

Senate Study Bill 3179

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, 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 5447XD 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 an annual
1 8 fee to a person who has been granted a permit pursuant to this
1 9 section or is required to have a permit pursuant to section
1 10 455B.268. The commission shall adopt by rule a schedule
1 11 setting the fee amounts.
1 12 a. The amount of a fee shall be based on all of the
1 13 following:
1 14 (1) The amount of water allocated for storage, withdrawal,
1 15 or diversion.
1 16 (2) The department's reasonable cost of reviewing
1 17 applications, issuing permits, and ensuring compliance with
1 18 the terms of the permits.
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. Gathering scientific information about surface water
2 3 and groundwater including but not limited to aquifer
2 4 characteristics including the quantity of water stored in an
2 5 aquifer and the effects of withdrawing water from an aquifer.
2 6 b. Reviewing applications for permits under section
2 7 455B.265, issuing permits, and providing technical assistance
2 8 to permit applicants.
2 9 c. Ensuring compliance with the terms of the permits.
2 10 d. Managing the state's water resources, including
2 11 implementing and enforcing the provisions of sections 455B.261
2 12 through 455B.281 pertaining to water allocation, use,
2 13 diversion, storage, and withdrawal, and completing water
2 14 resource studies.
2 15 3. Notwithstanding section 8.33, any unexpended balance in
2 16 the fund at the end of a fiscal year shall be retained in the
2 17 fund.
2 18 4. Notwithstanding section 12C.7, subsection 2, interest,
2 19 earnings on investments, or time deposits of the moneys in the

2 20 fund shall be retained in the fund.

2 21 EXPLANATION

2 22 This bill relates to water use permit fees for diverting,
2 23 storing, or withdrawing water.

2 24 The bill creates a water use permit fund for revenue
2 25 generated by annual water use permit fees. The bill allows
2 26 the environmental protection commission to set the fee
2 27 schedule according to the allocation of water and the
2 28 department of natural resources' costs relating to the
2 29 permits. The fees paid are not subject to sales or services
2 30 taxes.

2 31 The bill appropriates the money in the fund to the
2 32 department to be used for the purposes provided in the bill.
2 33 Specifically, the bill requires that moneys be used to gather
2 34 scientific information about surface water and groundwater; to
2 35 review applications, issue permits, and provide technical
3 1 assistance to permit applicants; and to ensure compliance with
3 2 the terms of the permits.

3 3 The bill requires the commission to annually review the
3 4 amount of moneys generated by fees, the balance in the fund,
3 5 and anticipated expenses for the succeeding fiscal year.

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