



SIERRA CLUB IOWA CHAPTER

A BILL FOR

An Act relating to protecting Iowa's waters.

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

New section.

1. Legislative findings
 - a. Iowa's constitution defines the state by the waters on its border
 - b. Iowa is blessed with rivers, streams, lakes, ground water, wetlands, and aquifers
 - c. Iowa's waters are critical infrastructure for businesses, farming, residents
 - d. All Iowans need clean water
 - e. Iowa's heritage depends on the waters of the state
 - f. The state of Iowa has an interest in maintaining, protecting, and preserving the water of the state for today and for future generations.
 - g. The government must protect and maintain the waters of the state for the public's use.
2. Definitions
 - a. Waters of the state - "Water of the state" means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.
 - b. Fishable swimmable standard – water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water.
 - c. Fiduciary duty - a legal obligation to take care of the waters of the state for the sole benefit of the residents of Iowa
 - d. Pollution - the introduction of an unwanted biological, chemical, physical, or radiological substance into a water of the state that causes adverse change to the water.
3. The administrative branch of government serves as the fiduciary responsible for protecting the waters of the state. The Governor of Iowa will name a trustee for the waters of the state. The trustee shall devote the trustee's entire time to the duties of the office and shall have no other duties. The trustee shall have no conflicts of interest.
4. The trustee will serve as the legal guardian for the waters of the state.
 - a. The trustee has the legal duty to protect the waters of the state for present generations to enjoy and benefit from and must leave them to future generations unimpaired.
 - b. The trustee will review regulations and the budget for their impact on the waters of the state.
 - c. The trustee will devise plans to prevent pollution from entering the waters of the state.
 - d. The trustee will review all proposed regulations and shall include an assessment of the effect of the proposed regulation on the waters of the state.
 - e. The trustee shall devise a plan to return all waters in the state to fishable swimmable standard.
 - f. The trustee shall review any project that threatens to cross the waters of the state or to pollute the waters of the state. The project shall include an alternative to avoiding crossing the water of the state or discharge of pollution into the water of the state. The highest standard is to avoid crossing a water of the state or polluting it.
 - g. The trustee shall initiate any legal action necessary to represent the interests of protecting the waters of the state for future generations.

- h. The trustee shall appear on behalf of future generations in any action involving the validity or enforcement of a statute or regulation.
 - i. The trustee shall advocate on behalf of protecting the waters of the state for future generations regarding legislation pending in the Iowa General Assembly.
- 5. Members of the administrative branch, in its fiduciary duty to protect the waters of the state, are forbidden to accept any campaign contributions from people or business interests that are polluting or plan to pollute the waters of the state.

EXPLANATION

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