

CHAPTER 1139
EMERGENCY MANAGEMENT
S.F. 390

AN ACT relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 29C.1, subsections 1 and 3, Code 1991, are amended to read as follows:

1. To establish a ~~disaster services~~ an emergency management division of the department of public defense and to authorize the establishment of local organizations for ~~disaster services~~ emergency management in the political subdivisions of the state.

3. To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to co-operate with the federal government with respect to the carrying out of ~~disaster services~~ emergency management functions.

Sec. 2. Section 29C.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "Local emergency management agency" means a county-wide joint county-municipal public agency organized to administer this chapter under the authority of the local emergency management commission.

Sec. 3. Section 29C.5, Code 1991, is amended to read as follows:

29C.5 DISASTER SERVICES EMERGENCY MANAGEMENT DIVISION.

~~There is created a disaster services~~ An emergency management division is created within the department of public defense. The ~~disaster services~~ emergency management division shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, co-operation with and support of the civil air patrol, and coordination of available services in the event of a disaster.

Sec. 4. Section 29C.6, subsections 9, 11, and 17, Code 1991, are amended to read as follows:

9. Co-operate with the president of the United States and the heads of the armed forces, the ~~disaster services and emergency planning~~ management agencies of the United States and other appropriate federal officers and agencies and with the officers and agencies of other states in matters pertaining to ~~disaster recovery and emergency planning~~ management of the state and nation.

11. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating ~~disaster services~~ emergency management.

17. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of local and state government adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund ~~such~~ the financial assistance, subject to terms and conditions imposed upon the grant, and enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized to local government and eligible private nonprofit agencies in an amount not to exceed ten percent of the total eligible expenses, with ~~local government~~ the applicant providing fifteen percent. If financial assistance is granted by the federal government for state disaster-related expenses or serious needs, the state shall participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent of the total eligible expenses. If financial assistance is granted by the federal government for hazard mitigation, the state may participate in the funding of the financial assistance authorized to a local government in an amount not to exceed ten percent of the eligible expenses, with local government providing forty percent. If financial assistance is granted by the federal government

for state-related hazard mitigation, the state may participate in the funding of the financial assistance authorized, not to exceed fifty percent of the total eligible expenses. If state funds are not otherwise available to the governor, an advance of the state share may be accepted from the federal government to be repaid when the state is able to do so.

Sec. 5. Section 29C.7, Code 1991, is amended to read as follows:

29C.7 POWERS AND DUTIES OF ADJUTANT GENERAL.

The adjutant general, as the director of the department of public defense and under the direction and control of the governor, shall have supervisory direction and control of the ~~disaster services~~ emergency management division and shall be responsible to the governor for the carrying out of the provisions of this chapter. In the event of disaster beyond local control, the adjutant general may assume direct operational control over all or any part of the ~~disaster services and emergency planning~~ management functions within this state.

Sec. 6. Section 29C.8, subsections 1 and 2, Code 1991, are amended to read as follows:

1. The ~~disaster services~~ emergency management division shall be under the management of an administrator appointed by the governor.

2. The administrator shall be vested with the authority to administer ~~disaster services and emergency planning~~ management affairs in this state and shall be responsible for preparing and executing the ~~disaster services and emergency planning~~ management programs of this state subject to the direction of the adjutant general.

Sec. 7. Section 29C.8, subsection 3, paragraphs a and c, Code 1991, are amended to read as follows:

a. Prepare a comprehensive plan and emergency management program for ~~the disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management~~ of this state. The plan and program shall be integrated into and co-ordinated with the emergency plans of the federal government and of other states to the fullest possible extent and co-ordinate the preparation of plans and programs for ~~disaster services and emergency operations and planning by management~~ of the political subdivisions and various state departments of this state. The plans shall be integrated into and co-ordinated with a comprehensive state emergency program for this state as co-ordinated by the administrator of the ~~disaster services~~ emergency management division to the fullest possible extent.

c. Provide technical assistance to any ~~joint county-municipal disaster services and local emergency planning administration~~ commission or joint commission requiring ~~such~~ the assistance in the development of a ~~disaster services and recovery plan and an emergency management~~ program.

Sec. 8. Section 29C.8, subsection 4, Code 1991, is amended to read as follows:

4. The administrator, with the approval of the governor and upon recommendation of the adjutant general, may employ a deputy administrator and such technical, clerical, stenographic, and other personnel and make such expenditures within the appropriation or from other funds made available to the department of public defense for purposes of ~~disaster services and emergency planning~~ management, as may be necessary to ~~carry out the purposes of administer~~ this chapter.

Sec. 9. Section 29C.8A, subsection 2, Code 1991, is amended to read as follows:

2. The emergency response fund shall be administered by the ~~disaster services~~ emergency management division to carry out planning and training for the emergency response teams.

Sec. 10. Section 29C.9, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

29C.9 LOCAL EMERGENCY MANAGEMENT COMMISSIONS.

1. The county boards of supervisors, city councils, and school district boards of directors in each county shall cooperate with the emergency management division of the department of public defense to establish a local emergency management commission to carry out the provisions of this chapter.

2. The commission shall be composed of a member of the board of supervisors or its appointed representative, the sheriff or the sheriff's representative, and the mayor or the mayor's representative from each city within the county. The commission members shall be the operations liaison officers between their jurisdiction and the commission.

3. The name used by the commission shall be (county name) county emergency management commission. The name used by the office of the commission shall be (county name) county emergency management agency.

4. For the purposes of this chapter, the commission or joint commission is a municipality as defined in section 613A.1.

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

6. The commission shall determine the mission of its agency and program and provide direction for the delivery of the emergency management services of planning, administration, coordination, training, and support for local governments and their departments. The commission shall coordinate its services in the event of a disaster.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the division's administrative rules. Each commission shall appoint a county emergency management coordinator who shall meet the qualifications specified in the administrative rules by the administrator of the emergency management division. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the county, a comprehensive county-wide emergency operations plan which meets standards adopted by the division in accordance with chapter 17A. If an approved comprehensive county-wide emergency operations plan has not been prepared according to established standards and the administrator of the emergency management division finds that satisfactory progress is not being made toward the completion of the plan, or if the administrator finds that a local emergency management commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the administrator shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the disaster plan is prepared and approved or a qualified emergency management coordinator is appointed. If the administrator finds that a city or a county has appointed an unqualified emergency management coordinator, the administrator shall notify the governing body of the city or county citing the qualifications which are not met and the governing body shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

9. The commission shall encourage local officials to support and participate in exercise programs which test proposed or established jurisdictional emergency plans and capabilities. During emergencies when lives are threatened and extensive damage has occurred to property, the county and all cities involved shall fully cooperate with the emergency management agency to provide assistance in order to coordinate emergency management activities including gathering of damage assessment data required by state and federal authorities for the purposes of emergency declarations and disaster assistance.

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

Sec. 11. Section 29C.10, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

29C.10 EMERGENCY PROGRAM MANAGER.

1. The commission or joint commission shall appoint an emergency management coordinator who shall serve at the pleasure of the commission and shall be responsible for the development of the county-wide emergency operations plan, coordination of emergency planning activities and provide technical assistance to political subdivisions throughout the county.

2. When an emergency or disaster occurs, the emergency management coordinator shall provide coordination and assistance to the governing officials of the municipalities and the county.

3. The mayors and the board of supervisors shall cooperate with the president of the United States and the heads of the armed forces and other appropriate federal, state, and local officers and agencies and with the officers and agencies of adjoining states in matters pertaining to comprehensive emergency management for a city or county.

Sec. 12. Section 29C.11, Code 1991, is amended to read as follows:

29C.11 LOCAL MUTUAL AID ARRANGEMENTS.

1. ~~The co-ordinator of each local organization~~ emergency management coordinator for disaster services ~~each emergency management agency~~ shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. ~~Such~~ The arrangements shall be consistent with the ~~disaster services emergency management division plan and program, and in time of emergency it shall be the duty of each local organization for disaster services preparedness to emergency management agency~~ shall render assistance in accordance with the provisions of ~~such~~ the mutual aid arrangements.

2. ~~The co-ordinator~~ emergency management coordinator of each local ~~organization for disaster services~~ emergency management agency may, subject to the approval of the governor, enter into mutual aid arrangements with ~~disaster services~~ emergency management agencies or organizations in other states for reciprocal ~~disaster~~ emergency services and recovery aid and assistance in case of disaster too great to be dealt with unassisted.

Sec. 13. Section 29C.13, Code 1991, is amended to read as follows:

29C.13 FUNDS BY GRANTS OR GIFTS.

1. If the federal government or any agency or officer ~~thereof shall offer~~ of the federal government offers to the state or through the state to any political subdivision of the state, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of ~~disaster services and emergency planning management, the governor or such the~~ political subdivision, acting with the consent of the governor and through its executive officer or governing body, may authorize any officer of the state or of the political subdivision to receive ~~such the~~ the services, equipment, supplies, materials, or funds on behalf of the state or ~~such the~~ the political subdivision, and subject to the terms of the offer and rules of the agency making the offer.

2. If any person ~~shall offer~~ offers to the state or to any political subdivision of the state, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of ~~disaster services and emergency planning management, the governor or executive officer of such the~~ political subdivision, may accept such the offer and, upon ~~such~~ such acceptance, the governor of the state or executive officer or governing body of ~~such the~~ the political subdivision may authorize any officer of the state or of the political subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or ~~such the~~ the political subdivision, and subject to the terms of the offer.

Sec. 14. Section 29C.14, Code 1991, is amended to read as follows:

29C.14 DIRECTOR OF REVENUE AND FINANCE TO ISSUE WARRANTS.

The director of revenue and finance shall draw warrants on the treasurer of state for the purposes specified in this chapter, upon duly itemized and verified vouchers that have been approved by the administrator of the ~~disaster services~~ emergency management division.

Sec. 15. Section 29C.16, subsection 1, unnumbered paragraph 1, and subsection 2, Code 1991, are amended to read as follows:

A person employed by any organization for ~~disaster services or emergency resources~~ management established under this chapter shall not:

2. Any employee of an organization for ~~disaster services or emergency resource~~ management shall not become a candidate for any partisan elective office.

Sec. 16. Section 29C.17, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

29C.17 LOCAL EMERGENCY MANAGEMENT FUND.

1. A local emergency management fund is created in the office of the county treasurer. Revenues provided and collected shall be deposited in the fund. An unencumbered balance in the fund shall not revert to county general revenues. Any reimbursement, matching funds, moneys received from sale of property, or moneys obtained from any source in connection with the county emergency management program shall be deposited in the local emergency management fund. The commission shall be the fiscal authority and the chairperson or vice-chairperson of the commission is the certifying official.

2. For the purposes consistent with this chapter, the county emergency management agency's approved budget may be funded by one or any combination of the following options:

- a. A county-wide special levy approved by the board of supervisors.
- b. Per capita allocation funded from city and county general funds or by a combination of city and county special levies which may be apportioned among the member jurisdictions.
- c. An allocation computed as each jurisdiction's relative share of the total assessed valuation within the county.
- d. A voluntary share allocation.

3. A political subdivision may appropriate additional funds for the purpose of supporting commission expenses relating to special or unique matters extending beyond the resources of the agency.

4. Expenditures from the local emergency management fund shall be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the emergency program manager or chairperson of the commission.

5. Subject to chapter 24, the commission shall adopt, certify, and submit a budget, on or before February 28 of each year, to the county board of supervisors and the cities for the ensuing fiscal year which will include an itemized list of the number of emergency management personnel, their salaries and cost of personnel benefits, travel and transportation costs, fixed costs of operation, and all other anticipated emergency management expenses. The salaries and compensation of agency personnel coming under the merit system as determined by the commission will include salary schedules for classes in which the salary of a class is based on merit qualifications for the positions.

Sec. 17. Section 29C.18, subsection 1, Code 1991, is amended to read as follows:

1. ~~It shall be the duty of every~~ Every organization for ~~disaster services and emergency planning management~~ established pursuant to this chapter and ~~of the its officers thereof to shall~~ execute and enforce ~~such~~ the orders or rules made by the governor, or under the governor's authority and the orders or rules made by subordinate organizations and not contrary or inconsistent with the orders or rules of the governor.

Sec. 18. Section 29C.20, subsections 3 and 4, Code 1991, are amended to read as follows:

3. If the president of the United States, at the request of the governor, has declared a major disaster to exist in this state, the executive council may make financial grants to meet disaster-related necessary expenses, ~~or serious needs,~~ or hazard mitigation projects of local governments and eligible private nonprofit agencies adversely affected by the major disaster if those expenses or needs cannot otherwise be met from other means of assistance. The amount of the grant shall not exceed ten percent of the total eligible expenses and is conditional upon the federal government providing at least seventy-five percent for public assistance grants and at least fifty percent for hazard mitigation grants of the eligible expenses.

4. If the president, at the request of the governor, has declared a major disaster to exist in this state, the executive council may make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means of assistance. The amount of a financial grant shall not exceed ~~five thousand dollars~~ the maximum federal authorization

in the aggregate to an individual or family in any single major disaster declared by the president. All grants authorized to individuals and families will be subject to the federal government providing no less than seventy-five percent of each grant and the declaration of a major disaster in the state by the president of the United States.

Sec. 19. Section 7E.5, subsection 1, paragraph q, Code 1991, is amended to read as follows:
q. The department of public defense, created in section 29.1, which has primary responsibility for state military forces, disaster services emergency management, and veterans affairs.

Sec. 20. Section 29.1, Code 1991, is amended to read as follows:
29.1 DEPARTMENT OF PUBLIC DEFENSE.

The department of public defense is composed of the military division, the disaster services emergency management division, and the veterans affairs division. The adjutant general is the director of the department of public defense and the budget and personnel of all of the divisions are subject to the approval of the adjutant general. The Iowa emergency response commission established by section 30.2 is attached to the department of public defense for organizational purposes.

Sec. 21. Section 29.3, Code 1991, is amended to read as follows:

29.3 DISASTER SERVICES EMERGENCY MANAGEMENT DIVISION.

There shall be within the department of public defense of the state government, as a division thereof of the department, an office of disaster services emergency management which shall be styled and known as the "disaster services emergency management division, department of public defense", with an administrator of the division who shall be the head thereof of the division. The adjutant general, as the director of the department of public defense shall exercise supervisory authority over the division.

Sec. 22. Section 89B.3, subsection 2, Code 1991, is amended to read as follows:

2. "Emergency response department" means any governmental department which might be reasonably expected to be required to respond to an emergency involving a hazardous chemical, including, but not limited to, local fire, police, medical rescue, disaster emergency management, and public health departments.

Sec. 23. Section 97B.49, subsection 16, paragraph d, subparagraph (4), Code 1991, is amended to read as follows:

(4) An airport firefighter employed by the disaster services military division of the department of public defense.

Sec. 24. Section 331.321, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. A ~~co-ordinator~~ of disaster services An emergency management coordinator in accordance with section 29C.10.

Sec. 25. Section 331.381, subsection 2, Code 1991, is amended to read as follows:

2. Provide for disaster services and emergency management planning in accordance with sections 29C.9 ~~to~~ through 29C.13.

Sec. 26. Section 331.424, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. The maintenance and operation of a local emergency management agency established pursuant to chapter 29C.

Sec. 27. Section 331.427, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. Expenses of a joint disaster services and emergency planning administration management commission under ~~section 29C.9~~ chapter 29C.

Sec. 28. Section 331.653, subsection 5, Code 1991, is amended to read as follows:

5. Serve as a member of the joint county-municipal disaster services and emergency planning administration management commission as provided in section 29C.9.

Sec. 29. Section 384.12, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 21. A tax for the support of a local emergency management commission established pursuant to chapter 29C.

Sec. 30. Section 455B.266, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Determination by the department in conjunction with the ~~disaster services~~ emergency management division of the department of public defense of a local crisis which affects availability of water.

Sec. 31. Section 455B.385, Code 1991, is amended to read as follows:

455B.385 STATE HAZARDOUS CONDITION CONTINGENCY PLAN.

All public agencies, as defined in chapter 28E, shall co-operate in the development and implementation of a state hazardous condition contingency plan. The plan shall detail the manner in which public agencies shall participate in the response to a hazardous condition. The director may enter into agreements, with approval of the commission, with any state agency or unit of local government or with the federal government, as necessary to develop and implement the plan. The plan shall be co-ordinated with the ~~disaster services~~ emergency management division of the department of public defense and any joint ~~county-municipal disaster services and emergency planning administrations~~ management agencies established pursuant to chapter 29C.

Sec. 32. Section 477A.2, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A 911 system shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to a public safety agency or agencies that provide the requested service at the place where the call originates. A 911 system may also provide for transmitting requests for ~~disaster services~~ emergency management, poison control, suicide prevention, and other emergency services. The public safety answering point shall be capable of receiving calls from hearing impaired persons through a telecommunications device for the deaf. Conferencing capability with counseling, aid to handicapped, and other services as deemed necessary for identifying appropriate emergency response services may be provided by the 911 service.

Sec. 33. Section 477A.3, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The state emergency telephone number commission is created in the ~~disaster services~~ emergency management division of the department of public defense. The administrator of the ~~disaster services~~ emergency management division shall serve as chairperson of the commission. The ~~disaster services~~ emergency management division shall provide the meeting facilities for the commission. The division of communications, department of general services, shall provide administrative and technical support for the commission with the support of the staff of the respective members of the commission. The members of the commission are as follows:

Sec. 34. Section 477B.2, subsections 1 and 9, Code 1991, are amended to read as follows:

1. "Administrator" means the administrator of the division of ~~disaster services~~ emergency management of the department of public defense.

9. "Division" means the division of ~~disaster services~~ emergency management, department of public defense.

Sec. 35. Section 477B.6, subsection 3, Code 1991, is amended to read as follows:

3. The secretary of state, in consultation with the administrator of the office of ~~disaster services~~ emergency management of the department of public defense, shall adopt rules for the conduct of joint E911 service referendums as required by and consistent with subsections 1 and 2.