

House Study Bill 40 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

A BILL FOR

1 An Act establishing the department of homeland security and
2 emergency management.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 7E.5, subsection 1, paragraph p, Code
2 2013, is amended to read as follows:

3 *p.* The department of public defense, created in section
4 29.1, which has primary responsibility for state military
5 forces ~~and emergency management~~.

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

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

16 Sec. 3. Section 8A.202, subsection 5, paragraph e, Code
17 2013, is amended to read as follows:

18 *e.* (1) ~~The department of public defense, including both~~
19 ~~the military division and the homeland security and emergency~~
20 ~~management division,~~ shall not be required to obtain any
21 information technology services pursuant to this subchapter
22 for the department of public defense ~~or its divisions~~ that is
23 provided by the department pursuant to this chapter without the
24 consent of the adjutant general.

25 (2) The department of homeland security and emergency
26 management shall not be required to obtain any information
27 technology services pursuant to this subchapter for the
28 department of homeland security and emergency management that
29 is provided by the department pursuant to this chapter without
30 the consent of the director of the department of homeland
31 security and emergency management.

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

34 *b.* For the purposes of this chapter, "*public agency*" also
35 includes any homeland security or defense facility or disaster

1 response agency established by the ~~administrator~~ director of
2 the department of homeland security and emergency management
3 ~~division of the department of public defense~~ or the governor
4 or any facility connected with a security or defense system or
5 disaster response as required by the ~~administrator~~ director of
6 the department of homeland security and emergency management
7 ~~division of the department of public defense~~ or the governor.

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

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

33 Sec. 6. Section 16.191, subsection 2, paragraph e, Code
34 2013, is amended to read as follows:

35 e. The ~~administrator~~ director of the department of homeland

1 security and emergency management ~~division of the department of~~
2 ~~public defense~~ or the ~~administrator's~~ director's designee.

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

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

32 Sec. 8. Section 23A.2, subsection 10, paragraph m, Code
33 2013, is amended to read as follows:

34 *m.* The repair, calibration, or maintenance of radiological
35 detection equipment by the department of homeland security

1 and emergency management ~~division of the department of public~~
2 ~~defense.~~

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

5 **29.1 Department of public defense.**

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

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

19 **29.2A Airport fire fighters — maximum age.**

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

23 Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code
24 2013, is amended to read as follows:

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

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

32 1. The adjutant general shall have command and control of
33 the ~~military division~~ department of public defense, and perform
34 such duties as pertain to the office of the adjutant general
35 under law and regulations, pursuant to the authority vested in

1 the adjutant general by the governor. The adjutant general
2 shall superintend the preparation of all letters and reports
3 required by the United States from the state, and perform all
4 the duties prescribed by law. The adjutant general shall
5 have charge of the state military reservations, and all other
6 property of the state kept or used for military purposes. The
7 adjutant general may accept and expend nonappropriated funds
8 in accordance with law and regulations. The adjutant general
9 shall cause an inventory to be taken at least once each year
10 of all military stores, property, and funds under the adjutant
11 general's jurisdiction. In each year preceding a regular
12 session of the general assembly, the adjutant general shall
13 prepare a detailed report of the transactions of that office,
14 its expenses, and other matters required by the governor for
15 the period since the last preceding report, and the governor
16 may at any time require a similar report.

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

19 **29A.56 Special police.**

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

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

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

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

35 NEW SUBSECTION. 1A. "Department" means the department of

1 homeland security and emergency management.

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

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

6 **29C.5 ~~Homeland~~ Department of homeland security and emergency**
7 **management division.**

8 A The department of homeland security and emergency
9 management division is created ~~within the department of public~~
10 defense. The department of homeland security and emergency
11 management division shall be responsible for the administration
12 of emergency planning matters, including emergency resource
13 planning in this state, cooperation with, support of, funding
14 for, and tasking of the civil air patrol for missions not
15 qualifying for federal mission status as described in section
16 29A.3A in accordance with operational and funding criteria
17 developed with the adjutant general and coordinated with
18 the civil air patrol, homeland security activities, and
19 coordination of available services and resources in the event
20 of a disaster to include those services and resources of the
21 federal government and private entities. The Iowa emergency
22 response commission established by section 30.2 is attached to
23 the department of homeland security and emergency management
24 for organizational purposes.

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

27 **29C.8 Powers and duties of ~~administrator~~ director.**

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

31 2. The ~~administrator~~ director shall be vested with the
32 authority to administer emergency management and homeland
33 security affairs in this state and shall be responsible for
34 preparing and executing the emergency management and homeland
35 security programs of this state subject to the direction of the

1 ~~adjutant-general~~ governor. In the event of a disaster beyond
2 local control, the director may assume direct operational
3 control over all or any part of the emergency management
4 functions within this state.

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

8 a. Prepare a comprehensive emergency plan and emergency
9 management program for homeland security, disaster
10 preparedness, response, recovery, mitigation, emergency
11 operation, and emergency resource management of this state.
12 The plan and program shall be integrated into and coordinated
13 with the homeland security and emergency plans of the federal
14 government and of other states to the fullest possible extent
15 and. The director shall also coordinate the preparation of
16 plans and programs for emergency management of the political
17 subdivisions and various state departments of this state.
18 The plans shall be integrated into and coordinated with a
19 comprehensive state homeland security and emergency program for
20 this state as coordinated by the ~~administrator of the homeland~~
21 ~~security and emergency management division~~ director to the
22 fullest possible extent.

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

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

33 d. Implement planning and training for emergency response
34 teams as mandated by the federal government under the
35 Comprehensive Environmental Response, Compensation, and

1 Liability Act of 1980 as amended by the Superfund Amendments
2 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

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

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

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

1 ~~administrator~~ director.

2 (2) Each approved homeland security and emergency
3 management response team shall establish standards for
4 team membership, shall provide the ~~division~~ department with
5 a listing of all team members, and shall update the list
6 each time a member is removed from or added to the team.
7 Individuals so identified as team members shall be considered
8 to be registered as team members for purposes of subparagraph
9 (1).

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

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

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

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

31 5. The ~~homeland security and emergency management division~~
32 department may charge fees for the repair, calibration, or
33 maintenance of radiological detection equipment and may expend
34 funds in addition to funds budgeted for the servicing of the
35 radiological detection equipment. The ~~division~~ department

1 shall adopt rules pursuant to chapter 17A providing for the
2 establishment and collection of fees for radiological detection
3 equipment repair, calibration, or maintenance services and
4 for entering into agreements with other public and private
5 entities to provide the services. Fees collected for repair,
6 calibration, or maintenance services shall be treated as
7 repayment receipts as defined in section 8.2 and shall be used
8 for the operation of the ~~division's~~ department's radiological
9 maintenance facility or radiation incident response training.

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

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

16 Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code
17 2013, are amended to read as follows:

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

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

26 7. The ~~commission~~ shall delegate to the emergency
27 management coordinator the authority to fulfill the
28 commission duties as described in the ~~division's~~ department's
29 administrative rules. Each commission shall appoint a
30 local emergency management coordinator who shall meet the
31 qualifications specified in the administrative rules by the
32 ~~administrator of the homeland security and emergency management~~
33 ~~division~~ director. Additional emergency management personnel
34 may be appointed at the discretion of the commission.

35 8. The commission shall develop, adopt, and submit

1 for approval by local governments within the commission's
2 jurisdiction, a comprehensive emergency plan which meets
3 standards adopted by the ~~division~~ department in accordance with
4 chapter 17A. If an approved comprehensive emergency plan has
5 not been prepared according to established standards and the
6 ~~administrator of the homeland security and emergency management~~
7 ~~division~~ director finds that satisfactory progress is not being
8 made toward the completion of the plan, or if the ~~administrator~~
9 director finds that a commission has failed to appoint a
10 qualified emergency management coordinator as provided in this
11 chapter, the ~~administrator~~ director shall notify the governing
12 bodies of the counties and cities affected by the failure
13 and the governing bodies shall not appropriate any moneys to
14 the local emergency management fund until the comprehensive
15 emergency plan is prepared and approved or a qualified
16 emergency management coordinator is appointed. If the
17 ~~administrator~~ director finds that a commission has appointed an
18 unqualified emergency management coordinator, the ~~administrator~~
19 director shall notify the commission citing the qualifications
20 which are not met and the commission shall not approve the
21 payment of the salary or expenses of the unqualified emergency
22 management coordinator.

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

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

31 1. The local emergency management commission shall, in
32 collaboration with other public and private agencies within
33 this state, develop mutual aid arrangements for reciprocal
34 disaster services and recovery aid and assistance in case
35 of disaster too great to be dealt with unassisted. The

1 arrangements shall be consistent with the ~~homeland security and~~
2 ~~emergency management division~~ department plan and program, and
3 in time of emergency each local emergency management agency
4 shall render assistance in accordance with the provisions of
5 the mutual aid arrangements.

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

8 **29C.12 Use of existing facilities.**

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

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

19 **29C.12A Participation in funding disaster recovery facility.**

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

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

30 **29C.14 Director of the department of administrative services**
31 **to issue warrants.**

32 The director of the department of administrative services
33 shall draw warrants on the treasurer of state for the purposes
34 specified in this chapter, upon duly itemized and verified
35 vouchers that have been approved by the ~~administrator~~ director

1 of the department of homeland security and emergency management
2 ~~division~~.

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

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

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

13 **29C.20B Disaster case management.**

14 1. The department of homeland security and emergency
15 management ~~division~~ shall work with the department of
16 human services and nonprofit, voluntary, and faith-based
17 organizations active in disaster recovery and response to
18 establish a statewide system of disaster case management
19 to be activated following the governor's proclamation of a
20 disaster emergency or the declaration of a major disaster by
21 the president of the United States for individual assistance
22 purposes. Under the system, the department of homeland
23 security and emergency management ~~division~~ shall coordinate
24 case management services locally through local committees as
25 established in each commission's emergency plan.

26 2. The department of homeland security and emergency
27 management ~~division~~, in conjunction with the department of
28 human services and an Iowa representative to the national
29 voluntary organizations active in disaster, shall adopt rules
30 pursuant to chapter 17A to create coordination mechanisms
31 and standards for the establishment and implementation of
32 a statewide system of disaster case management which shall
33 include at least all of the following:

34 a. Disaster case management standards.

35 b. Disaster case management policies.

1 c. Reporting requirements.

2 d. Eligibility criteria.

3 e. Coordination mechanisms necessary to carry out the
4 services provided.

5 f. Development of formal working relationships with
6 agencies and creation of interagency agreements for those
7 considered to provide disaster case management services.

8 g. Coordination of all available services for individuals
9 from multiple agencies.

10 Sec. 26. Section 29C.22, subsection 3, paragraph c, Code
11 2013, is amended to read as follows:

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

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

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

31 c. Duly authenticated copies of this compact and any
32 supplementary agreements as may be entered into shall
33 be deposited, at the time of their approval, with the
34 ~~administrator~~ director of the department of homeland security
35 and emergency management ~~division~~ who shall notify all

1 participating governments and other appropriate agencies of
2 state government.

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

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

10 2. *a.* The commission is composed of ~~fifteen~~ sixteen members
11 appointed by the governor. One member shall be appointed to
12 represent the department of homeland security and emergency
13 management, one to represent the department of agriculture and
14 land stewardship, one to represent the department of workforce
15 development, one to represent the department of justice, one to
16 represent the department of natural resources, one to represent
17 the department of public defense, one to represent the Iowa
18 department of public health, one to represent the department
19 of public safety, one to represent the state department of
20 transportation, one to represent the state fire service and
21 emergency response council, one to represent a local emergency
22 planning committee, one to represent the Iowa hazardous
23 materials task force, and one to represent the office of the
24 governor. Three representatives from private industry shall
25 also be appointed by the governor, subject to confirmation by
26 the senate.

27 *b.* The commission members representing the departments
28 of homeland security and emergency management, workforce
29 development, natural resources, public defense, public safety,
30 and transportation, a local emergency planning committee,
31 and one private industry representative designated by the
32 commission shall be voting members of the commission. The
33 remaining members of the commission shall serve as nonvoting,
34 advisory members.

35 Sec. 29. Section 30.5, subsection 2, Code 2013, is amended

1 to read as follows:

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

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

13 **30.9 Duties to be allocated to department of ~~public defense~~**
14 **homeland security and emergency management.**

15 Agreements negotiated by the commission and the department
16 of ~~public defense~~ homeland security and emergency management
17 shall provide for the allocation of duties to the department
18 of ~~public defense~~ homeland security and emergency management
19 as follows:

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

32 2. The department of ~~public defense~~ homeland security and
33 emergency management shall advise the commission of the failure
34 of any committee to submit an initial comprehensive emergency
35 response and recovery plan or a revised plan requested by the

1 commission.

2 3. The department of ~~public defense~~ homeland security and
3 emergency management shall make available to the public upon
4 request during normal working hours the information in its
5 possession pursuant to section 324 of the Emergency Planning
6 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.
7 § 11044.

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

10 Sec. 32. Section 34A.2, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. "*Director*" means the director of the
13 department of homeland security and emergency management.

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

16 **34A.2A Program manager — appointment — duties.**

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

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

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

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

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

1 *a.* Notwithstanding section 34A.6, the ~~administrator~~
2 director shall adopt by rule a monthly surcharge of up
3 to sixty-five cents to be imposed on each communications
4 service number provided in this state. The surcharge shall
5 be imposed uniformly on a statewide basis and simultaneously
6 on all communications service numbers as provided by rule
7 of the ~~administrator~~ director. The surcharge shall not be
8 imposed on wire-line-based communications or prepaid wireless
9 telecommunications service.

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

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

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

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

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

34 Sec. 38. Section 35A.5, subsection 16, Code 2013, is amended
35 to read as follows:

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

8 Sec. 39. Section 80.28, subsection 2, paragraph a,
9 subparagraph (3), Code 2013, is amended to read as follows:

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

12 Sec. 40. Section 80B.11C, Code 2013, is amended to read as
13 follows:

14 **80B.11C Telecommunicator training standards.**

15 The director of the academy, subject to the approval of
16 the council, in consultation with the Iowa state sheriffs'
17 and deputies' association, the Iowa police executive forum,
18 the Iowa peace officers association, the Iowa state police
19 association, the Iowa professional fire fighters, the Iowa
20 emergency medical services association, the joint council of
21 Iowa fire service organizations, the Iowa department of public
22 safety, the Iowa chapter of the association of public-safety
23 communications officials—international, inc., the Iowa chapter
24 of the national emergency number association, the department of
25 homeland security and emergency management ~~division of the Iowa~~
26 ~~department of public defense~~, and the Iowa department of public
27 health, shall adopt rules pursuant to chapter 17A establishing
28 minimum standards for training of telecommunicators. For
29 purposes of this section, "telecommunicator" means a person who
30 receives requests for, or dispatches requests to, emergency
31 response agencies which include, but are not limited to, law
32 enforcement, fire, rescue, and emergency medical services
33 agencies.

34 Sec. 41. Section 97B.49B, subsection 1, paragraph e,
35 subparagraph (8), Code 2013, is amended to read as follows:

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

3 Sec. 42. Section 100B.22, subsection 1, paragraph a, Code
4 2013, is amended to read as follows:

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

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

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

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

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

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

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

33 (7) Kirkwood community college for merged area X in
34 partnership with the city of Coralville fire department and the
35 Iowa City fire department and to provide advanced training in

1 agricultural terrorism response and mass casualty and fatality
2 response as such advanced training is funded by the department
3 of homeland security and emergency management ~~division of the~~
4 ~~department of public defense.~~

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

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

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

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

24 Sec. 43. Section 135.141, subsection 2, paragraphs a and j,
25 Code 2013, are amended to read as follows:

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

33 j. Adopt rules pursuant to chapter 17A for the
34 administration of this division of this chapter including rules
35 adopted in cooperation with the Iowa pharmacy association

1 and the Iowa hospital association for the development of a
2 surveillance system to monitor supplies of drugs, antidotes,
3 and vaccines to assist in detecting a potential public health
4 disaster. Prior to adoption, the rules shall be approved by
5 the state board of health and the ~~administrator~~ director of
6 the department of homeland security and emergency management
7 ~~division of the department of public defense.~~

8 Sec. 44. Section 135.145, subsections 1 and 2, Code 2013,
9 are amended to read as follows:

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

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

28 Sec. 45. Section 163.3A, subsection 2, Code 2013, is amended
29 to read as follows:

30 2. The services shall be performed under the direction of
31 the department and may be part of measures authorized by the
32 governor under a declaration or proclamation issued pursuant to
33 chapter 29C. In such case, the department shall cooperate with
34 the Iowa department of public health under chapter 135, and the
35 department of ~~public defense~~, homeland security and emergency

1 management ~~division~~, and local emergency management agencies as
2 provided in chapter 29C.

3 Sec. 46. Section 163.51, subsection 2, paragraph b, Code
4 2013, is amended to read as follows:

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

16 Sec. 47. Section 305.8, subsection 1, paragraph b, Code
17 2013, is amended to read as follows:

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

25 Sec. 48. Section 418.1, subsection 3, Code 2013, is amended
26 to read as follows:

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

30 Sec. 49. Section 418.5, subsection 1, Code 2013, is amended
31 to read as follows:

32 1. The flood mitigation board is established consisting of
33 nine voting members and four ex officio, nonvoting members, and
34 is located for administrative purposes within the division.
35 The ~~administrator~~ director of the ~~division~~ department shall

1 provide office space, staff assistance, and necessary supplies
2 and equipment for the board. The ~~administrator~~ director shall
3 budget funds to pay the necessary expenses of the board. In
4 performing its functions, the board is performing a public
5 function on behalf of the state and is a public instrumentality
6 of the state.

7 Sec. 50. Section 418.5, subsection 2, paragraph e, Code
8 2013, is amended to read as follows:

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

11 Sec. 51. Section 418.7, Code 2013, is amended to read as
12 follows:

13 **418.7 Division Department duties.**

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

21 Sec. 52. Section 418.8, subsection 1, Code 2013, is amended
22 to read as follows:

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

35 Sec. 53. Section 418.9, subsections 4 and 7, Code 2013, are

1 amended to read as follows:

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

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

33 Sec. 54. Section 455B.266, subsection 1, paragraph d, Code
34 2013, is amended to read as follows:

35 d. Determination by the department in conjunction with

1 the department of homeland security and emergency management
2 ~~division of the department of public defense~~ of a local crisis
3 which affects availability of water.

4 Sec. 55. Section 455B.385, Code 2013, is amended to read as
5 follows:

6 **455B.385 State hazardous condition contingency plan.**

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

19 Sec. 56. Section 466B.3, subsection 4, paragraph d, Code
20 2013, is amended to read as follows:

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

24 Sec. 57. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013,
25 are repealed.

26 Sec. 58. TRANSITION PROVISIONS.

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

34 2. All employees of the division of homeland security and
35 emergency management of the department of public defense shall

1 be considered employees of the department of homeland security
2 and emergency management upon the elimination of the former and
3 creation of the latter as provided in this Act.

4

EXPLANATION

5 Currently, the department of public defense is composed
6 of the military division and the homeland security and
7 emergency management division. This bill transfers the
8 homeland security and emergency management division of the
9 department of public defense into a new department of homeland
10 security and emergency management. The bill retains within the
11 department of public defense responsibility over the office of
12 the adjutant general and the military forces of the state of
13 Iowa. The bill provides that the governor appoint the director
14 of the new department. Current duties and responsibilities
15 of the homeland security and emergency management division
16 are transferred to the new department of homeland security
17 and emergency management. In addition, the bill transfers
18 the attachment of the Iowa emergency response commission
19 for routine administrative support from the department of
20 public defense to the new department of homeland security and
21 emergency management.

22 The bill also includes transition provisions relative to
23 the establishment of the department of homeland security
24 and emergency management. The bill provides that any rule,
25 regulation, form, order, or directive promulgated by the
26 division of homeland security and emergency management of the
27 department of public defense shall continue unless modified or
28 otherwise changed by the new department. The bill provides
29 that employees of the division of homeland security and
30 emergency management of the department shall be considered
31 employees of the department of homeland security and emergency
32 management.