

3 "determination" in line fourteen (14) and inserting in lieu thereof the
 4 words ", provided that the public hearing on any matter within council
 5 duties may be conducted by less than a majority of the council or
 6 by an employee so designated by the council."

1 SEC. 5. Section four hundred fifty-five A point nineteen (455A.19),
 2 Code 1962, is hereby amended by inserting after the word, "council",
 3 in line one (1) of subsection ten (10) of said section the words "or
 4 other employee so authorized by the council".

1 SEC. 6. Section four hundred fifty-five A point thirty-nine
 2 (455A.39), Code 1962, is hereby amended by striking the period at
 3 the end thereof and inserting in lieu thereof the words "and each day
 4 that such violation continues after conviction shall be considered a
 5 separate offense."

Approved May 26, 1965.

CHAPTER 373

WATER RESOURCES PLANNING

S. F. 543

AN ACT relating to comprehensive planning of water resources of the state and matters associated therewith.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred fifty-five A point seventeen
 2 (455A.17), Code 1962, is hereby amended by striking all of such section
 3 after the word "establish" in line two (2) thereof and inserting
 4 in lieu thereof the following:

5 "and enforce a comprehensive state-wide plan for the control, utilization
 6 and protection of the water resources of the state, which plan
 7 shall include all uses and developments of water resources and shall
 8 provide for the optimum control, protection, development, allocation
 9 and utilization thereof. All uses and developments of water resources
 10 regulated under provisions of this chapter must be found to be compatible
 11 with the state comprehensive plan prior to the granting of a
 12 permit by the water commissioner or an approval order by the council.
 13 In making and formulating such state comprehensive plan for the
 14 further control, development, protection, allocation, and utilization of
 15 the water resources of the state, the council shall make surveys and
 16 investigations of the water resources of the state and shall give consideration
 17 to the needs of agriculture, industry, health, fish and wildlife,
 18 recreation, pollution and allied matters as they relate to flood
 19 control and water resources.

20 "The council shall be the official representative of the state of Iowa
 21 on all comprehensive water resources planning groups for which state
 22 participation is provided. The council shall coordinate state planning
 23 with local and national planning and, in safeguarding the interests of
 24 the state and its people, shall undertake the resolution of any conflicts
 25 that may arise between the water resources policies, plans, and proj-

26 ects of the federal government and the water resources policies, plans,
27 and projects of the state, its agencies, and its people. Nothing in this
28 section assigning the overall responsibility for comprehensive plan-
29 ning of water resources to the council shall be construed as limiting or
30 supplanting the functions, duties and responsibilities of the several
31 state or local agencies or institutions with regard to planning of water
32 associated projects within the particular area of responsibility of such
33 state or local agency or institution.

34 "The council shall enter into negotiations and agreements with the
35 federal government relative to the operation of, or the release of water
36 from, any project that has been authorized or constructed by the fed-
37 eral government when the council shall deem such negotiations and
38 agreements to be necessary for the achievement of the policies of the
39 state of Iowa relative to its water resources.

40 "The council, on behalf of the state, shall enter into negotiations
41 with the federal government relative to the inclusion of conservation
42 storage features for water supply in any project that has been author-
43 ized by the federal government when the council shall deem such nego-
44 tiations to be necessary for the achievement of the policies of the state
45 of Iowa and the state comprehensive plan for water resources; pro-
46 vided, however, that any agreements reached pursuant to such nego-
47 tiations shall not bind the state until enacted into law by the legis-
48 lature.

49 "Water users who will benefit from the development by the federal
50 government of conservation storage for water supply shall be encour-
51 aged to assume the responsibility for repaying to the federal govern-
52 ment any reimbursable costs incurred in such development and such
53 users who will accept benefits from such developments financed in
54 whole or in part by the state shall assume by contract the responsibil-
55 ity of repaying to the state their reasonable share of the state's obli-
56 gations in accordance with such basis as will assure payment within
57 the life of the development. No appropriations, diversion, or use shall
58 be made by any person of any of the waters of the state that have been
59 stored or released from storage either under the authority of the state
60 or pursuant to an agreement between the state and the federal govern-
61 ment until such time as he shall have assumed by contract his repay-
62 ment responsibility; provided, however, that the application of this
63 provision shall in no way infringe upon any vested property interests.

64 "In its contracts with water users for the payment of state obliga-
65 tions incurred in the development of conservation storage for water
66 supply, the council shall include (1) such terms as it shall find reason-
67 able and necessary for the protection of the health, safety, and general
68 welfare of the people of the state, (2) such terms as it shall find rea-
69 sonable and necessary for the achievement of the purposes of this
70 chapter and acts amendatory thereof or supplemental thereto, and,
71 (3) such terms as shall make clear that the state of Iowa shall not be
72 responsible to any person in the event the waters involved are insuffi-
73 cient for performance. The council may designate and describe any
74 such contract, and describe the relationships to which it relates, as a
75 sale of storage capacity, a sale of water release services, a contract for
76 the storage or sale of water, or any similar terms suggestive of the
77 creation of a property interest. The term of such contracts shall be

78 commensurate with the investment and use concerned but in no event
79 shall the council enter into any such contract for a term in excess of
80 the maximum period provided for water use permits.

81 "The council shall procure and obtain flood control works and water
82 resources projects from and through or by co-operation with the
83 United States, or any agency of the United States, by co-operation
84 with and action of the cities, towns and other subdivisions of the state,
85 under the laws of the state relating to flood control and use of water
86 resources, and by co-operation with the action of landowners in areas
87 affected thereby when the council shall deem such projects to be neces-
88 sary for the achievement of the policies of the state of Iowa and the
89 state comprehensive plan for water resources."

1 SEC. 2. Section four hundred fifty-five A point thirty-three
2 (455A.33), Code 1962, is hereby amended as follows:

3 a. By inserting in line four (4) after the word "floodway" the
4 words "or flood plains".

5 b. By inserting in line six (6) immediately after the word "flood-
6 way," the words "adversely affect the control, development, protection,
7 allocation, or utilization of the water resources of the state, or ad-
8 versely affect or interfere with the state comprehensive plan for water
9 resources, or an approved local water resources plan,".

10 c. By inserting in line twenty-two (22) after the word "floodway"
11 the words "or flood plains".

1 SEC. 3. Section four hundred fifty-five A point eighteen (455A.18),
2 Code 1962, is hereby amended as follows:

3 a. By striking all of lines five (5) through eighteen (18) and insert-
4 ing in lieu thereof the words "chapter. The council may construct flood
5 control works or any part thereof. In the construction of such works
6 or in making surveys and investigations or in formulating plans and
7 programs relating to the water resources of the state, the council may
8 cooperate with other states or any agency thereof".

9 b. By striking all of lines twenty-two (22) to forty (40), inclusive.

10 c. By striking from line forty-nine (49) the words "and also" and
11 inserting in lieu thereof a comma.

12 d. By inserting in line fifty-one (51) after the word "use" the words
13 " , and the effect of any such use upon the state comprehensive plan for
14 water resources,".

15 e. By adding thereto the following:

16 "Upon application by any person for approval of the construction or
17 maintenance of any structure, dam, obstruction, deposit or excavation
18 to be erected, used, or maintained in or on the flood plains of any river
19 or stream, the council shall cause an investigation to be made of the
20 effect thereof on the efficiency and capacity of the floodway and on the
21 state comprehensive plan for water resources. In determining the
22 effect of any such proposal the council shall consider fully its effect
23 on flooding or flood control both to any proposed works and to adjacent
24 lands and property, on the wise use and protection of water resources,
25 on the quality of water, on fish, wildlife and recreational facilities or
26 uses, and on all other public rights and requirements."

1 SEC. 4. Section four hundred fifty-five A point thirty-six
2 (455A.36), Code 1962, is hereby amended as follows:

3 a. By inserting in line sixteen (16) after the word "control" the
4 words "and water resources".

5 b. By inserting in line twenty-one (21) after the word "state," the
6 words "adversely affect the control, development, protection, allocation
7 or utilization of the water resources of the state, or adversely affect or
8 interfere with the state comprehensive plan for water resources or an
9 approved local water resources plan,".

Approved July 1, 1965.

CHAPTER 374

FLOOD PLAINS

S. F. 523

AN ACT relating to regulation of use of the flood plains of rivers and streams in the state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred fifty-five A point thirty-five
2 (455A.35), Code 1962, is hereby repealed and the following enacted
3 in lieu thereof:

4 "The council may establish and enforce regulations for the orderly
5 development and wise use of the flood plains of any river or stream
6 within the state and alter, change, or revoke and terminate the same.
7 The council shall determine the characteristics of floods which reason-
8 ably may be expected to occur and may by order establish encroach-
9 ment limits, protection methods and minimum protection levels appro-
10 priate to the flooding characteristics of the stream and to reasonable
11 use of the flood plains. The order shall fix the length of flood plains to
12 be regulated at any practical distance; shall fix the width of the zone
13 between the encroachment limits so as to include portions of the flood
14 plains adjoining the channel, which with the channel, are required to
15 carry and discharge the flood waters or flood flow of such river or
16 stream; and shall fix the design discharge and water surface eleva-
17 tions for which protection shall be provided for projects outside the
18 encroachment limits but within the limits of inundation. Plans for the
19 protection of projects proposed for areas subject to inundation shall
20 be reviewed as plans for flood control works within the purview of
21 section 455A.36. No order establishing encroachment limits and flood
22 plain regulations shall be issued until due notice of the proposed estab-
23 lishment thereof shall have been given and public hearings held and
24 opportunity given for the presentation of all protests against the
25 establishment thereof. In establishing any such limits or regulations,
26 the council shall avoid to the greatest possible degree the evacuation
27 of persons residing in the area of any floodway, the removal of any
28 residential structures occupied by such persons in the area of any
29 floodway, and the removal of any structures erected or made prior to
30 the effective date of this Act which are located on the flood plains of
31 any river or stream but not within the area of any floodway.

32 "The council may cooperate with and assist local units of govern-
33 ment in the establishment of encroachment limits, flood plain regula-