

# House File 2654 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 691)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to water use permit fees, creating a new water  
2 use permit fund, and making appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5447HV 82  
5 tw/nh/5

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1 1 Section 1. Section 423.3, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 93. Water use permit fees paid pursuant  
1 4 to section 455B.265.  
1 5 Sec. 2. Section 455B.265, Code 2007, is amended by adding  
1 6 the following new subsection:  
1 7 NEW SUBSECTION. 6. The department may charge a fee to a  
1 8 person who has been granted a permit pursuant to this section  
1 9 or is required to have a permit pursuant to section 455B.268.  
1 10 The commission shall adopt by rule the fee amounts.  
1 11 a. The amount of a fee shall be based on the department's  
1 12 reasonable cost of reviewing applications, issuing permits,  
1 13 ensuring compliance with the terms of the permits, and  
1 14 resolving water interference complaints. The commission shall  
1 15 calculate the fees to produce total revenues of not more than  
1 16 five hundred thousand dollars for each fiscal year, commencing  
1 17 with the fiscal year beginning July 1, 2008, and ending June  
1 18 30, 2009.  
1 19 b. Fees collected pursuant to this subsection shall be  
1 20 credited to the water use permit fund created in section  
1 21 455B.265A.  
1 22 c. The commission shall annually review the amount of  
1 23 moneys generated by the fees, the balance in the water use  
1 24 permit fund, and the anticipated expenses for the succeeding  
1 25 fiscal year.  
1 26 d. Fees paid pursuant to this section shall not be subject  
1 27 to sales or services taxes.  
1 28 Sec. 3. NEW SECTION. 455B.265A WATER USE PERMIT FUND ==  
1 29 APPROPRIATION.  
1 30 1. A water use permit fund is created in the state  
1 31 treasury. The fund shall be separate from the general fund of  
1 32 the state and shall be under the control of the department.  
1 33 2. Moneys credited to the fund from the fees assessed  
1 34 pursuant to section 455B.265, subsection 6, are appropriated  
1 35 to the department and shall be used for all of the following  
2 1 purposes:  
2 2 a. Reviewing applications for permits under section  
2 3 455B.265, issuing permits, and providing technical assistance  
2 4 to permit applicants.  
2 5 b. Ensuring compliance with the terms of the permits.  
2 6 c. Implementing and enforcing the provisions of sections  
2 7 455B.261 through 455B.281 pertaining to water allocation, use,  
2 8 diversion, storage, and withdrawal, and completing  
2 9 investigations needed to issue new or modified permits or to  
2 10 resolve water interference complaints.  
2 11 3. Notwithstanding section 8.33, any unexpended balance in  
2 12 the fund at the end of a fiscal year shall be retained in the  
2 13 fund.  
2 14 4. Notwithstanding section 12C.7, subsection 2, interest,  
2 15 earnings on investments, or time deposits of the moneys in the  
2 16 fund shall be retained in the fund.  
2 17

EXPLANATION

2 18 This bill relates to water use permit fees for diverting,  
2 19 storing, or withdrawing water.

2 20 The bill creates a water use permit fund for revenue  
2 21 generated by annual water use permit fees. The bill allows  
2 22 the environmental protection commission to set the fees  
2 23 according to the department of natural resources' costs  
2 24 relating to the permits. The department must calculate the  
2 25 fees to produce total revenues of an amount not to exceed  
2 26 \$500,000 in a fiscal year. The fees paid are not subject to  
2 27 sales or services taxes.

2 28 The bill appropriates the money in the fund to the  
2 29 department to be used for the purposes provided in the bill.  
2 30 Specifically, the bill requires that moneys be used to review  
2 31 applications, issue permits, and provide technical assistance  
2 32 to permit applicants; and to ensure compliance with the terms  
2 33 of the permits.

2 34 The bill requires the commission to annually review the  
2 35 amount of moneys generated by fees, the balance in the fund,  
3 1 and anticipated expenses for the succeeding fiscal year.

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