

**Senate Study Bill 1126 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

**A BILL FOR**

1 An Act transferring the water resources coordinating council  
2 from the office of the governor to the department of  
3 agriculture and land stewardship.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 466B.2, subsection 2, Code 2011, is  
2 amended by striking the subsection.

3 Sec. 2. Section 466B.3, subsection 1, Code 2011, is amended  
4 to read as follows:

5 1. *Council established.* A water resources coordinating  
6 council is established within the ~~office of the governor~~  
7 department of agriculture and land stewardship.

8 Sec. 3. Section 466B.3, subsection 4, paragraph c, Code  
9 2011, is amended by striking the paragraph.

10 Sec. 4. Section 466B.3, subsection 4, paragraph 1,  
11 unnumbered paragraph 1, Code 2011, is amended to read as  
12 follows:

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

23 Sec. 5. Section 466B.3, subsection 5, paragraph a, Code  
24 2011, is amended to read as follows:

25 a. The council shall be convened by the ~~office of the~~  
26 ~~governor~~ secretary of agriculture at least quarterly.

27 Sec. 6. Section 466B.3, subsection 6, paragraph c, Code  
28 2011, is amended to read as follows:

29 c. The council shall develop recommendations for policies  
30 and funding promoting a watershed management approach to  
31 reduce the adverse impact of future flooding on this state's  
32 residents, businesses, communities, and soil and water quality.  
33 ~~Policy and funding recommendations shall be submitted to the~~  
34 ~~governor and the general assembly not later than November~~  
35 ~~15, 2009.~~ The council shall consider policies and funding

1 options for various strategies to reduce the impact of  
2 flooding including but not limited to additional floodplain  
3 regulation; wetland protection, restoration, and construction;  
4 the promulgation and implementation of statewide storm water  
5 management standards; conservation easements and other land  
6 management; perennial ground cover and other agricultural  
7 conservation practices; pervious pavement, bioswales, and  
8 other urban conservation practices; and permanent or temporary  
9 water retention structures. In developing recommendations,  
10 the council shall consult with hydrological and land use  
11 experts, representatives of cities, counties, drainage and  
12 levee districts, agricultural interests, and soil and water  
13 conservation districts, and other urban and regional planning  
14 experts.

15 Sec. 7. Section 466B.5, Code 2011, is amended to read as  
16 follows:

17 **466B.5 Regional watershed assessment, planning, and**  
18 **prioritization.**

19 1. *Regional watershed assessment program.* The department of  
20 natural resources shall create a regional watershed assessment  
21 program. The program shall assess all the regional watersheds  
22 in the state.

23 a. The statewide assessment shall be conducted at the rate  
24 of approximately one-fifth of the watersheds per year, and an  
25 initial full assessment shall be completed within five years.  
26 Thereafter, the department of natural resources shall review  
27 and update the assessments on a regular basis.

28 b. Each regional watershed assessment shall provide a  
29 summary of the overall condition of the watershed. The  
30 information provided in the summary may include land use  
31 patterns, soil types, slopes, management practices, stream  
32 conditions, and both point and nonpoint source impairments.

33 c. In conducting a regional watershed assessment, the  
34 department of natural resources may provide opportunities for  
35 local data collection and input into the assessment process.

1     2. *Planning and prioritization.* In conducting the regional  
2 watershed assessment program, the department of natural  
3 resources shall provide hydrological and geological information  
4 sufficient for the water resources coordinating council to  
5 prioritize watersheds statewide and for the various communities  
6 in those watersheds to plan remedial efforts in their local  
7 communities and subwatersheds.

8     3. *Report to council.* Upon completion of the statewide  
9 assessment, and upon updating the assessments, the department  
10 of natural resources shall report the results of the assessment  
11 to the council and the general assembly, and shall make the  
12 report publicly available.

13     Sec. 8. Section 466B.6, subsection 1, Code 2011, is amended  
14 to read as follows:

15     1. *Facilitation of community-based subwatershed plans.* After  
16 the ~~department's~~ department of natural resources' completion  
17 of the initial regional watershed assessment, and after the  
18 council's prioritization of the regional watersheds, the  
19 council shall designate one or more of the agencies represented  
20 on the council to facilitate the development and implementation  
21 of local, community-based subwatershed improvement plans.

22     Sec. 9. Section 466B.7, Code 2011, is amended to read as  
23 follows:

24     **466B.7 Community-based subwatershed monitoring.**

25     1. *Monitoring assistance.* After completion of the  
26 statewide regional watershed assessment and prioritization,  
27 and throughout the implementation of local community-based  
28 subwatershed improvement plans, the department of natural  
29 resources shall assist communities with the monitoring and  
30 measurement of local subwatersheds. The monitoring and  
31 measurement shall be designed for the particular needs of  
32 individual communities.

33     2. *Data collection and use.* Local communities in which  
34 the department of natural resources conducts subwatershed  
35 monitoring shall use the information to support subwatershed

1 planning activities, do local data collection, and identify  
2 priority areas needing additional resources. Local communities  
3 shall also collect data over time and use the data to evaluate  
4 the impacts of their management efforts.

5 Sec. 10. Section 466B.8, Code 2011, is amended to read as  
6 follows:

7 **466B.8 Wastewater and storm water infrastructure assessment.**

8 The department of natural resources shall assess and  
9 prioritize communities within a watershed presenting the  
10 greatest level of risk to water quality and the health of  
11 residents. This prioritization shall include both sewered and  
12 unsewered communities.

13 Sec. 11. Section 466B.9, Code 2011, is amended to read as  
14 follows:

15 **466B.9 Rulemaking authority.**

16 The department of natural resources and the department  
17 of agriculture and land stewardship shall have the power and  
18 authority reasonably necessary to carry out the duties imposed  
19 by this chapter. As to the department of natural resources,  
20 this includes rulemaking authority to carry out the regional  
21 watershed assessment program described in section 466B.5. As  
22 to the department of agriculture and land stewardship, this  
23 includes rulemaking authority to assist in the implementation  
24 of community-based subwatershed improvement plans.

25 EXPLANATION

26 This bill amends Code chapter 466B which provides for the  
27 protection of surface water in this state by establishing a  
28 water resources coordinating council within the office of the  
29 governor. The council includes members representing a number  
30 of heads of state agencies as well as the deans of colleges  
31 of board of regents institutions. The council is responsible  
32 for coordinating governmental efforts to improve water quality  
33 in an efficient and fiscally responsible manner. The bill  
34 also includes programs administered by the department of  
35 natural resources and the department of agriculture and land

1 stewardship. The bill transfers the council from the office  
2 of the governor to the secretary of agriculture, and provides  
3 that the secretary of agriculture and not the governor serves  
4 as the council's chairperson. A number of provisions in the  
5 Code chapter refer to the department of natural resources as  
6 simply "department". The bill includes the full name of the  
7 department, but does not change its powers or duties.