

JAN 20 2005
NATURAL RESOURCES

HOUSE FILE 103
BY ROBERTS

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

A BILL FOR

1 An Act relating to certain commercial dock permits and providing
2 an effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HF 103

1 Section 1. NEW SECTION. 462A.27A COMMERCIAL DOCK PERMITS
2 -- PUBLIC HEARING.

3 1. A person shall not begin construction of a commercial
4 dock or construction of a material modification of an existing
5 commercial dock until the person has been granted a permit by
6 the department.

7 2. The department shall provide an opportunity for public
8 comment concerning whether a permit for the construction or
9 material modification of a commercial dock should be granted,
10 as follows:

11 a. The department shall publish a notice that it has
12 received an application for a permit in a newspaper having a
13 general circulation in the county where the commercial dock
14 will be or is located. The notice shall include all of the
15 following:

16 (1) The name of the person applying to receive the permit.

17 (2) The name of the township where the commercial dock is
18 to be constructed or modified.

19 (3) The proposed specifications and configuration of the
20 commercial dock to be constructed or modified, as required by
21 the department, by rule.

22 (4) The time and place where the application may be
23 examined as provided in section 22.2.

24 (5) Procedures for providing public comments to the
25 department, as provided by the department, by rule.

26 b. The department may hold a public hearing to receive
27 public comments regarding the application for the permit.

28 c. The department shall not make a determination regarding
29 the approval or denial of a permit for construction or
30 modification of a commercial dock until thirty days following
31 publication of the notice.

32 3. Any person adversely affected by the issuance of such a
33 permit may file a demand for a hearing before the department
34 to reconsider the issuance of the permit. A demand for a
35 hearing may be made at any time after the issuance of a

1 permit. Demands for hearings to reconsider shall show cause
2 and shall be made in accordance with procedures established by
3 the department by rule. A showing of cause shall include a
4 showing of at least one of the following:

5 a. The dock is not safe.

6 b. The dock is in violation of the terms or conditions of
7 the permit.

8 c. Private rights have been adversely affected by the
9 issuance of the permit.

10 d. Continuation of the permit is not in the public
11 interest.

12 4. For the purposes of this section, "commercial dock"
13 means any dock on or over the inland waters of this state
14 under the jurisdiction of the commission in which the use or
15 operation of the dock involves a fee, directly or indirectly.

16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill creates a new Code section 462A.27A relating to
20 commercial dock permits issued by the department of natural
21 resources. For the purposes of the bill, a "commercial dock"
22 means any dock on or over the inland waters of this state
23 under the jurisdiction of the natural resource commission in
24 which the use or operation of the dock involves a fee,
25 directly or indirectly.

26 The bill provides that a person shall not begin
27 construction of a commercial dock or construction of a
28 material modification of an existing commercial dock until the
29 person has been granted a permit by the department. The bill
30 requires the department to provide an opportunity for public
31 comment concerning whether the permit should be granted, by
32 publishing a specified notice that it has received such an
33 application in a newspaper having general circulation in the
34 county where the commercial dock will be or is located. The
35 department may also hold a public hearing to receive comments

1 regarding the application. The department is prohibited from
2 making a determination regarding the approval or denial of a
3 permit for construction or modification of a commercial dock
4 until 30 days following publication of the notice.

5 The bill further provides that any person who is adversely
6 affected by the issuance of a commercial dock permit may file
7 a demand for a hearing before the department to reconsider the
8 issuance of the permit. A demand for a hearing to reconsider
9 can be made at any time after the issuance of a permit. A
10 demand for hearing to reconsider must show cause and be made
11 in accordance with procedures established by the department by
12 rule. A showing of cause must include a showing of at least
13 one of the following: the dock is not safe, the dock is in
14 violation of the terms or conditions of the permit, private
15 rights have been adversely affected by the issuance of the
16 permit, or continuation of the permit is not in the public
17 interest.

18 The bill takes effect upon enactment.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35