

Senate File 386 - Introduced

SENATE FILE 386
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 53)

A BILL FOR

1 An Act relating to disaster mitigation and predisaster
2 planning by providing for comprehensive watershed management
3 planning, creating a watershed management grant program,
4 providing floodplain management regulation incentives,
5 creating a predisaster hazard mitigation grant program, and
6 making appropriations.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

COMPREHENSIVE WATERSHED

MANAGEMENT PLANNING

Section 1. NEW SECTION. 455B.263A Flood water reduction planning.

1. In consultation with stakeholders representing agriculture, local governments, environmental interests, recreational interests, federal agencies, and any other related interests, the department shall do all of the following:

a. Establish goals for reducing future flood damage through the holding of flood waters measured in acre-feet of water held.

b. Identify strategies for achieving flood water reduction goals for at least six basins in the state and at least three major river regions.

c. Identify specific flood water reduction projects that can be implemented and the time frame for implementing such projects.

d. Identify private, local, and federal funding sources for flood water reduction projects and strategies.

e. Identify suggested land use strategies to avoid identified flood hazards.

f. Identify agencies or entities within a basin or major river region that will be responsible for implementing and updating flood water reduction plans within each basin and major river region.

Sec. 2. NEW SECTION. 455B.283 Comprehensive watershed management planning — appropriation.

For the fiscal period beginning July 1, 2011, and ending June 30, 2021, there is appropriated each fiscal year from the general fund of the state to the department of natural resources three million dollars for purposes of comprehensive watershed management planning for at least six basins in the state and at least three major river regions as determined by the department. The department shall prioritize the planning

1 for the basins and major river regions based on flood risk,
2 opportunity for improvement, and interest in planning from
3 entities within the basin or major river region. However, all
4 planning for at least six basins and at least three major river
5 regions shall be completed by June 30, 2021.

6 Sec. 3. WATER RESOURCES COORDINATING COUNCIL — STUDIES.

7 1. The water resources coordinating council established
8 pursuant to section 466B.3 shall assess state programs and
9 funding for watershed management purposes for the effectiveness
10 of the programs in reducing flood damage and improving water
11 quality and the geographic distribution of funding. By
12 November 15, 2011, the council shall submit a report to the
13 general assembly detailing the council's findings, conclusions,
14 and recommendations for future action.

15 2. The water resources coordinating council shall analyze
16 and assess incentives for landowners and developers in both
17 rural and urban settings to retain flood water on their
18 property. The incentives to be examined shall include but
19 not be limited to bounties for retention of flood water,
20 property tax incentives, and tradeable permits. By November
21 15, 2011, the council shall submit a report to the general
22 assembly detailing the council's findings, conclusions, and
23 recommendations for future action.

24 DIVISION II

25 WATERSHED MANAGEMENT

26 GRANT PROGRAM

27 Sec. 4. NEW SECTION. 466B.41 Watershed management grant
28 program and fund — appropriation.

29 1. The department of natural resources shall establish a
30 watershed management grant program for purposes of providing
31 financial assistance for voluntary watershed management
32 projects. The department shall provide administrative
33 assistance and support to the watershed management grant board
34 established in subsection 2.

35 2. A watershed management grant board is established

1 consisting of the following members:

2 *a.* The director of the department of natural resources or
3 the director's designee.

4 *b.* The secretary of agriculture or the secretary's designee.

5 *c.* The administrator of the homeland security and emergency
6 management division of the department of public defense or the
7 administrator's designee.

8 *d.* One member selected by the Iowa flood center at the
9 university of Iowa.

10 *e.* One member selected by the center for energy and
11 environmental education at the university of northern Iowa.

12 *f.* One member selected by the water center at Iowa state
13 university of science and technology.

14 *g.* The governor shall appoint the following members:

15 (1) One member representing agricultural producers.

16 (2) One member representing county conservation boards.

17 (3) One member representing soil and water conservation
18 districts.

19 (4) One member representing city governments.

20 (5) One member representing environmental interests.

21 3. All member appointments made pursuant to subsection 2,
22 paragraph "g", shall comply with sections 69.16, 69.16A, and
23 69.16C, and shall be subject to confirmation by the senate.

24 All members appointed pursuant to subsection 2, paragraph "g",
25 shall be appointed to three-year staggered terms, and the terms
26 shall commence and end as provided by section 69.19. If a
27 vacancy occurs, a successor shall be appointed to serve the
28 unexpired term. A successor shall be appointed in the same
29 manner and subject to the same qualifications as the original
30 appointment. During the first meeting of each new fiscal year,
31 the board shall elect one member to serve as the chairperson.
32 A majority of the board constitutes a quorum.

33 4. The watershed management grant board shall meet at least
34 twice a year for purposes of considering applications and
35 awarding financial assistance under the watershed management

1 grant program. In making grant awards for watershed management
2 projects under the program, the board shall consider all of the
3 following criteria:

4 a. The project must be designed to hold a demonstrable
5 amount of water during flood events measured in acre-feet of
6 water.

7 b. The project must be a voluntary project that does not
8 involve condemnation of property.

9 c. Additional consideration shall be given to applications
10 that contain any of the following:

11 (1) Projects identified or recognized through comprehensive
12 watershed management plans.

13 (2) Projects that leverage federal moneys through programs
14 including but not limited to the federal wetland reserve
15 program, the federal emergency watershed protection program,
16 the federal farm and ranch lands protection program, and the
17 federal conservation reserve program.

18 (3) Projects that leverage private or local moneys.

19 5. A watershed management grant program fund is created
20 in the state treasury under the control of the department of
21 natural resources and consisting of any moneys appropriated
22 by the general assembly and any other moneys available to and
23 obtained or accepted by the department for placement in the
24 fund. The fund shall be used to provide grants under the
25 watershed management grant program established in this section.
26 Moneys in the fund are not subject to section 8.33 and shall
27 not be transferred, used, obligated, appropriated, or otherwise
28 encumbered except as provided in this section.

29 6. For the fiscal period beginning July 1, 2011, and ending
30 June 30, 2021, there is appropriated each fiscal year from the
31 general fund to the department of natural resources thirty
32 million dollars for deposit in the watershed management grant
33 program fund.

34 7. The department of natural resources shall adopt rules
35 pursuant to chapter 17A necessary for the administration of

1 this subchapter.

2 DIVISION III

3 MISCELLANEOUS APPROPRIATIONS

4 Sec. 5. NEW SECTION. 161C.8 **Technical assistance.**

5 For the fiscal period beginning July 1, 2011, and ending
6 June 30, 2021, there is appropriated each fiscal year from
7 the general fund to the department of agriculture and land
8 stewardship four million two hundred thousand dollars for
9 purposes of providing watershed project technical assistance.
10 Assistance may be provided to landowners, soil and water
11 conservation districts, county conservation boards, and the
12 department of natural resources.

13 Sec. 6. NEW SECTION. 455B.284 **Floodplain management —**
14 **appropriation.**

15 1. For the fiscal period beginning July 1, 2011, and ending
16 June 30, 2021, there is appropriated each fiscal year from the
17 general fund to the department of natural resources two million
18 dollars for purposes of floodplain management activities.

19 2. For the fiscal period beginning July 1, 2011, and
20 ending June 30, 2021, there is appropriated each fiscal year
21 from the general fund to the department of natural resources
22 fifty thousand dollars for purposes of providing a grant to
23 an organization for the establishment of a mentor network for
24 floodplain managers that fosters dialogue, education, and
25 technical support to floodplain managers to assist cities and
26 counties in the establishment of federally compliant floodplain
27 programs. The organization must be an organization by and
28 consisting of local floodplain managers.

29 Sec. 7. NEW SECTION. 466C.2 **Appropriation.**

30 For the fiscal period beginning July 1, 2011, and ending
31 June 30, 2021, there is appropriated each fiscal year from the
32 general fund to the state board of regents one million three
33 hundred thousand dollars for purposes of the Iowa flood center.

34 DIVISION IV

35 FLOODPLAIN MANAGEMENT

REGULATION INCENTIVES

Sec. 8. NEW SECTION. 29C.23 Local disaster planning.

1. The homeland security and emergency management division of the department of public defense, in consultation with the department of natural resources, shall educate cities and counties regarding the community rating system of the national flood insurance program of the federal emergency management agency.

2. The homeland security and emergency management division of the department of public defense shall provide state matching funds in addition to matching funds provided under section 29C.20, subsection 3, but not to exceed an additional fifteen percent, to communities located within an area declared to be a disaster area due to flooding in a declaration issued by the president of the United States or the governor based on the extent to which the community meets any of the following criteria:

a. Adoption of exemplary floodplain management regulations under the community rating system of the national flood insurance program of the federal emergency management agency or participation in a watershed management authority.

b. Participation in a comprehensive watershed management planning process that has resulted in a completed comprehensive watershed management plan.

c. Adoption of floodplain regulation at levels more protective than the one hundred year floodplain.

d. Completion of projects to flood proof critical facilities located within a five hundred year floodplain.

e. Adoption of soil restoration standards for development.

f. Adoption of storm water management standards equal to the department of natural resources storm water management manual.

g. Adoption of superior predisaster hazard mitigation plans.

3. The homeland security and emergency management division of the department of public defense shall adopt rules pursuant to chapter 17A as necessary for the administration of this

1 section.

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DIVISION V

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PREDISASTER HAZARD

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MITIGATION GRANT PROGRAM

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Sec. 9. NEW SECTION. 29C.24 Predisaster hazard mitigation

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grant program and fund — appropriation.

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1. The homeland security and emergency management

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division of the department of public defense shall establish

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a predisaster hazard mitigation grant program for purposes of

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providing financial assistance for predisaster planning. The

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division shall provide administrative assistance and support to

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the predisaster hazard mitigation grant board established in

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subsection 2.

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2. A predisaster hazard mitigation grant board is

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established consisting of the following members:

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a. The director of the department of natural resources or

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the director's designee.

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b. The director of the Iowa finance authority or the

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director's designee.

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c. The administrator of the homeland security and emergency

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management division of the department of public defense or the

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administrator's designee.

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d. The director of the department of economic development or

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the director's designee.

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e. The governor shall appoint the following members:

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(1) One member representing city governments.

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(2) One member representing county governments.

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(3) Three members with expertise in finance, engineering,

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or construction.

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3. All member appointments made pursuant to subsection 2,

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paragraph "e", shall comply with sections 69.16, 69.16A, and

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69.16C, and shall be subject to confirmation by the senate.

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All members appointed pursuant to subsection 2, paragraph "e",

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shall be appointed to three-year staggered terms and the terms

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shall commence and end as provided by section 69.19. If a

1 vacancy occurs, a successor shall be appointed to serve the
2 unexpired term. A successor shall be appointed in the same
3 manner and subject to the same qualifications as the original
4 appointment. During the first meeting of each new fiscal year,
5 the board shall elect one member to serve as the chairperson.
6 A majority of the board constitutes a quorum.

7 4. The predisaster hazard mitigation grant board shall meet
8 at least twice a year for purposes of considering applications
9 and awarding financial assistance under the predisaster hazard
10 mitigation grant program to cities and counties. In making
11 grant awards under the program, the board shall consider all of
12 the following criteria:

13 a. The project must reduce projected damage from anticipated
14 future disasters.

15 b. The project must propose leveraging federal, local, or
16 private moneys.

17 5. A predisaster hazard mitigation grant program fund
18 is created in the state treasury under the control of the
19 department of natural resources and consisting of any moneys
20 appropriated by the general assembly and any other moneys
21 available to and obtained or accepted by the department for
22 placement in the fund. The fund shall be used to provide
23 grants under the predisaster hazard mitigation grant program
24 established in this section. Moneys in the fund are not
25 subject to section 8.33 and shall not be transferred, used,
26 obligated, appropriated, or otherwise encumbered except as
27 provided in this section.

28 6. For the fiscal period beginning July 1, 2011, and ending
29 June 30, 2021, there is appropriated each fiscal year from the
30 general fund to the homeland security and emergency management
31 division of the department of public defense twenty million
32 dollars for deposit in the predisaster hazard mitigation grant
33 program fund.

34 7. The homeland security and emergency management division
35 of the department of public defense shall adopt rules pursuant

1 to chapter 17A necessary for the administration of this
2 section.

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EXPLANATION

4 This bill relates to disaster mitigation and predisaster
5 planning by providing for comprehensive watershed management
6 planning, creating a watershed management grant program,
7 providing floodplain management regulation incentives, creating
8 a predisaster hazard mitigation grant program, and making
9 appropriations. The bill is divided into divisions.

10 COMPREHENSIVE WATERSHED MANAGEMENT PLANNING. The division
11 requires the department of natural resources to consult with
12 certain stakeholders to establish goals for reducing future
13 flood damage through the holding of flood waters measured in
14 acre-feet of water held, to identify strategies for achieving
15 flood water reduction goals for at least six basins and at
16 least three major river regions, to identify specific flood
17 water reduction projects that can be implemented and the time
18 frame for implementing such projects, to identify private,
19 local, and federal funding sources for flood water reduction
20 projects and strategies, to identify suggested land use
21 strategies to avoid identified flood hazards, and to identify
22 certain agencies or entities to be responsible for implementing
23 and updating flood water reduction plans.

24 For the fiscal period beginning July 1, 2011, and ending
25 June 30, 2021, the division appropriates each fiscal year from
26 the general fund of the state to the department of natural
27 resources \$3 million for purposes of comprehensive watershed
28 management planning for at least six basins in the state and
29 at least three major river regions. The bill requires the
30 planning to be prioritized based on certain criteria.

31 The division requires the water resources coordinating
32 council to submit two reports to the general assembly by
33 November 15, 2011. The reports relate to an assessment of
34 state programs and funding for watershed management purposes
35 and an assessment of incentives for landowners and developers

1 in both the rural and urban settings to retain flood water on
2 their property.

3 WATERSHED MANAGEMENT GRANT PROGRAM. The division creates
4 a watershed management grant program and fund for purposes
5 of providing financial assistance for voluntary watershed
6 projects. Under the program, grants are awarded by a watershed
7 management grant board created in the division. The board is
8 required to meet at least twice a year and in making the awards
9 is required to consider certain criteria. The criteria include
10 that the project must be designed to hold a demonstrable amount
11 of water during flood events measured in acre-feet of water and
12 the project must be a voluntary project that does not involve
13 condemnation of property. Additional consideration is given
14 to applications that are identified or recognized through
15 comprehensive watershed management plans, that leverage certain
16 federal moneys, or that leverage private or local moneys. For
17 the fiscal period beginning July 1, 2011, and ending June 30,
18 2021, the division appropriates each fiscal year from the
19 general fund to the department of natural resources \$30 million
20 for deposit in the watershed management grant program fund for
21 use under the program. The division requires the department of
22 natural resources to adopt administrative rules for the program
23 and requires the department to provide administrative support
24 to the board.

25 MISCELLANEOUS APPROPRIATIONS. For the fiscal period
26 beginning July 1, 2011, and ending June 30, 2021, the division
27 appropriates each fiscal year from the general fund to the
28 department of agriculture and land stewardship \$4.2 million for
29 purposes of providing watershed project technical assistance
30 to landowners, soil and water conservation districts, county
31 conservation boards, and the department of natural resources.

32 For the fiscal period beginning July 1, 2011, and ending June
33 30, 2021, the division appropriates each fiscal year from the
34 general fund to the department of natural resources \$2 million
35 for purposes of floodplain management activities.

1 For the fiscal period beginning July 1, 2011, and ending
2 June 30, 2021, the division appropriates each fiscal year from
3 the general fund to the department of natural resources \$50,000
4 for purposes of providing a grant to an organization for the
5 establishment of a mentor network for floodplain managers
6 that fosters dialogue, education, and technical support to
7 floodplain managers to assist cities and counties in the
8 establishment of federally compliant floodplain programs.

9 For the fiscal period beginning July 1, 2011, and ending
10 June 30, 2021, the division appropriates each fiscal year from
11 the general fund to the state board of regents \$1.3 million for
12 purposes of the Iowa flood center.

13 FLOODPLAIN MANAGEMENT REGULATION INCENTIVES. The division
14 requires the homeland security and emergency management
15 division of the department of public defense, in consultation
16 with the department of natural resources, to educate cities
17 and counties regarding the community rating system of the
18 national flood insurance program of the federal emergency
19 management agency. The division requires the homeland security
20 and emergency management division to provide state matching
21 moneys in addition to certain other matching funds, but not to
22 exceed an additional 15 percent, to communities within an area
23 declared to be a disaster area due to flooding in a declaration
24 issued by the president of the United States or the governor
25 when the community meets one of several listed criteria.

26 PREDISASTER HAZARD MITIGATION GRANT PROGRAM. The division
27 requires the homeland security and emergency management
28 division of the department of public defense to establish a
29 predisaster hazard mitigation grant program for purposes of
30 providing financial assistance for predisaster planning. The
31 division creates a predisaster hazard mitigation grant board
32 that is required to meet at least twice a year for purposes of
33 considering grant applications. In making grant awards under
34 the program, the board is required to consider projects that
35 must reduce projected damage from anticipated future disasters

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1 and propose leveraging federal, local, and private moneys.
2 For the fiscal period beginning July 1, 2011, and ending June
3 30, 2021, the division appropriates each fiscal year from the
4 general fund to the homeland security and emergency management
5 division \$20 million for deposit in the predisaster hazard
6 mitigation grant program fund for use under the program. The
7 homeland security and emergency management division is required
8 to adopt administrative rules for purposes of the program and
9 to provide administrative support to the board.