

House File 2672 - Introduced

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2654)
(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 5447HZ 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, 2009, and ending June
1 18 30, 2010.
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 e. The department shall not require an applicant to pay
1 29 both an annual fee and an application fee when submitting an
1 30 application for a water use permit.
1 31 Sec. 3. NEW SECTION. 455B.265A WATER USE PERMIT FUND ==
1 32 APPROPRIATION.
1 33 1. A water use permit fund is created in the state
1 34 treasury. The fund shall be separate from the general fund of
1 35 the state and shall be under the control of the department.
2 1 2. Moneys credited to the fund from the fees assessed
2 2 pursuant to section 455B.265, subsection 6, are appropriated
2 3 to the department and shall be used for all of the following
2 4 purposes:
2 5 a. Reviewing applications for permits under section
2 6 455B.265, issuing permits, and providing technical assistance
2 7 to permit applicants.
2 8 b. Ensuring compliance with the terms of the permits.
2 9 c. Implementing and enforcing the provisions of sections
2 10 455B.261 through 455B.281 pertaining to water allocation, use,
2 11 diversion, storage, and withdrawal, and completing
2 12 investigations needed to issue new or modified permits or to
2 13 resolve water interference complaints.
2 14 3. Notwithstanding section 8.33, any unexpended balance in
2 15 the fund at the end of a fiscal year shall be retained in the
2 16 fund.
2 17 4. Notwithstanding section 12C.7, subsection 2, interest,

2 18 earnings on investments, or time deposits of the moneys in the
2 19 fund shall be retained in the fund.
2 20 Sec. 4. EMERGENCY RULES. The department of natural
2 21 resources may adopt emergency rules under section 17A.4,
2 22 subsection 2, and section 17A.5, subsection 2, paragraph "b",
2 23 to rescind any existing water use permit fees to facilitate
2 24 implementation of this Act, and the rules shall be effective
2 25 immediately upon filing unless a later date is specified in
2 26 the rules. Any rules adopted in accordance with this section
2 27 shall also be published as a notice of intended action as
2 28 provided in section 17A.4.

2 29 EXPLANATION

2 30 This bill relates to water use permit fees for diverting,
2 31 storing, or withdrawing water.

2 32 The bill creates a water use permit fund for revenue
2 33 generated by annual water use permit fees. The bill allows
2 34 the environmental protection commission to set the fees
2 35 according to the department of natural resources' costs
3 1 relating to the permits. The department must calculate the
3 2 fees to produce total revenues of an amount not to exceed
3 3 \$500,000 in a fiscal year. The fees paid are not subject to
3 4 sales or services taxes.

3 5 The bill appropriates the money in the fund to the
3 6 department to be used for the purposes provided in the bill.
3 7 Specifically, the bill requires that moneys be used to review
3 8 applications, issue permits, and provide technical assistance
3 9 to permit applicants; and to ensure compliance with the terms
3 10 of the permits.

3 11 The bill requires the commission to annually review the
3 12 amount of moneys generated by fees, the balance in the fund,
3 13 and anticipated expenses for the succeeding fiscal year.

3 14 The bill authorizes the department to issue emergency rules
3 15 to rescind existing water use permits fees if necessary to
3 16 implement the Act.

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