



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 29, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you Senate File 543, without my signature, in accordance with Article III, section 16 of the Constitution of the State of Iowa. Senate File 543, an Act relating to the state Interagency Missouri River Authority (Authority), amends provisions of Iowa Code section 28L.1, so as to alter the means by which the authority would be governed.

There is no question that our state needs an effective Authority if we are to coordinate the important work that must be done to assure that the economic and environmental potentials of the Missouri River basin are viably and legally managed. I appreciate the efforts of the General Assembly to achieve that end. However, I believe the changes to the Authority's governance structure, as set forth in Senate File 543, would reduce our government's effectiveness in managing this vital natural resource.

As presently constituted, the governor or the governor's designee serves as the Authority's chairperson. The director of the Department of Natural Resources is responsible for coordinating the Authority's activities and serves as chairperson in the absence of the governor. Other members of the Authority—including our Secretary of Agriculture, the chairperson of the Iowa Utilities Board, and the directors of the Department of Economic Development and the Department of Transportation—add their valuable expertise to allow the Authority to arrive at policy decisions that serve the long-term best interests of our State.

Under Senate File 543, if enacted into law, this structure and process of governance would be fundamentally and, in my view, adversely affected. The bill provides for the appointment of a vice chairperson, a position that would rotate on a yearly basis, thereby depriving the Authority of a stability and efficiency of administration that have served it well over a period of years.

Further, Senate File 543 imposes an express unanimity requirement upon the Authority, thereby allowing potential political deadlock and thereby impeding the State of Iowa's ability to participate meaningfully in interstate organizations that have been created to assure better management of the Missouri River's economic and environmental potentials.

For example, former Governor Thomas J. Vilsack, in June 2006, directed the Authority's members to join the newly-created Missouri River Association of States and Tribes (MoRAST), an organization established to assist states and tribes that border the Missouri River to address commonly-shared ecosystem concerns. Under that arrangement, the State of Iowa appoints two department representatives from the Authority to MoRAST's Board of Directors.

Senate File 543 proscribes a "split" vote by Iowa's representatives on such bodies. It is anticipated that, in most instances, Iowa's departmental representatives will agree on matters of policy and practice. However, it is also true that we are governed most effectively when our distinguished departmental directors are allowed to present their view openly and to cast their votes, in good faith, with the best interests of our state as their only polestars, and not with statutory provisions that would threaten policy gridlock.

Members of the Iowa General Assembly can be assured that the Culver-Judge Administration is committed to developing and implementing a balanced approach to the Missouri River, taking into account all interests, including environmental, recreational, agricultural and economic. To that end, I have directed Lt. Governor Judge to convene a summit of interested stakeholders and state government agencies to consider future policies and practices with respect to how the vast resources of the Missouri River basin can be most effectively utilized in the interest of all Iowans.

Further, it should be noted that if our Administration concludes that Iowa's best interests are not being represented by actions taken by MoRAST, or any other interstate agency focused on Missouri River issues, we will reserve the right to withdraw from such organizations.

Achieving our goals with respect to the Missouri River does not require—in fact, may be impeded by—the amendments to Iowa Code chapter 28L.1 that are set forth in Senate File 543. Accordingly, I hereby forward that bill to you, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long, sweeping flourish extending to the right.

Chester J. Culver
Governor

cc: Secretary of the Senate
Chief Clerk of the House



SENATE FILE 543

AN ACT

RELATING TO THE STATE INTERAGENCY MISSOURI RIVER AUTHORITY, BY PROVIDING FOR THE PARTICIPATION IN OR WITHDRAWAL FROM INTERSTATE ASSOCIATIONS, PROVIDING FOR THE APPOINTMENT OF A VICE CHAIRPERSON, AND PROVIDING FOR DUTIES OF MEMBER AGENCIES.

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

Section 1. Section 28L.1, Code 2007, is amended to read as follows:

28L.1 STATE INTERAGENCY MISSOURI RIVER AUTHORITY CREATED -- DUTIES.

1. A state interagency Missouri river authority is created.

1. a. The members of the authority ~~shall include~~ are the governor or the governor's designee, and representatives of interested state agencies which include the secretary of agriculture or the secretary's designee, the chairperson of the utilities board or the chairperson's designee, and the directors of the department of natural resources, the state department of transportation, and the department of economic development or the directors' designees.

b. The governor or the governor's designee shall serve as chairperson. The vice chairperson shall be appointed by the authority each year from the representatives of the interested state agencies on a rotating basis as provided by the authority's rules. ~~The director-of-the-department-of-natural resources~~ vice chairperson's agency shall serve as the coordinator of the authority's activities and shall the vice chairperson shall serve as acting chairperson in the absence of the governor or the governor's designee.


2. The state interagency Missouri river authority shall be responsible for representing the interests of this state with regard-to-its-membership-in-the-Missouri-river-basin association-and-to-promote for purposes of promoting the management of the Missouri river in a manner that does-not negatively-impact positively impacts landowners along the river or-negatively-impact, the natural resources of the river and along the river, and the state's economy. ~~The Missouri river-basin-association-is-an~~ authority may participate in or withdraw from any interstate association of government representatives formed to seek consensus solutions to issues impacting the Missouri river basin.

3. a. The state interagency Missouri river authority shall ~~not~~ only vote to approve or disapprove a substantive proposal or action being considered by ~~the-Missouri-river basin~~ an interstate association without-the-agreement by unanimous vote of the secretary of agriculture, the directors of all four three state departments, and the chairperson of the utilities board, or their designees, who are members of the authority. If a substantive proposal or action considered by ~~the~~ an interstate association is not approved or disapproved by ~~all-four~~ the secretary of agriculture, the directors of all three state departments, and the chairperson of the utilities board, or their designees, the state shall abstain from voting on the proposal or action.

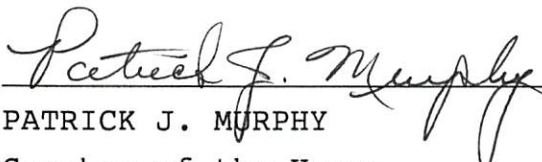
b. If the state of Iowa may exercise a right of cumulative voting on any issue before an interstate association, it shall not split its votes on that issue.

4. The state interagency Missouri river authority shall meet regularly with stakeholder groups in this state to receive their recommendations before substantive proposals or

actions are voted upon or to receive policy positions to submit to the-Missouri-river-basin an interstate association in which it participates.




JOHN P. KIBBIE
President of the Senate



PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 543, Eighty-second General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2007

CHESTER J. CULVER
Governor