

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]**

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 17A.3, the Department of Homeland Security and Emergency Management hereby gives Notice of Intended Action to amend Chapter 7, “Local Emergency Management,” Iowa Administrative Code.

This proposed amendment is intended to implement 2016 Iowa Acts, House File 2353, which amends Iowa Code section 29C.16 to allow emergency management employees to run for partisan elective office. The proposed amendment is also intended to align the administrative rule with 2016 Iowa Acts, House File 2353, and with the federal Hatch Act. The Hatch Act allows a governmental employee to run for partisan elective office as long as that employee’s salary is not 100 percent federally funded.

Consideration will be given to all written suggestions or comments on the proposed amendment received on or before October 4, 2016. Such written materials should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324; or sent by fax to (515)725-3260 or by e-mail to john.benson@iowa.gov.

Also, there will be a public hearing on October 4, 2016, at 11 a.m. in the Department of Homeland Security and Emergency Management’s Cyclones Conference Room at 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

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

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

This amendment is intended to implement Iowa Code section 29C.16 as amended by 2016 Iowa Acts, House File 2353.

The following amendment is proposed.

Amend subrule 7.4(2) as follows:

7.4(2) Political activity.

a. A member of a commission shall not be appointed as the local emergency management coordinator.

b. An individual serving in a full-time or part-time governmental position incompatible with the position of coordinator shall not be appointed as the emergency management coordinator.

c. Any employee of an organization for emergency management shall not: ~~become a candidate for any partisan elective office.~~ However, the employee is not precluded from holding any nonpartisan elective office for which no pay or only token payment is received.

(1) During working hours or when performing official duties or when using public equipment or at any time on public property, take part in any way in soliciting any contribution for any political party or any person seeking political office.

(2) Seek or attempt to use any political endorsement in connection with any appointment to a position created under this rule.

(3) Use any official authority or influence for the purpose of interfering with an election or affecting the results of an election.