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**Date:** April 6, 2010

**To:** IDDA Membership

**From:** John T. Torbert, CAE

**Re:** Legislative Update

Legislative leadership made the decision before the session started this year to make the session shorter. A shorter session would cost the taxpayers less money in a time of very tight state budgets. So, it is the first week of March and we are approximately four weeks from the end of the session. This has made it difficult to try and propose legislation and move it through the process. The time – specifically a lack of time – is a real impediment to getting legislation considered. Here are the bills we are watching at this point in the session and where they are in the process.

**HF 2273** – This bill does two things. First of all, it raises from \$15,000 to \$20,000 the cost of drainage improvement before bids would be required. Secondly, it changes the amount of bid security a company must post when it is bidding on a drainage project. Currently, state law caps the amount of security required at \$10,000. This bill would raise that amount to 5% of the total cost of the project. **Status** – the bill has passed the house by a vote of 98-0. It was passed out of senate agriculture committee earlier this week so is eligible for debate by the full senate. **IDDA position** – IDDA supports the bill.

**HF 2246** – This bill deals with individuals that damage a levee or drainage district improvement. A person would have 45 days to repair the damage after the governing body of the drainage notifies the individual doing the damage of the restoration or repairs that are required. Work would have to be done in conformity with applicable drainage standards. If the work is not done in 45 days, the governing body can make the restorations or repairs. The cost of the work plus attorney fees and engineering fees incurred would be the responsibility of the individual. **Status** – The bill failed to meet the funnel deadline. It may be taken up by an interim committee. **IDDA Position** – IDDA supports the bill.

**HF 2217** – This legislation would exempt drainage districts from Chapter 26 of the Code relating to public improvements. IDDA requested this legislation. Drainage districts were inadvertently included in the law several years ago. The problem is that sections of Chapter 26 have requirements that are in conflict with drainage laws which are found in Chapter 468. We were asking for the exemption so that the conflicts could be cleaned up. **Status** – This bill failed to meet the funnel deadline and may be taken up by an interim committee. **IDDA position** – IDDA supports the bill.

**HF 2256** – This bill would appropriate \$96,663.83 to a drainage district in Palo Alto County. Five Island Lake is owned by the state. The district is trying to do drainage improvements and the cost to the state, as owner of the lake – for the benefit that would be received – is the \$96,000 figures. The state escaped from the paying the cost on a legal technicality. The money would be paid from the Environment First fund. **Status** – The bill failed to meet the funnel deadline and may be taken up by an interim committee. **IDDA position** – IDDA supports the bill.

**HF 2206** – This bill relates to ag drainage wells. Currently, the law states that the deadline for complying with the provision of the law relating to ag drainage well closure was December 31, 2001. This bill extends that date to December 31, 2015. **Status** – The bill has been passed by house agriculture committee and is currently awaiting consideration by the full house. **IDDA position** – IDDA supports the bill.

**SF 2069** – This bill is referred to as the “wetlands protection act.” The reality is that it has little to do with protection. What it would do is establish a bureaucracy in DNR to regulate wetland activity. **Status** – The bill failed to meet the funnel deadline. **IDDA position** – IDDA opposes the bill.

**SF 2316** – This bill relates to flood plain management. The genesis of the bill was the flood task force that met in 2009 and forwarded recommendations to the Governor and General Assembly last December. DNR is to develop best management practices for stormwater by December of 2010. Model ordinances are supposed to be developed for the regulation of a two-tenths flood plain by political subdivisions. Facilities critical for the health and safety of the public and the environment that are located in a two-tenths percent flood plain shall be designed to maintain the operation and function of the facility or the safe cessation of the operation and function of the facility during a flood. IDALS shall conduct a hydrological tiling study to determine the impact that tile drainage has on infiltration, surface run-off and flooding and to evaluate the feasibility of seasonal retention water in tile drained fields. The water resources coordinating council is supposed to make recommendation by late this year on watershed governance including but not limited to assigning responsibility for the assessment of flood risk, assessment and prioritization of options for reducing flood risks, allocation of flood reduction resources, operation of controlled water retention structures and the purchase of land or easements by cities. IDALS is allowed to initiate programs to integrate multi-purpose wetlands into watersheds with drainage districts or larger drainage systems and can prioritize funding for programs that incorporate a holistic approach. Integrated wetlands and drainage systems shall provide for nutrient trapping, more water infiltration and evapotranspiration, greater water runoff retention and habitat to support biodiversity. DNR is supposed to develop watershed demonstration projects. IDALS is also supposed to work with NRCS to reassess criteria for soil and water conservation practices

due to changing precipitation patterns and extreme weather events. **Status** – This bill passed the senate on February 25 by a vote of 26-20. It now goes to the house. A house subcommittee is scheduled to meet on this bill today (March 2). The future of the bill is still uncertain due to funnel deadlines. **IDDA position** – IDDA opposes the bill.

IDDA is also watching closely to protect the appropriations levels for the CREP program and Ag Drainage well program. These appropriations are usually made late in the legislative session.

IDDA is also working to prevent the “deappropriation” of \$4 million dollars that went to IDALS last year under the IJOBS program. IDALS has set aside this money to fund pilot projects that will increase crop production, reduce flooding and improve the environment. Pilot projects are currently being set up in Palo Alto, Pocahontas and Clay Counties. Attempts are being made to “scoop” this money and direct it elsewhere.