

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

**Adopted and Filed**

**Rule making related to recovery and mitigation plans**

The Homeland Security and Emergency Management Department hereby amends Chapter 7, “Local Emergency Management,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 17A and section 29C.9(8).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 29C.6 and 2020 Iowa Acts, Senate File 2188.

*Purpose and Summary*

This amendment seeks to alleviate a burdensome local requirement to update recovery and mitigation plans in order for local government to receive federal disaster or hazard mitigation funding.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 15, 2020, as **ARC 5085C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Director on September 1, 2020.

*Fiscal Impact*

The fiscal impact to the State is determined upon the number of federally approved applications.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on October 28, 2020.

The following rule-making action is adopted:

Amend paragraph 7.3(4)“d” as follows:

*d. Planning.*

(1) and (2) No change.

(3) Plans shall be regularly reviewed and amended as appropriate in accordance with a five-year schedule established by the commission, which shall include, at a minimum:

1. ~~A~~, a complete review, and amendment as appropriate, at a minimum of every five years. However, a review, and amendment as appropriate, of the hazardous materials portion and of a minimum of 20 percent of the remaining annexes or portions of the plan shall be conducted on a yearly basis. The complete operations plan must be reviewed entirely, and amended as appropriate, every five years. A copy of the portions of the plan that are reviewed, regardless of amendment, must be certified and submitted to the department for approval by August 1 of each year.

2. ~~Recovery and mitigation plans must also be reviewed, and amended as appropriate, certified and submitted to the department for approval within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster.~~

(4) to (10) No change.

(11) Iowa Code section 29C.6 provides that state participation in funding financial assistance in a presidentially declared disaster is contingent upon the commission’s having on file a state-approved, comprehensive emergency plan as provided in Iowa Code ~~subsection~~ section 29C.9(8). ~~Plans must be received by the department within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster for the affected jurisdiction and must be approved by the department within 240 days of the formal closing of the disaster incident period for public or private nonprofit entities within the county to be eligible to receive state financial assistance.~~

(12) Iowa Code section 29C.7 as enacted by 2020 Iowa Acts, Senate File 2188, provides that state participation in funding financial assistance in a non-presidentially declared disaster is contingent upon the commission’s having on file a state-approved, comprehensive emergency plan as provided in Iowa Code section 29C.9(8).

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/23/20.