

NATURAL RESOURCES: Doyle, Chair; Peterson and Gratius

Dr. Pass 3/27 (p. 919)

FEB 11 1986

Place On Calendar

HOUSE FILE 2245
BY COMMITTEE ON NATURAL
RESOURCES

(Formerly House Study Bill 547)

Passed House, Date 2-18-86 (p. 348) Passed Senate, Date 4-3-86 (p. 1023)

Vote: Ayes 91 Nays 0 Vote: Ayes 47 Nays 1

Approved May 28, 1986

A BILL FOR

1 An Act relating to the confidentiality of archaeological sites or
2 resource information and subjecting violators to civil and
3 criminal penalties.

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

5 *Conference Committee Appointed 4/16/86*
6 *Senators: Doyle (Chair) Peterson, Hanson, Gratius, & Schweigler (p. 1290)*
7 *Representative Black (Chair), Grubb, Johnson, Stinson, Berlin (p. 1574)*

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9 *Passed for Conference Committee Report*
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11 *House 4-25-86 (p. 1780) Senate 4-28-86 (p. 1419)*
12 *96-0 45-0*

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HF 2245

1 Section 1. Section 22.7, Code Supplement 1985, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 21. Information concerning the nature and
4 location of any archaeological resource or site if, in the
5 opinion of the state archaeologist, disclosure of the
6 information will result in unreasonable risk of damage to or
7 loss of the resource or site where the resource is located.
8 This subsection shall not be construed to interfere with the
9 responsibilities of the federal government or the state
10 historical preservation officer pertaining to access,
11 disclosure, and use of archaeological site records.

12 Sec. 2. NEW SECTION. 305A.10 CONFIDENTIALITY OF
13 ARCHAEOLOGICAL LOCATIONS AND INFORMATION.

14 The state archaeologist shall comply with the requirements
15 of section 22.7, subsection 21, regarding information
16 pertaining to the nature and location of archaeological
17 resources or sites. The state archaeologist shall consult
18 with other public officers serving as lawful custodians of
19 archaeological information to determine whether the
20 information should be confidential or be released.

21 EXPLANATION

22 This bill provides for the confidentiality of public
23 records regarding the nature and location of archaeological
24 sites or resources. However, the public officer who is
25 custodian of the information shall authorize its release if,
26 after consultation with the state archaeologist, the public
27 officer finds that the release will not create an unreasonable
28 risk of damage to or loss of the archaeological resource or
29 the site of the resource.

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S-5567

1 Amend House File 2245, as passed by the house, as
2 follows:

3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 1, by inserting after line 11 the
7 following:

8 "NEW SUBSECTION. 22. Information concerning the
9 nature and location of any ecologically sensitive
10 resource or site if, in the opinion of the state
11 ecologist, disclosure of the information will result
12 in unreasonable risk of damage to or loss of the
13 resource or site where the resource is located. This
14 subsection shall not be construed to interfere with
15 the responsibilities of the federal government or the
16 state ecologist pertaining to access, disclosure, and
17 use of the ecologically sensitive site records."

18 3. Page 1, by inserting after line 20 the
19 following:

20 "Sec. ____ . NEW SECTION. 111B.14 CONFIDENTIALITY
21 OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.

22 The state ecologist shall comply with the
23 requirements of section 22.7, subsection 22, regarding
24 information pertaining to the nature and location of
25 ecologically sensitive resources or sites. The state
26 ecologist shall consult with other public officers
27 serving as lawful custodians of ecologically sensitive
28 information to determine whether the information
29 should be confidential or be released."

S-5567 Filed and adopted April 3, 1986 BY SCHWENGELS

(p. 10-23)

SENATE AMENDMENT TO HOUSE FILE 2245

H-5721

1 Amend House File 2245, as passed by the House, as
2 follows:

3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 1, by inserting after line 11 the
7 following:

8 "NEW SUBSECTION. 22. Information concerning the
9 nature and location of any ecologically sensitive
10 resource or site if, in the opinion of the state
11 ecologist, disclosure of the information will result
12 in unreasonable risk of damage to or loss of the
13 resource or site where the resource is located. This
14 subsection shall not be construed to interfere with
15 the responsibilities of the federal government or the
16 state ecologist pertaining to access, disclosure, and
17 use of the ecologically sensitive site records."

18 3. Page 1, by inserting after line 20 the
19 following:

20 "Sec. ____ . NEW SECTION. 111B.14 CONFIDENTIALITY
21 OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.

22 The state ecologist shall comply with the
23 requirements of section 22.7, subsection 22, regarding
24 information pertaining to the nature and location of
25 ecologically sensitive resources or sites. The state
26 ecologist shall consult with other public officers
27 serving as lawful custodians of ecologically sensitive
28 information to determine whether the information
29 should be confidential or be released."

5721 H-5721 FILED APRIL 7, 1986 RECEIVED FROM THE SENATE

House refused to concur 4/10 (p. 1384)
Senate inserted 4/16 (p. 1253)

HOUSE FILE 2245

H-5730

1 Amend the Senate Amendment H-5721 to House File
2 2245 as passed by the House as follows:

3 1. Page 1, by inserting after line 29, the following:

4 " ____ . Title page, line 1, by inserting after
5 the word "archaeological" the following: "or ecologically
6 sensitive".

H-5730 FILED APRIL 7, 1986 BY GRUHN of Dickinson

4/10 4/10 (p. 1384)

**REPORT OF THE CONFERENCE COMMITTEE ON
HOUSE FILE 2245**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2245, a bill for an Act relating to the confidentiality of archaeological sites and resource information and subjecting violators to civil and criminal penalties, respectfully make the following report:

1. That the Senate recede from its amendment.

2. That House File 2245, as passed by the House, be amended to read as follows:

1. Page 1, line 2, by striking the word "subsection" and inserting the following: "subsections".

2. Page 1, by inserting after line 11 the following:

"NEW SUBSECTION. 22. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records."

3. Page 1, by inserting after line 20 the following:

"Sec. ____ . NEW SECTION. 111B.14 CONFIDENTIALITY OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.

The director of the department of natural resources and the state ecologist shall comply with the requirements of section 22.7, subsection 22, regarding information pertaining to the

nature and location of ecologically sensitive resources or sites. The director of the department of natural resources, in consultation with the state ecologist, shall consult with other public officers serving as lawful custodians of ecologically sensitive information to determine whether the information should be confidential or be released."

4. Amend the title, line 1, by inserting after the word "sites" the following: ", ecologically sensitive sites,".

ON THE PART OF THE HOUSE:

DENNIS H. BLACK, Chair
JOSEPHINE GRUHN
PAUL W. JOHNSON
MARVIN E. DIEMER
DONALD J. PAULIN

ON THE PART OF THE SENATE:

DONALD V. DOYLE, CHAIR
ARTHUR L. GRATIAS
BEVERLY A. HANNON
JOHN A. PETERSON
FORREST V. SCHWENGELS

FILED APRIL 22, 1986

House adopted 4/25 (p. 1775)

Senate adopted 4/28 (p. 1412)

HSB 547

Study Bill 547

Natural Resources and Outdoor Recreation: Gruhn, Chair; Black and Diemer. NATURAL RESOURCES AND
OUTDOOR RECREATION

*now
5/24/5*

SENATE/HOUSE FILE _____
BY (PREPARED BY THE LEGISLA-
TIVE SERVICE BUREAU FOR
THE RECREATION-TOURISM-
LEISURE STUDY COMMITTEE)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the confidentiality of archaeological site or
2 resource information and subjecting violators to civil and
3 criminal penalties.

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

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1 Section 1. Section 22.7, Code Supplement 1985, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 21. Information concerning the nature and
4 location of any archaeological resource or site. However, the
5 information shall be released if the lawful custodian or other
6 person authorized to release the information, after
7 consultation with the state archaeologist, finds that the
8 disclosure will not create an unreasonable risk of damage to
9 or loss of the resource or the site where the resource is
10 located. This subsection shall not be construed to interfere
11 with the responsibilities of the federal government pertaining
12 to access and use of archaeological site records.

13 Sec. 2. NEW SECTION. 305A.10 CONFIDENTIALITY OF
14 ARCHAEOLOGICAL LOCATIONS AND INFORMATION.

15 The state archaeologist shall comply with the requirements
16 of section 22.7, subsection 21, regarding information
17 pertaining to the nature and location of archaeological
18 resources or sites. The state archaeologist shall consult
19 with other public officers serving as lawful custodians of
20 archaeological information to determine whether the
21 information should remain confidential or be released.

22 EXPLANATION

23 This bill provides for the confidentiality of public
24 records regarding the nature and location of archaeological
25 sites or resources. However, the public officer who is
26 custodian of the information shall authorize its release if,
27 after consultation with the state archaeologist, the public
28 officer finds that the release will not create an unreasonable
29 risk of damage to or loss of the archaeological resource or
30 the site of the resource.

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HOUSE FILE 2245

AN ACT

RELATING TO THE CONFIDENTIALITY OF ARCHAEOLOGICAL SITES, ECOLOGICALLY SENSITIVE SITES, OR RESOURCE INFORMATION AND SUBJECTING VIOLATORS TO CIVIL AND CRIMINAL PENALTIES.

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

Section 1. Section 22.7, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 21. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or

loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state historical preservation officer pertaining to access, disclosure, and use of archaeological site records.

NEW SUBSECTION. 22. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

Sec. 2. NEW SECTION. 305A.10 CONFIDENTIALITY OF ARCHAEOLOGICAL LOCATIONS AND INFORMATION.

The state archaeologist shall comply with the requirements of section 22.7, subsection 21, regarding information pertaining to the nature and location of archaeological resources or sites. The state archaeologist shall consult with other public officers serving as lawful custodians of archaeological information to determine whether the information should be confidential or be released.

Sec. 3. NEW SECTION. 111B.14 CONFIDENTIALITY OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.

The director of the department of natural resources and the state ecologist shall comply with the requirements of section 22.7, subsection 22, regarding information pertaining to the nature and location of ecologically sensitive resources or sites. The director of the department of natural resources, in consultation with the state ecologist, shall consult with other public officers serving as lawful custodians of

ecologically sensitive information to determine whether the information should be confidential or be released.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2245, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 28, 1986

TERRY E. BRANSTAD
Governor