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To: IDDA Membership

From: John T. Torbert, CAE

Re: Final Legislative Report – 2010 Legislative Session

The curtain came down on the 2010 legislative session on Tuesday, March 30. This year's session was shortened by legislative leadership to cut costs. Here is the status of the bills that IDDA was following.

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 was signed by the Governor on March 22nd. It is effective immediately (not July 1st). **IDDA position** – IDDA supported 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 issue may be taken up by an interim committee. **IDDA Position** – IDDA supported 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** – The issue may be taken up by an interim committee. **IDDA position** – IDDA supported 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 figure. The state escaped from the paying the cost on a legal technicality. The money would be paid from the Environment First fund. **Status** – The issue may be taken up by an interim committee. **IDDA position** – IDDA supported 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 did not pass. **IDDA position** – IDDA supported 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 did not pass. **IDDA position** – IDDA opposed 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 is 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 did not pass. **IDDA position** – IDDA opposed the bill.

HF 2459 – This bill surfaced late in the session. It creates a watershed planning advisory council. The council is supposed to report annually to the Governor, the legislature and various state agencies on a variety of water related quality and quantity issues. The council will be composed of state legislators, state agency personnel and representatives of various interest groups. Rep. Mertz was successful in amending the bill to include IDDA as one of the groups

that will be represented on the council. **Status** – The bill passed. The Governor signed the bill on April 7. **IDDA position** – IDDA did not take an official position on the bill.

HF 2525 – This is an appropriations bill. Of particular interest to IDDA are two programs – the Conservation Reserve Enhancement Program (CREP) and the Ag Drainage Well Water Quality Assistance Fund. These programs are part of the Environment First fund which derives its revenue from gambling revenues. The CREP appropriation for the next fiscal year will be \$1.5 million (which is the same as this year’s appropriation) and the Ag Drainage Well Water Quality Assistance fund appropriation will be \$1.25 million – which is a reduction from last year’s appropriation level of \$1.5 million. **Status** – The Governor signed the bill on April 29th. **IDDA position** – IDDA supports these two state programs. We would have preferred that the appropriation level for the ag drainage well fund not be reduced from last year’s level but did support the legislation.

SF 2389 – This bill surfaced very late in the session. It makes appropriations to various state agencies and departments and creates the “Iowa Jobs II” program. Of particular interest to IDDA was an additional \$2.5 million appropriation for CREP grants. **Status** – The Governor signed the bill on April 26. **IDDA Position** – IDDA did not take an official position on the bill.

IDDA also worked 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 were made by the Iowa Natural Heritage Foundation to move this money and use it for other purposes. The attempt to move this money was **not** successful.

Please contact the IDDA office if you have any questions about this legislation.