

IRWA Summary of Legislative Activity

Bills that Passed

HF 281: Clarifies the responsibilities of the Iowa Finance Authority and DNR with respect to the drinking water and clean water state revolving loan funds. The bill, which was signed by the Governor, made no substantive changes to the program but rather clarified statutory authority. IRWA was monitoring this legislation.

HF 468: Creates a 40-year, revolving loan fund within the Iowa Finance Authority targeted at unsewered communities. IFA is required to develop rules to implement this program which received no funding in this year's budget. IRWA was monitoring the bill which was signed by the Governor.

HF 705: Requires the state building code to develop standards for safe room and storm shelters. The bill delays implementation of any rules until 2010. IRWA was monitoring this legislation.

HF 756: As with many of the disaster-related bills, this legislation went through many versions before becoming final. In the end, it was drastically watered-down from the original version. The bill essentially adds, for two years, additional representatives to the Water Resource Coordinating Council to focus on flood mitigation and stormwater management. It also requires the Council to develop recommendations for stormwater management. This was an improvement over earlier bill versions that would have mandated stormwater standards for any construction, including pipeline, within the 500-year flood plain. The bill was amended on the House floor to create a Mississippi River Partnership Council comprised of the counties bordering the river. Its purpose is to develop local and regional strategies for the protection and improvement of the Mississippi River.

HF 822: This bill appropriates monies from the RIIF (Rebuild Iowa Infrastructure Fund). The following items were funded:

- \$2.8 million for lake projects on the DNR's annual lake restoration plan
- \$2 million for floodplain management and dam safety
- \$800,000 for administration of a water trails/low head dams program
- \$5 million to the Watershed Improvement Review Board

The bill also creates the Iowa Flood Center at the University of Iowa. It's role will be to develop hydrologic models for estimating flood frequency and for real-time forecasting of floods. In addition, the Iowa Flood Center will work to improve flood monitoring and protection along the major waterways of the state.

SF 137: Considered the equal pay for equal work bill, it prohibits an employer from discriminating against an employee for age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability. IRWA was monitoring this bill which was signed by the Governor.

SF 224: Corrected issues related to statewide licensing requirements for plumbers. The main issue was the definition of the “routine maintenance” exemption for public bodies. The rules adopted by the Department of Public Safety created a much narrower interpretation of this exemption that would have required public bodies to higher certified plumbers to do such tasks as fixing a leaking faucet. The blanket exemption for employees of water suppliers, including rural water systems, was not addressed nor altered. The new definition of routine maintenance includes maintenance, repair or replacement of existing fixtures or parts of plumbing, HVAC or hydronic systems in which no design changes are made. Emergency repairs will include repair of water pipes to prevent damage to property. IRWA was monitoring the bill

SF 268: Allows grants issued by the Watershed Improvement Review Board to extend up to five years (as opposed to the original three years). IRWA supported this bill which was signed by the Governor.

SF 328: Removed DNR from the process of collecting clean-up costs due to hazardous materials. Rather than submitting to DNR who then submitted the invoice to the violator, cities and others impacted by a hazardous cleanup will be able to go directly to the offender for reimbursement. IRWA supported this legislation which was signed by the Governor.

SF 339: The IRWA-drafted legislation to provide flexibility in meeting and financing wastewater regulatory requirements was signed by the Governor. This bill also creates the opportunity for city/rural partnerships to address water quality through the development of a water resource restoration sponsored project program using the SRF funds. IRWA supported this bill which was signed by the Governor.

SF 376: This bill is the I-Jobs bonding proposal promoted by the Governor. It allows the state to sell bonds up to provide up to \$850 million in proceeds to finance infrastructure stimulus projects. In addition to creating a grant program to be administered through the I-Jobs board, the legislation allocates specific funds to the DNR and to the Iowa Finance Authority.

DNR receives \$13.5 million: The legislation broadly directs DNR to use these funds for the construction, reconstruction or repair of infrastructure that aids in the control and movement of surface water. Specific areas mentioned include: combined sewer overflows, enrolling large contiguous areas in emergency watershed programs, improving facilities or systems that provide water quality, mitigating flood damage or the threat of flood damage in the areas most impacted by severe weather in 2008 and improving or replacing low-head dams. DNR intends to adopt rules for the expenditure of these funds.

IFA receives \$55 million: The funds are to be used to provide additional financial assistance to communities receiving loans from the clean water or drinking water state revolving loan funds. The legislation directs that \$35 million be allocated to cities with a population of 10,000 or less. IFA is in the process of writing rules to implement this provision.

The legislation also directs \$10 million in the bond proceeds to DNR for lake improvement projects that are on DNR’s annual lake restoration plan. Previously, DNR had received \$8.6 million.

SF 437: This bill started as legislation to make drainage district trustees comply with open meetings and open records requirements. It went through several versions before being

finalized. In the end, the bill also includes language that mirrors an attorney general's opinion that subjects an advisory board, advisory commission, advisory committee, task force or other body created under a 28E agreement to open meetings and records requirements. IRWA was monitoring this legislation.

SF 457: Provides cities additional bonding authority and flexibility for disaster-related activities. It gives cities the ability to create disaster revitalization areas and to abate property taxes to attract rebuilding in these areas. This bill also gives the Iowa Finance Authority flexibility to receive and utilize federal stimulus dollars. IRWA was monitoring this legislation.

SF 467: DNR/IDALS appropriation bill. Monies from the Environment First Fund appropriated to the DNR as follows:

- \$2.995 million for water quality monitoring
- \$500,000 for public water supply program
- \$495,000 for water quantity program

SF 478: Standings appropriations bill.

- Requires a council, board of waterworks or other board or commission to negotiate in good faith the assessment for a pension and annuity retirement program if such a program is established and there is a bargaining unit in force.
- Gives authority to a city to establish a property rights defense account to pay the cost of attorney fees and reasonable costs incurred by the property owner in eminent domain cases. Does not require funding. This is session law and is only in effect until the next standings appropriations bill is passed.
- Allows cities to assess a franchise fee not to exceed 5%. The city must adopt a revenue purpose statement and a portion of the revenue collected must be designated to property tax relief.

Bills that Didn't Pass

HSB 288: The Legislature failed to give the DNR director the discretionary authority to waive certain environmental regulations during a declared disaster. IRWA was undecided on the legislation.

HF 350, HF 795, SF 155: One of the four major labor proposals, this bill would allow an employee to go to the doctor of his choice for an injury sustained at the workplace. The Senate version was approved by the Senate Labor Committee but saw no action beyond the subcommittee level in the House. A late attempt at a compromise was floated (HF 795) that would have required employers and the bargaining unit to each select two doctors for a pre-approved list to be used in worker comp claims. IRWA opposed this legislation and the compromise.

HF 763: Allowed the WIRB board to use earned interest from grant funds to cover administrative expenses. IRWA was monitoring this bill.

HF 777: A compromise bill that would clarify issues related to open meetings and records for public bodies was approved by the House but failed to be considered by the Senate. A Senate bill, SF 282 (that was not changed to address our concerns) was approved by the Senate State

SSB 1156/HSB 59: A bill to allow the DNR to raise the water operating permit fee to a total collected of \$1 million failed to pass either a subcommittee in the House or the Senate. This is the second year in a row that DNR has attempted to raise the statutory cap on the annual water operating permit fee. IRWA opposed the bill.

SF 10: The bill to allow the Department of Agriculture to use monies collected from penalties issued under the NPDES program for soil conservation efforts failed to make the first funnel. IRWA opposed the bill.

SF 263: The perennial bill that would require NPDES permit holders to place signs at the point of discharge was approved by the Senate but saw no further action. IRWA opposed the bill.

SF 442: An IRWA bill to put into code the requirements and process for applying the federal Clean Water Act's antidegradation requirements passed the Senate Environment Committee but saw no further action. IRWA supported the bill.

SF 464: Legislation to mandate only the sale of a minimum B5 blend of biodiesel in the state of Iowa passed the Senate but failed to see any further action in the House. The legislation was amended to provide an exemption for diesel fuel used in backup generators and gave the Governor the flexibility to waive the requirement in certain situations related to price, supply or the infrastructure to deliver biodiesel. However, a provision allowing for a suspension of the mandate during cold weather months was eliminated from the bill. IRWA opposed the bill.