

CHAPTER 69

EMERGENCY MANAGEMENT AND PLANNING

S.F. 315

AN ACT relating to emergency management planning.

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

Section 1. Section 29C.2, subsection 3, Code 2011, is amended to read as follows:

3. “*Local emergency management agency*” means a countywide joint county-municipal public agency organized to administer this chapter under the authority of ~~the local emergency management~~ a commission.

Sec. 2. Section 29C.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 01. “*Commission*” means a local emergency management commission or joint emergency management commission.

Sec. 3. Section 29C.6, subsection 17, paragraph b, Code 2011, is amended to read as follows:

b. State participation in funding financial assistance under paragraph “a” is contingent upon the local government having on file a state-approved, comprehensive, ~~countywide~~ emergency operations plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

Sec. 4. Section 29C.8, subsection 3, paragraphs a and c, Code 2011, are amended to read as follows:

a. Prepare a comprehensive emergency plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent and coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the administrator of the homeland security and emergency management division to the fullest possible extent.

c. Provide technical assistance to any ~~local emergency~~ commission or ~~joint commission~~ requiring the assistance in the development of an emergency management or homeland security program.

Sec. 5. Section 29C.9, subsections 1, 4, 7, and 8, Code 2011, are amended to read as follows:

1. The county boards of supervisors, city councils, and ~~school district boards of directors~~ the sheriff in each county shall cooperate with the homeland security and emergency management division of the department of public defense to establish a ~~local emergency management~~ commission to carry out the provisions of this chapter.

4. For the purposes of this chapter, ~~the a commission or joint commission~~ is a municipality as defined in section 670.1.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the division’s administrative rules. Each commission shall appoint a ~~county local~~ emergency management coordinator who shall meet the qualifications specified in the administrative rules by the administrator of the homeland security and emergency management division. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the ~~county~~ commission’s jurisdiction, a comprehensive ~~countywide~~ emergency operations plan which meets standards adopted by the division in accordance with chapter 17A. If an approved comprehensive ~~countywide~~ emergency operations plan has not been

prepared according to established standards and the administrator of the homeland security and emergency management division finds that satisfactory progress is not being made toward the completion of the plan, or if the administrator finds that a ~~local emergency management~~ commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the administrator shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the disaster comprehensive emergency plan is prepared and approved or a qualified emergency management coordinator is appointed. If the administrator finds that a city or a county commission has appointed an unqualified emergency management coordinator, the administrator shall notify the governing body of the city or county commission citing the qualifications which are not met and the governing body commission shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

Sec. 6. Section 29C.10, Code 2011, is amended to read as follows:

29C.10 Emergency management coordinator.

1. The ~~commission or joint commission~~ shall appoint an emergency management coordinator who shall serve at the pleasure of the commission, and shall be responsible for the development of the countywide comprehensive emergency operations plan, ~~coordination of shall coordinate~~ emergency planning activities, and shall provide technical assistance to political subdivisions ~~throughout the county comprising the commission~~.

2. When an emergency or disaster occurs, the emergency management coordinator shall provide coordination and assistance to the governing officials of the ~~municipalities and the county~~ political subdivisions comprising the commission.

3. ~~The mayors and the board of supervisors commission~~ and its members shall cooperate with the president of the United States and the heads of the armed forces and other appropriate federal, state, and local officers and agencies and with the officers and agencies of adjoining states in matters pertaining to comprehensive emergency management for a city or county political subdivisions comprising the commission.

Sec. 7. Section 29C.11, Code 2011, is amended to read as follows:

29C.11 Local mutual aid arrangements.

1. The local emergency management ~~coordinator for each emergency management agency commission~~ shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. The arrangements shall be consistent with the homeland security and emergency management division plan and program, and in time of emergency each local emergency management agency shall render assistance in accordance with the provisions of the mutual aid arrangements.

2. The ~~emergency management coordinator of each local emergency management agency~~ chairperson of a commission may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency services and recovery aid and assistance in case of disaster too great to be dealt with unassisted.

Sec. 8. Section 29C.17, subsection 1, Code 2011, is amended to read as follows:

1. A local emergency management fund is created in the office of the county treasurer. Revenues provided and collected shall be deposited in the fund. An unencumbered balance in the fund shall not revert to county general revenues. Any reimbursement, matching funds, moneys received from sale of property, or moneys obtained from any source in connection with the county local emergency management program shall be deposited in the local emergency management fund. The commission shall be the fiscal authority and the chairperson or vice chairperson of the commission is the certifying official.

Sec. 9. Section 29C.17, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For the purposes consistent with this chapter, the county local emergency management agency's approved budget may be funded by one or any combination of the following options:

Sec. 10. Section 29C.20A, subsection 5, Code 2011, is amended to read as follows:

5. The ~~homeland security and emergency management division~~ department of human services shall submit an annual report, by January 1 of each year, to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program in the previous fiscal year.

Sec. 11. Section 29C.20B, subsection 1, Code 2011, is amended to read as follows:

1. The rebuild Iowa office shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response in coordination with the homeland security and emergency management division to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the department of human services shall coordinate case management services locally through local committees as established in each ~~local emergency management~~ commission's emergency plan. Beginning July 1, 2011, the department of human services shall assume the duties of the rebuild Iowa office under this subsection.

Sec. 12. Section 29C.22, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. The purpose of this compact is to provide for mutual assistance between the participating governments entering into this compact in managing any emergency or disaster that is declared in accordance with a ~~countywide~~ comprehensive emergency operations plan or by the governor, whether arising from natural disaster, technological hazard, man-made disaster, community disorder, insurgency, terrorism, or enemy attack.

Sec. 13. Section 30.2, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The commission members representing the departments of workforce development, natural resources, public defense, public safety, and transportation, a local emergency planning committee, and one private industry representative designated by the commission shall be voting members of the commission. The remaining members of the commission shall serve as nonvoting, advisory members.

Sec. 14. Section 30.9, subsections 1 and 2, Code 2011, are amended to read as follows:

1. Comprehensive emergency ~~response~~ plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11003, shall be submitted to the department of public defense. Committee submission to that department constitutes compliance with the requirement for reporting to the commission. After initial submission, a plan need not be resubmitted unless revisions are requested by the commission. The department of public defense shall review the plan on behalf of the commission and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

2. The department of public defense shall advise the commission of the failure of any committee to submit an initial comprehensive emergency ~~response~~ plan or a revised plan requested by the commission.

Approved April 19, 2011