

Reprinted 4/10/81

FEB 24 1981

Place On Calendar

HOUSE FILE 503

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly House File 132)

Passed House, Date 3-9-81 (p. 685) Passed Senate, Date 4/24/81 (p. 1418)

Vote: Ayes 94 Nays 1 Vote: Ayes 45 Nays 0

Approved 6-13-81

*Motion to reconsider p. 689, provided 4/8/81  
Repassed House 4-8-81 (p. 1127)*

90-4

# A BILL FOR

1 An Act to provide that parties to a judicial review of an  
2 administrative agency action may be provided copies of  
3 the petition for judicial review by personal service  
4 instead of mailing.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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503

1 Section 1. Section 17A.19, subsection 2, Code 1981, is  
2 amended to read as follows:

3 2. Proceedings for judicial review shall be instituted  
4 by filing a petition either in Polk county district court  
5 or in the district court for the county in which the petitioner  
6 resides or has its principal place of business. When a  
7 proceeding for judicial review has been commenced, a court  
8 may, in the interest of justice, transfer the proceeding to  
9 another county where the venue is proper. Within ten days  
10 after the filing of a petition for judicial review file stamped  
11 copies of the petition shall be delivered by personal service  
12 as in civil actions or mailed by the petitioner to all parties  
13 named in the petition and, if the petition involves review  
14 of agency action in a contested case, all parties of record  
15 in that case before the agency. Such personal service or  
16 mailing shall be jurisdictional and shall be addressed to  
17 the parties at their last known mailing address. The delivery  
18 by personal service or mailing may be made upon the party's  
19 attorney of record instead of the party. Proof of mailing  
20 or personal service shall be by affidavit. Any party of  
21 record in a contested case before an agency wishing to  
22 intervene and participate in the review proceeding ~~thereon~~  
23 must file an appearance within forty-five days from the time  
24 the petition is filed.

25 Sec. 2. The provisions of section 1 of this Act shall  
26 apply to all cases pending before the district court, court  
27 of appeals and supreme court in which a petition for judicial  
28 review has been mailed or personally served prior to the  
29 effective date of this Act in accordance with section 1 of  
30 this Act.

31 Sec. 3. This Act, being deemed of immediate importance,  
32 takes effect from and after its publication in The Iowegian  
33 & Citizen, a newspaper published in Centerville, Iowa, and  
34 in The Perry Daily Chief, a newspaper published in Perry,  
35 Iowa.

EXPLANATION

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This bill allows copies of a petition for judicial review of a state agency administrative action to be delivered to the other parties by personal service instead of by mailing. The bill also applies to all cases pending before a court. The bill takes effect upon publication.

## HOUSE FILE 503

H-3224

1 Amend House File 503 as follows:  
 2 1. Page 1, by striking lines 3 through 24 and  
 3 inserting in lieu thereof the following:  
 4 "2. Proceedings for judicial review shall be  
 5 instituted by filing a petition either in Polk county  
 6 district court or in the district court for the county  
 7 in which the petitioner resides or has its principal  
 8 place of business. When a proceeding for judicial review  
 9 has been commenced, a court may, in the interest of  
 10 justice, transfer the proceeding to another county where  
 11 the venue is proper. Within ten days after the filing  
 12 of a petition for judicial review the petitioner shall  
 13 serve by the means provided in the Iowa rules of civil  
 14 procedure for the personal service of an original notice,  
 15 or shall mail file-stamped copies of the petition shall  
 16 be mailed by the petitioner to all parties named in the  
 17 petition and, if the petition involves review of agency  
 18 action in a contested case, all parties of record in that  
 19 case before the agency. Such personal service or mailing  
 20 shall be jurisdictional and shall be addressed to the  
 21 parties at their last known mailing address. The delivery  
 22 by personal service or mailing referred to in this  
 23 subsection may be made upon the party's attorney of record  
 24 in the proceeding before the agency. A mailing shall be  
 25 addressed to the parties or their attorney of record at  
 26 their last known mailing address. Proof of mailing shall  
 27 be by affidavit. Any party of record in a contested case  
 28 before an agency wishing to intervene and participate in  
 29 the review proceeding thereon must file an appearance  
 30 within forty-five days from the time the petition is  
 31 filed."

H-3224 FILED MARCH 9, 1981 BY SHIMANEK of Jones  
 ADOPTED (p. 685)

## HOUSE FILE 503

H-3227

1 Amend House File 503 as follows:  
 2 1. Page 1, line 25, by inserting after the word  
 3 "shall" the word "not".

H-3227 FILED MARCH 9, 1981 BY SCHROEDER of Pottawattamie  
 LOST (p. 687)

## HOUSE FILE 503

H-3370

1 Amend House File 503 as follows:  
 2 1. Page 1, by striking lines 26 through 30 and  
 3 inserting in lieu thereof the following: "apply to  
 4 all proceedings for judicial review instituted on  
 5 or after the effective date of this Act."

H-3370 FILED BY SHIMANEK of Jones  
 MARCH 26, 1981 SCHROEDER of Pottawattamie  
 Adopted 4/8/81 (p. 1127)

HOUSE FILE 503

H-3206

1 Amend House File 503 as follows:

2 1. Page 1, by inserting after line 24 the  
3 following:

4 "Sec. 2. Section 57.6, Code 1981, is amended to  
5 read as follows:

6 57.6 OTHER CONTESTS. All the provisions of the  
7 chapter in relation to contested elections of county  
8 officers shall be applicable, as near as may be, to  
9 contested elections for other offices, and for public  
10 measures except as herein otherwise provided, and  
11 in all cases process and papers may be issued to and  
12 served in the manner provided by the rules of civil  
13 procedure for service of an original notice by the  
14 sheriff of any county.

15 Sec. 3. Section 58.2, Code 1981, is amended to  
16 read as follows:

17 58.2 NOTICE TO INCUMBENT. As soon as the presiding  
18 officers have received the notice and specifications,  
19 they shall make out a notice, directed to the  
20 incumbent, including a copy of the specifications,  
21 which shall be served in the manner provided by the  
22 rules of civil procedure for service of an original  
23 notice by the sergeant at arms.

24 Sec. 4. Section 59.1, Code 1981, is amended to  
25 read as follows:

26 59.1 STATEMENT SERVED. The contestant for a seat  
27 in either branch of the general assembly shall, prior  
28 to twenty days before the first day of the next  
29 session, serve on the incumbent in the manner provided  
30 by the rules of civil procedure for service of an  
31 original notice a statement of notice of contest which  
32 shall allege a fact or facts, believed true by the  
33 contestant which, if true, would alter the outcome  
34 of the election.

35 Sec. 5. Section 60.4, Code 1981, is amended to  
36 read as follows:

37 60.4 STATEMENT. The contestant shall file the  
38 statement provided for in chapter 62 in the office  
39 of the secretary of state within ten days from the  
40 day on which the returns are canvassed by the state  
41 board of canvassers, and, within the same time, serve  
42 a copy of the same, with a notice of the contest,  
43 on the incumbent in the manner provided by the rules  
44 of civil procedure for service of an original notice.

45 Sec. 6. Section 61.10, Code 1981, is amended to  
46 read as follows:

47 61.10 NOTICE TO INCUMBENT--TRIAL. Upon the  
48 organization of said court of contest, the court shall  
49 cause a notice of said contest to be served on the  
50 incumbent, together with a copy of the statement of

Page Two  
H-3206

1 contest filed by the contestant in the manner provided  
2 by the rules of civil procedure for service of an  
3 original notice. No trial shall be held sooner than  
4 twenty days following said notice, except by consent  
5 of all parties."  
6 2. By renumbering the sections to conform with  
7 this amendment.  
8 3. Amend the title, by striking lines 1 through  
9 4 and inserting in lieu thereof the following: "An  
10 Act to provide for the method of serving notices and  
11 petitions in the manner provided under the rules of  
12 civil procedure for certain proceedings."

H-3206 FILED MARCH 3, 1981 BY SCHROEDER of Pottawattamie  
*Filed not germane 3/9 (p. 687)*

HOUSE FILE 503

H-3184

1 Amend House File 503 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "actions" the following: "by the means provided in the  
4 Iowa rules of civil procedure for the service of an  
5 original notice,".

H-3184 FILED BY SHIMANEK of Jones  
FEBRUARY 27, 1981 SMALLEY of Polk  
*Placed out of order* TRUCANO of Polk  
*2/9 (p. 685)*

HOUSE FILE 503

H-3215

1 Amend House File 503 as follows:  
2 1. Page 1, line 20, by striking the words "or  
3 personal service".

H-3215 FILED MARCH 4, 1981 BY SHIMANEK of Jones  
*Placed out of order*  
*2/9 (p. 686)*

Judiciary  
Small, Chairperson  
Murray  
Kudart

HOUSE FILE 503

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 5-19-81 (p. 2050) Passed Senate, Date 4-24-81 (p. 1418)

Vote: Ayes 97 Nays 0 Vote: Ayes 45 Nays 0

Approved June 13, 1981

*Repassed Senate as further amended by House  
5-22-81 (p. 1826)  
42-0*

### A BILL FOR

1 An Act to provide that parties to a judicial review of an  
2 administrative agency action may be provided copies of  
3 the petition for judicial review by personal service  
4 instead of mailing.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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#### HOUSE FILE 503

S-3553

1 Amend House File 503 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by striking lines 30 and 31, and  
4 inserting in lieu thereof the following: "apply to  
5 all cases pending before the district court, court  
6 of appeals and supreme court in which a petition for  
7 judicial review has been mailed or personally served  
8 prior to the effective date of this Act in accordance  
9 with section 1 of this Act."

S-3553 FILED

BY ARTHUR A. SMALL, JR.

APRIL 23, 1981

LUCAS J. DeKOSTER

*Adopted 4/24/81 (p. 1418)*

SENATE AMENDMENT TO  
HOUSE FILE 503

H-3853

1 Amend House File 503 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by striking lines 30 and 31, and  
4 inserting in lieu thereof the following: "apply to  
5 all cases pending before the district court, court  
6 of appeals and supreme court in which a petition for  
7 judicial review has been mailed or personally served  
8 prior to the effective date of this Act in accordance  
9 with section 1 of this Act."

H-3853 FILED APRIL 28, 1981 RECEIVED FROM THE SENATE

*House amended (3929) & Concurred 5/19/81 (p. 2050)*

1 Section 1. Section 17A.19, subsection 2, Code 1981, is  
2 amended to read as follows:

3 2. Proceedings for judicial review shall be instituted  
4 by filing a petition either in Polk county district court  
5 or in the district court for the county in which the petitioner  
6 resides or has its principal place of business. When a  
7 proceeding for judicial review has been commenced, a court  
8 may, in the interest of justice, transfer the proceeding to  
9 another county where the venue is proper. Within ten days  
10 after the filing of a petition for judicial review the  
11 petitioner shall serve by the means provided in the Iowa rules  
12 of civil procedure for the personal service of an original  
13 notice, or shall mail file-stamped copies of the petition  
14 shall-be-mailed-by-the-petitioner to all parties named in  
15 the petition and, if the petition involves review of agency  
16 action in a contested case, all parties of record in that  
17 case before the agency. Such personal service or mailing  
18 shall be jurisdictional and-shall-be-addressed-to-the-parties  
19 at-their-last-known-mailing-address. The delivery by personal  
20 service or mailing referred to in this subsection may be made  
21 upon the party's attorney of record in the proceeding before  
22 the agency. A mailing shall be addressed to the parties or  
23 their attorney of record at their last known mailing address.  
24 Proof of mailing shall be by affidavit. Any party of record  
25 in a contested case before an agency wishing to intervene  
26 and participate in the review proceeding thereon must file  
27 an appearance within forty-five days from the time the petition  
28 is filed.

355329 Sec. 2. The provisions of section 1 of this Act shall  
30 apply to all proceedings for judicial review instituted on  
31 or after the effective date of this Act.

32 Sec. 3. This Act, being deemed of immediate importance,  
33 takes effect from and after its publication in The Iowegian  
34 & Citizen, a newspaper published in Centerville, Iowa, and  
35 in The Perry Daily Chief, a newspaper published in Perry,

1 Iowa.

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HOUSE FILE 503

H-3929

1 Amend the Senate amendment H-3853, to House File  
2 503, as amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 through 9 and  
5 inserting in lieu thereof the following:

6 "1. Page 1, by striking line 32 through page 2,  
7 line 1."

H-3929 FILED APRIL 30, 1981

BY SCHROEDER of Pottawattamie

*Adopted 5/19/81 (p. 2049)*

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HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 503

S-3834

1 Amend the Senate amendment H-3853, to House File  
2 503, as amended, passed and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 3 through 9 and  
5 inserting in lieu thereof the following:

6 "1. Page 1, by striking line 32 through page 2,  
7 line 1."

S-3834 FILED May 21, 1981

RECEIVED FROM THE HOUSE

*Senate concurred 5/22 (p. 1826)*

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HOUSE FILE 503

AN ACT

TO PROVIDE THAT PARTIES TO A JUDICIAL REVIEW OF AN ADMINISTRATIVE AGENCY ACTION MAY BE PROVIDED COPIES OF THE PETITION FOR JUDICIAL REVIEW BY PERSONAL SERVICE INSTEAD OF MAILING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 17A.19, subsection 2, Code 1981, is amended to read as follows:

2. Proceedings for judicial review shall 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. When a proceeding for judicial review has been commenced, a court may, in the interest of justice, transfer the proceeding to another county where the venue is proper. Within ten days after the filing of a petition for judicial review the petitioner shall serve by the means provided in the Iowa rules of civil procedure for the personal service of an original notice, or shall mail file-stamped copies of the petition shall-be-mailed-by-the-petitioner to all parties named in the petition and, if the petition involves review of agency action in a contested case, all parties of record in that case before the agency. Such personal service or mailing shall be jurisdictional and shall-be-addressed-to-the-parties at-their-last-known-mailing-address. The delivery by personal service or mailing referred to in this subsection may be made upon the party's attorney of record in the proceeding before the agency. A mailing shall be addressed to the parties or their attorney of record at their last known mailing address. Proof of mailing shall be by affidavit. Any party of record in a contested case before an agency wishing to intervene

and participate in the review proceeding thereon must file an appearance within forty-five days from the time the petition is filed.

Sec. 2. The provisions of section 1 of this Act shall apply to all proceedings for judicial review instituted on or after the effective date of this Act.

\_\_\_\_\_  
DELWYN STROMER  
Speaker of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 503, Sixty-ninth General Assembly.

\_\_\_\_\_  
PAT H. HARPER  
Chief Clerk of the House  
Approved *July 13*, 1981

\_\_\_\_\_  
ROBERT D. RAY  
Governor