

CHAPTER 3
CONTESTED CASE PROCEEDINGS AND PRACTICE

The uniform rules on contested case proceedings published in the first volume of the Iowa Administrative Code are adopted by reference with the following amendments:

27—3.1(17A,161A) Scope and applicability. In lieu of the words “(agency name)” insert “the Division of Soil Conservation, Department of Agriculture and Land Stewardship”.

27—3.2(17A,161A) Definitions. Insert the following definitions in alphabetical order:

“*Committee*” means the state soil conservation committee established at Iowa Code section 161A.4.

“*Department*” means the department of agriculture and land stewardship.

“*Director*” means the director of the division of soil conservation, department of agriculture and land stewardship.

“*Division*” means the division of soil conservation, department of agriculture and land stewardship.

“*Secretary*” means the Iowa secretary of agriculture.

In lieu of the words “(designate official)” insert “person designated by the director to preside over a contested case including, but not limited to, an administrative law judge with the department of inspections and appeals”. In lieu of the words “(agency name)” insert “the division of soil conservation, department of agriculture and land stewardship”.

27—3.3(17A,161A) Time requirements.

3.3(2) Delete the words “or by (specify rule number)”.

27—3.4(17A,161A) Requests for contested case proceeding. In lieu of the first paragraph, insert “Any person claiming an entitlement to a contested case proceeding shall file a written request for such a proceeding within the time specified by the particular rules or statutes governing the subject matter or, in the absence of such law, the time specified in the agency action in question. If no time is specified in the agency action and there is no applicable rule or statute, then the written request for a contested case proceeding shall be filed in writing within 30 calendar days of the action or notice of the intended action the person wishes to contest.”

27—3.5(17A,161A) Notice of hearing.

3.5(1) Delete paragraph “e. (other options).”

27—3.6(17A,161A) Presiding officer.

3.6(1) Delete the words “(or such other time period the agency designates)”.

3.6(2) Delete the words “(or its designee)”. Delete paragraphs “c” and “i” and reletter the subsequent paragraphs.

3.6(3) Delete the subrule and insert “The agency shall issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.”

3.6(4) Delete the subrule and renumber the subsequent subrules.

27—3.12(17A,161A) Service and filing of pleadings and other papers.

3.12(3) In lieu of the words “(specify office and address)” insert “Director’s Office, Division of Soil Conservation, Department of Agriculture and Land Stewardship, Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319”. In lieu of the words “(agency name)” insert “division”.

3.12(4) In lieu of the words “(designate office)” insert “director’s office”.

27—3.15(17A,161A) Motions.

3.15(4) Delete the words “(or other time period designated by the agency)”.

3.15(5) In lieu of the words “(45 days)” insert “45 days”. In lieu of the words “(15 days)” insert “15 days”. In lieu of the words “(20 days)” insert “20 days”.

27—3.16(17A,161A) Prehearing conference.

3.16(1) Delete the words “(or other time period designated by the agency)”. In lieu of the words “(designate office)” insert “presiding officer”.

27—3.17(17A,161A) Continuances.

3.17(1) Delete the words “(or other time period designated by the agency)”.

27—3.22(17A,161A) Default.

3.22(5) Delete the words “(or other time specified by the agency)”.

27—3.23(17A,161A) Ex parte communication.

3.23(8) In lieu of the words “(or disclosed)” insert “or disclosed”.

3.23(10) In lieu of the words “(agency to designate person to whom violations should be reported)” insert “the division director or the director’s designee”.

27—3.24(17A,161A) Recording costs. In lieu of the words “(agency name)” insert “division”.

27—3.25(17A,161A) Interlocutory appeals. In lieu of the words “(board, commission, director)” insert “director or the director’s designee”. In lieu of the words “(of the presiding officer)” insert “of the presiding officer”. Delete the words “(or other time period designated by the agency)”.

27—3.26(17A,161A) Final decision.

3.26(1) In lieu of the words “(the agency) (or a quorum of the agency)” insert “the division”.

3.26(2) In lieu of the words “(agency name)” insert “division”.

27—3.27(17A,161A) Appeals and review.

3.27(1) In lieu of the words “(board, commission, director)” insert “director or the director’s designee”. Delete the words “(or other time period designated by the agency)”.

3.27(2) In lieu of the words “(board, commission, director)” insert “director or the director’s designee”. Delete the words “(or other time period designated by the agency)”.

3.27(3) In lieu of the words “(agency name)” insert “division”.

3.27(4) Delete the words “(or other time period designated by the agency)”. In lieu of the words “(board, commission, director)” insert “director or the director’s designee”.

3.27(5) In lieu of the words “(agency name)” insert “division”.

3.27(6) Delete the words “(or other time period designated by the agency)”. In lieu of the words “(board, commission, director)” insert “director or the director’s designee”.

27—3.28(17A,161A) Applications for rehearing.

3.28(3) In lieu of the words “(agency name)” insert “division”.

3.28(4) In lieu of the words “(agency name)” insert “division”.

27—3.29(17A,161A) Stays of agency action.

3.29(1) In lieu of the words “(agency name)” insert “division”. In lieu of the words “(board, commission, director)” insert “director or the director’s designee”.

3.29(2) In lieu of the words “(board, commission, director, as appropriate)” insert “director or the director’s designee”.

3.29(3) In lieu of the words “(agency name)” insert “division”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and Iowa Code chapter 161A.

[Filed 5/12/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]