

FILED FEB 4 2002

SENATE FILE

2109

BY FINK

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to reporting of the status of environmental  
2 violations by the department of natural resources to the  
3 general assembly.

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

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SF 2109 NAT RES. & ENVIRONMENT

1 Section 1. Section 455B.104, Code 2001, is amended by  
2 adding the following new subsection:

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

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

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

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

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

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

35 (1) The name and location of the party against whom the

1 action was taken.

2 (2) The program categorization.

3 (3) The violation alleged.

4 (4) The action taken.

5 (5) The date enforcement action was taken.

6 c. A summary of all administrative penalties which are due  
7 to the department or have been appealed, all penalties which  
8 are due to the department or have been appealed from cases  
9 referred to the attorney general, and all penalties which were  
10 paid during the previous calendar year. The summary shall  
11 include, but not be limited to, all of the following in regard  
12 to each penalty:

13 (1) The name and location of the party paying or appealing  
14 the penalty.

15 (2) The program categorization.

16 (3) The penalty amount due, paid, or appealed.

17 (4) The date the penalty is due, if applicable, or was  
18 paid.

19 d. A report on the current status of all pending cases  
20 referred to the attorney general. The report shall include,  
21 but not be limited to, all of the following in regard to each  
22 case:

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

25 (2) The program categorization.

26 (3) The violation alleged.

27 (4) The action taken by the department.

28 (5) The current status of the case.

29 e. A report on the current status of all pending contested  
30 cases. The report shall include, but not be limited to, all  
31 of the following in regard to each case:

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

34 (2) The program categorization.

35 (3) The violation alleged.

1 (4) The action taken by the department which is being  
2 appealed.

3 (5) The current status of the case.

4 EXPLANATION

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

15 The bill provides that the report shall include all of the  
16 following:

- 17 1. A report on hazardous conditions reported to the  
18 department.
- 19 2. A report on the status of all enforcement actions taken  
20 during the previous calendar year.
- 21 3. A summary of all administrative penalties which are due  
22 to the department or have been appealed, all penalties which  
23 are due to the department or have been appealed from cases  
24 referred to the attorney general, and all penalties which were  
25 paid during the previous calendar year.
- 26 4. A report on the current status of all pending cases  
27 referred to the attorney general.
- 28 5. A report on the current status of all pending contested  
29 cases.

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