

House File 2008 - Introduced

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BY MOMMSEN

A BILL FOR

1 An Act changing the name of the watershed management authority
2 to the watershed partnership, and including transitional
3 provisions.

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

1 Section 1. Section 466B.21, Code 2018, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **466B.21 Definitions.**

5 As used in this subchapter, unless the context otherwise
6 requires:

7 1. "*Board*" means the board of directors of a watershed
8 partnership described in section 466B.24.

9 2. "*Partnership*" means a watershed partnership created
10 pursuant to section 466B.22.

11 Sec. 2. Section 466B.22, Code 2018, is amended to read as
12 follows:

13 **466B.22 Watershed ~~management authorities~~ partnerships**
14 **created.**

15 1. Two or more political subdivisions may create, by
16 chapter 28E agreement, a watershed ~~management authority~~
17 partnership pursuant to [this subchapter](#). The participating
18 political subdivisions must be located in the same United
19 States geological survey hydrologic unit code 8 watershed. All
20 political subdivisions within a watershed must be notified
21 within thirty days prior to the organization of any ~~watershed~~
22 ~~management authority~~ partnership within the watershed, and
23 provided the opportunity to participate.

24 2. The [chapter 28E](#) agreement shall include a map showing the
25 area and boundaries of the authority partnership.

26 3. A political subdivision may participate in more than one
27 ~~authority created pursuant to [this subchapter](#)~~ partnership.

28 4. A political subdivision is not required to participate in
29 a ~~watershed management authority~~ partnership or be a party to a
30 chapter 28E agreement under [this subchapter](#).

31 5. A partnership is not subject to provisions governing a
32 partnership under chapter 486A or a limited partnership under
33 chapter 488. It is not a private agency as defined in section
34 28E.2.

35 Sec. 3. Section 466B.23, unnumbered paragraph 1, Code 2018,

1 is amended to read as follows:

2 A watershed ~~management authority partnership~~ may perform all
3 of the following duties:

4 Sec. 4. Section 466B.23, subsections 6 and 7, Code 2018, are
5 amended to read as follows:

6 6. Allocate moneys made available to the ~~authority~~
7 partnership for purposes of water quality and flood mitigation.

8 7. Make and enter into contracts and agreements and execute
9 all instruments necessary or incidental to the performance
10 of the duties of the ~~authority partnership~~. A watershed
11 ~~management authority partnership~~ shall not acquire property by
12 eminent domain.

13 Sec. 5. Section 466B.24, subsections 1, 2, and 6, Code 2018,
14 are amended to read as follows:

15 1. ~~An authority~~ A watershed partnership shall be governed
16 by a board of directors. ~~Members~~ The membership of a ~~board~~
17 ~~of directors of an authority partnership~~ shall be divided
18 among the participating political subdivisions comprising the
19 ~~authority and partnership~~. A director shall be appointed by
20 the respective participating political subdivision's elected
21 legislative body.

22 2. A board ~~of directors~~ shall consist of one representative
23 of each participating political subdivision. This subsection
24 shall not apply if a chapter 28E agreement under this
25 subchapter provides an alternative board composition method.

26 6. A majority of the ~~membership of a board of~~ appointed
27 directors shall constitute a quorum for the purpose of holding
28 a meeting of the board. The affirmative vote of a majority of a
29 quorum shall be necessary for any action taken by ~~an authority~~
30 a board unless the ~~authority's partnership's~~ bylaws specify
31 those particular actions of the ~~authority board~~ requiring
32 a greater number of affirmative votes. A vacancy in the
33 membership of the board shall not impair the rights of a quorum
34 to exercise all the rights and perform all the duties of the
35 authority board.

1 Sec. 6. Section 466B.25, Code 2018, is amended to read as
2 follows:

3 **466B.25 Activities coordination.**

4 In all activities of a watershed ~~management authority~~
5 partnership, the authority may coordinate its activities
6 with the department of natural resources, the department of
7 agriculture and land stewardship, councils of governments,
8 public drinking water utilities, and soil and water
9 conservation districts.

10 Sec. 7. Section 466B.31, subsection 3, paragraph g, Code
11 2018, is amended to read as follows:

12 g. Involving cities, counties, and other local and regional
13 public and private entities in watershed improvement including
14 but not limited to incentives for participation in a watershed
15 ~~management authority~~ partnership created under **this chapter**.

16 Sec. 8. TRANSITIONAL PROVISIONS — APPOINTMENT AND TERMS OF
17 BOARD OF DIRECTORS AND PRIOR ACTIONS BY THE BOARD.

18 1. This Act's amendments to sections 466B.21 through
19 466B.25, changing the name of the "watershed management
20 authority" to the "watershed partnership" shall not affect the
21 appointment or any term of office of an individual who served
22 as a director on the watershed management authority immediately
23 prior to the effective date of this Act. That individual shall
24 continue to serve on the board of directors of the watershed
25 partnership until the individual's term would otherwise expire
26 or the individual is otherwise replaced.

27 2. A watershed partnership which existed as a watershed
28 management authority shall change its name as it appears on
29 all formal documents which are in force and effect as soon as
30 practical in a cost-effective manner.

31 3. Any affirmative action adopted by a political
32 subdivision creating a watershed management authority under
33 section 466.22 or the board of directors of a watershed
34 management authority operating under section 466B.24, that is
35 in force and effect immediately prior to the effective date of

1 this Act, shall continue in full force and effect until the
2 earlier of the following:

3 a. It is amended, rescinded, or supplemented by the
4 affirmative action of the watershed partnership.

5 b. It expires by its own terms.

6

EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 BILL'S PROVISIONS. This bill changes the name of the
10 watershed management authority (authority) to the watershed
11 partnership (partnership). The bill also provides that
12 a member of the board of directors of the authority shall
13 continue to serve as a member on the board of the partnership
14 under the same terms and conditions of the original
15 appointment, unless the political subdivision making the
16 appointment provides otherwise. An entity organized as an
17 authority must change its name on formal documents as soon as
18 is practical, in a cost-effective manner. The bill does not
19 change the effectiveness of any affirmative action adopted by a
20 participating political subdivision or the board merely because
21 of the name change.

22 BACKGROUND. The bill amends provisions in Code chapter
23 468 referred to as the "Surface Water Protection and Flood
24 Mitigation Act". Subchapter II authorizes two or more
25 political subdivisions to enter into a Code chapter 28E
26 agreement (Code section 466B.22) in order to jointly pursue
27 efforts to reduce flooding and improve water quality within
28 a watershed (Code section 466B.23) by acting through a board
29 of directors (Code section 466B.24). A political subdivision
30 is limited to a (1) city, (2) county, (3) soil and water
31 conservation district, or (4) benefited recreational lake
32 district or a water quality district or a combined district
33 (Code section 466B.2).