

ENERGY AND GEOLOGICAL RESOURCES DIVISION[565]

Adopted and Filed

Rule making related to transfer of geological programs

The Department of Natural Resources (Department) hereby rescinds Chapter 50, “General,” and Chapter 51, “Oil, Gas, and Metallic Minerals,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 458A.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 458A.

Purpose and Summary

This rule making is necessary to conform Department rules with 2018 Iowa Acts, House File 2303, signed by Governor Reynolds on March 21, 2018. House File 2303 transferred the State Geologist and the Iowa Geological Survey to the University of Iowa. Therefore, existing Chapter 50 is rescinded since that chapter applies to the Iowa Geological Survey. The content of Chapter 51, oil, gas, and mineral drilling, is moved into the Department’s main administrative rules location: agency identification number 561. Therefore, Chapter 51 is also rescinded, and a new 561—Chapter 17 is adopted in a companion rule making (ARC 4434C, IAB 5/8/19). The rule making adopting 561—Chapter 17 makes no substantive changes from Chapter 51, with the exception of replacing references to the State Geologist in Chapter 51 with references to the Director of the Department and making other minor clarifying revisions to the chapter consistent with 2018 Iowa Acts, House File 2303.

This rule making is related to Natural Resources Department[561] rule making ARC 4434C, IAB 5/8/19, and Environmental Protection Commission[567] rule making ARC 4426C, IAB 5/8/19.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 13, 2019, as ARC 4278C. A public hearing was held on March 5, 2019, from 10 a.m. to 12 noon in Conference Room 4 West, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Director on April 16, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available upon request from the Department.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule making is subject to the waiver provisions of 561—Chapter 10. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 12, 2019.

The following rule-making actions are adopted:

- ITEM 1. Rescind and reserve **565—Chapter 50**.
- ITEM 2. Rescind and reserve **565—Chapter 51**.

[Filed 4/16/19, effective 6/12/19]

[Published 5/8/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/8/19.