

FEB 21 2002  
STATE GOVERNMENT

HOUSE FILE 2478  
BY MYERS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the reorganization of the administrative  
2 structure of the department of natural resources.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2478

1 Section 1. Section 15.221, subsection 2, paragraph c, Code  
2 2001, is amended by striking the paragraph and inserting in  
3 lieu thereof the following:

4 c. The director of the department of natural resources or  
5 the director's designee.

6 Sec. 2. Section 15A.1, subsection 3, paragraph b, Code  
7 Supplement 2001, is amended to read as follows:

8 b. If the business generates solid or hazardous waste,  
9 that the business conducts in-house audits and management  
10 plans to reduce the amount of the waste and to safely dispose  
11 of the waste. For purposes of this paragraph, a business may,  
12 in lieu of conducting in-house audits, authorize the ~~land~~  
13 ~~quality-and-waste-management-assistance-division-of-the~~  
14 department of natural resources or the Iowa waste reduction  
15 center established under section 268.4 to provide the audits.

16 Sec. 3. Section 15E.111, subsection 1, paragraph b,  
17 unnumbered paragraph 2, Code 2001, is amended to read as  
18 follows:

19 Financial assistance awarded under this section may be in  
20 the form of a loan, loan guarantee, grant, production  
21 incentive payment, or a combination of financial assistance.  
22 The department shall not award more than twenty-five percent  
23 of the amount allocated to the value-added agricultural  
24 products and processes financial assistance fund during any  
25 fiscal year to support a single person. The department may  
26 finance any size of facility. However, the department shall  
27 reserve up to fifty percent of the total amount allocated to  
28 the fund, for purposes of assisting persons requiring one  
29 hundred thousand dollars or less in financial assistance. The  
30 amount shall be reserved until the end of the third quarter of  
31 the fiscal year. The department shall not provide financial  
32 assistance to support a value-added production facility, if  
33 the facility or a person owning a controlling interest in the  
34 facility has demonstrated a continuous and flagrant disregard  
35 for the health and safety of its employees, or the quality of

1 the environment. Evidence of such disregard shall include a  
2 history of serious or uncorrected violations of state or  
3 federal law protecting occupational health and safety or the  
4 environment, including but not limited to serious or  
5 uncorrected violations of occupational safety and health  
6 standards enforced by the division of labor services of the  
7 department of workforce development pursuant to chapter 84A,  
8 or rules enforced by the ~~environmental-protection-division-of~~  
9 the department of natural resources pursuant to chapter 455B.

10 Sec. 4. Section 15E.208, subsection 4, paragraph b, Code  
11 Supplement 2001, is amended to read as follows:

12 b. An agricultural products processor, if the processor or  
13 a person owning a controlling interest in the processor has  
14 demonstrated, within the most recent consecutive three-year  
15 period prior to the application for financing, a continuous  
16 and flagrant disregard for the health and safety of its  
17 employees or the quality of the environment. Violations of  
18 environmental protection statutes, rules, or regulations shall  
19 be reported for the most recent five-year period prior to  
20 application. Evidence of such disregard shall include a  
21 history of serious or uncorrected violations of state or  
22 federal law protecting occupational health and safety or the  
23 environment, including but not limited to serious or  
24 uncorrected violations of occupational safety and health  
25 standards enforced by the division of labor services of the  
26 department of workforce development pursuant to chapter 84A,  
27 or rules enforced by the ~~environmental-protection-division-of~~  
28 the department of natural resources pursuant to chapter 455B.

29 Sec. 5. Section 28D.3, subsection 4, Code 2001, is amended  
30 to read as follows:

31 4. Persons employed by the ~~energy-and-geological-resources~~  
32 ~~division-of-the~~ department of natural resources under this  
33 chapter are not subject to the twenty-four-month time  
34 limitation specified in subsection 2.

35 Sec. 6. Section 89B.17, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

2 The director of public health, the labor commissioner, and  
3 the ~~administrator-of-the-environmental-protection-division~~  
4 director of the department of natural resources or the  
5 director's designee under written signatures of all these  
6 parties may recommend any of the following actions:

7 Sec. 7. Section 97B.49G, subsection 6, paragraph c, Code  
8 2001, is amended to read as follows:

9 c. There is appropriated from the state fish and game  
10 protection fund to the department of personnel an actuarially  
11 determined amount calculated by the Iowa public employees'  
12 retirement system sufficient to pay for the additional  
13 benefits to conservation peace officers provided by this  
14 subsection, as a percentage, in paragraph "a" and for the  
15 employer portion of the benefits provided in paragraph "b".  
16 The amount is in addition to the contribution paid by the  
17 employer under section 97B.11. The cost of the benefits  
18 relating to fish and wildlife conservation peace officers  
19 within the ~~fish-and-game-division-of-the~~ department of natural  
20 resources shall be paid from the state fish and game  
21 protection fund and the cost of the benefits relating to the  
22 other conservation peace officers of the department shall be  
23 paid from the general fund.

24 Sec. 8. Section 103A.8, subsection 7, Code 2001, is  
25 amended to read as follows:

26 7. Limit the application of thermal efficiency standards  
27 for energy conservation to new construction which will  
28 incorporate a heating or cooling system. Air exchange fans  
29 designed to provide ventilation shall not be considered a  
30 cooling system. The commissioner shall exempt any new  
31 construction from thermal efficiency standards for energy  
32 conservation if the commissioner determines that the standards  
33 are unreasonable as they apply to a particular building or  
34 class of buildings including farm buildings for livestock use.  
35 Lighting efficiency standards shall recognize variations in

1 lighting intensities required for the various tasks performed  
2 within the building. The commissioner shall consult with the  
3 ~~energy-and-geological-resources-division-of-the~~ department of  
4 natural resources regarding standards for energy conservation  
5 prior to the adoption of the standards. However, the  
6 standards shall be consistent with section 103A.8A.

7 Sec. 9. Section 103A.8A, Code 2001, is amended to read as  
8 follows:

9 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

10 The state building code commissioner shall adopt as a part  
11 of the state building code a requirement that new single-  
12 family or two-family residential construction shall meet an  
13 established minimum energy efficiency standard. The standard  
14 shall be stated in terms of the home heating index developed  
15 by the physics department at Iowa state university of science  
16 and technology. The minimum standard shall be the average  
17 energy consumption of new single-family or two-family  
18 residential construction as determined by a survey conducted  
19 by the ~~energy-and-geological-resources-division-of-the~~  
20 department of natural resources of the average actual energy  
21 consumption, as expressed in terms of the home heating index.  
22 The minimum standard shall only apply to single-family or two-  
23 family residential construction commenced after the adoption  
24 of the standard.

25 Sec. 10. Section 161B.1, subsection 2, paragraphs a and b,  
26 Code 2001, are amended by striking the paragraphs and  
27 inserting in lieu thereof the following:

28 a. An administrator assigned to energy and geological  
29 resource management designated by the director of the  
30 department of natural resources.

31 b. An administrator assigned to environmental protection  
32 designated by the director of the department of natural  
33 resources.

34 Sec. 11. Section 173.16, unnumbered paragraph 2, Code  
35 Supplement 2001, is amended to read as follows:

1 In order to efficiently administer facilities and events on  
2 the state fairgrounds, and to promote Iowa's conservation  
3 ethic, the Iowa state fair board shall handle or dispose of  
4 waste generated on the state fairgrounds under supervision of  
5 the ~~land-quality-and-waste-management-assistance-division~~  
6 ~~established-under-section-455B-483~~ department of natural  
7 resources.

8 Sec. 12. Section 206.25, Code 2001, is amended to read as  
9 follows:

10 206.25 PESTICIDE CONTAINERS DISPOSAL.

11 The department of agriculture and land stewardship, in  
12 cooperation with the ~~environmental-protection-division-of-the~~  
13 department of natural resources, shall develop a program for  
14 handling used pesticide containers which reflects the state  
15 solid waste management policy hierarchy, ~~and shall present the~~  
16 ~~program-developed-to-the-general-assembly-by-February-17-1988.~~

17 Sec. 13. Section 266.39C, subsection 2, paragraph f, Code  
18 2001, is amended to read as follows:

19 f. One representative of the ~~energy-and-geological~~  
20 ~~resources-division-of-the~~ department of natural resources,  
21 appointed by the director.

22 Sec. 14. Section 427.1, subsection 19, unnumbered  
23 paragraphs 5 and 6, Code Supplement 2001, are amended to read  
24 as follows:

25 The application for a specific pollution-control or  
26 recycling property shall be accompanied by a certificate of  
27 the ~~administrator-of-the-environmental-protection-division-of~~  
28 the department of natural resources certifying that the  
29 primary use of the pollution-control property is to control or  
30 abate pollution of any air or water of this state or to  
31 enhance the quality of any air or water of this state or, if  
32 the property is recycling property, that the primary use of  
33 the property is for recycling.

34 A taxpayer may seek judicial review of a determination of  
35 the ~~administrator-of-the-environmental-protection-division~~

1 department or, on appeal, of the environmental protection  
2 commission in accordance with the provisions of chapter 17A.

3 Sec. 15. Section 427.1, subsection 20, unnumbered  
4 paragraph 1, Code Supplement 2001, is amended to read as  
5 follows:

6 The impoundment structure and any land underlying an  
7 impoundment located outside an incorporated city, which are  
8 not developed or used directly or indirectly for  
9 nonagricultural income-producing purposes and which are  
10 maintained in a condition satisfactory to the soil and water  
11 conservation district commissioners of the county in which the  
12 impoundment structure and the impoundment are located. A  
13 person owning land which qualifies for a property tax  
14 exemption under this subsection shall apply to the county  
15 assessor each year not later than February 1 for the  
16 exemption. The application shall be made on forms prescribed  
17 by the department of revenue and finance. The first  
18 application shall be accompanied by a copy of the water  
19 storage permit approved by the ~~administrator-of-the~~  
20 ~~environmental-protection-division~~ director of the department  
21 of natural resources or the director's designee, and a copy of  
22 the plan for the construction of the impoundment structure and  
23 the impoundment. The construction plan shall be used to  
24 determine the total acre-feet of the impoundment and the  
25 amount of land which is eligible for the property tax  
26 exemption. The county assessor shall annually review each  
27 application for the property tax exemption under this  
28 subsection and submit it, with the recommendation of the soil  
29 and water conservation district commissioners, to the board of  
30 supervisors for approval or denial. An applicant for a  
31 property tax exemption under this subsection may appeal the  
32 decision of the board of supervisors to the district court.

33 Sec. 16. Section 455A.6, subsection 6, paragraph d, Code  
34 2001, is amended to read as follows:

35 d. Approve the budget request prepared by the director for

1 the programs authorized by chapters 455B, 455C, 455E, and  
2 455F, and 455H. The commission shall approve the budget  
3 request prepared by the director for programs administered by  
4 ~~the energy and geological resources division, the~~  
5 ~~administrative services division, and the office of the~~  
6 ~~director, as provided in section 455A.7~~ subject to the  
7 rulemaking authority of the commission. The commission may  
8 increase, decrease, or strike any item within the department  
9 budget request for the specified programs before granting  
10 approval.

11 Sec. 17. Section 455A.7, subsection 1, Code Supplement  
12 2001, is amended by striking the subsection and inserting in  
13 lieu thereof the following:

14 1. The director may establish administrative divisions,  
15 bureaus, or other administrative entities within the  
16 department in order to most efficiently and effectively carry  
17 out the department's responsibilities. The creation or  
18 modification of departmental divisions, bureaus, or other  
19 administrative entities shall be implemented only after  
20 consultation with the natural resource commission or the  
21 environmental protection commission as applicable.

22 Sec. 18. Section 455A.8, subsection 1, Code 2001, is  
23 amended to read as follows:

24 1. The Brushy Creek recreation trails advisory board shall  
25 be organized within ~~the parks and preserves division of~~ the  
26 department and shall be composed of ten members including the  
27 following: the director of the department or the director's  
28 designee who shall serve as a nonvoting ex officio member, the  
29 park ranger responsible for the Brushy Creek recreation area,  
30 a member of the state advisory board for preserves established  
31 under chapter 465C, a person appointed by the governor, and  
32 six persons appointed by the legislative council. Each person  
33 appointed by the governor or legislative council must actively  
34 participate in recreational trail activities such as hiking,  
35 an equestrian sport, or a winter sport at the Brushy Creek



1 recreation area. The voting members shall elect a chairperson  
2 at the board's first meeting each year.

3 Sec. 19. Section 455A.10, Code 2001, is amended to read as  
4 follows:

5 455A.10 STATE FISH AND GAME PROTECTION FUND -- CAPITAL  
6 PROJECTS AND CONTINGENCIES.

7 Funds remaining in the state fish and game protection fund  
8 during a fiscal year which are not specifically appropriated  
9 by the general assembly are appropriated and may be used for  
10 capital projects and contingencies under the jurisdiction of  
11 the department relating to fish and wildlife division arising  
12 during the fiscal year. A contingency shall not include any  
13 purpose or project which was presented to the general assembly  
14 by way of a bill or a proposed bill and which failed to be  
15 enacted into law. For the purpose of this section, a  
16 necessity of additional operating funds may be construed as a  
17 contingency. Before any of the funds authorized to be  
18 expended by this section are allocated for contingencies, it  
19 shall be determined by the executive council that a  
20 contingency exists and that the contingency was not existent  
21 while the general assembly was in session and that the  
22 proposed allocation shall be for the best interests of the  
23 state. If a contingency arises or could reasonably be  
24 foreseen during the time the general assembly is in session,  
25 expenditures for the contingency must be authorized by the  
26 general assembly.

27 Sec. 20. Section 455B.480, Code Supplement 2001, is  
28 amended to read as follows:

29 455B.480 SHORT TITLE.

30 This part may be cited as the "~~Land-Quality-and~~ Waste  
31 Management Assistance ~~Division~~ Act".

32 Sec. 21. Section 455B.481, subsection 2, Code Supplement  
33 2001, is amended to read as follows:

34 2. It is also the intent of the general assembly that a  
35 comprehensive waste management plan be established by the land

1 ~~quality-and-waste-management-assistance-division~~ department  
2 which includes: the determination of need and adequate  
3 regulatory controls prior to the initiation of site selection;  
4 the process for selecting a superior site determined to be  
5 necessary; the establishment of a process for a site community  
6 to submit or present data, views, or arguments regarding the  
7 selection of the operator and the technology that best ensures  
8 proper facility operation; the prohibition of shallow land  
9 burial of hazardous and low-level radioactive wastes; the  
10 establishment of a regulatory framework for a facility; and  
11 the establishment of provisions for the safe and orderly  
12 development, operation, closure, postclosure, and long-term  
13 monitoring and maintenance of the facility.

14 Sec. 22. Section 455B.482, subsection 4, Code Supplement  
15 2001, is amended by striking the subsection.

16 Sec. 23. Section 455B.483, Code Supplement 2001, is  
17 amended by striking the section and inserting in lieu thereof  
18 the following:

19 455B.483 WASTE MANAGEMENT ASSISTANCE.

20 The director of the department of natural resources shall  
21 provide for administration of the provisions of this part.

22 Sec. 24. Section 455B.484, unnumbered paragraph 1, Code  
23 Supplement 2001, is amended to read as follows:

24 The ~~division~~ department shall:

25 Sec. 25. Section 455B.484, subsections 2 and 9, Code  
26 Supplement 2001, are amended to read as follows:

27 2. Seek, receive, and accept funds in the form of  
28 appropriations, grants, awards, wills, bequests, endowments,  
29 and gifts for deposit into the ~~land-quality-and~~ waste  
30 management ~~assistance-division~~ trust fund to be used for  
31 programs relating to the duties of the ~~division~~ department  
32 under this part.

33 9. Include in the annual report to the governor and the  
34 general assembly required by section 455A.4, subsection 1,  
35 paragraph "d", information outlining the activities of the

1 ~~division~~ department in carrying out programs and  
2 responsibilities under this part, and identifying trends and  
3 developments in the management of waste. The report shall  
4 also include specific recommendations for attaining the goals  
5 for waste minimization and capacity assurance requirements.

6 Sec. 26. Section 455B.484, subsection 13, paragraph c,  
7 Code Supplement 2001, is amended to read as follows:

8 c. In solicitation of proposals for the implementation of  
9 the comprehensive plan, the ~~land-quality-and-waste-management~~  
10 ~~assistance-division~~ department shall give preference to  
11 cooperative proposals which incorporate and utilize the  
12 participation of the universities under the control of the  
13 state board of regents.

14 Sec. 27. Section 455B.485, subsections 3, 4, and 5, Code  
15 Supplement 2001, are amended to read as follows:

16 3. Approve the budget request ~~for-the-land-quality-and~~  
17 ~~waste-management-assistance-division~~ for administration of  
18 this part prior to submission to the department of management.  
19 The commission may increase, decrease, or strike any proposed  
20 expenditure within the ~~land-quality-and-waste-management~~  
21 ~~assistance-division~~ budget request before granting approval.

22 4. Recommend legislative action which may be required for  
23 the safe and proper management of waste, for the acquisition  
24 or operation of a facility, for the funding of a facility, to  
25 enter into interstate agreements for the management of a  
26 facility, and to improve the operation of the ~~land-quality-and~~  
27 department relating to waste management assistance division.

28 5. Approve all contracts and agreements, in excess of  
29 twenty-five thousand dollars, under this part between the ~~land~~  
30 ~~quality-and-waste-management-assistance-division~~ department  
31 and other public or private persons or agencies.

32 Sec. 28. Section 455B.486, Code 2001, is amended to read  
33 as follows:

34 455B.486 FACILITY SITING.

35 1. The ~~division~~ department shall identify and recommend to

1 the commission suitable sites for locating facilities for the  
2 treatment, storage, or disposal of hazardous waste within this  
3 state. The division department shall use site selection  
4 criteria adopted by the environmental protection commission  
5 pursuant to section 455B.487 in identifying these sites. The  
6 commission shall accept or reject the recommendation of the  
7 division department. If the commission rejects the  
8 recommendation of the division department, the commission  
9 shall state its reasons for rejecting the recommendation.

10 2. The commission shall adopt rules establishing criteria  
11 for the identification of sites which are suitable for the  
12 operation of low-level radioactive waste disposal facilities.  
13 The division department shall apply these criteria, once  
14 adopted, to identify and recommend to the commission sites  
15 suitable for locating facilities for the disposal of low-level  
16 radioactive waste. The commission shall accept or reject the  
17 recommendation of the division department. If the commission  
18 rejects the recommendation of the division department, the  
19 commission shall state its reasons for rejecting the  
20 recommendation.

21 Sec. 29. Section 455B.516, subsection 3, Code Supplement  
22 2001, is amended by striking the subsection.

23 Sec. 30. Section 455B.517, unnumbered paragraph 1, Code  
24 Supplement 2001, is amended to read as follows:

25 ~~The land-quality-and-waste-management-assistance-division~~  
26 department shall do all of the following:

27 Sec. 31. Section 455B.517, subsection 4, Code Supplement  
28 2001, is amended to read as follows:

29 4. Seek, receive, and accept funds in the form of  
30 appropriations, grants, awards, wills, bequests, endowments,  
31 and gifts for the uses designated pursuant to section  
32 455B.133B. The division department shall also coordinate  
33 existing resources and oversee the disbursement of federal  
34 grant moneys to provide consistency in achieving the toxics  
35 pollution prevention goal of the state.

1     Sec. 32. Section 455B.518, subsection 2, unnumbered  
2 paragraph 1, Code 2001, is amended to read as follows:

3     The division department shall adopt criteria for the  
4 information required in a multimedia toxics pollution  
5 prevention plan. To the extent possible, the plans shall  
6 coordinate reporting requirements in order to minimize  
7 unnecessary duplication. The plans shall include, but are not  
8 limited to, all of the following:

9     Sec. 33. Section 455E.11, subsection 2, paragraph a,  
10 subparagraph (1), subparagraph subdivision (b), Code  
11 Supplement 2001, is amended to read as follows:

12     (b) One hundred sixty-five thousand dollars to the ~~land~~  
13 ~~quality-and-waste-management-assistance-division-of-the~~  
14 department to be used for the by-products and waste search  
15 service at the university of northern Iowa.

16     Sec. 34. Section 455E.11, subsection 2, paragraph a,  
17 subparagraph (2), subparagraph subdivision (a), subparagraph  
18 subdivision part (iv), Code Supplement 2001, is amended to  
19 read as follows:

20     (iv) The ~~land-quality-and~~ waste management assistance  
21 division program of the department.

22     Sec. 35. Section 455E.11, subsection 2, paragraph b,  
23 subparagraph (3), subparagraph subdivision (b), unnumbered  
24 paragraph 1, Code Supplement 2001, is amended to read as  
25 follows:

26     Two percent is appropriated annually to the department and,  
27 except for administrative expenses, is transferred to the Iowa  
28 department of public health for the purpose of administering  
29 grants to counties and conducting oversight of county-based  
30 programs for the testing of private rural water supply wells,  
31 private rural water supply well sealing, and the proper  
32 closure of private rural abandoned wells and cisterns. Not  
33 more than thirty-five percent of the moneys is appropriated  
34 annually for grants to counties for the purpose of conducting  
35 programs of private rural water supply testing, private rural

1 water supply well sealing, the proper closure of private rural  
2 abandoned wells and cisterns, or any combination thereof. An  
3 amount agreed to by the department of natural resources and  
4 the Iowa department of public health shall be retained by the  
5 department of natural resources for administrative expenses.

6 Sec. 36. Section 456A.16, unnumbered paragraph 5, Code  
7 2001, is amended to read as follows:

8 The general assembly shall appropriate annually from the  
9 state fish and game protection fund the amount credited to the  
10 fund from the checkoff to the ~~fish-and-wildlife-division-of~~  
11 the department for the purposes specified in this section.

12 Sec. 37. Section 456A.17, unnumbered paragraph 2, Code  
13 2001, is amended to read as follows:

14 The state fish and game protection fund, except as  
15 otherwise provided, consists of all moneys accruing from  
16 license fees and all other sources of revenue arising under  
17 the fish and wildlife division programs. Notwithstanding  
18 section 12C.7, subsection 2, interest or earnings on  
19 investments or time deposits of the moneys in the state fish  
20 and game protection fund shall be credited to that fund.

21 Sec. 38. Section 456A.19, unnumbered paragraphs 1 and 2,  
22 Code 2001, are amended to read as follows:

23 All funds accruing to the fish and game protection fund,  
24 except an equitable portion of the administration fund, shall  
25 be expended solely in carrying on the fish and wildlife  
26 ~~activities embraced-in-the-fish-and-wildlife-division~~.  
27 Expenditures incurred by the division department in carrying  
28 on the activities shall be only on authorization by the  
29 general assembly.

30 The department shall by October 1 of each year submit to  
31 the department of management for transmission to the general  
32 assembly a detailed estimate of the amount required by the  
33 department during the succeeding year for carrying on the fish  
34 and wildlife activities embraced-in-the-fish-and-wildlife  
35 division. The estimate shall be in the same general form and

1 detail as required by law in estimates submitted by other  
2 state departments.

3 Sec. 39. Section 456A.21, subsection 1, Code 2001, is  
4 amended to read as follows:

5 1. A forestry management and enhancement fund is created  
6 in the state treasury under ~~the control of~~ the department's  
7 ~~forests-and-prairies-division-created-in-section-455A-7~~  
8 control. The fund is composed of moneys deposited into the  
9 fund pursuant to section 456A.20, moneys appropriated by the  
10 general assembly, and moneys available to and obtained or  
11 accepted by the division or the department from the United  
12 States or private sources for placement in the fund.

13 Sec. 40. Section 473.11, subsection 3, unnumbered  
14 paragraph 1, Code 2001, is amended to read as follows:

15 An energy fund disbursement council is established. The  
16 council shall be composed of the governor or the governor's  
17 designee, the director of the department of management, who  
18 shall serve as the council's chairperson, the administrator of  
19 the division of community action agencies of the department of  
20 human rights, ~~the administrator of the energy and geological~~  
21 ~~resources-division~~ a designee of the director of the  
22 department of natural resources who is knowledgeable in the  
23 field of energy conservation, and a designee of the director  
24 of transportation, who is knowledgeable in the field of energy  
25 conservation. The council shall include as nonvoting members  
26 two members of the senate appointed by the president of the  
27 senate, after consultation with the majority leader and the  
28 minority leader of the senate, and two members of the house of  
29 representatives appointed by the speaker of the house, after  
30 consultation with the majority leader and the minority leader  
31 of the house. The legislative members shall be appointed upon  
32 the convening and for the period of each general assembly.  
33 Not more than one member from each house shall be of the same  
34 political party. The council shall be staffed by the energy  
35 ~~and-geological-resources-division-of-the~~ department of natural

1 resources. The attorney general shall provide legal  
2 assistance to the council.

3 Sec. 41. Section 473.11, subsection 3, paragraphs c and f,  
4 Code 2001, are amended to read as follows:

5 c. Work with the ~~energy-and-geological-resources-division~~  
6 department of natural resources in adopting administrative  
7 rules necessary to administer expenditures from the trust,  
8 encourage applications for grants and loans, review and select  
9 proposals for the funding of competitive grants and loans from  
10 the energy conservation trust, and evaluate their comparative  
11 effectiveness.

12 f. Prepare, in conjunction with the ~~energy-and-geological~~  
13 ~~resources-division~~ department of natural resources, an annual  
14 report to the governor and the general assembly regarding  
15 earnings of and expenditures from the energy conservation  
16 trust.

17 Sec. 42. Section 473.11, subsection 4, Code 2001, is  
18 amended to read as follows:

19 4. The ~~administrator-of-the-energy-and-geological~~  
20 ~~resources-division~~ director of the department of natural  
21 resources or the director's designee shall be the  
22 administrator of the energy conservation trust. The  
23 administrator shall disburse moneys appropriated by the  
24 general assembly from the funds in the trust in accordance  
25 with the federal court orders, law and regulation, or  
26 settlement conditions applying to the moneys in that fund, and  
27 subject to the approval of the energy fund disbursement  
28 council if such approval is required. The council, after  
29 consultation with the attorney general, shall immediately  
30 approve the disbursement of moneys from the funds in the trust  
31 for projects which meet the federal court orders, law and  
32 regulations, or settlement conditions which apply to that  
33 fund.

34 Sec. 43. Section 476.6, subsection 19, paragraph b, Code  
35 Supplement 2001, is amended to read as follows:



1 b. A gas and electric utility required to be rate-  
2 regulated under this chapter shall assess potential energy and  
3 capacity savings available from actual and projected customer  
4 usage by applying commercially available technology and  
5 improved operating practices to energy-using equipment and  
6 buildings. The utility shall submit the assessment to the  
7 board. Upon receipt of the assessment, the board shall  
8 consult with the ~~energy-bureau-of-the-division-of-energy-and~~  
9 ~~geological-resources-of-the~~ department of natural resources to  
10 develop specific capacity and energy savings performance  
11 standards for each utility. The utility shall submit an  
12 energy efficiency plan which shall include economically  
13 achievable programs designed to attain these energy and  
14 capacity performance standards.

15 Sec. 44. Section 476.6, subsection 25, paragraph a,  
16 subparagraphs (2) and (3), Code Supplement 2001, are amended  
17 to read as follows:

18 (2) Copies of the initial plan and budget, as well as any  
19 subsequent updates, shall be served on the ~~environmental~~  
20 ~~protection-division-of-the~~ department of natural resources.

21 (3) The initial multiyear plan and budget and any  
22 subsequent updates shall be considered in a contested case  
23 proceeding pursuant to chapter 17A. The ~~environmental~~  
24 ~~protection-division-of-the~~ department of natural resources and  
25 the consumer advocate shall participate as parties to the  
26 proceeding.

27 Sec. 45. Section 481C.1, Code 2001, is amended to read as  
28 follows:

29 481C.1 WILD ANIMAL DEPREDATION UNIT.

30 A wild animal depredation unit is established within the  
31 ~~fish-and-wildlife-division-of-the~~ department of natural  
32 resources. The unit shall be comprised of two wild animal  
33 depredation biologists. ~~The-biologists-shall-serve-under-the~~  
34 ~~director-of-the-department-of-natural-resources-~~

35

EXPLANATION

1 This bill provides for the reorganization of the  
2 administrative structure of the department of natural  
3 resources. The current seven divisions of the department that  
4 are created and named in Code section 455A.7 are stricken. In  
5 total, the current departmental organization includes seven  
6 divisions and 21 bureaus.

7 The bill authorizes the director of the department to  
8 establish administrative divisions, bureaus, or other  
9 administrative entities within the department to most  
10 efficiently and effectively carry out the department's  
11 responsibilities. The director shall consult with the natural  
12 resource commission and the environmental protection  
13 commission, as applicable, during the reorganization process.

14 The bill also provides for the transfer of funds and  
15 responsibilities relating to oversight and testing of private  
16 rural water supply wells, private rural water supply well  
17 sealing, and the proper closure of private rural abandoned  
18 wells and cisterns to the Iowa department of public health.

19 The remainder of the bill includes corresponding amendments  
20 to remove the names of divisions that are stricken in the  
21 amendment to Code section 455A.7.

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# Legislative Fiscal Bureau

## Fiscal Note

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HF 2478 - Department of Natural Resources Restructuring (LSB 5547 YH)  
Analyst: Deb Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)  
Fiscal Note Version - New

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### Description

House File 2478 reorganizes the Department of Natural Resources and makes changes to the Code of Iowa. Currently, the Department has seven operating divisions and 21 operating bureaus. The Bill decreases the number of operating divisions to three and the number of operating bureaus to 16. The Bill transfers the Abandoned Wells Program that is funded by the Groundwater Protection Fund from the Department of Natural Resources to the Department of Public Health.

### Assumptions

1. The General Fund savings from the decrease in Division Administrators and Bureau Chiefs is approximately \$585,000 per year. Savings from other funds is \$261,000 per year.
2. The annual increase in General Fund expenditures for two Division Administrators and one Legislative Liaison is \$171,000. The annual increase in other fund expenditures is \$108,000.

### Fiscal Impact

The net fiscal impact of House File 2478 is a decrease in General Fund expenditures of \$414,000 and a decrease of \$153,000 in other fund expenditures for FY 2003 and subsequent years.

### Source

Department of Natural Resources

/s/ Dennis C Prouty

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March 13, 2002

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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