

CHAPTER 29

DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

H.F. 307

AN ACT establishing the department of homeland security and emergency management.

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

Section 1. Section 7E.5, subsection 1, paragraph p, Code 2013, is amended to read as follows:

p. The department of public defense, created in section 29.1, which has primary responsibility for state military forces ~~and emergency management~~.

Sec. 2. Section 7E.5, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. w. The department of homeland security and emergency management, created in section 29C.5, which has primary responsibility for the administration of emergency planning matters, including emergency resource planning in this state, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities.

Sec. 3. Section 8A.202, subsection 5, paragraph e, Code 2013, is amended to read as follows:

e. The department of public defense, ~~including both the military division and the homeland security and emergency management division~~, shall not be required to obtain any information technology services pursuant to this subchapter for the department of public defense ~~or its divisions~~ that is provided by the department pursuant to this chapter without the consent of the adjutant general.

Sec. 4. Section 8D.2, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. For the purposes of this chapter, "public agency" also includes any homeland security or defense facility or disaster response agency established by the ~~administrator~~ director of the ~~department of homeland security and emergency management division of the department of public defense~~ or the governor or any facility connected with a security or defense system or disaster response as required by the ~~administrator~~ director of the ~~department of homeland security and emergency management division of the department of public defense~~ or the governor.

Sec. 5. Section 8D.9, subsection 3, Code 2013, is amended to read as follows:

3. A facility that is considered a public agency pursuant to section 8D.2, subsection 5, paragraph "b", shall be authorized to access the Iowa communications network strictly for homeland security communication purposes and disaster communication purposes. Any utilization of the network that is not related to communications concerning homeland security or a disaster, as defined in section 29C.2, is expressly prohibited. Access under this subsection shall be available only if a state of disaster emergency is proclaimed by the governor pursuant to section 29C.6 or a homeland security or disaster event occurs requiring connection of disparate communications systems between public agencies to provide for a multiagency or multijurisdictional response. Access shall continue only for the period of time the homeland security or disaster event exists. For purposes of this subsection, disaster communication purposes includes training and exercising for a disaster if public notice of the training and exercising session is posted on the ~~website~~ internet site of the ~~department of homeland security and emergency management division of the department of public defense~~. A scheduled and noticed training and exercising session shall not exceed five days. Interpretation and application of the provisions of this subsection shall be strictly construed.

Sec. 6. Section 16.191, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The ~~administrator~~ director of the department of homeland security and emergency management division ~~of the department of public defense~~ or the ~~administrator's~~ director's designee.

Sec. 7. Section 22.7, subsection 45, Code 2013, is amended to read as follows:

45. The critical asset protection plan or any part of the plan prepared pursuant to section 29C.8 and any information held by the department of homeland security and emergency management division that was supplied to the ~~division~~ department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. However, the ~~administrator~~ director shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the ~~administrator~~ director on a form approved by the ~~administrator~~ director. The list of assets may be viewed at the ~~division's~~ department's offices during normal working hours. The list of assets shall not be copied in any manner. Communications and asset information not required by law, rule, or procedure that are provided to the ~~administrator~~ director by persons outside of government and for which the ~~administrator~~ director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management division may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the ~~administrator~~ director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the ~~division~~ department shall not disseminate the information without prior approval of the ~~administrator~~ director.

Sec. 8. Section 23A.2, subsection 10, paragraph m, Code 2013, is amended to read as follows:

m. The repair, calibration, or maintenance of radiological detection equipment by the department of homeland security and emergency management division ~~of the department of public defense~~.

Sec. 9. Section 29.1, Code 2013, is amended to read as follows:

29.1 Department of public defense.

The department of public defense is composed of the ~~military division and the homeland security and emergency management division~~ office of the adjutant general and the military forces of the state of Iowa. The adjutant general is the director of the department of public defense and the ~~budget and personnel of all of the divisions are subject to the approval of the adjutant general~~ shall perform all functions, responsibilities, powers, and duties over ¹ the military forces of the state of Iowa as provided in the laws of the state. The ~~Iowa emergency response commission established by section 30.2 is attached to the department of public defense for organizational purposes~~.

Sec. 10. Section 29.2A, Code 2013, is amended to read as follows:

29.2A Airport fire fighters — maximum age.

The maximum age for a person to be employed as an airport fire fighter by the ~~military division of the department of public defense~~ is sixty-five years of age.

Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. Operations and administration of the civil air patrol relating to missions not qualifying for federal mission status shall be funded by the state from moneys appropriated to the department of homeland security and emergency management division ~~of the department of public defense~~ for that purpose.

¹ See chapter 140, §53 herein

Sec. 12. Section 29A.12, subsection 1, Code 2013, is amended to read as follows:

1. The adjutant general shall have command and control of the ~~military division~~ department of public defense, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in the adjutant general by the governor. The adjutant general shall superintend the preparation of all letters and reports required by the United States from the state, and perform all the duties prescribed by law. The adjutant general shall have charge of the state military reservations, and all other property of the state kept or used for military purposes. The adjutant general may accept and expend nonappropriated funds in accordance with law and regulations. The adjutant general shall cause an inventory to be taken at least once each year of all military stores, property, and funds under the adjutant general's jurisdiction. In each year preceding a regular session of the general assembly, the adjutant general shall prepare a detailed report of the transactions of that office, its expenses, and other matters required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

Sec. 13. Section 29A.56, Code 2013, is amended to read as follows:

29A.56 Special police.

The adjutant general may by order entered of record commission one or more of the employees of the ~~military division~~ department of public defense as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.

Sec. 14. Section 29C.1, subsection 1, Code 2013, is amended to read as follows:

1. To establish a department of homeland security and emergency management ~~division of the department of public defense~~ and to authorize the establishment of local organizations for emergency management in the political subdivisions of the state.

Sec. 15. Section 29C.2, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "*Department*" means the department of homeland security and emergency management.

NEW SUBSECTION. 1B. "*Director*" means the director of the department of homeland security and emergency management.

Sec. 16. Section 29C.5, Code 2013, is amended to read as follows:

29C.5 Homeland Department of homeland security and emergency management ~~division~~.

A The department of homeland security and emergency management ~~division~~ is created ~~within the department of public defense~~. The department of homeland security and emergency management ~~division~~ shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with, support of, funding for, and tasking of the civil air patrol for missions not qualifying for federal mission status as described in section 29A.3A in accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities. The Iowa emergency response commission established by section 30.2 is attached to the department of homeland security and emergency management for organizational purposes.

Sec. 17. Section 29C.8, Code 2013, is amended to read as follows:

29C.8 Powers and duties of ~~administrator~~ director.

1. The department of homeland security and emergency management ~~division~~ shall be under the management of ~~an administrator~~ a director appointed by the governor.

2. The administrator ~~director~~ shall be vested with the authority to administer emergency management and homeland security affairs in this state and shall be responsible for preparing and executing the emergency management and homeland security programs of this state subject to the direction of the adjutant general ~~governor~~.

3. The ~~administrator~~ director, upon the direction of the governor and ~~supervisory control of the director of the department of public defense~~, shall:

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~~. The director shall also 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 ~~director~~ to the fullest possible extent.

b. Make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the vulnerabilities of critical state infrastructure and assets to attack and the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof.

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

d. Implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

e. Prepare a critical asset protection plan that contains an inventory of infrastructure, facilities, systems, other critical assets, and symbolic landmarks; an assessment of the criticality, vulnerability, and level of threat to the assets; and information pertaining to the mobilization, deployment, and tactical operations involved in responding to or protecting the assets.

f. Approve and support the development and ongoing operations of homeland security and emergency response teams to be deployed as a resource to supplement and enhance disrupted or overburdened local emergency and disaster operations and deployed as available to provide assistance to other states pursuant to the interstate emergency management assistance compact described in section 29C.21. The following shall apply to homeland security and emergency response teams:

(1) A member of a homeland security and emergency response team acting under this section upon the directive of the ~~administrator~~ director or pursuant to a governor's disaster proclamation as provided in section 29C.6 shall be considered an employee of the state for purposes of section 29C.21 and chapter 669 and shall be afforded protection as an employee of the state under section 669.21. Disability, workers' compensation, and death benefits for team members working under the authority of the ~~administrator~~ director or pursuant to the provisions of section 29C.6 shall be paid by the state in a manner consistent with the provisions of chapter 85, 410, or 411 as appropriate, depending on the status of the member, provided that the member is registered with the ~~homeland security and emergency management division~~ department as a member of an approved team and is participating as a team member in a response or recovery operation initiated by the ~~administrator~~ director or governor pursuant to this section or in a training or exercise activity approved by the ~~administrator~~ director.

(2) Each approved homeland security and emergency management response team shall establish standards for team membership, shall provide the ~~division~~ department with a listing of all team members, and shall update the list each time a member is removed from or added to the team. Individuals so identified as team members shall be considered to be registered as team members for purposes of subparagraph (1).

(3) Upon notification of a compensable loss to a member of a homeland security and emergency management response team, the department of administrative services shall process the claim and seek authorization from the executive council to pay as an expense paid from the appropriations addressed in section 7D.29 those costs associated with covered benefits.

g. Implement and support the national incident management system as established by the United States department of homeland security to be used by state agencies and local and tribal governments to facilitate efficient and effective assistance to those affected by emergencies and disasters.

h. Carry out duties related to the flood mitigation program and the flood mitigation board under chapter 418.

4. The ~~administrator~~ director, with the approval of the governor ~~and upon recommendation of the adjutant general~~, may employ a deputy ~~administrator~~ director and such technical, clerical, stenographic, and other personnel and make such expenditures within the appropriation or from other funds made available to the department of ~~public defense for purposes of emergency management~~, as may be necessary to administer this chapter.

5. The ~~homeland security and emergency management division~~ department may charge fees for the repair, calibration, or maintenance of radiological detection equipment and may expend funds in addition to funds budgeted for the servicing of the radiological detection equipment. The ~~division~~ department shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as repayment receipts as defined in section 8.2 and shall be used for the operation of the ~~division's~~ department's radiological maintenance facility or radiation incident response training.

Sec. 18. Section 29C.8A, subsection 2, Code 2013, is amended to read as follows:

2. The emergency response fund shall be administered by the ~~homeland security and emergency management division~~ department to carry out planning and training for the emergency response teams.

Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code 2013, are amended to read as follows:

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

5. The commission shall model its bylaws and conduct its business according to the guidelines provided in the ~~state division's department's~~ administrative rules.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the ~~division's department's~~ administrative rules. Each commission shall appoint a 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~~ director. 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 commission's jurisdiction, a comprehensive emergency plan which meets standards adopted by the ~~division department~~ in accordance with chapter 17A. If an approved comprehensive emergency plan has not been prepared according to established standards and the ~~administrator of the homeland security and emergency management division~~ director finds that satisfactory progress is not being made toward the completion of the plan, or if the ~~administrator~~ director finds that a commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the ~~administrator~~ director 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 comprehensive emergency plan is prepared and approved or a qualified emergency management coordinator is appointed. If the ~~administrator~~ director finds that a commission has appointed an unqualified emergency management coordinator, the ~~administrator~~ director shall notify the commission citing the qualifications which are not met and the commission shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

10. Two or more commissions may, upon review by the ~~state administrator~~ director and with the approval of their respective boards of supervisors and cities, enter into agreements pursuant to chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

Sec. 20. Section 29C.11, subsection 1, Code 2013, is amended to read as follows:

1. The local emergency management 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~~ department 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.

Sec. 21. Section 29C.12, Code 2013, is amended to read as follows:

29C.12 Use of existing facilities.

In carrying out the provisions of this chapter, the governor, ~~and the director of the department of public defense~~, and the executive officers or governing boards of political subdivisions of the state shall utilize, to the maximum extent practicable, the services, equipment, supplies, and facilities of existing departments, officers, and agencies of the state and of political subdivisions at their respective levels of responsibility.

Sec. 22. Section 29C.12A, Code 2013, is amended to read as follows:

29C.12A Participation in funding disaster recovery facility.

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the ~~STARC joint forces headquarters armory~~ at Camp Dodge. State departments and agencies may use funds from any source, including but not limited to user fees and appropriations for operational or capital purposes, to participate in the facility.

Sec. 23. Section 29C.14, Code 2013, is amended to read as follows:

29C.14 Director of the department of administrative services to issue warrants.

The director of the department of administrative services shall draw warrants on the treasurer of state for the purposes specified in this chapter, upon duly itemized and verified vouchers that have been approved by the ~~administrator~~ director of the department of homeland security and emergency management division.

Sec. 24. Section 29C.18, subsection 1, Code 2013, is amended to read as follows:

1. Every organization for homeland security and emergency management established pursuant to this chapter and its officers shall execute and enforce the orders or rules made by the governor, or under the governor's authority and the orders or rules made by subordinate organizations and not contrary or inconsistent with the orders or rules of the governor.

Sec. 25. Section 29C.20B, Code 2013, is amended to read as follows:

29C.20B Disaster case management.

1. The department of homeland security and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response 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 homeland security and emergency management division shall coordinate case management services locally through local committees as established in each commission's emergency plan.

2. The department of homeland security and emergency management division, in conjunction with the department of human services and an Iowa representative to the national voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation

of a statewide system of disaster case management which shall include at least all of the following:

- a. Disaster case management standards.
- b. Disaster case management policies.
- c. Reporting requirements.
- d. Eligibility criteria.
- e. Coordination mechanisms necessary to carry out the services provided.
- f. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case management services.
- g. Coordination of all available services for individuals from multiple agencies.

Sec. 26. Section 29C.22, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. The authorized representative of a participating government may initiate a request by contacting the department of homeland security and emergency management ~~division of the state department of public defense~~. When a request is received by the division department, the division department shall directly contact other participating governments to coordinate the provision of mutual aid.

Sec. 27. Section 29C.22, subsection 11, paragraphs b and c, Code 2013, are amended to read as follows:

b. Any participating government may withdraw from this compact by adopting an ordinance or resolution repealing the same, but a withdrawal shall not take effect until thirty days after the governing body of the withdrawing participating government has given notice in writing of the withdrawal to the administrator director of the department of homeland security and emergency management ~~division~~ who shall notify all other participating governments. The action shall not relieve the withdrawing political subdivision from obligations assumed under this compact prior to the effective date of withdrawal.

c. Duly authenticated copies of this compact and any supplementary agreements as may be entered into shall be deposited, at the time of their approval, with the administrator director of the department of homeland security and emergency management ~~division~~ who shall notify all participating governments and other appropriate agencies of state government.

Sec. 28. Section 30.2, subsections 1 and 2, Code 2013, are amended to read as follows:

1. The Iowa emergency response commission is established. The commission is responsible directly to the governor. The commission is attached to the department of public defense homeland security and emergency management for routine administrative and support services only.

2. a. The commission is composed of ~~fifteen~~ sixteen members appointed by the governor. One member shall be appointed to represent the department of homeland security and emergency management, one to represent the department of agriculture and land stewardship, one to represent the department of workforce development, one to represent the department of justice, one to represent the department of natural resources, one to represent the department of public defense, one to represent the Iowa department of public health, one to represent the department of public safety, one to represent the state department of transportation, one to represent the state fire service and emergency response council, one to represent a local emergency planning committee, one to represent the Iowa hazardous materials task force, and one to represent the office of the governor. Three representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

b. The commission members representing the departments of homeland security and emergency management, 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. 29. Section 30.5, subsection 2, Code 2013, is amended to read as follows:

2. The commission may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the commission by the Emergency Planning and Community Right-to-know Act, but the commission shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the commission under sections 30.7, 30.8, and 30.9 shall be included in the budgets of the department of natural resources and the department of public defense homeland security and emergency management.

Sec. 30. Section 30.9, Code 2013, is amended to read as follows:

30.9 Duties to be allocated to department of public defense homeland security and emergency management.

Agreements negotiated by the commission and the department of public defense homeland security and emergency management shall provide for the allocation of duties to the department of public defense homeland security and emergency management as follows:

1. Comprehensive emergency plans required to be developed under section 303 of the Emergency Planning and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall be submitted to the department of public defense homeland security and emergency management. 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 homeland security and emergency management 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 homeland security and emergency management shall advise the commission of the failure of any committee to submit an initial comprehensive emergency response and recovery plan or a revised plan requested by the commission.

3. The department of public defense homeland security and emergency management shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11044.

Sec. 31. Section 34A.2, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 32. Section 34A.2, Code 2013, is amended by adding the following new subsection: NEW SUBSECTION. 5A. "Director" means the director of the department of homeland security and emergency management.

Sec. 33. Section 34A.2A, Code 2013, is amended to read as follows:

34A.2A Program manager — appointment — duties.

1. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ shall appoint an E911 program manager to administer this chapter.

2. The E911 program manager shall act under the supervisory control of the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~, and in consultation with the E911 communications council, and shall perform the duties specifically set forth in this chapter and as assigned by the ~~administrator~~ director.

Sec. 34. Section 34A.6, subsection 3, Code 2013, is amended to read as follows:

3. The secretary of state, in consultation with the ~~administrator~~ director, shall adopt rules for the conduct of joint E911 service referendums as required by and consistent with subsections 1 and 2.

Sec. 35. Section 34A.7A, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Notwithstanding section 34A.6, the ~~administrator~~ director shall adopt by rule a monthly surcharge of up to sixty-five cents to be imposed on each communications service

number provided in this state. The surcharge shall be imposed uniformly on a statewide basis and simultaneously on all communications service numbers as provided by rule of the ~~administrator~~ director. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

Sec. 36. Section 34A.7A, subsection 2, paragraphs a and f, Code 2013, are amended to read as follows:

a. An amount as appropriated by the general assembly to the ~~administrator~~ director shall be allocated to the ~~administrator~~ director and program manager for implementation, support, and maintenance of the functions of the ~~administrator~~ director and program manager and to employ the auditor of state to perform an annual audit of the E911 emergency communications fund.

f. The ~~administrator~~ director, in consultation with the program manager and the E911 communications council, shall adopt rules pursuant to chapter 17A governing the distribution of the surcharge collected and distributed pursuant to this subsection. The rules shall include provisions that all joint E911 service boards and the department of public safety which answer or service wireless E911 calls are eligible to receive an equitable portion of the receipts.

Sec. 37. Section 34A.15, subsection 3, Code 2013, is amended to read as follows:

3. The council shall advise and make recommendations to the ~~administrator~~ director and program manager regarding the implementation of this chapter. Such advice and recommendations shall be provided on issues at the request of the ~~administrator~~ director or program manager or as deemed necessary by the council.

Sec. 38. Section 34A.20, subsection 2, Code 2013, is amended to read as follows:

2. The authority shall cooperate with the ~~administrator~~ director in the creation, administration, and funding of the E911 program established in subchapter I.

Sec. 39. Section 35A.5, subsection 16, Code 2013, is amended to read as follows:

16. In coordination with the ~~military division~~ of the department of public defense, advise service members prior to, and after returning from, deployment on active duty service outside the United States of issues related to the filing of tax returns and the payment of taxes due and encourage a service member who has not filed a return or who owes taxes to contact the department of revenue prior to deployment.

Sec. 40. Section 68B.2, subsection 23, Code 2013, is amended to read as follows:

23. "Regulatory agency" means the department of agriculture and land stewardship, department of workforce development, department of commerce, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue, department of inspections and appeals, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, and department of natural resources.

Sec. 41. Section 80.28, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) One member representing the department of homeland security and emergency management ~~division~~.

Sec. 42. Section 80B.11C, Code 2013, is amended to read as follows:

80B.11C Telecommunicator training standards.

The director of the academy, subject to the approval of the council, in consultation with the Iowa state sheriffs' and deputies' association, the Iowa police executive forum, the Iowa peace officers association, the Iowa state police association, the Iowa professional fire fighters, the Iowa emergency medical services association, the joint council of Iowa fire service organizations, the Iowa department of public safety, the Iowa chapter of the

association of public-safety communications officials—international, inc., the Iowa chapter of the national emergency number association, the department of homeland security and emergency management division of the Iowa department of public defense, and the Iowa department of public health, shall adopt rules pursuant to chapter 17A establishing minimum standards for training of telecommunicators. For purposes of this section, “telecommunicator” means a person who receives requests for, or dispatches requests to, emergency response agencies which include, but are not limited to, law enforcement, fire, rescue, and emergency medical services agencies.

Sec. 43. Section 97B.49B, subsection 1, paragraph e, subparagraph (8), Code 2013, is amended to read as follows:

(8) An airport fire fighter employed by the ~~military division of the~~ department of public defense.

Sec. 44. Section 100B.22, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Regional emergency response training centers shall be established to provide training to fire fighters and other emergency responders. The lead public agency for the training centers shall be the following community colleges for the following merged areas:

(1) Northeast Iowa community college for merged area I in partnership with the Dubuque county firemen’s association and to provide advanced training in agricultural emergency response as such advanced training is funded by the department of homeland security and emergency management division of the department of public defense.

(2) North Iowa area community college for merged area II in partnership with the Mason City fire department.

(3) Iowa lakes community college for merged area III and northwest Iowa community college for merged area IV.

(4) Iowa central community college for merged area V and to provide advanced training in homeland security as such advanced training is funded by the department of homeland security and emergency management division of the department of public defense.

(5) Hawkeye community college for merged area VII in partnership with the Waterloo regional hazardous materials training center and to provide advanced training in hazardous materials emergency response as such advanced training is funded by the department of homeland security and emergency management division of the department of public defense.

(6) Eastern Iowa community college for merged area IX in partnership with the city of Davenport fire department.

(7) Kirkwood community college for merged area X in partnership with the city of Coralville fire department and the Iowa City fire department and to provide advanced training in agricultural terrorism response and mass casualty and fatality response as such advanced training is funded by the department of homeland security and emergency management division of the department of public defense.

(8) Des Moines area community college for merged area XI and Iowa valley community college for merged area VI and to provide advanced training in operations integration in compliance with the national incident management system as such advanced training is funded by the department of homeland security and emergency management division of the department of public defense.

(9) Western Iowa technical community college for merged area XII in partnership with the Sioux City fire department and to provide advanced training in emergency responder communications as such advanced training is funded by the department of homeland security and emergency management division of the department of public defense.

(10) Iowa western community college for merged areas XIII and XIV in partnership with southwestern community college and the Council Bluffs fire department.

(11) Southeastern Iowa community college for merged areas XV and XVI in partnership with Indian hills community college and the city of Fort Madison fire department.

Sec. 45. Section 135.141, subsection 2, paragraphs a and j, Code 2013, are amended to read as follows:

a. Coordinate with the department of homeland security and emergency management division of the department of public defense the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive emergency plan and emergency management program pursuant to section 29C.8.

j. Adopt rules pursuant to chapter 17A for the administration of this division of this chapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the state board of health and the administrator director of the department of homeland security and emergency management division of the department of public defense.

Sec. 46. Section 135.145, subsections 1 and 2, Code 2013, are amended to read as follows:

1. When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify the department, the administrator director of the department of homeland security and emergency management division of the department of public defense, the department of agriculture and land stewardship, and the department of natural resources as appropriate.

2. When the department learns of a case of a disease or health condition, an unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department shall immediately notify the department of public safety, the department of homeland security and emergency management division of the department of public defense, and other appropriate federal, state, and local agencies and officials.

Sec. 47. Section 163.3A, subsection 2, Code 2013, is amended to read as follows:

2. The services shall be performed under the direction of the department and may be part of measures authorized by the governor under a declaration or proclamation issued pursuant to chapter 29C. In such case, the department shall cooperate with the Iowa department of public health under chapter 135, and the department of ~~public defense~~, homeland security and emergency management ~~division~~, and local emergency management agencies as provided in chapter 29C.

Sec. 48. Section 163.51, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. If the department confirms an outbreak of foot and mouth disease in this state, the department shall cooperate with the governor; federal agencies, including the United States department of agriculture; and state agencies, including the department of homeland security and emergency management division of the department of public defense, in order to provide the public with timely and accurate information regarding the outbreak. The department shall cooperate with organizations representing agricultural producers in order to provide all necessary information to agricultural producers required to control the outbreak.

Sec. 49. Section 305.8, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. In consultation with the department of homeland security and emergency management division of the department of public defense, establish policies, standards, and guidelines for the identification, protection, and preservation of records essential for the continuity or reestablishment of governmental functions in the event of an emergency arising from a natural or other disaster.

Sec. 50. Section 418.1, subsection 3, Code 2013, is amended to read as follows:

3. "~~Division~~" "Department" means the department of homeland security and emergency management division of the department of public defense.

Sec. 51. Section 418.5, subsection 1, Code 2013, is amended to read as follows:

1. The flood mitigation board is established consisting of nine voting members and four ex officio, nonvoting members, and is located for administrative purposes within the division.² The administrator director of the division department shall provide office space, staff assistance, and necessary supplies and equipment for the board. The administrator director shall budget funds to pay the necessary expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

Sec. 52. Section 418.5, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The administrator director of the division department or the administrator's director's designee.

Sec. 53. Section 418.7, Code 2013, is amended to read as follows:

418.7 Division Department duties.

The division department, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the flood mitigation program. The division department shall provide the board with assistance in implementing administrative functions and providing technical assistance and application assistance to applicants under the program.

Sec. 54. Section 418.8, subsection 1, Code 2013, is amended to read as follows:

1. The board shall establish and the division department, subject to direction and approval by the board, shall administer a flood mitigation program to assist governmental entities in undertaking projects approved under this chapter. The flood mitigation program shall include projects approved by the board to utilize either financial assistance from the flood mitigation fund created under section 418.10 or sales tax revenues remitted to the governmental entity under section 418.12. A governmental entity shall not be approved by the board to utilize both financial assistance from the flood mitigation fund and sales tax revenues remitted to the governmental entity.

Sec. 55. Section 418.9, subsections 4 and 7, Code 2013, are amended to read as follows:

4. Upon review of the applications, the board, following consultation with the economic development authority, shall approve, defer, or deny the applications. If a project plan is denied, the board shall state the reasons for the denial and the governmental entity may resubmit the application so long as the application is filed on or before January 1, 2016. If a project plan application is approved, the board shall specify whether the governmental entity is approved for the use of sales tax revenues under section 418.12 or whether the governmental entity is approved to receive financial assistance from the flood mitigation fund under section 418.10. If the board approves a project plan application that includes financial assistance from the flood mitigation fund, the board shall negotiate and execute on behalf of the division department all necessary agreements to provide such financial assistance. If the board approves a project plan application that includes the use of sales tax increment revenues, the board shall establish the annual maximum amount of such revenues that may be remitted to the governmental entity not to exceed the limitations in section 418.12, subsection 4. The board may, however, establish remittance limitations for the project lower than the individual project remittance limitations specified for projects under section 418.12, subsection 4.

7. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the division department any time moneys are disbursed to a recipient of financial assistance under the program.

² See chapter 140, §65 herein

Sec. 56. Section 455B.266, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. Determination by the department in conjunction with the department of homeland security and emergency management ~~division of the department of public defense~~ of a local crisis which affects availability of water.

Sec. 57. Section 455B.385, Code 2013, is amended to read as follows:

455B.385 State hazardous condition contingency plan.

All public agencies, as defined in chapter 28E, shall cooperate in the development and implementation of a state hazardous condition contingency plan. The plan shall detail the manner in which public agencies shall participate in the response to a hazardous condition. The director may enter into agreements, with approval of the commission, with any state agency or unit of local government or with the federal government, as necessary to develop and implement the plan. The plan shall be coordinated with the department of homeland security and emergency management ~~division of the department of public defense~~ and any joint emergency management agencies established pursuant to chapter 29C.

Sec. 58. Section 466B.3, subsection 4, paragraph d, Code 2013, is amended to read as follows:

d. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ or the ~~administrator's~~ director's designee.

Sec. 59. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013, are repealed.

Sec. 60. TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the division of homeland security and emergency management of the department of public defense shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of homeland security and emergency management as established in this Act.

2. All employees of the division of homeland security and emergency management of the department of public defense shall be considered employees of the department of homeland security and emergency management upon the elimination of the former and creation of the latter as provided in this Act.

Approved April 5, 2013