

Reprinted 2/88

FEB 2 1988

Place On Calendar

HOUSE FILE 2153

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House File 553)

Passed House, Date 2/15/88 Passed Senate, Date 3/29/88 (P. 1096)

Vote: Ayes 64 Nays 26 Vote: Ayes 43 Nays 0

Approved April 26, 1988

A BILL FOR

1 An Act expanding the time in which the utilities board may grant
2 or refuse an application for rehearing in a contested case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2153

H-5086

1 Amend House File 2153 as follows:

2 1. Page 1, line 7, by striking the words "the
3 issuance" and inserting the following: "the date of
4 the issuance".

5 2. Page 1, line 20, by striking the words
6 "proceeding contested case" and inserting the
7 following: "proceeding".

H-5086 FILED FEBRUARY 12, 1988 BY HUMMEL of Benton

A. Dept. 2, B. Line 215 (p. 500)

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1 Section 1. Section 17A.16, subsection 2, Code 1987, is
2 amended to read as follows:

3 2. Any Except as expressly provided otherwise by another
4 statute referring to this chapter by name, any party may file
5 an application for rehearing, stating the specific grounds
6 therefor for the rehearing and the relief sought, within
7 twenty days after the issuance of any final decision by the
8 agency in a contested case. A copy of such the application
9 for rehearing shall be timely mailed by the presiding agency
10 to all parties of record not joining therein in the
11 application. ~~Such an~~ An application for rehearing shall be
12 deemed to have been denied unless the agency grants the
13 application within twenty days after its filing.

14 Sec. 2. Section 476.12, Code 1987, is amended to read as
15 follows:

16 476.12 REHEARINGS BEFORE BOARD.

17 Any Notwithstanding the Iowa administrative procedure Act,
18 any party, as defined in the rules and regulations promulgated
19 by the board as provided in section 476.2 hereof, to a
20 proceeding contested case before the board may within twenty
21 days after the ~~entry-of-the-order~~ issuance of the final
22 decision apply for a rehearing. The board shall either grant
23 or refuse an application for rehearing within twenty thirty
24 days after the filing of the application, or may after giving
25 the interested parties notice and opportunity to be heard and
26 after consideration of all the facts, including those arising
27 since the making of the order, abrogate or modify its order.
28 A failure by the board to act upon such the application for
29 rehearing within the above period shall be deemed a refusal
30 thereof of the application. Neither the filing of an
31 application for rehearing nor the granting thereof of the
32 application shall stay the effectiveness of an order unless
33 the board so directs.

34 EXPLANATION

35 The bill extends the period of time in which the utilities

1 board may grant or refuse the application for rehearing from
2 twenty to thirty days.

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HOUSE FILE 2153
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(As Amended and Passed by the House February 15, 1988)

Passed House, Date 2/15/88 (p. 33+) Passed Senate, Date 2/24/88 (p. 1096)
Vote: Ayes 64 Nays 26 Vote: Ayes 42 Nays 0
Approved April 26, 1988

A BILL FOR

1 An Act expanding the time in which the utilities board may grant
2 or refuse an application for rehearing in a contested case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 17A.16, subsection 2, Code 1987, is
2 amended to read as follows:

3 2. Any Except as expressly provided otherwise by another
4 statute referring to this chapter by name, any party may file
5 an application for rehearing, stating the specific grounds
6 therefor for the rehearing and the relief sought, within
7 twenty days after the date of the issuance of any final
8 decision by the agency in a contested case. A copy of such
9 the application for rehearing shall be timely mailed by the
10 presiding agency to all parties of record not joining therein
11 in the application. Such-an An application for rehearing
12 shall be deemed to have been denied unless the agency grants
13 the application within twenty days after its filing.

14 Sec. 2. Section 476.12, Code 1987, is amended to read as
15 follows:

16 476.12 REHEARINGS BEFORE BOARD.

17 Any Notwithstanding the Iowa administrative procedure Act,
18 any party, as defined in the rules and regulations promulgated
19 by the board as provided in section 476.2 hereof, to a
20 proceeding contested case before the board may within twenty
21 days after the entry-of-the-order issuance of the final
22 decision apply for a rehearing. The board shall either grant
23 or refuse an application for rehearing within twenty thirty
24 days after the filing of the application, or may after giving
25 the interested parties notice and opportunity to be heard and
26 after consideration of all the facts, including those arising
27 since the making of the order, abrogate or modify its order.
28 A failure by the board to act upon such the application for
29 rehearing within the above period shall be deemed a refusal
30 thereof of the application. Neither the filing of an
31 application for rehearing nor the granting thereof of the
32 application shall stay the effectiveness of an order unless
33 the board so directs.

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HOUSE FILE 2153

AN ACT

EXPANDING THE TIME IN WHICH THE UTILITIES BOARD MAY GRANT OR REFUSE AN APPLICATION FOR REHEARING IN A CONTESTED CASE.

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

Section 1. Section 17A.16, subsection 2, Code 1987, is amended to read as follows:

2. Any Except as expressly provided otherwise by another statute referring to this chapter by name, any party may file an application for rehearing, stating the specific grounds therefor for the rehearing and the relief sought, within twenty days after the date of the issuance of any final decision by the agency in a contested case. A copy of such the application for rehearing shall be timely mailed by the presiding agency to all parties of record not joining therein in the application. Such-an An application for rehearing shall be deemed to have been denied unless the agency grants the application within twenty days after its filing.

Sec. 2. Section 476.12, Code 1987, is amended to read as follows:

476.12 REHEARINGS BEFORE BOARD.

Any Notwithstanding the Iowa administrative procedure Act, any party, as defined in the rules and regulations promulgated by the board as provided in section 476.2 hereof, to a proceeding contested case before the board may within twenty days after the entry-of-the-order issuance of the final decision apply for a rehearing. The board shall either grant or refuse an application for rehearing within twenty thirty days after the filing of the application, or may after giving the interested parties notice and opportunity to be heard and after consideration of all the facts, including those arising since the making of the order, abrogate or modify its order.

A failure by the board to act upon such the application for rehearing within the above period shall be deemed a refusal thereof of the application. Neither the filing of an application for rehearing nor the granting thereof of the application shall stay the effectiveness of an order unless the board so directs.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2153, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 26, 1988

TERRY E. BRANSTAD
Governor

HF 2153