

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Homeland Security and Emergency Management Department hereby amends Chapter 12, “Homeland Security and Emergency Response Teams,” Iowa Administrative Code.

These amendments implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2210C** on October 28, 2015. A public hearing was held on November 17, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on December 2, 2015.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 29C.

These amendments will become effective January 27, 2016.

The following amendments are adopted.

ITEM 1. Amend rule 605—12.1(29C) as follows:

605—12.1(29C) Purpose. The duties of the ~~administrator~~ director of the homeland security and emergency management ~~division~~ department include the development and ongoing operation of homeland security and emergency response teams to be deployed by the state to supplement and enhance local resources during times of disaster and emergency. These rules are intended to specify how teams and team members will be designated, minimum standards that shall be maintained, and the use of the teams.

ITEM 2. Amend rule **605—12.2(29C)**, definitions of “Administrator” and “First responder advisory committee,” as follows:

“~~Administrator~~ Director” means the ~~administrator~~ director of the homeland security and emergency management ~~division of the~~ department of public defense.

“~~First responder advisory committee~~ Homeland security advisory committee” means the advisory committee created by the ~~administrator~~ director for the purpose of providing advice on public safety response issues within Iowa.

ITEM 3. Amend rules 605—12.3(29C) to 605—12.6(29C) as follows:

605—12.3(29C) Homeland security and emergency response teams.

12.3(1) The ~~administrator~~ director shall issue requests to create homeland security and emergency response teams based on identified needs, on recommendations from the ~~first responder~~ homeland security advisory committee, and at the request of the governor.

12.3(2) Each team shall be designated by the ~~administrator~~ director. To be eligible for designation, a team shall provide a written application to the ~~administrator~~ director that details the following information:

a. to *e.* No change.

f. An estimate of the time required to assemble the team members and assets and deploy upon the request of the ~~administrator~~ director or governor.

12.3(3) Upon receipt of the written application from the team, the ~~administrator~~ director shall review the application. The ~~administrator~~ director may seek additional information from the team. The team shall provide the requested information in a timely fashion.

12.3(4) Following approval of the application, the ~~administrator~~ director shall issue a letter formally designating the team as an “Iowa homeland security and emergency response team” in accordance with Iowa Code section 29C.8. The ~~administrator~~ director may enter into an agreement with the team in accordance with Iowa Code chapter 28E.

12.3(5) No change.

605—12.4(29C) Use of homeland security and emergency response teams.

12.4(1) A designated team shall be deployed as a state asset only by a directive from the ~~administrator~~ director or pursuant to a governor’s disaster proclamation, unless the sponsoring agency’s response team is needed to perform emergency services within its own jurisdiction.

12.4(2) No change.

605—12.5(29C) Homeland security and emergency response team compensation.

12.5(1) A homeland security and emergency response team shall be compensated for its expenses while it is deployed as a state asset in accordance with rule 605—12.4(29C), subject to availability of funds. The application for compensation shall be in a manner as specified by the ~~administrator~~ director. Compensation shall be made to the team or the team’s governing jurisdiction.

12.5(2) A member of a homeland security and emergency response team listed on the team roster filed pursuant to subrule 12.3(5), while acting under the directive of the ~~administrator~~ director or pursuant to a governor’s disaster proclamation, shall be considered an employee of the state under Iowa Code section 669.21. Disability, workers’ compensation, and death benefits for designated team members participating in a response or recovery operation initiated by the ~~administrator~~ director or governor pursuant to rule 605—12.4(29C) or participating in a training or exercise activity approved by the ~~administrator~~ director shall be paid by the state in a manner consistent with the provisions of Iowa Code chapter 85, 410, or 411 as appropriate. The department of administrative services shall process claims for compensable losses of deployed team members.

12.5(3) No change.

12.5(4) The ~~administrator~~ director shall request funds from the executive council to address any obligations under rule 605—12.5(29C).

605—12.6(29C) Alternate deployment of homeland security and emergency response teams.

12.6(1) At its discretion, a homeland security and emergency response team may deploy at the direct request of a political subdivision of the state without a directive from the ~~administrator~~ director or without a governor’s disaster proclamation.

12.6(2) No change.

12.6(3) If, during a team deployment, a governor’s disaster proclamation is issued, the ~~administrator~~ director shall specify the date and time when the team may be deployed under rules 605—12.4(29C) and 605—12.5(29C).

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/23/15.