

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 711	House Committee:	<b>PASSED</b> 24-0 (4/10/2023)
Committee:	Appropriations	House Floor:	<b>PASSED</b> 99-0 (4/13/2023)
Floor Manager:	Rep. Gary Mohr	Senate Floor:	<b>PASSED</b> 48-0 (5/2/2023)
Date:	May 3, 2023	Governor:	
Staff:	Brad Trow (1-3471)		

### Office of Levee Safety and Levee Improvement Program

- House File 711 establishes an Office of Levee Safety within the Department of Homeland Security and Emergency Management to assess the condition of levees and to work with the Flood Mitigation Board to improve the condition of the state's levees.
- The bill also establishes a Levee Improvement Program, which will provide funding to help levee and drainage districts make repairs or reconstruct levees that are deemed most in need.
- The Levee Improvement Program would receive \$5 million from the Rebuild Iowa Infrastructure Fund each year for five years.

### Section by Section Analysis

#### DIVISION I – LEVEE IMPROVEMENTS

##### Section 1 [Iowa Code section 8.57 (5) (f) (1)]:

The section provides a five-year appropriation from the Rebuild Iowa Infrastructure Fund (FY 2024 thru FY 2028) of \$5 million per year to the Levee Improvement Fund.

##### Section 2 - Levee Improvement Fund – Creation – Appropriations:

The section creates the Levee Improvement Fund within the Department of Homeland Security and Emergency Management. The Fund is separate of the General Fund.

The funds in the Levee Improvement Fund are appropriated to the Department of Homeland Security and Emergency Management for the following purposes:

1. Supporting the Office of Levee Safety, including conducting a statewide analysis of the condition of the state levees; and
2. Supporting the Flood Mitigation Board, including the award of cost-share funds to levee districts participating in the Levee Improvement Program.

The section limits the amount of funds that can be used for administration costs to 5 percent. Any funds not spent at the end of the fiscal year will not revert, but will stay in the Levee Improvement Fund. And any interest earned on the Fund will remain in the Fund.

Section 3 – NEW SECTION - 418A.1 – Definitions:

The section provides definitions for the new Code chapter 418A.

Section 4 – NEW SECTION – 418A.2 – Purpose:

The section sets out the purpose of chapter 418A, which is to reduce and manage risks to Iowa's various levees.

Section 5 – NEW SECTION – 418A.3 – Office of Levee Safety:

The section creates the Office of Levee Safety within the Department of Homeland Security and Emergency Management. The Office's job is to administer chapter 418A, to work with the Flood Mitigation Board, the Iowa Geological Survey, and other state and federal agencies.

The section provides that the Office of Levee Safety will also assist communities with levees and levee districts.

Section 6 – NEW SECTION – 418A.4 – Statewide Analysis:

The section directs the Office of Levee Safety to conduct a survey of the condition of the levees in the state. This will be done by working with the Iowa Geological Survey. They will identify those levees in need of repair or reconstruction and will set up a number scale to identify the level of need in each levee.

In making these evaluations, the Office shall consider:

- Deficiencies in the construction, maintenance and operation of each levee in a levee district;
- Amount needed to repair or reconstruct each levee;
- Debt obligations on the levee district; and
- Amount of revenue collected by the levee district and the maximum amount of revenue the levee district could generate.

Every levee district will assist the Office of Levee Safety in the analysis.

Section 7 – NEW SECTION – 418A.5 – Flood Mitigation Board – Levee Improvement Program:

The section creates a Levee Improvement Program, which is set up to help provide for the repair and reconstruction of levees which need immediate steps taken to control or reduce potential flooding.

The Levee Improvement Program would be administered by the Flood Mitigation Board, working with the Office of Levee Safety. Funds awarded under this program would be on a cost-share basis. The programs share shall not exceed 50 percent of the estimated or actual cost of the project.

The Department of Homeland Security and Emergency Management will set up a process for applying for cost-share awards. The Flood Mitigation Board, working with the Office of Levee Safety, shall approve applications based on criteria that shall be established by the Board. In its deliberations, the Board will consider where a submitted project sits on the Office's scale of need.

The section is repealed on July 1, 2028.

Section 8 – NEW SECTION – 418A.6 – Department – Statewide Levee Improvement Report:

The section creates an annual report to the Governor and Legislature on the status of Iowa's levees. The report will be submitted by January 5 each year.

The report will include a summary of the condition of levees in each levee district (which will be repealed on July 1, 2028). The report will identify the levees with the highest level of critical need and the budget needed to do repairs or reconstruction. The report will also include information on the levee repair and reconstruction projects that have received cost-share funds from the Levee Improvement Program. And finally, the report must include future plans for the program, with funding requests and recommendations for legislative action.

Section 9 – NEW SECTION – 456.15 – Levees:

The section directs the Iowa Geological Survey to work with the Office of Levee Safety.

Section 10 – EFFECTIVE DATE:

The section makes Division I of the bill effective upon enactment.

## **DIVISION II – LEGISLATIVE INTERIM STUDY**

Section 11 – Interim Committee:

The section calls on the Legislative Council to establish an interim committee to review and update Iowa's levee and drainage district laws. The update would include:

- Rights and duties of landowners to manage water resources within watershed areas;
- Establishment and governance of levee and drainage districts;
- Construction, maintenance, and repair of improvements; and
- Financing of improvements.

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## **AMENDMENTS**

**H-1344, by the Senate:** The amendment strikes the interim study committee from the bill.