

CHAPTER 146**WATERSHED, LAND USE, AND FLOOD PLAIN MANAGEMENT***H.F. 756*

AN ACT relating to regional watershed, land use, and flood plain management policies, and providing for the establishment of a council.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — FINDINGS.

The state of Iowa finds and declares all of the following:

1. The preservation, enhancement, and intelligent use of the Mississippi river is in the ecological and economic interests of the citizens of the state of Iowa.
2. The public interest is advanced by the stimulation of sustainable economic development initiatives and watershed management projects by local, state, and federal agencies, local communities, not-for-profit conservation organizations, and private landowners and other stakeholders along the Mississippi river.

Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — ESTABLISHMENT AND PROCEDURES.

1. A Mississippi river partnership council is established. The purpose of the council is to be a forum for city, county, state, agriculture, business, conservation, and environmental representatives and other stakeholders to discuss matters relevant to the health, management, and use of the Mississippi river. In furthering its purpose the council may work with local communities to develop local and regional strategies, and make recommendations to appropriate state and federal agencies.

2. The Mississippi river partnership council may consist of all of the following:

- a. One nonvoting person appointed by the governor who shall serve as the chairperson of the council.
- b. Six voting members appointed by the governor, each of whom shall reside in one of the ten Iowa counties bordering the Mississippi river, including all of the following:
 - (1) One member representing soil and water conservation districts.
 - (2) One person representing business.
 - (3) One person representing recreational interests.
 - (4) One person representing conservation interests.
 - (5) One person representing environmental interests.
 - (6) One person representing agricultural interests who is actively engaged in farming.
- c. Ten voting members appointed by county boards of supervisors, one by each of the ten Iowa counties bordering the Mississippi river.
- d. Ten voting members appointed by city councils, one each by the council of the largest Iowa city adjacent to the Mississippi river in each county bordering the river.
- e. Four voting members, each appointed by the heads of the following departments:
 - (1) The department of agriculture and land stewardship.
 - (2) The department of natural resources.
 - (3) The department of economic development.
 - (4) The department of transportation.
- f. Two members of the senate and two members of the house of representatives, serving as ex officio, nonvoting members. The members may be appointed, one each by the majority leader of the senate, after consultation with the president of the senate, and by the minority leader of the senate, and by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives. Members shall receive compensation pursuant to section 2.12.

g. The council may, at its discretion, appoint individuals representing federal agencies or other state agencies or commissions to serve as ex officio, nonvoting members.

3. Members of the Mississippi river partnership council, other than members of the general assembly, shall be appointed to serve for three-year terms. However, among the initial appointments, the persons making the appointments of voting members shall coordinate appointments of members to serve terms for less than three years to ensure staggered terms. The persons making the appointments of voting members shall also coordinate appointments to meet the requirements of sections 69.16 and 69.16A.

4. The Mississippi river partnership council shall meet at least quarterly in one or more Iowa counties bordering the Mississippi river during its first three years of existence and shall meet at least twice a year in one or more Iowa counties bordering the Mississippi river after that time. The council shall meet at any time on the call of the chairperson.

5. A majority of the voting members of the Mississippi river partnership council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its voting membership.

6. Until the Mississippi river partnership council provides for its permanent staffing and support, the east central intergovernmental association, in cooperation with councils of governments and county boards of supervisors in counties adjacent to the Mississippi river, shall be responsible for providing the council with administrative support.

7. The Mississippi river partnership council may adopt bylaws and rules of operation consistent with this section.

8. The Mississippi river partnership council, including any of its committees, is a governmental body for purposes of chapter 21 and a government body for purposes of chapter 22.

Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — POWERS AND DUTIES.

1. The Mississippi river partnership council may collaborate with the water resources coordinating council established pursuant to section 466B.3.

2. a. The Mississippi river partnership council's duties shall include all of the following:

(1) Reviewing activities and programs administered by state and federal agencies that directly impact the Mississippi river.

(2) Working with local communities, organizations, and other states to encourage partnerships that promote sustainable economic development opportunities in counties along the Mississippi river; enhance awareness about the river and its uses; encourage the protection, restoration, and expansion of critical habitats; and promote the adoption of soil conservation and water quality best management practices.

(3) Working with federal agencies to optimize the implementation of programs and the expenditure of moneys affecting the Mississippi river and counties in Iowa along the Mississippi river, including the upper Mississippi river basin association and the Mississippi parkway planning commission.

(4) Advising and making recommendations to the water resources coordinating council established in section 466B.3, the governor, the general assembly, and state agencies, regarding strategic plans and priorities impacting the Mississippi river, methods to optimize the implementation of associated programs, and the expenditure of moneys affecting the river and counties bordering the Mississippi river.

(5) Encouraging communities in counties bordering the Mississippi river to develop watershed management plans for their communities to address storm water, erosion, flooding, sedimentation, and pollution problems and encouraging projects for the natural conveyance and storage of floodwaters; the enhancement of wildlife habitat and outdoor recreation opportunities; the recovery, management, and conservation of the Mississippi river; and the preservation of farmland, prairies, and forests.

(6) Identifying and promoting opportunities to enhance economic development and job creation in communities along the Mississippi river, as well as other measurable development efforts, which are compatible with the ecological health of the Mississippi river and the state.

(7) Helping identify possible sources of funding for watershed management projects and sustainable economic development opportunities.

(8) Functioning as a forum for discussion and providing advice or recommendations on matters of public interest that are reasonably related to the purpose of the council.

b. The Mississippi river partnership council shall only administer its duties as provided in paragraph "a" within the ten Iowa counties bordering the Mississippi river.

3. The department of agriculture and land stewardship, the department of natural resources, the department of economic development, and the department of transportation may apply for grant moneys or may solicit moneys from sources to support the work of the Mississippi river partnership council.

Sec. 4. NEW SECTION. 455B.290 COUNTY AND CITY CONTROL OF JUNKYARDS.

Nothing in this part shall be construed as limiting the authority of a city or county to adopt an ordinance regulating a junkyard located within a five hundred year flood plain.

Sec. 5. Section 466A.2, subsection 2, paragraph c, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (8) Structures and conservation systems for the prevention and mitigation of floods within the watershed of the project.

NEW SUBPARAGRAPH. (9) Removal of channels of waterways to allow waterways to meander.

Sec. 6. Section 466A.4, subsection 1, Code 2009, is amended to read as follows:

1. Public water supply utilities, counties, county conservation boards, and cities may also be eligible and apply for and receive local watershed improvement grants for water quality improvement projects. An applicant shall coordinate with a local watershed improvement committee or a soil and water conservation district and shall include in the application a description of existing projects and any potential impact the proposed project may have on existing or planned water quality improvement projects.

Sec. 7. Section 466B.1, Code 2009, is amended to read as follows:

466B.1 SHORT TITLE.

This chapter shall be known and may be cited as the "Surface Water Protection and Flood Mitigation Act".

Sec. 8. Section 466B.3, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Whether the potential for flood damage in each watershed in the state has been reduced.

Sec. 9. Section 466B.3, subsection 4, paragraph 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor, who shall be the chairperson, or the governor's designee. As the chairperson, and in order to further the coordination efforts of the council, the governor may invite representatives from any other public agency, private organization, business, citizen group, or non-profit entity to give public input at council meetings provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The governor shall also invite and solicit advice from the following:

Sec. 10. Section 466B.3, subsection 4, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. m. The dean of the college of engineering at the university of Iowa or the dean's designee.

NEW PARAGRAPH. n. The director of the rebuild Iowa office or the director's designee, until June 30, 2011.

Sec. 11. Section 466B.3, subsection 6, paragraph b, subparagraph (9), Code 2009, is amended to read as follows:

(9) Review best available technologies on a regular basis, so that investments of time and program resources can be prioritized and directed to projects that will best and most effectively improve water quality and reduce flood damage within regional and community subwatersheds.

Sec. 12. Section 466B.3, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. Policy and funding recommendations shall be submitted to the governor and the general assembly not later than November 15, 2009. The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional flood plain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, drainage and levee districts, agricultural interests, and soil and water conservation districts, and other urban and regional planning experts.

Sec. 13. Section 466B.4, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. In addition to the use of Iowa land for agriculture and economic development, the land in watersheds and flood plains should be managed to reduce flooding, reduce flood damage, ameliorate the effects of drought, improve water quality, improve habitat and the natural environment, increase renewable energy production, and enhance recreational opportunities.

Sec. 14. IMPLEMENTATION. Sections 28N.1, 28N.2, and 28N.3 as enacted in this Act, shall be implemented when persons appointed by the governor to act on behalf of the Mississippi river partnership council have notified the governor that they have procured at least twenty-five thousand dollars in funds or in-kind services providing for expenses associated with the start-up and first-year administration of the council. The department of agriculture and land stewardship, the department of natural resources, the department of economic development, and the state department of transportation may cooperate with such persons to facilitate the implementation of sections 28N.1, 28N.2, and 28N.3, as enacted in this Act.

Approved May 22, 2009