



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 7, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

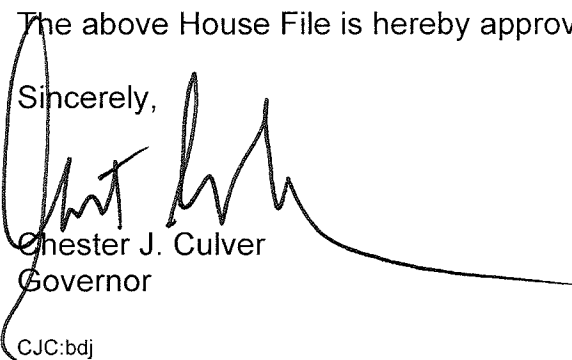
Dear Mr. Secretary:

I hereby transmit:

House File 2459, an Act relating to watersheds.

The above House File is hereby approved this date.

Sincerely,


Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





House File 2459

AN ACT

RELATING TO WATERSHEDS.

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

Section 1. NEW SECTION. 466B.10 Watershed planning advisory council.

1. A watershed planning advisory council is established for purposes of assembling a diverse group of stakeholders to review research and make recommendations to various state entities regarding methods to protect water resources in the state, assure an adequate supply of water, mitigate and prevent floods, and coordinate the management of those resources in a sustainable, fiscally responsible, and environmentally responsible manner. The advisory council may seek input from councils of governments or other organizations in the development of its recommendations. The advisory council shall meet once a year and at other times as deemed necessary to meet the requirements of this section. The advisory council may appoint a task force to assist the advisory council in completing its duties.

2. The watershed planning advisory council shall consist of all of the following members:

a. The voting members of the advisory council shall include all of the following:

(1) One member selected by the Iowa association of municipal utilities.

(2) One member selected by the Iowa league of cities.

(3) One member selected by the Iowa association of business and industry.

(4) One member selected by the Iowa water pollution control association.

(5) One member selected by the Iowa rural water association.
(6) One member selected by growing green communities.
(7) One member selected by the Iowa environmental council.
(8) One member selected by the Iowa farm bureau federation.
(9) One member selected by the Iowa corn growers association.

(10) One member selected by the Iowa soybean association.
(11) One member selected by the Iowa pork producers council.
(12) One member selected by the soil and water conservation districts of Iowa.

(13) One person representing the department of agriculture and land stewardship selected by the secretary of agriculture.

(14) One person representing the department of natural resources selected by the director.

(15) Two members selected by the Iowa conservation alliance.

(16) One member selected by the Iowa drainage district association.

b. The nonvoting members of the advisory council shall include all of the following:

(1) Two members of the senate. One senator shall be appointed by the majority leader of the senate and one senator shall be appointed by the minority leader of the senate.

(2) Two members of the house of representatives. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the minority leader of the house of representatives.

3. By December 1 of each year, the watershed planning advisory council shall submit a report to the governor, the general assembly, the department of agriculture and land stewardship, the department of natural resources, and the water resources coordinating council. The report shall include recommendations regarding all of the following:

a. Improving water quality and optimizing the costs of voluntarily achieving and maintaining water quality standards.

b. Creating economic incentives for voluntary nonpoint source load reductions, point source discharge reductions beyond those required by the federal Water Pollution Control Act, implementation of pollution prevention programs, wetland restoration and creation, and the development of emerging pollution control technologies.

c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal

Water Pollution Control Act. This paragraph shall not be construed to obviate the requirement to develop a total maximum daily load for waters that do not meet water quality standards as required by section 303(d) of the federal Water Pollution Control Act or to delay implementation of a total maximum daily load that has been approved by the department and the director.

d. Providing incentives, methods, and practices for the development of new and more accurate and reliable pollution control quantification protocols and procedures, including but not limited to development of policy based on information and data that is publicly available and that can be verified and evaluated.

e. Providing greater flexibility for broader public involvement through community-based, nonregulatory, and performance-driven watershed management planning.

f. Assigning responsibility for monitoring flood risk, flood mitigation, and coordination with federal agencies.

g. Involving cities, counties, and other local and regional public and private entities in watershed improvement including but not limited to incentives for participation in a watershed management authority created under this chapter.

4. Each year, the voting members of the advisory council shall designate one voting member as chairperson.

Sec. 2. NEW SECTION. 466B.11 Watershed demonstration pilot projects.

The department of natural resources and the department of agriculture and land stewardship, in collaboration with the United States department of agriculture's natural resources conservation service and the Iowa flood center established pursuant to section 466C.1, and in cooperation with the council, shall seek funding to plan, implement, and monitor one or more watershed demonstration pilot projects for urban and rural areas involving a twelve-digit hydrologic unit code subwatershed as defined by the United States geological survey. The pilot projects shall include features that seek to do all of the following:

1. Maximize soil water holding capacity from precipitation.
2. Minimize severe scour erosion and sand deposition during floods.
3. Manage water runoff in uplands under saturated soil moisture conditions.
4. Reduce and mitigate structural and nonstructural flood damage.

Sec. 3. NEW SECTION. 466B.21 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. "Authority" means a watershed management authority created pursuant to a chapter 28E agreement as provided in this subchapter.

2. "Board" means a board of directors of a watershed management authority.

3. "Political subdivision" means cities, counties, and soil and water conservation districts.

Sec. 4. NEW SECTION. 466B.22 Watershed management authorities created.

1. Two or more political subdivisions may create, by chapter 28E agreement, a watershed management authority pursuant to this subchapter. The participating political subdivisions must be located in the same United States geological survey hydrologic unit code 8 watershed. All political subdivisions within a watershed must be notified within thirty days prior to organization of any watershed management authority within the watershed, and provided the opportunity to participate.

2. The chapter 28E agreement shall include a map showing the area and boundaries of the authority.

3. A political subdivision may participate in more than one authority created pursuant to this subchapter.

4. A political subdivision is not required to participate in a watershed management authority or be a party to a chapter 28E agreement under this subchapter.

Sec. 5. NEW SECTION. 466B.23 Duties.

A watershed management authority may perform all of the following duties:

1. Assess the flood risks in the watershed.

2. Assess the water quality in the watershed.

3. Assess options for reducing flood risk and improving water quality in the watershed.

4. Monitor federal flood risk planning and activities.

5. Educate residents of the watershed area regarding water quality and flood risks.

6. Allocate moneys made available to the authority for purposes of water quality and flood mitigation.

7. Make and enter into contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain.

Sec. 6. NEW SECTION. 466B.24 Board of directors.

1. An authority shall be governed by a board of directors. Members of a board of directors of an authority shall be divided among the political subdivisions comprising the authority and shall be appointed by the respective political subdivision's elected legislative body.

2. A board of directors shall consist of one representative of each participating political subdivision. This subsection shall not apply if a chapter 28E agreement under this subchapter provides an alternative board composition method.

3. The directors shall serve staggered terms of four years. The initial board shall determine, by lot, the initial terms to be shortened and lengthened, as necessary, to achieve staggered terms. A person appointed to fill a vacancy shall be appointed in the same manner as the original appointment for the duration of the unexpired term. A director is eligible for reappointment. This subsection shall not apply if a chapter 28E agreement under this subchapter provides an alternative for the length of term, appointment, and reappointment of directors.

4. A board may provide procedures for the removal of a director who fails to attend three consecutive regular meetings of the board. If a director is so removed, a successor shall be appointed for the duration of the unexpired term of the removed director in the same manner as the original appointment. The appointing body may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

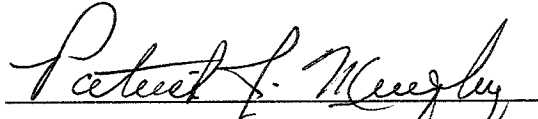
5. A board shall adopt bylaws and shall elect one director as chairperson and one director as vice chairperson, each for a term of two years, and shall appoint a secretary who need not be a director.

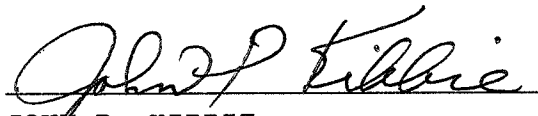
6. A majority of the membership of a board of directors shall constitute a quorum for the purpose of holding a meeting of the board. The affirmative vote of a majority of a quorum shall be necessary for any action taken by an authority unless the authority's bylaws specify those particular actions of the authority requiring a greater number of affirmative votes. A vacancy in the membership of the board shall not impair the rights of a quorum to exercise all the rights and perform all the duties of the authority.

Sec. 7. NEW SECTION. 466B.25 Activities coordination.


In all activities of a watershed management authority, the authority may coordinate its activities with the department of natural resources, the department of agriculture and land

stewardship, councils of governments, public drinking water utilities, and soil and water conservation districts.

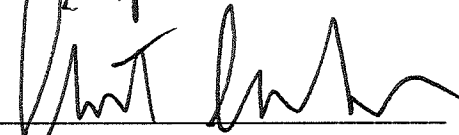

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2459, Eighty-third General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved  , 2010


CHESTER J. CULVER
Governor