

FEB 13 2006

ENVIRONMENTAL PROTECTION

HOUSE FILE 2356
BY BAUDLER

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

A BILL FOR

1 An Act creating a department of environmental protection.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2356

1 Section 1. Section 7A.3, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10A. Director of department of
4 environmental protection.

5 Sec. 2. Section 7E.5, subsection 1, paragraph q, Code
6 Supplement 2005, is amended to read as follows:

7 q. The department of natural resources, created in section
8 455A.2, which has primary responsibility for state parks and
9 forests, ~~protecting-the-environment,~~ and managing energy
10 fish, wildlife, and land and water resources.

11 Sec. 3. Section 7E.5, subsection 1, Code Supplement 2005,
12 is amended by adding the following new paragraph:

13 NEW PARAGRAPH. w. The department of environmental
14 protection, created in section 455.2, which has primary
15 responsibility for protecting the environment and managing
16 energy resources.

17 Sec. 4. Section 11.5B, Code 2005, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 15. Department of environmental
20 protection.

21 Sec. 5. Section 28D.3, subsection 4, Code 2005, is amended
22 to read as follows:

23 4. Persons employed by the department of natural resources
24 or the department of environmental protection under this
25 chapter are not subject to the twenty-four-month time
26 limitation specified in subsection 2.

27 Sec. 6. Section 68B.2, subsection 23, Code Supplement
28 2005, is amended to read as follows:

29 23. "Regulatory agency" means the department of
30 agriculture and land stewardship, department of workforce
31 development, department of commerce, Iowa department of public
32 health, department of public safety, department of education,
33 state board of regents, department of human services,
34 department of revenue, department of inspections and appeals,
35 department of administrative services, public employment

1 relations board, state department of transportation, civil
2 rights commission, department of public defense, Iowa ethics
3 and campaign disclosure board, department of environmental
4 protection, and department of natural resources.

5 Sec. 7. Section 225B.4, subsection 1, Code 2005, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. k. The director of the department of
8 environmental protection, or the director's designee.

9 Sec. 8. Section 307.21, subsection 4, paragraph a, Code
10 2005, is amended to read as follows:

11 a. Provide centralized purchasing services for the
12 department, in cooperation with the department of
13 administrative services. The administrator shall, when the
14 price is reasonably competitive and the quality as intended,
15 purchase soybean-based inks and plastic products with recycled
16 content, including but not limited to plastic garbage can
17 liners, and shall purchase these items in accordance with the
18 schedule established in section 8A.315. However, the
19 administrator need not purchase garbage can liners in
20 accordance with the schedule if the liners are utilized by a
21 facility approved by the environmental protection commission
22 created under section ~~455A-6~~ 455.5, for purposes of recycling.
23 For purposes of this subsection, "recycled content" means that
24 the content of the product contains a minimum of thirty
25 percent postconsumer material.

26 Sec. 9. Section 427.1, subsection 19, unnumbered
27 paragraphs 5, 7, and 9, Code Supplement 2005, are amended to
28 read as follows:

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

1 primary use of the property is for recycling.

2 The environmental protection commission of the department
3 of ~~natural-resources~~ environmental protection shall adopt
4 rules relating to certification under this subsection and
5 information to be submitted for evaluating pollution-control
6 or recycling property for which a certificate is requested.
7 The department of revenue shall adopt any rules necessary to
8 implement this subsection, including rules on identification
9 and valuation of pollution-control or recycling property. All
10 rules adopted shall be subject to the provisions of chapter
11 17A.

12 For the purposes of this subsection, "pollution" means air
13 pollution as defined in section 455B.131 or water pollution as
14 defined in section 455B.171. "Water of the state" means the
15 water of the state as defined in section 455B.171. "Enhance
16 the quality" means to diminish the level of pollutants below
17 the air or water quality standards established by the
18 environmental protection commission of the department of
19 ~~natural-resources~~ environmental protection.

20 Sec. 10. NEW SECTION. 455.1 DEFINITIONS.

21 As used in this chapter, unless the context otherwise
22 requires:

23 1. "Commission" means the environmental protection
24 commission created under section 455.5.

25 2. "Department" means the department of environmental
26 protection created under section 455.2.

27 3. "Director" means the director of the department of
28 environmental protection.

29 Sec. 11. NEW SECTION. 455.2 DEPARTMENT OF ENVIRONMENTAL
30 PROTECTION.

31 A department of environmental protection is created, which
32 has the primary responsibility for protecting the environment
33 and managing energy resources in this state.

34 Sec. 12. NEW SECTION. 455.3 DIRECTOR -- QUALIFICATIONS.

35 The chief administrative officer of the department is the

1 director who shall be appointed by the governor, subject to
2 confirmation by the senate, and serve at the governor's
3 pleasure. The governor shall make the appointment based on
4 the appointee's training, experience, and capabilities. The
5 director shall be knowledgeable in the general field of
6 environmental protection. The salary of the director shall be
7 fixed by the governor within salary guidelines or a range
8 established by the general assembly.

9 Sec. 13. NEW SECTION. 455.4 GENERAL POWERS AND DUTIES OF
10 THE DIRECTOR.

11 1. Except as otherwise provided by law and subject to
12 rules adopted by the commission, the director shall:

13 a. Plan, direct, coordinate, and execute the functions
14 vested in the department.

15 b. Provide overall supervision, direction, and
16 coordination of functions to be administered by the
17 administrators under chapters 455B, 455C, 455D, 455E, 455F,
18 455G, 455H, 455I, 455K, 457B, 458A, 459, 459A, 460, 466, 470,
19 and 473.

20 c. Annually compile a comprehensive program budget which
21 reflects all fiscal matters related to the operation of the
22 department and each program, subprogram, and activity in the
23 department in accordance with section 8.23.

24 d. Submit a biennial or an annual report to the governor
25 and the general assembly, in accordance with chapter 7A.

26 e. Employ personnel as necessary to carry out the
27 functions vested in the department consistent with chapter 8A,
28 subchapter IV, unless the positions are exempt from that
29 subchapter.

30 f. Devote full time to the duties of the director's
31 office.

32 g. Not be a candidate for nor hold any other public office
33 or trust, nor be a member of a political committee.

34 h. Maintain an office at the state capitol complex, which
35 is open at all reasonable times for the conduct of public

1 business.

2 i. Adopt rules in accordance with chapter 17A as necessary
3 or desirable for the organization or reorganization of the
4 department.

5 2. All powers and duties vested in the director may be
6 delegated by the director to an employee of the department,
7 but the director retains the responsibility for an employee's
8 acts within the scope of the delegation.

9 3. The director and other officers and employees of the
10 department are entitled to receive, in addition to salary,
11 their actual and necessary travel and related expenses
12 incurred in the performance of official business.

13 4. The director shall obtain an adequate public employees
14 fidelity bond to cover those officers and employees of the
15 department accountable for property or funds of this state.

16 5. The department may accept payment of any fees,
17 interest, penalties, subscriptions, or other payments due or
18 collected by the department, or any portion of such payments,
19 by credit card. The department may adjust the amount of the
20 payment to reflect the costs of processing the payment as
21 determined by the treasurer of state and the payment by credit
22 card shall include, in addition to all other charges, any
23 discount charged by the credit card issuer.

24 Sec. 14. NEW SECTION. 455.5 ENVIRONMENTAL PROTECTION
25 COMMISSION -- APPOINTMENT AND DUTIES.

26 1. An environmental protection commission is created,
27 which consists of nine members appointed by the governor for
28 staggered terms of four years beginning and ending as provided
29 in section 69.19. Commission appointees are subject to senate
30 confirmation. The members shall be electors of the state and
31 have knowledge in the area of environmental protection
32 including the subjects embraced in chapters 455B and 459. The
33 appointments shall be based upon the training, experience, and
34 capacity of the appointees, and not based upon political
35 considerations, other than as provided in section 69.16. The

1 membership of the commission shall be as follows:

2 a. Three members actively engaged in livestock and grain
3 farming.

4 b. A member actively engaged in the business of finance or
5 commerce.

6 c. A member actively engaged in the management of a
7 manufacturing company.

8 d. Four members who are electors of the state.

9 2. A vacancy on the commission shall be filled for the
10 unexpired term in the same manner as the original appointment
11 was made.

12 3. The members of the commission shall be reimbursed for
13 actual and necessary travel and related expenses incurred in
14 the discharge of official duties. Each member of the
15 commission may also be eligible to receive compensation as
16 provided in section 7E.6.

17 4. The commission shall hold an organizational meeting
18 within thirty days of the beginning of a new regular term for
19 one or more of its members. The commission shall organize by
20 electing a chairperson, vice chairperson, secretary, and any
21 other officers deemed necessary or desirable. The commission
22 shall meet at least quarterly throughout the year.

23 5. A majority of the members of the commission is a
24 quorum, and a majority of a quorum may act in any matter
25 within the jurisdiction of the commission, unless a more
26 restrictive rule is adopted by the commission.

27 6. Except as otherwise provided by law, the commission
28 shall:

29 a. Establish policy for the department and adopt rules,
30 pursuant to chapter 17A, necessary to provide for the
31 effective administration of chapters 455B, 455C, and 459.

32 b. Hear appeals in contested cases pursuant to chapter 17A
33 on matters relating to actions taken by the director under
34 chapter 455C, 458A, 464B, or 473.

35 c. Approve or disapprove the issuance of hazardous waste

1 disposal site licenses under chapter 455B.

2 d. Approve the budget request prepared by the director for
3 the programs authorized by chapters 455B, 455C, 455E, 455F,
4 455H, and 459. The commission shall approve the budget
5 request prepared by the director for programs subject to the
6 rulemaking authority of the commission. The commission may
7 increase, decrease, or strike any item within the department
8 budget request for the specified programs before granting
9 approval.

10 Sec. 15. NEW SECTION. 455.6 CREATION OF DIVISIONS,
11 BUREAUS, AND OTHER ADMINISTRATIVE ENTITIES -- DEPUTY DIRECTOR
12 -- ADMINISTRATORS.

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

20 2. The director shall appoint a deputy director who shall
21 be in charge of the department in the absence of the director.
22 The appointment shall be based on the appointee's training,
23 experience, and capabilities.

24 3. The director shall appoint an administrator for each
25 division created under subsection 1. The director shall make
26 the appointment based on the appointee's training, experience,
27 and capabilities. Each administrator has the responsibility
28 of administering the programs assigned the division under
29 subsection 1 and other programs assigned by the director.
30 Each administrator shall carry out the duties and
31 responsibilities of office under the general direction and
32 supervision of the director.

33 Sec. 16. NEW SECTION. 455.7 FEES -- PUBLICATIONS.

34 1. The department may establish a schedule of fees for
35 subscriptions to publications produced by the department,

1 including periodicals. However, this subsection does not
2 apply to application forms and materials intended for general
3 distribution which explain departmental programs or duties.

4 2. Fees shall be based on the amount required to recover
5 the reasonable costs of producing a publication, including
6 costs relating to preparing, printing, publishing, and
7 distributing the publication.

8 Sec. 17. Section 455A.1, subsection 3, Code 2005, is
9 amended by striking the subsection.

10 Sec. 18. Section 455A.2, Code 2005, is amended to read as
11 follows:

12 455A.2 DEPARTMENT OF NATURAL RESOURCES.

13 A department of natural resources is created, which has the
14 primary responsibility for state parks and forests, ~~protecting~~
15 ~~the-environment,~~ and managing energy, fish, wildlife, and land
16 and water resources in this state.

17 Sec. 19. Section 455A.3, Code 2005, is amended to read as
18 follows:

19 455A.3 DIRECTOR -- QUALIFICATIONS.

20 The chief administrative officer of the department is the
21 director who shall be appointed by the governor, subject to
22 confirmation of the senate, and serve at the governor's
23 pleasure. The governor shall make the appointment based on
24 the appointee's training, experience, and capabilities. The
25 director shall be knowledgeable in the general field of
26 natural resource management ~~and-environmental-protection.~~ The
27 salary of the director shall be fixed by the governor within
28 salary guidelines or a range established by the general
29 assembly.

30 Sec. 20. Section 455A.4, subsection 1, unnumbered
31 paragraph 1, Code Supplement 2005, is amended to read as
32 follows:

33 Except as otherwise provided by law and subject to rules
34 adopted by the natural resource commission ~~and-the~~
35 ~~environmental-protection-commission,~~ the director shall:

1 Sec. 21. Section 455A.4, subsection 1, paragraph b, Code
2 Supplement 2005, is amended to read as follows:

3 b. Provide overall supervision, direction, and
4 coordination of functions to be administered by the
5 administrators under chapters 321G, 321I, ~~455B7-455E7~~ 456,
6 456A, 456B, 457A, ~~458A7-4597-subchapters-I7-II7-III7-IV7-and~~
7 ~~V7*-chapters~~ 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
8 483A, 484A, and 484B.

9 Sec. 22. Section 455A.7, subsection 1, Code 2005, is
10 amended to read as follows:

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

19 Sec. 23. Section 455B.101, subsections 1 and 3, Code 2005,
20 are amended to read as follows:

21 1. "Department" means the department of ~~natural-resources~~
22 environmental protection created under section ~~455A-2~~ 455.2.

23 3. "Commission" means the environmental protection
24 commission created under section ~~455A-6~~ 455.5.

25 Sec. 24. Section 455B.103, subsection 4, unnumbered
26 paragraph 1, Code Supplement 2005, is amended to read as
27 follows:

28 Conduct investigations of complaints received directly or
29 referred by the commission created in section ~~455A-6~~ 455.5 or
30 other investigations deemed necessary. While conducting an
31 investigation, the director may enter at any reasonable time
32 in and upon any private or public property to investigate any
33 actual or possible violation of this chapter, chapter 459,
34 chapter 459A, or the rules or standards adopted under this
35 chapter, chapter 459, or chapter 459A. However, the owner or

1 person in charge shall be notified.

2 Sec. 25. Section 455B.477, subsection 7, Code 2005, is
3 amended to read as follows:

4 7. The civil penalties or other damages or moneys
5 recovered by the state or the petroleum underground storage
6 tank fund in connection with a petroleum underground storage
7 tank under this part of this division or chapter 455G shall be
8 credited to the fund created in section 455G.3 and allocated
9 between fund accounts according to the fund budget. Any
10 federal moneys, including but not limited to federal
11 underground storage tank trust fund moneys, received by the
12 state or the department of natural resources, or by the
13 department of environmental protection on or after July 1,
14 2006, in connection with a release occurring on or after May
15 5, 1989, or received generally for underground storage tank
16 programs on or after May 5, 1989, shall be credited to the
17 fund created in section 455G.3 and allocated between fund
18 accounts according to the fund budget, unless such use would
19 be contrary to federal law. The department shall cooperate
20 with the board of the Iowa comprehensive petroleum underground
21 storage tank fund to maximize the state's eligibility for and
22 receipt of federal funds for underground storage tank related
23 purposes.

24 Sec. 26. Section 455B.516, subsections 1 and 2, Code 2005,
25 are amended to read as follows:

26 1. "Commission" means the environmental protection
27 commission established pursuant to section ~~455A-6~~ 455.5.

28 2. "Department" means the department of ~~natural-resources~~
29 environmental protection created pursuant to section ~~455A-2~~
30 455.2.

31 Sec. 27. Section 455C.1, subsection 7, Code 2005, is
32 amended to read as follows:

33 7. "Department" means the department of ~~natural-resources~~
34 environmental protection created under section ~~455A-2~~ 455.2.

35 Sec. 28. Section 455D.1, subsection 2, Code 2005, is

1 amended to read as follows:

2 2. "Department" means the department of ~~natural-resources~~
3 environmental protection created pursuant to section 455A-2
4 455.2.

5 Sec. 29. Section 455E.2, subsections 2 and 5, Code 2005,
6 are amended to read as follows:

7 2. "Commission" means the environmental protection
8 commission created under section 455A-6 455.5.

9 5. "Department" means the department of ~~natural-resources~~
10 environmental protection created under section 455A-2 455.2.

11 Sec. 30. Section 455F.1, subsections 2, 3, and 4, Code
12 2005, are amended to read as follows:

13 2. "Department" means the department of ~~natural-resources~~
14 environmental protection created under section 455.2.

15 3. "Display area label" means the signage used by a
16 retailer to mark a household hazardous material display area
17 as prescribed by the department of ~~natural-resources~~
18 environmental protection.

19 4. "Household hazardous material" means a product used for
20 residential purposes and designated by rule of the department
21 of ~~natural-resources~~ environmental protection and may include
22 any hazardous substance as defined in section 455B.411,
23 subsection 2; and any hazardous waste as defined in section
24 455B.411, subsection 3; and shall include but is not limited
25 to the following materials: motor oils, motor oil filters,
26 gasoline and diesel additives, degreasers, waxes, polishes,
27 pure solvents, lacquers, thinners, caustic household cleaners,
28 spot and stain remover with petroleum base, petroleum-based
29 fertilizers, and paints with the exception of latex-based
30 paints. However, "household hazardous material" does not
31 include noncaustic household cleaners, laundry detergents or
32 soaps, dishwashing compounds, chlorine bleach, personal care
33 products, personal care soaps, cosmetics, and medications.

34 Sec. 31. Section 455G.2, Code Supplement 2005, is amended
35 by adding the following new subsection:

1 NEW SUBSECTION. 8A. "Department" means the department of
2 environmental protection created under section 455.2.

3 Sec. 32. Section 455G.4, subsection 1, paragraph a, Code
4 Supplement 2005, is amended to read as follows:

5 a. The director of the department of ~~natural-resources~~
6 environmental protection, or the director's designee.

7 Sec. 33. Section 455G.4, subsection 2, Code Supplement
8 2005, is amended to read as follows:

9 2. DEPARTMENT COOPERATION WITH BOARD. The director of the
10 department of ~~natural-resources~~ environmental protection shall
11 cooperate with the board in the implementation of this part so
12 as to minimize unnecessary duplication of effort, reporting,
13 or paperwork and maximize environmental protection.

14 Sec. 34. Section 455G.9, subsection 7, Code 2005, is
15 amended to read as follows:

16 7. EXPENSES OF CLEANUP NOT REQUIRED. When an owner or
17 operator who is eligible for benefits under this chapter is
18 allowed by the department of ~~natural-resources~~ environmental
19 protection to monitor in place, the expenses incurred for
20 cleanup beyond the level required by the department of ~~natural~~
21 ~~resources~~ environmental protection are not covered under any
22 of the accounts established under the fund. The cleanup
23 expenses incurred for work completed beyond what is required
24 is the responsibility of the person contracting for the excess
25 cleanup.

26 Sec. 35. Section 455H.103, subsections 4, 5, and 6, Code
27 Supplement 2005, are amended to read as follows:

28 4. "Commission" means the environmental protection
29 commission created under section ~~455A-6~~ 455.5.

30 5. "Department" means the department of ~~natural-resources~~
31 environmental protection created under section ~~455A-2~~ 455.2.

32 6. "Director" means the director of the department of
33 ~~natural-resources~~ environmental protection appointed under
34 section ~~455A-3~~ 455.3.

35 Sec. 36. Section 455I.2, subsection 2, Code Supplement

1 2005, is amended to read as follows:

2 2. "Agency" means the department of ~~natural-resources~~
3 environmental protection created by section 455A-2 455.2 or
4 any other state department or federal agency that determines
5 or approves the environmental response project pursuant to
6 which an environmental covenant is created.

7 Sec. 37. Section 455K.2, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. "Department" means the department of ~~natural-resources~~
10 environmental protection created under section 455A-2 455.2 or
11 its delegated authority.

12 Sec. 38. Section 456.1, subsection 1, Code 2005, is
13 amended to read as follows:

14 1. "Department" means the department of ~~natural-resources~~
15 environmental protection created under section 455A-2 455.2.

16 Sec. 39. Section 458A.2, subsection 3, Code 2005, is
17 amended to read as follows:

18 3. "Department" means the department of ~~natural-resources~~
19 environmental protection created under section 455A-2 455.2.

20 Sec. 40. Section 459.102, subsections 13, 20, and 22, Code
21 Supplement 2005, are amended to read as follows:

22 13. "Commission" means the environmental protection
23 commission created pursuant to section 455A-6 455.5.

24 20. "Department" means the department of ~~natural-resources~~
25 environmental protection created pursuant to section 455A-2
26 455.2.

27 22. "Director" means the director of the department of
28 ~~natural-resources~~ environmental protection.

29 Sec. 41. Section 459A.102, subsections 7 and 8, Code
30 Supplement 2005, are amended to read as follows:

31 7. "Commission" means the environmental protection
32 commission created pursuant to section 455A-6 455.5.

33 8. "Department" means the department of ~~natural-resources~~
34 environmental protection created under section 455.2.

35 Sec. 42. Section 460.302, subsection 8, paragraph c, Code

1 2005, is amended to read as follows:

2 c. The owner submits a written statement that approved
3 emergency repairs are necessary and do not constitute a basis
4 to avoid the eventual closure of the well if closure is later
5 determined to be required. If a county board of supervisors
6 or the board's designee approves the emergency repair of an
7 agricultural drainage well, the county board of supervisors or
8 the board's designee shall notify the department of natural
9 resources, or the department of environmental protection on or
10 after July 1, 2006, of the approval within thirty days of the
11 approval.

12 Sec. 43. Section 473.11, subsection 7, Code 2005, is
13 amended to read as follows:

14 7. On June 30, 2003, the energy fund disbursement council
15 established in subsection 3 shall be dissolved. At that time,
16 the department of natural resources, or the department of
17 environmental protection on or after July 1, 2006, shall be
18 responsible for the disbursement of any funds either received
19 or remaining in the energy conservation trust. These
20 disbursements shall be for projects and programs consistent
21 with the allowable uses for the energy conservation trust.
22 Also, at that time, and annually thereafter, the state
23 department of transportation shall report to the department of
24 natural resources, or to the department of environmental
25 protection on or after July 1, 2006, on the status of the
26 intermodal revolving loan fund established in the department.
27 In the fiscal year beginning July 1, 2019, the department of
28 natural resources shall assume responsibility for funds
29 remaining in the intermodal revolving loan fund and disburse
30 them for energy conservation projects and programs consistent
31 with the allowable uses for the energy conservation trust.

32 Sec. 44. Sections 7D.34, 7D.35, 8A.315, 8A.329, 8A.362,
33 12.43A, 15.294, 15.295, 15A.1, 15E.111, 15E.175, 15E.208,
34 16.131, 28G.2, 28G.6, 30.2, 30.5, 30.8, 72.5, 89B.17, 101.10,
35 103A.8, 103A.8A, 123.26, 135.105, 135.145, 137C.16, 137F.13,

1 159A.3, 159A.4, 159A.6B, 161.3, 161.5, 161.9, 161A.4, 161C.6,
2 161C.7, 161F.5, 172D.1, 173.16, 206.2, 206.12, 206.25, 206.32,
3 214A.19, 216B.3, 263.17, 266.39, 266.39C, 268.4, 272C.2,
4 279.44, 307.21, 323A.2, 335.24, 352.4, 352.11, 357A.1, 364.22,
5 414.21, 424.6, 455B.107, 455B.116, 455B.190, 455B.193,
6 455B.305A, 455B.433, 455B.441, 455B.483, 455B.505, 455B.602,
7 455D.11I, 455D.15, 455F.1, 455F.11, 455G.1, 455G.5, 455G.6,
8 455G.12A, 455G.18, 455G.20, 460.101, 460.201, 460.304,
9 460.305, 466.2, 466.3, 466.4, 466.5, 466.6, 466.7, 466.8,
10 468.12, 470.1, 473.1, 473.20A, 476.6, 476.63, 558.69, 564A.9,
11 654A.16, 657.11, and 716B.1, Code 2005, are amended by
12 striking the words "department of natural resources" where
13 they appear in those sections and inserting the words
14 "department of environmental protection".

15 Sec. 45. Sections 161A.80, 262.9, 272C.1, 307.12, 331.653,
16 357A.11, section 427.1, subsections 19 and 20, sections
17 441.21, 455B.171, 455B.474, 455E.11, 455G.2, 455G.13, 455I.11,
18 459.102, 459.401, and 466A.3, Code Supplement 2005, are
19 amended by striking the words "department of natural
20 resources" where they appear in those sections and inserting
21 the words "department of environmental protection".

22 Sec. 46. TRANSITION PROVISIONS.

23 1. Any rule, regulation, form, order, or directive
24 promulgated by any state agency mentioned in this Act,
25 including any agency altered in this Act, and in effect on the
26 effective date of this Act, shall continue in full force and
27 effect until amended, repealed, or supplemented by affirmative
28 action of the appropriate state agency under the duties and
29 powers of state agencies as established in this Act and under
30 the procedure established in subsection 2.

31 Any license or permit issued by any state agency mentioned
32 in this Act, including any agency altered in this Act, and in
33 effect on the effective date of this Act, shall continue in
34 full force and effect until expiration or renewal.

35 2. References and format in the Iowa administrative code

1 shall be updated in order to correspond to the restructuring
2 of state government as established in this Act, and the
3 administrative rules coordinator and the administrative rules
4 review committee, in consultation with the administrative code
5 editor, shall jointly develop a schedule for the necessary
6 updating of the Iowa administrative code.

7 3. The duties, powers, responsibilities, and missions of
8 state agencies included in this Act shall be as specified in
9 this Act and the provisions of this Act shall govern in that
10 regard and shall supersede any provisions to the contrary
11 elsewhere in the law.

12 4. Any replacement of signs, logos, stationary, insignia,
13 uniforms, and related items that is made due to the effect of
14 this Act shall be done as part of the normal replacement cycle
15 for such items.

16 5. Members of the environmental protection commission
17 appointed pursuant to section 455A.6 shall continue their
18 terms as provided in that section and shall be replaced as
19 necessary, pursuant to the provisions of this Act.

20 Sec. 47. Section 455A.6, Code 2005, is repealed.

21

EXPLANATION

22 This bill creates a department of environmental protection.
23 The bill transfers the authority of the department of natural
24 resources to protect the environment and manage energy to the
25 new department and also transfers the existing environmental
26 protection commission to the new department.

27 The bill provides that a director of the department of
28 environmental protection shall be appointed by the governor
29 subject to confirmation by the senate.

30 Numerous provisions in the Code are amended to coordinate
31 with the provisions of the bill.

32 The bill contains transition provisions concerning the
33 effect of existing rules, regulations, forms, orders, or
34 directives promulgated by the department of natural resources,
35 the effect of licenses or permits issued by the department of

S.F. _____ H.F. 2356

1 natural resources, and the composition of the environmental
2 protection commission.

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