

Senate File 2238 - Introduced

SENATE FILE _____
BY BOLKCOM _____

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

A BILL FOR

1 An Act providing for waterway infrastructure, and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6125XS 82
5 da/nh/5

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1 1 Section 1. Section 464A.1A, Code 2007, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 1A. "Dam" means a barrier that impounds
1 4 or stores water.
1 5 NEW SUBSECTION. 4. "Low head dam" means a dam essentially
1 6 contained within the channel of a river or stream that is
1 7 overtopped by normal current flow.
1 8 Sec. 2. NEW SECTION. 464A.11 WATERWAY INFRASTRUCTURE ==
1 9 LOW HEAD DAM PUBLIC HAZARD PROGRAM.
1 10 1. The department shall establish a low head dam public
1 11 hazard program to reduce the incidents of drowning due to
1 12 dangers associated with coming within proximity of a
1 13 traditionally designed low head dam, including hydraulic
1 14 conditions or recirculating or reverse current velocity.
1 15 2. In administering the low head dam public hazard
1 16 program, the department may provide for all of the following:
1 17 a. Compiling an inventory of low head dams, including a
1 18 listing of those low head dams which may require remediation.
1 19 b. Providing for public education including placing
1 20 notices near low head dams and along navigational trails, and
1 21 increasing public awareness of the dangers associated with low
1 22 head dams.
1 23 c. Constructing portage trails circumventing low head
1 24 dams, including the construction of appropriate landing and
1 25 launching sites.
1 26 d. Recommending designs for low head dams to reduce
1 27 incidents of drowning.
1 28 e. Providing for cost-effective remediation, including the
1 29 removal or modification of low head dams.
1 30 Sec. 3. NEW SECTION. 464A.12 WATERWAY INFRASTRUCTURE ==
1 31 HAZARD NOTICES FOR LOW HEAD DAMS.
1 32 1. On and after January 1, 2010, the owner of a low head
1 33 dam must place a notice near the low head dam warning the
1 34 public that it is a hazard. The notice shall comply with
1 35 rules adopted by the department. The rules may provide that
2 1 the notice shall be placed along the waterway approaching the
2 2 low head dam or along navigational trails in proximity to the
2 3 low head dam.
2 4 2. A person who violates subsection 1 is subject to a
2 5 civil penalty as established, assessed, and collected by the
2 6 department. The amount of the civil penalty shall not exceed
2 7 one thousand dollars. Each day that a violation exists shall
2 8 be considered a separate offense. Civil penalties shall be
2 9 deposited into the general fund of the state.
2 10 Sec. 4. NEW SECTION. 464A.13 WATERWAY INFRASTRUCTURE ==
2 11 FUNDING.
2 12 The department shall develop a system for providing funding
2 13 for waterway infrastructure, including supporting the low head
2 14 dam public hazard program as provided in section 464.11 and
2 15 improving water trails. The department may provide grants to
2 16 local communities on a cost-share basis, including
2 17 participation with counties, cities, or private landowners for
2 18 infrastructure projects approved by the department. The
2 19 department shall establish a system for prioritizing funding
2 20 for waterway infrastructure projects.

2 21 1. For the low head dam public hazard program, the
2 22 priority system shall account for the condition of the low
2 23 head dam, incidents of drowning in proximity to the low head
2 24 dam, the cost of reducing the hazard, and the degree of
2 25 participation by local communities and the owner of the low
2 26 head dam in making the improvement.

2 27 2. For improving water trails, the priority system shall
2 28 account for the present and potential public use of a water
2 29 trail, the proximity of the water trail to land or facilities
2 30 compatible with its use, the cost of making the improvement,
2 31 and the degree of participation by local communities or
2 32 private landowners in making the improvement.

2 33 EXPLANATION

2 34 This bill provides for waterway infrastructure under the
2 35 jurisdiction of the department of natural resources.

3 1 The bill establishes a low head dam public hazard program
3 2 to reduce the incidents of drowning due to dangers associated
3 3 with coming within the proximity of a traditionally designed
3 4 low head dam. The program is to be administered by the
3 5 department of natural resources.

3 6 The bill requires that on and after January 1, 2010, the
3 7 owner of a low head dam must place a notice near the low head
3 8 dam warning the public that it is a hazard. The notice must
3 9 comply with rules adopted by the department. A person who
3 10 violates the provision is subject to a civil penalty of up to
3 11 \$1,000.

3 12 The bill requires the department to develop a system for
3 13 providing funding for waterway infrastructure, including
3 14 supporting the low head dam public hazard program and for
3 15 improving water trails, based on a cost-benefit analysis and
3 16 the degree of participation by local communities and
3 17 landowners.

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