

FILED JAN 28 1999

SENATE FILE 60
BY FINK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to reporting of the status of environmental
2 violations by the department of natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 60 NAT. RES. & ENVIRONMENT

1 Section 1. Section 455B.104, Code 1999, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4. By January 15 of each year, the
4 department shall submit a report to the general assembly
5 relating to the status of environmental violations for the
6 previous calendar year. The report shall be filed pursuant to
7 section 7A.11. The majority leader and minority leader of the
8 senate shall transmit copies of the report to the chairs and
9 ranking members of all standing committees in the senate which
10 consider legislation regarding the environment and natural
11 resources, and the speaker of the house and minority leader of
12 the house shall transmit copies of the report to the chairs
13 and ranking members of all standing committees in the house
14 which consider legislation regarding the environment and
15 natural resources. The report shall include, but not be
16 limited to, all of the following:

17 a. A report on hazardous conditions reported to the
18 department which shall include, but not be limited to, all of
19 the following:

20 (1) Identification of the number of hazardous conditions
21 reported to the department during each month of the previous
22 calendar year.

23 (2) Categorization of the hazardous conditions reported by
24 the type of incident involved during each month of the
25 previous calendar year.

26 (3) Comparison by month and by categorization of the
27 number of hazardous conditions reported during the previous
28 calendar year and the calendar year prior to the previous
29 calendar year.

30 b. A report on the status of all enforcement actions taken
31 during the previous calendar year. The report shall include,
32 but not be limited to, all of the following in regard to each
33 enforcement action taken:

34 (1) The name and location of the party against whom the
35 action was taken.

- 1 (2) The program categorization.
- 2 (3) The violation alleged.
- 3 (4) The action taken.
- 4 (5) The date enforcement action was taken.
- 5 c. A summary of all administrative penalties which are due
- 6 to the department or have been appealed, all penalties which
- 7 are due to the department or have been appealed from cases
- 8 referred to the attorney general, and all penalties which were
- 9 paid during the previous calendar year. The summary shall
- 10 include, but not be limited to, all of the following in regard
- 11 to each penalty:
 - 12 (1) The name and location of the party paying or appealing
 - 13 the penalty.
 - 14 (2) The program categorization.
 - 15 (3) The penalty amount due, paid, or appealed.
 - 16 (4) The date the penalty is due, if applicable, or was
 - 17 paid.
- 18 d. A report on the current status of all pending cases
- 19 referred to the attorney general. The report shall include,
- 20 but not be limited to, all of the following in regard to each
- 21 case:
 - 22 (1) The name and location of the party against whom action
 - 23 was taken.
 - 24 (2) The program categorization.
 - 25 (3) The violation alleged.
 - 26 (4) The action taken by the department.
 - 27 (5) The current status of the case.
- 28 e. A report on the current status of all pending contested
- 29 cases. The report shall include, but not be limited to, all
- 30 of the following in regard to each case:
 - 31 (1) The name and location of the party against whom action
 - 32 was taken.
 - 33 (2) The program categorization.
 - 34 (3) The violation alleged.
 - 35 (4) The action taken by the department which is being .

1 appealed.

2 (5) The current status of the case.

3 EXPLANATION

4 This bill requires the department of natural resources to
5 submit a report to the secretary of the senate, the chief
6 clerk of the house of representatives, and each caucus or
7 research staff director of the general assembly relating to
8 the status of environmental violations. The report is to be
9 submitted by January 15 of each year. The bill provides that
10 copies of the report will be transmitted to the chairpersons
11 and ranking members of committees considering legislation on
12 the environment and natural resources in each house.

13 The bill provides that the report shall include all of the
14 following:

15 1. A report on hazardous conditions reported to the
16 department.

17 2. A report on the status of all enforcement actions taken
18 during the previous calendar year.

19 3. A summary of all administrative penalties which are due
20 to the department or have been appealed, all penalties which
21 are due to the department or have been appealed from cases
22 referred to the attorney general, and all penalties which were
23 paid during the previous calendar year.

24 4. A report on the current status of all pending cases
25 referred to the attorney general.

26 5. A report on the current status of all pending contested
27 cases.

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