

House File 2216 - Introduced

HOUSE FILE 2216

BY RANTS

A BILL FOR

1 An Act repealing provisions establishing the office of energy
2 independence and the Iowa power fund, transferring specified
3 functions to the department of natural resources, making
4 conforming changes, providing transition provisions, and
5 including effective date provisions.

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

1 Section 1. Section 7E.5, subsection 1, paragraph q, Code
2 Supplement 2009, is amended to read as follows:

3 q. The department of natural resources, created in section
4 455A.2, which has primary responsibility for state parks and
5 forests, protecting the environment, and managing energy, fish,
6 wildlife, and land and water resources.

7 Sec. 2. Section 11.5B, subsection 15, Code 2009, is amended
8 by striking the subsection.

9 Sec. 3. Section 15H.6, subsection 1, Code Supplement 2009,
10 is amended to read as follows:

11 1. The Iowa commission on volunteer service, in
12 collaboration with the department of natural resources, the
13 department of workforce development, ~~the office of energy~~
14 ~~independence~~, and the utilities board of the department of
15 commerce, shall establish an Iowa green corps program. The
16 commission shall work with the collaborating agencies and
17 nonprofit agencies in developing a strategy for attracting
18 additional financial resources for the program from other
19 sources which may include but are not limited to utilities,
20 private sector, and local, state, and federal government
21 funding sources. The financial resources received shall be
22 credited to the community programs account created pursuant to
23 section 15H.5.

24 Sec. 4. Section 22.7, subsection 60, Code Supplement 2009,
25 is amended by striking the subsection.

26 Sec. 5. Section 103A.8B, Code 2009, is amended to read as
27 follows:

28 **103A.8B Sustainable design or green building standards.**

29 The commissioner, after consulting with and receiving
30 recommendations from the department of natural resources
31 ~~and the office of energy independence~~, shall adopt rules
32 pursuant to chapter 17A specifying standards and requirements
33 for sustainable design and construction based upon or
34 incorporating nationally recognized ratings, certifications,
35 or classification systems, and procedures relating to

1 documentation of compliance. The standards and requirements
2 shall be incorporated into the state building code established
3 in section 103A.7, but in lieu of general applicability shall
4 apply to construction projects only if such applicability is
5 expressly authorized by statute, or as established by another
6 state agency by rule.

7 Sec. 6. Section 268.6, subsection 2, Code Supplement 2009,
8 is amended to read as follows:

9 2. The university is encouraged to cooperate with
10 agricultural and energy efficiency advocates and governmental
11 entities in administering the program, ~~including the office of~~
12 ~~energy independence established pursuant to section 469.2.~~

13 Sec. 7. Section 455A.2, Code Supplement 2009, is amended to
14 read as follows:

15 **455A.2 Department of natural resources.**

16 A department of natural resources is created, which has the
17 primary responsibility for state parks and forests, protecting
18 the environment, and managing energy, fish, wildlife, and land
19 and water resources in this state.

20 Sec. 8. Section 455B.851, subsection 2, paragraph a,
21 subparagraph (17), Code 2009, is amended by striking the
22 subparagraph.

23 Sec. 9. Section 470.1, Code Supplement 2009, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 1A. "*Department*" means the department of
26 natural resources.

27 Sec. 10. Section 470.1, subsection 2, Code Supplement 2009,
28 is amended to read as follows:

29 2. "*Director*" means the director of the ~~office of energy~~
30 ~~independence~~ department of natural resources.

31 Sec. 11. Section 470.1, subsection 8, Code Supplement 2009,
32 is amended by striking the subsection.

33 Sec. 12. Section 473.1, Code Supplement 2009, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 2A. "*Department*" means the department of

1 natural resources.

2 Sec. 13. Section 473.1, subsection 3, Code Supplement 2009,
3 is amended to read as follows:

4 3. "*Director*" means the director of the ~~office~~ department or
5 a designee.

6 Sec. 14. Section 473.1, subsection 5, Code Supplement 2009,
7 is amended by striking the subsection.

8 Sec. 15. REPEAL. Chapter 469, Code 2009, is repealed.

9 Sec. 16. REPEAL. Chapter 469, Code Supplement 2009, is
10 repealed.

11 Sec. 17. CODE EDITOR DIRECTIVE.

12 1. The Code editor is directed to change the words "*office*
13 *of energy independence*" to "*department of natural resources*"
14 in Code sections 7D.34, 7D.35, 8A.362, 72.5, 103A.8, 103A.27,
15 159A.3, 159A.4, 159A.6B, 266.39C, 272C.2, 279.44, 323A.2,
16 441.21, 476.6, and 476.63.

17 2. The Code editor is directed to change the word "*office*"
18 to "*department*" in Code sections 470.3, 470.7, 473.7, 473.8,
19 473.10, 473.13A, 473.15, 473.19, 473.19A, 473.20, 473.20A, and
20 473.41.

21 Sec. 18. TRANSITION PROVISIONS — CONTINUATION OF GRANTS.

22 1. Any moneys remaining in any account or fund under the
23 control of the office of energy independence on the effective
24 date of this Act relative to the provisions of this Act
25 shall be transferred to a comparable fund or account under
26 the control of the department of natural resources for such
27 purposes. Notwithstanding section 8.33, the moneys transferred
28 in accordance with this subsection shall not revert to the
29 account or fund from which appropriated or transferred.

30 2. Any license, permit, or contract issued or entered into
31 by the office of energy independence relative to the provisions
32 of this Act in effect on the effective date of this Act shall
33 continue in full force and effect pending transfer of such
34 licenses, permits, or contracts to the department of natural
35 resources.

1 3. Grants or loans awarded from the Iowa power fund pursuant
2 to section 469.9 prior to the effective date of this Act shall
3 continue as provided by the terms of the grants or loans and
4 shall be administered by the department of natural resources.

5 4. Federal funds utilized by the director of the office of
6 energy independence prior to the effective date of this Act to
7 employ personnel necessary to administer the provisions of this
8 Act shall be applicable to the transfer of such personnel from
9 the office of energy independence to the department of natural
10 resources.

11 Sec. 19. TRANSITION PROVISIONS — EMERGENCY

12 RULEMAKING. Not later than July 1, 2010, the department of
13 natural resources shall adopt administrative rules previously
14 adopted by the office of energy independence relative to the
15 provisions of this Act in existence on the effective date of
16 this Act by emergency rulemaking pursuant to section 17A.4,
17 subsection 3, and section 17A.5, subsection 2, paragraph "b".
18 The rules shall be effective immediately upon filing unless
19 a later date is specified in the rules. Any rules adopted
20 in accordance with this section shall also be published as a
21 notice of intended action as provided in section 17A.4. Any
22 rule, regulation, form, order, or directive promulgated by the
23 office relative to the provisions of this Act shall continue in
24 full force and effect until such emergency rules are adopted.

25 Sec. 20. EFFECTIVE UPON ENACTMENT. The section of this Act
26 providing for emergency rulemaking, being deemed of immediate
27 importance, takes effect upon enactment.

28 EXPLANATION

29 This bill repeals Code chapter 469, which provides for
30 the establishment and administration of the office of energy
31 independence, the Iowa power fund, and related renewable energy
32 and energy efficiency projects, effective July 1, 2010. The
33 bill makes a number of conforming changes deleting references
34 to the office of energy independence and the Iowa power fund,
35 and changing administration of specified energy-efficiency

1 related functions transferred to the office from the department
2 of natural resources during the 2009 Legislative Session back
3 to the department.

4 The bill provides transition provisions regarding the
5 transfer of moneys retained in any account or fund under the
6 control of the office of energy independence on the bill's
7 effective date to the department, the continuation of any
8 license, permit, or contract issued or entered into by the
9 office relative to the bill's provisions in effect on the
10 bill's effective date pending their transfer to the department,
11 and the continuation of grants or loans awarded from the Iowa
12 power fund prior to the bill's effective date. Transition
13 provisions are also included relating to the transfer of
14 federal funds being utilized by the director of the office
15 prior to the bill's effective date to employ personnel
16 necessary to administer the provisions of the bill to the
17 department and relating to emergency rulemaking.

18 The section of the bill relating to emergency rulemaking
19 takes effect upon enactment and directs the department to adopt
20 rules previously adopted by the office relative to the bill's
21 provisions by July 1, 2010.