

## House Resolution 3 - Introduced

### HOUSE RESOLUTION NO. 3

BY WATTS, MASSIE, CHAMBERS, BYRNES, BAUDLER,  
FORRISTALL, L. MILLER, SODERBERG, DEYOE, S. OLSON,  
DRAKE, RAYHONS, SWEENEY, BRANDENBURG, and WORTHAN

1 A Resolution relating to the regulation of intrastate  
2 waters.

3 WHEREAS, the Tenth Amendment to the United States  
4 Constitution provides powers not granted to the  
5 federal government nor prohibited to the states by the  
6 Constitution are reserved to the states, establishing  
7 federalism and state sovereignty as integral founding  
8 principles of American government; and

9 WHEREAS, the United States Supreme Court in *Solid*  
10 *Waste Agency of Northern Cook County v. United States*  
11 *Army Corps of Engineers*, 531 U.S. 159 (2001) and in  
12 *Rapanos v. United States*, 547 U.S. 715 (2006) held that  
13 the federal Water Pollution Control Act (the Clean  
14 Water Act) did not intend to grant federal authority  
15 over intrastate waters and that intrastate waters were  
16 not subject to regulation under the interstate commerce  
17 clause; and

18 WHEREAS, legislation has previously been introduced  
19 in the United States Congress to expand the Clean Water  
20 Act's jurisdiction to include intrastate waters; and

21 WHEREAS, the expanded jurisdiction under the  
22 proposed legislation would grant the United States  
23 Environmental Protection Agency broad and vague  
24 flexibility to interpret federal jurisdiction  
25 expansively, which the agency attempted to do under the  
26 current Clean Water Act and which the United States

27 Supreme Court prevented the agency from doing; and  
28 WHEREAS, the proposed expanded jurisdiction would  
1 severely diminish state sovereignty over its natural  
2 resources, and would detrimentally involve the federal  
3 government in an inefficient and cumbersome effort  
4 to regulate highly localized water resources such as  
5 abandoned pits and ponds; and

6 WHEREAS, jurisdiction over intrastate water  
7 resources is a role traditionally held by individual  
8 state governments in order to promote efficient and  
9 effective usage of intrastate water resources; NOW

10 THEREFORE,

11 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
12 the State of Iowa supports the continued sovereignty  
13 and jurisdiction of the states to regulate intrastate  
14 water resources and opposes any attempt by the federal  
15 government to diminish this jurisdiction unnecessarily.