

March 19, 1965.

Senate File 518

Passed on File.

By AGRICULTURE COMMITTEE.

Deferred as unfinished business 4/14
Passed Senate, Date 4/15

Passed House, Date 5/17

Vote: Ayes 20 Nays 0

Vote: Ayes 17 Nays 0

Approved May 26, 1965

agriculture 7/21

A BILL FOR

An Act to amend chapter four hundred fifty-five A (455A), Code 1962, relating to the Iowa natural resources council.

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

1 Section 1. Section four hundred fifty-five A point one
2 (455A.1), Code 1962, is hereby amended by striking from lines
3 twenty-five (25) through twenty-eight (28) the words "of not
4 less than thirty days by one publication in an official news-
5 paper published in each county in which the property affected
6 "is located" and inserting in lieu thereof the words "published
7 once each week for two consecutive weeks in a newspaper of gen-
8 eral circulation in each county in which the property affected
9 is located with the date of last publication not less than ten
10 nor more than thirty days prior to the date of hearing".

1 Sec. 2. Section four hundred fifty-five A point nineteen
2 (455A.19), Code 1962, is hereby amended as follows:
3 a. By inserting the word "due" in line one (1) of subsec-
4 tion three (3) immediately following the word "cause".
5 b. By striking from lines two (2) through nine (9) of
6 subsection three (3) the words "in a newspaper of general
7 circulation in the county in which the permit is sought. Said
8 notice shall be published once each week for two consecutive
9 weeks, with the date of last publication not less than ten nor
10 more than thirty days prior to the date of hearing and said

11 notice shall be on a form provided by the council which" and
12 inserting in lieu thereof the words ". Said notice".

1 Sec. 3. Section four hundred fifty-five A point twenty
2 (455A.20), Code 1962, is hereby amended by striking all of said
3 section after the word "commissioner" in line twenty (20) and
4 inserting in lieu thereof the following:

5 "for a period of not more than ninety days during the penden-
6 cy of an application for renewal. Any permit granted shall
7 remain as an appurtenance of the land described therein through
8 the date specified in such permit and any extension thereof
9 or such earlier date as the permit or any extension thereof is
10 revoked or canceled under the provisions of section 455A.28.

11 "Upon application therefor prior to the termination date
12 specified therein, permits may be renewed by the water commis-
13 sioner for any period of time not to exceed ten years. Permits
14 may be renewed without hearing or fee if no objection is filed
15 and no change in the conditions of the permit is sought. The
16 water commissioner shall cause notice of receipt of an appli-
17 cation for renewal to be sent by ordinary mail to any person
18 who appeared at the next previous proceeding on the permit
19 and to any person who has filed a written request for notifica-
20 tion of any hearings affecting a designated area. If written
21 objection is filed not more than thirty days after the date
22 of the notice by any person shown to have an interest, a hearing
23 shall be held thereon with notice thereof to be sent not less
24 than ten nor more than thirty days prior thereto by ordinary
25 mail to such objector, to any person who appeared at the next
26 previous proceeding on the permit, and to any person who has

27 filed a written request for notification of any hearings
28 affecting a designated area.

29 "If a change in the terms of a permit is requested which
30 involves a change in the designated beneficial purposes for
31 which the diversion is sought, a change in the place of such
32 diversion, or an increase in the quantity, time, or rate of
33 diversion, storage or withdrawal of waters, the applicant there-
34 for shall pay a fee as required by section 455A.19, subsection 5,
35 and a hearing shall be held thereon with notice thereof as re-
36 quired by section 455A.19, subsection 3."

1 Sec. 4. Section four hundred fifty-five A point thirty-seven
2 (455A.37), Code 1962, is hereby amended as follows:

3 a. By striking from line nineteen (19) the words "the
4 burden of proof" and inserting in lieu thereof the words "it
5 shall be presumed".

6 b. By striking from lines twenty-one (21) and twenty-two
7 (22) the words "shall be upon" and inserting in lieu thereof
8 the words "and the burden of proving the contrary shall be upon
9 the person questioning the act or order of".

10 c. By striking the comma after the word "unjust" in line
11 twenty-five (25) and inserting in lieu thereof the word "or".

12 d. By striking from line twenty-six (26) the words "or not
13 supported by the evidence".

1 Sec. 5. Section four hundred fifty-five A point eight
2 (455A.8), Code 1962, is hereby amended by striking the period
3 after the word "determination" in line fourteen (14) and insert-
4 ing in lieu thereof the words ", provided that the public hear-
5 ing on any matter within council duties may be conducted by less

6 than a majority of the council or by an employee so designated
7 by the council."

1 Sec. 6. Section four hundred fifty-five A point nineteen
2 (455A.19), Code 1962, is hereby amended by inserting after the
3 word, "council", in line one (1) of subsection ten (10) of said
4 section the words "or other employee so authorized by the
5 council".

1 Sec. 7. Section four hundred fifty-five A point thirty-
2 nine (455A.39), Code 1962, is hereby amended by striking the
3 period at the end thereof and inserting in lieu thereof the
4 words "and each day that such violation continues after con-
5 viction shall be considered a separate offense."

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1 Amend Senate File 518, section 1, line 7 by striking
2 the following words: "each week for two consecutive
3 weeks" and by striking from line 9 the word "last".
4 Further amend Senate File 518 by striking section 4
5 and renumbering the remaining sections.

Filed—paragraph 1 lost. (16-29)
paragraph 2 adopted. (50-0)
April 15, 1965.

By SHAFF.