55 *appeal shall be perfected by filing in the office of the bonus*
56 *board, a written notice of appeal setting forth the order or*
57 *finding appealed from and the grounds of the appeal.] Within*
58 *thirty days after the filing of such [notice of appeal] a*
59 *petition for judicial review the bonus board shall make,*
60 *certify and file in the office of the clerk of the district*
61 *court [to which the appeal is taken] in which the judicial*
62 *review is sought, a full and complete transcript of all*
63 *documents in the proceeding, including any depositions,*
64 *a transcript or certification of the evidence, if reported [,*
65 *including the notice of appeal. The clerk shall forthwith*
66 *docket such appeal. The appeal shall be heard in such*
67 *district court as in equity de novo. Appeal may be taken*
68 *to the supreme court from any final order or judgment or*
69 *decree of the district court]. When any application has*
70 *been approved by the bonus board, payment shall be made to*

71 the applicant in accordance with the provisions of this
72 chapter. It shall be the duty of the bonus board to prepare
73 vouchers and transmit the same to the state comptroller in
74 payment of the bonus claims provided for herein and other
75 necessary administrative expenses; said state comptroller
76 shall issue a warrant for the amount stated therein and the
77 state treasurer shall pay such warrants out of said bonus
78 fund. The bonus board is hereby empowered to employ such
79 assistants and incur such other expenses as may be necessary
80 for such administration and carrying out of the provisions
81 of this chapter, and the funds necessary for such administration
82 and carrying out the provisions of this chapter shall be
83 expended from said compensation fund; such assistants as said
84 bonus board may determine shall give bond in such amount as
85 may be fixed by said bonus board, and shall, whenever
86 practicable, be persons within the classes as defined in
87 section 35A.4. The bonus board is hereby empowered to make,
88 adopt and promulgate such rules and regulations for the
89 carrying out of the provisions of this chapter as it deems
90 necessary and expedient and which are not inconsistent with
91 any provisions of this chapter.

92 Sec. 37. Section thirty-five B point seven (35B.7),
93 Code 1973, is amended to read as follows:

94 35B.7 DUTIES. It shall be the duty of the said
95 board to administer the provisions of this chapter, to
96 examine all applications and approve or disapprove the
97 same and make any investigation necessary to establish
98 facts. [In the event an application is disapproved by
99 the board, the claimant shall have the right of appeal
100 to the district court of the state of Iowa in and for
101 the county of his legal residence] *Judicial review of any*
102 *decision of the board may be sought in accordance with*
103 *the terms of the Iowa Administrative Procedure Act. Not-*
104 *withstanding the terms of the Iowa Administrative*
105 *Procedure Act, petitions for judicial review must be filed*

106 within a period of thirty days from date of mailing by
107 certified mail of notice of such disapproval. [The appeal
108 shall be perfected by filing in the office of the board,
109 a written notice of appeal setting forth the order or
110 finding appealed from and the grounds of the appeal.] Within
111 thirty days after the filing of [such notice of appeal]
112 *a petition for judicial review* the board shall make, certify
113 and file in the office of the clerk of the district court [to
114 which the appeal is taken,] *in which the judicial review is*
115 *sought* a full and complete transcript of all documents in
116 the proceeding, including any depositions, a transcript
117 or certification of the evidence, if reported[, including
118 the notice of appeal. The clerk shall forthwith docket
119 such appeal. The appeal shall be heard in such district
120 court as in equity de novo. Appeal may be taken to the
121 supreme court from any final order or judgment or decree
122 of the district court]. When any application has been
123 approved by the board, payment shall be made to the
124 applicant in accordance with the provisions of this chapter.
125 It shall be the duty of the board to prepare vouchers and
126 transmit the same to the state comptroller in payment of
127 the bonus claims provided for herein and other necessary
128 administrative expenses; said state comptroller shall issue
129 a warrant for the amount stated therein and the state
130 treasurer shall pay such warrants out of said bonus fund.
131 The board is hereby empowered to employ such assistants
132 and incur such other expenses as may be necessary for such
133 administration and carrying out of the provisions of this
134 chapter, and the funds necessary for such administration
135 and carrying out the provisions of this chapter shall be
136 expended from said compensation fund; such assistants as said
137 board may determine shall give bond in such amount as may
138 be fixed by said board, and shall, whenever practicable, be
139 persons within the classes as defined in section 35B.4 The
140 board is hereby empowered to make, adopt and promulgate

141 such rules and regulations for the carrying out of the
142 provisions of this chapter as it deems necessary and
143 expedient and which are not inconsistent with any provisions
144 of this chapter.

145 Sec. 38. Section seventy point four (70.4), Code 1973,
146 is amended to read as follows:

147 70.4 [MANDAMUS] *JUDICIAL REVIEW*. A refusal to allow
said

148 preference, or a reduction of the salary for said position
149 with intent to bring about the resignation or discharge of
150 the incumbent, shall entitle the applicant or incumbent, as
151 the case may be, to maintain an action of mandamus to right
152 the wrong. *At their election such parties may, in the*
153 *alternative, maintain an action for judicial review in accor-*
154 *dance with the terms of the Iowa Administrative Procedure*
155 *Act if that is otherwise applicable to their case.*

156 Sec. 39. Section seventy point five (70.5), Code 1973,
157 is amended to read as follows:

158 70.5 *APPEALS*. In addition to the remedy provided in sec-
159 tion 70.4, an appeal may be taken by any person belonging
160 to any of the classes of persons to whom a preference is
161 hereby granted, from any refusal to allow said preference,
162 as provided in this chapter, to the district court of the
163 county in which such refusal occurs. The appeal shall be
164 made by serving upon the appointing board within twenty days
165 after the date of the refusal of said appointing officer,
166 board, or persons to allow said preference, a written notice
167 of such appeal stating the grounds of the appeal; a demand
168 in writing for a certified transcript of the record, and all
169 papers on file in his office affecting or relating to said
170 appointment. Thereupon, said appointing officer, board, or
171 person shall, within ten days, make, certify, and deliver

1 to appellant such a transcript; and the appellant shall,
2 within five days thereafter, file the same and a copy of the
3 notice of appeal with the clerk of said court, and said notice
4 of appeal shall stand as appellant's complaint and thereupon
5 said cause shall be accorded such preference in its assignment
6 for trial as to assure its prompt disposition. The court
7 shall receive and consider any pertinent evidence, whether
8 oral or documentary, concerning said appointment from which
9 the appeal is taken, and if the court shall find that the
10 said applicant is qualified as defined in section 70.1, to
11 hold the position for which he has applied, said court shall,
12 by its mandate, specifically direct the said appointing
13 officer, board or persons as to their further action in the
14 matter. An appeal may be taken from judgment of the said
15 district court on any such appeal on the same terms as an
16 appeal is taken in civil actions. *At their election parties*
17 *entitled to appeal under this section may, in the alternative,*
18 *maintain an action for judicial review in accordance with*
19 *the terms of the Iowa Administrative Procedure Act if that*
20 *is otherwise applicable to their case.*

21 Sec. 40. Section seventy point six (70.6), Code 1973,
22 is amended to read as follows:

23 70.6 REMOVAL—[CERTIORARI TO REVIEW]. No person
24 a public position by appointment or employment, and belonging holding
25 to any of the classes of persons to whom a preference is
26 herein granted, shall be removed from such position or employ-
27 ment except for incompetency or misconduct shown after a
28 hearing, upon due notice, upon stated charges, and with the
29 right of such employee or appointee to a review by a writ
30 of certiorari or at such person's election, to judicial review
31 in accordance with the terms of the Iowa Administrative
32 Procedure Act if that is otherwise applicable to their case.

33 Sec. 41. Section eighty point fifteen (80.15), Code 1973,
34 is amended to read as follows:

35 80.15 EXAMINATION—OATH—PROBATION—DISMISSAL. No
appli-

1 cant for membership in the department of public safety, except
2 clerical workers and special agents appointed under section
3 80.7, shall be appointed as a member until he has passed a
4 satisfactory physical and mental examination. In addition,
5 such applicant must be a citizen of the United States, of
6 good moral character, and be not less than twenty-two years
7 of age. The mental examination shall be conducted under the
8 direction or supervision of the commissioner of public safety
9 and may be oral or written or both. Each applicant shall
10 take an oath on becoming a member of the force, to uphold
11 the laws and Constitution of the United States and of the
12 state of Iowa. During the period of twelve months after
13 appointment, any member of the department of public safety,
14 except members of the present Iowa highway safety patrol who
15 have served more than six months, shall be subject to dismissal
16 at the will of the commissioner. After the twelve months'
17 service, no member of the department, who shall have been
18 appointed after having passed the before-mentioned
19 examinations, shall be subject to dismissal unless charges
20 have been filed with the secretary of the executive council
21 and a hearing held before the executive council, if requested
22 by said member of the department, at which he shall have an
23 opportunity to present his defense to such charges. The
24 decision of the executive council by majority vote shall be
25 final, subject to the right of [appeal by the employee to]
26 *judicial review in accordance with the terms of the Iowa*
27 *Administrative Procedure Act.* [the district court of Polk
28 county, or to the district court of the county in Iowa
29 in which the employee resides, within thirty days after
30 he
31 shall have received notice of the decision of the executive
32 council]. All rules and regulations regarding the enlistment,
33 appointment, and employment affecting the personnel of the
34 department shall be established by the commissioner with the

1 approval of the governor.

2 Sec. 42. Section eighty-three A point eleven (83A.11),
3 Code 1973, is amended by striking the section and inserting
4 in lieu thereof the following:

5 83A.11 JUDICIAL REVIEW. Judicial review of the action
6 of the board or department may be sought in accordance with
7 the terms of the Iowa Administrative Procedure Act.

8 Sec. 43. Section eighty-four point fourteen (84.14), Code
9 1973, is amended to read as follows:

10 84.14 APPEAL TO DISTRICT COURT—PROCEDURE OR AP-
11 PEAL.

12 1. [Any person adversely affected by an order entered by
13 the council, may appeal from such order to the district court
14 at the seat of government or] *Judicial review of action of*
15 *the council may be sought in accordance with the terms of*
16 *the Iowa Administrative Procedure Act. Notwithstanding the*
17 *terms of the Iowa Administrative Procedure Act, petitions*
18 *for judicial review may be filed in the district court of*
19 *Polk county or in the district court of any county in which*
20 *the property affected or some portion thereof is located [or*
21 *to the court of last appeal. Notice of appeal must be filed*
22 *by such person with the council within thirty days after the*
23 *entry of the order complained of, or within thirty days after*
24 *the entry of the order overruling a motion for rehearing or*
25 *sustaining the original order in the event a motion for*
26 *rehearing has been filed. The notice of appeal must identify*
27 *the order and the grounds of appeal, and reasonably specify*
28 *that portion of the record which the appellant desires included*
29 *in the transcript upon appeal. Immediately upon the filing*
30 *of the notice of appeal the council shall certify to the*
31 *appellant the estimated cost of preparing the transcript of*
32 *appeal of the proceedings upon which the order complained*
33 *of was entered. The amount of the estimated cost must be*
34 *deposited with the council within ten days after the mailing*
35 *of the certification of the costs to the appellant. Upon*
the deposit of the costs the council shall prepare and certify

1 the transcript. The transcript shall be delivered to the
2 appellant, or his designated attorney, within sixty days after
3 the filing of the notice of appeal.]

4 [2. Within ninety days after the filing of the notice of
5 appeal, the appellant must file in the district court the
6 transcript of the proceedings before the council, together
7 with a petition for review which states briefly the grounds
8 for the appeal. An appeal shall be perfected by filing the
9 notice of appeal within the specified thirty-day period.

10 The appeal may be dismissed by the district court for failure
11 of the appellant to make the required cost deposit or to file
12 the transcript and petition for review within the time
13 specified, unless for good cause shown the time is extended
14 by order of the district court. If the district court deems
15 the transcript insufficient, the court may dismiss the appeal
16 or return the transcript to the appellant for proper additions,
17 and thereafter assess such further costs against the appellant
18 as the court in its discretion deems sufficient.]

19 [3. At] 2. *If at the time of filing of the [notice of appeal,*
20 *if an application for the] petition for judicial review*
21 *suspension of the order is [filed] asked for,* the council shall
22 enter an order fixing the amount of the supersedeas bond.
23 Within ten days after the entry of an order by the council
24 which fixes the amount of the bond, the [appellant] *petitioner*
25 must file with the council a supersedeas bond in the required
26 amount and with proper surety; upon approval of the bond,
27 the council shall suspend the order complained of until its
28 final disposition upon [appeal] *review*. The bond shall run
29 in favor of the state of Iowa for the use and benefit of any
30 person who may suffer damage by reason of the suspension of
31 the order in the event the same is affirmed by the district
32 court. If the order of the council is not superseded, it
33 shall continue in force and effect as if no [appeal] *petition*
34 *for judicial review* was pending.

35 4. The district court shall, insofar as is practicable,

1 give precedence to [appeals from] *petitions for judicial review*
2 *of orders of the council.* [Upon the appeal of such an order
3 the district court shall review the proceedings before the
4 council as disclosed by the transcript upon appeal, and
5 thereafter enter its judgment affirming or reversing the order
6 appealed. Orders of the council shall be sustained if the
7 council has regularly pursued its authority and its findings
8 and conclusions are sustained by the law and by substantial
9 and credible evidence.]

10 Sec. 44. Section eighty-five point fifty-nine (85.59),
11 Code 1973, is amended to read as follows:

12 85.59 PAYMENT OF STATE EMPLOYEES. The state comp-
troller
13 is hereby authorized and directed to draw warrants on the
14 state treasury for any and all amounts due state employees
15 under the provisions of this chapter upon there being filed
16 in his office, either a memorandum of settlement approved
17 by the industrial commissioner or of an award made by a board
18 of arbitration, for which no review is pending, or an order
19 of the industrial commissioner from which [no appeal has been
20 taken] *judicial review has not been sought*, or a judgment of
21 any court of the state accompanied by a certificate of the
22 industrial commissioner setting forth the amount of compen-
23 sation due and the statutory provisions under which the
24 same should be paid.

25 Sec. 45. Section eighty-five A point fifteen (84A.15),
26 Code 1973, is amended to read as follows:

27 85A.15 EMPLOYERS LIMIT OF LIABILITY. Payments of com-
pen-
28 sation and compliance with other provisions herein by the
29 employer or his insurance carrier in accordance with the find-
30 ings and orders of the industrial commissioner or the [appellate]
31 court in [appealed cases] *judicial review proceedings*, shall
32 discharge such employer from any and all further obligation.

33 Sec. 46. Section eighty-five point seventy (85.70),
34 Code 1973, is amended to read as follows:

35 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE. An em-
ployee

36 who has sustained an injury resulting in permanent partial
37 or permanent total disability, for which compensation is
38 payable under this chapter, and who cannot return to
39 gainful employment because of such disability, shall upon
40 application to and approval by the industrial commissioner
41 be entitled to a twenty-dollar weekly payment from the
42 employer in addition to any other benefit payments, during
43 each full week in which he is actively participating in
44 a vocational rehabilitation program recognized by the state
45 board for vocational education. The industrial commissioner's
46 approval of such application for payment may be given only
47 after careful evaluation of available facts, and after
48 consultation with the employer or the employer's representative.
49 [An appeal of the] *Judicial review of the decision of the*
50 *industrial commissioner may be [taken to the district court as*
51 *prescribed in] obtained in accordance with the terms of the*
52 *Iowa Administrative Procedure Act and section 86.26. Such*
53 *additional benefit payment shall be paid for a period not*
54 *to exceed thirteen consecutive weeks except that the in-*
55 *dustrial commissioner may extend the period of payment not*
56 *to exceed an additional thirteen weeks if the circumstances*
57 *indicate that a continuation of training will in fact*
58 *accomplish rehabilitation.*

59 Sec. 47. Section eighty-six point twenty-six (86.26),
60 Code 1973, is amended by striking the section and inserting
61 in lieu thereof the following:

62 86.26 JUDICIAL REVIEW. Judicial review of decisions or
63 orders of the industrial commissioner in a proceeding on
64 review of an arbitration decision may be sought in accordance
65 with the terms of the Iowa Administrative Procedure Act.
66 Notwithstanding the terms of the Iowa Administrative Procedure
67 Act, petitions for judicial review may be filed in the district
68 court of the county in which the hearing under section eighty-
69 six point seventeen (86.17) of the Code, was held. Such a
70 review proceeding shall be accorded priority over other matters

1 commissioner may assess reasonable charges for the presence
2 of mechanical means or a certified shorthand reporter to
3 record the proceedings.

4 Sec. 50. Section eighty-six point twenty-nine (86.29),
5 Code 1973, is amended by striking the section and inserting
6 in lieu thereof the following:

7 86.29 THE JUDICIAL REVIEW PETITION. Notwithstanding
the
8 terms of the Iowa Administrative Procedure Act, in a peti-
9 tion for judicial review of a final decision in a contested
10 case under any provision of the "Workman's Compensation Act",
11 the name of the opposing party shall precede the name of the
12 agency as respondent.

13 Sec. 51. Section eighty-six point thirty-two (86.32),
14 Code 1973, is amended to read as follows:

15 86.32 COSTS ON APPEAL. [The] *In proceedings for judicial*
16 *review of compensation cases the* clerk shall charge no fee
17 for any service rendered [in compensation cases] except the
18 filing fee and transcript fees when the transcript of a
19 judgment is required. The taxation of costs in such appeals
20 shall be in the discretion of the court.

21 Sec. 52. Section eighty-six point thirty-four (86.34),
22 Code 1973, as amended by Acts of the Sixty-fifth General
23 Assembly, 1973 Session, chapter one hundred forty-four (144),
24 section twenty-eight (28), is amended to read as follows:

25 86.34 REVIEW OF AWARD OR SETTLEMENT. Any award for
pay-
26 ments or agreement for settlement made under this chapter
27 where the amount has not been commuted, may be reviewed by
28 the industrial commissioner or a deputy commissioner at the
29 request of the employer or of the employee at any time within
30 three years from the date of the last payment of compensation
31 made under such award or agreement, and if on such review
32 the commissioner finds the condition of the employee warrants
33 such action, he may end, diminish, or increase the compensation
34 so awarded or agreed upon. Once an award for payments or
35 agreement for settlement under this chapter has been made

1 where the amount has not been commuted, the commissioner may
2 at any time upon proper application make a determination and
3 appropriate order concerning the entitlement of an employee
4 to benefits provided for in section eighty-five point twenty-
5 seven (85.27) of the Code. [Any party aggrieved by any decision
6 or order] *Judicial review of action* of the industrial
7 commissioner or a deputy commissioner on a review of award
8 or settlement as provided in this section[,] *may be sought in*
9 *accordance with the terms of the Iowa Administrative Procedure*
10 *Act. Notwithstanding the terms of the Iowa Administrative*
11 *Procedure Act, petitions for judicial review may be filed*
12 *in [appeal to] the district court of the county in which the*
13 *injury occurred [and in the same manner as is provided in*
14 *section 86.26].*

15 Sec. 53. Section eighty-six point forty-two (86.42),
16 Code 1973, is amended to read as follows:

17 86.42 JUDGMENT BY DISTRICT COURT ON AWARD. **Any**
18 **party**
19 in interest may present a certified copy of an order or
20 decision of the commissioner, or an award of a board of
21 arbitration from which no petition for review has been
22 filed within the time allowed therefor, or a memorandum
23 of agreement approved by the commissioner, and all papers
24 in connection therewith, to the district court of the
25 county in which the injury occurred, whereupon said court
26 shall render a decree or judgment in accordance therewith
27 and cause the clerk to notify the parties. Such decree or
28 judgment, in the absence of [an appeal from] *a petition for*
29 *judicial review of the decision of the industrial commis-*
30 *sioner, shall have the same effect and in all proceedings*
31 *in relation thereto shall thereafter be the same as though*
32 *rendered in a suit duly heard and determined by said court.*

33 Sec. 54. Section eighty-seven point seven (87.7), Code
34 1973, is amended to read as follows:

35 87.7 TERMINATION OF PLAN—APPEAL. Such scheme or plan
may be terminated by the industrial commissioner on reasonable

36 notice to the interested parties if it shall appear that the
37 same is not fairly administered, or if its operation shall
38 disclose latent defects threatening its solvency, or if for
39 any substantial reason it fails to accomplish the purpose
40 of this chapter; but from any such order of said industrial
41 commissioner [the parties affected, whether employer or workman,
42 may,] *judicial review may be sought in accordance with the*
43 *terms of the Iowa Administrative Procedure Act*, upon the
44 giving of proper bond to protect the interests involved[,
45 appeal to the district court in the same time and manner as
46 appeals from actions of the industrial commissioner, which
47 appeal shall be tried as an equitable action].

48 Sec. 55. Section eighty-seven point twenty-four (87.24),
49 Code 1973, is amended to read as follows:

50 87.24 TRIAL BY JURY. When an injured employee [has exer-
51 cised his or her] *exercises a right to enforce a compensa-*
52 *tion claim, based upon the provisions of section 87.21, and*

1 [an appeal, as provided in section 86.26, is taken to the
2 district court from] *judicial review is sought of a decision*
3 or award as made by the industrial commissioner, the employer
4 and/or the insurance carrier, on the hearing [on such appeal]
5 *in such a judicial review proceeding* in the district court,
6 shall, *notwithstanding the terms of the Iowa Administrative*
7 *Procedure Act* have the right of trial by jury upon the issues
8 of fact tendered and allowable within the terms of chapters
9 85, 86, and 87, and made of record in arbitration proceedings
10 and/or upon hearing before the industrial commissioner. But
11 the right of a trial by jury shall only apply to compensation
12 cases within the purview of section 87.21.

13 Sec. 56. Section eighty-seven point twenty-five (87.25),
14 Code 1973, is amended to read as follows:

15 87.25 EVIDENCE—INSTRUCTIONS. [On] *Notwithstanding*
16 *the*
17 *terms of the Iowa Administrative Procedure Act, on the trial*
18 *of the case in the district court with a jury, [the evidence]*
19 *the record of the case in the agency, when certified by the*
20 *industrial commissioner or his deputy[, as provided in sec-*
21 *tion 86.27,] shall be the only competent, relevant and material*
22 *evidence in the case which shall be read from the record thus*
23 *certified, subject to the rulings of the trial judge upon*
24 *objections made in the commissioner's court and urged in the*
25 *district court. But the law of procedure and evidence, as*
26 *provided in section 86.18, shall apply and govern insofar*
27 *as reasonably applicable. The trial judge shall give the*
28 *jury written instruction on the law of the case, but the jury*
29 *shall determine the facts upon the issues submitted.*

30 Sec. 57. Section eighty-seven point twenty-six (87.26),
31 Code 1973, is amended to read as follows:

32 87.26 WAIVER OF JURY. [Upon questions of law raised in
33 the district court, the appeal shall be considered as if made
34 upon one or more of the grounds for appeal, as provided in
35 section 86.30] *With respect to questions of law raised in the*
district court, the judicial review proceeding in such cases

1 *shall be considered as based upon one or more of the grounds*
2 *for such review as provided in subsection eight (8) of section*
3 *nineteen (19) of the Iowa Administrative Procedure Act. If*
4 *demand in writing for a jury trial has not been made and filed*
5 *with the clerk of the court to which the [appeal] petition for*
6 *judicial review is taken, within five days before the case*
7 *is assigned for hearing, it shall be conclusively presumed*
8 *that the party entitled thereto has waived a jury trial, and*
9 *in such case the hearing of the case and appeals to the supreme*
10 *court of Iowa shall, in all respects, be governed by the rules*
11 *of law and procedure applicable to workmen's compensation*
12 *cases to which section 87.21 does not apply.*

13 Sec. 58. Section eighty-eight point five (88.5), subsec-
14 tion three (3), paragraph a, and subsections five (5) and
15 six (6), Code 1973, are amended to read as follows:

16 3. TEMPORARY VACANCIES.

17 a. Any employer may apply to the commissioner [notwith-
18 standing the requirements of chapter 17A] for a temporary order
19 granting a variance from a standard or any provision thereof
20 promulgated under this section. Such temporary order shall
21 be granted only if the employer files an application which
22 meets the requirements of paragraph "b" of this subsection
23 and establishes that he is unable to comply with the standard
24 by its effective date because of unavailability of professional
25 or technical personnel or of materials and equipment needed
26 to come into compliance with the standards or because necessary
27 construction or operation of the facilities cannot be completed
28 by the effective date, that he is taking all available steps
29 to safeguard his employees against the hazards that are covered
30 by the standard, and that he has an effective program for
31 coming into compliance with this standard as quickly as
32 practicable. Any temporary order issued under this paragraph
33 shall prescribe the practices, means, methods, operations,
34 and processes which the employer must adopt and use while
35 the order is in effect and state in detail his program for

1 coming into compliance with the standard. Such a temporary
2 order may be granted only after notice to employees and an
3 opportunity for a hearing, provided that the commissioner
4 may issue one interim order to be effective until a decision
5 is made on the basis of the hearing. No temporary order may
6 be in effect longer than the period needed by the employer
7 to achieve compliance with the standard, or one year, whichever
8 is shorter except that such an order may be renewed not more
9 than twice so long as the requirements of this paragraph are
10 met and an application for renewal is filed at least ninety
11 days prior to the expiration date of the order. No interim
12 renewal of an order may remain in effect for longer than one
13 hundred and eighty days.

14 5. EMERGENCY TEMPORARY STANDARDS. The commissioner
15 provide, [notwithstanding the requirements of chapter 17A,] shall
16 for an emergency temporary standard to take immediate effect
17 if he determines that employees are exposed to grave danger
18 from exposure from substances or agents determined to be toxic
19 or physically harmful or from new hazards and if such emergency
20 temporary standard is necessary to protect the employees from
21 such danger. Such emergency standard shall cease to be
22 effective and shall no longer be applicable after the lapse
23 of six-months following the effective date thereof unless
24 the commissioner has initiated the procedures provided for
25 under this chapter, for the purpose of promulgating a permanent
26 standard as provided in subsection 1 of this section in which
27 case the emergency temporary standard will remain in effect
28 until the permanent standard is adopted and becomes effective.
29 Abandonment of the procedure for such promulgation by the
30 commissioner shall terminate the effectiveness and
31 applicability of the emergency temporary standard.

32 6. PERMANENT VARIANCE. [Notwithstanding chapter 17A,
33 any] affected employer may apply to the commissioner for a
34 rule or order for a permanent variance from a standard
35 promulgated under this section. Affected employees shall

1 be given notice of each such application and an opportunity
2 to participate in a hearing. The commissioner shall issue
3 such rule or order if he determines on the record, after
4 opportunity for an inspection where appropriate and a hearing,
5 that the proponent of the variance has demonstrated by a pre-
6 ponderance of the evidence that the conditions, practices,
7 means, methods, operations, or processes used or proposed
8 to be used by an employer will provide employment and places
9 of employment to his employees which are as safe and healthful
10 as those which would prevail if he complied with the standard.
11 The rule or order so issued shall prescribe the conditions
12 the employer must maintain, and the practices, means, methods,
13 operations, and processes which he must adopt and utilize
14 to the extent that they differ from the standard in question.
15 Such a rule or order may be modified or revoked upon applica-
16 tion by an employer, employees, or by the commissioner on
17 his own motion, in the manner prescribed for its issuance
18 under this subsection at any time after six months from the
19 issuance.

20 Sec. 59. Section eighty-eight point five (88.5), subsec-
21 tion ten (10), is amended by striking the subsection and
22 inserting in lieu thereof the following:

23 10. JUDICIAL REVIEW BEFORE ENFORCEMENT. The provi-
24 sions of the Iowa Administrative Procedure Act shall apply to judi-
25 cial review of standards issued under this section. Notwith-
26 standing any provision of the Iowa Administrative Procedure
27 Act to the contrary, a person who is aggrieved or adversely
28 affected by a standard issued under this section must seek
29 judicial review of such standard prior to the sixtieth day
30 after such standard becomes effective. All determinations
31 of the commissioner shall be conclusive if supported by
32 substantial evidence in the record as a whole.

33 Sec. 60. Section eighty-eight point nine (88.9), subsec-
34 tions one (1) and two (2), Code 1973, are amended to read
35 as follows:

1 1. AGGRIEVED PERSONS. [Any person adversely affected or
2 aggrieved by an order of the commission issued under section
3 88.8, subsection 3, may obtain a review of such order] *Judicial*
4 *review of any order of the commission issued under section*
5 *88.8, subsection 3, may be sought in accordance with the*
6 *terms of the Iowa Administrative Procedure Act. Notwithstand-*
7 *ing the terms of the Iowa Administrative Procedure Act, peti-*
8 *tions for judicial review may be filed in the district court*
9 *of the county in which the violation is alleged to have*
10 *occurred or where the employer has its principal office [by*
11 *filing in such court] and may be filed within sixty days*
12 *following the issuance of such order [a written petition that*
13 *the order be modified or set aside. A copy of such peti-*
14 *tion shall be forthwith transmitted by the clerk of the court*
15 *to the commission and to the other parties, and thereupon*
16 *the commission shall promptly file in the court the transcript*
17 *of record in the proceedings. Upon such filing, the court*
18 *shall have jurisdiction of the proceeding and of the question*
19 *determined therein, and shall have power to grant such tempo-*
20 *rary relief or restraining order as it deems just and proper,*
21 *and to make and enter upon the pleadings, testimony, and*
22 *proceedings set forth in such record a decree affirming,*
23 *modifying, or setting aside in whole or in part, the order*
24 *of the commission and enforcing the same to the extent that*
25 *such order is affirmed or modified. The commencement of*
26 *proceedings under this subsection shall not, unless ordered*
27 *by the court, operate as a stay of the order of the commission.*
28 *No objection which has not been urged before the commission*
29 *shall be considered by the court, unless the failure or neglect*
30 *to urge such objection shall be excused because of*
31 *extraordinary circumstances. The findings of the commission*
32 *with respect to questions of fact, if supported by substantial*
33 *evidence on the record considered as a whole, shall be conclu-*
34 *sive. If any party shall apply to the court for leave to*
35 *adduce additional evidence and shall show to the satisfaction*

1 of the court that such additional evidence is material and
2 that there were reasonable grounds for the failure to adduce
3 such evidence in the hearing before the commission, the court
4 may order such additional evidence to be taken before the
5 commission and to be made a part of the record. The commission
6 may modify its findings as to the facts, or make new findings
7 by reason of additional evidence so taken and filed, and it
8 shall file such modified or new findings with the court, which
9 findings with respect to questions of fact, if supported by
10 substantial evidence on the record considered as a whole,
11 shall be conclusive, and its recommendations, if any, for
12 the modification or setting aside of its original order.]
13 The commission's copy of the testimony shall be available
14 to all parties for examination at all reasonable times, without
15 cost, and for the purpose of judicial review of the
16 commission's orders. [Upon the filing of the record with it,
17 the jurisdiction of the court shall be exclusive and its
18 judgment and decree shall be final, except that the same shall
19 be subject to review by the state supreme court.] Petitions
20 filed under this subsection shall be heard expeditiously[,
21 and determined upon the transcript filed without requirement
22 for printing].

23 2. UNCONTESTED COMMISSION ORDERS. The commissioner
24 also obtain review or enforcement of any final order of the
25 commission by filing a petition for such relief in the district
26 court of the county in which the alleged violation occurred
27 or in which the employer has its principal office and the
28 *judicial review* provisions of [subsection 1 of this section]
29 *the Iowa Administrative Procedure Act* shall govern such
30 proceedings to the extent applicable. If no petition for
31 *judicial review*[, as provided in subsection 1,] is filed within
32 sixty days after service of the commission's order, the
33 commission's findings of fact and order shall be conclusive
34 in connection with any petition for enforcement which is filed
35 by the commissioner after the expiration of such sixty-day

1 period. In any such case, as well as in the case of a
2 noncontested citation or notification by the commissioner
3 which has become a final order of the commission under section
4 88.8, subsection 1 or 2, the clerk of court, unless otherwise
5 ordered by the court, shall forthwith enter a decree enforcing
6 the order and shall transmit a copy of such decree to the
7 commission and the employer named in the petition. In any
8 contempt proceeding brought to enforce a decree of a district
9 court entered pursuant to this subsection or subsection 1
10 of this section, the district court may assess the penalties
11 provided in section 88.14 in addition to invoking any other
12 available remedies.

13 Sec. 61. Section eighty-eight A point eight (88A.8), Code
14 1973, is amended by striking the section and inserting in
15 lieu thereof the following:

16 88A.8. JUDICIAL REVIEW. Judicial review of action of the
17 commissioner may be sought in accordance with the terms of
18 the Iowa Administrative Procedure Act.

19 Sec. 62. Section ninety-six point six (96.6), subsections
20 eight (8) through twelve (12), Code 1973, are amended by
21 striking the subsections and inserting in lieu thereof the
22 following:

23 8. JUDICIAL REVIEW. A decision of the commission shall
24 become final ten days after the date of notification or mail-
25 ing thereof. Judicial review of any decision of the commis-
26 sion may be sought in accordance with the terms of the Iowa
27 Administrative Procedure Act. The commission may be repre-
28 sented in any such judicial review proceeding by any qualified
29 attorney who is a regular salaried employee of the commission
30 or who has been designated by the commission for that purpose,
31 or at the commission's request, by the attorney general.
32 Notwithstanding the terms of the Iowa Administrative Procedure
33 Act, petitions for judicial review may be filed in the dis-
34 trict court of the county in which the claimant was last
35 employed or resides, provided that if the claimant does not

1 reside in the state of Iowa the action shall be brought in
2 the district court of Polk county, Iowa, and any other party
3 to the proceeding before the commission shall be named in
4 the petition. The commission may also, in its discretion,
5 certify to such courts, questions of law involved in any deci-
6 sion by it. Petitions for judicial review and the questions
7 so certified shall be given precedence over all other civil
8 cases except cases arising under the workmen's compensation
9 law of this state. No bond shall be required for entering
10 an appeal from any final order, judgment or decree of the
11 district court to the supreme court.

12 Sec. 63. Section ninety-six point seven (96.7), subsection
13 three (3), paragraph f, and subsection six (6), Code 1973,
14 are amended to read as follows:

15 f. Based upon the formula above provided in this section
16 the commission shall fix the rate of contribution for each
17 employer. The commission shall notify the employer of the
18 rate so fixed. An employer may appeal to the commission for
19 a revision of the rate of contribution so fixed within thirty
20 days from the date of the notice to such employer. The com-
21 mission after such hearing may set aside its former deter-
22 mination or modify it and may grant the employer a new rate
23 of contribution. The commission shall notify the employer
24 of this determination by certified mail. [From this deter-
25 mination the employer may appeal to the district court for
26 further hearing. The manner in which such appeal shall be
27 taken and heard shall be in accordance with the provisions
28 of subsections 5 and 6 of this section.] *Judicial review of*
29 *action of the commission may be sought in accordance with*
30 *the terms of the Iowa Administrative Procedure Act.*

31 6. [APPEALS] *JUDICIAL REVIEW.*

32 [a. An appeal may be taken by the employer to] *Notwith-*
33 *standing the terms of the Iowa Administrative Procedure Act,*
34 *petitions for judicial review may be filed in the district*
35 *court of the county in which such employer resides, or in*

1 which such employer's principal place of business is located,
2 or in the case of a nonresident not maintaining a place of
3 business in this state either in any county in which the wages
4 payable for employment were earned or paid or in Polk county,
5 within [sixty] *thirty* days after the date of the notice to such
6 employer notifying such employer of his rate of contribu-
7 tion, or of the commission's determination as provided for
8 in subsection 3 of this section or subsection 5 of this sec-
9 tion.

10 [b. The appeal shall be taken by the employer filing in
11 the office of the clerk of the district court of such county
12 his petition setting forth the errors complained of in the
13 commission's ruling. The employer shall cause an original
14 notice to be served upon the chairman of the commission in
15 the same manner as provided for in ordinary actions in court.
16 The commission shall within thirty days from the date on which
17 said notice was served on the commission certify and file
18 with the clerk of said court a copy of the records and
19 proceedings upon which the rate of contributions or the
20 assessment of contributions was established.]

21 The [plaintiff] *petitioner* shall file with the clerk of said
22 court a bond for the use of the [defendant] *respondent*, with
23 sureties approved by the clerk, in penalty to be fixed and
24 approved by the clerk of said court. In no case shall the
25 bond be less than fifty dollars conditioned that the [plaintiff]
26 *petitioner* shall perform the orders of the court. *In all*
27 *other respects, the judicial review shall be in accordance*
28 *with the terms of the Iowa Administrative Procedure Act.*

29 [c. The court shall hear the appeal in equity and deter-
30 mine anew all questions submitted to it on appeal from the
31 determination of the commission. The court shall render its
32 decree thereon and a certified copy of said decree shall be
33 filed by the clerk of said court with the commission who shall
34 then correct the assessment in accordance with said decree.]
35 An appeal may be taken by the employer or the commission to

1 the supreme court of this state [in the same manner that appeals
2 are taken in suits in equity,] irrespective of the amount
3 involved.

4 Sec. 64. Section ninety-seven A point six (97A.6), sub-
5 section fourteen (14), Code 1973, is amended by striking the
6 subsection and inserting in lieu thereof the following:

7 14. JUDICIAL REVIEW OF ACTION OF THE BOARD OF
8 TRUSTEES.

8 Judicial review of any action of the board of trustees may
9 be sought in accordance with the terms of the Iowa
10 Administrative Procedure Act. Notwithstanding the terms of
11 the Iowa Administrative Procedure Act, the petition for
12 judicial review must be filed within thirty days after the
13 member receives written notice of the trustees' action. The
14 board of trustees shall be represented by the attorney general.
15 An appeal may be taken by the petitioner or the board of
16 trustees to the supreme court of this state irrespective of
17 the amount involved.

18 Sec. 65. Section ninety-seven B point nineteen (97B.19),
19 Code 1973, is amended to read as follows:

20 97B.19 REVISION FOR ERROR. If, prior to the expiration
21 of six months following the delivery of such statement, it
22 is brought to the attention of the commission that any entry
23 of such wages in such records is erroneous, or that any item
24 of such wages has been omitted from the records, the commis-
25 sion may correct such entry or include such omitted item in
26 its records, as the case may be. Written notice of any
27 revision of any such entry which is adverse to the interest
28 of any individual shall be given to such individual in any
29 case where such individual has previously been notified by
30 the commission of the amount of wages and of the period of
31 payments shown by such entry. Upon request in writing made
32 prior to the expiration of six months immediately following
33 the giving of the statement provided for in section 97B.18,
34 the commission shall afford any individual, or after his death
35 shall afford his beneficiary or any other person so entitled

1 in the judgment of the commission, reasonable notice and
2 opportunity for hearing with respect to any entry or alleged
3 omission of wages of such individual in such record, or any
4 revision of any such entry. If a hearing is held, the commis-
5 sion shall make findings of fact and a decision based upon
6 the evidence adduced at such hearing and shall revise its
7 records accordingly. [Any party aggrieved by the decision
8 of the commission under this section or section 97B.20 may
9 appeal to the district court in the manner as provided in
10 section 97B.29.] *Judicial review of action of the commis-*
11 *sion under this section and section ninety-seven B point*
12 *twenty (97B.20) of the Code may be sought in accordance with*
13 *the terms of the Iowa Administrative Procedure Act and section*
14 *ninety-seven B point twenty-nine (97B.29) of the Code.*

15 Sec. 66. Section ninety-seven B point twenty-six
16 (97B.26), Code 1973, is amended to read as follows:

17 97B.26 REFEREE. Unless such appeal is withdrawn, an
18 appeal referee to be designated by the commission for
19 this purpose, after affording the parties reasonable
20 opportunity for fair hearing, shall affirm or modify
21 the findings of fact and decision of the deputy. At said
22 hearing all of the evidence taken and the proceedings had
23 shall be taken and fully reported by a certified shorthand
24 reporter. Said reporter shall promptly transcribe said
25 evidence and proceedings and certify to same. The said
26 transcript shall then be made available for use by the
27 commission and by the courts at subsequent [appeals] *judicial*
28 *review proceedings under the Iowa Administrative Procedure*
29 *Act, if any. The parties shall be duly notified of such*
30 *referee's decision, together with his reasons therefor, which*
31 *shall be deemed to be the final decision of the commission*
32 *unless, within thirty days after the date of notification or*
33 *mailing of such decision, further appeal is initiated pur-*
34 *suant to section 97B.27.*

35 Sec. 67. Section ninety-seven B point twenty-eight

36 (97B.28), Code 1973, is amended to read as follows:

37 97B.28 [CONCLUSIVENESS OF FINDING] REPRESENTA-
38 TION OF

39 COMMISSION. [Any decision of the commission in the absence
40 of an appeal therefrom, as herein provided, shall become final
41 thirty days after the date of notification or mailing thereof,
42 and judicial review thereof shall be permitted only after
43 any party claiming to be aggrieved thereby has exhausted his
44 remedies before the commission, as provided by this chapter.
45 The commission shall be deemed to be a party to any judicial
46 action involving any such decision and may be represented
47 in any such judicial action by any qualified attorney who
48 is a regular salaried employee of the commission or who has
49 been designated by the commission for that purpose or, at
50 the commission's request, by the attorney general.

51 Sec. 68. Section ninety-seven B point twenty-nine (97B.29),
52 Code 1973, is amended to read as follows:

53 97B.29 JUDICIAL REVIEW. [At any time prior to such
54 commission decision becoming final, any party aggrieved thereby
55 may secure judicial review thereof by commencing an action]
Judicial review of action of the commission may be sought

1 *in accordance with the terms of the Iowa Administrative*
2 *Procedure Act. Notwithstanding the terms of the Iowa*
3 *Administrative Procedure Act, petitions for judicial review*
4 *may be filed in the district court of the county in which*
5 *the claimant was last employed or resides, provided that if*
6 *the claimant does not reside in the state of Iowa the action*
7 *shall be brought in the district court of Polk county, Iowa,*
8 *against the commission for the review of this decision, in*
9 *which action any other parties to the proceeding before the*
10 *commission shall be [made a defendant] named in the petition.*
11 *[In such action a petition, which need not be verified but*
12 *which shall state the grounds upon which a review is sought,*
13 *shall be served on a member of the commission or upon such*
14 *person as the commission may designate, and such service shall*
15 *be deemed completed service on all parties, but there shall*
16 *be left with the parties so served as many copies of the peti-*
17 *tion as there are defendants, and the commission shall forth-*
18 *with mail one such copy to each such defendant. When service*
19 *is completed such petition shall be filed by appellant with*
20 *the clerk of the district court who shall docket said cause*
21 *in the same manner as provided for other civil actions. The*
22 *commission shall, within sixty days after the notice of appeal*
23 *has been served on the commission, certify and file with said*
24 *district court all documents and papers and a transcript of*
25 *all testimony taken in the matter, together with the findings*
26 *of fact and decision of the commission therein. With such*
27 *transcript the commission shall file its answer. The trans-*
28 *cript, as certified and filed by the commission, shall be*
29 *the record upon which the appeal shall be heard, and no*
30 *additional evidence shall be heard. In the absence of fraud,*
31 *any findings of fact by the commission after notice and*
32 *hearing, as herein provided, shall be binding on the court*
33 *on appeal when supported by substantial and competent*
34 *evidences.] The commission may also, in its discretion, certify*
35 *to such courts, questions of law involving any decision by*

1 it. Such [actions] *petitions for judicial review* and the
2 questions so certified, [shall be heard in a summary manner
3 and] shall be given precedence over all other civil cases
4 except cases arising under the workmen's compensation law
5 and the employment security law of this state.

6 Sec. 69. Section ninety-seven B point thirty-two (97B.32),
7 Code 1973, is amended by striking the section and inserting
8 in lieu thereof the following:

9 97B.32 APPEAL TO SUPREME COURT. No bond shall be re-
10 for entering an appeal from any final order, judgment, or
11 decree of the district court in a proceeding for judicial
12 review to the supreme court of Iowa.

13 Sec. 70. Section ninety-seven B point thirty-three
14 (97B.33), Code 1973, is amended to read as follows:

15 97B.33 CERTIFICATION TO COMPTROLLER. Upon final de-
16 of the commission, or upon final judgment of any court of
17 competent jurisdiction, that any person is entitled to any
18 payment or payments under this chapter, the commission shall
19 certify to the state comptroller the name and address of the
20 person so entitled to receive such payment or payments, the
21 amount of such payment or payments, and the time at which
22 such payment or payments should be made, and the commission,
23 through the state comptroller, shall make payment in accordance
24 with the certification of the commission provided, that where
25 [a] *judicial* review of the commission decision is or may be
26 sought [under section 97B.28] *in accordance with the terms of*
27 *the Iowa Administrative Procedure Act*, certification of payment
28 may be withheld pending such review. The state comptroller
29 shall not be held personally liable for any payment or payments
30 made in accordance with a certification by the commission.

31 Sec. 7. Section ninety-eight point twenty-nine (98.29),
32 Code 1973, is amended to read as follows:

33 98.29 NOTICE AND APPEAL. The department shall notify
34 any person assessed pursuant to section 98.28 by sending a
35 written notice of such determination and assessment by

1 certified mail to the principal place of business of such
2 person as shown on his application for permit, if any, and
3 in case no such application was filed by such person, to his
4 last known address. [Such person may appeal from such
5 determination and assessment to the district court in the
6 same manner and subject to the same procedure as is provided
7 in] *Judicial review of action of the department may be sought*
8 *in accordance with the terms of the Iowa Administrative*
9 *Procedure Act and section 422.29.*

10 **Sec. 72.** Section ninety-eight point forty-eight (98.48),
11 subsection five (5), Code 1973, is amended to read as follows:

12 5. Any person aggrieved by an order of the director fixing
13 a tax, penalty or interest under section 98.43 may, within
14 thirty days from the date of notice of the order, appeal to
15 the board of review in the manner provided by law. [Any other
16 order of the director under this division shall be subject
17 to review by certiorari.] *Judicial review of any other action*
18 *of the director may be sought in accordance with the terms*
19 *of the Iowa Administrative Procedure Act.*

20 **Sec. 73.** Section ninety-nine A point six (99A.6), unnum-
21 bered paragraphs two (2), three (3), and four (4), Code 1973,
22 are amended by striking the unnumbered paragraphs and insert-
23 ing in lieu thereof the following:

24 Judicial review of actions of the issuing authorities may
25 be sought in accordance with the terms of the Iowa Administra-
26 tive Procedure Act. Municipalities acting as issuing author-
27 ities shall be deemed state agencies solely for the purposes
28 of bringing their actions under this chapter within the terms
29 of section nineteen (19) of the Iowa Administrative Procedure
30 Act. **If the licensee has not filed**
31 a petition for judicial review in district court, revocation
32 shall date from the thirty-first day following the date of

1 the order of the issuing authority. If the licensee has filed
2 a petition for judicial review, revocation shall date from
3 the thirty-first day following entry of the order of the dis-
4 trict court, if action by the district court is adverse to
5 the licensee.

6 Sec. 74. Section one hundred point sixteen (100.16), Code
7 1973, is amended by striking the section and inserting in
8 lieu thereof the following:

9 100.16 JUDICIAL REVIEW. Judicial review of actions of
10 the fire marshal may be sought in accordance with the terms
11 of the Iowa Administrative Procedure Act. Notwithstanding
12 the terms of the Iowa Administrative Procedure Act, petitions
13 for judicial review may be filed in the district court of
14 the county where such building is located.

15 Sec. 75. Section one hundred point seventeen (100.17),
16 Code 1973, is amended to read as follows:

17 100.17 [HOW APPEAL TAKEN] BOND—*SUSPENSION OF*
18 [appeal] *petition for judicial review* shall be [taken by filing] *SUCH*
19 in the office of the fire marshal notice of such appeal,
20 specifying the order appealed from and the court to which
21 the appeal is taken,] accompanied by a bond in the penal sum
22 of one hundred dollars with sureties approved by the clerk
23 of said court, conditioned to pay all costs that shall be
24 adjudged against [appellant] *petitioner* and abide the decree,
25 judgment, and order of the court. *Notwithstanding the*
26 *provisions of the Iowa Administrative Procedure Act, any order*
27 *of the fire marshal which is the subject of a judicial review*
28 *proceeding shall be suspended during such proceeding.*

29 Sec. 76. Section one hundred point twenty-three (100.23),
30 Code 1973, is amended to read as follows:

31 100.23 COSTS. If the appellant fails in the [appeal]
32 *judicial review proceeding* the costs shall be taxed against
33 him, but if the order is revoked or annulled the costs shall
34 be taxed to the state. If the order shall be modified, the
35 court may in its discretion apportion the costs.

1 Sec. 77. Section one hundred point twenty-six (100.26),
2 Code 1973, is amended to read as follows:

3 100.26 TIME FOR COMPLIANCE WITH ORDER. When no
petition
4 of review has been filed or when the fire marshal on review
5 or the court on [appeal] *review* has affirmed or modified an
6 order for the removal, destruction, or repair of a building,
7 or the removal of any of its contents, or the change of any
8 of its conditions, the owner, lessee, or occupant shall comply
9 with such order within thirty days after the delivery of the
10 same or a copy thereof to him, either personally or by certi-
11 fied letter to his last known address, or by service upon
12 his duly appointed agent. If such owner, lessee, or occu-
13 pant shall fail to comply with such order he shall be subject
14 to a penalty of ten dollars for each day of failure or neglect
15 after the expiration of said period, which shall be recovered
16 in the name of the state and paid into the treasury of the
17 county where collected.

18 Sec. 78. Section one hundred point twenty-seven (100.27),
19 Code 1973, is amended to read as follows:

20 100.27 REFUSAL TO OBEY ORDERS. If any person fails to
21 comply with a final order of the marshal or of a court on
22 appeal *review* and within the time fixed, then such offi-
23 cers are empowered and authorized to cause such building or
24 premises to be repaired, torn down, demolished, materials
25 and all dangerous conditions removed, as the case may be,
26 and at the expense of such person, and if such person within
27 thirty days thereafter fails, neglects, or refuses to repay
28 said officers the expense thereby incurred by them, such
29 officers shall certify said expenses, together with twenty-
30 five percent penalty thereon, to the auditor of the county
31 in which said property is situated.

32 Sec. 79. Section one hundred point twenty-eight (100.28),
33 Code 1973, is amended to read as follows:

34 100.28 NOTICE. Notice of the reasonableness and amount
35 of assessment shall be given in a manner as provided for

1 giving notice in ordinary actions by the marshal or his
2 designated subordinate to the property owner, also notifying
3 the property owner that a hearing thereon shall be had before
4 the auditor of said county on a day not less than ten nor
5 more than fifteen days from the date of completed service
6 of notice upon the property owner and if no [appeal is taken
7 therefrom to the district court] *petition for judicial review*
8 *is filed in accordance with the terms of the Iowa*
9 *Administrative Procedure Act* at the time fixed in said notice
10 the auditor shall hear and determine the matter. [Any person
11 aggrieved by the order and determination of the auditor may
12 appeal therefrom to the district court of the county by serving
13 notice within twenty days thereafter upon said auditor; and
14 such appeal shall be heard and determined by the court as
15 in cases of appeals from the order of the fire marshal as
16 provided in this chapter.] *Judicial review of the order and*
17 *determination of the auditor may be sought in accordance with*
18 *the terms of the Iowa Administrative Procedure Act. For the*
19 *purpose of coming within the judicial review provisions of*
20 *the Iowa Administrative Procedure Act only, the auditor's*
21 *order and determination under this section shall be deemed*
22 *the action of the state fire marshal.*

23 Sec. 80. Section one hundred one A point four (101A.4),
24 subsection one (1), Code 1973, is amended by striking the
25 subsection and inserting in lieu thereof the following:

26 1. Judicial review of the action of the commissioner may
27 be sought in accordance with the terms of the Iowa Adminis-
28 trative Procedure Act.

29 Sec. 81. Section one hundred three A point seven
30 (103A.7), unnumbered paragraph three (3), Code 1973,
31 is amended to read as follows:

32 These rules and regulations shall comprise and be
33 known as the state building code [and shall not be
34 subject to the provisions of chapter 17A].

35 Sec. 32. Section one hundred three A point seventeen

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36 (103A.17), subsection seven (7), Code 1973, is amended to
37 read as follows:

38 7. The decision of the board of review may be appealed
39 to the advisory council by any party by filing a petition
40 with the advisory council at any time prior to the effective
41 date of such decision. The advisory council shall consider

1 all questions of fact and law involved and issue its decision
2 pertaining to the same not later than ten days after receipt
3 of the appeal. [Any party to the proceedings aggrieved by
4 the decision of the advisory council may, within ten days
5 after receipt of the decision, appeal the decision to the
6 district court.]

7 Sec. 83. Section one hundred three A point eighteen
8 (103A.18), Code 1973, is amended to read as follows:

9 103A.18 COURT PROCEEDINGS. *Judicial review of action*
10 *of the commissioner, board of review, or council may be sought*
11 *in accordance with the terms of the Iowa Administrative Pro-*
12 *cedure Act. Notwithstanding the terms of the Iowa Adminis-*
13 *trative Procedure Act:*

14 1. [An appeal] *Filing of a petition for judicial review*
15 *shall stay all proceedings on the matter [appealed] with respect*
16 *to which review is sought unless there is a showing by the*
17 *state agency or a local building department that a stay would*
18 *involve imminent peril to life or property.*

19 2. No court shall entertain an action based on the state
20 building code unless all administrative remedies have been
21 exhausted, except:

22 a. When the action is instituted by the state or a govern-
23 mental subdivision; or

24 b. When there is good cause for the failure to exhaust
25 administrative remedies.

26 3. Subject to subsection 1 of this section, where the
27 construction of a building or structure or use of a building
28 is in violation of any code provision or lawful order of a
29 local building department, the district court may on petition
30 order removal of the building, abatement as a public nuisance,
31 or enjoin further construction.

32 4. [Judicial] *Petitions for judicial review may be [obtained*
33 *by commencing an action] filed in the county where the cause*
34 *of action or some part thereof arose. [The district court*
35 *shall hear and decide the matter de novo.]*

1 [5. An appeal from a decision of the district court may
2 be taken to the supreme court as in other cases.]

3 Sec. 84. Section one hundred twelve point eight (112.8),
4 Code 1973, is amended by striking the section and inserting
5 in lieu thereof the following:

6 112.8 JUDICIAL REVIEW—BOND. Judicial review of the
7 orders or actions of the commission fixing the amount of com-
8 pensation awarded or damages sustained by any claimant may
9 be sought in accordance with the terms of the Iowa
10 Administrative Procedure Act. The petition for review shall
11 be accompanied by an appeal bond with sufficient sureties
12 to be approved by the clerk of the district court conditioned
13 to pay all costs adjudged against the petitioner.

14 Sec. 85. Section one hundred twelve point nine (112.9),
15 Code 1973, is amended to read as follows:

16 112.9 FINAL DETERMINATION AND COSTS. The amount of
17 or compensation found by the court shall be entered of record. ^{damages}
18 Unless the result [on the appeal] of the *judicial review*
19 *proceeding* is more favorable to the [appellant] *petitioner* than
20 the action of the commission, all costs of the [appeal] *judicial*
21 *review proceeding* shall be taxed to the [appellant] *petitioner*,
22 but if more favorable, the cost shall be taxed to the [appellees]
23 *respondents*. All damages assessed and all costs occasioned
24 under this chapter shall be paid from the funds of the
25 commission.

26 Sec. 86. Section one hundred seventeen point forty-one
27 (117.41), Code 1973, is amended to read as follows:

28 117.41 FINDINGS OF FACT. If the majority of the commis-
29 sion shall determine that any applicant is not qualified to
30 receive a license, a license shall not be granted to such
31 applicant, and if the commission shall determine that any
32 licensee is guilty of a violation of any of the provisions
33 of this chapter, the license may be suspended or revoked.
34 The commission, upon request of the applicant or licensee,
35 shall furnish said applicant or licensee with a definite

1 statement of its findings of fact and its reason or reasons
2 for refusing to grant the license or for suspension of the
3 rights of the licensee or for the revocation of the license,
4 as the case may be. [The findings of fact made by the
5 commission acting within its powers shall, in the absence
6 of fraud, be conclusive, but the district court of the county
7 of the licensee's residence or the judge thereof shall have
8 the power to review questions of law involved in any final
9 decision or determination of the commission; provided that
10 an application is made by the aggrieved party within ten days
11 after such determination by certiorari, mandamus, or by any
12 other method permissible under the rules and practices of
13 said court, or the laws of this state, and said court may
14 make such further orders in respect thereto as justice may
15 require.] *Judicial review of action of the commission may
16 be sought in accordance with the terms of the Iowa
17 Administrative Procedure Act.*

18 Sec. 87. Section one hundred twenty point ten (120.10),
19 Code 1973, is amended to read as follows:

20 120.10 REVOCATION. The board may revoke a certificate
21 of registration obtained through error of the board or fraud
22 of the applicant, or if the holder is grossly incompetent,
23 guilty of immoral or unethical conduct, or obtained or sought
24 anything of value by fraudulent representation in the practice
25 of watchmaking. The holder of such certificate shall be given
26 thirty days' notice in writing enumerating the charges and
27 fixing a date for the hearing thereon. Such notice shall
28 be given to the certificate holder by certified mail addressed
29 to him at his last known address as shown by the secretary.
30 At the hearing he shall have the opportunity to defend himself
31 against the charges and to introduce evidence tending to
32 disprove the charges. [If the board should refuse any such

1 application and refuse to renew any such license, the applicant
2 may within thirty days after the order of the board and not
3 afterward appeal therefrom by a writ of certiorari to the
4 district court where upon such appeal the hearing shall be
5 de novo and all legal evidence pertaining to the matter of
6 whether or not such license should be renewed may be submitted,
7 including new evidence not submitted to the board.] *Judicial*
8 *review of any action of the board may be sought in accordance*
9 *with the terms of the Iowa Administrative Procedure Act.*
10 Upon the expiration of one year, and after satisfactory proof
11 that the cause of revocation no longer exists, a person whose
12 certificate has been revoked may be issued a certificate of
13 registration at the discretion of the board, upon payment
14 of the fee herein provided.

15 Sec. 88. Section one hundred twenty-three point
16 thirty-two (123.32), subsection five (5), Code 1973, is
17 amended to read as follows:

18 5. [APPEAL TO COURTS. Any applicant who feels
19 aggrieved by a decision of the director or local
20 authority disapproving, suspending, or revoking
21 issuance of a liquor control license or beer permit may,
22 provided he has exercised his right of appeal to the
23 hearing board as provided in subsection 4 of this
24 section, appeal from said decision within ten days to]
25 **JUDICIAL REVIEW.** *Judicial review of the*
26 *action of the department hearing board may be sought in*
27 *accordance with the terms of the Iowa Administrative*
28 *Procedure Act. Notwithstanding the terms of the Iowa*
29 *Administrative Procedure Act, petitions for judicial*
30 *review may be filed in the district court of the county*
31 *wherein the premises covered by the application are*
32 *situated.*

33 Where the hearing board on an appeal by an applicant
34 finds that the local authority acted arbitrarily,
35 capriciously, or without reasonable cause in disapproving

36 an application and the director issues a license or permit,
37 the local authority may [appeal from such decision] *seek*
38 *judicial review of such decision according to the terms of*
39 *the Iowa Administrative Procedure Act* within [ten] *thirty* days
40 [to the district court of the county wherein the premises
41 covered by the application are situated.]

42 Sec. 89. Section one hundred thirty-five B point six
43 (135B.6), Code 1973, is amended to read as follows:

44 135B.6 DENIAL OR REVOCATION OF LICENSE—HEARINGS
AND

45 REVIEW. The state department of health shall have the
46 authority to deny, suspend or revoke a license in any case
47 where it finds that there has been a substantial failure to
48 comply with the provisions of this chapter, or the rules,
49 regulations or minimum standards promulgated under this
50 chapter.

51 Such denial, suspension, or revocation shall be effected
52 by mailing to the applicant or licensee by certified mail,
53 or by personal service of, a notice setting forth the
54 particular reasons for such action. Such denial, suspension,
55 or revocation shall become effective thirty days after the
56 mailing or service of the notice, unless the applicant or
57 licensee, within such thirty-day period shall given written
58 notice to the department requesting a hearing, in which case
59 the notice shall be deemed to be suspended. If a hearing
60 has been requested, the applicant or licensee shall be given
61 an opportunity for a prompt and fair hearing before the
62 department. At any time at or prior to hearing, the department

1 may rescind the notice of denial, suspension or revocation
2 upon being satisfied that the reasons for the denial,
3 suspension or revocation have been or will be removed. On
4 the basis of any such hearing, or upon default of the applicant
5 or licensee the determination involved in the notice may be
6 affirmed, modified, or set aside, by the department. A copy
7 of such decision, setting forth the findings of facts and the
8 particular reasons for the decision shall be sent by certified
9 mail, or served personally upon, the applicant or licensee.
10 [The decision shall become final thirty days after it is so
11 mailed or served, unless the applicant or licensee, within
12 such thirty day period, appeals the decision to the court,
13 pursuant to section 135B.14.]

14 The procedure governing hearings authorized by this section
15 shall be in accordance with rules promulgated by said depart-
16 ment with the advice of the hospital licensing board. A full
17 and complete record shall be kept of all proceedings, and
18 all testimony shall be reported but need not be transcribed
19 unless [the decision is appealed] *judicial review is sought*
20 pursuant to section 135B.14. A copy or copies of the
21 transcript may be obtained by an interested party on payment
22 of the cost of preparing such copy or copies. Witnesses may
23 be subpoenaed by either party and shall be allowed fees at
24 a rate prescribed by the aforesaid rules.

25 Sec. 90. Section one hundred thirty-five B point fourteen
26 (135B.14), Code 1973, is amended by striking the section and
27 inserting in lieu thereof the following:

28 135B.14 JUDICIAL REVIEW. Judicial review of the action
29 of the commissioner of public health may be sought in accor-
30 dance with the terms of the Iowa Administrative Procedure
31 Act. Notwithstanding the terms of the Iowa Administrative
32 Procedure Act, petitions for judicial review may be filed
33 in the district court of the county in which the hospital
34 is located or to be located, and the status quo of the
35 petitioner or licensee shall be preserved pending final

1 disposition of the matter in the courts.

2 Sec. 91. Section one hundred thirty-five C point
3 eleven (135C.11), Code 1973, is amended to read as
4 follows:

5 135C.11 NOTICE—HEARINGS. Such denial, suspension,
6 or revocation shall be effected by mailing to the applicant
7 or licensee by certified mail or by personal service of a
8 notice setting forth the particular reasons for such
9 action. Such denial, suspension, or revocation shall
10 become effective thirty days after the mailing or service
11 of the notice, unless the applicant or licensee, within
12 such thirty-day period, shall give written notice to the
13 department requesting a hearing, in which case the notice
14 shall be deemed to be suspended. If a hearing has been
15 requested, the applicant or licensee shall be given an
16 opportunity for a prompt and fair hearing before the
17 department. At any time at or prior to the hearing the
18 department may rescind the notice of the denial, sus-
19 pension or revocation upon being satisfied that the reasons
20 for the denial, suspension or revocation have been or
21 will be removed. On the basis of any such hearing, or
22 upon default of the applicant or licensee, the determination
23 involved in the notice may be affirmed, modified, or set
24 aside by the department. A copy of such decision shall be
25 sent by certified mail, or served personally upon the
26 applicant or licensee. [The decision shall become final
27 thirty days after it is so mailed or served, unless the]
28 *The applicant or licensee*[, within such thirty-day period,
29 *appeals the decision to the court*] *may seek judicial review*
30 *pursuant to section 135C.13.*

31 The procedure governing hearings authorized by this
32 section shall be in accordance with the rules promulgated
33 by the department. A full and complete record shall be
34 kept of all proceedings, and all testimony shall be re-
35 ported but need not be transcribed unless [the decision is

36 appealed] *judicial review is sought pursuant to section*
37 135C.13. A copy or copies of the transcript may be ob-
38 tained by an interested party upon payment of the cost
39 of preparing such copy or copies. Witnesses may be
40 subpoenaed by either party and shall be allowed fees at
41 a rate prescribed by the aforesaid rules. The commissioner
42 may, with the advice and consent of the care review
43 committee established pursuant to section 135C.25, remove
44 all residents and patients and suspend the license or
45 licenses of any health care facility, prior to a hearing,
46 when he finds that the health or safety of residents or
47 patients of the health care facility requires such action
48 on an emergency basis.

49 Sec. 92. Section one hundred thirty-five C point thirteen
50 (135C.13), Code 1973, is amended to read as follows:

51 135C.13 [APPEAL] *JUDICIAL REVIEW*. [Any applicant or
licensee
52 who is dissatisfied with the decision of the commissioner
53 as a result of the hearing procedure provided herein may
54 appeal the decision within thirty days after the mailing or
55 serving of notice of the decision by filing a notice of appeal]
56 *Judicial review of action of the commissioner may be sought*
57 *in accordance with the terms of the Iowa Administrative*
58 *Procedure Act. Notwithstanding the terms of the Iowa*
59 *Administrative Procedure Act, petitions for judicial review*
60 *may be filed in the district court of the county where the*
61 *facility or proposed facility is located, and [by serving a*
62 *copy of said notice of appeal upon the department. Thereupon*
63 *the department shall within thirty days certify and file with*
64 *the court a copy of the record and decision, including the*
65 *transcript of the hearings on which the decision is based.*
66 *The trial before the court shall be de novo and all legal*
67 *evidence pertaining to the matter of whether or not such*
68 *license shall be denied, suspended, or revoked, as the case*
69 *may be, may be submitted including new or additional evidence*
70 *not submitted to the commissioner, and the court shall have*

71 power to affirm, modify, or reverse the decision of the
72 commissioner. Pending] *pending* final disposition of the matter
73 the status quo of the applicant or licensee shall be preserved
74 except when the commissioner, with the advice and consent
75 of the care review committee established pursuant to section
76 135C.25, determines that the health, safety or welfare of
77 the residents or patients of the facility are in immediate
78 danger, in which case he may order the immediate removal of
79 such residents or patients.

80 Sec. 93. Section one hundred thirty-five D point eight
81 (135D.8), Code 1973, is amended to read as follows:

82 135D.8 DENIAL OF PERMIT OR LICENSE. If the application

1 for a permit to construct or make alterations upon a mobile
2 home park and the appurtenances thereto, or a primary license
3 to operate the same, is denied by the state department of
4 health, it shall so state in writing, giving the reasons for
5 denying the application. If the objection can be corrected,
6 the applicant may amend his application and resubmit it for
7 approval[, and if denied the applicant may within thirty days
8 thereafter appeal from the decision of the state board of
9 health to]. *Judicial review of the action of the state board*
10 *of health may be sought in accordance with the terms of the*
11 *Iowa Administrative Procedure Act. Notwithstanding the terms*
12 *of the Iowa Administrative Procedure Act, petitions for*
13 *judicial review may be filed in the district court of the*
14 *county in which said mobile home park is located[, and the*
15 *case shall be tried in equity].*

16 Sec. 94. Section one hundred thirty-eight point ten
17 (138.10), Code 1973, is amended to read as follows:

18 138.10 [APPEAL TO COURT] *JUDICIAL REVIEW.* [Any per-
19 aggrrieved by a final order or determination of the commis-
20 sioner may appeal such final order or determination, for
21 trial de novo in equity, to] *Judicial review of actions of*
22 *the commissioner may be sought in accordance with the terms*
23 *of the Iowa Administrative Procedure Act. Notwithstanding*
24 *the terms of the Iowa Administrative Procedure Act, petitions*
25 *for judicial review may be filed in the district court of*
26 *the county wherein the license was to be issued or wherein*
27 *such license is to be revoked or suspended[. Any such appeal*
28 *shall be filed within twenty days of the date of the final*
29 *order or determination by the commissioner. Notice of appeal*
30 *shall be served upon all parties to the appeal and hearing*
31 *before the commissioner in the same manner as are original*
32 *notices in civil actions. However, such appeal], and such*
33 *a petition for judicial review shall not operate to stay any*
34 *order or final determination of the commissioner unless the*
35 *district court finds upon hearing after reasonable notice*

1 to all interested parties, that substantial damage would
2 result to the appealing party unless such order or final
3 determination was stayed and such a stay would not endanger
4 the health, safety, or welfare of any inhabitants of a migrant
5 labor camp. [Any aggrieved party may appeal to the supreme
6 court from the final determination of the district court as
7 provided by law.]

8 Sec. 95. Section one hundred forty-four point fifteen
9 (144.15), unnumbered paragraph two (2), Code 1973, is amended
10 to read as follows:

11 When an applicant does not submit the substantiating evi-
12 dence required for delayed registration or when the state
13 registrar finds reason to question the validity or adequacy
14 of the evidence, the state registrar shall not register the
15 delayed certificate and shall advise the applicant of the
16 reasons for this action. The registration official shall
17 advise the applicant of his right of appeal to the district
18 court *pursuant to sections one hundred forty-four point*
19 *seventeen (144.17) and one hundred forty-four point eighteen*
20 *(144.18) of the Code, which sections shall be applicable to*
21 *such appeal notwithstanding the terms of the Iowa Administra-*
22 *tive Procedure Act.*

23 Sec. 96. Section one hundred forty-five point
24 seventeen (145.17), Code 1973, is amended to read as
25 follows:

26 145.17 COURT PROCEDURE. *This section shall be*
27 *applicable notwithstanding the terms of the Iowa*
28 *Administrative Procedure Act.* The issue thereby raised
29 shall be whether the findings and conclusions of said
30 board shall be affirmed by the court, and shall be tried
31 in the district court of such county, as a special
32 proceeding, in the same manner as a civil action at law
33 in which the state shall be the plaintiff and the person
34 so summoned shall be the defendant. Each party shall have
35 the same rights as to production of evidence and the case

36 shall be tried in the same manner as any other civil action.
37 In all such cases the county attorney of the county where
38 such proceedings are tried shall appear and prosecute such
39 action on behalf of the state. If the defendant has no
40 attorney and he is unable to secure one, the court shall
41 appoint an attorney from the membership of the bar of said
42 county to conduct his defense, and appeal, if any be taken
43 as hereinafter provided, and such attorney shall be com-
44 pensated by the state, upon order of the court. Upon the
45 request of either party to such proceeding all questions
46 of fact shall be tried by a jury and the court in every
47 instance shall have the testimony fully reported at the
48 expense of the state.

49 Sec. 97. Section one hundred forty-seven point one hundred
50 twenty-one (147.121), Code 1973, is amended to read as follows:
51 147.121 LICENSING FUNCTION. The board shall license nurs-
52 ing home administrators in accordance with rules and regula-
53 tions issued, and from time to time revised, by it. A nursing
54 home administrator's license shall not be transferable and
55 shall be valid until surrendered for cancellation or suspended
56 or revoked for violation of this division or any other laws
57 or regulations relating to the proper administration and
58 management of a nursing home. Any denial of issuance or
59 renewal, suspension, or revocation under any section of this
60 division shall be subject to *judicial* review [upon the timely
61 request of the applicant or licensee and pursuant to Iowa

1 state procedures] *in accordance with the terms of the Iowa*
2 *Administrative Procedure Act.*

3 Sec. 98. Section one hundred forty-eight point seven
4 (148.7), subsection eight (8), Code 1973, is amended by strik-
5 ing the subsection and inserting in lieu thereof the following:

6 8. Judicial review of the board's action may be sought
7 in accordance with the terms of the Iowa Administrative
8 Procedure Act.

9 Sec. 99. Section one hundred fifty-three point twenty-
10 eight (153.28), Code 1973, is amended by striking the section
11 and inserting in lieu thereof the following:

12 153.28 JUDICIAL REVIEW. Judicial review of actions of
13 the board may be sought in accordance with the terms of the
14 Iowa Administrative Procedure Act.

15 Sec. 100. Section one hundred fifty-three point twenty-
16 nine (153.29), Code 1973, is amended to read as follows:

17 153.29 ORDER STANDS DURING REVIEW. [The] *Notwith-*
18 *standing*
19 *the terms of the Iowa Administrative Procedure Act, the order*
20 *of the board rejecting such application, and refusing to renew*
21 *such license, shall remain in force and effect until such*
22 *[writ of certiorari] petition for judicial review is finally*
23 *determined and disposed of upon the merits and no new or*
24 *temporary license shall be issued to the applicant pending*
25 *such disposition.*

26 Sec. 101. Section one hundred fifty-three point thirty
27 (153.30), Code 1973, is amended to read as follows:

28 153.30 REINSTATEMENT—EXAMINATION. Any former
licensee
whose application for renewal of license has been rejected

1 by the board and who has not successfully prosecuted a [review
2 by certiorari] *proceeding for judicial review* therefrom as
3 herein provided shall not thereafter receive such license
4 or renewal thereof unless same shall be granted by the board
5 and upon payment of the renewal fees then due. Said board
6 may require examination of the former licensee, in which case
7 he shall pay the examination fees provided by law.

8 Sec. 102. Section one hundred fifty-five point
9 fourteen (155.14), Code 1973, is amended to read as
10 follows:

11 155.14 NOTICE—HEARING. Such denial, suspension
12 or revocation shall be effected by mailing to the applicant
13 or licensee by registered mail, or by personal service of,
14 a notice setting forth the particular reasons for such
15 action. Such denial, suspension or revocation shall become
16 effective thirty days after the mailing or service thereof,
17 unless the applicant or licensee, within such thirty-day
18 period shall give written notice to the board requesting
19 a hearing in which case the notice shall be deemed to be
20 suspended. If a hearing has been requested, the applicant
21 or licensee shall be given an opportunity for a prompt and
22 fair hearing before the board. At any time at or prior to
23 the hearing the board may rescind the notice of denial,
24 suspension or revocation upon being satisfied that the
25 reasons for denial, suspension or revocation have been or
26 will be removed. On the basis of any such hearing, or
27 upon default of the applicant or licensee, the determination
28 involved in the notice may be affirmed, modified or set
29 aside by the board. A copy of such decisions, setting
30 forth the findings of fact and the particular reasons for
31 the decision shall be sent by registered mail, or served[,
32 unless the applicant or licensee, within such thirty days,
33 appeals the decision to the district court.]

34 Sec. 103. Section one hundred fifty-five point fifteen
35 (155.15), Code 1973, is amended to read as follows:

36 155.15 PROCEDURE AT HEARING. The procedure governing
37 hearings authorized by section 155.14 shall be in
38 accordance with rules promulgated by said board. A full
39 and complete record shall be kept of all proceedings, and
40 all testimony shall be reported but need not be trans-
41 cribed unless [the decision is appealed to the court]
42 *judicial review is sought*. A copy or copies of the
43 transcript may be obtained by the party or parties
44 involved in the controversy on payment of the cost of
45 preparing such copy or copies. Witnesses may be sub-
46 poenaed by either party and shall be allowed fees as
47 prescribed by law in courts of record in criminal cases.

48 Sec. 104. Section one hundred fifty-five point sixteen
40 (155.16), Code 1973, is amended by striking the section and
50 inserting in lieu thereof the following:

51 155.16 JUDICIAL REVIEW. Judicial review of actions or
52 decisions of the board may be sought in accordance with the
53 terms of the Iowa Administrative Procedure Act.

54 Sec. 105. Section one hundred fifty-seven point nine
55 (157.9), unnumbered paragraph three (3), Code 1973, is amended
56 by striking the unnumbered paragraph and inserting in lieu
57 thereof the following:

58 Judicial review of actions of the board or department of
59 health may be sought in accordance with the terms of the Iowa
60 Administrative Procedure Act.

61 Sec. 106. Section one hundred sixty-six B point seven
62 (166B.7), Code 1973, is amended by striking the section and
63 inserting in lieu thereof the following:

64 166B.7 JUDICIAL REVIEW. Judicial review of department
65 of agriculture action under this chapter may be sought in
66 accordance with the terms of the Iowa Administrative Procedure
67 Act. Notwithstanding the terms of the Iowa Administrative
68 Procedure Act, petitions for judicial review may be filed
69 in the district court of the county, wherein the hogs are
70 situated.

H. F. 1200

—64C—

71 Sec. 107. Section one hundred eighty-nine A point fourteen
72 (189.14), Code 1973, is amended to read as follows:

1 189A.14 [APPEAL] *JUDICIAL REVIEW—ENFORCEMENT.*

2 1. [Any order issued under subsection 3 of section 189A.5
3 or subsections 1, 2, or 3 of section 189A.7 shall be final
4 unless appealed to the district court within thirty days after
5 service. Review of any such order and the determinations
6 upon which it is based shall be upon the record in the proceed-
7 ings in which the order was issued.] *Judicial review of the*
8 *action of the secretary may be sought in accordance with the*
9 *terms of the Iowa Administrative Procedure Act.*

10 2. The district court is hereby vested with jurisdiction
11 to enforce this chapter, to prevent and restrain violations
12 herein[, and shall have jurisdiction in all other kinds of
13 cases arising hereunder].

14 Sec. 108. Section one hundred ninety-one A point seven
15 (191A.7), Code 1973, is amended to read as follows:

16 191A.7 DISCIPLINARY ACTION. Any license issued under
17 this chapter may be revoked by the department for violation
18 by the licensee of any provision of this chapter or any
19 applicable rules or regulations of the department. In lieu
20 of license revocation, the department may require the imme-
21 diate discontinuance of operation of any vending machine or
22 commissary whenever the department finds unsanitary conditions
23 or any other conditions which constitute a substantial hazard
24 to the public health. The order shall apply only to the
25 vending machines, commissary, or product involved. Any person
26 whose license is revoked, or who is ordered to discontinue
27 the operation of any vending machine or commissary, may appeal
28 such decision to the secretary. The secretary or his designee
29 shall schedule and hold a hearing upon the appeal not later
30 than thirty days from the time of revocation or the order
31 of discontinuance, and shall issue his decision immediately
32 following the hearing. [Any person aggrieved by the decision
33 of the secretary or his designee may appeal such decision
34 to the district court.] *Judicial review may be sought in*
35 *accordance with the terms of the Iowa Administrative Procedure*

1 Act.

2 Sec. 109. Section one hundred ninety-two A point twenty
3 (192A.20), Code 1973, is amended to read as follows:

4 192A.20 ORDER TO APPEAR—[APPEAL] *JUDICIAL RE-*
5 *VIEW*. Whenever

6 the secretary has reason to believe that any person has
7 violated any of the provisions of this chapter or any rules
8 or regulations adopted thereunder, he may enter an order
9 requiring such person to appear before him and show cause
10 why an order should not be entered requiring such person to
11 cease and desist from the violations charged. Such order
12 shall set forth the alleged violations, fix the time and place
13 of the hearing, and provide for notice thereof which shall
14 be given not less than twenty days before the date of such
15 hearing. After hearing by the secretary, or if the person
16 charged with such violation fails to appear at the time of
17 said hearing, if he finds such person to be in violation he
18 shall enter an order requiring such person to cease and desist
19 from the specific acts, practices, or omissions so found to
20 be in violation and from related acts, practices or omissions.

21 [Any such order shall become final upon the expiration of
22 thirty days after its entry if no appeal is taken therefrom.]

23 [Any person aggrieved by any] Any order entered by the
24 secretary or other action of the secretary may [take an appeal
25 therefrom to the district court as provided elsewhere herein
26 for license denial, suspension or revocation] *be judicially*
27 *reviewed in accordance with the terms of the Iowa Administra-*

28 *tive Procedure Act.*
29 Any person violating any order of the secretary under the
30 first paragraph of this section after the [same has become
31 final] *period for seeking judicial review thereof has elapsed*
32 *without the filing of a petition for such review, or on the*
33 *termination of any review proceedings shall be subject to*
34 *a civil penalty to be levied by the district court in a*
35 *proceeding instituted for that purpose in an amount of not*
less than five hundred dollars and not more than ten thousand

1 dollars provided that in the case of continuing violations
2 the minimum amount of such penalty shall be either five hundred
3 dollars or twenty-five dollars for each day of violation,
4 whichever is the larger.

5 Sec. 110. Section one hundred ninety-two A point twenty-
6 five (192A.25), Code 1973, is amended to read as follows:

7 192A.25 PROCEDURE—*JUDICIAL REVIEW*. The department
8 by certified mail or by personal service notify the person
9 whose license has been denied, suspended, or revoked setting
10 forth the reasons for the decision. The denial, suspension,
11 or revocation shall become effective thirty days after the
12 mailing or service of the notification [unless the person whose
13 license has been denied, suspended, or revoked files within
14 the thirty-day period a notice of appeal in the district court
15 and serves a copy of the notice of appeal upon the depart-
16 ment. Thereupon the department shall within thirty days
17 certify and file with the court a copy of the record and deci-
18 sion including the transcript of the hearings upon which the
19 decision was based.] *Judicial review may be sought of any*
20 *such action in accordance with the terms of the Iowa Adminis-*
21 *trative Procedure Act.*

22 Sec. 111. Section one hundred ninety-eight point
23 thirteen (198.13), subsection five (5), Code 1973, is
24 amended to read as follows:

25 5. [Any person adversely affected by an] *Judicial review*
26 *of any Act, order or ruling made pursuant to the provisions*
27 *of this chapter may be sought in accordance with the terms*
28 *of the Iowa Administrative Procedure Act. Notwithstanding*
29 *the terms of the Iowa Administrative Procedure Act, petitions*
30 *for judicial review must be filed within forty-five days*
31 *[thereafter bring action in the district court in and for*
32 *Polk county for new trial of the issues bearing upon such*
33 *Act, order or ruling, and upon such trial the court may*
34 *issue and enforce such orders, judgments or decrees as the*
35 *court may deem proper, just and equitable] after the Act,*

36 *order or ruling is final.*

37 Sec. 112. Section one hundred ninety-nine point eleven
38 (199.11), subsection two (2), paragraph b, Code 1973, is
39 amended to read as follows:

40 b. To issue and enforce a written or printed "stop sale"
41 order to the owner or custodian of any lot of agricultural
42 seed which the state secretary of agriculture or his authorized
43 agents believe is in violation of any of the provisions of
44 this chapter which shall prohibit further sale of such seed
45 until such officer has evidence that the law has been complied
46 with; provided, that the owner or custodian of such seed shall
47 be permitted to remove said seed from a salesroom open to
48 the public; provided further, that in respect to seeds which
49 have been denied sale as provided in this subsection, [the
50 owner or custodian of such seeds shall have the right to

1 [appeal from such order to a court of competent jurisdiction]
2 *judicial review may be sought in accordance with the terms*
3 *of the Iowa Administrative Procedure Act. Notwithstanding*
4 *the terms of the Iowa Administrative Procedure Act, petitions*
5 *for judicial review may be filed in the district court where*
6 the seeds are found[, praying for a judgment as to the justi-
7 fication of said order and for the discharge of such seed
8 from the order prohibiting the sale in accordance with the
9 findings of the court, and] *And provided further, that the*
10 provisions of this subsection shall not be construed as limit-
11 ing the right of the enforcement officer to proceed as author-
12 ized by other sections of this chapter.

13 Sec. 113. Section two hundred point fourteen (200.14),
14 subsection three (3), Code 1973, is amended by striking the
15 subsection.

16 Sec. 114. Section two hundred four point three hundred
17 five (204.305), subsection two (2), Code 1973, is amended
18 to read as follows:

19 2. The board, without an order to show cause, may sus-
20 pend any registration simultaneously with institution
21 of proceedings under section 204.304, or where renewal of
22 registration is refused, if it finds that there is an im-
23 minent danger to the public health or safety which warrants
24 this action. The suspension shall continue in effect until
25 the conclusion of the proceedings, including judicial review
26 thereof, *under the provisions of the Iowa Administrative*
27 *Procedure Act*, unless sooner withdrawn by the board or dis-
28 solved by the district or supreme court.

29 Sec. 115. Section two hundred four point five hundred eight
30 (204.508), Code 1973, is amended by striking the section and
31 inserting in lieu thereof the following:

32 204.508 JUDICIAL REVIEW. Judicial review or actions of
33 board or department may be sought in accordance with the terms
34 of the Iowa Administrative Procedure Act.

35 Sec. 116. Section two hundred twenty-two point fifty-nine

1 (222.59), subsection four (4), unnumbered paragraph two (2),
2 as created by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred seventy-nine (179), section one
4 (1), Code 1973, is amended to read as follows:

5 [An appellant aggrieved by the result of such hearing may,
6 within thirty days, appeal to] *Judicial review of actions*
7 *of the department may be sought in accordance with the terms*
8 *of the Iowa Administrative Procedure Act.* [the district court
9 of Polk County or of the county in which the appellant
10 resides, by serving notice of such appeal upon the
11 commissioner of social services or his designee, in the man-
12 ner required for the service of original notice in a civil
13 action. Upon such notice, **the**] *The* department shall furnish
14 the [appellant] *petitioner* with a copy of any papers filed by
15 him in support of his position, a transcript of any testi-
16 mony taken, and a copy of the department's decision.

17 Sec. 117. Section two hundred twenty-two point fifty-nine
18 (222.59), subsection four (4), unnumbered paragraph four (4),
19 as created by Acts of the Sixty-fifth General Assembly, 1973
20 Session, chapter one hundred seventy-nine (179), section one
21 (1), Code 1973, is amended by striking the unnumbered para-
22 graph and inserting in lieu thereof the following:

23 Notwithstanding the terms of the Iowa Administrative Pro-
24 cedure Act, where a petition is filed for judicial review
25 of a proposed placement, the proposed placement shall be
26 stayed pending the outcome of said review proceeding.

27 Sec. 118. Section two hundred twenty-four point five
28 (224.5), Code 1973, is amended to read as follows:

29 224.5 MENTAL ILLNESS OF NARCOTIC ADDICTS. Should a
30 son, committed because of his excessive use of narcotic drugs
31 or intoxicating liquors, become mentally ill, the commissioner
32 of the state department of social services, on complaint of
33 the superintendent having the custody of such person, and

1 on due hearing, may order such person committed to a hospital
2 for the mentally ill. Such order shall have the same force
3 and effect as though entered by the commissioners of hos-
4 pitalization of the county of the patient's residence, and
5 *notwithstanding the terms of the Iowa Administrative Pro-*
6 *cedure Act*, such person may appeal from such order in the
7 same manner in which appeals are allowed from the orders of
8 the commissioners of hospitalization.

9 Sec. 119. Section two hundred twenty-five point thirty-
10 nine (225.39), Code 1973, is amended by adding the following
11 new paragraph:

12 *NEW PARAGRAPH.* This section applies notwithstanding the
13 provisions of the Iowa Administrative Procedure Act.

14 Sec. 120. Section two hundred thirty-eight point twelve
15 (238.12), unnumbered paragraph two (2), Code 1973, is amended
16 by striking the unnumbered paragraph and inserting in lieu
17 thereof the following:

18 Judicial review of the actions of the council may be sought
19 in accordance with the terms of the Iowa Administrative Pro-
20 cedure Act.

21 Sec. 121. Section two hundred thirty-nine point seven
22 (239.7), Code 1973, is amended to read as follows:

23 239.7 APPEAL—*JUDICIAL REVIEW.* If an application is not
24 acted upon within a reasonable time, if it is denied in whole
25 or in part, or if any award of assistance is modified, sus-
26 pended, or canceled under any provision of this chapter, the
27 applicant or recipient may appeal to the department of so-
28 cial services. The department shall give the appellant rea-
29 sonable notice and opportunity for a fair hearing before the
30 commissioner or his designee. [An applicant or recipient
31 aggrieved by the result of such hearing may, within thirty
32 days, appeal to] *Judicial review of the result of such hear-*

1 *ing may be sought in accordance with the terms of the Iowa*
2 *Administrative Procedure Act.* [the district court of the
3 county in which he resides, by serving notice of such
4 appeal upon the commissioner of social services or his
5 designee, in the manner required for the service of orig-
6 inal notice in a civil action]. Upon receipt of [such notice]
7 *the notice of the filing of a petition for judicial review,*
8 the department shall furnish the [appellant] *petitioner* with
9 a copy of any papers filed [by him] in support of [his] *the pe-*
10 *titioner's* position, a transcript of any testimony taken,
11 and a copy of the department's decision. [The district court
12 shall review the department's decision to determine its le-
13 gality.]

14 **Sec. 122.** Section two hundred forty-one A point eight
15 (241A.8), Code 1973, is amended to read as follows:

16 **241A.8 APPEAL—JUDICIAL REVIEW.** If an application is
17 not acted upon within a reasonable time, if it is denied
18 in whole or in part, or if any award of assistance is modi-
19 fied, suspended, or canceled under any provision of this
20 chapter, the applicant or recipient may appeal to the depart-
21 ment of social services. The department shall give the
22 appellant reasonable notice and opportunity for a fair hear-
23 ing before the commissioner or his designee. [An applicant
24 or recipient aggrieved by the result of such hearing may,
25 within thirty days, appeal to the district court of the
26 county in which he resides, by serving notice of such appeal
27 upon the commissioner of social services or his designee,
28 in the manner required for the service of original notice
29 in a civil action.] *Judicial review of the actions of the*
30 *department may be sought in accordance with the terms of the*
31 *Iowa Administrative Procedure Act.* Upon receipt of [such notice]
32 *a petition for judicial review,* the department shall furnish
33 the [appellant] *petitioner* with a copy of any papers filed
34 [by him] in support of [his] *petitioner's* position, a transcript
35 of any testimony taken, and a copy of the department's

36 decision. [The district court shall review the department's
37 decision to determine its legality.]

38 Sec. 123. Section two hundred forty-nine point eleven
39 (249.11), unnumbered paragraph three (3), Code 1973, is
40 amended to read as follows:

41 If an application is not acted upon within a reasonable
42 time, if it is denied in whole or in part, or if any award
43 of assistance is modified, suspended, or canceled under any
44 provision of this chapter, the applicant or recipient may ap-
45 peal to the department of social services. The department
46 shall give the appellant reasonable notice and opportunity for
47 a fair hearing before the commissioner or his designee.

48 [An applicant or recipient aggrieved by the result of such
49 hearing may, within thirty days, appeal to the district
50 court of the county in which he resides, by serving notice
51 of such appeal upon the commissioner of social services or
52 his designee, in the manner required for the service of orig-
53 inal notice in a civil action.] *Judicial review of the actions*
54 *of the department may be sought in accordance with the terms*
55 *of the Iowa Administrative Procedure Act. Upon receipt of*
56 *[such notice] a petition for judicial review, the department*
57 *shall furnish the [appellant] petitioner with a copy of any*
58 *papers filed [by him] in support of [his] petitioner's position,*
59 *a transcript of any testimony taken, and a copy of the*
60 *department's decision. [The district court shall review the*
61 *department's decision to determine its legality.]*

62 Sec. 124. Section two hundred forty-nine A point four
63 (249A.4), subsection ten (10), unnumbered paragraph two (2),
64 Code 1973, is amended by striking the unnumbered paragraph
65 and inserting in lieu thereof the following:

66 Judicial review of the actions of the commissioner or de-
67 partment may be sought in accordance with the terms of the
68 Iowa Administrative Procedure Act. In the event a
69 petition for judicial review is filed, the commissioner or
70 his authorized representative shall furnish the petitioner

71 with a copy of the application and all supporting papers,
72 a transcript of the testimony taken at the hearing, if any,
73 and a copy of its decision.

74 Sec. 125. Section two hundred sixty-two point sixty-nine
75 (262.69), unnumbered paragraph two (2), Code 1973, is amended
76 to read as follows:

77 Any rules made pursuant to this section may be enforced
78 under procedures adopted by the board for each institution

1 under its control. Sanctions may be imposed upon students,
2 faculty and staff for violation of the rules, including, but
3 not limited to, a reasonable monetary sanction which may be
4 deducted from student deposits and faculty or staff salaries
5 or other funds in the possession of the institution, or added
6 to student tuition bills. The rules made pursuant to this
7 section may also be enforced by the impoundment of vehicles
8 parked in violation of the rules, and a reasonable fee may
9 be charged for the cost of impoundment and storage, prior
10 to the release of the vehicles to their owners. Each insti-
11 tution under the control of the board shall establish pro-
12 cedures for the determination of controversies in connection
13 with imposition of sanctions. The procedures shall require
14 giving notice of the violation and the sanction involved and
15 provide an opportunity for an administrative hearing. [Appeal]
16 *Judicial review* of the administrative ruling may be [heard
17 *de novo* by the district court] *sought in accordance with the*
18 *terms of the Iowa Administrative Procedure Act.* [The rules
19 promulgated under this section shall be subject to chapter
20 17A.]

21 **Sec. 126. Section two hundred seventy-five point eight**
22 **(275.8), unnumbered paragraph one (1), Code 1973, is**
23 **amended to read as follows:**

24 **The state department of public instruction shall co-**
25 **operate with the several county boards of education in**
26 **making the studies and surveys required hereunder. In the**
27 **case of controversy over the planning of joint districts,**
28 **the matter shall be submitted to the state board of public**
29 **instruction *judicial review of* and its decision may be**
30 **[appealed to a court of record in one of the counties involved,**
31 **by an aggrieved party to the controversy,] *sought in***
32 ***accordance with the terms of the Iowa Administrative Pro-***
33 ***cedure Act. Notwithstanding the terms of the Iowa Adminis-***
34 ***trative Procedure Act, petitions for judicial review must***
35 ***be filed* within thirty days after the decision of the state**

36 board of public instruction. Joint districts shall mean
37 districts that lie in two or more adjacent counties. [An
38 aggrieved party is hereby defined as the board of directors
39 of a school district whose directors are elected at large, or,
40 if said board is elected from director districts, then that
41 membership of the board of directors whose districts are
42 included in the proposed reorganized area, or a county
43 board of education.]

44 Sec. 127. Section two hundred seventy-five point sixteen
45 (275.16), unnumbered paragraphs two (2) and three (3), are
46 amended to read as follows:

47 In case a controversy arises from such meeting, the
48 county board or boards or any school district aggrieved
49 may bring the controversy to the state department of
50 public instruction, as provided in section 275.8, within
51 twenty days from the publication of this order, and if said
52 controversy is taken to the state department of public
53 instruction, a ten-day notice in writing shall be given
54 to all county boards and school districts affected or
55 portions thereof. The state department shall have the
56 authority to affirm the action of the joint boards, to
57 vacate, to dismiss all proceedings or to make such
58 modification of the action of the joint boards as in
59 their judgment would serve the best interest of all the
60 counties. [This decision may be appealed to a court
61 of record in one of the counties by any aggrieved party
62 to the controversy as defined in section 275.8,] *Judicial*
63 *review of the actions of the department may be sought in*
64 *accordance with the terms of the Iowa Administrative*
65 *Procedure Act. Notwithstanding the terms of the Iowa*
66 *Administrative Procedure Act, petitions for judicial review*
67 *must be filed within thirty days after the decision of the*
68 *state department of public instruction.*

69 [The court on appeal shall have the same authority as
70 is granted in this section to the state department of

71 public instruction.]

72 Sec. 128. Section two hundred eighty-five point twelve
73 (285.12), Code 1973, is amended to read as follows:

74 285.12 DISPUTES—HEARINGS AND APPEALS. In the event
of

75 a disagreement between a school patron and the board of the
76 school district, the patron if dissatisfied with the decision
77 of the district board, may appeal the same to the county board
78 of education, notifying the secretary of the district in
79 writing within ten days of the decision of the board and by
80 filing an affidavit of appeal with the county board of edu-
81 cation within the ten-day period. The affidavit of appeal
82 shall include the reasons for the appeal and points at is-
83 sue. The secretary of the local board on receiving notice
84 of appeal shall certify all papers to the county board of
85 education which shall hear the appeal within ten days of the
86 receipt of the papers and decide it within three days of the

1 conclusion of the hearing and shall immediately notify all
2 parties of its decision. Either party may appeal the deci-
3 sion of the county board to the state superintendent of pub-
4 lic instruction by notifying the opposite party and the county
5 superintendent of schools in writing within five days after
6 receipt of notice of the decision of the county board of edu-
7 cation and shall file with the state superintendent of pub-
8 lic instruction an affidavit of appeal, reasons for appeal,
9 and the facts involved in the disagreement. The county su-
10 perintendent of schools shall, within ten days of said notice,
11 file with the state superintendent of public instruction all
12 records and papers pertaining to the case, including action
13 of the county board of education. The state superintendent
14 of public instruction shall hear the appeal within fifteen
15 days of the filing of the records in his office, notifying
16 all parties and the county superintendent of schools of the
17 time of hearing. The state superintendent of public instruc-
18 tion shall forthwith decide the same and notify all parties
19 of his decision and return all papers with a copy of the de-
20 cision to the county superintendent of schools. The decision
21 of the state superintendent of public instruction shall be
22 subject to [appeal to the district court] *judicial review in*
23 *accordance with the terms of the Iowa Administrative Pro-*
24 *cedure Act.* [Any order of the district court shall be sub-
25 ject to appeal to the supreme court in accord with the statutes
26 respecting appeals to that court.] Pending final order made
27 by the state superintendent of public instruction, [or the
28 district court, or the supreme court, as case may be,]
29 upon any appeal prosecuted to such superintendent [or to such
30 courts], the order of the county board of education from which
31 the appeal is taken shall be operative and be in full force
32 and effect.

33 Sec. 129. Section two hundred eighty-five point thirteen
34 (285.13), Code 1973, is amended to read as follows:

35 285.13 DISAGREEMENTS BETWEEN BOARDS. In the event of

1 a disagreement between the board of a school district and
2 the county board of education, the board of the school dis-
3 trict may appeal to the state superintendent of public in-
4 struction and the procedure and times provided for in sec-
5 tion 285.12 shall prevail in any such case. The decision
6 of the state superintendent of public instruction shall be
7 subject to [appeal to the courts as provided for in section
8 285.12] *judicial review in accordance with the terms of the*
9 *Iowa Administrative Procedure Act.*

10 Sec. 130. Section three hundred six point seventeen
11 (306.17), Code 1973, is amended to read as follows:

12 306.17 APPEAL. [Any] *Notwithstanding the terms of the Iowa*
13 *Administrative Procedure Act, any claimant for damages may,*
14 *by serving, within twenty days after the said final order*
15 *has been issued, a written notice upon the commission, board*
16 *or boards which instituted and conducted such proceedings,*
17 *appeal as to the amount of damages, to the district court*
18 *of the county in which the land is located, in the manner*
19 *and form prescribed in chapter 472 with reference to appeals*
20 *from condemnation, and such proceedings shall thereafter like-*
21 *wise conform to the applicable provisions of said chapter.*

22 Sec. 131. Section three hundred twenty-one point two
23 hundred ten (321.210), unnumbered paragraph three (3), Code
24 1973, is amended to read as follows:

25 Prior to a suspension taking effect under subsections 2,
26 3, 4, 5 or 7, the licensee shall have received twenty days
27 advance notice of the effective date of the suspension[, and
28 an appeal under the provisions of section 321.215]. *Notwith-*
29 *standing the terms of the Iowa Administrative Procedure Act,*
30 *the filing of a petition for judicial review shall operate*
31 *to stay the suspension pending the determination by the*
32 *district court.*

33 Sec. 132. Section three hundred twenty-one point two hun-
34 dred fifteen (321.215), Code 1973, is amended by striking
35 the section and inserting in lieu thereof the following:

36 321.215 JUDICIAL REVIEW. Judicial review of the actions
37 of the department may be sought in accordance with the terms
38 of the Iowa Administrative Procedure Act.

39 Sec. 133. Section three hundred twenty-one point two
40 hundred thirty-eight (321.238), subsection fifteen (15), Code
41 1973, is amended by striking the subsection and inserting
42 in lieu thereof the following:

43 15. Judicial review of the actions of the commissioner

1 may be sought in accordance with the terms of the Iowa Adminis-
2 trative Procedure Act.

3 Sec. 134. Section three hundred twenty-one A point two
4 (321A.2), subsection two (2), Code 1973, is amended by striking
5 the subsection and inserting in lieu thereof the following:

6 2. Judicial review of the actions of the commissioner
7 may be sought in accordance with the terms of the Iowa Adminis-
8 trative Procedure Act.

9 Sec. 135. Section three hundred twenty-one B point nine
10 (321B.9), Code 1973, is amended by striking the section and
11 inserting in lieu thereof the following:

12 321B.9 JUDICIAL REVIEW. Judicial review of the actions
13 of the commissioner may be sought in accordance with the terms
14 of the Iowa Administrative Procedure Act. Notwithstanding
15 the terms of the Iowa Administrative Procedure Act, petitions
16 for judicial review may be filed in the district court in
17 the county wherein the alleged events occurred for which the
18 licensee was arrested or in the county in which the adminis-
19 trative hearing was held.

20 Sec. 136. Section three hundred twenty-two point ten
21 (322.10), Code 1973, is amended by striking the section and
22 inserting in lieu thereof the following:

23 322.10 JUDICIAL REVIEW. Judicial review of actions of
24 the department may be sought in accordance with the terms
25 of the Iowa Administrative Procedure Act.

1 The

2 petitioner shall file with the clerk a bond for the use of
3 the respondent, with sureties approved by such clerk and in
4 an amount fixed by him, provided in no case shall the bond
5 be less than fifty dollars, conditioned that the petitioner
6 shall perform the orders of the court.

7 Sec. 137. Section three hundred twenty-two A point seven-
8 teen (322A.17), Code 1973, is amended to read as follows:

9 322A.17 [APPEAL] *JUDICIAL REVIEW*. [Any party to a hear-
10 ing
11 before the commission may take an appeal from any final order
12 entered in such hearing] *Judicial review of actions of the*
13 *commission may be sought* in the manner provided for [appeals]
14 in section 322.10.

15 Sec. 138. Section three hundred twenty-five point twenty-
16 one (325.21), Code 1973, is amended by striking the section
17 and inserting in lieu thereof the following:

18 325.21 *JUDICIAL REVIEW*. Judicial review of the decisions
19 and actions of the commission may be sought in accordance
20 with the terms of the Iowa Administrative Procedure Act.
21 Such petitioners must file with the clerk of the district
22 court a bond for costs in the sum of not less than five hundred
23 dollars.

24 Sec. 139. Section three hundred twenty-six point
25 thirty-one (326.31), unnumbered paragraph two (2),
26 Code 1973, is amended to read as follows:

27 Any person whose privileges are canceled may request
28 an administrative hearing of said action, and during the
29 period pending the hearing the apportioned registration
30 privileges shall be reinstated if the fleet owner posts
31 security with the reciprocity board in an amount sufficient
32 to pay such full annual fees if an adverse decision is
33 rendered at the hearing. At such hearing the fleet owner
34 shall have the burden of proof as to the accuracy of any
35 report filed by the fleet owner with the reciprocity board,
36 department of public safety, or the department of revenue.

36 [Any person aggrieved by a decision reached at the
37 administrative hearing may appeal from such decision to
38 the district court.] *Judicial review of any decision*
39 *reached at the administrative hearing may be sought in*
40 *accordance with the terms of the Iowa Administrative*
41 *Procedure Act.*

42 Sec. 140. Section three hundred twenty-eight point thirty-
43 nine (328.39), unnumbered paragraph two (2), Code 1973, is
44 amended by striking the unnumbered paragraph and inserting
45 in lieu thereof the following:

46 Any order of the commission or any refusal to issue, revoca-
47 tion or suspension of any certificate shall be subject to
48 judicial review in accordance with the terms of the Iowa
49 Administrative Procedure Act.

50 Sec. 141. Section four hundred twenty-one point
51 one (421.1), subsection three (3), Code 1973, is
52 amended by striking the subsection.

53 Sec. 142. Section four hundred twenty-one point seven-
54 teen (421.17), subsection ten (10), unnumbered paragraph two
55 (2), is amended to read as follows:

56 The director may correct errors or obvious injustices in
57 the assessment of any individual property, but the director
58 shall not reduce the valuation of any individual property
59 except upon the recommendation of the local board of review
60 and no order of the director affecting any valuation shall
61 be retroactive as to any reduction or increase in taxes
62 payable prior to January 1 of the year in which such order
63 is issued, or prior to September 1 of the preceding year in
64 cities under special charter which collect their own municipal
65 levies. [Any increase in individual valuations ordered by the
66 director shall be subject to right of appeal to the courts
67 under the same procedure as that provided in the case of
68 increases made by local boards of review.] *Judicial review*
69 *of the actions of the director may be sought in accordance*
70 *with the terms of the Iowa Administrative Procedure Act.*

71 Sec. 143. Section four hundred twenty-two point twenty-
72 nine (422.29), Code 1973, is amended to read as follows:
73 422.29 [APPEALS] *JUDICIAL REVIEW.*
74 1. [An appeal may be taken by the taxpayer to] *Judicial*
75 *review of actions of the director may be sought in accordance*

1 *with the terms of the Iowa Administrative Procedure Act.*
2 *Notwithstanding the terms of the Iowa Administrative Procedure*
3 *Act, petitions for judicial review may be filed in the dis-*
4 *trict court of the county in which [he] the petitioner resides,*
5 *or in which his principal place of business is located, or*
6 *in the case of a nonresident not maintaining a place of busi-*
7 *ness in this state either in any county in which the income*
8 *involved was earned or derived or in Polk county, within sixty*
9 *days after he shall have received notice of a determination*
10 *by the director as provided for in section 422.28.*

11 2. [The appeal shall be taken by a written notice to the
12 director and served as an original notice. When said notice
13 is so served it shall, with the return thereon, be filed in
14 the office of the clerk of said district court, and docketed
15 as other cases, with the taxpayer as plaintiff and the direc-
16 tor as defendant.] The [plaintiff] *petitioner* shall file with
17 [such] *the* clerk a bond for the use of the [defendant] *respondent,*
18 with sureties approved by such clerk, in penalty at least
19 double the amount of tax appealed from, and in no case shall
20 the bond be less than fifty dollars, conditioned that the
21 [plaintiff] *petitioner* shall perform the orders of the court.

22 3. [The court shall hear the appeal in equity and deter-
23 mine anew all questions submitted to it on appeal from the
24 determination of the director. The court shall render its
25 decree thereon and a certified copy of said decree shall be
26 filed by the clerk of said court with the director who shall
27 then correct the assessment in accordance with said decree.]
28 An appeal may be taken by the taxpayer or the director to
29 the supreme court of this state [in the same manner that appeals
30 are taken in suits in equity,] irrespective of the amount
31 involved.

32 Sec. 144. Section four hundred twenty-two point fifty-
33 five (422.55), Code 1973, is amended to read as follows:

34 422.55 APPEALS.

35 1. [An appeal may be taken by the taxpayer to] *Judicial*

1 *review of actions of the director may be sought in accor-*
2 *dance with the terms of the Iowa Administrative Procedure*
3 *Act. [the district court of the county in which he resides,*
4 *or in which his principal place of business is located,*
5 *within sixty days after he shall have received notice of a*
6 *determination by the director as provided for in section*
7 *422.54.]*

8 2. [The appeal shall be taken by a written notice to the
9 director and served as an original notice. When said notice
10 is so served it shall, with the return thereon, be filed in
11 the office of the clerk of said district court, and docketed
12 as other cases, with the taxpayer as plaintiff and the director
13 as defendant.] The [plaintiff] *petitioner* shall file with [such]
14 *the* clerk a bond for the use of the [defendant] *respondent*,
15 with sureties approved by such clerk, in penalty at least
16 double the amount of tax appealed from, and in no case shall
17 the bond be less than fifty dollars, conditioned that the
18 [plaintiff] *petitioner* shall perform the orders of the court.

19 3. [The court shall hear the appeal in equity and deter-
20 mine anew all questions submitted to it on appeal from the
21 determination of the director. In such appeal, the burden
22 of proof shall be upon the taxpayer. The court shall render
23 its decree thereon and a certified copy of said decree shall
24 be filed by the clerk of said court with the director who
25 shall then correct the assessment in accordance with said
26 decree.] An appeal may be taken by the taxpayer or the director
27 to the supreme court of this state [in the same manner that
28 appeals are taken in suits in equity,] irrespective of the
29 amount involved.

30 Sec. 145. Section four hundred twenty-two point fifty-
31 seven (422.57), subsection one (1), Code 1973, is amended
32 to read as follows:

33 1. Any notice[, except notice of appeal,] authorized or

1 required under the provisions of this division may be given
2 by mailing the same to the person for whom it is intended
3 by certified mail, addressed to such person at the address
4 given in the last return filed by him pursuant to the
5 provisions of this division, or if no return has been filed,
6 then to such address as may be obtainable. The mailing of
7 such notice shall be presumptive evidence of the receipt of
8 the same by the person to whom addressed. Any period of time
9 which is determined according to the provisions of this
10 division by the giving of notice shall commence to run from
11 the date of registration and posting of such notice.

12 Sec. 146. Section four hundred twenty-three point sixteen
13 (423.16), Code 1973, is amended to read as follows:

14 423.16 DETERMINATION BY DEPARTMENT. If any return
required

15 by this chapter is not filed, or if any return when filed
16 is incorrect or insufficient, and the maker or person from
17 whom it is due fails to file a corrected or sufficient return
18 within twenty days after the same is required by notice from
19 the department, the department shall have the same power to
20 determine the amount due, as is vested in the department by
21 sections 422.54, 422.55, and 422.57, subject to all of the
22 provisions, and restrictions, and rights [of appeal] to seek
23 judicial review provided in said sections. Where a return
24 required by this chapter has been filed, the five-year period
25 of limitation specified in subsection 1 of section 422.54
26 shall apply to the making of a determination by the department
27 of the amount of tax due hereunder and to the giving of notice
28 to the taxpayer of such determination.

29 Sec. 147. Section four hundred twenty-four point six
30 (424.6), Code 1973, is amended to read as follows:

31 424.6 APPEALS.

32 1. [An appeal may be taken by the taxpayer to] *Judicial*
33 *review of actions of the director may be sought in accordance*
34 *with the terms of the Iowa Administrative Procedure Act.*

1 [the district court of the county in which he resides, or in
2 which his principal place of business is located, within
3 sixty days after he shall have received notice of a
4 determination by the director as provided for in section
5 424.5.]

6 2. [The appeal shall be taken by a written notice to the
7 director and served as an original notice. When said notice
8 is so served it shall, with the return thereon, be filed in
9 the office of the clerk of said district court, and docketed
10 as other cases, with the taxpayer as plaintiff and the direc-
11 tor as defendant.] The [plaintiff] *petitioner* shall file with
12 [such] *the* clerk a bond for the use of the [defendant] *respondent*
13 and the state with sureties approved by such clerk, in penalty
14 at least double the amount to tax [appealed] from *which review*
15 *is sought*, and in no case shall the bond be less than fifty
16 dollars and conditioned that the [plaintiff] *petitioner* shall
17 pay any amount found to be due the [defendant] *respondent* or
18 the state and will perform the orders of the court.

19 3. [The court shall hear the appeal in equity and deter-
20 mine anew all questions submitted to it on appeal from the
21 determination of the director. The court shall render its
22 decree thereon and a certified copy of said decree shall be
23 filed by the clerk of said court with the director who shall
24 then correct the assessment in accordance with said decree.]
25 An appeal may be taken by the taxpayer or the director to
26 the supreme court of this state [in the same manner that appeals
27 are taken in suits in equity,] irrespective of the amount
28 involved.

29 Sec. 148. Section four hundred twenty-five point seven
30 (425.7), subsection three (3), Code 1973, is amended to read
31 as follows:

32 3. Should the director of revenue determine, upon investi-
33 gation, that any claim for homestead credit has been allowed
34 by any board of supervisors which is not justifiable under

1 the law and not substantiated by proper facts, the director
2 may, at any time within one year after the receipt by the
3 department of revenue of the certification of such credit
4 by any county treasurer, set aside such allowance. Notice
5 of such disallowance shall be given to the county auditor
6 of the county in which such claim has been improperly granted
7 and a written notice of such disallowance shall also be
8 addressed to the claimant at his last known address. Such
9 claimant, or the board of supervisors, may [appeal from] *seek*
10 *judicial review* of the action of the director of revenue in
11 [the same manner, and in the same time, as provided by
12 subsection 1] *accordance with the terms of the Iowa*
13 *Administrative Procedure Act.* [Where such appeal is taken
14 by the claimant or by the board of supervisors, the appellant
15 shall within ten days after the filing of such appeal, notify
16 the director of revenue by restricted certified mail of the
17 filing of said appeal.] In any case where a claim is so
18 disallowed by the director of revenue and no [appeal is taken
19 from such disallowance] *petition for judicial review is filed*
20 *with respect to such disallowance*, any amounts of credits
21 allowed and paid from the homestead credit fund shall become
22 a lien upon the property on which said credit was originally
23 granted, if still in the hands of the claimant, and not in
24 the hands of a bona fide purchaser, and any amount so
25 erroneously paid shall be collected by the county treasurer
26 in the same manner as other taxes and such collections shall
27 be returned to the department of revenue and credited to the
28 homestead credit fund. The director of revenue shall also
29 have the authority to institute legal proceedings against
30 a homestead credit claimant for the collection of all payments
31 made on such disallowed credits.

32 [Said appeals shall be tried by equitable proceedings.]

33 Sec. 149. Section four hundred twenty-six A point six
34 (426A.6), Code 1973, is amended to read as follows:

35 426A.6 SETTING ASIDE ALLOWANCE. Should the director of

1 revenue determine, upon investigation, that any claim for
2 military service tax exemption has been allowed by any board
3 of supervisors which is not justifiable under the law and
4 not substantiated by proper facts, the director may, at any
5 time within one year after the receipt by the department of
6 revenue of the certification of such exemption by any county
7 treasurer, set aside such allowance. Notice of such
8 disallowance shall be given to the county auditor of the
9 county in which such claim has been improperly granted and
10 a written notice of such disallowance shall also be addressed
11 to the claimant at his last known address. Such claimant,
12 or the board of supervisors, may [appeal from the action of]
13 *seek judicial review of the action of* the director of revenue
14 in [the same manner, and in the same time, as provided for
15 appeals from disallowance by the board of supervisors]
16 *accordance with the terms of the Iowa Administrative Procedure*
17 *Act.* [When such appeal is taken by claimant or by the board
18 of supervisors, the appellant shall, within ten days after
19 the filing of each appeal, notify the director of revenue,
20 by restricted certified mail of the filing of said appeal.]
21 In any case, where a claim is so disallowed by the director
22 of revenue and no [appeal is taken from] *petition for judicial*
23 *review is filed with respect to* such disallowance, any amounts
24 of credits allowed and paid from the military service tax
25 credit fund shall become a lien upon the property on which
26 said credit was originally granted, if still in the hands
27 of the claimant, and not in the hands of a bone fide purchaser,
28 and any amount so erroneously paid shall be collected by the
29 county treasurer in the same manner as other taxes and such
30 collections shall be returned to the department of revenue
31 and credited to the military service tax credit fund. The
32 director of revenue shall also have the authority to institute
33 legal proceedings against a military service tax exemption
34 claimant for the collection of all payments made on such
35 disallowed exemptions. [Said appeals shall be tried by

1 equitable proceedings.]

2 Sec. 150. Section four hundred twenty-seven point one
3 (427.1), subsection twenty-six (26), Code 1973, is amended
4 to read as follows:

5 26. REVOKING EXEMPTION. Any taxpayer or any taxing dis-
6 trict may make application to the director of revenue for
7 revocation for any exemption, based upon alleged violations
8 of the provisions of this chapter. The director of revenue
9 may also on his own motion set aside any exemption which has
10 been granted upon property for which exemption is claimed
11 under this chapter. The director of revenue shall give notice
12 by certified mail to the societies or organizations claiming
13 an exemption upon property, exemption of which is questioned
14 before or by the director of revenue, and any order made by
15 the director of revenue revoking or modifying such exemption
16 shall be subject to [appeal to] *judicial review in accordance*
17 *with the terms of the Iowa Administrative Procedure Act.*
18 *Notwithstanding the terms of the Iowa Administrative Procedure*
19 *Act, petitions for judicial review may be filed in the district*
20 *court having jurisdiction in the county in which such property*
21 *is located[, such appeal to be triable in equity, and to be*
22 *made within twenty days after any order revoking such exemption*
23 *is made by the director of revenue] and must be filed within*
24 *thirty days after any order revoking such exemption is made*
25 *by the director of revenue.*

26 Sec. 151. Section four hundred twenty-eight point thirty-
27 one (428.31), Code 1973, is amended by striking the section
28 and inserting in lieu thereof the following:

29 428.31 JUDICIAL REVIEW. Judicial review of the actions
30 of the director may be sought in accordance with the terms
31 of the Iowa Administrative Procedure Act. Notwithstanding
32 the provisions of the Iowa Administrative Procedure Act,
33 petitions for judicial review shall be filed

1 within thirty days after the final decision of the director
2 has been certified to the county auditor.

3 Sec. 152. Section four hundred thirty A point five
4 (430A.5), Code 1973, is amended to read as follows:

5 430A.5 FORMS—SEVERAL PLACES OF BUSINESS. The direc-
6 of revenue shall prescribe forms for the making of returns
7 as provided by this chapter. Any individual, partnership
8 or agency subject to the provisions of this chapter and which
9 maintains more than one place of business within the state
10 of Iowa, may elect to make the return provided for by this
11 chapter to the director of revenue, who shall determine the
12 proper assessment to be made in each taxing district in which
13 such taxpayer maintains a place of business, and the results
14 thereof shall be by the director of revenue promptly certified
15 to the county auditors of the respective counties in which
16 offices are maintained, who shall add such assessments to
17 the tax lists. In making such assessments the director of
18 revenue shall determine the proportion of business done by
19 such taxpayer in each taxing district in which a place of
20 business is maintained, and shall assess in each taxing
21 district an amount in proportion to the business done in such
22 taxing district to the amount of business done in the entire
23 state. The director of revenue shall have the power to require
24 the making of a return by any corporation, individual,
25 partnership, or agency which the director deems to be subject
26 to taxation under the provisions of this chapter and in case
27 of failure or refusal to make such a return, the director
28 of revenue shall make an assessment based upon the best
29 information the director is able to obtain against any such
30 corporation, individual, partnership, or agency, and shall
31 certify such assessment as provided by this chapter. [Appeals]
32 *Judicial review* may be [taken from] *sought of* the action of
33 the director of revenue in regard to assessments or orders
34 made by the director in connection with this chapter under
35 the same procedure generally, as is provided by section 422.29.

36 **Sec. 153. Section four hundred forty-one point**
37 **forty-seven (441.47), Code 1973, is amended to read as**
38 **follows:**

39 **441.47 ADJUSTED VALUATIONS. The director of revenue**
40 **on or about the third Monday of September in each year**
41 **shall adjust the valuation of property in the several**
42 **counties adding to or deducting from the valuation of**
43 **each kind or class of property such percentage in each**
44 **case as will bring the same to its taxable value as fixed**
45 **in this chapter and chapters 427 to 443, inclusive. The**
46 **director shall also adjust the valuations as between each**
47 **kind or class of property in any city assessed by a city**
48 **assessor and each kind or class of property in the same**
49 **county assessed by the county assessor. The director shall**
50 **order the equalization of the levels of assessment of each**
51 **class of property in the first and third year of the**
52 **quadrennial assessment period. For purposes of such value**
53 **adjustments and before such equilization the director shall**
54 **adopt, [with approval of the state board of tax review and] in**
55 **the manner prescribed by chapter 17A, such rules as may**
56 **be necessary to determine the level of assessment for each**
57 **class of property in each county. The rules shall cover: (a)**
58 **The proposed use of the assessment-sales ratio study set**
59 **out in section 421.17, subsection 6; (b) the proposed use**
60 **of any state-wide income capitalization studies; (c) the**
61 **proposed use of other methods that would assist the director**
62 **in arriving at the accurate level of assessment of each**
63 **class of property in each assessing jurisdiction.**

1 Sec. 154. Section four hundred fifty-five A point twenty
2 (455A.20), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 455A.20 HEARING—APPEAL. If the water commissioner at
5 the first hearing or the council at the hearing on appeal
6 shall determine after due investigation that such diversion,
7 storage or withdrawal will not be detrimental to the public
8 interests, including drainage and levee districts, or to the
9 interests of property owners with prior or superior rights
10 who might be affected, the water commisioner following the
11 first hearing, or the council following the hearing on appeal
12 shall grant a permit for such diversion, storage or withdrawal.
13 [Any person or public body aggrieved by the granting of such
14 permit may appeal as provided by] *Judicial review of such*
15 *action is available in accordance with the terms of the Iowa*
16 *Administrative Procedure Act and section 455A.37. Permits*
17 may be granted for any period of time but not to exceed ten
18 years. Permits may be granted which provide for less
19 diversion, storage, or withdrawal of waters than set forth
20 in the application. Permits may be extended by the water
21 commissioner for a period of not more than ninety days during
22 the pendency of an application for renewal. Any permit granted
23 shall remain as an appurtenance of the land described therein
24 through the date specified in such permit and any extension
25 thereof or such earlier date as the permit or any extension
26 thereof is revoked or canceled under the provisions of section
27 455A.28.

28 Sec. 155. Section four hundred fifty-five A point thirty-
29 seven (455A.37), Code 1973, is amended by striking the section
30 and inserting in lieu thereof the following:

31 455A.37 JUDICIAL REVIEW. Judicial review of action of
32 the council may be sought in accordance with the terms of
33 the Iowa Administrative Procedure Act. Notwithstanding the
34 provisions of the Iowa Administrative Procedure Act, petitions
35 for judicial review may be filed in the district court of

1 Polk county or of any county in which the property affected
2 is located. If the council, the district court, or the supreme
3 court shall determine that the order of the council be stayed,
4 the petitioner shall file an appropriate bond approved by
5 the court.

6 Sec. 156. Section four hundred fifty-five B point nine-
7 teen (455B.19), Code 1973, is amended by striking the section
8 and inserting in lieu thereof the following:

9 455B.19 JUDICIAL REVIEW. Judicial review of actions of
10 the commission or of the executive director may be sought
11 in accordance with the terms of the Iowa Administrative Proce-
12 dure Act. Notwithstanding the terms of the Iowa Administra-
13 tive Procedure Act, petitions for judicial review may be filed
14 in the district court of the county in which the alleged
15 offense was committed.

16 Sec. 157. Section four hundred fifty-five B point thirty-
17 nine (455B.39), Code 1973, is amended by striking the section
18 and inserting in lieu thereof the following:

19 455B.39 JUDICIAL REVIEW. Judicial review of any order
20 or other action of the commission or of the executive director
21 may be sought in accordance with the terms of the Iowa Admin-
22 istrative Procedure Act. Notwithstanding the terms of the
23 Iowa Administrative Procedure Act, petitions for judicial
24 review may be filed in the district court of the county in
25 which the alleged offense was committed or such final order
26 was entered. The setting aside of any order of the executive
27 director or the commission by the court shall not preclude
28 the commission or the executive director from again instituting
29 proceedings against the same person if the commission or the
30 executive director feels that the public health is endangered.

31 Sec. 158. Section four hundred fifty-five B point forty-
32 one (455B.41), Code 1973, is amended to read as follows:

33 455B.41 STAY ORDER. [Action of the department shall not
34 be stayed by an appeal except by order of the court for good
35 cause shown by the appellant.] The granting of a stay may

1 be conditioned upon the furnishing by the appellant of such
2 reasonable security as the court may direct. A stay may be
3 vacated on application of the department or any other party
4 after hearing by the court.

5 Sec. 159. Section four hundred fifty-five B point eighty-
6 three (455B.83), Code 1973, is amended to read as follows:

7 455B.83 APPEAL FROM ORDER. Any person aggrieved by an
8 order of the commission or the executive director may appeal
9 the same by filing a written notice of appeal with the
10 executive director within thirty days of the issuance of the
11 order. The executive director shall schedule a hearing for
12 the purpose of hearing the arguments of the aggrieved person
13 within thirty days of the filing of the notice of appeal.

14 The hearing may be held before the commission or its designee.

15 A complete record shall be made of the proceedings. The
16 executive director shall issue the findings in writing to
17 the aggrieved person within thirty days of the conclusion
18 of such hearing. [If such person is not satisfied with the
19 findings of the commission, he may appeal such findings to]
20 *Judicial review may be sought of actions of the commission*
21 *or executive director in accordance with the terms of the*
22 *Iowa Administrative Procedure Act. Notwithstanding the terms*
23 *of the Iowa Administrative Procedure Act, petitions for*
24 *judicial review may be filed in the district court of the*
25 *county wherein the acts in issue occurred. [Such appeal shall*
26 *be made within thirty days of the issuance of the findings*
27 *of the commission and a copy of the same shall be filed with*
28 *the commission. The court upon filing of such appeal*
29 *shall hear the appeal in equity.]*

30 Sec. 160. Section four hundred fifty-five B point ninety-
31 two (455B.92), Code 1973, is amended by striking the section
32 and inserting in lieu thereof the following:

33 455B.92 JUDICIAL REVIEW. Judicial review of the actions
34 of the commission may be sought in accordance with the terms
35 of the Iowa Administrative Procedure Act. Notwithstanding the

36 terms of the Iowa Administrative Procedure Act, a petition
37 judicial review may be filed in the district court of the
38 county in which the alleged violation was committed or in
39 which a final order was entered.

40 Sec. 161. Section four hundred seventy-four point twenty-
41 eight (474.28), Code 1973, is amended by striking the section
42 and inserting in lieu thereof the following:

43 474.28 JUDICIAL REVIEW. Judicial review of the actions
44 of the commission may be sought in accordance with the terms
45 of the Iowa Administrative Procedure Act.

46 Sec. 162. Section four hundred seventy-four point twenty-
47 nine (474.29), Code 1973, is amended to read as follows:

48 474.29 REMITTING PENALTY. When any common carrier shall
49 fail [upon appeal] *in a judicial review proceeding* to secure a
50 vacation of the order [appealed from] *objected to*, it may apply
51 to the court in which the [appeal] *review proceeding* is finally
52 adjudicated for an order remitting the penalty which has
53 accrued during the pendency of the [appeal] *review proceeding*.
54 Upon a satisfactory showing that the [appeal was prosecuted]
55 *petition for judicial review was filed* in good faith and
56 not for the purpose of delay, and that there were reasonable
57 grounds to believe that the order [appealed from] was unreasonable
58 or unjust or that the power of the commission to make the
59 same was doubtful, such court may remit the penalty that has
60 accrued during the pendency of the [appeal] *review proceeding*.

61 Sec. 163. Section four hundred eighty-four point sixteen
62 (484.16), Code 1973, is amended to read as follows:

63 484.16 COMPENSATION—DISAGREEMENT—PROCEEDINGS.
Any

64 interurban railway company shall pay a reasonable compensation
65 for the privileges and facilities furnished to it by a street
66 railway company and in case of disagreement as to the facilities
67 to be furnished or the conditions for their use or the compen-
68 sation therefor, the question shall be submitted to and heard
69 and determined by the state commerce commission, on petition
70 of either party, and on ten days' written notice of such hearing

71 served on the opposite party. An order made by the commission
72 or the court [on appeal] in a *judicial review proceeding* shall
73 be subject to review and modification from time to time on ten
74 days' written notice by either party setting forth the grounds
75 of the application.

76 Sec. 164. Section four hundred eighty-four point seven-
77 teen (484.17), Code 1973, is amended by striking the section
78 and inserting in lieu thereof the following:

79 484.17 JUDICIAL REVIEW. Judicial review of actions of
80 the commission may be sought in accordance with the terms
81 of the Iowa Administrative Procedure Act.

1 Sec. 165. Section four hundred eighty-four point eighteen

2 (484.18), Code 1973, is amended to read as follows:

3 484.18 [TRIAL—]BOND. [The appeal shall be triable in equity
4 at any time following the expiration of twenty days after
5 filing of the transcript and shall be accorded priority for
6 disposition over all other civil causes. No appeal] *Neither*
7 *the agency nor the court* shall suspend the order or decision
8 [appealed from] *under review*, if the interurban company on whose
9 behalf the order or decision is made shall file with the
10 secretary of the commission a bond with sureties approved
11 by the commission, conditioned for the payment of any judgment
12 for costs and compensation and for obedience to any order
13 or decree of the court.

14 Sec. 166. Section four hundred eighty-five point three
15 (485.3), Code 1973, is amended by adding the following new
16 paragraph:

17 **NEW PARAGRAPH.** This section is applicable notwithstanding
18 the terms of the Iowa Administrative Procedure Act.

19 Sec. 167. Section four hundred eighty-nine point thirty-
20 two (489.32), Code 1973, is amended to read as follows:

21 489.32 REHEARING [AND APPEAL]—**JUDICIAL REVIEW.**

Any person,

22 company, or corporation aggrieved by the action of the
23 commission in granting or failing to grant a franchise under
24 the provisions of this chapter, shall be entitled to the
25 rehearing [and appeal procedures] *procedure* provided in [sections]
26 *section 490A.12 [through 490A.19, inclusive]. Judicial review*
27 *of actions of the commissioner may be sought in accordance*
28 *with the terms of the Iowa Administrative Procedure Act.*

29 Sec. 168. Section four hundred ninety point thirty-two
30 (490.32), Code 1973, is amended to read as follows:

31 490.32 REHEARING [AND APPEAL]—**JUDICIAL REVIEW.**

Rehearing

32 [and appeal procedures] *procedure* for any person, company, or

1 corporation aggrieved by the action of the commission in
2 granting or failing to grant a permit under the provisions
3 of this chapter shall be as provided in [sections] *section*
4 490A.12 [through 490A.19, inclusive]. *Judicial review may be*
5 *sought in accordance with the terms of the Iowa Administrative*
6 *Procedure Act.*

7 Sec. 169. Section four hundred ninety A point six (490A.6),
8 unnumbered paragraph seven (7), Code 1973, is amended to read
9 as follows:

10 If, after hearing and decision on all issues presented
11 for determination in such rate proceeding, the commission
12 shall find the rates, charges, schedules or regulations of the
13 utility to be unlawful, the same shall be set aside and the
14 commission shall by order authorize and direct the utility
15 to file rates, charges, schedules or regulations which, when
16 approved by the commission and placed in effect, will satisfy
17 the requirements of this chapter. The rates, charges, sched-
18 ules or regulations so approved shall be lawful and effective
19 unless changed as herein provided. In the event a petition
20 for rehearing is filed [or an appeal is taken from] *or a peti-*
21 *tion for judicial review is sought from an order concerning*
22 *rates, charges, schedules or regulations which are in effect*
23 *under bond, those rates, charges, schedules or regulations*
24 *may, notwithstanding the terms of the Iowa Administrative*
25 *Procedure Act, be continued in effect by the utility under*
26 *the terms of a bond or other undertaking pending final*
27 *determination of the application for rehearing or [appeal from*
28 *proceeding for judicial review of an order of the commission.*

29 Sec. 170. Section four hundred ninety A point thirteen
30 (490A.13), Code 1973, is amended by striking the section and
31 inserting in lieu thereof the following:

32 490A.13 JUDICIAL REVIEW. Judicial review of actions of
33 the commission may be sought in accordance with the terms
34 of the Iowa Administrative Procedure Act. Notwithstanding
35 the terms of the Iowa Administrative Procedure Act, petition

36 for judicial review may be filed in the district court of
37 any county wherein the order of the commission or some part
38 thereof is to take effect.

39 Sec. 171. Section four hundred ninety-six A point one
40 hundred thirty-five (496A.135), Code 1973, is amended to read
41 as follows:

42 496A.135 [APPEAL FROM SECRETARY OF STATE] *JUDI-*
CIAL REVIEW.

43 If the secretary of state shall fail to approve any articles
44 of incorporation, amendment, merger, consolidation or dissolu-
45 tion, or any other document required by this chapter to be
46 approved by the secretary of state before the same shall be
47 filed in his office, he shall, within ten days after the
48 delivery thereof to him, give written notice of his disapproval
49 to the person or corporation, domestic or foreign, delivering
50 the same, specifying the reasons therefor. [From such dis-
51 approval such person or corporation may appeal to] *Judicial*
52 *review of the acts of the secretary of state may be sought*
53 *in accordance with the terms of the Iowa Administrative*
54 *Procedure Act. Notwithstanding the terms of the Iowa*
55 *Administrative Procedure Act, petitions for judicial review*
56 *may be filed in the district court of the county in which*
57 *the registered office of such corporation is, or is proposed*

1 to be, situated [by filing with the clerk of such court a
2 petition setting forth a copy of the articles or other
3 documents sought to be filed and a copy of the written
4 disapproval thereof by the secretary of state, whereupon the
5 matter shall be tried de novo by the court, and the court
6 shall either sustain the action of the secretary of state
7 or direct him to take such action as the court may deem proper.]

8 If the secretary of state shall revoke the certificate
9 of authority to transact business in this state of any foreign
10 corporation, pursuant to the provisions of this chapter, [such
11 foreign corporation may likewise appeal to] *judicial review*
12 *of such action of the secretary of state may be sought in*
13 *accordance with the terms of the Iowa Administrative Procedure*
14 *Act. Notwithstanding the terms of the Iowa Administrative*
15 *Procedure Act, petitions for judicial review may be filed*
16 *in the district court if the county where the registered*
17 *office of such corporation in this state is situated [by filing*
18 *with the clerk of such court a petition setting forth a copy*
19 *of its certificate of authority to transact business in this*
20 *state and a copy of the notice of revocation given by the*
21 *secretary of state, whereupon the matter shall be tried de*
22 *novo by the court, and the court shall either sustain the*
23 *action of the secretary of state or direct him to take such*
24 *action as the court may deem proper.]*

25 [Appeals from all final orders and judgments entered by
26 the district court under this section in review of any ruling
27 or decision of the secretary of state may be taken as in other
28 civil actions.]

29 Sec. 172. Section five hundred two point twenty-four
30 (502.24), Code 1973, is amended by striking the section and
31 inserting in lieu thereof the following:

32 502.24 JUDICIAL REVIEW. Judicial review of actions of
33 the commissioner of insurance may be sought in accordance
34 with the terms of the Iowa Administrative Procedure Act, upon
35 execution of a bond in the penal sum of one thousand dollars

1 to the state of Iowa, with sufficient surety, to be approved
2 by the clerk of the court conditioned upon the faithful
3 prosecution of such petition for judicial review, and the
4 payment of all costs adjudged against the petitioner.

5 Sec. 173. Section five hundred four A point ninety-two
6 (504A.92), Code 1973, is amended to read as follows:

7 504A.92 [APPEAL FROM SECRETARY OF STATE] *JUDI-*
CIAL REVIEW.

8 If the secretary of state shall fail to approve any articles
9 of incorporation, amendment, merger, consolidation or
10 dissolution or any other document required by this chapter
11 to be approved by the secretary of state before the same shall
12 be filed in his office, he shall, within ten days after the
13 delivery thereof to him, give written notice of his disapproval
14 to the person or corporation, domestic or foreign, delivering
15 the same, specifying the reasons therefor. [From such
16 disapproval such person or corporation may appeal to] *Judicial*
17 *review of the acts of the secretary of state may be sought*
18 *in accordance with the terms of the Iowa Administrative*
19 *Procedure Act. Notwithstanding the terms of the Iowa Adminis-*
20 *trative Procedure Act, petitions for judicial review may be*
21 *filed in the district court of the county in which the*
22 *registered office of such corporation is, or is proposed to*
23 *be, situated by filing with the clerk of such court a petition*
24 *setting forth a copy of the articles or other document sought*
25 *to be filed and a copy of the written disapproval thereof*
26 *by the secretary of state; whereupon the matter shall be tried*
27 *de novo by the court, and the court shall either sustain the*
28 *action of the secretary of state or direct him to take such*
29 *action as the court may deem proper.*

30 If the secretary of state shall revoke the certificate
31 of authority to conduct affairs in this state of any foreign
32 corporation, pursuant to the provisions of this chapter, [such
33 foreign corporation may likewise appeal to] *judicial review*
34 *may be sought of such action in accordance with the terms*
35 *of the Iowa Administrative Procedure Act. Notwithstanding*

1 *the terms of the Iowa Administrative Procedure Act, petitions*
2 *for judicial review may be filed in the district court of*
3 *the county where the registered office of such corporation*
4 *in this state is situated [by filing with the clerk of such*
5 *court a petition setting forth a copy of its certificate of*
6 *authority to conduct affairs in this state and a copy of the*
7 *notice of revocation given by the secretary of state, whereupon*
8 *the matter shall be tried de novo by the court, and the court,*
9 *shall either sustain the action of the secretary of state*
10 *or direct him to take such action as the court may deem proper].*

11 [Appeals from all final orders and judgments entered by
12 the district court under this section in review of any ruling
13 or decision of the secretary of state may be taken as in other
14 civil actions.]

15 Sec. 174. Section five hundred six point nine (506.9),
16 Code 1973, is amended by striking the section and inserting
17 in lieu thereof the following:

18 506.9 JUDICIAL REVIEW. Judicial review of the acts of
19 commissioner of insurance may be sought in accordance with
20 the terms of the Iowa Administrative Procedure Act.

21 Sec. 175. Section five hundred seven B point eight
22 (507B.8), subsections one (1), two (2), and three (3), Code
23 1973, are amended by striking the subsections and inserting
24 in lieu thereof the following:

25 Judicial review of the actions of the commissioner may
26 be sought in accordance with the terms of the Iowa
27 Administrative Procedure Act. To the extent that an order
28 of the commissioner is affirmed in any judicial review
29 proceeding, the court shall thereupon issue its own order
30 commanding obedience to the terms of such order of the
31 commissioner.

32 Sec. 176. Section five hundred fourteen point thirteen
33 (514.13), Code 1973, is amended to read as follows:

34 514.13 ARBITRATION OF DISPUTES. Any dispute arising
35 between a corporation organized under said chapter and any

1 hospital with which such corporation has a contract for
2 hospital service, or any physician and surgeon, dentist,
3 podiatrist, osteopathic physician, or osteopathic physician
4 and surgeon with whom any such corporation has a contract
5 for medical and surgical service or any pharmacy or optometrist
6 with whom any such corporation has a contract for
7 pharmaceutical or optometric service, as provided for herein,
8 may be submitted to the commissioner of insurance for his
9 decision. All decisions and findings of the commissioner
10 of insurance may be *judicially* reviewed [by proper proceedings
11 in a court of competent jurisdiction] *in accordance with the*
12 *terms of the Iowa Administrative Procedure Act.*

13 Sec. 177. Section five hundred fourteen A point ten
14 (514A.10), Code 1973, is amended by striking the section and
15 inserting in lieu thereof the following:

16 514A.10 JUDICIAL REVIEW. Judicial review of the actions
17 of the commissioner may be sought in accordance with the terms
18 of the Iowa Administrative Procedure Act.

19 Sec. 178. Section five hundred fifteen point one hundred
20 thirty-five (515.135), Code 1973, is amended by striking the
21 section and inserting in lieu thereof the following:

22 515.135 JUDICIAL REVIEW. Judicial review of the actions
23 of the commissioner of insurance may be sought in accordance
24 with the terms of the Iowa Administrative Procedure Act, upon
25 filing with the clerk of court a good and sufficient bond
26 for the payment of all costs adjudged against the petitioner.
27 Notwithstanding the terms of the Iowa Administrative Procedure
28 Act, petitions for judicial review may be filed in the district
29 court of the county where the decision of the commissioner,
30 pursuant to section five hundred fifteen point one hundred
31 thirty-four (515.134) of the Code, was made.

32 Sec. 179. Section five hundred fifteen point one hundred
33 thirty-six (515.136), Code 1973, is amended to read as fol-
34 lows:

35 515.136 INCRIMINATION. The statements and declarations

1 made or testimony given by any such officer, agent or employee
2 in the investigation before the commissioner of insurance,
3 or upon the hearing [and trial before the district court] *on*
4 *the petition for judicial review*, as provided in sections
5 515.133 to 515.135, inclusive, shall not be used against the
6 person making the same in any criminal prosecution against
7 him.

8 Sec. 180. Section five hundred fifteen A point eighteen
9 (515A.18), subsection three (3), Code 1973, is amended by
10 striking the subsection and inserting in lieu thereof the
11 following:

12 3. Judicial review of the actions of the commissioner
13 may be sought in accordance with the terms of the Iowa
14 Administrative Procedure Act.

15 Sec. 181. Section five hundred fifteen B point seven
16 (515B.7), subsection three (3), Code 1973, is amended by
17 striking the subsection and inserting in lieu thereof the
18 following:

19 3. Judicial review of actions of the commissioner may
20 be sought in accordance with the terms of the Iowa Administra-
21 tive Procedure Act.

22 Sec. 182. Section five hundred twenty-one A point thir-
23 teen (521A.13), Code 1973, is amended by striking the sec-
24 tion and inserting in lieu thereof the following:

25 521A.13 JUDICIAL REVIEW. Judicial review of the actions
26 of the commissioner may be sought in accordance with the terms
27 of the Iowa Administrative Procedure Act.

28 Sec. 183. Section five hundred twenty-four point two hun-
29 dred twenty-five (524.225), Code 1973, is amended by striking
30 the section and inserting in lieu thereof the following:

31 524.225 JUDICIAL REVIEW. Judicial review of the actions
32 of the superintendent may be sought in accordance with the
33 terms of the Iowa Administrative Procedure Act.

1 **Sec. 184.** Section five hundred twenty-four point three
2 hundred five (524.305), subsection six (6), unnumbered
3 paragraph three (3), Code 1973, is amended by striking the
4 unnumbered paragraph and inserting in lieu thereof the
5 following:

6 The actions of the superintendent shall be subject to
7 judicial review in accordance with the terms of the Iowa
8 Administrative Procedure Act. The court may award damages
9 to the incorporators if it finds that review is sought
10 frivolously and in bad faith.

11 **Sec. 185.** Section five hundred twenty-four point six
12 hundred six (524.606), subsection two (2), unnumbered
13 paragraph two (2), Code 1973 is amended to read as follows:

14 The decision of the superintendent shall be subject to
15 *judicial* review [by the district court of Polk county upon
16 petition by the removed director within thirty days after the
17 superintendent notifies such director of his decision] *in ac-*
18 *cordance with the terms of the Iowa Administrative Procedure*
19 *Act.* [The decision of the superintendent shall be upheld unless
20 unsupported by substantial evidence. No action taken by a
21 director prior to his removal shall be subject to attack on
22 the ground of his disqualification.

23 **Sec. 186.** Section five hundred twenty-four point one thou-
24 sand three hundred three (524.1303), subsection two (2), Code
25 1973, is amended to read as follows:

26 2. Upon receipt of an application for approval of a plan
27 of dissolution the superintendent shall conduct such investi-
28 gation as he may deem necessary to determine whether the plan
29 adequately protects the interests of depositors, other credi-
30 tors and shareholders and, if the plan involves an acquisition
31 of assets and assumption of liabilities by another state bank,
32 whether such acquisition and assumption would be consistent
33 with adequate and sound banking and in the public interest,
34 on the basis of factors substantially similar to those set
35 forth in paragraph "d" of subsection 1 of section 524.1403.

36 Within ninety days after receipt of the application, the
37 superintendent shall approve or disapprove the application
38 on the basis of his investigation. Before receiving the
39 decision of the superintendent with respect to the pending
40 application, the applying state bank shall, upon notice,
41 reimburse the superintendent to the extent of the expenses
42 incurred by him in connection with the application. Thereafter
43 the superintendent shall give to the applying state bank
44 written notice of his decision, and in the event of
45 disapproval, a statement of the reasons for his decision.

1 The decision of the superintendent shall be subject to *judicial*
2 review [by the district court of Polk county upon petition
3 by any interested party within thirty days after the
4 superintendent notifies the applying bank of his decision]
5 *in accordance with the terms of the Iowa Administrative*
6 *Procedure Act.* [The decision of the superintendent shall be
7 upheld unless unsupported by substantial evidence.]

8 Sec. 187. Section five hundred twenty-four point one thou-
9 sand four hundred three (524.1403), subsection two (2), Code
10 1973, is amended to read as follows:

11 2. Within one hundred eighty days after receipt of the
12 application, or within an additional period of not more than
13 sixty days after receipt of an amendment of the application,
14 the superintendent shall make a determination whether to
15 approve or disapprove the application on the basis of his
16 investigation. The plan shall not be modified at any time
17 after approval of the application by the superintendent.
18 Prior to making a determination on the pending application
19 the superintendent shall, upon adequate notice, afford all
20 interested persons an opportunity for a stenographically
21 reported hearing during which such persons shall be allowed
22 to present evidence in support of, or in opposition to, the
23 pending application. If the superintendent finds that he
24 must act immediately on the pending application in order to
25 protect the interests of depositors or the assets of any party
26 to the plan, he may proceed without requiring publication
27 of the notice and without providing for the hearing referred
28 to in this subsection. Before receiving the decision of the
29 superintendent with respect to the pending application, the
30 parties to the plan shall, upon notice, reimburse the super-
31 intendent to the extent of the expenses incurred by him in
32 connection with the application. Thereafter the superintendent
33 shall give to the parties to the plan written notice of his
34 decisions and, in the event of disapproval, a statement of
35 the reasons for his decision. The decision of the superin-

1 tendent shall be subject to *judicial* review [by the district
2 court of Polk county upon petition by any interested person
3 within thirty days after the superintendent notifies the
4 parties to the plan of his decision *in accordance with the*
5 *terms of the Iowa Administrative Procedure Act.* [The decision
6 of the superintendent shall be upheld unless unsupported by
7 substantial evidence].

8 Sec. 188. Section five hundred twenty-four point one thou-
9 sand four hundred thirteen (524.1413), unnumbered paragraph
10 two (2), Code 1973, is amended to read as follows:

11 Within ninety days after receipt of the application the
12 superintendent shall make a determination whether to approve
13 or disapprove the pending application on the basis of his
14 investigation. Before receiving the decision of the super-
15 intendent with respect to the pending application, the na-
16 tional bank shall, upon notice, reimburse the superintendent
17 to the extent of the expenses incurred by him in connection
18 with the application. Thereafter, the superintendent shall
19 give the national bank written notice of his decision and,
20 in the event of disapproval, a statement of the reasons for
21 his decision. If the superintendent approves the pending
22 application, he shall deliver the articles of conversion,
23 with his approval indicated thereon, to the secretary of
24 state. The decision of the superintendent shall be subject
25 to *judicial* review [by the district court of Polk county upon
26 petition by any interested party] *in accordance with the terms*
27 *of the Iowa Administrative Procedure Act. Notwithstanding*
28 *the terms of the Iowa Administrative Procedure Act, such a*
29 *petition for judicial review must be filed within thirty days*
30 after the superintendent notifies the national bank of his
31 decision. [The decision of the superintendent shall be up-
32 held unless unsupported by substantial evidence.]

33 Sec. 189. Section five hundred twenty-four point one
34 thousand five hundred five (524.1505), subsection two (2),
35 Code 1973, is amended to read as follows:

1 2. Within sixty days after receipt of the articles of
2 amendment the superintendent shall approve or disapprove the
3 articles of amendment on the basis of his investigation.
4 If the superintendent shall approve the articles of amend-
5 ment, he shall deliver them with his written approval to the
6 secretary of state and notify the state bank of his action.
7 If the superintendent shall disapprove the articles of amend-
8 ment, he shall give written notice to the state bank of his
9 disapproval and a statement of the reasons for his decision.
10 The decision of the superintendent shall be subject to *judicial*
11 review [by the district court of Polk county upon petition
12 by any interested party] *in accordance with the terms of the*
13 *Iowa Administrative Procedure Act. Notwithstanding the terms*
14 *of the Iowa Administrative Procedure Act, such a petition*
15 *for judicial review must be filed within thirty days after*
16 *the superintendent notifies the state bank of his decision.*
17 [The decision of the superintendent shall be upheld unless
18 unsupported by substantial evidence.]

19 Sec. 190. Section five hundred twenty-four point on thou-
20 sand five hundred seven (524.1507), subsection two (2), Code
21 1973, is amended to read as follows:

22 2. Upon receipt of an application for approval of a change
23 of location of the principal place of business of a state
24 bank pursuant to subsection 1 of this section, the
25 superintendent shall conduct such investigation as he deems
26 necessary giving due consideration to factors substantially
27 similar to those set forth in subsections 2 through 6 of
28 section 524.305. Within one hundred eighty days after receipt
29 of the application, the superintendent shall make a
30 determination whether to approve or disapprove the application
31 on the basis of his investigation. Prior to making a
32 determination on the pending application the superintendent
33 shall, upon adequate notice, afford all interested persons
34 an opportunity for a stenographically reported hearing during
35 which such persons shall be allowed to present evidence in

1 support of, or in opposition to, the pending application.
2 Thereafter the superintendent shall give written notice of
3 his decision to the state bank and, in the event of
4 disapproval, a statement of the reasons for his decision.
5 If the superintendent shall approve the change in location
6 he shall deliver the articles of amendment to the secretary
7 of state. The decision of the superintendent shall be subject
8 to *judicial* review [by the district court of Polk county upon
9 petition by any interested person within thirty days after
10 the superintendent notifies the state bank of his decision]
11 *in accordance with the terms of the Iowa Administrative*
12 *Procedure Act.* [The decision of the superintendent shall be
13 upheld unless unsupported by substantial evidence.] Before
14 receiving the decision of the superintendent with respect
15 to the pending application, the state bank shall upon notice
16 reimburse the superintendent to the extent of the expenses
17 incurred by him in connection with the application.

18 Sec. 191. Section five hundred thirty-three A point fif-
19 teen (533A.15), Code 1973, is amended by striking the section
20 and inserting in lieu thereof the following:

21 533A.15 JUDICIAL REVIEW. Judicial review of actions of
22 the superintendent pursuant to sections 533A.3 and 533A.7
23 may be sought in accordance with the terms of the Iowa Admin-
24 istrative Procedure Act.

25 Sec. 192. Section five hundred thirty-four point three
26 (534.3), subsection three (3), paragraphs b and j, Code 1973,
27 are amended to read as follows:

28 b. If the executive council does not affirmatively find
29 as to each and all of the said requirements it shall enter
30 its disapproval of record together with a statement of its
31 findings and conclusions and a certificate of incorporation
32 shall not be issued. Upon such disapproval the executive

1 council shall, by registered mail, notify one, or all, of
2 the proposed incorporators of its disapproval together with
3 the reasons for such disapproval. [and thereupon, the proposed
4 incorporators, if not satisfied with such action, may] *Judicial*
5 *review of the actions of the executive council may be sought*
6 *in accordance with the terms of the Iowa Administrative*
7 *Procedure Act. Notwithstanding the terms of the Iowa*
8 *Administrative Procedure Act, petitions for judicial review*
9 *must be filed within [sixty] thirty days after the mailing of*
10 *such notice [appeal to], and may be filed in the district court*
11 *of Iowa in and for the county in which the principal place*
12 *of business of the proposed association is to be located [from*
13 *such findings and disapproval by serving a notice of such*
14 *appeal upon the auditor of state, setting forth in general*
15 *terms the decisions appealed from and the grounds of the*
16 *appeal and by filing with the clerk of the said court, within*
17 *such sixty days, a duly verified petition stating the facts*
18 *and the grounds of complaint and having attached thereto a*
19 *copy of the proposed articles of incorporation and bylaws*
20 *and a copy of the findings and conclusions of the executive*
21 *council]. [Such appeal shall be triable as a mandamus proceeding*
22 *in equity and the findings and decisions of the executive*
23 *council shall be binding upon the court unless overcome by*
24 *clear and convincing proof. Any party aggrieved by the order,*
25 *judgment, or decree of the court may appeal therefrom to the*
26 *supreme court of Iowa.]*

27 j. The executive council shall have the power and it shall
28 be its duty, to revoke any certificate of authority given
29 to any association whenever it appears to said council that
30 said association is transacting business illegally, or is
31 unjust and oppressive to its members or the public. Before
32 any such revocation shall be declared, the executive coun-
33 cil shall first give thirty days' written notice of its
34 intentions to revoke to the association involved and to the
35 federal home loan bank. Said notice shall fix a time and

1 place for hearing on the intended revocation and a permanent
2 record shall be made of the proceedings, hearing and findings
3 and parties so involved and notified shall be furnished with
4 a copy thereof. [The association may appeal any such finding
5 of revocation to the district court within ten days from
6 receipt of a copy thereof. Trial shall be in equity and de
7 novo.] *Judicial review of actions of the executive council*
8 *may be sought in accordance with the terms of the Iowa*
9 *Administrative Procedure Act.*

10 Sec. 193. Section five hundred thirty-four point sixty-
11 eight (534.68), Code 1973, is amended by striking the section
12 and inserting in lieu thereof the following:

13 534.68 JUDICIAL REVIEW. Judicial review of the actions
14 of the supervisor may be sought in accordance with the terms
15 of the Iowa Administrative Procedure Act.

16 Sec. 194. Section five hundred thirty-six point twenty-
17 three (536.23), Code 1973, is amended by striking the section
18 and inserting in lieu thereof the following:

19 536.23 JUDICIAL REVIEW. Judicial review of the actions
20 of the superintendent or the state banking board may be sought
21 in accordance with the terms of the Iowa Administrative
22 Procedure Act.

23 Sec. 195. Section five hundred thirty-six A point eleven
24 (536A.11), unnumbered paragraph three (3), Code 1973, is
25 amended by striking the section and inserting in lieu thereof
26 the following:

27 Judicial review of actions of the auditor may be sought
28 in accordance with the terms of the Iowa Administrative Proce-
29 dure Act.

30 Sec. 196. Section five hundred thirty-six A point eighteen
31 (536A.18), unnumbered paragraphs two (2) and three (3), Code
32 1973, are amended to read as follows:

1 No suspension, revocation, relinquishment or expiration
2 of any license shall invalidate, impair or affect the legality
3 of obligations of any pre-existing contracts, or prevent the
4 enforcement and collection thereof[, and provided further that
5 any such suspension or revocation shall not become final if
6 any licensee, within thirty days from entry of such order
7 suspending or revoking its license appeals to the district
8 court of Polk county, Iowa]. *Judicial review of the actions*
9 *of the auditor may be sought in accordance with the terms*
10 *of the Iowa Administrative Procedure Act.*

11 [The district court of Polk county, Iowa, shall have the
12 power to enter such order as justice shall require pending
13 the hearing of such appeal, and shall set aside the order
14 or decision of the auditor if it be found that:]

15 [1. The auditor acted arbitrarily, capriciously or in
16 excess of his power.]

17 [2. The order or decision was obtained by fraud.]

18 [3. The order or decision is contrary to law.]

19 Sec. 197. Section five hundred forty-three point ten
20 (543.10), Code 1973, is amended to read as follows:

21 543.10 SUSPENSION OR REVOCATION OF LICENSE. The
22 commis-
23 sion is empowered after hearing before it and upon information
24 being filed with the commission by the duly authorized head
25 of the warehouse division of the commission upon complaint
26 filed by any person to suspend or revoke the license of any-
27 one licensed under this chapter for the violation of or failure
28 to comply with the provisions of this chapter or any rule
29 or regulation made in pursuance of the authority therefor
30 granted under this chapter. An information or a verified
31 complaint stating the grounds for suspension or revocation
32 shall be filed with the commission in triplicate, and thereupon
33 the commission shall serve the licensee complained against
34 with a copy of the information or the complaint and a copy
35 of the order of the commission fixing the time for hearing
thereon, which time shall be at least twenty days from the

1 date of service. If the commission determines that the public
2 good requires it, it may upon the filing of the information
3 or the complaint and without hearing, temporarily suspend
4 a license pending the determination by it of the complaint.
5 [Any licensee aggrieved by the decision of the commission may
6 appeal said decision to the district court by service of
7 notice of appeal upon the commission within thirty days
8 following the filing of the decision of the commission in
9 the office of the commission. The commission shall forthwith
10 upon service of notice of appeal certify the complete record
11 of the proceedings before it to the office of the clerk of
12 the district court. The appeal shall be tried by the court
13 only upon the record so certified to the court.] *Judicial*
14 *review of the actions of the commission may be sought in*
15 *accordance with the terms of the Iowa Administrative Procedure*
16 *Act.*

17 Sec. 198. Section five hundred forty-eight point two
18 (548.2), subsection two (2), Code 1973, is amended by striking
19 the subsection and inserting in lieu thereof the following:
20 2. Judicial review of actions of the secretary of state
21 may be sought in accordance with the terms of the Iowa Admin-
22 istrative Procedure Act.

23 Sec. 199. Section five hundred fifty-one A point eleven
24 (551A.11), unnumbered paragraph three (3), Code 1973, is
25 amended by striking the unnumbered paragraph and inserting
26 in lieu thereof the following:

27 Judicial review of the actions of the director may be
28 sought in accordance with the terms of the Iowa Administrative
29 Procedure Act, and section four hundred twenty-two point
30 fifty-five (422.55) of the Code.

31 Sec. 200. Section six hundred one A point ten (601A.10),
32 Code 1973, is amended to read as follows:

33 601A.10 JUDICIAL REVIEW—*ENFORCEMENT*.

34 1. [Any complainant or respondent claiming to be aggrieved
35 by a final order of the commission, including a refusal to

1 issue an order, may obtain judicial review thereof, and the]
2 *Judicial review of the actions of the commission may be sought*
3 *in accordance with the terms of the Iowa Administrative*
4 *Procedure Act. Notwithstanding the terms of the Iowa Adminis-*
5 *trative Procedure Act, petition for judicial review may be*
6 *filed in the district court in which an enforcement proceeding*
7 *under section two (2) of this section may be brought.*

8 2. The commission may obtain an order of court for the
9 enforcement of commission orders in a proceeding as provided
10 in this section.

11 [2.] Such an enforcement proceeding shall be brought in
12 the district court of the district in the county in which
13 alleged discriminatory or unfair practice which is the
14 subject of the commission's order was committed, or in which
15 any respondent required in the order to cease or desist from
16 a discriminatory or unfair practice or to take other
17 affirmative action, resides, or transacts business.

18 3. Such an enforcement proceeding shall be initiated by
19 the filing of a petition in such court and the service of
20 a copy thereof upon the [commission and upon] respondent [or
21 complainant]. Thereupon the commission shall file with the
22 court a transcript of the record of the hearing before it.

23 The court shall [have jurisdiction of the proceeding and the
24 questions determined therein, and shall] have power to grant
25 such temporary relief or restraining order as it deems just
26 and proper, and to make and enter upon the pleadings, testi-
27 mony, and proceedings set forth in such transcript an order
28 enforcing, modifying, and enforcing as so modified, or setting
29 aside the order of the commission, in whole or in part.

30 4. An objection that has not been urged before the commis-
31 sion shall not be considered by the court *in an enforcement*
32 *proceeding*, unless the failure or neglect to urge such objec-
33 tion shall be excused because of extraordinary circumstances.

34 5. Any party to the enforcement proceeding may move the
35 courts to remit the case to the commission in the interests

1 of justice for the purpose of adducing additional specified
2 and material evidence and seeking findings thereof, providing
3 such party shall show reasonable grounds for the failure to
4 adduce such evidence before the commission.

5 6. [The hearing on appeal shall be tried in equity and
6 shall be de novo. The court may receive additional testimony
7 and may affirm, modify, or reverse the order of the commis-
8 sion.] *In the enforcement proceeding the court shall deter-*
9 *mine its order on the same basis as it would in a proceeding*
10 *reviewing commission action under subsection eight (8) of*
11 *section nineteen (19) of the Iowa Administrative Procedure*
12 *Act.*

13 [7. The jurisdiction of the court shall be exclusive and
14 its judgment and order shall be final subject to review by
15 the supreme court as provided by law.]

16 [8] 7. The commission's copy of the testimony shall be
17 available to all parties for examination at all reasonable
18 times, without cost, and for the purpose of judicial review
19 of the commission's orders.

20 [9] 8. The commission may appear in court by its own
21 attorney.

22 [10. Unless otherwise directed by the commission or court,
23 commencement of review proceedings under this section shall
24 operate as a stay of any order.]

25 [11] 9. Petitions filed under this section shall be heard
26 expeditiously and determined upon the transcript filed without
27 requirement for printing.

28 [12] 10. If no proceeding to obtain judicial review is
29 instituted [by a complainant or respondent] within thirty days
30 from the service of an order of the commission under sec-
31 tion 601A.9, the commission may obtain an order of the court
32 for the enforcement of such order upon showing that respondent
33 is subject to the jurisdiction of the commission and resides
34 or transacts business within the county in which the petition
35 for enforcement is brought.

1 **Sec. 201.** Acts of the Sixty-fifth General Assembly, 1973
2 Session, chapter one hundred seventy-six (176), section eight
3 (8), is amended to read as follows:

4 **Sec. 8.** Rules and guidelines issued pursuant to the
5 authority granted in this Act shall be confined to programs
6 and services authorized by this Act and supported by state
7 funds. [Notwithstanding any other provisions of the Code,
8 any rules, regulations or guidelines issued under provisions
9 of this Act shall be subject to approval by the departmental
10 rules review committee and the attorney general.]

11 **Sec. 202.** Acts of the Sixty-fifth General Assembly, 1973
12 Session, chapter one hundred eighty-one (181), section nine-
13 teen (19), is amended to read as follows:

14 **Sec. 19. NEW SECTION. HEARING BEFORE LICENSING
BOARD.**

15 If a licensee under this Act makes a written request for a
16 hearing within thirty days of suspension, revocation or refusal
17 to renew his license, a hearing before the drug treatment
18 licensing board shall be expeditiously arranged. If the role
19 of a licensing board member is inconsistent with any member's
20 job role or function, or if any member feels he is unable
21 for any reason to disinterestedly weigh the merits of the
22 case before him, a substitute representative from the agency
23 that member represents on the board shall be appointed by
24 the director for the hearing on that case. The board shall,
25 within thirty days after conclusion of the hearing, issue
26 a written statement of its findings upholding or reversing
27 the proposed suspension, revocation or refusal to renew a
28 license. No action involving suspension, revocation or refusal
29 to renew a license shall be taken by the licensing board
30 unless a quorum of six of the ten members are present at the
31 meeting. A copy of the decision shall be promptly transmitted
32 to the affected licensee who may, if he is aggrieved by the
33 decision, request a second hearing before the board in the
34 manner provided by this section. [If the second hearing is
35 denied, or its outcome is unsatisfactory to the licensee,

1 he may appeal to district court which may hear the matter
2 de novo.] *Judicial review of the actions of the board may*
3 *be sought in accordance with the terms of the Iowa*
4 *Administrative Procedure Act.*

5 Sec. 203. Acts of the Sixty-fifth General Assembly, 1973
6 Session, chapter one hundred eighty-six (186), section six
7 (6), is amended to read as follows:

8 Sec. 6. NEW SECTION. APPEAL PROCEDURE. If an appli-
cation

9 is not acted upon within a reasonable time, if it is denied
10 in whole or in part, or if any award of assistance is modified,
11 suspended, or canceled under any provision of this Act, the
12 applicant or recipient may appeal to the department, which
13 shall give the appellant reasonable notice and opportunity
14 for a fair hearing before the commissioner or his designee.
15 [An applicant or recipient aggrieved by the result of such
16 hearing may, within thirty days, appeal to] *Judicial review*
17 *of the actions of the commission may be sought in accordance*
18 *with the terms of the Iowa Administrative Procedure Act.*
19 [the district court of the county in which he resides by
20 serving notice of such appeal upon the commissioner or his
21 designee, in the manner required for the service of original
22 notice in a civil action. Upon] Upon receipt of [such
23 notice] *the petition for judicial review*, the department shall
24 furnish the [appellant] *petitioner* with a copy of any papers
25 filed by him in support of his position, a transcript of any
26 testimony taken, and a copy of the department's decision.
27 [The district court shall review the department's decision
28 to determine its legality.]

29 Sec. 104. Acts of the Sixty-fifth General Assembly, 1973
30 Session, chapter two hundred eight (208), section seven (7),
31 new subsection three (3), unnumbered paragraph three (3) of
32 this new subsection, as amending section three hundred twenty-
33 one point two hundred thirty-eight (321.238), Code 1973, is

1 amended to read as follows:

2 After the hearing, the review board may sustain, modify,
3 or reverse the commissioner's order of suspension or
4 revocation. A suspension or revocation sustained or modified
5 by the review board shall take effect ten days from the date
6 of the decision [unless the permit holder files an appeal].

7 *Judicial review of actions of the review board may be sought*
8 *in accordance with the terms of the Iowa Administrative*
9 *Procedure Act. [in the district court of the county in*
10 *which the vehicle inspection station is located within*
11 *ten days]*

12 from the date of the decision of the review board. The order
13 of suspension or revocation sustained or modified and appealed
14 to the district court shall become effective ten days from
15 the date the appeal is filed unless the suspension or
16 revocation is stayed by the court.]

17 Sec. 205. Acts of the Sixty-fifth General Assembly, 1973
18 Session, chapter two hundred seventy-four (274), section
19 twenty-eight (28), is amended by striking the section and
20 inserting in lieu thereof the following:

21 Sec. 28. NEW SECTION. JUDICIAL REVIEW. The action of
22 the commissioner and the recommendation and findings of the
23 commissioner of public health under section twenty-seven (27)
24 of this Act shall be subject to judicial review in accordance
25 with the terms of the Iowa Administrative Procedure Act.

26 Sec. 206. Acts of the Sixty-fifth General Assembly, 1973
27 Session, chapter two hundred seventy-six (276), section ten
28 (10), unnumbered paragraph one (1), is amended to read as
29 follows:

30 The commission may after hearing and upon information being

1 filed with the commission by the board of the warehouse division
2 of the commission or upon complaint filed by any person, sus-
3 pend or revoke the license of any person licensed under this
4 Act for the violation of or failure to comply with the provi-
5 sions of this Act or any rule or regulation adopted under
6 this Act. An information or a verified complaint stating
7 the grounds for suspension or revocation shall be filed with
8 the commission in triplicate. The commission shall notify
9 the licensee of the complaint and furnish him with a copy
10 of the information or the complaint and a copy of the order
11 of the commission fixing the time for a hearing, which time
12 shall be at least five days from the date of notification.
13 If the commission determines that the public good requires
14 immediate action, the commission may, upon the filing of the
15 information or the complaint and without hearing, temporarily
16 suspend a license pending the determination by it of the
17 complaint. [Any person aggrieved by the decision of the commis-
18 sion may appeal the decision of the commission to the district
19 court by service of notice of appeal upon the commission
20 within thirty days following the filing of the decision of
21 the commission in the office of the commission. The commission
22 shall, upon service of notice of appeal, certify the complete
23 record of the proceedings before it to the clerk of the
24 district court.] *Judicial review of the actions of the*
25 *commission may be sought in accordance with the terms of the*
26 *Iowa Administrative Procedure Act.*

27 Sec. 207 Acts of the Sixty-fifth General Assembly, 1973
28 Session, chapter two hundred ninety-four (294), section five
29 (5), unnumbered paragraphs two (2) and three (3), are amended
30 to read as follows:

31 Any person who files with the bureau a written statement
32 to the effect that a statement contained in the criminal
33 history data that refers to him is nonfactual, or information
34 not authorized by law to be kept, and requests a correction
35 or elimination of that information that refers to him shall

1 be notified within twenty days by the bureau, in writing,
2 of the bureau's decision or order regarding the correction
3 or elimination. [The bureau's decision or order or failure
4 to allow examination may be appealed to the district court
5 of Polk county by the person requesting said examination,
6 correction or elimination.] *Judicial review of the actions*
7 *of the bureau may be sought in accordance with the terms of*
8 *the Iowa Administrative Procedure Act.* Immediately upon [such
9 appeal] *the filing of the petition for judicial review the*
10 court shall order the bureau to file with the court a certified
11 copy of the criminal history data and in no other situation
12 shall the bureau furnish an individual or his attorney with
13 a certified copy, except as provided by this Act.

14 Upon request of the [appellant] *petitioner*, the record
15 and evidence in [such cases] *a judicial review proceeding* shall
16 be closed to all but the court and its officers, and access
17 thereto shall be refused unless otherwise ordered by the
18 court. The clerk shall maintain a separate docket for such
19 actions. No person, other than the [appellant] *petitioner* shall
20 permit a copy of any of the testimony or pleadings or the
21 substance thereof to be made available to any person other
22 than a party to the action or his attorney. Violation of the
23 provisions of this section shall be a public offense,
24 punishable under section seven (7) of this Act.

25 Sec. 208. Section twenty-five A point one (25A.1), Code
26 1973, is amended to read as follows:

27 25A.1 CITATION AND APPLICABILITY. This chapter may be
28 cited as the "Iowa Tort Claims Act". *Every provision of this*
29 *chapter is applicable and of full force and effect notwith-*
30 *standing any inconsistent provision of the Iowa Administra-*
31 *tive Procedure Act.*

32 Sec. 209 Section twenty-five A point three (25A.3),
33 unnumbered paragraph three (3), Code 1973, is amended to read
34 as follows:

35 The state appeal board [may] *shall* adopt rules, regulations,

1 and procedures for the handling, processing, and investigation
2 of claims, *according to the provisions of the Iowa*
3 *Administrative Procedure Act.*

4 Sec. 210. Section twenty-eight A point seven (28A.7),
5 Code 1973, is amended to read as follows:

6 28A.7 [MANDAMUS OR INJUNCTION] **ENFORCEMENT OF**
7 **RIGHTS.** The

8 provisions of this chapter and all rights of citizens under
9 this chapter may be enforced by mandamus or injunction, whether
10 or not any other remedy is also available. *In the alternative,*
11 *rights under this chapter also may be enforced by an action*
12 *for judicial review according to the provisions of the Iowa*
13 *Administrative Procedure Act, if the meeting involved is a*
14 *meeting of an "agency" as defined in that act.*

15 Sec. 211. Section sixty-eight A point five (68A.5), Code
16 1973, is amended to read as follows:

17 68A.5 **ENFORCEMENT OF RIGHTS.** The provisions of this
18 **chap-**

19 **ter** and all rights of citizens under this chapter may be
20 **enforced by mandamus or injunction, whether or not any other**
21 **remedy is also available. *In the alternative, rights under***
22 ***this chapter also may be enforced by an action for judicial***
23 ***review according to the provisions of the Iowa Administrative***
24 ***Procedure Act, if the records involved are records of an***
25 ***"agency" as defined in that act.***

26 Sec. 212. Chapter seventeen A (17A), as amended by Acts
27 of the Sixty-fifth General Assembly, 1973 Session, chapter
28 one hundred twenty-eight (128), and sections eighty-three
29 A point twelve (83A.12), eighty-six point thirty (86.30),
30 eighty-six point thirty-one (86.31), eighty-six point thirty-
31 three (86.33), ninety-seven B point twenty-one (97B.21),
32 ninety-seven B point thirty (97B.30), ninety-seven B point
33 thirty-one (97B.31), one hundred point eighteen (100.18),
34 one hundred point nineteen (100.19), one hundred point twenty-
35 one (100.21), one hundred point twenty-two (100.22), one
hundred point twenty-four (100.24), one hundred point twenty-
five (100.25), one hundred ninety-two A point twenty-six

1 (192A.26), two hundred thirty-eight point thirteen (238.13),
2 two hundred thirty-eight point fourteen (238.14), two hundred
3 thirty-eight point fifteen (238.15), two hundred
4 seventy-five point thirty-four (275.34),
5 three hundred twenty-
6 five point twenty-two (325.22), three hundred twenty-five
7 point twenty-three (325.23), three hundred twenty-five point
8 twenty-four (325.24), four hundred twenty-eight point thirty-
9 two (428.32), four hundred twenty-eight point thirty-three
10 (428.33), four hundred fifty-five B point forty (455B.40),
11 four hundred fifty-five B point forty-two (455B.42), four
12 hundred ninety A point fourteen (490A.14), four hundred ninety
13 A point fifteen (490A.15), four hundred ninety A point sixteen
14 (490A.16), four hundred ninety A point seventeen (490A.17),
15 four hundred ninety A point eighteen (490A.18), four hundred
16 ninety A point nineteen (490A.19), and five hundred seven
17 B point ten (507B.10), Code 1973, are repealed.

18 EXPLANATION

19 This Act provides a procedural code for the operation of
20 all state administrative agencies as defined in section 2,
21 subsection 1, when they make rules and hold required hearings
22 to determine the rights of any person. The Act also imposes
23 certain requirements on state agencies to facilitate public
24 access to their processes and the policies under which they
25 operate. A simplified method of obtaining judicial review
26 of any action of a state agency which injures a person and
27 is allegedly improper is also included. The substantive
28 rights of individuals and the substantive duties of agencies
29 are not altered because this Act operates only procedurally.
30 The provisions of the IAPA are in addition to existing
31 statutory provisions, except that it contemplates repeal or
32 amendment of inconsistent provisions of the Code, especially
33 those providing for judicial review of agency action.
34 Consequently, this Act will assure a uniform *minimum procedure*
35 to which all agencies will have to adhere in the conduct of

- 36 their most important functions; and it will provide the public
37 with a readily accessible and usable code with which to measure

1 their minimum procedural rights in the administrative process.
2 More than half of the states and the federal government already
3 have such comprehensive administrative procedure acts. The
4 detailed purposes of the IAPA are specified in section 1,
5 subsection 2, which should be read in conjunction with section
6 23 providing the method by which this Act is to be applied.

7 Section 2 contains the definitions applicable throughout
8 the Act. The general definition of a "rule" in section two,
9 subsection 7, is similar to that presently contained in Chapter
10 17A, but a number of practical exemptions are found in section
11 2, subsection 7, paragraphs a through k, which are not found
12 in the current definition. Exemptions from the definition
13 of a "rule" have the effect of removing only those specified
14 statements from the rule-making provisions of the Act; such
15 exempted statements are still subject to most of section 3
16 and all of the judicial review provisions, and are invocable
17 by a party in contested case proceedings under this Act.

18 Section 3 imposes a duty on agencies to promulgate certain
19 rules describing their organization, internal processes and
20 procedures that would facilitate public access to the agencies.
21 It also requires agencies to make available to the public
22 in usable form all of its rules and other written policies,
23 decisions, and precedents so that persons affected will be
24 able to ascertain their rights more easily than at present.
25 Agencies failing to make such policies, decisions, or prece-
26 dents available for public inspection may not apply them to
27 the detriment of any person who does not have actual knowledge
28 of their contents.

29 Section 4 provides a procedure for the adoption of rules
30 that would require, in most cases, thirty-five days advance
31 published notice of proposed rule-making and an opportunity
32 by interested persons to make written and sometimes oral
33 input prior to the time the agency decides upon the final
34 form of a rule. Failure to follow this procedure makes the
35 rules issued voidable, and agencies seeking to come within

1 the very narrow exceptions to this procedure allowed for
2 unusual cases have the burden of proving that their failure
3 to follow normal procedures is lawful.

4 Section 5 provides that, with some exceptions, no rule
5 shall become effective until 35 days after it has been filed
6 with the Secretary of State and indexed and published in the
7 Administrative Code referred to in section 6. Agencies seeking
8 to come within the very narrow exceptions allowed from the
9 35-day effective date provision have the burden of proving
10 that their actions are within those exceptions.

11 Section 6 provides for the publication of all rules in
12 a multi-volume loose-leaf publication called the "Iowa Adminis-
13 trative Code" which will be supplemented every two weeks with
14 all new rules and notices of all proposed rule-making. The
15 Administrative Code would be financed by subscriptions.

16 Section 7 authorizes any interested person to petition
17 an agency for the issuance, amendment or repeal of a rule,
18 and requires a response by the agency which includes a brief
19 statement of reasons.

20 Section 8 retains the bipartisan Administrative Rules
21 Review Committee of the General Assembly which is charged
22 with oversight of all agency rule-making.

23 Section 9 requires agencies to establish a procedure whereby
24 requesting affected parties can obtain a binding advisory
25 ruling as to the applicability of any statute enforced by
26 the agency or the applicability of any rule, decision or order
27 of the agency.

28 Sections 10 through 18 concern contested cases. Section
29 2, subsection 2, defined "contested cases" as proceedings
30 before an agency that determine an individual's rights, duties
31 or privileges, and that are required by the constitution or
32 a statute other than the IAPA to be decided after an eviden-
33 tiary hearing has been held before an agency.

34 Section 10 makes clear that unless in a given situation
35 a statute precludes it, informal settlement is encouraged

1 of controversies whose resolution would otherwise require
2 a formal hearing before an agency. Agencies must, by rule,
3 provide a procedure for such settlements, but neither party
4 is required to utilize those procedures or settle prior to
5 a hearing. This section also permits the parties to a con-
6 tested case proceeding to agree to waive any of the provisions
7 of the IAPA governing such a proceeding.

8 Section 11 provides that only the agency head, a member
9 of the agency head, or an administrative hearing officer
10 appointed under the merit system can be the presiding officer
11 in a contested case hearing before an agency. Hearing officers
12 cannot perform duties inconsistent with their duties as impar-
13 tial hearing officers and can be loaned from one agency to
14 another for efficiency purposes.

15 Section 12 details the procedural requirements for hearings
16 held before agencies in contested cases. It specifies such
17 things, among others, as notice, pleadings, contents of the
18 record, the right to cross-examination, the right to present
19 witnesses, and the right to be represented by counsel.

20 Section 13 confers upon agencies certain subpoena powers
21 that are necessary for them to determine whether they should
22 institute action against an individual which would require
23 a prior hearing, and also subpoena powers sufficient to enable
24 the agency to conduct any such contested case hearing fairly
25 and effectively. It also provides for discovery procedures
26 in contested cases.

27 Section 14 provides for the rules of evidence applicable
28 in contested case hearings held before agencies, and requires
29 agencies to base their decisions in such cases upon the kind
30 of evidence on which reasonably prudent persons are accustomed
31 to rely in the conduct of their serious affairs.

32 Section 15 deals with the preparation and finality of deci-
33 sions rendered by a presiding officer in hearings before an
34 agency, and provides certain procedural protections for persons
35 appealing to the agency from a decision of a presiding officer

1 who is not the agency head. It also permits agencies to
2 create systems of intermediate appeals from the officer
3 presiding at the agency hearing to an official between the
4 agency head and the presiding officer. In addition, this
5 section facilitates appeals from one agency to another where
6 such appeals are provided for by another provision of the
7 Iowa Code.

8 Section 16 requires decisions rendered after a required
9 hearing before an agency to be in writing or in the record
10 of the case, and to contain explicit findings of fact and
11 conclusions of law. It also permits parties to file for a
12 rehearing before the agency prior to the time when they might
13 seek judicial review of the contested case proceeding.

14 Section 17 seeks to ensure the impartiality and fairness
15 of agency members or hearing officers who make decisions in
16 contested cases. The decision-maker in such a case is pro-
17 hibited from communicating with any party to the controversy
18 unless all other parties have an opportunity to be present
19 and participate. The person who makes a decision in a con-
20 tested case, may, however, have the aid of assistants other
21 than those who have a personal interest in the case or who
22 are engaged in prosecuting or advocating in the case. Parties
23 to such a contested case are also prohibited from communicat-
24 ing with the decision-maker without giving the other parties
25 to the controversy an opportunity to be present and partici-
26 pate. The section also bars the administrative decision-maker
27 from having prosecuted or advocated in the case to be decided
28 by that person, and provides a procedure by which the decision-
29 maker can be disqualified for bias.

30 Section 18 applies the procedural protections of sections
31 10 through 17 to licensing. If an application for an initial
32 license is required by another statute or the constitution
33 to be decided after an evidentiary hearing before the agency,
34 all of the procedural protections for contested cases apply
35 to that hearing. According to this section, agencies are

1 *always* required to hold a hearing according to the procedural
2 requirements of sections 10 through 17 when they seek to
3 revoke or suspend a license. In exceptional circumstances
4 an agency can suspend a license and then hold the hearing,
5 but normally it must hold the hearing prior to any suspension;
6 and it may never revoke a license unless a hearing has been
7 held first. Further, the Act states that a license does not
8 expire until the agency has acted one way or another on an
9 application for its renewal.

10 Section 19 provides the exclusive means by which agency
11 action can be reviewed in a court. "Agency action" is very
12 broadly defined in section 2, subsection 9, so that it covers
13 anything an agency may do whether it be rule-making, a con-
14 tested case proceeding, or otherwise. This provision describes
15 who can sue, where they can sue, when they can sue, what their
16 petition for judicial review shall contain, the grounds upon
17 which a court shall give relief, and other technical details
18 of such a proceeding.

19 Section 20 provides for appeals to the Supreme Court from
20 the initial judicial review proceeding.

21 Section 21 states that if any part of this Act will cause
22 loss of federal funds or is inconsistent with federal law,
23 it shall be inoperable.

24 Section 22 gives agencies authority to implement this Act.

25 Section 23 provides a rule of construction for the Act
26 making it clear that, save for the judicial review provision,
27 its provisions are in addition to existing rights and respon-
28 sibilities. This Act will also take precedence over other
29 Acts where there is a conflict unless the other Act expressly
30 excepts itself from all or a portion of this Act.

31 Section 24 makes the Act effective on July 1, 1975, thereby
32 giving agencies time to prepare for its provisions.

33 Sections 25 through 27 deal with details concerning certain
34 responsibilities and authority of the Code editor in
35 implementing this Act.

- 1 Sections 28 to the end contain repealers and amendments
- 2 to other sections of the Iowa Code necessary to fit this Act
- 3 into the existing statutes.