

CHAPTER 418A

LEVEE IMPROVEMENT PROGRAM

Referred to in §8.57D, 456.15

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418A.1 Definitions.

For the purposes of [this chapter](#), unless the context otherwise requires:

1. “Board” means the flood mitigation board created in [section 418.5](#).
2. “Department” means the department of homeland security and emergency management created in [section 29C.5](#).
3. “Hazardous event” means an event caused by a levee’s uncontrolled or controlled release of surface water in a manner that may injure humans and animals or damage real and personal property used for agricultural, commercial, industrial, residential, or public purposes.
4. “Levee district” means a levee district, including a subdistrict, established pursuant to [chapter 468](#).
5. “Office” means the office of levee safety created in [section 418A.3](#).
6. “Program” means the levee improvement program established pursuant to [section 418A.5](#).
7. “Survey” means the Iowa geological survey created in [section 456.1](#).
[2023 Acts, ch 163, §3, 10](#)

418A.2 Purpose.

The purpose of [this chapter](#) is to reduce and manage risks associated with a hazardous event caused by a levee’s inadequate design, structural performance, or operational control.
[2023 Acts, ch 163, §4, 10](#)

418A.3 Office of levee safety.

1. An office of levee safety is created within the department.
2. *a.* In administering [this chapter](#), all of the following apply:
 - (1) The office shall cooperate with the flood mitigation board.
 - (2) The office and the board shall cooperate with the Iowa geological survey.
- b.* The office and board may cooperate with other state and federal agencies, including the United States army corps of engineers and the federal emergency management agency, administering the national levee safety program, as provided in 33 U.S.C. ch. 46.
3. The office, in cooperation with the board, shall assist communities benefiting from a levee, including levee districts. The office, in cooperation with the board, shall evaluate methods to best carry out the purpose of [this chapter](#).
[2023 Acts, ch 163, §5, 10](#)

Referred to in §418A.1

418A.4 Statewide analysis.

1. The office of levee safety, in cooperation with the Iowa geological survey, shall conduct a statewide analysis of the condition of the state’s levees. The office and survey shall identify each levee requiring repair or reconstruction based on a scale adopted by the office which assigns a number based on the levee’s level of critical need. The office shall consider all of the following:
 - a.* Deficiencies in the construction, maintenance, and operation of each levee in a levee district.
 - b.* The amount of capital expenditures required for the repair or reconstruction for each levee in a levee district.

c. Payment obligations creating legal indebtedness incurred by the levee district, including those evidenced by bonds, warrants, certificates, contracts, or judgments.

d. The current total revenue collected by the levee district, and the budgeted revenue ceiling of the levee district based on a maximum assessment rate for classified lands used to maintain the levee as apportioned to each owner of such land.

2. The governing body of each levee district shall assist the office in conducting the analysis for the governing body's levee district.

3. [This section](#) is repealed July 1, 2028.

[2023 Acts, ch 163, §6, 10](#)

Referred to in [§8.57D, 418A.5](#)

418A.5 Flood mitigation board — levee improvement program.

1. A levee improvement program is established to provide for the repair or reconstruction of those levees requiring immediate capital expenditure in order to reduce and manage a hazardous event. The program shall be administered by the flood mitigation board acting in cooperation with the office of levee safety.

2. In administering the program, the board, acting in cooperation with the office, shall award moneys to levee districts applying for assistance on a cost-share basis. The amount of cost-share moneys contributed by the board shall not exceed fifty percent of the estimated cost or fifty percent of the actual cost of the improvement, whichever is less.

3. a. The department shall provide for the publication and submission of applications for an award of cost-share moneys under the program. The board, in cooperation with the office, shall approve or disapprove the applications based on criteria established by the board.

b. (1) The board shall consider the scale number assigned to the levee by the office as provided in [section 418A.4](#).

(2) This paragraph is repealed July 1, 2028.

4. The department may enter into a [chapter 28E](#) agreement in order to administer the program on behalf of the board.

[2023 Acts, ch 163, §7, 10](#)

Referred to in [§8.57D, 418A.1](#)

418A.6 Department — statewide levee improvement report.

1. The department of homeland security and emergency management shall prepare and submit a statewide levee assessment report to the governor and general assembly not later than January 5 of each year.

2. a. (1) The statewide levee assessment report must include a summary of the condition of levees in each levee district.

(2) This paragraph is repealed July 1, 2028.

b. The statewide levee assessment report must identify those levees having the highest level of critical need of repair or reconstruction and the budget of a levee district to finance the repair or reconstruction.

3. The statewide levee assessment report must include the results of efforts to repair or reconstruct levees using cost-share moneys awarded to the governing bodies of levee districts under the levee improvement program.

4. The statewide levee assessment report must include a summary of future plans to administer the program. The statewide levee assessment report may include recommendations for additional funding and legislation necessary to carry out the purpose of [this chapter](#).

[2023 Acts, ch 163, §8, 10](#)