

CHAPTER 163

LEVEE AND DRAINAGE DISTRICTS — LEVEE IMPROVEMENT FUND — OFFICE OF LEVEE SAFETY — LEVEE IMPROVEMENT PROGRAM

H.F. 711

AN ACT relating to levee and drainage districts, by providing for the repair or reconstruction of levees, making appropriations, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 8.57, subsection 5](#), paragraph f, subparagraph (1), Code 2023, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0e) (i) For the fiscal year beginning July 1, 2023, and for each fiscal year thereafter through the fiscal year beginning July 1, 2027, of the wagering tax receipts received pursuant to [sections 99D.17](#) and [99F.11](#), the next five million dollars shall be deposited in the levee improvement fund created in [section 8.57D](#).

(ii) This subparagraph division is repealed July 1, 2028.

Sec. 2. NEW SECTION. 8.57D Levee improvement fund — creation — appropriations.

1. A levee improvement fund is created within the department of homeland security and emergency management created pursuant to [section 29C.5](#) which shall be under the control of that department.

2. The levee improvement fund shall consist of moneys deposited in the fund pursuant to [section 8.57, subsection 5](#), paragraph “f”, subparagraph (1), subparagraph division (0e); appropriations made to the fund; and transfers of interest, earnings, and moneys from other funds as provided by law.

3. The levee improvement fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of [section 8.53](#), relating to generally accepted accounting principles.

4. a. Moneys in the levee improvement fund are appropriated to the department of homeland security and emergency management for the exclusive purpose of supporting all of the following:

(1) The office of levee safety, including to conduct a statewide analysis of the condition of the state’s levees as provided in [section 418A.4](#).

(2) The flood mitigation board, including to award cost-share moneys to levee districts pursuant to the levee improvement program as provided in [section 418A.5](#).

b. Not more than five percent of moneys in the levee improvement fund shall be available to defray expenses incurred in administering [chapter 418A](#) by the department, including the office of levee safety and flood mitigation board.

5. a. Notwithstanding [section 8.33](#), moneys in the levee improvement fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for the expenditure for the purposes designated.

b. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the fund shall be credited to the fund.

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

Sec. 3. NEW SECTION. 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](#).

Sec. 4. NEW SECTION. 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.

Sec. 5. NEW SECTION. 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](#).

Sec. 6. NEW SECTION. 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.

Sec. 7. NEW SECTION. 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.

Sec. 8. NEW SECTION. 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](#).

Sec. 9. NEW SECTION. 456.15 Levees.

The Iowa geological survey shall assist the office of levee safety as provided in [chapter 418A](#).

Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2023