

Senate Amendment 3305

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1 1 Amend Senate File 417 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER
1 5 PARTNERSHIP COUNCIL == FINDINGS.
1 6 The state of Iowa finds and declares all of the
1 7 following:
1 8 1. The preservation, enhancement, and intelligent
1 9 use of the Mississippi river is in the ecological and
1 10 economic interests of the citizens of the state of
1 11 Iowa.
1 12 2. The public interest is advanced by the
1 13 stimulation of sustainable economic development
1 14 initiatives and watershed management projects by
1 15 local, state, and federal agencies, local communities,
1 16 not-for-profit conservation organizations, and private
1 17 landowners and other stakeholders along the
1 18 Mississippi river.
1 19 Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER
1 20 PARTNERSHIP COUNCIL == ESTABLISHMENT AND PROCEDURES.
1 21 1. A Mississippi river partnership council is
1 22 established. The purpose of the council is to be a
1 23 forum for city, county, state, agriculture, business,
1 24 conservation, and environmental representatives and
1 25 other stakeholders to discuss matters relevant to the
1 26 health, management, and use of the Mississippi river.
1 27 In furthering its purpose the council may work with
1 28 local communities to develop local and regional
1 29 strategies, and make recommendations to appropriate
1 30 state and federal agencies.
1 31 2. The Mississippi river partnership council may
1 32 consist of all of the following:
1 33 a. One nonvoting person appointed by the governor
1 34 who shall serve as the chairperson of the council.
1 35 b. Six voting members appointed by the governor,
1 36 each of whom shall reside in one of the ten Iowa
1 37 counties bordering the Mississippi river, including
1 38 all of the following:
1 39 (1) One member representing soil and water
1 40 conservation districts.
1 41 (2) One person representing business.
1 42 (3) One person representing recreational
1 43 interests.
1 44 (4) One person representing conservation
1 45 interests.
1 46 (5) One person representing environmental
1 47 interests.
1 48 (6) One person representing agricultural interests
1 49 who is actively engaged in farming.
1 50 c. Ten voting members appointed by county boards
2 1 of supervisors, one by each of the ten Iowa counties
2 2 bordering the Mississippi river.
2 3 d. Ten voting members appointed by city councils,
2 4 one each by the council of the largest Iowa city
2 5 adjacent to the Mississippi river in each county
2 6 bordering the river.
2 7 e. Four voting members, each appointed by the
2 8 heads of the following departments:
2 9 (1) The department of agriculture and land
2 10 stewardship.
2 11 (2) The department of natural resources.
2 12 (3) The department of economic development.
2 13 (4) The department of transportation.
2 14 f. Two members of the senate and two members of
2 15 the house of representatives, serving as ex officio,
2 16 nonvoting members. The members may be appointed, one
2 17 each by the majority leader of the senate, after
2 18 consultation with the president of the senate, and by
2 19 the minority leader of the senate, and by the speaker
2 20 of the house of representatives, after consultation
2 21 with the majority leader of the house of
2 22 representatives, and by the minority leader of the
2 23 house of representatives. Members shall receive
2 24 compensation pursuant to section 2.12.

2 25 g. The council may, at its discretion, appoint
2 26 individuals representing federal agencies or other
2 27 state agencies or commissions to serve as ex officio,
2 28 nonvoting members.

2 29 3. Members of the Mississippi river partnership
2 30 council, other than members of the general assembly,
2 31 shall be appointed to serve for three-year terms.
2 32 However, among the initial appointments, the persons
2 33 making the appointments of voting members shall
2 34 coordinate appointments of members to serve terms for
2 35 less than three years to ensure staggered terms. The
2 36 persons making the appointments of voting members
2 37 shall also coordinate appointments to meet the
2 38 requirements of sections 69.16 and 69.16A.

2 39 4. The Mississippi river partnership council shall
2 40 meet at least quarterly in one or more Iowa counties
2 41 bordering the Mississippi river during its first three
2 42 years of existence and shall meet at least twice a
2 43 year in one or more Iowa counties bordering the
2 44 Mississippi river after that time. The council shall
2 45 meet at any time on the call of the chairperson.

2 46 5. A majority of the voting members of the
2 47 Mississippi river partnership council constitutes a
2 48 quorum. Any action taken by the council must be
2 49 adopted by the affirmative vote of a majority of its
2 50 voting membership.

3 1 6. Until the Mississippi river partnership council
3 2 provides for its permanent staffing and support, the
3 3 east central intergovernmental association, in
3 4 cooperation with councils of governments and county
3 5 boards of supervisors in counties adjacent to the
3 6 Mississippi river, shall be responsible for providing
3 7 the council with administrative support.

3 8 7. The Mississippi river partnership council may
3 9 adopt bylaws and rules of operation consistent with
3 10 this section.

3 11 8. The Mississippi river partnership council,
3 12 including any of its committees, is a governmental
3 13 body for purposes of chapter 21 and a government body
3 14 for purposes of chapter 22.

3 15 Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER
3 16 PARTNERSHIP COUNCIL == POWERS AND DUTIES.

3 17 1. The Mississippi river partnership council may
3 18 collaborate with the water resources coordinating
3 19 council established pursuant to section 466B.3.

3 20 2. a. The Mississippi river partnership council's
3 21 duties shall include all of the following:

3 22 (1) Reviewing activities and programs administered
3 23 by state and federal agencies that directly impact the
3 24 Mississippi river.

3 25 (2) Working with local communities, organizations,
3 26 and other states to encourage partnerships that
3 27 promote sustainable economic development opportunities
3 28 in counties along the Mississippi river; enhance
3 29 awareness about the river and its uses; encourage the
3 30 protection, restoration, and expansion of critical
3 31 habitats; and promote the adoption of soil
3 32 conservation and water quality best management
3 33 practices.

3 34 (3) Working with federal agencies to optimize the
3 35 implementation of programs and the expenditure of
3 36 moneys affecting the Mississippi river and counties in
3 37 Iowa along the Mississippi river, including the upper
3 38 Mississippi river basin association and the
3 39 Mississippi parkway planning commission.

3 40 (4) Advising and making recommendations to the
3 41 water resources coordinating council established in
3 42 section 466B.3, the governor, the general assembly,
3 43 and state agencies, regarding strategic plans and
3 44 priorities impacting the Mississippi river, methods to
3 45 optimize the implementation of associated programs,
3 46 and the expenditure of moneys affecting the river and
3 47 counties bordering the Mississippi river.

3 48 (5) Encouraging communities in counties bordering
3 49 the Mississippi river to develop watershed management
3 50 plans for their communities to address stormwater,
4 1 erosion, flooding, sedimentation, and pollution
4 2 problems and encouraging projects for the natural
4 3 conveyance and storage of floodwaters; the enhancement
4 4 of wildlife habitat and outdoor recreation
4 5 opportunities; the recovery, management, and

4 6 conservation of the Mississippi river; and the
4 7 preservation of farmland, prairies, and forests.

4 8 (6) Identifying and promoting opportunities to
4 9 enhance economic development and job creation in
4 10 communities along the Mississippi river, as well as
4 11 other measurable development efforts, which are
4 12 compatible with the ecological health of the
4 13 Mississippi river and the state.

4 14 (7) Helping identify possible sources of funding
4 15 for watershed management projects and sustainable
4 16 economic development opportunities.

4 17 (8) Functioning as a forum for discussion and
4 18 providing advice or recommendations on matters of
4 19 public interest that are reasonably related to the
4 20 purpose of the council.

4 21 b. The Mississippi river partnership council shall
4 22 only administer its duties as provided in paragraph
4 23 "a" within the ten Iowa counties bordering the
4 24 Mississippi river.

4 25 3. The department of agriculture and land
4 26 stewardship, the department of natural resources, the
4 27 department of economic development, and the department
4 28 of transportation may apply for grant moneys or may
4 29 solicit moneys from sources to support the work of the
4 30 Mississippi river partnership council.

4 31 Sec. 4. Section 466A.2, subsection 2, paragraph c,
4 32 Code 2009, is amended by adding the following new
4 33 subparagraphs:

4 34 NEW SUBPARAGRAPH. (8) Structures and conservation
4 35 systems for the prevention and mitigation of floods
4 36 within the watershed of the project.

4 37 NEW SUBPARAGRAPH. (9) Removal of channels of
4 38 waterways to allow waterways to meander.

4 39 Sec. 5. Section 466A.4, subsection 1, Code 2009,
4 40 is amended to read as follows:

4 41 1. Public water supply utilities, counties, county
4 42 conservation boards, and cities may also be eligible
4 43 and apply for and receive local watershed improvement
4 44 grants for water quality improvement projects. An
4 45 applicant shall coordinate with a local watershed
4 46 improvement committee or a soil and water conservation
4 47 district and shall include in the application a
4 48 description of existing projects and any potential
4 49 impact the proposed project may have on existing or
4 50 planned water quality improvement projects.

5 1 Sec. 6. Section 466B.1, Code 2009, is amended to
5 2 read as follows:

5 3 466B.1 SHORT TITLE.
5 4 This chapter shall be known and may be cited as the
5 5 "Surface Water Protection and Flood Mitigation Act".

5 6 Sec. 7. Section 466B.3, subsection 3, Code 2009,
5 7 is amended by adding the following new paragraph:

5 8 NEW PARAGRAPH. d. Whether the potential for flood
5 9 damage in each watershed in the state has been
5 10 reduced.

5 11 Sec. 8. Section 466B.3, subsection 4, paragraph 1,
5 12 unnumbered paragraph 1, Code 2009, is amended to read
5 13 as follows:

5 14 The governor, who shall be the chairperson, or the
5 15 governor's designee. As the chairperson, and in order
5 16 to further the coordination efforts of the council,
5 17 the governor may invite representatives from any other
5 18 public agency, private organization, business, citizen
5 19 group, or nonprofit entity to give public input at
5 20 council meetings provided the entity has an interest
5 21 in the coordinated management of land resources, soil
5 22 conservation, flood mitigation, or water quality. The
5 23 governor shall also invite and solicit advice from the
5 24 following:

5 25 Sec. 9. Section 466B.3, subsection 4, Code 2009,
5 26 is amended by adding the following new paragraph:

5 27 NEW PARAGRAPH. m. The dean of the college of
5 28 engineering at the university of Iowa or the dean's
5 29 designee.

5 30 NEW PARAGRAPH. n. The director of the rebuild
5 31 Iowa office or the director's designee, until June 30,
5 32 2011.

5 33 Sec. 10. Section 466B.3, subsection 6, paragraph
5 34 b, subparagraph (9), Code 2009, is amended to read as
5 35 follows:

5 36 (9) Review best available technologies on a

5 37 regular basis, so that investments of time and program
5 38 resources can be prioritized and directed to projects
5 39 that will best and most effectively improve water
5 40 quality and reduce flood damage within regional and
5 41 community subwatersheds.

5 42 Sec. 11. Section 466B.3, subsection 6, Code 2009,
5 43 is amended by adding the following new paragraph:
5 44 NEW PARAGRAPH. c. The council shall develop
5 45 recommendations for policies and funding promoting a
5 46 watershed management approach to reduce the adverse
5 47 impact of future flooding on this state's residents,
5 48 businesses, communities, and soil and water quality.
5 49 Policy and funding recommendations shall be submitted
5 50 to the governor, the general assembly, and the rebuild
6 1 Iowa office not later than November 15, 2009. The
6 2 council shall consider policies and funding options
6 3 for various strategies to reduce the impact of
6 4 flooding including but not limited to additional flood
6 5 plain regulation; wetland protection, restoration, and
6 6 construction; the promulgation and implementation of
6 7 statewide storm water management standards;
6 8 conservation easements and other land management;
6 9 perennial ground cover and other agricultural
6 10 conservation practices; pervious pavement, bioswales,
6 11 and other urban conservation practices; and permanent
6 12 or temporary water retention structures. In
6 13 developing recommendations, the council shall consult
6 14 with the rebuild Iowa office, hydrological and land
6 15 use experts, representatives of cities, counties,
6 16 drainage and levee districts, and soil and water
6 17 conservation districts, and other urban and regional
6 18 planning experts.

6 19 Sec. 12. Section 466B.4, subsection 1, Code 2009,
6 20 is amended by adding the following new paragraph:
6 21 NEW PARAGRAPH. e. The land in watersheds and
6 22 flood plains should be managed to reduce flooding,
6 23 reduce flood damage, ameliorate the effects of
6 24 drought, improve water quality, improve habitat and
6 25 the natural environment, increase renewable energy
6 26 production, and enhance economic and recreational
6 27 opportunities.

6 28 Sec. 13. IMPLEMENTATION. Sections 28N.1, 28N.2,
6 29 and 28N.3 as enacted in this Act, shall be implemented
6 30 when persons appointed by the governor to act on
6 31 behalf of the Mississippi river partnership council
6 32 have notified the governor that they have procured at
6 33 least twenty-five thousand dollars in funds or in-kind
6 34 services providing for expenses associated with the
6 35 start-up and first-year administration of the council.
6 36 The department of agriculture and land stewardship,
6 37 the department of natural resources, the department of
6 38 economic development, and the state department of
6 39 transportation may cooperate with such persons to
6 40 facilitate the implementation of sections 28N.1,
6 41 28N.2, and 28N.3, as enacted in this Act.>

6 42 #2. Title page, by striking lines 1 and 2 and
6 43 inserting the following: <An Act relating to regional
6 44 watershed, land use, and floodplain management
6 45 policies, and providing for the establishment of a
6 46 council.>

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