

# House File 756 - WRCC Recommendations Required

7 10 NEW PARAGRAPH. c. The council shall develop  
7 11 recommendations for policies and funding promoting a watershed  
7 12 management approach to reduce the adverse impact of future  
7 13 flooding on this state's residents, businesses, communities,  
7 14 and soil and water quality. Policy and funding  
7 15 recommendations shall be submitted to the governor and the  
7 16 general assembly not later than November 15, 2009. ~~the~~  
7 17 ~~council shall consider policies and funding options for~~  
7 18 ~~various strategies to reduce the impact of flooding including~~  
7 19 but not limited to additional flood plain regulation; wetland  
7 20 protection, restoration, and construction; the promulgation  
7 21 and implementation of statewide storm water management  
7 22 standards; conservation easements and other land management;  
7 23 perennial ground cover and other agricultural conservation  
7 24 practices; pervious pavement, bioswales, and other urban  
7 25 conservation practices; and permanent or temporary water  
7 26 retention structures. ~~in developing recommendations, the~~  
7 27 ~~council shall consult with hydrological and land use experts,~~  
7 28 ~~representatives of cities, counties, drainage and levee~~  
7 29 ~~districts, agricultural interests, and soil and water~~  
7 30 ~~conservation districts, and other urban and regional planning~~  
7 31 ~~experts.~~

## House File 756 - Enrolled

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HOUSE FILE 756

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1 4 RELATING TO REGIONAL WATERSHED, LAND USE, AND FLOOD PLAIN  
1 5 MANAGEMENT POLICIES, AND PROVIDING FOR THE ESTABLISHMENT  
1 6 OF A COUNCIL.  
1 7  
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 9  
1 10 Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER  
1 11 PARTNERSHIP COUNCIL == FINDINGS.  
1 12 The state of Iowa finds and declares all of the following:  
1 13 1. The preservation, enhancement, and intelligent use of  
1 14 the Mississippi river is in the ecological and economic  
1 15 interests of the citizens of the state of Iowa.  
1 16 2. The public interest is advanced by the stimulation of  
1 17 sustainable economic development initiatives and watershed

1 18 management projects by local, state, and federal agencies,  
1 19 local communities, not-for-profit conservation organizations,  
1 20 and private landowners and other stakeholders along the  
1 21 Mississippi river.  
1 22       Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER PARTNERSHIP  
1 23 COUNCIL == ESTABLISHMENT AND PROCEDURES.  
1 24       1. A Mississippi river partnership council is established.  
1 25 The purpose of the council is to be a forum for city, county,  
1 26 state, agriculture, business, conservation, and environmental  
1 27 representatives and other stakeholders to discuss matters  
1 28 relevant to the health, management, and use of the Mississippi  
1 29 river. In furthering its purpose the council may work with  
1 30 local communities to develop local and regional strategies,  
1 31 and make recommendations to appropriate state and federal  
1 32 agencies.  
1 33       2. The Mississippi river partnership council may consist  
1 34 of all of the following:  
1 35       a. One nonvoting person appointed by the governor who  
2 1 shall serve as the chairperson of the council.  
2 2       b. Six voting members appointed by the governor, each of  
2 3 whom shall reside in one of the ten Iowa counties bordering  
2 4 the Mississippi river, including all of the following:  
2 5       (1) One member representing soil and water conservation  
2 6 districts.  
2 7       (2) One person representing business.  
2 8       (3) One person representing recreational interests.  
2 9       (4) One person representing conservation interests.  
2 10       (5) One person representing environmental interests.  
2 11       (6) One person representing agricultural interests who is  
2 12 actively engaged in farming.  
2 13       c. Ten voting members appointed by county boards of  
2 14 supervisors, one by each of the ten Iowa counties bordering  
2 15 the Mississippi river.  
2 16       d. Ten voting members appointed by city councils, one each  
2 17 by the council of the largest Iowa city adjacent to the  
2 18 Mississippi river in each county bordering the river.  
2 19       e. Four voting members, each appointed by the heads of the  
2 20 following departments:  
2 21       (1) The department of agriculture and land stewardship.  
2 22       (2) The department of natural resources.  
2 23       (3) The department of economic development.  
2 24       (4) The department of transportation.  
2 25       f. Two members of the senate and two members of the house  
2 26 of representatives, serving as ex officio, nonvoting members.  
2 27 The members may be appointed, one each by the majority leader  
2 28 of the senate, after consultation with the president of the  
2 29 senate, and by the minority leader of the senate, and by the  
2 30 speaker of the house of representatives, after consultation  
2 31 with the majority leader of the house of representatives, and  
2 32 by the minority leader of the house of representatives.  
2 33 Members shall receive compensation pursuant to section 2.12.  
2 34       g. The council may, at its discretion, appoint individuals  
2 35 representing federal agencies or other state agencies or  
3 1 commissions to serve as ex officio, nonvoting members.  
3 2       3. Members of the Mississippi river partnership council,  
3 3 other than members of the general assembly, shall be appointed  
3 4 to serve for three-year terms. However, among the initial

3 5 appointments, the persons making the appointments of voting  
3 6 members shall coordinate appointments of members to serve  
3 7 terms for less than three years to ensure staggered terms.  
3 8 The persons making the appointments of voting members shall  
3 9 also coordinate appointments to meet the requirements of  
3 10 sections 69.16 and 69.16A.  
3 11 4. The Mississippi river partnership council shall meet at  
3 12 least quarterly in one or more Iowa counties bordering the  
3 13 Mississippi river during its first three years of existence  
3 14 and shall meet at least twice a year in one or more Iowa  
3 15 counties bordering the Mississippi river after that time. The  
3 16 council shall meet at any time on the call of the chairperson.  
3 17 5. A majority of the voting members of the Mississippi  
3 18 river partnership council constitutes a quorum. Any action  
3 19 taken by the council must be adopted by the affirmative vote  
3 20 of a majority of its voting membership.  
3 21 6. Until the Mississippi river partnership council  
3 22 provides for its permanent staffing and support, the east  
3 23 central intergovernmental association, in cooperation with  
3 24 councils of governments and county boards of supervisors in  
3 25 counties adjacent to the Mississippi river, shall be  
3 26 responsible for providing the council with administrative  
3 27 support.  
3 28 7. The Mississippi river partnership council may adopt  
3 29 bylaws and rules of operation consistent with this section.  
3 30 8. The Mississippi river partnership council, including  
3 31 any of its committees, is a governmental body for purposes of  
3 32 chapter 21 and a government body for purposes of chapter 22.  
3 33 Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER PARTNERSHIP  
3 34 COUNCIL == POWERS AND DUTIES.  
3 35 1. The Mississippi river partnership council may  
4 1 collaborate with the water resources coordinating council  
4 2 established pursuant to section 466B.3.  
4 3 2. a. The Mississippi river partnership council's duties  
4 4 shall include all of the following:  
4 5 (1) Reviewing activities and programs administered by  
4 6 state and federal agencies that directly impact the  
4 7 Mississippi river.  
4 8 (2) Working with local communities, organizations, and  
4 9 other states to encourage development opportunities that promote  
4 10 sustainable economic development opportunities in counties  
4 11 along the Mississippi river; enhance awareness about the river  
4 12 and its uses; encourage habitat protection, restoration, and  
4 13 expansion of critical habitats; and promote the adoption of  
4 14 soil conservation and water quality best management practices.  
4 15 (3) Working with federal agencies to optimize the  
4 16 implementation of programs and the expenditure of moneys  
4 17 affecting the Mississippi river and counties in Iowa along the  
4 18 Mississippi river, including the upper Mississippi river basin  
4 19 association and the Mississippi parkway planning commission.  
4 20 (4) Advising and making recommendations to the water  
4 21 resources coordinating council established in section 466B.3,  
4 22 the governor, the general assembly, and state agencies,  
4 23 regarding strategic plans and priorities impacting the  
4 24 Mississippi river, methods to optimize the implementation of  
4 25 associated programs, and the expenditure of moneys affecting  
4 26 the river and counties bordering the Mississippi river.

4 27 (5) Encouraging communities in counties bordering the  
4 28 Mississippi river to develop watershed management plans for  
4 29 their communities to address storm water, erosion, flooding,  
4 30 sedimentation, and pollution problems and encouraging projects  
4 31 for the natural conveyance and storage of floodwaters; the  
4 32 enhancement of wildlife habitat and outdoor recreation  
4 33 opportunities; the recovery, management, and conservation of  
4 34 the Mississippi river; and the preservation of farmland,  
4 35 prairies, and forests.  
5 1 (6) Identifying and promoting opportunities to enhance  
5 2 economic development and job creation in communities along the  
5 3 Mississippi river, as well as other measurable development  
5 4 efforts, which are compatible with the ecological health of  
5 5 the Mississippi river and the state.  
5 6 (7) Helping identify possible sources of funding for  
5 7 watershed management projects and sustainable economic  
5 8 development opportunities.  
5 9 (8) Functioning as a forum for discussion and providing  
5 10 advice or recommendations on matters of public interest that  
5 11 are reasonably related to the purpose of the council.  
5 12 b. The Mississippi river partnership council shall only  
5 13 administer its duties as provided in paragraph "a" within the  
5 14 ten Iowa counties bordering the Mississippi river.  
5 15 3. The department of agriculture and land stewardship, the  
5 16 department of natural resources, the department of economic  
5 17 development, and the department of transportation may apply  
5 18 for grant moneys or may solicit moneys from sources to support  
5 19 the work of the Mississippi river partnership council.  
5 20 Sec. 4. NEW SECTION. 455B.290 COUNTY AND CITY CONTROL OF  
5 21 JUNKYARDS.  
5 22 Nothing in this part shall be construed as limiting the  
5 23 authority of a city or county to adopt an ordinance regulating  
5 24 a junkyard located within a five hundred year flood plain.  
5 25 Sec. 5. Section 466A.2, subsection 2, paragraph c, Code  
5 26 2009, is amended by adding the following new subparagraphs:  
5 27 NEW SUBPARAGRAPH. (8) Structures and conservation systems  
5 28 for the prevention and mitigation of floods within the  
5 29 watershed of the project.  
5 30 NEW SUBPARAGRAPH. (9) Removal of channels of waterways to  
5 31 allow waterways to meander.  
5 32 Sec. 6. Section 466A.4, subsection 1, Code 2009, is  
5 33 amended to read as follows:  
5 34 1. Public water supply utilities, counties, county  
5 35 conservation boards, and cities may also be eligible and apply  
6 1 for and receive local watershed improvement grants for water  
6 2 quality improvement projects. An applicant shall coordinate  
6 3 with a local watershed improvement committee or a soil and  
6 4 water conservation district and shall include in the  
6 5 application a description of existing projects and any  
6 6 potential impact the proposed project may have on existing or  
6 7 planned water quality improvement projects.  
6 8 Sec. 7. Section 466B.1, Code 2009, is amended to read as  
6 9 follows:  
6 10 466B.1 SHORT TITLE.  
6 11 This chapter shall be known and may be cited as the  
6 12 "Surface Water Protection and Flood Mitigation Act".  
6 13 Sec. 8. Section 466B.3, subsection 3, Code 2009, is

6 14 amended by adding the following new paragraph:  
6 15 NEW PARAGRAPH. d. Whether the potential for flood damage  
6 16 in each watershed in the state has been reduced.

6 17 Sec. 9. Section 466B.3, subsection 4, paragraph 1,  
6 18 unnumbered paragraph 1, Code 2009, is amended to read as  
6 19 follows:

6 20 The governor, who shall be the chairperson, or the  
6 21 governor's designee. As the chairperson, and in order to  
6 22 further the coordination efforts of the council, the governor  
6 23 may invite representatives from any other public agency,  
6 24 private organization, business, citizen group, or nonprofit.  
6 25 entity to give public input at council meetings provided the  
6 26 entity has an interest in the coordinated management of land  
6 27 resources, soil conservation, flood mitigation, or water  
6 28 quality. The governor shall also invite and solicit advice  
6 29 from the following:

6 30 Sec. 10. Section 466B.3, subsection 4, Code 2009, is  
6 31 amended by adding the following new paragraphs:

6 32 NEW PARAGRAPH. m. The dean of the college of engineering  
6 33 at the university of Iowa or the dean's designee.

6 34 NEW PARAGRAPH. n. The director of the rebuild Iowa office  
6 35 or the director's designee, until June 30, 2011.

7 1 Sec. 11. Section 466B.3, subsection 6, paragraph b,  
7 2 subparagraph (9), Code 2009, is amended to read as follows:

7 3 (9) Review best available technologies on a regular basis,  
7 4 so that investments of time and program resources can be  
7 5 prioritized and directed to projects that will best and most  
7 6 effectively improve water quality and reduce flood damage  
7 7 within regional and community subwatersheds.

7 8 Sec. 12. Section 466B.3, subsection 6, Code 2009, is  
7 9 amended by adding the following new paragraph:

7 10 NEW PARAGRAPH. c. The council shall develop

7 11 recommendations for policies and funding promoting a watershed  
7 12 management approach to reduce the adverse impact of future  
7 13 flooding on this state's residents, businesses, communities,  
7 14 and soil and water quality. Policy and funding  
7 15 recommendations shall be submitted to the governor and the  
7 16 general assembly not later than November 15, 2009. The  
7 17 council shall consider policies and funding options for  
7 18 various strategies to reduce the impact of flooding including  
7 19 but not limited to additional flood plain regulation; wetland  
7 20 protection, restoration, and construction; the promulgation  
7 21 and implementation of statewide storm water management  
7 22 standards; conservation easements and other land management;  
7 23 perennial ground cover and other agricultural conservation  
7 24 practices; pervious pavement, bioswales, and other urban  
7 25 conservation practices; and permanent or temporary water  
7 26 retention structures. In developing recommendations, the  
7 27 council shall consult with hydrological and land use experts,  
7 28 representatives of cities, counties, drainage and levee  
7 29 districts, agricultural interests, and soil and water  
7 30 conservation districts, and other urban and regional planning  
7 31 experts.

7 32 Sec. 13. Section 466B.4, subsection 1, Code 2009, is  
7 33 amended by adding the following new paragraph:

7 34 NEW PARAGRAPH. e. In addition to the use of Iowa land for  
7 35 agriculture and economic development, the land in watersheds

8 1 and flood plains should be managed to reduce flooding, reduce  
8 2 flood damage, ameliorate the effects of drought, improve water  
8 3 quality, improve habitat and the natural environment, increase  
8 4 renewable energy production, and enhance recreational  
8 5 opportunities.  
8 6 Sec. 14. IMPLEMENTATION. Sections 28N.1, 28N.2, and 28N.3  
8 7 as enacted in this Act, shall be implemented when persons  
8 8 appointed by the governor to act on behalf of the Mississippi  
8 9 river partnership council have notified the governor that they  
8 10 have procured at least twenty-five thousand dollars in funds  
8 11 or in-kind services providing for expenses associated with the  
8 12 start-up and first-year administration of the council. The  
8 13 department of agriculture and land stewardship, the department  
8 14 of natural resources, the department of economic development,  
8 15 and the state department of transportation may cooperate with  
8 16 such persons to facilitate the implementation of sections  
8 17 28N.1, 28N.2, and 28N.3, as enacted in this Act.  
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PATRICK J. MURPHY  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

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8 29 I hereby certify that this bill originated in the House and  
8 30 is known as House File 756, Eighty-third General Assembly.  
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MARK BRANDSGARD  
Chief Clerk of the House

9 1 Approved \_\_\_\_\_, 2009  
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9 5 CHESTER J. CULVER  
9 6 Governor