

Senate File 390 - Introduced

SENATE FILE _____
BY SEYMOUR

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for fees for permits related to the withdrawal
2 or diversion of water from natural sources, and providing an
3 effective date and retroactive applicability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2267XS 83
6 da/nh/8

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1 1 Section 1. WATER WITHDRAWAL PERMIT FEES. A person who has
1 2 been issued a permit by the department of natural resources
1 3 for the withdrawal or diversion of surface water or for the
1 4 withdrawal of groundwater as provided in section 455B.265,
1 5 subsection 3, and section 455B.268, prior to May 10, 2008, and
1 6 who paid the permit fee applicable when the permit was issued,
1 7 shall not be required to pay an additional fee for the permit.

1 8 Sec. 2. 2008 Iowa Acts, chapter 1163, section 4, is
1 9 amended to read as follows:

1 10 SEC. 4. EMERGENCY RULES. The department of natural
1 11 resources may adopt emergency rules under section 17A.4,
1 12 subsection 2, and section 17A.5, subsection 2, paragraph "b",
1 13 to rescind any existing water use permit fees other than fees
1 14 for permits issued for the withdrawal or diversion of surface
1 15 water or for the withdrawal of groundwater as provided in
1 16 section 455B.265, subsection 3, and section 455B.268, to

1 17 facilitate implementation of this Act, and the rules shall be
1 18 effective immediately upon filing unless a later date is
1 19 specified in the rules. Any rules adopted in accordance with
1 20 this section shall also be published as a notice of intended
1 21 action as provided in section 17A.4.

1 22 Sec. 3. RULEMAKING. The department of natural resources
1 23 shall adopt emergency rules under section 17A.4, subsection 2,
1 24 and section 17A.5, subsection 2, paragraph "b", to facilitate
1 25 the implementation of this Act and as necessary, to facilitate
1 26 the further implementation of 2008 Iowa Acts, chapter 1163, in
1 27 accordance with this Act. The rules shall take effect July 1,
1 28 2009. Any rules adopted in accordance with this section shall
1 29 also be published as a notice of intended action as provided
1 30 in section 17A.4.

1 31 Sec. 4. RETROACTIVE APPLICABILITY. This Act is
1 32 retroactively applicable to May 10, 2008, and is applicable on
1 33 and after that date.

1 34 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
1 35 immediate importance, takes effect upon enactment.

EXPLANATION

2 1 In 2008, the general assembly enacted House File 2672
2 2 authorizing the department of natural resources to calculate,
2 3 assess, and impose new fees for permits to withdraw or divert
2 4 water from a surface water source and to withdraw water from a
2 5 groundwater source beginning with FY 2009=2010, and provided
2 6 for the rescission of fees paid that were paid for prior issued
2 7 permits (2008 Iowa Acts, chapter 1163). Generally, such
2 8 permits are issued for 10 years (Code section 455B.265(3)).

2 9 This bill provides that a person who has been issued a
2 10 permit to withdraw or divert water and who paid the permit fee
2 11 applicable when the permit was issued, is not required to pay
2 12 an additional fee for the permit, and eliminates the language
2 13 authorizing the rescission. The bill requires the department to
2 14 adjust the fees by emergency rules and such rules are to take
2 15 effect July 1, 2009. The bill takes effect upon enactment,
2 16 and applies retroactively to May 10, 2008, the date when House

2 18 File 2672 was enacted.
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