

I hereby certify that the foregoing Act, Senate File 114, was published in *The Tipton Conservative*, Tipton, Iowa, March 21, 1963, and in *The Parkersburg Eclipse*, Parkersburg, Iowa, March 20, 1963.

MELVIN D. SYNHORST, *Secretary of State*.

CHAPTER 323

GRAND JURY

H. F. 362

AN ACT relating to the grand jury.

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

- 1 SECTION 1. Section six hundred nine point twenty-seven (609.27),
- 2 Code 1962, is hereby amended by striking all of such section after the
- 3 word "township." in line seven (7) and inserting in lieu thereof the
- 4 following:
- 5 "In townships containing more than sixty thousand (60,000) popu-
- 6 lation, two (2) grand jurors may be drawn from said township."

Approved April 23, 1963.

CHAPTER 324

ACTIONS AGAINST HIGHWAY COMMISSION

S. F. 148

AN ACT to waive immunity of the state of Iowa from any action at law or in equity brought to enforce, or to determine a controversy rising out of any contract in which the Iowa state highway commission is a party and to prescribe the venue, the manner of service of notice thereof and the time limitation for instituting action.

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

- 1 SECTION 1. The state of Iowa hereby waives immunity from suit
- 2 and consents to the jurisdiction of any court in which an action is
- 3 brought against the Iowa state highway commission respecting any
- 4 claim, right, or controversy arising out of the work performed, or by
- 5 virtue of the provisions of any construction contract entered into by
- 6 the Iowa state highway commission. Such action shall be heard and
- 7 determined pursuant to rules otherwise applicable to civil actions
- 8 brought in the particular court having jurisdiction of the suit and the
- 9 parties to the suit shall have the right of appeal from any judgment,
- 10 decree, or decision of the trial court to the appropriate appellate court
- 11 under applicable rules of appeal.

- 1 SEC. 2. Any such action shall name the Iowa state highway com-
- 2 mission as defendant and the venue for trial shall be in the county, or
- 3 in the federal court district, where all or part of the construction work
- 4 was performed.

1 SEC. 3. Service upon the state of Iowa shall be made by serving an
2 original notice or summons, with a copy of the petition attached, upon
3 any member of the Iowa state highway commission in the manner
4 provided for the service of original notices in actions brought in the
5 district courts of the state of Iowa, or by serving summonses upon any
6 member of the Iowa state highway commission in the manner provided
7 for service of summons in actions brought in United States district
8 courts, except only that the state shall be required to appear within
9 thirty (30) days after the day such notice or summons is served upon
10 a member of the Iowa state highway commission.

1 SEC. 4. Actions against the state of Iowa authorized under the
2 provisions of section one (1) may be instituted within three (3) years
3 from the date of the completion or acceptance of the work, whichever
4 date is later, except that this should not apply to contracts completed
5 and accepted and for which final payment was made previous to the
6 enactment of this Act.

1 SEC. 5. Section six hundred thirteen point ten (613.10), Code 1962,
2 is repealed and the following adopted in lieu thereof: "After compli-
3 ance with sections one (1) and two (2) of this Act and sections six
4 hundred thirteen point eight (613.8) and six hundred thirteen point
5 nine (613.9), Code 1962, the state of Iowa shall have the same stand-
6 ing as any other plaintiff or defendant and any and all orders, judg-
7 ments, or decrees rendered and entered in any such action shall be
8 binding on the state of Iowa in the same manner and degree as any
9 other party to an action against whom such an order, judgment, or
10 decree is entered, and the state of Iowa shall have the same rights in
11 respect to the trial of such cause and in respect to any orders, judg-
12 ments, or decrees entered therein, together with all rights of appeal,
13 as any other similarly situated party would have."

1 SEC. 6. Section five hundred seventy-three point fifteen (573.15),
2 Code 1962, is amended by inserting in line thirteen (13) after the word
3 "improvement" the following: ", and no part of such unpaid fund due
4 the contractor shall be retained as provided in this chapter because of
5 the commencement of any action by the contractor against the Iowa
6 state highway commission under authority granted in section one (1)
7 of this Act".

Approved March 29, 1963.