

S.F. 2189 substituted 2/22/88

FILED FEB 22 1988

SENATE FILE 2189
BY COMMITTEE ON NATURAL
RESOURCES

(formerly SSB 2111)
Amended (2/15/88)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to commercial concessions operated on certain
2 state-owned lands and providing an effective date.

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

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SF 2189

1 Section 1. Section 111.4, unnumbered paragraph 4, Code
2 1987, is amended to read as follows:

5443 ~~No~~ A person, association, or corporation shall not operate
4 any a commercial concession on-any-state-owned-lands-or-waters
5 in a park, forest, fish and wildlife area, or recreation area
6 under jurisdiction of the department without first obtaining
7 from-the-commission-a-permit-therefor entering into a written
8 contract with the department. The contract shall state the
9 consideration and other terms under which the concession may
10 be operated. The commission department may issue-and-revoke
11 such-permits cancel or, in an emergency, suspend a concession
12 contract for the protection of the public health, safety,
13 morals, or welfare. The department shall adopt rules
14 establishing procedures for the cancellation or suspension of
15 a concession contract.

16 Sec. 2. This Act, being deemed of immediate importance,
17 takes effect upon enactment.

18 EXPLANATION

19 This bill provides for written contracts between the
20 department and persons having concessions in parks, forests,
21 fish and wildlife areas, and recreation areas under the
22 department's jurisdiction. The department may cancel or, in
23 an emergency, suspend a contract for the protection of the
24 public health, safety, morals, or welfare.

25 The bill takes effect upon enactment.

26 SIMILAR TO SSB 2111 (LSB 7271DS)

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S-5443

- 1 Amend Senate File 2189 as follows:
- 2 1. Page 1, by striking lines 13 through 17 and
- 3 inserting the following: "morals, or welfare."
- 4 2. Title page, by striking line 2 and inserting
- 5 the following: "state-owned lands."

S-5443

Filed March 17, 1988

(Adopted by 2/20/88)

BY KENNETH SCOTT
BERL E. PRIEBE

STATE OF IOWA

FISCAL NOTE

LSB No. 7271S

Staff ID. JWR

REQ. BY SENATOR HALL

SENATE FILE 2189

In compliance with a written request received February 19, 1988, a fiscal note for SENATE FILE 2189 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2189 relates to commercial concessions operated on certain State-owned lands. The bill provides for written contracts between the Department of Natural Resources and persons having concessions in parks, forests, fish and wildlife areas, and recreational areas under the Department's jurisdiction. The Department may cancel or, in the case of an emergency, suspend a contract for the protection of the public health, safety, morals, or welfare.

This bill clarifies the DNR's authority to issue concessions contracts to private individuals. The Conservation Commission has been issuing permits in this manner for a number of years. These contracts bring in approximately \$50,000 per year and would continue to do so under the provisions of this bill.

Source: Department of Natural Resources

(LSB 7271S, JWR)

Dennis Chorty
Fiscal Director

Legislative Fiscal Bureau

Date: 2/29/88

SSR 2111

SSB 2111
NATURAL RESOURCES
Hannon

NATURAL RESOURCES: Tieden, Chair: Doyle and Hannon

SENATE FILE 2189

BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

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18 department's jurisdiction. The department may cancel or, in
19 an emergency, suspend a contract for the protection of the
20 public health, safety, morals, or welfare.

21 BACKGROUND STATEMENT

22 SUBMITTED BY THE AGENCY

23 Prior to 1957, the Iowa Code provided for such fees on
24 commercial operations. In 1953 in the case Witke v. State
25 Conservation Comm. the Supreme Court ruled that the statute as
26 then written constituted a taking of property in violation of
27 due process. This was a case involving commercial boats
28 operating on sovereign waters. The repeal of the law also
29 affected the law as it related to concessions operation. This
30 proposal would reestablish the right to control the leasing of
31 those rights.

32 COMPANION TO LSB 7270DH

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