HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: 605—Chapter 15
"Mass Notification and Emergency Messaging System"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 29C.17A

State or federal law(s) implemented by the rulemaking: Iowa Code sections 22.7, 29C.2 and 29C.17A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

February 11, 2025 9 a.m.	Geode Room 7900 Hickman Road, Suite 500 Windsor Heights, Iowa meet.google.com/oqm-wujn-dif

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Homeland Security and Emergency Management no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 15 and adopt a new chapter in lieu thereof. The chapter describes the procedures by which the Department administers the state's mass notification and emergency messaging system and provides a framework for local jurisdictions and state agencies to access the system and initiate emergency alerts to residents and employees.

The rulemaking eliminates language that was overly restrictive and shortens the chapter.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no cost associated with the proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Potentially all individuals within Iowa who may receive an alert or warning during a time of emergency will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This rule implements a program, as directed by Iowa Code section 29C.17A, that currently has 93 counties and 19 state entities as administrators in the system. Without this program, these entities

would be left without a single statewide method of receiving emergency alerts from state and local officials. Without a single statewide system, it is reasonable to expect local jurisdictions and state entities to procure their own systems of mass notification at a substantially higher cost.

- **Qualitative description of impact:**

This program provides the framework for authorized users of the system to initiate alerts and warnings during emergencies to individuals within the user's area of authority. This may include information about the emergency and recommended protective actions.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the State or the Department associated with this rulemaking. However, the Department does receive an annual $400,000 appropriation to fund the system and administer the program.

- **Anticipated effect on state revenues:**

Other than the aforementioned information, there is no anticipated effect on state revenues associated with this rulemaking.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Erroneous messages are subject to fines by the Federal Communications Commission. This rulemaking ensures compliance with federal regulations around emergency alerts and warnings. Additionally, this rulemaking provides a framework for local authorities to potentially provide lifesaving information to individuals within their jurisdiction.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Department has sought to provide the minimum burden to authorities that access the state's alerts and warning system, while still providing guidelines for managing the system uniformly throughout the state and ensuring system administrators are trained.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

None.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The new rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 605—Chapter 15 and adopt the following **new** chapter in lieu thereof:

CHAPTER 15
MASS NOTIFICATION AND EMERGENCY MESSAGING SYSTEM

605—15.1(29C) Purpose. In accordance with Iowa Code section 29C.17A, the department of homeland security and emergency management establishes the policies and procedures for the creation and administration of a statewide mass notification and emergency messaging system.

605—15.2(29C) Definitions. For the purpose of this chapter, the following definitions apply:

"Commission" means a local emergency management commission or joint emergency management commission.

"Department" means the department of homeland security and emergency management.

"Director" means the director of the department of homeland security and emergency management.

"Mass notification and emergency messaging system" or *"system"* means a system operated by the department, which disseminates imminent emergency and public safety-related information.

"State agency" means a principal central department enumerated in Iowa Code section 7E.5.

605—15.3(29C) Application for access.

15.3(1) A state agency or commission may apply to the department for access to the system for use by state, county and local officials. The application will contain the following:

a. Name of state agency or commission submitting the application.

b. Primary point of contact for implementation and administration of the system at the applicant's level.

c. Signature of the state agency director or chair of the commission.

d. Operational plan and procedures created in accordance with rule 605—15.4(29C).

15.3(2) All applications will be reviewed by the director or designated staff to ensure that the application meets all of the guidelines established in this chapter. If the application does not meet all of the guidelines, the state agency or commission will be notified of such shortfalls and possible remedies.

15.3(3) If all of the guidelines have been met and the director chooses to grant access to the system, the state agency or commission will be notified of acceptance.

15.3(4) If the director chooses not to grant the state agency or commission access to the system, the director will provide notice to the state agency or commission and provide information regarding the decision.

15.3(5) After access to the system has been granted, the director may revoke or suspend such access if the director determines that the state agency or commission is not using the system in accordance with Iowa Code sections 22.7, 29C.2 and 29C.17A and this chapter.

605—15.4(29C) Operational plan and procedures.

15.4(1) Each state agency or commission that applies to access the system will develop and maintain an operational plan and procedures. The operational plan and procedures will contain the following:

a. Introductory paragraphs that provide a summary of, the purpose of, and the authorities for the operational plan and procedures document.

b. A description of the system and a listing of the types of imminent emergency alerts and public safety-related information that will be communicated to the public via the system.

c. The contact information for the individual who will function as the state agency's or commission's administrator for the system and who will be the primary contact point for the department and system vendor.

d. A listing of those positions or individuals that are authorized to initiate emergency alerts and mass notification messages via the system. These individuals shall complete any federally specified training needed to access any federal messaging systems that are utilized by the statewide system.

e. A listing of those positions or individuals that are authorized to conduct system database maintenance.

f. The detailed process by which emergency alerts or mass notification messages will be developed, reviewed, and authorized for dissemination.

g. A listing by the commission of any memorandums of understanding completed with neighboring counties for the purpose of allowing cross-border emergency alerts or mass notification messaging when an incident will impact the public outside the incident county within 30 minutes and will cause the public to be endangered if action is not taken by the public. Copies of such agreements shall be included within the operational plan and procedures document.

h. A glossary of definitions for message types that can be issued by the system.

15.4(2) The state agency or commission will complete a memorandum of agreement with the Federal Emergency Management Agency (FEMA) Integrated Public Alert and Warning System (IPAWS) program management office for the purpose of accessing IPAWS. A copy of the approved agreement will be included within the operational plan and procedures document.

15.4(3) The state agency or commission will complete a user agreement with the department. The user agreement specifies that, by accessing the system, users may be exposed to information deemed confidential under Iowa Code chapter 22. A copy of the user agreement will be included within the operational plan and procedures document.

15.4(4) The department has developed an operational plan and procedures template to be used by all state agencies and commissions making application to access the system. All operational plans and procedures developed by the state agencies or commissions and submitted for approval should substantially conform to this template.

These rules are intended to implement Iowa Code sections 22.7, 29C.2 and 29C.17A.