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Succeeded By
SF HF 2325

SSB 3193
Oversight &
Communications

SENATE FILE
BY (PROPOSED SENATE APPROPRIATIONS
SUBCOMMITTEE ON OVERSIGHT AND
COMMUNICATIONS BILL)

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

A BILL FOR

1 An Act relating to certain state agency regulatory functions by
2 reorganizing the duties of the department of inspections and
3 appeals, transferring the court appointed special advocate
4 program to the department of inspections and appeals, renaming
5 and revising the duties of the state citizen foster care
6 review board, reorganizing the administrative structure of the
7 department of natural resources, and providing for legislative
8 review of state agencies.

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

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DIVISION I

DEPARTMENT OF INSPECTIONS AND APPEALS DUTIES

Section 1. Section 10A.101, subsection 1, Code 2001, is amended to read as follows:

1. "Administrator" means ~~the chief administrative law judge, chief inspector, chief investigator, chief auditor, or~~ the a person administering coordinating the administration of a division of the department.

Sec. 2. Section 10A.104, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Administer inspection and licensing of social and charitable gambling pursuant to chapter 99B.

Sec. 3. Section 10A.104, subsection 8, Code 2001, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement program established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. ~~Rules and guidelines adopted pursuant to this subsection are subject to review and approval by the director of the department of management.~~ The director shall maintain a current directory of targeted small businesses which that have been certified pursuant to this subsection.

Sec. 4. Section 10A.106, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 5. Section 10A.106, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The allocation of departmental duties to the divisions of the department in sections ~~10A.302,~~ 10A.402, 10A.502, 10A.702, and 10A.801 does not prohibit the director from reallocating departmental duties within the department. ~~The director shall not reallocate any of the duties of the division of administrative hearings, created by section 10A.801, to any other unit of the department.~~

1 Sec. 6. Section 10A.401, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. "Administrator" means the ~~chief-investigator-who-shall~~
4 coordinate person coordinating the administration of this
5 division.

6 Sec. 7. Section 10A.402, Code 2001, is amended to read as
7 follows:

8 10A.402 RESPONSIBILITIES.

9 The administrator shall coordinate the division's conduct
10 of various audits and investigations as ~~otherwise~~ provided for
11 by law including but not limited to the following:

12 1. Investigations relative to the practice of regulated
13 professions and occupations, except those within the
14 jurisdiction of the board of medical examiners, the board of
15 pharmacy examiners, the board of dental examiners, and the
16 board of nursing.

17 2. ~~Investigations-relative-to-proposed-sales-within-the~~
18 ~~state-of-subdivided-land-situated-outside-of-the-state-~~
19 Audits relative to the administration of hospitals and health
20 care facilities.

21 3. ~~Investigations-relative-to-applications-for-beer-and~~
22 ~~liquor-licenses-~~ Audits relative to administration and
23 disbursement of funding under the state supplementary
24 assistance program and the medical assistance program.

25 4. Investigations and collections relative to the
26 liquidation of overpayment debts owed to the department of
27 human services. Collection methods include but are not
28 limited to small claims filings, debt setoff, distress
29 warrants, and repayment agreements, and are subject to
30 approval by the department of human services.

31 5. Investigations relative to the operations of the
32 department of elder affairs.

33 6. Investigations relative to the administration of the
34 state ~~supplemental~~ supplementary assistance program, the state
35 medical assistance program, the food stamp program, the family

1 investment program, and any other state or federal benefit
2 assistance program.

3 7. Investigations relative to the internal affairs and
4 operations of agencies and departments within the executive
5 branch of state government, except for institutions governed
6 by the state board of regents.

7 8. Evaluation of record checks performed in accordance
8 with section 135C.33.

9 Sec. 8. Section 10A.501, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. "Administrator" means the ~~chief-inspector, who shall~~
12 ~~coordinate~~ person coordinating the administration of this
13 division.

14 Sec. 9. Section 10A.502, Code 2001, is amended to read as
15 follows:

16 10A.502 RESPONSIBILITIES.

17 The administrator shall coordinate the division's conduct
18 of various inspections as ~~otherwise~~ provided for by law
19 including but not limited to the following:

20 1. ~~Inspections and licensing procedures related to social~~
21 ~~and charitable gambling pursuant to chapter 99B of hotels,~~
22 home food establishments, and egg handlers.

23 2. Inspections of food establishments, including
24 restaurants, ~~hotels, food and beverage vending machines, state~~
25 ~~educational, charitable, correctional, and penal institutions,~~
26 ~~and sanitation inspections~~ food processing plants, grocery
27 stores, convenience stores, temporary food establishments, and
28 mobile food units.

29 3. Inspections for sanitation in any locality of the state
30 upon the written petition of five or more residents of a
31 ~~particular~~ the locality.

32 Sec. 10. Section 10A.701, subsection 1, Code 2001, is
33 amended to read as follows:

34 1. "Administrator" means the ~~chief-administrator who shall~~
35 ~~coordinate~~ person coordinating the administration of this

1 division.

2 Sec. 11. Section 10A.801, subsection 1, paragraph a, Code
3 2001, is amended to read as follows:

4 a. "Administrator" means the ~~chief-administrative-law~~
5 ~~judge-who-shall-coordinate~~ person coordinating the
6 administration of the division.

7 Sec. 12. Section 10A.801, subsection 2, Code 2001, is
8 amended to read as follows:

9 2. The administrator shall coordinate the division's
10 conduct of appeals and administrative hearings as ~~otherwise~~
11 provided by law.

12 Sec. 13. Section 10A.801, subsection 7, paragraph c, Code
13 2001, is amended to read as follows:

14 c. To establish standards and procedures for the
15 evaluation, training, promotion, and discipline for the
16 administrative law judges employed by the division. ~~Those~~ The
17 procedures shall include provisions for each agency for whom a
18 particular administrative law judge presides to submit to the
19 division on a periodic basis the agency's views with respect
20 to the performance of that administrative law judge or the
21 need for specified additional training for that administrative
22 law judge. ~~However, the evaluation, training, promotion, and~~
23 ~~discipline of all administrative law judges employed by the~~
24 ~~division shall remain solely within the authority of the~~
25 ~~division.~~

26 Sec. 14. Sections 10A.301 and 10A.302, Code 2001, are
27 repealed.

28 DIVISION II

29 CHILD ADVOCACY BOARD

30 Sec. 15. Section 10A.104, subsection 2, Code 2001, is
31 amended to read as follows:

32 2. Appoint the administrators of the divisions within the
33 department and all other personnel deemed necessary for the
34 administration of this chapter, except the state public
35 defender, assistant state public defenders, administrator of

1 the racing and gaming commission, members of the employment
2 appeal board, and administrator and staff of the state-citizen
3 foster-care-review child advocacy board created in section
4 237.16. All persons appointed and employed in the department
5 are covered by the provisions of chapter 19A, but persons not
6 appointed by the director are exempt from the merit system
7 provisions of chapter 19A.

8 Sec. 16. Section 232.2, subsection 9, Code Supplement
9 2001, is amended to read as follows:

10 9. "Court appointed special advocate" means a person duly
11 certified by the ~~judicial-branch~~ child advocacy board created
12 in section 237.16 for participation in the court appointed
13 special advocate program and appointed by the court to
14 represent the interests of a child in any judicial proceeding
15 to which the child is a party or is called as a witness or
16 relating to any dispositional order involving the child
17 resulting from such proceeding.

18 Sec. 17. Section 232.89, subsection 5, Code 2001, is
19 amended to read as follows:

20 5. The court may appoint a court appointed special
21 advocate~~-as-defined-in-section-232-27-subsection-9~~ to act as
22 guardian ad litem. The court appointed special advocate shall
23 receive notice of and may attend all depositions, hearings,
24 and trial proceedings to support the child and advocate for
25 the protection of the child. The court appointed special
26 advocate shall not be allowed to separately introduce evidence
27 or to directly examine or cross-examine witnesses. The court
28 appointed special advocate shall submit a written report to
29 the court and to each of the parties to the proceedings
30 containing results of the court appointed special advocate's
31 initial investigation of the child's case, including but not
32 limited to recommendations regarding placement of the child
33 and other recommendations based on the best interest of the
34 child. The court appointed special advocate shall submit
35 subsequent reports to the court and parties, as needed,

1 detailing the continuing situation of the child's case as long
2 as the child remains under the jurisdiction of the court.
3 However In addition, the court appointed special advocate
4 shall file other reports to the court as required by the
5 court.

6 Sec. 18. Section 232.126, unnumbered paragraph 2, Code
7 2001, is amended to read as follows:

8 The court may appoint a court appointed special advocate,
9 ~~as defined in section 232.27, subsection 9,~~ to act as guardian
10 ad litem. The court appointed special advocate shall receive
11 notice of and may attend all depositions, hearings, and trial
12 proceedings to support the child and advocate for the
13 protection of the child. The court appointed special advocate
14 shall not be allowed to separately introduce evidence or to
15 directly examine or cross-examine witnesses. The court
16 appointed special advocate shall submit reports to the court
17 and the parties to the proceedings containing the information
18 required in reports submitted by a court appointed special
19 advocate under section 232.89, subsection 5. However In
20 addition, the court appointed special advocate shall file
21 other reports to the court as required by the court.

22 Sec. 19. Section 235A.15, subsection 2, paragraph e,
23 subparagraph (7), Code Supplement 2001, is amended to read as
24 follows:

25 (7) To the state child advocacy and local citizen foster
26 care review boards created pursuant to sections 237.16 and
27 237.19.

28 Sec. 20. Section 237.15, Code 2001, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 2A. "Court appointed special advocate"
31 means the same as defined in section 232.2.

32 Sec. 21. Section 237.15, subsection 6, Code 2001, is
33 amended to read as follows:

34 6. "State board" means the ~~state-citizen-foster-care~~
35 review child advocacy board created pursuant to section

1 237.16.

2 Sec. 22. Section 237.16, subsection 1, Code 2001, is
3 amended to read as follows:

4 1. The ~~state-citizen-foster-care-review~~ child advocacy
5 board is created within the department of inspections and
6 appeals. The state board consists of ~~seven~~ nine members
7 appointed by the governor, subject to confirmation by the
8 senate and directly responsible to the governor. The
9 appointment is for a term of four years which ~~that~~ begins and
10 ends as provided in section 69.19. Vacancies on the state
11 board shall be filled in the same manner as original
12 appointments are made.

13 Sec. 23. Section 237.18, subsection 2, Code 2001, is
14 amended by adding the following new paragraph:

15 NEW PARAGRAPH. g. Establish procedures and protocols for
16 administering the court appointed special advocate program in
17 accordance with subsection 7.

18 Sec. 24. Section 237.18, Code 2001, is amended by adding
19 the following new subsections:

20 NEW SUBSECTION. 7. Administer the court appointed special
21 advocate program, including but not limited to performance of
22 all of the following:

23 a. Establish standards for the program, including but not
24 limited to standards for selection and screening of
25 volunteers, preservice training, ongoing education, and
26 assignment and supervision of volunteers. Identifying
27 information concerning a court appointed special advocate,
28 other than the advocate's name, shall not be considered to be
29 a public record under chapter 22.

30 b. Implement the court appointed special advocate program
31 in additional areas of the state.

32 c. Promote adherence to the national guidelines for state
33 and local court appointed special advocate programs.

34 d. Issue an annual report of the court appointed special
35 advocate program for submission to the general assembly, the

1 governor, and the supreme court.

2 e. Employ appropriate court appointed special advocate
3 program staff in accordance with available funding. The state
4 board shall coordinate with the department of inspections and
5 appeals the performance of the administrative functions of the
6 state board.

7 NEW SUBSECTION. 8. Receive gifts, grants, or donations
8 made for any of the purposes of the state board's programs and
9 disburse and administer the funds received in accordance with
10 the terms of the donor and under the direction of program
11 staff. The funds received shall be used according to any
12 restrictions attached to the funds and any unrestricted funds
13 shall be retained and applied to the applicable program budget
14 for the next succeeding fiscal year.

15 Sec. 25. CHILD ADVOCACY BOARD. The child advocacy board
16 shall work with the court appointed special advocate program
17 to develop a plan for merging that program with the citizen
18 foster care review process. In addition, the board shall also
19 review other programs or processes in state government that
20 are intended to address the best interests of a child who is
21 the subject of an order for out-of-home placement or other
22 juvenile court oversight. The board shall develop a report
23 with findings and recommendations as to how the programs and
24 processes may be consolidated with the efforts of the board.
25 The plan and report shall be submitted to the general
26 assembly, the governor, and the supreme court on or before
27 December 16, 2002.

28 DIVISION III

29 DEPARTMENT OF NATURAL RESOURCES

30 Sec. 26. Section 15.221, subsection 2, paragraph c, Code
31 2001, is amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 c. The director of the department of natural resources or
34 the director's designee.

35 Sec. 27. Section 15A.1, subsection 3, paragraph b, Code

1 Supplement 2001, is amended to read as follows:

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

10 Sec. 28. Section 15E.111, subsection 1, paragraph b,
11 unnumbered paragraph 2, Code 2001, is amended to read as
12 follows:

13 Financial assistance awarded under this section may be in
14 the form of a loan, loan guarantee, grant, production
15 incentive payment, or a combination of financial assistance.
16 The department shall not award more than twenty-five percent
17 of the amount allocated to the value-added agricultural
18 products and processes financial assistance fund during any
19 fiscal year to support a single person. The department may
20 finance any size of facility. However, the department shall
21 reserve up to fifty percent of the total amount allocated to
22 the fund, for purposes of assisting persons requiring one
23 hundred thousand dollars or less in financial assistance. The
24 amount shall be reserved until the end of the third quarter of
25 the fiscal year. The department shall not provide financial
26 assistance to support a value-added production facility, if
27 the facility or a person owning a controlling interest in the
28 facility has demonstrated a continuous and flagrant disregard
29 for the health and safety of its employees, or the quality of
30 the environment. Evidence of such disregard shall include a
31 history of serious or uncorrected violations of state or
32 federal law protecting occupational health and safety or the
33 environment, including but not limited to serious or
34 uncorrected violations of occupational safety and health
35 standards enforced by the division of labor services of the

1 department of workforce development pursuant to chapter 84A,
2 or rules enforced by the ~~environmental-protection-division-of~~
3 the department of natural resources pursuant to chapter 455B.

4 Sec. 29. Section 15E.208, subsection 4, paragraph b, Code
5 Supplement 2001, is amended to read as follows:

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

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

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

29 Sec. 31. Section 89B.17, unnumbered paragraph 1, Code
30 2001, is amended to read as follows:

31 The director of public health, the labor commissioner, and
32 the ~~administrator-of-the-environmental-protection-division~~
33 director of the department of natural resources or the
34 director's designee under written signatures of all these
35 parties may recommend any of the following actions:

1 Sec. 32. Section 97B.49G, subsection 6, paragraph c, Code
2 2001, is amended to read as follows:

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

18 Sec. 33. Section 103A.8, subsection 7, Code 2001, is
19 amended to read as follows:

20 7. Limit the application of thermal efficiency standards
21 for energy conservation to new construction which will
22 incorporate a heating or cooling system. Air exchange fans
23 designed to provide ventilation shall not be considered a
24 cooling system. The commissioner shall exempt any new
25 construction from thermal efficiency standards for energy
26 conservation if the commissioner determines that the standards
27 are unreasonable as they apply to a particular building or
28 class of buildings including farm buildings for livestock use.
29 Lighting efficiency standards shall recognize variations in
30 lighting intensities required for the various tasks performed
31 within the building. The commissioner shall consult with the
32 ~~energy-and-geological-resources-division-of-the~~ department of
33 natural resources regarding standards for energy conservation
34 prior to the adoption of the standards. However, the
35 standards shall be consistent with section 103A.8A.

1 Sec. 34. Section 103A.8A, Code 2001, is amended to read as
2 follows:

3 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

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

19 Sec. 35. Section 161B.1, subsection 2, paragraphs a and b,
20 Code 2001, are amended by striking the paragraphs and
21 inserting in lieu thereof the following:

- 22 a. An administrator assigned to energy and geological
23 resource management designated by the director of the
24 department of natural resources.
- 25 b. An administrator assigned to environmental protection
26 designated by the director of the department of natural
27 resources.

28 Sec. 36. Section 173.16, unnumbered paragraph 2, Code
29 Supplement 2001, is amended to read as follows:

30 In order to efficiently administer facilities and events on
31 the state fairgrounds, and to promote Iowa's conservation
32 ethic, the Iowa state fair board shall handle or dispose of
33 waste generated on the state fairgrounds under supervision of
34 the ~~land-quality-and-waste-management-assistance-division~~
35 established-under-section-455B-483 department of natural

1 resources.

2 Sec. 37. Section 206.25, Code 2001, is amended to read as
3 follows:

4 206.25 PESTICIDE CONTAINERS DISPOSAL.

5 The department of agriculture and land stewardship, in
6 cooperation with the ~~environmental-protection-division-of-the~~
7 department of natural resources, shall develop a program for
8 handling used pesticide containers which reflects the state
9 solid waste management policy hierarchy, ~~and shall present the~~
10 ~~program-developed-to-the-general-assembly-by-February-17-1988.~~

11 Sec. 38. Section 266.39C, subsection 2, paragraph f, Code
12 2001, is amended to read as follows:

13 f. One representative of the ~~energy-and-geological~~
14 ~~resources-division-of-the~~ department of natural resources,
15 appointed by the director.

16 Sec. 39. Section 427.1, subsection 19, unnumbered
17 paragraphs 5 and 6, Code Supplement 2001, are amended to read
18 as follows:

19 The application for a specific pollution-control or
20 recycling property shall be accompanied by a certificate of
21 the ~~administrator-of-the-environmental-protection-division-of~~
22 the department of natural resources certifying that the
23 primary use of the pollution-control property is to control or
24 abate pollution of any air or water of this state or to
25 enhance the quality of any air or water of this state or, if
26 the property is recycling property, that the primary use of
27 the property is for recycling.

28 A taxpayer may seek judicial review of a determination of
29 the ~~administrator-of-the-environmental-protection-division~~
30 department or, on appeal, of the environmental protection
31 commission in accordance with the provisions of chapter 17A.

32 Sec. 40. Section 427.1, subsection 20, unnumbered
33 paragraph 1, Code Supplement 2001, is amended to read as
34 follows:

35 The impoundment structure and any land underlying an

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

27 Sec. 41. Section 455A.6, subsection 6, paragraph d, Code
 28 2001, is amended to read as follows:

29 d. Approve the budget request prepared by the director for
 30 the programs authorized by chapters 455B, 455C, 455E, and
 31 455F, and 455H. The commission shall approve the budget
 32 request prepared by the director for programs ~~administered-by~~
 33 ~~the-energy-and-geological-resources-division,~~ ~~the~~
 34 ~~administrative-services-division,~~ ~~and-the-office-of-the~~
 35 ~~director,~~ as-provided-in-section-455A-7 subject to the

1 rulemaking authority of the commission. The commission may
2 increase, decrease, or strike any item within the department
3 budget request for the specified programs before granting
4 approval.

5 Sec. 42. Section 455A.7, subsection 1, Code Supplement
6 2001, is amended by striking the subsection and inserting in
7 lieu thereof the following:

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

16 Sec. 43. Section 455A.8, subsection 1, Code 2001, is
17 amended to read as follows:

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

32 Sec. 44. Section 455A.10, Code 2001, is amended to read as
33 follows:

34 455A.10 STATE FISH AND GAME PROTECTION FUND -- CAPITAL
35 PROJECTS AND CONTINGENCIES.

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

21 Sec. 45. Section 455B.480, Code Supplement 2001, is
 22 amended to read as follows:

23 455B.480 SHORT TITLE.

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

26 Sec. 46. Section 455B.481, subsection 2, Code Supplement
 27 2001, is amended to read as follows:

28 2. It is also the intent of the general assembly that a
 29 comprehensive waste management plan be established by the ~~land~~
 30 quality-and-waste-management-assistance-division department
 31 which includes: the determination of need and adequate
 32 regulatory controls prior to the initiation of site selection;
 33 the process for selecting a superior site determined to be
 34 necessary; the establishment of a process for a site community
 35 to submit or present data, views, or arguments regarding the

1 selection of the operator and the technology that best ensures
2 proper facility operation; the prohibition of shallow land
3 burial of hazardous and low-level radioactive wastes; the
4 establishment of a regulatory framework for a facility; and
5 the establishment of provisions for the safe and orderly
6 development, operation, closure, postclosure, and long-term
7 monitoring and maintenance of the facility.

8 Sec. 47. Section 455B.482, subsection 4, Code Supplement
9 2001, is amended by striking the subsection.

10 Sec. 48. Section 455B.483, Code Supplement 2001, is
11 amended by striking the section and inserting in lieu thereof
12 the following:

13 455B.483 ~~LAND-QUALITY-AND~~ WASTE MANAGEMENT ASSISTANCE.

14 The director of the department of natural resources shall
15 provide for administration of the provisions of this part.

16 Sec. 49. Section 455B.484, unnumbered paragraph 1, Code
17 Supplement 2001, is amended to read as follows:

18 The ~~division~~ department shall:

19 Sec. 50. Section 455B.484, subsections 2 and 9, Code
20 Supplement 2001, are amended to read as follows:

21 2. Seek, receive, and accept funds in the form of
22 appropriations, grants, awards, wills, bequests, endowments,
23 and gifts for deposit into the ~~land-quality-and~~ waste
24 management ~~assistance-division~~ trust fund to be used for
25 programs relating to the duties of the ~~division~~ department
26 under this part.

27 9. Include in the annual report to the governor and the
28 general assembly required by section 455A.4, subsection 1,
29 paragraph "d", information outlining the activities of the
30 ~~division~~ department in carrying out programs and
31 responsibilities under this part, and identifying trends and
32 developments in the management of waste. The report shall
33 also include specific recommendations for attaining the goals
34 for waste minimization and capacity assurance requirements.

35 Sec. 51. Section 455B.484, subsection 13, paragraph c,

1 Code Supplement 2001, is amended to read as follows:

2 c. In solicitation of proposals for the implementation of
3 the comprehensive plan, the ~~land-quality-and-waste-management~~
4 ~~assistance-division~~ department shall give preference to
5 cooperative proposals which incorporate and utilize the
6 participation of the universities under the control of the
7 state board of regents.

8 Sec. 52. Section 455B.485, subsections 3, 4, and 5, Code
9 Supplement 2001, are amended to read as follows:

10 3. Approve the budget request ~~for-the-land-quality-and~~
11 ~~waste-management-assistance-division~~ for administration of
12 this part prior to submission to the department of management.
13 The commission may increase, decrease, or strike any proposed
14 expenditure within the ~~land-quality-and-waste-management~~
15 ~~assistance-division~~ budget request before granting approval.

16 4. Recommend legislative action which may be required for
17 the safe and proper management of waste, for the acquisition
18 or operation of a facility, for the funding of a facility, to
19 enter into interstate agreements for the management of a
20 facility, and to improve the operation of the ~~land-quality-and~~
21 department relating to waste management assistance division.

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

26 Sec. 53. Section 455B.486, Code 2001, is amended to read
27 as follows:

28 455B.486 FACILITY SITING.

29 1. The ~~division~~ department shall identify and recommend to
30 the commission suitable sites for locating facilities for the
31 treatment, storage, or disposal of hazardous waste within this
32 state. The ~~division~~ department shall use site selection
33 criteria adopted by the environmental protection commission
34 pursuant to section 455B.487 in identifying these sites. The
35 commission shall accept or reject the recommendation of the

1 division department. If the commission rejects the
2 recommendation of the division department, the commission
3 shall state its reasons for rejecting the recommendation.

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

15 Sec. 54. Section 455B.516, subsection 3, Code Supplement
16 2001, is amended by striking the subsection.

17 Sec. 55. Section 455B.517, unnumbered paragraph 1, Code
18 Supplement 2001, is amended to read as follows:

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

21 Sec. 56. Section 455B.517, subsection 4, Code Supplement
22 2001, is amended to read as follows:

23 4. Seek, receive, and accept funds in the form of
24 appropriations, grants, awards, wills, bequests, endowments,
25 and gifts for the uses designated pursuant to section
26 455B.133B. The division department shall also coordinate
27 existing resources and oversee the disbursement of federal
28 grant moneys to provide consistency in achieving the toxics
29 pollution prevention goal of the state.

30 Sec. 57. Section 455B.518, subsection 2, unnumbered
31 paragraph 1, Code 2001, is amended to read as follows:

32 The division department shall adopt criteria for the
33 information required in a multimedia toxics pollution
34 prevention plan. To the extent possible, the plans shall
35 coordinate reporting requirements in order to minimize

1 unnecessary duplication. The plans shall include, but are not
2 limited to, all of the following:

3 Sec. 58. Section 455E.11, subsection 2, paragraph a,
4 subparagraph (1), subparagraph subdivision (b), Code
5 Supplement 2001, is amended to read as follows:

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

10 Sec. 59. Section 455E.11, subsection 2, paragraph a,
11 subparagraph (2), subparagraph subdivision (a), subparagraph
12 subdivision part (iv), Code Supplement 2001, is amended to
13 read as follows:

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

16 Sec. 60. Section 455E.11, subsection 2, paragraph b,
17 subparagraph (3), subparagraph subdivision (b), unnumbered
18 paragraph 1, Code Supplement 2001, is amended to read as
19 follows:

20 Two percent is appropriated annually to the department and,
21 except for administrative expenses, is transferred to the Iowa
22 department of public health for the purpose of administering
23 grants to counties and conducting oversight of county-based
24 programs for the testing of private rural water supply wells,
25 private rural water supply well sealing, and the proper
26 closure of private rural abandoned wells and cisterns. Not
27 more than thirty-five percent of the moneys is appropriated
28 annually for grants to counties for the purpose of conducting
29 programs of private rural water supply testing, private rural
30 water supply well sealing, the proper closure of private rural
31 abandoned wells and cisterns, or any combination thereof. An
32 amount agreed to by the department of natural resources and
33 the Iowa department of public health shall be retained by the
34 department of natural resources for administrative expenses.

35 Sec. 61. Section 456A.16, unnumbered paragraph 5, Code

1 2001, is amended to read as follows:

2 The general assembly shall appropriate annually from the
3 state fish and game protection fund the amount credited to the
4 fund from the checkoff to the ~~fish-and-wildlife-division-of~~
5 the department for the purposes specified in this section.

6 Sec. 62. Section 456A.17, unnumbered paragraph 2, Code
7 2001, is amended to read as follows:

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

15 Sec. 63. Section 456A.19, unnumbered paragraphs 1 and 2,
16 Code 2001, are amended to read as follows:

17 All funds accruing to the fish and game protection fund,
18 except an equitable portion of the administration fund, shall
19 be expended solely in carrying on the fish and wildlife
20 activities ~~embraced-in-the-fish-and-wildlife-division~~.

21 Expenditures incurred by the ~~division~~ department in carrying
22 on the activities shall be only on authorization by the
23 general assembly.

24 The department shall by October 1 of each year submit to
25 the department of management for transmission to the general
26 assembly a detailed estimate of the amount required by the
27 department during the succeeding year for carrying on the fish
28 and wildlife activities ~~embraced-in-the-fish-and-wildlife~~
29 ~~division~~. The estimate shall be in the same general form and
30 detail as required by law in estimates submitted by other
31 state departments.

32 Sec. 64. Section 456A.21, subsection 1, Code 2001, is
33 amended to read as follows:

34 1. A forestry management and enhancement fund is created
35 in the state treasury under ~~the-control-of~~ the department's

1 ~~forests-and-prairies-division-created-in-section-455A-7~~
 2 control. The fund is composed of moneys deposited into the
 3 fund pursuant to section 456A.20, moneys appropriated by the
 4 general assembly, and moneys available to and obtained or
 5 accepted by the division or the department from the United
 6 States or private sources for placement in the fund.

7 Sec. 65. Section 473.11, subsection 3, unnumbered
 8 paragraph 1, Code 2001, is amended to read as follows:

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

32 Sec. 66. Section 473.11, subsection 3, paragraphs c and f,
 33 Code 2001, are amended to read as follows:

34 c. Work with the ~~energy-and-geological-resources-division~~
 35 department of natural resources in adopting administrative

1 rules necessary to administer expenditures from the trust,
2 encourage applications for grants and loans, review and select
3 proposals for the funding of competitive grants and loans from
4 the energy conservation trust, and evaluate their comparative
5 effectiveness.

6 f. Prepare, in conjunction with the ~~energy-and-geological~~
7 ~~resources-division~~ department of natural resources, an annual
8 report to the governor and the general assembly regarding
9 earnings of and expenditures from the energy conservation
10 trust.

11 Sec. 67. Section 473.11, subsection 4, Code 2001, is
12 amended to read as follows:

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

28 Sec. 68. Section 476.6, subsection 19, paragraph b, Code
29 Supplement 2001, is amended to read as follows:

30 b. A gas and electric utility required to be rate-
31 regulated under this chapter shall assess potential energy and
32 capacity savings available from actual and projected customer
33 usage by applying commercially available technology and
34 improved operating practices to energy-using equipment and
35 buildings. The utility shall submit the assessment to the

1 board. Upon receipt of the assessment, the board shall
 2 consult with the ~~energy-bureau-of-the-division-of-energy-and~~
 3 ~~geological-resources-of-the~~ department of natural resources to
 4 develop specific capacity and energy savings performance
 5 standards for each utility. The utility shall submit an
 6 energy efficiency plan which shall include economically
 7 achievable programs designed to attain these energy and
 8 capacity performance standards.

9 Sec. 69. Section 476.6, subsection 25, paragraph a,
 10 subparagraphs (2) and (3), Code Supplement 2001, are amended
 11 to read as follows:

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

15 (3) The initial multiyear plan and budget and any
 16 subsequent updates shall be considered in a contested case
 17 proceeding pursuant to chapter 17A. The ~~environmental~~
 18 ~~protection-division-of-the~~ department of natural resources and
 19 the consumer advocate shall participate as parties to the
 20 proceeding.

21 Sec. 70. Section 481C.1, Code 2001, is amended to read as
 22 follows:

23 481C.1 WILD ANIMAL DEPREDATION UNIT.

24 A wild animal depredation unit is established within the
 25 ~~fish-and-wildlife-division-of-the~~ department of natural
 26 resources. The unit shall be comprised of two wild animal
 27 depredation biologists. ~~The-biologists-shall-serve-under-the~~
 28 ~~director-of-the-department-of-natural-resources-~~

29 DIVISION IV
 30 OVERSIGHT COMMITTEE

31 Sec. 71. Section 2.45, Code 2001, is amended by adding the
 32 following new subsection:

33 NEW SUBSECTION. 5. a. The legislative oversight
 34 committee composed of members designated by the legislative
 35 council. In addition to the duties assigned by the

1 legislative council, the committee shall systematically review
2 the programs, agencies, and functions of the executive and
3 judicial branches of government to ensure that public
4 resources are used in the most efficient manner to benefit the
5 people of Iowa.

6 b. The committee shall implement a systematic process of
7 assessing the programs, agencies, and functions. Annually, by
8 October 1, the committee shall identify the programs,
9 agencies, and functions that will be subject to review and
10 evaluation in the succeeding calendar year. An agency of
11 state government selected by the committee for review and
12 evaluation shall provide information as required by the
13 committee, which may include but is not limited to the
14 following:

15 (1) Identifying the activities, services, products, and
16 functions of the agency, including identifying those that are
17 required and the source of the requirement. At minimum, the
18 sources identified shall include state law, state
19 administrative rule, federal law, and federal regulation.

20 (2) Specifying for all activities, services, products, and
21 functions, the users or clientele, and the current level of
22 need for and the level of satisfaction with the activity,
23 service, product, or function.

24 (3) Listing each discretionary activity, service, product,
25 or function of the agency that is not required by state law,
26 state administrative rule, federal law, or federal regulation.

27 (4) Identifying the degree of alignment between the agency
28 strategic plan adopted pursuant to section 8E.206 and the
29 requirements of the agency in state law and administrative
30 rule.

31 (5) Identifying alternative methods of providing the
32 agency's existing activities, services, products, and
33 functions, and quantifying the impact to Iowans if such
34 activities, services, products, or functions are no longer
35 provided by the agency.

EXPLANATION

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This bill relates to certain regulatory functions. The bill reorganizes duties of the department of inspections and appeals, transfers the court appointed special advocate program to the department of inspections and appeals, reorganizes the structure of the department of natural resources, and provides for legislative review of agencies.

In division I of the bill, the definition of the term "administrator" is amended throughout Code chapter 10A, relating to the department of inspections and appeals, by providing a general description of each division administrator.

The duties of the director of the department of inspections and appeals in Code section 10A.104 are amended to include administration of inspection and licensing of social and charitable gambling in place of the inspections division. The bill eliminates a provision making the director of the department of inspections and appeals' rulemaking authority in regard to targeted small business subject to the review and approval of the director of the department of management.

Code section 10A.106, providing a list of the divisions of the department, is amended to eliminate the audits division.

The duties of the investigations division in Code section 10A.402 are amended to eliminate investigation of proposed sales in this state of subdivided land situated outside the state and investigation of applications for beer and liquor licenses and to add audits of various public assistance programs that are subject to investigation by this division and the duty to evaluate the results of record checks conducted under Code chapter 135C, relating to health facilities.

The duties of the inspections division in Code section 10A.502 are amended to eliminate responsibility for regulation of social and charitable gambling and inspections of educational, charitable, correctional, and penal institutions

1 and to add responsibility for home food establishments, egg
2 handlers, food processing plants, grocery stores, convenience
3 stores, temporary food establishments, and mobile food units.

4 The bill eliminates the sole authority of the division of
5 administrative hearings in Code section 10A.801 for various
6 personnel matters concerning administrative law judges.

7 In division II, the child advocacy state board is directed
8 to work with the court appointed special advocate program to
9 develop a plan for merging that program with the citizen
10 foster care review process. In addition, the board is also
11 directed to review other programs or processes in state
12 government that are intended to address the best interests of
13 a child who is the subject of an order for out-of-home
14 placement or other juvenile court oversight. The board is to
15 report to the governor and general assembly on the two items
16 on or before December 16, 2002.

17 In division II of the bill, the "state citizen foster care
18 review board" created in Code section 237.16 is renamed to be
19 the "child advocacy board". That board, which is
20 administratively attached to the department of inspections and
21 appeals, assumes responsibility for the functions of the court
22 appointed special advocate (CASA) program in place of the
23 judicial branch. In December 2001, the legislative council
24 adopted a resolution providing for the CASA program to be
25 administered by the office of the citizens' aide on a
26 temporary basis. The bill amends the definition of the term
27 "court appointed special advocate" in Code section 232.2 to
28 provide that the child advocacy board certifies persons for
29 participation and appointment by the court. The bill amends
30 the duties of a CASA appointed under Code section 232.89 for
31 child in need of assistance proceedings and Code section
32 232.126 for family in need of assistance proceedings to
33 require the CASA to submit various reports to the court and
34 the parties to the proceedings. Identifying information
35 concerning a CASA, other than the CASA's name, is not to be

1 considered to be a public record under Code chapter 22, Iowa's
2 open records law.

3 The newly named child advocacy board membership under Code
4 section 232.16 is increased from seven to nine members, a
5 definition of CASA is added to Code chapter 237, and
6 implementation of the CASA program is added to the board's
7 duties. In addition, the board may receive and use
8 contributed funds for the board's programs and adopt rules for
9 the CASA program.

10 In division III, the bill provides for the reorganization
11 of the administrative structure of the department of natural
12 resources. The current seven divisions of the department that
13 are created and named in Code section 455A.7 are stricken. In
14 total, the current departmental organization includes seven
15 divisions and 21 bureaus.

16 Division III authorizes the director of the department to
17 establish administrative divisions, bureaus, or other
18 administrative entities within the department to most
19 efficiently and effectively carry out the department's
20 responsibilities. The director shall consult with the natural
21 resource commission and the environmental protection
22 commission, as applicable, during the reorganization process.

23 Division III also provides for the transfer of funds and
24 responsibilities relating to oversight and testing of private
25 rural water supply wells, private rural water supply well
26 sealing, and the proper closure of private rural abandoned
27 wells and cisterns to the Iowa department of public health.

28 The remainder of division III includes corresponding
29 amendments to remove the names of divisions that are stricken
30 in the amendment to Code section 455A.7.

31 In division IV of the bill, the existence of the oversight
32 committee of the legislative council is codified in Code
33 section 2.45, relating to the committees of the legislative
34 council. The committee is directed to perform an annual
35 review process for executive and judicial branch agencies and

1 information that may be required of the agencies is listed.

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FILED MAR 28 2002

SENATE FILE 2325
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3193)

Passed Senate, Date ^(P. 966) 4-4-02 Passed House, Date ^(P. 1331) 4-11-02
Vote: Ayes 43 Nays 5 Vote: Ayes 98 Nays 0
Approved May 10, 2002
Repassed 4-11-02
Vote 46-0

A BILL FOR

1 An Act relating to certain state agency regulatory functions by
2 reorganizing the duties of the department of inspections and
3 appeals, transferring the court appointed special advocate
4 program to the department of inspections and appeals, renaming
5 and revising the duties of the state citizen foster care
6 review board, reorganizing the administrative structure of the
7 department of natural resources, providing for legislative
8 review of state agencies, and revising requirements for
9 licensed birth centers.

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

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SF 2325

DIVISION I

DEPARTMENT OF INSPECTIONS AND APPEALS DUTIES

Section 1. Section 10A.101, subsection 1, Code 2001, is amended to read as follows:

1. ~~"Administrator" means the chief administrative law judge, chief inspector, chief investigator, chief auditor, or~~ the a person administering coordinating the administration of a division of the department.

Sec. 2. Section 10A.104, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Administer inspection and licensing of social and charitable gambling pursuant to chapter 99B.

Sec. 3. Section 10A.104, subsection 8, Code 2001, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement program established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. ~~Rules and guidelines adopted pursuant to this subsection are subject to review and approval by the director of the department of management.~~ The director shall maintain a current directory of targeted small businesses which that have been certified pursuant to this subsection.

Sec. 4. Section 10A.106, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 5. Section 10A.106, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The allocation of departmental duties to the divisions of the department in sections ~~10A.302~~, 10A.402, 10A.502, 10A.702, and 10A.801 does not prohibit the director from reallocating departmental duties within the department. ~~The director shall not reallocate any of the duties of the division of administrative hearings, created by section 10A.801, to any other unit of the department.~~

1 Sec. 6. Section 10A.401, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. "Administrator" means the ~~chief-investigator-who-shall~~
4 coordinate person coordinating the administration of this
5 division.

6 Sec. 7. Section 10A.402, Code 2001, is amended to read as
7 follows:

8 10A.402 RESPONSIBILITIES.

9 The administrator shall coordinate the division's conduct
10 of various audits and investigations as ~~otherwise~~ provided for
11 by law including but not limited to the following:

12 1. Investigations relative to the practice of regulated
13 professions and occupations, except those within the
14 jurisdiction of the board of medical examiners, the board of
15 pharmacy examiners, the board of dental examiners, and the
16 board of nursing.

17 2. ~~Investigations-relative-to-proposed-sales-within-the~~
18 ~~state-of-subdivided-land-situated-outside-of-the-state-~~
19 Audits relative to the administration of hospitals and health
20 care facilities.

21 3. ~~Investigations-relative-to-applications-for-beer-and~~
22 ~~liquor-licenses-~~ Audits relative to administration and
23 disbursement of funding under the state supplementary
24 assistance program and the medical assistance program.

25 4. Investigations and collections relative to the
26 liquidation of overpayment debts owed to the department of
27 human services. Collection methods include but are not
28 limited to small claims filings, debt setoff, distress
29 warrants, and repayment agreements, and are subject to
30 approval by the department of human services.

31 5. Investigations relative to the operations of the
32 department of elder affairs.

33 6. Investigations relative to the administration of the
34 state ~~supplemental~~ supplementary assistance program, the state
35 medical assistance program, the food stamp program, the family

1 investment program, and any other state or federal benefit
2 assistance program.

3 7. Investigations relative to the internal affairs and
4 operations of agencies and departments within the executive
5 branch of state government, except for institutions governed
6 by the state board of regents.

7 Sec. 8. Section 10A.501, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. "Administrator" means the ~~chief-inspector, who shall~~
10 coordinate person coordinating the administration of this
11 division.

12 Sec. 9. Section 10A.502, Code 2001, is amended to read as
13 follows:

14 10A.502 RESPONSIBILITIES.

15 The administrator shall coordinate the division's conduct
16 of various inspections as ~~otherwise~~ provided for by law
17 including but not limited to the following:

18 1. ~~Inspections and licensing procedures related to social~~
19 ~~and charitable gambling pursuant to chapter 99B~~ of hotels,
20 home food establishments, and egg handlers.

21 2. Inspections of food establishments, including
22 restaurants, ~~hotels, food and beverage~~ vending machines, ~~state~~
23 ~~educational, charitable, correctional, and penal institutions,~~
24 ~~and sanitation inspections~~ food processing plants, grocery
25 stores, convenience stores, temporary food establishments, and
26 mobile food units.

27 3. Inspections for sanitation in any locality of the state
28 upon the written petition of five or more residents of a
29 ~~particular~~ the locality.

30 Sec. 10. Section 10A.701, subsection 1, Code 2001, is
31 amended to read as follows:

32 1. "Administrator" means the ~~chief-administrator who shall~~
33 coordinate person coordinating the administration of this
34 division.

35 Sec. 11. Section 10A.801, subsection 1, paragraph a, Code

1 2001, is amended to read as follows:

2 a. "Administrator" means the ~~chief-administrative-law~~
3 ~~judge-who-shall-coordinate~~ person coordinating the
4 administration of the division.

5 Sec. 12. Section 10A.801, subsection 2, Code 2001, is
6 amended to read as follows:

7 2. The administrator shall coordinate the division's
8 conduct of appeals and administrative hearings as ~~otherwise~~
9 provided by law.

10 Sec. 13. Section 10A.801, subsection 7, paragraph c, Code
11 2001, is amended to read as follows:

12 c. To establish standards and procedures for the
13 evaluation, training, promotion, and discipline for the
14 administrative law judges employed by the division. ~~Those~~ The
15 procedures shall include provisions for each agency for whom a
16 particular administrative law judge presides to submit to the
17 division on a periodic basis the agency's views with respect
18 to the performance of that administrative law judge or the
19 need for specified additional training for that administrative
20 law judge. ~~However, the evaluation, training, promotion, and~~
21 ~~discipline of all administrative law judges employed by the~~
22 ~~division shall remain solely within the authority of the~~
23 ~~division.~~

24 Sec. 14. Sections 10A.301 and 10A.302, Code 2001, are
25 repealed.

26 DIVISION II

27 CHILD ADVOCACY BOARD

28 Sec. 15. Section 10A.104, subsection 2, Code 2001, is
29 amended to read as follows:

30 2. Appoint the administrators of the divisions within the
31 department and all other personnel deemed necessary for the
32 administration of this chapter, except the state public
33 defender, assistant state public defenders, administrator of
34 the racing and gaming commission, members of the employment
35 appeal board, and administrator of the ~~state-citizen-foster~~

1 ~~care-review~~ child advocacy board created in section 237.16.
2 All persons appointed and employed in the department are
3 covered by the provisions of chapter 19A, but persons not
4 appointed by the director are exempt from the merit system
5 provisions of chapter 19A.

6 Sec. 16. Section 232.2, subsection 9, Code Supplement
7 2001, is amended to read as follows:

8 9. "Court appointed special advocate" means a person duly
9 certified by the ~~judicial-branch~~ child advocacy board created
10 in section 237.16 for participation in the court appointed
11 special advocate program and appointed by the court to
12 represent the interests of a child in any judicial proceeding
13 to which the child is a party or is called as a witness or
14 relating to any dispositional order involving the child
15 resulting from such proceeding.

16 Sec. 17. Section 232.89, subsection 5, Code 2001, is
17 amended to read as follows:

18 5. The court may appoint a court appointed special
19 ~~advocate, as defined in section 232.2, subsection 9,~~ to act as
20 guardian ad litem. The court appointed special advocate shall
21 receive notice of and may attend all depositions, hearings,
22 and trial proceedings to support the child and advocate for
23 the protection of the child. The court appointed special
24 advocate shall not be allowed to separately introduce evidence
25 or to directly examine or cross-examine witnesses. The court
26 appointed special advocate shall submit a written report to
27 the court and to each of the parties to the proceedings
28 containing results of the court appointed special advocate's
29 initial investigation of the child's case, including but not
30 limited to recommendations regarding placement of the child
31 and other recommendations based on the best interest of the
32 child. The court appointed special advocate shall submit
33 subsequent reports to the court and parties, as needed,
34 detailing the continuing situation of the child's case as long
35 as the child remains under the jurisdiction of the court.

1 ~~However~~ In addition, the court appointed special advocate
2 shall file other reports to the court as required by the
3 court.

4 Sec. 18. Section 232.126, unnumbered paragraph 2, Code
5 2001, is amended to read as follows:

6 The court may appoint a court appointed special advocate~~7~~
7 ~~as-defined-in-section-232.27-subsection-97~~ to act as guardian
8 ad litem. The court appointed special advocate shall receive
9 notice of and may attend all depositions, hearings, and trial
10 proceedings to support the child and advocate for the
11 protection of the child. The court appointed special advocate
12 shall not be allowed to separately introduce evidence or to
13 directly examine or cross-examine witnesses. The court
14 appointed special advocate shall submit reports to the court
15 and the parties to the proceedings containing the information
16 required in reports submitted by a court appointed special
17 advocate under section 232.89, subsection 5. However In
18 addition, the court appointed special advocate shall file
19 other reports to the court as required by the court.

20 Sec. 19. Section 235A.15, subsection 2, paragraph e,
21 subparagraph (7), Code Supplement 2001, is amended to read as
22 follows:

23 (7) To the state child advocacy and local citizen foster
24 care review boards created pursuant to sections 237.16 and
25 237.19.

26 Sec. 20. Section 237.15, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. "Court appointed special advocate"
29 means the same as defined in section 232.2.

30 Sec. 21. Section 237.15, subsection 6, Code 2001, is
31 amended to read as follows:

32 6. "State board" means the ~~state-citizen-foster-care~~
33 ~~review~~ child advocacy board created pursuant to section
34 237.16.

35 Sec. 22. Section 237.16, subsection 1, Code 2001, is

1 amended to read as follows:

2 1. The ~~state-citizen-foster-care-review~~ child advocacy
3 board is created within the department of inspections and
4 appeals. The state board consists of ~~seven~~ nine members
5 appointed by the governor, subject to confirmation by the
6 senate and directly responsible to the governor. One member
7 shall be an active court appointed special advocate volunteer
8 and one member shall be a judicial branch employee or judicial
9 officer appointed from nominees submitted by the judicial
10 branch. The appointment is for a term of four years which
11 that begins and ends as provided in section 69.19. Vacancies
12 on the state board shall be filled in the same manner as
13 original appointments are made.

14 Sec. 23. Section 237.18, subsection 2, Code 2001, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. g. Establish procedures and protocols for
17 administering the court appointed special advocate program in
18 accordance with subsection 7.

19 Sec. 24. Section 237.18, Code 2001, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 7. Administer the court appointed special
22 advocate program, including but not limited to performance of
23 all of the following:

24 a. Establish standards for the program, including but not
25 limited to standards for selection and screening of
26 volunteers, preservice training, ongoing education, and
27 assignment and supervision of volunteers. Identifying
28 information concerning a court appointed special advocate,
29 other than the advocate's name, shall not be considered to be
30 a public record under chapter 22.

31 b. Implement the court appointed special advocate program
32 in additional areas of the state.

33 c. Promote adherence to the national guidelines for state
34 and local court appointed special advocate programs.

35 d. Issue an annual report of the court appointed special

1 advocate program for submission to the general assembly, the
2 governor, and the supreme court.

3 e. Employ appropriate court appointed special advocate
4 program staff in accordance with available funding. The state
5 board shall coordinate with the department of inspections and
6 appeals the performance of the administrative functions of the
7 state board.

8 NEW SUBSECTION. 8. Receive gifts, grants, or donations
9 made for any of the purposes of the state board's programs and
10 disburse and administer the funds received in accordance with
11 the terms of the donor and under the direction of program
12 staff. The funds received shall be used according to any
13 restrictions attached to the funds and any unrestricted funds
14 shall be retained and applied to the applicable program budget
15 for the next succeeding fiscal year.

16 Sec. 25. CHILD ADVOCACY BOARD. The child advocacy board
17 shall work with the court appointed special advocate program
18 to develop a plan for merging that program with the citizen
19 foster care review process. In addition, the board shall also
20 review other programs or processes in state government that
21 are intended to address the best interests of a child who is
22 the subject of an order for out-of-home placement or other
23 juvenile court oversight. The board shall develop a report
24 with findings and recommendations as to how the programs and
25 processes may be consolidated with the efforts of the board.
26 The plan and report shall be submitted to the general
27 assembly, the governor, and the supreme court on or before
28 December 16, 2002.

29 DIVISION III

30 DEPARTMENT OF NATURAL RESOURCES

31 Sec. 26. Section 15.221, subsection 2, paragraph c, Code
32 2001, is amended by striking the paragraph and inserting in
33 lieu thereof the following:

34 c. The director of the department of natural resources or
35 the director's designee.

1 Sec. 27. Section 15A.1, subsection 3, paragraph b, Code
2 Supplement 2001, is amended to read as follows:

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

11 Sec. 28. Section 15E.111, subsection 1, paragraph b,
12 unnumbered paragraph 2, Code 2001, is amended to read as
13 follows:

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

1 standards enforced by the division of labor services of the
2 department of workforce development pursuant to chapter 84A,
3 or rules enforced by the ~~environmental-protection-division-of~~
4 the department of natural resources pursuant to chapter 455B.

5 Sec. 29. Section 15E.208, subsection 4, paragraph b, Code
6 Supplement 2001, is amended to read as follows:

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

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

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

30 Sec. 31. Section 89B.17, unnumbered paragraph 1, Code
31 2001, is amended to read as follows:

32 The director of public health, the labor commissioner, and
33 the ~~administrator-of-the-environmental-protection-division~~
34 director of the department of natural resources or the
35 director's designee under written signatures of all these

1 parties may recommend any of the following actions:

2 Sec. 32. Section 97B.49G, subsection 6, paragraph c, Code
3 2001, is amended to read as follows:

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

19 Sec. 33. Section 103A.8, subsection 7, Code 2001, is
20 amended to read as follows:

21 7. Limit the application of thermal efficiency standards
22 for energy conservation to new construction which will
23 incorporate a heating or cooling system. Air exchange fans
24 designed to provide ventilation shall not be considered a
25 cooling system. The commissioner shall exempt any new
26 construction from thermal efficiency standards for energy
27 conservation if the commissioner determines that the standards
28 are unreasonable as they apply to a particular building or
29 class of buildings including farm buildings for livestock use.
30 Lighting efficiency standards shall recognize variations in
31 lighting intensities required for the various tasks performed
32 within the building. The commissioner shall consult with the
33 ~~energy-and-geological-resources-division-of-the~~ department of
34 natural resources regarding standards for energy conservation
35 prior to the adoption of the standards. However, the

1 standards shall be consistent with section 103A.8A.

2 Sec. 34. Section 103A.8A, Code 2001, is amended to read as
3 follows:

4 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

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

20 Sec. 35. Section 161B.1, subsection 2, paragraphs a and b,
21 Code 2001, are amended by striking the paragraphs and
22 inserting in lieu thereof the following:

23 a. An administrator assigned to energy and geological
24 resource management designated by the director of the
25 department of natural resources.

26 b. An administrator assigned to environmental protection
27 designated by the director of the department of natural
28 resources.

29 Sec. 36. Section 173.16, unnumbered paragraph 2, Code
30 Supplement 2001, is amended to read as follows:

31 In order to efficiently administer facilities and events on
32 the state fairgrounds, and to promote Iowa's conservation
33 ethic, the Iowa state fair board shall handle or dispose of
34 waste generated on the state fairgrounds under supervision of
35 the ~~land-quality-and-waste-management-assistance-division~~

1 ~~established under section 455B-483~~ department of natural
2 resources.

3 Sec. 37. Section 206.25, Code 2001, is amended to read as
4 follows:

5 206.25 PESTICIDE CONTAINERS DISPOSAL.

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

12 Sec. 38. Section 266.39C, subsection 2, paragraph f, Code
13 2001, is amended to read as follows:

14 f. One representative of the ~~energy and geological~~
15 ~~resources division of the~~ department of natural resources,
16 appointed by the director.

17 Sec. 39. Section 427.1, subsection 19, unnumbered
18 paragraphs 5 and 6, Code Supplement 2001, are amended to read
19 as follows:

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

29 A taxpayer may seek judicial review of a determination of
30 the ~~administrator of the environmental protection division~~
31 department or, on appeal, of the environmental protection
32 commission in accordance with the provisions of chapter 17A.

33 Sec. 40. Section 427.1, subsection 20, unnumbered
34 paragraph 1, Code Supplement 2001, is amended to read as
35 follows:

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

28 Sec. 41. Section 455A.6, subsection 6, paragraph d, Code
29 2001, is amended to read as follows:

30 d. Approve the budget request prepared by the director for
31 the programs authorized by chapters 455B, 455C, 455E, and
32 455F, and 455H. The commission shall approve the budget
33 request prepared by the director for programs ~~administered-by~~
34 ~~the-energy-and-geological-resources-division, the~~
35 ~~administrative-services-division, and the office-of-the~~

1 ~~director, as provided in section 455A.7~~ subject to the
2 rulemaking authority of the commission. The commission may
3 increase, decrease, or strike any item within the department
4 budget request for the specified programs before granting
5 approval.

6 Sec. 42. Section 455A.7, subsection 1, Code Supplement
7 2001, is amended by striking the subsection and inserting in
8 lieu thereof the following:

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

17 Sec. 43. Section 455A.8, subsection 1, Code 2001, is
18 amended to read as follows:

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

33 Sec. 44. Section 455A.10, Code 2001, is amended to read as
34 follows:

35 455A.10 STATE FISH AND GAME PROTECTION FUND -- CAPITAL

1 PROJECTS AND CONTINGENCIES.

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

22 Sec. 45. Section 455B.480, Code Supplement 2001, is
23 amended to read as follows:

24 455B.480 SHORT TITLE.

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

27 Sec. 46. Section 455B.481, subsection 2, Code Supplement
28 2001, is amended to read as follows:

29 2. It is also the intent of the general assembly that a
30 comprehensive waste management plan be established by the ~~land~~
31 ~~quality-and-waste-management-assistance-division~~ department
32 which includes: the determination of need and adequate
33 regulatory controls prior to the initiation of site selection;
34 the process for selecting a superior site determined to be
35 necessary; the establishment of a process for a site community

1 to submit or present data, views, or arguments regarding the
2 selection of the operator and the technology that best ensures
3 proper facility operation; the prohibition of shallow land
4 burial of hazardous and low-level radioactive wastes; the
5 establishment of a regulatory framework for a facility; and
6 the establishment of provisions for the safe and orderly
7 development, operation, closure, postclosure, and long-term
8 monitoring and maintenance of the facility.

9 Sec. 47. Section 455B.482, subsection 4, Code Supplement
10 2001, is amended by striking the subsection.

11 Sec. 48. Section 455B.483, Code Supplement 2001, is
12 amended by striking the section and inserting in lieu thereof
13 the following:

14 455B.483 WASTE MANAGEMENT ASSISTANCE.

15 The director of the department of natural resources shall
16 provide for administration of the provisions of this part.

17 Sec. 49. Section 455B.484, unnumbered paragraph 1, Code
18 Supplement 2001, is amended to read as follows:

19 The ~~division~~ department shall:

20 Sec. 50. Section 455B.484, subsections 2 and 9, Code
21 Supplement 2001, are amended to read as follows:

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

28 9. Include in the annual report to the governor and the
29 general assembly required by section 455A.4, subsection 1,
30 paragraph "d", information outlining the activities of the
31 ~~division~~ department in carrying out programs and
32 responsibilities under this part, and identifying trends and
33 developments in the management of waste. The report shall
34 also include specific recommendations for attaining the goals
35 for waste minimization and capacity assurance requirements.

1 Sec. 51. Section 455B.484, subsection 13, paragraph c,
2 Code Supplement 2001, is amended to read as follows:

3 c. In solicitation of proposals for the implementation of
4 the comprehensive plan, the ~~land-quality-and-waste-management~~
5 ~~assistance-division~~ department shall give preference to
6 cooperative proposals which incorporate and utilize the
7 participation of the universities under the control of the
8 state board of regents.

9 Sec. 52. Section 455B.485, subsections 3, 4, and 5, Code
10 Supplement 2001, are amended to read as follows:

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

17 4. Recommend legislative action which may be required for
18 the safe and proper management of waste, for the acquisition
19 or operation of a facility, for the funding of a facility, to
20 enter into interstate agreements for the management of a
21 facility, and to improve the operation of the ~~land-quality-and~~
22 department relating to waste management assistance ~~division~~.

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

27 Sec. 53. Section 455B.486, Code 2001, is amended to read
28 as follows:

29 455B.486 FACILITY SITING.

30 1. The ~~division~~ department shall identify and recommend to
31 the commission suitable sites for locating facilities for the
32 treatment, storage, or disposal of hazardous waste within this
33 state. The ~~division~~ department shall use site selection
34 criteria adopted by the environmental protection commission
35 pursuant to section 455B.487 in identifying these sites. The

1 commission shall accept or reject the recommendation of the
2 division department. If the commission rejects the
3 recommendation of the division department, the commission
4 shall state its reasons for rejecting the recommendation.

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

16 Sec. 54. Section 455B.516, subsection 3, Code Supplement
17 2001, is amended by striking the subsection.

18 Sec. 55. Section 455B.517, unnumbered paragraph 1, Code
19 Supplement 2001, is amended to read as follows:

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

22 Sec. 56. Section 455B.517, subsection 4, Code Supplement
23 2001, is amended to read as follows:

24 4. Seek, receive, and accept funds in the form of
25 appropriations, grants, awards, wills, bequests, endowments,
26 and gifts for the uses designated pursuant to section
27 455B.133B. The division department shall also coordinate
28 existing resources and oversee the disbursement of federal
29 grant moneys to provide consistency in achieving the toxics
30 pollution prevention goal of the state.

31 Sec. 57. Section 455B.518, subsection 2, unnumbered
32 paragraph 1, Code 2001, is amended to read as follows:

33 The division department shall adopt criteria for the
34 information required in a multimedia toxics pollution
35 prevention plan. To the extent possible, the plans shall

1 coordinate reporting requirements in order to minimize
2 unnecessary duplication. The plans shall include, but are not
3 limited to, all of the following:

4 Sec. 58. Section 455E.11, subsection 2, paragraph a,
5 subparagraph (1), subparagraph subdivision (b), Code
6 Supplement 2001, is amended to read as follows:

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

11 Sec. 59. Section 455E.11, subsection 2, paragraph a,
12 subparagraph (2), subparagraph subdivision (a), subparagraph
13 subdivision part (iv), Code Supplement 2001, is amended to
14 read as follows:

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

17 Sec. 60. Section 455E.11, subsection 2, paragraph b,
18 subparagraph (3), subparagraph subdivision (b), unnumbered
19 paragraph 1, Code Supplement 2001, is amended to read as
20 follows:

21 Two percent is appropriated annually to the department and,
22 except for administrative expenses, is transferred to the Iowa
23 department of public health for the purpose of administering
24 grants to counties and conducting oversight of county-based
25 programs for the testing of private rural water supply wells,
26 private rural water supply well sealing, and the proper
27 closure of private rural abandoned wells and cisterns. Not
28 more than thirty-five percent of the moneys is appropriated
29 annually for grants to counties for the purpose of conducting
30 programs of private rural water supply testing, private rural
31 water supply well sealing, the proper closure of private rural
32 abandoned wells and cisterns, or any combination thereof. An
33 amount agreed to by the department of natural resources and
34 the Iowa department of public health shall be retained by the
35 department of natural resources for administrative expenses.

1 Sec. 61. Section 456A.16, unnumbered paragraph 5, Code
2 2001, is amended to read as follows:

3 The general assembly shall appropriate annually from the
4 state fish and game protection fund the amount credited to the
5 fund from the checkoff to the ~~fish-and-wildlife-division-of~~
6 the department for the purposes specified in this section.

7 Sec. 62. Section 456A.17, unnumbered paragraph 2, Code
8 2001, is amended to read as follows:

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

16 Sec. 63. Section 456A.19, unnumbered paragraphs 1 and 2,
17 Code 2001, are amended to read as follows:

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

25 The department shall by October 1 of each year submit to
26 the department of management for transmission to the general
27 assembly a detailed estimate of the amount required by the
28 department during the succeeding year for carrying on the fish
29 and wildlife activities ~~embraced-in-the-fish-and-wildlife~~
30 division. The estimate shall be in the same general form and
31 detail as required by law in estimates submitted by other
32 state departments.

33 Sec. 64. Section 456A.21, subsection 1, Code 2001, is
34 amended to read as follows:

35 1. A forestry management and enhancement fund is created

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

8 Sec. 65. Section 473.11, subsection 3, unnumbered
9 paragraph 1, Code 2001, is amended to read as follows:

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

33 Sec. 66. Section 473.11, subsection 3, paragraphs c and f,
34 Code 2001, are amended to read as follows:

35 c. Work with the ~~energy and geological resources division~~

1 department of natural resources in adopting administrative
2 rules necessary to administer expenditures from the trust,
3 encourage applications for grants and loans, review and select
4 proposals for the funding of competitive grants and loans from
5 the energy conservation trust, and evaluate their comparative
6 effectiveness.

7 f. Prepare, in conjunction with the ~~energy-and-geological~~
8 ~~resources-division~~ department of natural resources, an annual
9 report to the governor and the general assembly regarding
10 earnings of and expenditures from the energy conservation
11 trust.

12 Sec. 67. Section 473.11, subsection 4, Code 2001, is
13 amended to read as follows:

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

29 Sec. 68. Section 476.6, subsection 19, paragraph b, Code
30 Supplement 2001, is amended to read as follows:

31 b. A gas and electric utility required to be rate-
32 regulated under this chapter shall assess potential energy and
33 capacity savings available from actual and projected customer
34 usage by applying commercially available technology and
35 improved operating practices to energy-using equipment and

1 buildings. The utility shall submit the assessment to the
2 board. Upon receipt of the assessment, the board shall
3 consult with the ~~energy-bureau-of-the-division-of-energy-and~~
4 ~~geological-resources-of-the~~ department of natural resources to
5 develop specific capacity and energy savings performance
6 standards for each utility. The utility shall submit an
7 energy efficiency plan which shall include economically
8 achievable programs designed to attain these energy and
9 capacity performance standards.

10 Sec. 69. Section 476.6, subsection 25, paragraph a,
11 subparagraphs (2) and (3), Code Supplement 2001, are amended
12 to read as follows:

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

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

22 Sec. 70. Section 481C.1, Code 2001, is amended to read as
23 follows:

24 481C.1 WILD ANIMAL DEPREDATION UNIT.

25 A wild animal depredation unit is established within the
26 ~~fish-and-wildlife-division-of-the~~ department of natural
27 resources. The unit shall be comprised of two wild animal
28 depredation biologists. ~~The-biologists-shall-serve-under-the~~
29 ~~director-of-the-department-of-natural-resources-~~

30 DIVISION IV

31 OVERSIGHT COMMITTEE

32 Sec. 71. Section 2.45, Code 2001, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 5. a. The legislative oversight
35 committee composed of members designated by the legislative

1 council. In addition to the duties assigned by the
2 legislative council, the committee shall systematically review
3 the programs, agencies, and functions of the executive and
4 judicial branches of government to ensure that public
5 resources are used in the most efficient manner to benefit the
6 people of Iowa.

7 b. The committee shall implement a systematic process of
8 assessing the programs, agencies, and functions. Annually, by
9 October 1, the committee shall identify the programs,
10 agencies, and functions that will be subject to review and
11 evaluation in the succeeding calendar year. An agency of
12 state government selected by the committee for review and
13 evaluation shall provide information as required by the
14 committee, which may include but is not limited to the
15 following:

16 (1) Identifying the activities, services, products, and
17 functions of the agency, including identifying those that are
18 required and the source of the requirement. At minimum, the
19 sources identified shall include state law, state
20 administrative rule, federal law, and federal regulation.

21 (2) Specifying for all activities, services, products, and
22 functions, the users or clientele, and the current level of
23 need for and the level of satisfaction with the activity,
24 service, product, or function.

25 (3) Listing each discretionary activity, service, product,
26 or function of the agency that is not required by state law,
27 state administrative rule, federal law, or federal regulation.

28 (4) Identifying the degree of alignment between the agency
29 strategic plan adopted pursuant to section 8E.206 and the
30 requirements of the agency in state law and administrative
31 rule.

32 (5) Identifying alternative methods of providing the
33 agency's existing activities, services, products, and
34 functions, and quantifying the impact to Iowans if such
35 activities, services, products, or functions are no longer

1 provided by the agency.

2

DIVISION V

3

DEPARTMENT OF INSPECTIONS AND APPEALS

4

BIRTH CENTERS

5 Sec. 72. Section 135G.7, unnumbered paragraph 1, Code
6 2001, is amended to read as follows:

7 The department shall adopt rules pursuant to chapter 17A to
8 administer this chapter. The rules shall be subject to
9 approval by the board of health prior to adoption by the
10 department of inspections and appeals. The department shall
11 adopt and enforce rules setting minimum standards for birth
12 centers. However, the standards shall parallel and shall not
13 exceed standards adopted by the maternity-center-association
14 commission for the accreditation of birth centers or the
15 commission's successor accrediting organization, and state and
16 local building codes where applicable, including:

17 Sec. 73. Section 135G.7, subsection 3, Code 2001, is
18 amended to read as follows:

19 3. ~~licensed-birth-centers-are~~ A licensed birth center is
20 established, organized, and operated consistent with
21 established programmatic standards in accordance with the
22 maternity-center-association commission for the accreditation
23 of birth centers or the commission's successor accrediting
24 organization or the birth center is accredited by the
25 commission for the accreditation of birth centers or the
26 commission's successor accrediting organization.

27 Sec. 74. Section 135G.12, Code 2001, is amended to read as
28 follows:

29 135G.12 AGREEMENTS WITH CONSULTANTS FOR ADVICE OR SERVICES
30 -- MAINTENANCE.

31 1. A licensed birth center shall maintain in writing a
32 consultation agreement, signed within the current license
33 year, with each consultant who has agreed to provide advice
34 and services to the birth center and clients of the birth
35 center, as requested, which shall include emergency backup

1 services. The department shall not require, as a condition of
2 or basis for limitation of licensure of a birth center, that
3 the clients of a birth center be required to consult with, be
4 examined by, or otherwise be assessed for risk factors by any
5 specific health care professional, including any health care
6 professional that has entered into a consultation agreement
7 with the birth center.

8 2. Consultation may be provided on-site or by
9 telecommunication as required indicated by clinical and
10 geographic conditions and as determined in the clinical
11 judgment of the clinical staff providing care for the client
12 for whom consultation is sought.

13 ~~3.--The-consultation-agreement-shall-provide-for-a-minimum~~
14 ~~of-two-prenatal-visits-between-each-patient-and-a-consultant-~~

15 EXPLANATION

16 This bill relates to certain regulatory functions. The
17 bill reorganizes duties of the department of inspections and
18 appeals, transfers the court appointed special advocate
19 program to the department of inspections and appeals,
20 reorganizes the structure of the department of natural
21 resources, and provides for legislative review of agencies.

22 In division I of the bill, the definition of the term
23 "administrator" is amended throughout Code chapter 10A,
24 relating to the department of inspections and appeals, by
25 providing a general description of each division
26 administrator.

27 The duties of the director of the department of inspections
28 and appeals in Code section 10A.104 are amended to include
29 administration of inspection and licensing of social and
30 charitable gambling in place of the inspections division. The
31 bill eliminates a provision making the director of the
32 department of inspections and appeals' rulemaking authority in
33 regard to targeted small business subject to the review and
34 approval of the director of the department of management.

35 Code section 10A.106, providing a list of the divisions of

1 the department, is amended to eliminate the audits division.

2 The duties of the investigations division in Code section
3 10A.402 are amended to eliminate investigation of proposed
4 sales in this state of subdivided land situated outside the
5 state and investigation of applications for beer and liquor
6 licenses and to add audits of various public assistance
7 programs that are subject to investigation by this division.

8 The duties of the inspections division in Code section
9 10A.502 are amended to eliminate responsibility for regulation
10 of social and charitable gambling and inspections of
11 educational, charitable, correctional, and penal institutions
12 and to add responsibility for home food establishments, egg
13 handlers, food processing plants, grocery stores, convenience
14 stores, temporary food establishments, and mobile food units.

15 The bill eliminates the sole authority of the division of
16 administrative hearings in Code section 10A.801 for various
17 personnel matters concerning administrative law judges.

18 In division II, the child advocacy state board is directed
19 to work with the court appointed special advocate program to
20 develop a plan for merging that program with the citizen
21 foster care review process. In addition, the board is also
22 directed to review other programs or processes in state
23 government that are intended to address the best interests of
24 a child who is the subject of an order for out-of-home
25 placement or other juvenile court oversight. The board is to
26 report to the governor and general assembly on the two items
27 on or before December 16, 2002.

28 In division II of the bill, the "state citizen foster care
29 review board" created in Code section 237.16 is renamed to be
30 the "child advocacy board". That board, which is
31 administratively attached to the department of inspections and
32 appeals, assumes responsibility for the functions of the court
33 appointed special advocate (CASA) program in place of the
34 judicial branch. In December 2001, the legislative council
35 adopted a resolution providing for the CASA program to be

1 administered by the office of the citizens' aide on a
2 temporary basis. The bill amends the definition of the term
3 "court appointed special advocate" in Code section 232.2 to
4 provide that the child advocacy board certifies persons for
5 participation and appointment by the court. The bill amends
6 the duties of a CASA appointed under Code section 232.89 for
7 child in need of assistance proceedings and Code section
8 232.126 for family in need of assistance proceedings to
9 require the CASA to submit various reports to the court and
10 the parties to the proceedings. Identifying information
11 concerning a CASA, other than the CASA's name, is not to be
12 considered to be a public record under Code chapter 22, Iowa's
13 open records law.

14 The newly named child advocacy board membership under Code
15 section 232.16 is increased from seven to nine members, a
16 definition of CASA is added to Code chapter 237, and
17 implementation of the CASA program is added to the board's
18 duties. One member of the board must be an active CASA
19 volunteer and one member must be a judicial officer or
20 employee selected from nominees submitted by the judicial
21 branch. In addition, the board may receive and use
22 contributed funds for the board's programs and adopt rules for
23 the CASA program.

24 In division III, the bill provides for the reorganization
25 of the administrative structure of the department of natural
26 resources. The current seven divisions of the department that
27 are created and named in Code section 455A.7 are stricken. In
28 total, the current departmental organization includes seven
29 divisions and 21 bureaus.

30 Division III authorizes the director of the department to
31 establish administrative divisions, bureaus, or other
32 administrative entities within the department to most
33 efficiently and effectively carry out the department's
34 responsibilities. The director shall consult with the natural
35 resource commission and the environmental protection

1 commission, as applicable, during the reorganization process.

2 Division III also provides for the transfer of funds and
3 responsibilities relating to oversight and testing of private
4 rural water supply wells, private rural water supply well
5 sealing, and the proper closure of private rural abandoned
6 wells and cisterns to the Iowa department of public health.

7 The remainder of division III includes corresponding
8 amendments to remove the names of divisions that are stricken
9 in the amendment to Code section 455A.7.

10 In division IV of the bill, the existence of the oversight
11 committee of the legislative council is codified in Code
12 section 2.45, relating to the committees of the legislative
13 council. The committee is directed to perform an annual
14 review process for executive and judicial branch agencies and
15 information that may be required of the agencies is listed.

16 In division V of the bill, requirements for birth centers
17 licensed under Code chapter 135G are revised. The bill
18 prohibits the department of inspections and appeals from
19 requiring that birth center clients be examined or assessed by
20 a specific health professional. The bill also removes a
21 requirement for a client to have at least two prenatal visits.

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SENATE FILE 2325

S-5374

1 Amend Senate File 2325 as follows:

2 1. Page 1, by striking lines 5 through 8 and
3 inserting the following:

4 "1. "Administrator" means the chief administrative
5 law judge, ~~chief inspector, chief investigator, chief~~
6 ~~auditor,~~ or the person administering a division of the
7 department."

8 2. Page 1, by striking lines 29 through 35 and
9 inserting the following:

10 "The allocation of departmental duties to the
11 divisions of the department in sections ~~10A.302,~~
12 10A.402, 10A.502, 10A.702, and 10A.801 does not
13 prohibit the director from reallocating departmental
14 duties within the department. The director shall not
15 reallocate any of the duties of the division of
16 administrative hearings, created by section 10A.801,
17 to any other unit of the department."

18 3. By striking page 3, line 35 through page 4,
19 line 4.

20 4. Page 4, by striking lines 10 through 23.

21 5. By renumbering as necessary.

By MARY A. LUNDBY

S-5374 FILED APRIL 3, 2002

W/D 4-4-02 (p.964)

SENATE FILE 2325

S-5396

1 Amend Senate File 2325 as follows:

2 1. Page 27, by inserting after line 14, the
3 following:

4 "DIVISION _____
5 DEPARTMENT OF INSPECTIONS AND APPEALS
6 NURSING FACILITIES
7 Sec. ____ . NEW SECTION. 135C.31A MEDICATION
8 REGIMEN -- CONTINUITY OF CARE AND CLINICAL INTEGRITY.

9 A nursing facility shall ensure that in
10 transitioning a patient from private support to
11 payment under chapter 249A, continuity of care and
12 clinical integrity in the patient's medication regimen
13 are considered."

14 2. By renumbering as necessary.

By NANCY BOETTGER

S-5396 FILED APRIL 4, 2002

ADOPTED; MOTION TO RECONSIDER; (S5396
WITHDRAWN
P.965)

(p.964)

SENATE FILE 2325

S-5399

1 Amend Senate File 2325 as follows:

2 1. Page 4, line 35, by inserting after the word
3 "board," the following: "administrator of the court
4 appointed special advocate program,"

By MARK SHEARER

S-5399 FILED APRIL 4, 2002

LOST *(p.965)*

SENATE FILE 2325

S-5327

1 Amend Senate File 2325 as follows:

2 1. By striking page 26, line 5, through page 27,
3 line 14, and inserting the following:

4 "Sec. _____. Section 10A.104, subsection 9, Code
5 2001, is amended to read as follows:

6 9. Administer and enforce this chapter, and
7 chapters 99B, 135B, 135C, ~~135G~~, 135H, 135J, 137C,
8 137D, and 137F.

9 Sec. _____. Section 10A.702, subsections 1 and 2,
10 Code 2001, are amended to read as follows:

11 1. Investigations relative to the standards and
12 practices of hospitals, hospices, ~~birth centers~~, and
13 health care facilities.

14 2. Inspections and other licensing procedures
15 relative to the hospice program, hospitals, ~~birth~~
16 ~~centers~~, and health care facilities. The division is
17 designated as the sole licensing authority for these
18 programs and facilities.

19 Sec. _____. Section 135.61, subsection 2, Code 2001,
20 is amended by striking the subsection.

21 Sec. _____. Section 135.61, subsection 14, paragraph
22 f, Code 2001, is amended by striking the lettered
23 paragraph.

24 Sec. _____. Section 252A.2, Code 2001, is amended to
25 read as follows:

26 252A.2 DEFINITIONS.

27 As used in this chapter, unless the context shall
28 require otherwise, the following terms shall have the
29 meanings ascribed to them by this section:

30 ~~1. "Birth center" means birth center as defined in~~
31 ~~section 135G.2.~~

32 ~~2.~~ 1. "Birthing hospital" means a private or
33 public hospital licensed pursuant to chapter 135B that
34 has a licensed obstetric unit or is licensed to
35 provide obstetric services, or a licensed birthing
36 center associated with a hospital.

37 ~~3.~~ 2. "Child" includes but shall not be limited to
38 a stepchild, foster child or legally adopted child and
39 means a child actually or apparently under eighteen
40 years of age, and a dependent person eighteen years of
41 age or over who is unable to maintain the person's
42 self and is likely to become a public charge.

43 ~~4.~~ 3. "Court" shall mean and include any court
44 upon which jurisdiction has been conferred to
45 determine the liability of persons for the support of
46 dependents.

47 ~~5.~~ 4. "Dependent" shall mean and include a spouse,
48 child, mother, father, grandparent or grandchild who
49 is in need of and entitled to support from a person
50 who is declared to be legally liable for such support.

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1 ~~6.~~ 5. "Institution" means a birthing hospital or
2 birth center.

3 ~~7.~~ "Petitioner" includes each dependent person for
4 whom support is sought in a proceeding instituted
5 pursuant to this chapter or a mother or putative
6 father of a dependent. However, in an action brought
7 by the child support recovery unit, the state is the
8 petitioner.

9 ~~8.~~ 6. "Party" means a petitioner, a respondent, or
10 a person who intervenes in a proceeding instituted
11 under this chapter.

12 7. "Petitioner" includes each dependent person for
13 whom support is sought in a proceeding instituted
14 pursuant to this chapter or a mother or putative
15 father of a dependent. However, in an action brought
16 by the child support recovery unit, the state is the
17 petitioner.

18 ~~9.~~ 8. "Petitioner's representative" includes
19 counsel of a dependent person for whom support is
20 sought and counsel for a mother or putative father of
21 a dependent. In an action brought by the child
22 support recovery unit, "petitioner's representative"
23 includes a county attorney, state's attorney and any
24 other public officer, by whatever title the officer's
25 public office may be known, charged by law with the
26 duty of instituting, maintaining, or prosecuting a
27 proceeding under this chapter or under the laws of the
28 state.

29 ~~10.~~ 9. "Putative father" means a man who is
30 alleged to be or who claims to be the biological
31 father of a child born to a woman to whom the man is
32 not married at the time of the birth of the child.

33 ~~11.~~ 10. "Register" means to file a foreign support
34 order in the registry of foreign support orders
35 maintained as a filing in equity by the clerk of
36 court.

37 ~~12.~~ 11. "Respondent" includes each person against
38 whom a proceeding is instituted pursuant to this
39 chapter. "Respondent" may include the mother or the
40 putative father of a dependent.

41 ~~13.~~ 12. "State registrar" means state registrar as
42 defined in section 144.1.

43 Sec. ____ Chapter 135G, Code 2001, is repealed."
44 2. By renumbering as necessary.

By JOHN REDWINE
NEAL SCHUERER

S-5327 FILED APRIL 2, 2002

Adopted
4.4.02
(p. 964)

SENATE FILE 2325

S-5387

1 Amend Senate File 2325 as follows:

2 1. Page 16, by inserting after line 21 the
3 following:

4 "Sec. ____ . Section 455B.133, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 10. Adopt rules allowing a city
7 to conduct a controlled burn of a demolished building
8 subject to the same restrictions as are in effect for
9 fire fighting training fires. The rules shall include
10 a provision that a city may undertake no more than
11 three controlled burns in every overlapping six-
12 tenths-of-a-mile-radius circle every three years. The
13 rules shall prohibit a controlled burn of a demolished
14 building in Cedar Rapids, Marion, Hiawatha, Council
15 Bluffs, Carter Lake, Des Moines, West Des Moines,
16 Clive, Windsor Heights, Urbandale, Pleasant Hill,
17 Buffalo, Davenport, Mason City or any other area where
18 area-specific state implementation plans require the
19 control of particulate."

20 2. Page 24, by inserting after line 29 the
21 following:

22 "Sec. ____ . DEMOLITION SITE WASTE MATERIAL TASK
23 FORCE.

24 1. The department of natural resources, in
25 cooperation with the department of economic
26 development, shall establish a task force to study
27 issues related to the proper disposal of waste
28 material from buildings demolished in cities and
29 counties. The task force shall study issues
30 including, but not limited to, all of the following:

31 a. The proper removal and disposal of waste
32 material containing lead-based paints and asbestos.

33 b. The proper removal and disposal of any other
34 hazardous waste material or waste material commonly
35 found in old buildings that may be considered a health
36 hazard if removed improperly.

37 c. Any alternatives to the disposal of waste
38 material from demolition sites such as salvage
39 operations.

40 d. The training of fire department personnel in
41 relation to the disposal of waste material from
42 demolition sites.

43 e. Asbestos inspection training for volunteers at
44 the local level.

45 f. An appropriate local limit for the controlled
46 burning of demolished buildings from which hazardous
47 materials have been removed prior to burning.

48 g. The proper method for encouraging cooperation
49 between cities and counties on issues related to the
50 disposal of demolition site waste material.

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Page 2

1 2. The task force membership shall include, but
2 not be limited to, all of the following:
3 a. Representatives from the department of natural
4 resources knowledgeable in air toxics and toxic
5 materials.
6 b. Representatives from the department of economic
7 development knowledgeable in community development.
8 c. A representative of the Iowa league of cities.
9 d. A representative of the Iowa society of solid
10 waste operators.
11 e. Four members of the general assembly with not
12 more than one member from each chamber being from the
13 same political party. The two senators shall be
14 designated by the president of the senate after
15 consultation with the majority and minority leaders of
16 the senate. The two representatives shall be
17 designated by the speaker of the house of
18 representatives after consultation with the majority
19 and minority leaders of the house of representatives.
20 3. By January 1, 2003, the task force shall submit
21 a report to the general assembly, including
22 recommendations, regarding issues relating to the
23 disposal of debris from demolition sites in Iowa."
24 3. By renumbering as necessary.

By NANCY BOETTGER**S-5387** FILED APRIL 4, 2002

ADOPTED

(p. 964)

SENATE FILE 2325**S-5389**

1 Amend Senate File 2325 as follows:
2 1. Page 4, by striking lines 20 through 23 and
3 inserting the following: "law judge. However, the
4 evaluation, training, promotion, and discipline of all
5 administrative law judges employed by the division
6 shall remain solely within the authority of the
7 ~~division~~ department."

By MARY A. LUNDBY**S-5389** FILED APRIL 4, 2002

ADOPTED

(p. 964)

DIVISION I

DEPARTMENT OF INSPECTIONS AND APPEALS DUTIES

1
2
3 Section 1. Section 10A.101, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. "Administrator" means ~~the chief administrative law~~
6 ~~judge, chief inspector, chief investigator, chief auditor, or~~
7 the a person administering coordinating the administration of
8 a division of the department.

9 Sec. 2. Section 10A.104, Code 2001, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 11. Administer inspection and licensing
12 of social and charitable gambling pursuant to chapter 99B.

13 Sec. 3. Section 10A.104, subsection 8, Code 2001, is
14 amended to read as follows:

15 8. Establish by rule standards and procedures for
16 certifying that targeted small businesses are eligible to
17 participate in the procurement program established in sections
18 73.15 through 73.21. The procedure for determination of
19 eligibility shall not include self-certification by a
20 business. ~~Rules and guidelines adopted pursuant to this~~
21 ~~subsection are subject to review and approval by the director~~
22 ~~of the department of management.~~ The director shall maintain
23 a current directory of targeted small businesses which that
24 have been certified pursuant to this subsection.

25 Sec. 4. Section 10A.106, subsection 2, Code 2001, is
26 amended by striking the subsection.

27 Sec. 5. Section 10A.106, unnumbered paragraph 2, Code
28 2001, is amended to read as follows:

29 The allocation of departmental duties to the divisions of
30 the department in sections ~~10A.302,~~ 10A.402, 10A.502, 10A.702,
31 and 10A.801 does not prohibit the director from reallocating
32 departmental duties within the department. ~~The director shall~~
33 ~~not reallocate any of the duties of the division of~~
34 ~~administrative hearings, created by section 10A.801, to any~~
35 ~~other unit of the department.~~

1 Sec. 6. Section 10A.401, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. "Administrator" means the ~~chief-investigator-who-shall~~
4 coordinate person coordinating the administration of this
5 division.

6 Sec. 7. Section 10A.402, Code 2001, is amended to read as
7 follows:

8 10A.402 RESPONSIBILITIES.

9 The administrator shall coordinate the division's conduct
10 of various audits and investigations as ~~otherwise~~ provided for
11 by law including but not limited to the following:

12 1. Investigations relative to the practice of regulated
13 professions and occupations, except those within the
14 jurisdiction of the board of medical examiners, the board of
15 pharmacy examiners, the board of dental examiners, and the
16 board of nursing.

17 2. ~~Investigations-relative-to-proposed-sales-within-the~~
18 ~~state-of-subdivided-land-situated-outside-of-the-state-~~
19 Audits relative to the administration of hospitals and health
20 care facilities.

21 3. ~~Investigations-relative-to-applications-for-beer-and~~
22 ~~liquor-licenses-~~ Audits relative to administration and
23 disbursement of funding under the state supplementary
24 assistance program and the medical assistance program.

25 4. Investigations and collections relative to the
26 liquidation of overpayment debts owed to the department of
27 human services. Collection methods include but are not
28 limited to small claims filings, debt setoff, distress
29 warrants, and repayment agreements, and are subject to
30 approval by the department of human services.

31 5. Investigations relative to the operations of the
32 department of elder affairs.

33 6. Investigations relative to the administration of the
34 state ~~supplemental~~ supplementary assistance program, the state
35 medical assistance program, the food stamp program, the family

1 investment program, and any other state or federal benefit
2 assistance program.

3 7. Investigations relative to the internal affairs and
4 operations of agencies and departments within the executive
5 branch of state government, except for institutions governed
6 by the state board of regents.

7 Sec. 8. Section 10A.501, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. "Administrator" means the ~~chief-inspector, who shall~~
10 coordinate person coordinating the administration of this
11 division.

12 Sec. 9. Section 10A.502, Code 2001, is amended to read as
13 follows:

14 10A.502 RESPONSIBILITIES.

15 The administrator shall coordinate the division's conduct
16 of various inspections as ~~otherwise provided for~~ by law
17 including but not limited to the following:

18 1. ~~Inspections and licensing procedures related to social~~
19 ~~and charitable gambling pursuant to chapter 99B of hotels,~~
20 home food establishments, and egg handlers.

21 2. Inspections of food establishments, including
22 ~~restaurants, hotels, food and beverage vending machines, state~~
23 ~~educational, charitable, correctional, and penal institutions,~~
24 and sanitation inspections food processing plants, grocery
25 stores, convenience stores, temporary food establishments, and
26 mobile food units.

27 3. Inspections for sanitation in any locality of the state
28 upon the written petition of five or more residents of a
29 ~~particular~~ the locality.

30 Sec. 10. Section 10A.701, subsection 1, Code 2001, is
31 amended to read as follows:

32 1. "Administrator" means the ~~chief-administrator who shall~~
33 coordinate person coordinating the administration of this
34 division.

35 Sec. 11. Section 10A.801, subsection 1, paragraph a, Code

1 2001, is amended to read as follows:

2 a. "Administrator" means the ~~chief-administrative-law~~
3 ~~judge-who-shall-coordinate~~ person coordinating the
4 administration of the division.

5 Sec. 12. Section 10A.801, subsection 2, Code 2001, is
6 amended to read as follows:

7 2. The administrator shall coordinate the division's
8 conduct of appeals and administrative hearings as otherwise
9 provided by law.

10 Sec. 13. Section 10A.801, subsection 7, paragraph c, Code
11 2001, is amended to read as follows:

12 c. To establish standards and procedures for the
13 evaluation, training, promotion, and discipline for the
14 administrative law judges employed by the division. ~~Those~~ The
15 procedures shall include provisions for each agency for whom a
16 particular administrative law judge presides to submit to the
17 division on a periodic basis the agency's views with respect
18 to the performance of that administrative law judge or the
19 need for specified additional training for that administrative
20 law judge. However, the evaluation, training, promotion, and
21 discipline of all administrative law judges employed by the
22 division shall remain solely within the authority of the
23 division department.

24 Sec. 14. Sections 10A.301 and 10A.302, Code 2001, are
25 repealed.

26 DIVISION II

27 CHILD ADVOCACY BOARD

28 Sec. 15. Section 10A.104, subsection 2, Code 2001, is
29 amended to read as follows:

30 2. Appoint the administrators of the divisions within the
31 department and all other personnel deemed necessary for the
32 administration of this chapter, except the state public
33 defender, assistant state public defenders, administrator of
34 the racing and gaming commission, members of the employment
35 appeal board, and administrator of the ~~state-citizen-foster~~

1 ~~care-review~~ child advocacy board created in section 237.16.
2 All persons appointed and employed in the department are
3 covered by the provisions of chapter 19A, but persons not
4 appointed by the director are exempt from the merit system
5 provisions of chapter 19A.

6 Sec. 16. Section 232.2, subsection 9, Code Supplement
7 2001, is amended to read as follows:

8 9. "Court appointed special advocate" means a person duly
9 certified by the ~~judicial-branch~~ child advocacy board created
10 in section 237.16 for participation in the court appointed
11 special advocate program and appointed by the court to
12 represent the interests of a child in any judicial proceeding
13 to which the child is a party or is called as a witness or
14 relating to any dispositional order involving the child
15 resulting from such proceeding.

16 Sec. 17. Section 232.89, subsection 5, Code 2001, is
17 amended to read as follows:

18 5. The court may appoint a court appointed special
19 ~~advocate, as defined in section 232.2, subsection 9,~~ to act as
20 guardian ad litem. The court appointed special advocate shall
21 receive notice of and may attend all depositions, hearings,
22 and trial proceedings to support the child and advocate for
23 the protection of the child. The court appointed special
24 advocate shall not be allowed to separately introduce evidence
25 or to directly examine or cross-examine witnesses. The court
26 appointed special advocate shall submit a written report to
27 the court and to each of the parties to the proceedings
28 containing results of the court appointed special advocate's
29 initial investigation of the child's case, including but not
30 limited to recommendations regarding placement of the child
31 and other recommendations based on the best interest of the
32 child. The court appointed special advocate shall submit
33 subsequent reports to the court and parties, as needed,
34 detailing the continuing situation of the child's case as long
35 as the child remains under the jurisdiction of the court.

1 However In addition, the court appointed special advocate
2 shall file other reports to the court as required by the
3 court.

4 Sec. 18. Section 232.126, unnumbered paragraph 2, Code
5 2001, is amended to read as follows:

6 The court may appoint a court appointed special advocate
7 ~~as-defined-in-section-232.27-subsection-9~~ to act as guardian
8 ad litem. The court appointed special advocate shall receive
9 notice of and may attend all depositions, hearings, and trial
10 proceedings to support the child and advocate for the
11 protection of the child. The court appointed special advocate
12 shall not be allowed to separately introduce evidence or to
13 directly examine or cross-examine witnesses. The court
14 appointed special advocate shall submit reports to the court
15 and the parties to the proceedings containing the information
16 required in reports submitted by a court appointed special
17 advocate under section 232.89, subsection 5. However In
18 addition, the court appointed special advocate shall file
19 other reports to the court as required by the court.

20 Sec. 19. Section 235A.15, subsection 2, paragraph e,
21 subparagraph (7), Code Supplement 2001, is amended to read as
22 follows:

23 (7) To the state child advocacy and local citizen foster
24 care review boards created pursuant to sections 237.16 and
25 237.19.

26 Sec. 20. Section 237.15, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. "Court appointed special advocate"
29 means the same as defined in section 232.2.

30 Sec. 21. Section 237.15, subsection 6, Code 2001, is
31 amended to read as follows:

32 6. "State board" means the state-citizen-foster-care
33 review child advocacy board created pursuant to section
34 237.16.

35 Sec. 22. Section 237.16, subsection 1, Code 2001, is

1 amended to read as follows:

2 1. The ~~state-citizen-foster-care-review~~ child advocacy
3 board is created within the department of inspections and
4 appeals. The state board consists of ~~seven~~ nine members
5 appointed by the governor, subject to confirmation by the
6 senate and directly responsible to the governor. One member
7 shall be an active court appointed special advocate volunteer
8 and one member shall be a judicial branch employee or judicial
9 officer appointed from nominees submitted by the judicial
10 branch. The appointment is for a term of four years which
11 that begins and ends as provided in section 69.19. Vacancies
12 on the state board shall be filled in the same manner as
13 original appointments are made.

14 Sec. 23. Section 237.18, subsection 2, Code 2001, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. g. Establish procedures and protocols for
17 administering the court appointed special advocate program in
18 accordance with subsection 7.

19 Sec. 24. Section 237.18, Code 2001, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 7. Administer the court appointed special
22 advocate program, including but not limited to performance of
23 all of the following:

24 a. Establish standards for the program, including but not
25 limited to standards for selection and screening of
26 volunteers, preservice training, ongoing education, and
27 assignment and supervision of volunteers. Identifying
28 information concerning a court appointed special advocate,
29 other than the advocate's name, shall not be considered to be
30 a public record under chapter 22.

31 b. Implement the court appointed special advocate program
32 in additional areas of the state.

33 c. Promote adherence to the national guidelines for state
34 and local court appointed special advocate programs.

35 d. Issue an annual report of the court appointed special

1 advocate program for submission to the general assembly, the
2 governor, and the supreme court.

3 e. Employ appropriate court appointed special advocate
4 program staff in accordance with available funding. The state
5 board shall coordinate with the department of inspections and
6 appeals the performance of the administrative functions of the
7 state board.

8 NEW SUBSECTION. 8. Receive gifts, grants, or donations
9 made for any of the purposes of the state board's programs and
10 disburse and administer the funds received in accordance with
11 the terms of the donor and under the direction of program
12 staff. The funds received shall be used according to any
13 restrictions attached to the funds and any unrestricted funds
14 shall be retained and applied to the applicable program budget
15 for the next succeeding fiscal year.

16 Sec. 25. CHILD ADVOCACY BOARD. The child advocacy board
17 shall work with the court appointed special advocate program
18 to develop a plan for merging that program with the citizen
19 foster care review process. In addition, the board shall also
20 review other programs or processes in state government that
21 are intended to address the best interests of a child who is
22 the subject of an order for out-of-home placement or other
23 juvenile court oversight. The board shall develop a report
24 with findings and recommendations as to how the programs and
25 processes may be consolidated with the efforts of the board.
26 The plan and report shall be submitted to the general
27 assembly, the governor, and the supreme court on or before
28 December 16, 2002.

29 DIVISION III

30 DEPARTMENT OF NATURAL RESOURCES

31 Sec. 26. Section 15.221, subsection 2, paragraph c, Code
32 2001, is amended by striking the paragraph and inserting in
33 lieu thereof the following:

34 c. The director of the department of natural resources or
35 the director's designee.

1 Sec. 27. Section 15A.1, subsection 3, paragraph b, Code
2 Supplement 2001, is amended to read as follows:

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

11 Sec. 28. Section 15E.111, subsection 1, paragraph b,
12 unnumbered paragraph 2, Code 2001, is amended to read as
13 follows:

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

1 standards enforced by the division of labor services of the
2 department of workforce development pursuant to chapter 84A,
3 or rules enforced by the ~~environmental-protection-division-of~~
4 the department of natural resources pursuant to chapter 455B.

5 Sec. 29. Section 15E.208, subsection 4, paragraph b, Code
6 Supplement 2001, is amended to read as follows:

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

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

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

30 Sec. 31. Section 89B.17, unnumbered paragraph 1, Code
31 2001, is amended to read as follows:

32 The director of public health, the labor commissioner, and
33 the ~~administrator-of-the-environmental-protection-division~~
34 director of the department of natural resources or the
35 director's designee under written signatures of all these

1 parties may recommend any of the following actions:

2 Sec. 32. Section 97B.49G, subsection 6, paragraph c, Code
3 2001, is amended to read as follows:

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

19 Sec. 33. Section 103A.8, subsection 7, Code 2001, is
20 amended to read as follows:

21 7. Limit the application of thermal efficiency standards
22 for energy conservation to new construction which will
23 incorporate a heating or cooling system. Air exchange fans
24 designed to provide ventilation shall not be considered a
25 cooling system. The commissioner shall exempt any new
26 construction from thermal efficiency standards for energy
27 conservation if the commissioner determines that the standards
28 are unreasonable as they apply to a particular building or
29 class of buildings including farm buildings for livestock use.
30 Lighting efficiency standards shall recognize variations in
31 lighting intensities required for the various tasks performed
32 within the building. The commissioner shall consult with the
33 ~~energy-and-geological-resources-division-of-the~~ department of
34 natural resources regarding standards for energy conservation
35 prior to the adoption of the standards. However, the

1 standards shall be consistent with section 103A.8A.

2 Sec. 34. Section 103A.8A, Code 2001, is amended to read as
3 follows:

4 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

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

20 Sec. 35. Section 161B.1, subsection 2, paragraphs a and b,
21 Code 2001, are amended by striking the paragraphs and
22 inserting in lieu thereof the following:

23 a. An administrator assigned to energy and geological
24 resource management designated by the director of the
25 department of natural resources.

26 b. An administrator assigned to environmental protection
27 designated by the director of the department of natural
28 resources.

29 Sec. 36. Section 173.16, unnumbered paragraph 2, Code
30 Supplement 2001, is amended to read as follows:

31 In order to efficiently administer facilities and events on
32 the state fairgrounds, and to promote Iowa's conservation
33 ethic, the Iowa state fair board shall handle or dispose of
34 waste generated on the state fairgrounds under supervision of
35 the ~~land-quality-and-waste-management-assistance-division~~

1 ~~established under section 455B-483~~ department of natural
2 resources.

3 Sec. 37. Section 206.25, Code 2001, is amended to read as
4 follows:

5 206.25 PESTICIDE CONTAINERS DISPOSAL.

6 The department of agriculture and land stewardship, in
7 cooperation with the ~~environmental protection division of the~~
8 department of natural resources, shall develop a program for
9 handling used pesticide containers which reflects the state
10 solid waste management policy ~~hierarchy, and shall present the~~
11 ~~program developed to the general assembly by February 1, 1988.~~

12 Sec. 38. Section 266.39C, subsection 2, paragraph f, Code
13 2001, is amended to read as follows:

14 f. One representative of the ~~energy and geological~~
15 ~~resources division of the~~ department of natural resources,
16 appointed by the director.

17 Sec. 39. Section 427.1, subsection 19, unnumbered
18 paragraphs 5 and 6, Code Supplement 2001, are amended to read
19 as follows:

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

29 A taxpayer may seek judicial review of a determination of
30 the ~~administrator of the environmental protection division~~
31 department or, on appeal, of the environmental protection
32 commission in accordance with the provisions of chapter 17A.

33 Sec. 40. Section 427.1, subsection 20, unnumbered
34 paragraph 1, Code Supplement 2001, is amended to read as
35 follows:

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

28 Sec. 41. Section 455A.6, subsection 6, paragraph d, Code
29 2001, is amended to read as follows:

30 d. Approve the budget request prepared by the director for
31 the programs authorized by chapters 455B, 455C, 455E, and
32 455F, and 455H. The commission shall approve the budget
33 request prepared by the director for programs ~~administered-by~~
34 ~~the-energy-and-geological-resources-division, the~~
35 ~~administrative-services-division, and the office-of-the~~

1 ~~director, as provided in section 455A.7~~ subject to the
2 rulemaking authority of the commission. The commission may
3 increase, decrease, or strike any item within the department
4 budget request for the specified programs before granting
5 approval.

6 Sec. 42. Section 455A.7, subsection 1, Code Supplement
7 2001, is amended by striking the subsection and inserting in
8 lieu thereof the following:

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

17 Sec. 43. Section 455A.8, subsection 1, Code 2001, is
18 amended to read as follows:

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

33 Sec. 44. Section 455A.10, Code 2001, is amended to read as
34 follows:

35 455A.10 STATE FISH AND GAME PROTECTION FUND -- CAPITAL

1 PROJECTS AND CONTINGENCIES.

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

22 Sec. 45. Section 455B.133, Code 2001, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 10. Adopt rules allowing a city to
25 conduct a controlled burn of a demolished building subject to
26 the same restrictions as are in effect for fire fighting
27 training fires. The rules shall include a provision that a
28 city may undertake no more than three controlled burns in
29 every overlapping six-tenths-of-a-mile-radius circle every
30 three years. The rules shall prohibit a controlled burn of a
31 demolished building in Cedar Rapids, Marion, Hiawatha, Council
32 Bluffs, Carter Lake, Des Moines, West Des Moines, Clive,
33 Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport,
34 Mason City or any other area where area-specific state
35 implementation plans require the control of particulate.

1 Sec. 46. Section 455B.480, Code Supplement 2001, is
2 amended to read as follows:

3 455B.480 SHORT TITLE.

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

6 Sec. 47. Section 455B.481, subsection 2, Code Supplement
7 2001, is amended to read as follows:

8 2. It is also the intent of the general assembly that a
9 comprehensive waste management plan be established by the ~~land~~
10 ~~quality-and-waste-management-assistance-division~~ department
11 which includes: the determination of need and adequate
12 regulatory controls prior to the initiation of site selection;
13 the process for selecting a superior site determined to be
14 necessary; the establishment of a process for a site community
15 to submit or present data, views, or arguments regarding the
16 selection of the operator and the technology that best ensures
17 proper facility operation; the prohibition of shallow land
18 burial of hazardous and low-level radioactive wastes; the
19 establishment of a regulatory framework for a facility; and
20 the establishment of provisions for the safe and orderly
21 development, operation, closure, postclosure, and long-term
22 monitoring and maintenance of the facility.

23 Sec. 48. Section 455B.482, subsection 4, Code Supplement
24 2001, is amended by striking the subsection.

25 Sec. 49. Section 455B.483, Code Supplement 2001, is
26 amended by striking the section and inserting in lieu thereof
27 the following:

28 455B.483 WASTE MANAGEMENT ASSISTANCE.

29 The director of the department of natural resources shall
30 provide for administration of the provisions of this part.

31 Sec. 50. Section 455B.484, unnumbered paragraph 1, Code
32 Supplement 2001, is amended to read as follows:

33 The ~~division~~ department shall:

34 Sec. 51. Section 455B.484, subsections 2 and 9, Code
35 Supplement 2001, are amended to read as follows:

1 2. Seek, receive, and accept funds in the form of
2 appropriations, grants, awards, wills, bequests, endowments,
3 and gifts for deposit into the ~~land-quality-and~~ waste
4 management ~~assistance-division~~ trust fund to be used for
5 programs relating to the duties of the ~~division~~ department
6 under this part.

7 9. Include in the annual report to the governor and the
8 general assembly required by section 455A.4, subsection 1,
9 paragraph "d", information outlining the activities of the
10 ~~division~~ department in carrying out programs and
11 responsibilities under this part, and identifying trends and
12 developments in the management of waste. The report shall
13 also include specific recommendations for attaining the goals
14 for waste minimization and capacity assurance requirements.

15 Sec. 52. Section 455B.484, subsection 13, paragraph c,
16 Code Supplement 2001, is amended to read as follows:

17 c. In solicitation of proposals for the implementation of
18 the comprehensive plan, the ~~land-quality-and-waste-management~~
19 ~~assistance-division~~ department shall give preference to
20 cooperative proposals which incorporate and utilize the
21 participation of the universities under the control of the
22 state board of regents.

23 Sec. 53. Section 455B.485, subsections 3, 4, and 5, Code
24 Supplement 2001, are amended to read as follows:

25 3. Approve the budget request ~~for-the-land-quality-and~~
26 ~~waste-management-assistance-division~~ for administration of
27 this part prior to submission to the department of management.
28 The commission may increase, decrease, or strike any proposed
29 expenditure within the ~~land-quality-and-waste-management~~
30 ~~assistance-division~~ budget request before granting approval.

31 4. Recommend legislative action which may be required for
32 the safe and proper management of waste, for the acquisition
33 or operation of a facility, for the funding of a facility, to
34 enter into interstate agreements for the management of a
35 facility, and to improve the operation of the ~~land-quality-and~~

1 department relating to waste management assistance division.

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

6 Sec. 54. Section 455B.486, Code 2001, is amended to read
7 as follows:

8 455B.486 FACILITY SITING.

9 1. The ~~division~~ department shall identify and recommend to
10 the commission suitable sites for locating facilities for the
11 treatment, storage, or disposal of hazardous waste within this
12 state. The ~~division~~ department shall use site selection
13 criteria adopted by the environmental protection commission
14 pursuant to section 455B.487 in identifying these sites. The
15 commission shall accept or reject the recommendation of the
16 ~~division~~ department. If the commission rejects the
17 recommendation of the ~~division~~ department, the commission
18 shall state its reasons for rejecting the recommendation.

19 2. The commission shall adopt rules establishing criteria
20 for the identification of sites which are suitable for the
21 operation of low-level radioactive waste disposal facilities.
22 The ~~division~~ department shall apply these criteria, once
23 adopted, to identify and recommend to the commission sites
24 suitable for locating facilities for the disposal of low-level
25 radioactive waste. The commission shall accept or reject the
26 recommendation of the ~~division~~ department. If the commission
27 rejects the recommendation of the ~~division~~ department, the
28 commission shall state its reasons for rejecting the
29 recommendation.

30 Sec. 55. Section 455B.516, subsection 3, Code Supplement
31 2001, is amended by striking the subsection.

32 Sec. 56. Section 455B.517, unnumbered paragraph 1, Code
33 Supplement 2001, is amended to read as follows:

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

1 Sec. 57. Section 455B.517, subsection 4, Code Supplement
2 2001, is amended to read as follows:

3 4. Seek, receive, and accept funds in the form of
4 appropriations, grants, awards, wills, bequests, endowments,
5 and gifts for the uses designated pursuant to section
6 455B.133B. The ~~division~~ department shall also coordinate
7 existing resources and oversee the disbursement of federal
8 grant moneys to provide consistency in achieving the toxics
9 pollution prevention goal of the state.

10 Sec. 58. Section 455B.518, subsection 2, unnumbered
11 paragraph 1, Code 2001, is amended to read as follows:

12 The ~~division~~ department shall adopt criteria for the
13 information required in a multimedia toxics pollution
14 prevention plan. To the extent possible, the plans shall
15 coordinate reporting requirements in order to minimize
16 unnecessary duplication. The plans shall include, but are not
17 limited to, all of the following:

18 Sec. 59. Section 455E.11, subsection 2, paragraph a,
19 subparagraph (1), subparagraph subdivision (b), Code
20 Supplement 2001, is amended to read as follows:

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

25 Sec. 60. Section 455E.11, subsection 2, paragraph a,
26 subparagraph (2), subparagraph subdivision (a), subparagraph
27 subdivision part (iv), Code Supplement 2001, is amended to
28 read as follows:

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

31 Sec. 61. Section 455E.11, subsection 2, paragraph b,
32 subparagraph (3), subparagraph subdivision (b), unnumbered
33 paragraph 1, Code Supplement 2001, is amended to read as
34 follows:

35 Two percent is appropriated annually to the department and,

1 except for administrative expenses, is transferred to the Iowa
2 department of public health for the purpose of administering
3 grants to counties and conducting oversight of county-based
4 programs for the testing of private rural water supply wells,
5 private rural water supply well sealing, and the proper
6 closure of private rural abandoned wells and cisterns. Not
7 more than thirty-five percent of the moneys is appropriated
8 annually for grants to counties for the purpose of conducting
9 programs of private rural water supply testing, private rural
10 water supply well sealing, the proper closure of private rural
11 abandoned wells and cisterns, or any combination thereof. An
12 amount agreed to by the department of natural resources and
13 the Iowa department of public health shall be retained by the
14 department of natural resources for administrative expenses.

15 Sec. 62. Section 456A.16, unnumbered paragraph 5, Code
16 2001, is amended to read as follows:

17 The general assembly shall appropriate annually from the
18 state fish and game protection fund the amount credited to the
19 fund from the checkoff to the ~~fish-and-wildlife-division-of~~
20 the department for the purposes specified in this section.

21 Sec. 63. Section 456A.17, unnumbered paragraph 2, Code
22 2001, is amended to read as follows:

23 The state fish and game protection fund, except as
24 otherwise provided, consists of all moneys accruing from
25 license fees and all other sources of revenue arising under
26 the fish and wildlife ~~division~~ programs. Notwithstanding
27 section 12C.7, subsection 2, interest or earnings on
28 investments or time deposits of the moneys in the state fish
29 and game protection fund shall be credited to that fund.

30 Sec. 64. Section 456A.19, unnumbered paragraphs 1 and 2,
31 Code 2001, are amended to read as follows:

32 All funds accruing to the fish and game protection fund,
33 except an equitable portion of the administration fund, shall
34 be expended solely in carrying on the fish and wildlife
35 activities ~~embraced-in-the-fish-and-wildlife-division~~.

1 Expenditures incurred by the division department in carrying
2 on the activities shall be only on authorization by the
3 general assembly.

4 The department shall by October 1 of each year submit to
5 the department of management for transmission to the general
6 assembly a detailed estimate of the amount required by the
7 department during the succeeding year for carrying on the fish
8 and wildlife activities ~~embraced-in-the-fish-and-wildlife~~
9 division. The estimate shall be in the same general form and
10 detail as required by law in estimates submitted by other
11 state departments.

12 Sec. 65. Section 456A.21, subsection 1, Code 2001, is
13 amended to read as follows:

14 1. A forestry management and enhancement fund is created
15 in the state treasury under ~~the-control-of~~ the department's
16 ~~forests-and-prairies-division-created-in-section-455A-7~~
17 control. The fund is composed of moneys deposited into the
18 fund pursuant to section 456A.20, moneys appropriated by the
19 general assembly, and moneys available to and obtained or
20 accepted by the division or the department from the United
21 States or private sources for placement in the fund.

22 Sec. 66. Section 473.11, subsection 3, unnumbered
23 paragraph 1, Code 2001, is amended to read as follows:

24 An energy fund disbursement council is established. The
25 council shall be composed of the governor or the governor's
26 designee, the director of the department of management, who
27 shall serve as the council's chairperson, the administrator of
28 the division of community action agencies of the department of
29 human rights, ~~the-administrator-of-the-energy-and-geological~~
30 ~~resources-division~~ a designee of the director of the
31 department of natural resources who is knowledgeable in the
32 field of energy conservation, and a designee of the director
33 of transportation, who is knowledgeable in the field of energy
34 conservation. The council shall include as nonvoting members
35 two members of the senate appointed by the president of the

1 senate, after consultation with the majority leader and the
2 minority leader of the senate, and two members of the house of
3 representatives appointed by the speaker of the house, after
4 consultation with the majority leader and the minority leader
5 of the house. The legislative members shall be appointed upon
6 the convening and for the period of each general assembly.
7 Not more than one member from each house shall be of the same
8 political party. The council shall be staffed by the ~~energy~~
9 ~~and-geological-resources-division-of-the~~ department of natural
10 resources. The attorney general shall provide legal
11 assistance to the council.

12 Sec. 67. Section 473.11, subsection 3, paragraphs c and f,
13 Code 2001, are amended to read as follows:

14 c. Work with the ~~energy-and-geological-resources-division~~
15 department of natural resources in adopting administrative
16 rules necessary to administer expenditures from the trust,
17 encourage applications for grants and loans, review and select
18 proposals for the funding of competitive grants and loans from
19 the energy conservation trust, and evaluate their comparative
20 effectiveness.

21 f. Prepare, in conjunction with the ~~energy-and-geological~~
22 ~~resources-division~~ department of natural resources, an annual
23 report to the governor and the general assembly regarding
24 earnings of and expenditures from the energy conservation
25 trust.

26 Sec. 68. Section 473.11, subsection 4, Code 2001, is
27 amended to read as follows:

28 4. The ~~administrator-of-the-energy-and-geological~~
29 ~~resources-division~~ director of the department of natural
30 resources or the director's designee shall be the
31 administrator of the energy conservation trust. The
32 administrator shall disburse moneys appropriated by the
33 general assembly from the funds in the trust in accordance
34 with the federal court orders, law and regulation, or
35 settlement conditions applying to the moneys in that fund, and

1 subject to the approval of the energy fund disbursement
2 council if such approval is required. The council, after
3 consultation with the attorney general, shall immediately
4 approve the disbursement of moneys from the funds in the trust
5 for projects which meet the federal court orders, law and
6 regulations, or settlement conditions which apply to that
7 fund.

8 Sec. 69. Section 476.6, subsection 19, paragraph b, Code
9 Supplement 2001, is amended to read as follows:

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

24 Sec. 70. Section 476.6, subsection 25, paragraph a,
25 subparagraphs (2) and (3), Code Supplement 2001, are amended
26 to read as follows:

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

30 (3) The initial multiyear plan and budget and any
31 subsequent updates shall be considered in a contested case
32 proceeding pursuant to chapter 17A. The ~~environmental~~
33 ~~protection-division-of-the~~ department of natural resources and
34 the consumer advocate shall participate as parties to the
35 proceeding.

1 Sec. 71. Section 481C.1, Code 2001, is amended to read as
2 follows:

3 481C.1 WILD ANIMAL DEPREDATION UNIT.

4 A wild animal depredation unit is established within the
5 ~~fish-and-wildlife-division-of-the~~ department of natural
6 resources. The unit shall be comprised of two wild animal
7 depredation biologists. ~~The-biologists-shall-serve-under-the~~
8 ~~director-of-the-department-of-natural-resources.~~

9 Sec. 72. DEMOLITION SITE WASTE MATERIAL TASK FORCE.

10 1. The department of natural resources, in cooperation
11 with the department of economic development, shall establish a
12 task force to study issues related to the proper disposal of
13 waste material from buildings demolished in cities and
14 counties. The task force shall study issues including, but
15 not limited to, all of the following:

16 a. The proper removal and disposal of waste material
17 containing lead-based paints and asbestos.

18 b. The proper removal and disposal of any other hazardous
19 waste material or waste material commonly found in old
20 buildings that may be considered a health hazard if removed
21 improperly.

22 c. Any alternatives to the disposal of waste material from
23 demolition sites such as salvage operations.

24 d. The training of fire department personnel in relation
25 to the disposal of waste material from demolition sites.

26 e. Asbestos inspection training for volunteers at the
27 local level.

28 f. An appropriate local limit for the controlled burning
29 of demolished buildings from which hazardous materials have
30 been removed prior to burning.

31 g. The proper method for encouraging cooperation between
32 cities and counties on issues related to the disposal of
33 demolition site waste material.

34 2. The task force membership shall include, but not be
35 limited to, all of the following:

- 1 a. Representatives from the department of natural
2 resources knowledgeable in air toxics and toxic materials.
3 b. Representatives from the department of economic
4 development knowledgeable in community development.
5 c. A representative of the Iowa league of cities.
6 d. A representative of the Iowa society of solid waste
7 operators.
8 e. Four members of the general assembly with not more than
9 one member from each chamber being from the same political
10 party. The two senators shall be designated by the president
11 of the senate after consultation with the majority and
12 minority leaders of the senate. The two representatives shall
13 be designated by the speaker of the house of representatives
14 after consultation with the majority and minority leaders of
15 the house of representatives.
16 3. By January 1, 2003, the task force shall submit a
17 report to the general assembly, including recommendations,
18 regarding issues relating to the disposal of debris from
19 demolition sites in Iowa.

20 DIVISION IV

21 OVERSIGHT COMMITTEE

22 Sec. 73. Section 2.45, Code 2001, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 5. a. The legislative oversight
25 committee composed of members designated by the legislative
26 council. In addition to the duties assigned by the
27 legislative council, the committee shall systematically review
28 the programs, agencies, and functions of the executive and
29 judicial branches of government to ensure that public
30 resources are used in the most efficient manner to benefit the
31 people of Iowa.

32 b. The committee shall implement a systematic process of
33 assessing the programs, agencies, and functions. Annually, by
34 October 1, the committee shall identify the programs,
35 agencies, and functions that will be subject to review and

1 evaluation in the succeeding calendar year. An agency of
2 state government selected by the committee for review and
3 evaluation shall provide information as required by the
4 committee, which may include but is not limited to the
5 following:

6 (1) Identifying the activities, services, products, and
7 functions of the agency, including identifying those that are
8 required and the source of the requirement. At minimum, the
9 sources identified shall include state law, state
10 administrative rule, federal law, and federal regulation.

11 (2) Specifying for all activities, services, products, and
12 functions, the users or clientele, and the current level of
13 need for and the level of satisfaction with the activity,
14 service, product, or function.

15 (3) Listing each discretionary activity, service, product,
16 or function of the agency that is not required by state law,
17 state administrative rule, federal law, or federal regulation.

18 (4) Identifying the degree of alignment between the agency
19 strategic plan adopted pursuant to section 8E.206 and the
20 requirements of the agency in state law and administrative
21 rule.

22 (5) Identifying alternative methods of providing the
23 agency's existing activities, services, products, and
24 functions, and quantifying the impact to Iowans if such
25 activities, services, products, or functions are no longer
26 provided by the agency.

27 DIVISION V

28 DEPARTMENT OF INSPECTIONS AND APPEALS

29 BIRTH CENTERS

30 Sec. 74. Section 10A.104, subsection 9, Code 2001, is
31 amended to read as follows:

32 9. Administer and enforce this chapter, and chapters 99B,
33 135B, 135C, ~~135G~~, 135H, 135J, 137C, 137D, and 137F.

34 Sec. 75. Section 10A.702, subsections 1 and 2, Code 2001,
35 are amended to read as follows:

1 1. Investigations relative to the standards and practices
2 of hospitals, hospices, birth-centers, and health care
3 facilities.

4 2. Inspections and other licensing procedures relative to
5 the hospice program, hospitals, birth-centers, and health care
6 facilities. The division is designated as the sole licensing
7 authority for these programs and facilities.

8 Sec. 76. Section 135.61, subsection 2, Code 2001, is
9 amended by striking the subsection.

10 Sec. 77. Section 135.61, subsection 14, paragraph f, Code
11 2001, is amended by striking the lettered paragraph.

12 Sec. 78. Section 252A.2, Code 2001, is amended to read as
13 follows:

14 252A.2 DEFINITIONS.

15 As used in this chapter, unless the context shall require
16 otherwise, the following terms shall have the meanings
17 ascribed to them by this section:

18 ~~1. "Birth-center" means birth-center as defined in section~~
19 ~~1356-2.~~

20 ~~2. 1. "Birthing hospital" means a private or public~~
21 ~~hospital licensed pursuant to chapter 135B that has a licensed~~
22 ~~obstetric unit or is licensed to provide obstetric services,~~
23 ~~or a licensed birthing center associated with a hospital.~~

24 ~~3. 2. "Child" includes but shall not be limited to a~~
25 ~~stepchild, foster child or legally adopted child and means a~~
26 ~~child actually or apparently under eighteen years of age, and~~
27 ~~a dependent person eighteen years of age or over who is unable~~
28 ~~to maintain the person's self and is likely to become a public~~
29 ~~charge.~~

30 ~~4. 3. "Court" shall mean and include any court upon which~~
31 ~~jurisdiction has been conferred to determine the liability of~~
32 ~~persons for the support of dependents.~~

33 ~~5. 4. "Dependent" shall mean and include a spouse, child,~~
34 ~~mother, father, grandparent or grandchild who is in need of~~
35 ~~and entitled to support from a person who is declared to be~~

1 legally liable for such support.

2 6- 5. "Institution" means a birthing hospital or birth
3 center.

4 7--"Petitioner"--includes each dependent person for whom
5 support is sought in a proceeding instituted pursuant to this
6 chapter or a mother or putative father of a dependent.
7 However, in an action brought by the child support recovery
8 unit, the state is the petitioner.

9 8- 6. "Party" means a petitioner, a respondent, or a
10 person who intervenes in a proceeding instituted under this
11 chapter.

12 7. "Petitioner" includes each dependent person for whom
13 support is sought in a proceeding instituted pursuant to this
14 chapter or a mother or putative father of a dependent.
15 However, in an action brought by the child support recovery
16 unit, the state is the petitioner.

17 9- 8. "Petitioner's representative" includes counsel of a
18 dependent person for whom support is sought and counsel for a
19 mother or putative father of a dependent. In an action
20 brought by the child support recovery unit, "petitioner's
21 representative" includes a county attorney, state's attorney
22 and any other public officer, by whatever title the officer's
23 public office may be known, charged by law with the duty of
24 instituting, maintaining, or prosecuting a proceeding under
25 this chapter or under the laws of the state.

26 10- 9. "Putative father" means a man who is alleged to be
27 or who claims to be the biological father of a child born to a
28 woman to whom the man is not married at the time of the birth
29 of the child.

30 11- 10. "Register" means to file a foreign support order
31 in the registry of foreign support orders maintained as a
32 filing in equity by the clerk of court.

33 12- 11. "Respondent" includes each person against whom a
34 proceeding is instituted pursuant to this chapter.

35 "Respondent" may include the mother or the putative father of

1 a dependent.

2 ~~13~~ 12. "State registrar" means state registrar as defined
3 in section 144.1.

4 Sec. 79. Chapter 135G, Code 2001, is repealed.

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SENATE FILE 2325

H-8558

1 Amend Senate File 2325, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 20, by inserting after line 17 the
4 following:
5 "Sec. ____ . Section 455D.6, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 6A. Develop a strategy and
8 recommend to the commission the adoption of rules
9 necessary to implement by January 1, 2004, a strategy
10 for the recycling of electronic goods and the
11 disassembling and removing of toxic parts from
12 electronic goods."
13 2. By renumbering as necessary.

By MASCHER of Johnson

H-8558 FILED APRIL 9, 2002

*Adapted
7-10-02 p. 1321*

SENATE FILE 2325

H-8589

1 Amend Senate File 2325, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 27, line 27, through page 30,
4 line 4.
5 2. Title page, line 7, by inserting after the
6 word "resources," the following: "and".
7 3. Title page, by striking lines 8 and 9 and
8 inserting the following: "review of state agencies."
9 4. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
MILLAGE of Scott, Chairperson

H-8589 FILED APRIL 11, 2002

*Lost
4-10-02 (p. 1320)*

SENATE FILE 2325

H-8635

1 Amend Senate File 2325, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 28, by striking lines 8 through 11 and
4 inserting the following:
5 "Sec. ____ . Section 135.61, subsection 2, Code
6 2001, is amended by striking the subsection and
7 inserting in lieu thereof the following:
8 2. "Birth center" means a facility, institution,
9 or place, which is not an ambulatory surgical center
10 or a hospital or in a hospital, in which births are
11 planned to occur away from the mother's usual
12 residence following a normal, uncomplicated, low-risk
13 pregnancy."
14 2. By renumbering as necessary.

By JENKINS of Black Hawk

H-8635 FILED APRIL 11, 2002

W/D 3.11.02 p. 1330

SENATE FILE 2325

H-8641

1 Amend Senate File 2325, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 28, by striking lines 8 through 11 and
4 inserting the following:
5 "Sec. ____ . Section 135.61, subsection 2, Code
6 2001, is amended by striking the subsection and
7 inserting in lieu thereof the following:
8 2. "Birth center" means a facility or institution,
9 which is not an ambulatory surgical center or a
10 hospital or in a hospital, in which births are planned
11 to occur following a normal, uncomplicated, low-risk
12 pregnancy."
13 2. By renumbering as necessary.

By JENKINS of Black Hawk
BODDICKER of Cedar

H-8641 FILED APRIL 11, 2002

Adopted
4-11-02
(P. 1331)

HOUSE AMENDMENT TO
SENATE FILE 2325

S-5489

1 Amend Senate File 2325, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 20, by inserting after line 17 the
4 following:

5 "Sec. ____ . Section 455D.6, Code 2001, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6A. Develop a strategy and
8 recommend to the commission the adoption of rules
9 necessary to implement by January 1, 2004, a strategy
10 for the recycling of electronic goods and the
11 disassembling and removing of toxic parts from
12 electronic goods."

13 2. Page 28, by striking lines 8 through 11 and
14 inserting the following:

15 "Sec. ____ . Section 135.61, subsection 2, Code
16 2001, is amended by striking the subsection and
17 inserting in lieu thereof the following:

18 2. "Birth center" means a facility or institution,
19 which is not an ambulatory surgical center or a
20 hospital or in a hospital, in which births are planned
21 to occur following a normal, uncomplicated, low-risk
22 pregnancy."

23 3. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5489 FILED APRIL 11, 2002

CONCURRED

(P.1124)

SENATE FILE 2325

AN ACT

RELATING TO CERTAIN STATE AGENCY REGULATORY FUNCTIONS BY REORGANIZING THE DUTIES OF THE DEPARTMENT OF INSPECTIONS AND APPEALS, TRANSFERRING THE COURT APPOINTED SPECIAL ADVOCATE PROGRAM TO THE DEPARTMENT OF INSPECTIONS AND APPEALS, RENAMING AND REVISING THE DUTIES OF THE STATE CITIZEN FOSTER CARE REVIEW BOARD, REORGANIZING THE ADMINISTRATIVE STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, PROVIDING FOR LEGISLATIVE REVIEW OF STATE AGENCIES, AND REVISING REQUIREMENTS FOR LICENSED BIRTH CENTERS.

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

DIVISION I

DEPARTMENT OF INSPECTIONS AND APPEALS DUTIES

Section 1. Section 10A.101, subsection 1, Code 2001, is amended to read as follows:

1. "Administrator" means ~~the chief administrative law judge, chief inspector, chief investigator, chief auditor, or the a person administering~~ coordinating the administration of a division of the department.

Sec. 2. Section 10A.104, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Administer inspection and licensing of social and charitable gambling pursuant to chapter 99B.

Sec. 3. Section 10A.104, subsection 8, Code 2001, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement program established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. ~~Rules and guidelines adopted pursuant to this~~

~~subsection are subject to review and approval by the director of the department of management.~~ The director shall maintain a current directory of targeted small businesses which that have been certified pursuant to this subsection.

Sec. 4. Section 10A.106, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 5. Section 10A.106, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The allocation of departmental duties to the divisions of the department in sections ~~10A.302,~~ 10A.402, 10A.502, 10A.702, and 10A.801 does not prohibit the director from reallocating departmental duties within the department. ~~The director shall not reallocate any of the duties of the division of administrative hearings, created by section 10A.801, to any other unit of the department.~~

Sec. 6. Section 10A.401, subsection 1, Code 2001, is amended to read as follows:

1. "Administrator" means the ~~chief investigator who shall~~ coordinate person coordinating the administration of this division.

Sec. 7. Section 10A.402, Code 2001, is amended to read as follows:

10A.402 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various audits and investigations as otherwise provided for by law including but not limited to the following:

1. Investigations relative to the practice of regulated professions and occupations, except those within the jurisdiction of the board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing.

2. ~~Investigations relative to proposed sales within the state of subdivided land situated outside of the state.~~ Audits relative to the administration of hospitals and health care facilities.

~~3. Investigations relative to applications for beer and liquor licenses.~~ Audits relative to administration and disbursement of funding under the state supplementary assistance program and the medical assistance program.

4. Investigations and collections relative to the liquidation of overpayment debts owed to the department of human services. Collection methods include but are not limited to small claims filings, debt setoff, distress warrants, and repayment agreements, and are subject to approval by the department of human services.

5. Investigations relative to the operations of the department of elder affairs.

6. Investigations relative to the administration of the state ~~supplemental~~ supplementary assistance program, the state medical assistance program, the food stamp program, the family investment program, and any other state or federal benefit assistance program.

7. Investigations relative to the internal affairs and operations of agencies and departments within the executive branch of state government, except for institutions governed by the state board of regents.

Sec. 8. Section 10A.501, subsection 1, Code 2001, is amended to read as follows:

1. "Administrator" means the ~~chief-inspector-who-shall~~ coordinate person coordinating the administration of this division.

Sec. 9. Section 10A.502, Code 2001, is amended to read as follows:

10A.502 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various inspections as otherwise provided for by law including but not limited to the following:

1. ~~Inspections and licensing procedures related to social and charitable gambling pursuant to chapter 99B of hotels,~~ home food establishments, and egg handlers.

2. Inspections of food establishments, including restaurants, hotels, ~~food-and-beverage vending machines, state educational, charitable, correctional, and penal institutions,~~ and sanitation inspections food processing plants, grocery stores, convenience stores, temporary food establishments, and mobile food units.

3. Inspections for sanitation in any locality of the state upon the written petition of five or more residents of a particular the locality.

Sec. 10. Section 10A.701, subsection 1, Code 2001, is amended to read as follows:

1. "Administrator" means the ~~chief-administrator-who-shall~~ coordinate person coordinating the administration of this division.

Sec. 11. Section 10A.801, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. "Administrator" means the ~~chief-administrative-law judge-who-shall-coordinate~~ person coordinating the administration of the division.

Sec. 12. Section 10A.801, subsection 2, Code 2001, is amended to read as follows:

2. The administrator shall coordinate the division's conduct of appeals and administrative hearings as otherwise provided by law.

Sec. 13. Section 10A.801, subsection 7, paragraph c, Code 2001, is amended to read as follows:

c. To establish standards and procedures for the evaluation, training, promotion, and discipline for the administrative law judges employed by the division. ~~These~~ The procedures shall include provisions for each agency for whom a particular administrative law judge presides to submit to the division on a periodic basis the agency's views with respect to the performance of that administrative law judge or the need for specified additional training for that administrative law judge. However, the evaluation, training, promotion, and discipline of all administrative law judges employed by the

division shall remain solely within the authority of the division department.

Sec. 14. Sections 10A.301 and 10A.302, Code 2001, are repealed.

DIVISION II
CHILD ADVOCACY BOARD

Sec. 15. Section 10A.104, subsection 2, Code 2001, is amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, members of the employment appeal board, and administrator of the state-citizen-foster care-review child advocacy board created in section 237.16. All persons appointed and employed in the department are covered by the provisions of chapter 19A, but persons not appointed by the director are exempt from the merit system provisions of chapter 19A.

Sec. 16. Section 232.2, subsection 9, Code Supplement 2001, is amended to read as follows:

9. "Court appointed special advocate" means a person duly certified by the judicial-branch child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding.

Sec. 17. Section 232.89, subsection 5, Code 2001, is amended to read as follows:

5. The court may appoint a court appointed special advocate-as-defined-in-section-232-2-subsection-9, to act as guardian ad litem. The court appointed special advocate shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for

the protection of the child. The court appointed special advocate shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. The court appointed special advocate shall submit a written report to the court and to each of the parties to the proceedings containing results of the court appointed special advocate's initial investigation of the child's case, including but not limited to recommendations regarding placement of the child and other recommendations based on the best interest of the child. The court appointed special advocate shall submit subsequent reports to the court and parties, as needed, detailing the continuing situation of the child's case as long as the child remains under the jurisdiction of the court. However In addition, the court appointed special advocate shall file other reports to the court as required by the court.

Sec. 18. Section 232.126, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The court may appoint a court appointed special advocate-as-defined-in-section-232-2-subsection-9, to act as guardian ad litem. The court appointed special advocate shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child. The court appointed special advocate shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. The court appointed special advocate shall submit reports to the court and the parties to the proceedings containing the information required in reports submitted by a court appointed special advocate under section 232.89, subsection 5. However In addition, the court appointed special advocate shall file other reports to the court as required by the court.

Sec. 19. Section 235A.15, subsection 2, paragraph e, subparagraph (7), Code Supplement 2001, is amended to read as follows:

(7) To the state child advocacy and local citizen foster care review boards created pursuant to sections 237.16 and 237.19.

Sec. 20. Section 237.15, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Court appointed special advocate" means the same as defined in section 232.2.

Sec. 21. Section 237.15, subsection 6, Code 2001, is amended to read as follows:

6. "State board" means the ~~state-citizen-foster-care review~~ child advocacy board created pursuant to section 237.16.

Sec. 22. Section 237.16, subsection 1, Code 2001, is amended to read as follows:

1. The ~~state-citizen-foster-care-review~~ child advocacy board is created within the department of inspections and appeals. The state board consists of seven nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years which that begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

Sec. 23. Section 237.18, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Establish procedures and protocols for administering the court appointed special advocate program in accordance with subsection 7.

Sec. 24. Section 237.18, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Administer the court appointed special advocate program, including but not limited to performance of all of the following:

a. Establish standards for the program, including but not limited to standards for selection and screening of volunteers, preservice training, ongoing education, and assignment and supervision of volunteers. Identifying information concerning a court appointed special advocate, other than the advocate's name, shall not be considered to be a public record under chapter 22.

b. Implement the court appointed special advocate program in additional areas of the state.

c. Promote adherence to the national guidelines for state and local court appointed special advocate programs.

d. Issue an annual report of the court appointed special advocate program for submission to the general assembly, the governor, and the supreme court.

e. Employ appropriate court appointed special advocate program staff in accordance with available funding. The state board shall coordinate with the department of inspections and appeals the performance of the administrative functions of the state board.

NEW SUBSECTION. 8. Receive gifts, grants, or donations made for any of the purposes of the state board's programs and disburse and administer the funds received in accordance with the terms of the donor and under the direction of program staff. The funds received shall be used according to any restrictions attached to the funds and any unrestricted funds shall be retained and applied to the applicable program budget for the next succeeding fiscal year.

Sec. 25. CHILD ADVOCACY BOARD. The child advocacy board shall work with the court appointed special advocate program to develop a plan for merging that program with the citizen foster care review process. In addition, the board shall also review other programs or processes in state government that are intended to address the best interests of a child who is the subject of an order for out-of-home placement or other juvenile court oversight. The board shall develop a report with findings and recommendations as to how the programs and

processes may be consolidated with the efforts of the board. The plan and report shall be submitted to the general assembly, the governor, and the supreme court on or before December 16, 2002.

DIVISION III

DEPARTMENT OF NATURAL RESOURCES

Sec. 26. Section 15.221, subsection 2, paragraph c, Code 2001, is amended by striking the paragraph and inserting in lieu thereof the following:

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

Sec. 27. Section 15A.1, subsection 3, paragraph b, Code Supplement 2001, is amended to read as follows:

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

Sec. 28. Section 15E.111, subsection 1, paragraph b, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Financial assistance awarded under this section may be in the form of a loan, loan guarantee, grant, production incentive payment, or a combination of financial assistance. The department shall not award more than twenty-five percent of the amount allocated to the value-added agricultural products and processes financial assistance fund during any fiscal year to support a single person. The department may finance any size of facility. However, the department shall reserve up to fifty percent of the total amount allocated to the fund, for purposes of assisting persons requiring one hundred thousand dollars or less in financial assistance. The amount shall be reserved until the end of the third quarter of

the fiscal year. The department shall not provide financial assistance to support a value-added production facility, if the facility or a person owning a controlling interest in the facility has demonstrated a continuous and flagrant disregard for the health and safety of its employees, or the quality of the environment. Evidence of such disregard shall include a history of serious or uncorrected violations of state or federal law protecting occupational health and safety or the environment, including but not limited to serious or uncorrected violations of occupational safety and health standards enforced by the division of labor services of the department of workforce development pursuant to chapter 84A, or rules enforced by the ~~environmental-protection-division-of~~ the department of natural resources pursuant to chapter 455B.

Sec. 29. Section 15E.208, subsection 4, paragraph b, Code Supplement 2001, is amended to read as follows:

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

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

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

Sec. 31. Section 89B.17, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 32. Section 97B.49G, subsection 6, paragraph c, Code 2001, is amended to read as follows:

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

Sec. 33. Section 103A.8, subsection 7, Code 2001, is amended to read as follows:

7. Limit the application of thermal efficiency standards for energy conservation to new construction which will incorporate a heating or cooling system. Air exchange fans designed to provide ventilation shall not be considered a cooling system. The commissioner shall exempt any new construction from thermal efficiency standards for energy

conservation if the commissioner determines that the standards are unreasonable as they apply to a particular building or class of buildings including farm buildings for livestock use. Lighting efficiency standards shall recognize variations in lighting intensities required for the various tasks performed within the building. The commissioner shall consult with the ~~energy-and-geological-resources-division-of-the~~ department of natural resources regarding standards for energy conservation prior to the adoption of the standards. However, the standards shall be consistent with section 103A.8A.

Sec. 34. Section 103A.8A, Code 2001, is amended to read as follows:

103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

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

Sec. 35. Section 161B.1, subsection 2, paragraphs a and b, Code 2001, are amended by striking the paragraphs and inserting in lieu thereof the following:

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

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

Sec. 36. Section 173.16, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

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

Sec. 37. Section 206.25, Code 2001, is amended to read as follows:

206.25 PESTICIDE CONTAINERS DISPOSAL.

The department of agriculture and land stewardship, in cooperation with the ~~environmental-protection-division-of-the~~ department of natural resources, shall develop a program for handling used pesticide containers which reflects the state solid waste management policy hierarchy, ~~and shall present the program developed to the general assembly by February 1, 1988.~~

Sec. 38. Section 266.39C, subsection 2, paragraph f, Code 2001, is amended to read as follows:

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

Sec. 39. Section 427.1, subsection 19, unnumbered paragraphs 5 and 6, Code Supplement 2001, are amended to read as follows:

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

A taxpayer may seek judicial review of a determination of the ~~administrator-of-the-environmental-protection-division~~ department or, on appeal, of the environmental protection commission in accordance with the provisions of chapter 17A.

Sec. 40. Section 427.1, subsection 20, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

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

Sec. 41. Section 455A.6, subsection 6, paragraph d, Code 2001, is amended to read as follows:

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

Sec. 42. Section 455A.7, subsection 1, Code Supplement 2001, is amended by striking the subsection and inserting in lieu thereof the following:

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

Sec. 43. Section 455A.8, subsection 1, Code 2001, is amended to read as follows:

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

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

Sec. 44. Section 455A.10, Code 2001, is amended to read as follows:

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

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

Sec. 45. Section 455B.133, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the same restrictions as are in effect for fire fighting training fires. The rules shall include a provision that a city may undertake no more than three controlled burns in every overlapping six-tenths-of-a-mile-radius circle every three years. The rules shall prohibit a controlled burn of a demolished building in Cedar Rapids, Marion, Hiawatha, Council

Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City or any other area where area-specific state implementation plans require the control of particulate.

Sec. 46. Section 455B.480, Code Supplement 2001, is amended to read as follows:

455B.480 SHORT TITLE.

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

Sec. 47. Section 455B.481, subsection 2, Code Supplement 2001, is amended to read as follows:

2. It is also the intent of the general assembly that a comprehensive waste management plan be established by the ~~land quality-and-waste-management-assistance-division~~ department which includes: the determination of need and adequate regulatory controls prior to the initiation of site selection; the process for selecting a superior site determined to be necessary; the establishment of a process for a site community to submit or present data, views, or arguments regarding the selection of the operator and the technology that best ensures proper facility operation; the prohibition of shallow land burial of hazardous and low-level radioactive wastes; the establishment of a regulatory framework for a facility; and the establishment of provisions for the safe and orderly development, operation, closure, postclosure, and long-term monitoring and maintenance of the facility.

Sec. 48. Section 455B.482, subsection 4, Code Supplement 2001, is amended by striking the subsection.

Sec. 49. Section 455B.483, Code Supplement 2001, is amended by striking the section and inserting in lieu thereof the following:

455B.483 WASTE MANAGEMENT ASSISTANCE.

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

Sec. 50. Section 455B.484, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The division department shall:

Sec. 51. Section 455B.484, subsections 2 and 9, Code Supplement 2001, are amended to read as follows:

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

9. Include in the annual report to the governor and the general assembly required by section 455A.4, subsection 1, paragraph "d", information outlining the activities of the ~~division~~ department in carrying out programs and responsibilities under this part, and identifying trends and developments in the management of waste. The report shall also include specific recommendations for attaining the goals for waste minimization and capacity assurance requirements.

Sec. 52. Section 455B.484, subsection 13, paragraph c, Code Supplement 2001, is amended to read as follows:

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

Sec. 53. Section 455B.485, subsections 3, 4, and 5, Code Supplement 2001, are amended to read as follows:

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

4. Recommend legislative action which may be required for the safe and proper management of waste, for the acquisition or operation of a facility, for the funding of a facility, to enter into interstate agreements for the management of a

facility, and to improve the operation of the ~~land-quality-and-department relating to waste management assistance division~~.

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

Sec. 54. Section 455B.486, Code 2001, is amended to read as follows:

455B.486 FACILITY SITING.

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

2. The commission shall adopt rules establishing criteria for the identification of sites which are suitable for the operation of low-level radioactive waste disposal facilities. The ~~division department~~ shall apply these criteria, once adopted, to identify and recommend to the commission sites suitable for locating facilities for the disposal of low-level radioactive waste. The commission shall accept or reject the recommendation of the ~~division department~~. If the commission rejects the recommendation of the ~~division department~~, the commission shall state its reasons for rejecting the recommendation.

Sec. 55. Section 455B.516, subsection 3, Code Supplement 2001, is amended by striking the subsection.

Sec. 56. Section 455B.517, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

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

Sec. 57. Section 455B.517, subsection 4, Code Supplement 2001, is amended to read as follows:

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

Sec. 58. Section 455B.518, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 59. Section 455D.6, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. Develop a strategy and recommend to the commission the adoption of rules necessary to implement by January 1, 2004, a strategy for the recycling of electronic goods and the disassembling and removing of toxic parts from electronic goods.

Sec. 60. Section 455E.11, subsection 2, paragraph a, subparagraph (1), subparagraph subdivision (b), Code Supplement 2001, is amended to read as follows:

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

Sec. 61. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (a), subparagraph subdivision part (iv), Code Supplement 2001, is amended to read as follows:

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

Sec. 62. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph subdivision (b), unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Two percent is appropriated annually to the department and, except for administrative expenses, is transferred to the Iowa department of public health for the purpose of administering grants to counties and conducting oversight of county-based programs for the testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns. Not more than thirty-five percent of the moneys is appropriated annually for grants to counties for the purpose of conducting programs of private rural water supply testing, private rural water supply well sealing, the proper closure of private rural abandoned wells and cisterns, or any combination thereof. An amount agreed to by the department of natural resources and the Iowa department of public health shall be retained by the department of natural resources for administrative expenses.

Sec. 63. Section 456A.16, unnumbered paragraph 5, Code 2001, is amended to read as follows:

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

Sec. 64. Section 456A.17, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 65. Section 456A.19, unnumbered paragraphs 1 and 2, Code 2001, are amended to read as follows:

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

The department shall by October 1 of each year submit to the department of management for transmission to the general assembly a detailed estimate of the amount required by the department during the succeeding year for carrying on the fish and wildlife activities embraced-in-the-fish-and-wildlife division. The estimate shall be in the same general form and detail as required by law in estimates submitted by other state departments.

Sec. 66. Section 456A.21, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 67. Section 473.11, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

An energy fund disbursement council is established. The council shall be composed of the governor or the governor's designee, the director of the department of management, who shall serve as the council's chairperson, the administrator of the division of community action agencies of the department of human rights, ~~the-administrator-of-the-energy-and-geological resources-division~~ a designee of the director of the

department of natural resources who is knowledgeable in the field of energy conservation, and a designee of the director of transportation, who is knowledgeable in the field of energy conservation. The council shall include as nonvoting members two members of the senate appointed by the president of the senate, after consultation with the majority leader and the minority leader of the senate, and two members of the house of representatives appointed by the speaker of the house, after consultation with the majority leader and the minority leader of the house. The legislative members shall be appointed upon the convening and for the period of each general assembly. Not more than one member from each house shall be of the same political party. The council shall be staffed by the ~~energy and geological resources division of the~~ department of natural resources. The attorney general shall provide legal assistance to the council.

Sec. 68. Section 473.11, subsection 3, paragraphs c and f, Code 2001, are amended to read as follows:

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

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

Sec. 69. Section 473.11, subsection 4, Code 2001, is amended to read as follows:

4. The ~~administrator of the energy and geological resources division~~ director of the department of natural resources or the director's designee shall be the administrator of the energy conservation trust. The

administrator shall disburse moneys appropriated by the general assembly from the funds in the trust in accordance with the federal court orders, law and regulation, or settlement conditions applying to the moneys in that fund, and subject to the approval of the energy fund disbursement council if such approval is required. The council, after consultation with the attorney general, shall immediately approve the disbursement of moneys from the funds in the trust for projects which meet the federal court orders, law and regulations, or settlement conditions which apply to that fund.

Sec. 70. Section 476.6, subsection 19, paragraph b, Code Supplement 2001, is amended to read as follows:

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

Sec. 71. Section 476.6, subsection 25, paragraph a, subparagraphs (2) and (3), Code Supplement 2001, are amended to read as follows:

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

(3) The initial multiyear plan and budget and any subsequent updates shall be considered in a contested case proceeding pursuant to chapter 17A. The ~~environmental~~

~~protection-division-of-the~~ department of natural resources and the consumer advocate shall participate as parties to the proceeding.

Sec. 72. Section 481C.1, Code 2001, is amended to read as follows:

481C.1 WILD ANIMAL DEPREDATION UNIT.

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

Sec. 73. DEMOLITION SITE WASTE MATERIAL TASK FORCE.

1. The department of natural resources, in cooperation with the department of economic development, shall establish a task force to study issues related to the proper disposal of waste material from buildings demolished in cities and counties. The task force shall study issues including, but not limited to, all of the following:

- a. The proper removal and disposal of waste material containing lead-based paints and asbestos.
- b. The proper removal and disposal of any other hazardous waste material or waste material commonly found in old buildings that may be considered a health hazard if removed improperly.
- c. Any alternatives to the disposal of waste material from demolition sites such as salvage operations.
- d. The training of fire department personnel in relation to the disposal of waste material from demolition sites.
- e. Asbestos inspection training for volunteers at the local level.
- f. An appropriate local limit for the controlled burning of demolished buildings from which hazardous materials have been removed prior to burning.
- g. The proper method for encouraging cooperation between cities and counties on issues related to the disposal of demolition site waste material.

2. The task force membership shall include, but not be limited to, all of the following:

- a. Representatives from the department of natural resources knowledgeable in air toxics and toxic materials.
- b. Representatives from the department of economic development knowledgeable in community development.
- c. A representative of the Iowa league of cities.
- d. A representative of the Iowa society of solid waste operators.
- e. Four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be designated by the president of the senate after consultation with the majority and minority leaders of the senate. The two representatives shall be designated by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representatives.

3. By January 1, 2003, the task force shall submit a report to the general assembly, including recommendations, regarding issues relating to the disposal of debris from demolition sites in Iowa.

DIVISION IV
OVERSIGHT COMMITTEE

Sec. 74. Section 2.45, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. The legislative oversight committee composed of members designated by the legislative council. In addition to the duties assigned by the legislative council, the committee shall systematically review the programs, agencies, and functions of the executive and judicial branches of government to ensure that public resources are used in the most efficient manner to benefit the people of Iowa.

b. The committee shall implement a systematic process of assessing the programs, agencies, and functions. Annually, by October 1, the committee shall identify the programs,

agencies, and functions that will be subject to review and evaluation in the succeeding calendar year. An agency of state government selected by the committee for review and evaluation shall provide information as required by the committee, which may include but is not limited to the following:

(1) Identifying the activities, services, products, and functions of the agency, including identifying those that are required and the source of the requirement. At minimum, the sources identified shall include state law, state administrative rule, federal law, and federal regulation.

(2) Specifying for all activities, services, products, and functions, the users or clientele, and the current level of need for and the level of satisfaction with the activity, service, product, or function.

(3) Listing each discretionary activity, service, product, or function of the agency that is not required by state law, state administrative rule, federal law, or federal regulation.

(4) Identifying the degree of alignment between the agency strategic plan adopted pursuant to section 8E.206 and the requirements of the agency in state law and administrative rule.

(5) Identifying alternative methods of providing the agency's existing activities, services, products, and functions, and quantifying the impact to Iowans if such activities, services, products, or functions are no longer provided by the agency.

DIVISION V
DEPARTMENT OF INSPECTIONS AND APPEALS
BIRTH CENTERS

Sec. 75. Section 10A.104, subsection 9, Code 2001, is amended to read as follows:

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, ~~135G~~ 135H, 135J, 137C, 137D, and 137F.

Sec. 76. Section 10A.702, subsections 1 and 2, Code 2001, are amended to read as follows:

1. Investigations relative to the standards and practices of hospitals, hospices, birth-centers, and health care facilities.

2. Inspections and other licensing procedures relative to the hospice program, hospitals, birth-centers, and health care facilities. The division is designated as the sole licensing authority for these programs and facilities.

Sec. 77. Section 135.61, subsection 2, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Birth center" means a facility or institution, which is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur following a normal, uncomplicated, low-risk pregnancy.

Sec. 78. Section 252A.2, Code 2001, is amended to read as follows:

252A.2 DEFINITIONS.

As used in this chapter, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

~~1. "Birth-center" means birth-center as defined in section 135G.2.~~

~~2. 1. "Birthing hospital" means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services, or a licensed birthing center associated with a hospital.~~

~~3. 2. "Child" includes but shall not be limited to a stepchild, foster child or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge.~~

~~4. 3. "Court" shall mean and include any court upon which jurisdiction has been conferred to determine the liability of persons for the support of dependents.~~

5- 4. "Dependent" shall mean and include a spouse, child, mother, father, grandparent or grandchild who is in need of and entitled to support from a person who is declared to be legally liable for such support.

6- 5. "Institution" means a birthing hospital or birth center.

~~7- "Petitioner" includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by the child support recovery unit, the state is the petitioner.~~

8- 6. "Party" means a petitioner, a respondent, or a person who intervenes in a proceeding instituted under this chapter.

7. "Petitioner" includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by the child support recovery unit, the state is the petitioner.

9- 8. "Petitioner's representative" includes counsel of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by the child support recovery unit, "petitioner's representative" includes a county attorney, state's attorney and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state.

10- 9. "Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.

11- 10. "Register" means to file a foreign support order in the registry of foreign support orders maintained as a filing in equity by the clerk of court.

~~12- 11. "Respondent" includes each person against whom a proceeding is instituted pursuant to this chapter. "Respondent" may include the mother or the putative father of a dependent.~~

~~13- 12. "State registrar" means state registrar as defined in section 144.1.~~

Sec. 79. Chapter 135G, Code 2001, is repealed.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2325, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/10, 2002

THOMAS J. VILSACK
Governor