

referred.

FILED MAR 08 1989

SENATE FILE **375**
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SF 209)

Passed Senate, Date 3-29-89 (p.1071) Passed House, Date _____
Vote: Ayes 36 Nays 14 Vote: Ayes _____ Nays _____

Motion to Reconsider Approved 3-29-89 (p.1078) - ~~Withdrawn 4-7-89 (p.1152)~~

A BILL FOR

303:1 An Act relating to the creation of an artificial lake or
2 impoundment by the department of natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 375

3452,
3447, 3448-

1 Section 1. Section 108.1, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. "Century farm" means a farm homestead
4 and agricultural land which has been owned by a family for one
5 hundred years or more.

3452, 3447-

6 Sec. 2. Section 108.10, Code 1989, is amended by adding
7 the following new unnumbered paragraphs:

3448-

8 NEW UNNUMBERED PARAGRAPH. The department shall not
9 construct or erect a dam or other structure creating a new
10 artificial lake or water impoundment in excess of one hundred
11 acres unless the primary purpose for the artificial lake or
12 impoundment is storage for a public water supply system. If a
13 new artificial lake or water impoundment of one hundred acres
14 or less is created, the ratio of the watershed area to the
15 lake surface area shall be between thirty to one and seventy
16 to one.

3452,
3447, 3448-

17 NEW UNNUMBERED PARAGRAPH. A new artificial lake or water
18 impoundment shall not be created on a century farm which was
19 acquired by eminent domain procedures.

3448-

20 EXPLANATION

21 This bill prohibits the department of natural resources
22 from constructing or erecting a dam or structure creating a
23 new artificial lake or water impoundment in excess of one
24 hundred acres unless the primary purpose for the artificial
25 lake or impoundment is storage for a public water supply
26 system. In creating a lake or impoundment of one hundred
27 acres or less, the ratio of watershed to lake surface area
28 shall be between 30 to 1 and 70 to 1.

29 The bill also prohibits a new artificial lake or water
30 impoundment from being created on a century farm which was
31 acquired by eminent domain procedures.

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SENATE FILE 375

S-3429

1 Amend Senate File 375 as follows:

2 1. Page 1, by inserting before line 20 the

3 following:

4 "NEW UNNUMBERED PARAGRAPH. It is the intent of the
5 general assembly that the Brushy Creek dam shall not
6 be built."

3429

By BERL E. PRIEBE
LINN FUHRMAN

JULIA GENTLEMAN
JIM RIORDAN

S-3429 FILED MARCH 27, 1989

Out of Order 3-29-89 (p. 1071)

SENATE FILE 375

S-3430

1 Amend Senate File 375 as follows:

A 2 1. Page 1, by striking lines 1 through 5.

B 3 2. Page 1, by striking lines 17 through 19.

By DALE L. TIEDEN

S-3430 FILED MARCH 27, 1989

3430 B - Out of Order 3-29-89 (p. 1070)
3430A - Adopted 3-29-89 (p. 1070)

SENATE FILE 375

S-3434

1 Amend the amendment, S-3429, to Senate File 375 as
2 follows:

3 1. Page 1, by inserting after line 6 the
4 following:

5 "Sec. ____ . Section 2 of this Act, being deemed of
6 immediate importance, takes effect upon enactment and
7 is repealed July 1, 1989".

8 ____ . Title, line 2, by inserting after the word
9 "resources" the following: ", and providing an
10 effective date."

By JOHN PETERSON

S-3434 FILED MARCH 28, 1989

Out of Order 3-29-89 (p. 1071)

SENATE FILE 375

S-3413

1 Amend Senate File 375 as follows:

~~3413~~-A 2 1. Page 1, line 7, by striking the word
3 "paragraphs" and inserting the following:
4 "paragraph".

5 2. Page 1, by striking lines 8 through 16.

B 6 3. Page 1, by inserting after line 19 the fol-
7 lowing:

8 "Sec. ____ . NEW SECTION. 455A.8 APPROVAL OF MAJOR
9 PROJECTS.

10 The department shall not construct, erect, or
11 develop a project which has an estimated total cost of
12 more than one million dollars without first receiving
13 the approval of the general assembly. If the general
14 assembly has adjourned sine die and approval of a
15 project is needed before the commencement of the next
16 regular session of the general assembly, a project of
17 the department may be approved by the legislative
18 council. The availability of funding to complete a
19 project does not satisfy the requirement for approval
20 by the general assembly or the legislative council
21 unless the funds are specifically appropriated by the
22 general assembly for that project."

23 4. Title page, by striking lines 1 and 2 and
24 inserting the following: "An Act requiring
25 legislative approval of major projects of the
26 department of natural resources."

By BERL E. PRIEBE
JAMES RIORDAN

S-3413 FILED MARCH 27, 1989

DIVISION A-ADOPTED, DIVISION B-RULED OUT OF ORDER (p 1012)
MOTION to Reconsider AYES 26, NAYS 18 3413A out of order 3-29-89 (p. 1071)
3-27-89 (p. 1009) SENATE FILE 375

S-3421

1 Amend the amendment, S-3413, to Senate File 375 as
2 follows:

3 1. Page 1, by striking lines 2 through 5, and
4 inserting the following:

5 " ____ . Page 1, by striking lines 6 through 19."

By C. JOSEPH COLEMAN

S-3421 FILED MARCH 27, 1989

WITHDRAWN 3-29-89

SENATE FILE 375

S-3428

1 Amend Senate File 375 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "procedures" the following: "prior to January 1,
4 1989".

By C. JOSEPH COLEMAN

S-3428 FILED MARCH 27, 1989

Out of Order
3-29-89 (p. 1071)

SENATE FILE 375

S-3452

1 Amend Senate File 375 as follows:

2 1. Page 1, by striking lines 1 through 5 and
3 inserting the following:

4 "Section 1. COMPREHENSIVE ARTIFICIAL LAKE STUDY --
5 MORATORIUM ON CONSTRUCTION OR DEVELOPMENT". A
6 moratorium is imposed on the construction, erection,
7 or development of a dam or other structure creating a
8 new artificial lake or water impoundment by the
9 department of natural resources until January 1, 1992.
10 During the moratorium, the Iowa academy of science
11 shall contract for the services of a consultant to
12 complete a comprehensive study of current and future
13 needs for artificial lakes and water recreation in
14 this state. The consultant shall have recognized
15 competence in the fields of natural resources,
16 conservation, and the environment. The study shall
17 include a review of existing natural and artificial
18 lakes, restoration and management needs of the
19 existing lakes for the next twenty years, development
20 needs of the existing lakes to provide for optimum
21 public use, and the need for additional artificial
22 lakes. If additional artificial lakes are
23 recommended, the size, use, and location shall be
24 specified. The study shall also recommend whether
25 existing state-owned sites and development plans
26 should be implemented, or new sites and development
27 plans should be purchased, prepared, and implemented.
28 The study shall be completed and submitted to the
29 legislative council by December 1, 1991. The
30 comprehensive study shall be funded by moneys
31 appropriated to the Iowa academy of science for that
32 purpose."

A

33 2. Page 1, by striking lines 6 through 16 and
34 inserting the following:

35 "Sec. ____ . NEW SECTION. 108.5 BRUSHY CREEK LAKE
36 PROHIBITED.

37 It is the intent of the general assembly that a dam
38 or other structure creating an artificial lake or
39 water impoundment of one hundred acres or more not be
40 constructed or erected in the Brushy Creek state
41 recreation area."

42 3. Page 1, by striking lines 17 through 19 and
43 inserting the following:

44 "Sec. ____ . NEW SECTION. 108.6 LOST GROVE LAKE
45 PROHIBITED.

46 It is the intent of the general assembly that a dam
47 or other structure creating an artificial lake or
48 water impoundment of one hundred acres or more not be
49 constructed or erected in the Lost Grove area."

By JAMES R. RIORDAN JULIA GENTLEMAN
LINN FUHRMAN BERL E. PRIEBE
MAGGIE TINSMAN

S-3452 FILED MARCH 28 1989

3452B - Adopted 3-29-89 (p 1069)
3452C - Adopted " (p 1070)
3452A withdrawn " "

B

C

SENATE FILE 375

S-3447

Amend Senate File 375 as follows:

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1. Page 1, by striking lines 1 through 5 and inserting the following:

"Section 1. COMPREHENSIVE ARTIFICIAL LAKE STUDY -- MORATORIUM ON CONSTRUCTION OR DEVELOPMENT. A moratorium is imposed on the construction, erection, or development of a dam or other structure creating an artificial lake or water impoundment by the department of natural resources until January 1, 1992. During the moratorium, the Iowa academy of science shall contract for the services of a consultant to complete a comprehensive study of current and future needs for artificial lakes and water recreation in this state. The consultant shall have recognized competence in the fields of natural resources, conservation, and the environment. The study shall include a review of existing natural and artificial lakes, restoration and management needs of the existing lakes for the next twenty years, development needs of the existing lakes to provide for optimum public use, and the need for additional artificial lakes. If additional artificial lakes are recommended, the size, use, and location shall be specified. The study shall also recommend whether existing state-owned sites and development plans should be implemented, or new sites and development plans should be purchased, prepared, and implemented. The study shall be completed and submitted to the legislative council by December 1, 1991. The comprehensive study shall be funded by moneys appropriated to the Iowa academy of science for that purpose."

2. Page 1, by striking lines 6 through 16 and inserting the following:

"Sec. ____ . NEW SECTION. 108.5 BRUSHY CREEK LAKE PROHIBITED.

It is the intent of the general assembly that a dam or other structure creating an artificial lake or water impoundment of one hundred acres or more not be constructed or erected in the Brushy Creek state recreation area."

3. Page 1, by striking lines 17 through 19 and inserting the following:

"Sec. ____ . NEW SECTION. 108.6 LOST GROVE LAKE PROHIBITED.

It is the intent of the general assembly that a dam or other structure creating an artificial lake or water impoundment of one hundred acres or more not be constructed or erected in the Lost Grove area."

By JAMES R. RIORDAN JULIA GENTLEMAN
 LINN FUHRMAN PAUL PATE
 MAGGIE TINSMAN BERL E. PRIEBE

S-3447 FILED MARCH 28, 1989

withdrawn 3-24-89 (1068)

SENATE FILE 375
FISCAL NOTE

A fiscal note for **SENATE FILE 375** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 375 prohibits the Department of Natural Resources from constructing a lake in excess of 100 acres in area, unless the primary purpose of the impoundment is storage for a public water supply.

Background:

Currently, the Department is in the process of acquiring and building five lakes in the State. These lakes are; Shawtee Lake in Freemont County, Deer Creek Lake in Plymouth County, Lost Grove Lake in Scott County, Whitewater Lake in Dubuque County, as well as Brushy Creek Lake in Webster County. The total cost of acquisition and construction of the lakes is estimated to be \$26.5 million, with the funding coming from the lottery (if the Legislature appropriates the funds), the federal Dingell-Johnson program, and the Marine Fuels Tax Fund.

Fiscal Effect:

These five lakes are in various stages of acquisition and development. Some of the land was purchased with federal funds that were designated for new lake development. If these lakes are not built, the federal government will require the repayment of those funds. At this time, approximately \$300,000 to \$700,000 in federal money would have to be repaid. Until repayment is made, the State could be ineligible for \$4,700,000 annually in federal wildlife and fish restoration money.

Source: Department of Natural Resources

(LSB 2065sv, JWR)

FILED MARCH 27, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 375

S-3449

Amend the amendment, S-3447, to Senate File 375 as follows:

1. Page 1, line 7, by striking the word "an" and inserting the following: "a new".

By KENNETH SCOTT
JIM RIORDAN

S-3449 FILED MARCH 28, 1989

out of order 3-29-89 (p. 1011)

SENATE FILE 375

S-3485

- 1 Amend the amendment, S-3452, to Senate File 375
- 2 as follows:

- 3 1. Page 1, by striking lines 33 through 41.

By JOHN PETERSON

S-3485 FILED MARCH 29, 1989

WITHDRAWN *3-29-89 (p. 1069)*

SENATE FILE 375

S-3486

- 1 Amend the amendment, S-3452, to Senate File 375 as
- 2 follows:

- 3 1. Page 1, line 32, by inserting after the word
- 4 "purpose." the following: "This moratorium shall not
- 5 apply to the construction of an artificial lake or
- 6 water impoundment if the primary purpose of that
- 7 artificial lake or water impoundment is storage for a
- 8 public water supply system."

By JIM RIORDAN

S-3486 FILED MARCH 29, 1989

ADOPTED *3-29-89 (p. 1070)*

HOUSE DO PASS Nat. Resource 4-5-89 (P. 1297)

SENATE FILE 375
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SF 209)

(AS AMENDED AND PASSED BY THE SENATE MARCH 29, 1989)

ALL New Language by the Senate

Passed Senate, Date _____ Passed House, Date 4-28-89 (P. 2159)
Vote: Ayes _____ Nays _____ Vote: Ayes 38 Nays 36
Approved _____

A BILL FOR

1 An Act relating to the creation of an artificial lake or
2 impoundment by the department of natural resources.

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

SENATE FILE 375

H-3920

1 Amend Senate File 375, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "Sec. ____ Section 427.2, Code 1989, is amended by
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. However, property which
8 the state acquires after the effective date of this
9 Act for a public use or public purpose is subject to
10 taxation and special assessments. Property which the
11 county acquires after the effective date of this Act
12 for a public use or public purpose is subject to all
13 school taxes. The tax liability is the amount of the
14 tax due from the previous owner for the most recent
15 year before the property is acquired by the state or
16 county and an annual increase or decrease of the tax
17 by the same percentage as the property tax of similar
18 class property in the same taxing district is
19 increased or decreased."

20 2. Title page, line 2, by inserting after the
21 word "resources" the following: "and the taxation of
22 certain state and county property".

By PETERSEN of Muscatine

H-3920 FILED APRIL 7, 1989 W. Germane 4-28-89 (P. 2157)

SF 375

S.F. 375

1 Section 1. NEW SECTION. 108.5 BRUSHY CREEK LAKE
2 PROHIBITED.

3 It is the intent of the general assembly that a dam or
4 other structure creating an artificial lake or water
5 impoundment of one hundred acres or more not be constructed or
6 erected in the Brushy Creek state recreation area.

7 Sec. 2. NEW SECTION. 108.6 LOST GROVE LAKE PROHIBITED.

8 It is the intent of the general assembly that a dam or
9 other structure creating an artificial lake or water
10 impoundment of one hundred acres or more not be constructed or
11 erected in the Lost Grove area.

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**SENATE FILE 375
AS PASSED BY THE SENATE
FISCAL NOTE**

A fiscal note for **S.P. 375 AS PASSED BY THE SENATE** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 375 as passed by the Senate states that it is the intent of the General Assembly that lakes not be built by the Department of Natural Resources at Brushy Creek in Webster County and Lost Grove in Scott County.

Background:

Currently, the Department is in the process of acquiring and creating five lakes in the State. These lakes are; Shawtee Lake in Fremont County, Deer Creek Lake in Plymouth County, Lost Grove Lake in Scott County, Whitewater Lake in Dubuque County, as well as Brushy Creek Lake in Webster County. The total cost of acquisition and construction of the lakes is estimated to be \$26.5 million, with funding from the lottery (if the Legislature appropriates the funds), the federal Dingell-Johnson program, and the Marine Fuels Tax Fund.

At this time, the Department of Natural Resources has expended \$578,234 to acquire 387 acres of land at the Lost Grove Lake site. The funds used were State Fish and Wildlife Trust Fund and federal Dingell-Johnson monies. The funds are matching, with the federal program providing 75% of the expenditure. Because federal regulations governing the use of Dingell-Johnson funds require their use on projects that benefit fishing, the prohibition on developing a lake at Lost Grove would cause the State to be in a diversion situation with regards to the federal funds. The State would have to repay the funds, or expend a similar amount on a project that benefits fishing, from a non-fishing funding source. The federal regulations provide for a period of up to three years for the State to correct the situation.

Fiscal Effect:

The federal government's 75% share of the Lost Grove project, which would be subject to diversion and would need to be repaid if the lake were prohibited, would be \$433,680.

Source: Department of Natural Resources

(LSB 2065sv.2, JWR)

FILED APRIL 17, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR