

State Government
Drake, Chairperson
Craft
Carr

4/10/81

3/14/81 (p. 1272)

5 1981

HOUSE FILE 782

BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar

(Formerly Study Bill 265)

Passed House, Date 4-7-81 (p. 1100) Passed Senate, Date 4-30-81 (p. 1506)

Vote: Ayes 96 Nays 0 Vote: Ayes 39 Nays 3

Approved

June 2, 1981

*Repealed House 5-13-81 (p. 1891)
89-6*

A BILL FOR

1 An Act relating to the powers and duties of the governor
2 during a disaster emergency, to be effective upon
3 publication.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

782

1 Section 1. Section 29C.2, Code 1981, is amended to read
2 as follows:

3 29C.2 DEFINITIONS. As used in this chapter, unless the
4 context otherwise requires:

5 1. "Disaster" means man-made ~~eatastrophes~~ and natural
6 occurrences such as fire, flood, drought, earthquake, tornado,
7 windstorm, hazardous substance or nuclear power plant accident
8 or incident which threaten the public peace, health, and
9 safety of the people or which damage and destroy public or
10 private property. The term includes enemy attack, sabotage,
11 or other hostile action from without the state.

12 2. "Public disorder" means such substantial interference
13 with the public peace as to constitute a significant threat
14 to the health and safety of the people or a significant threat
15 to public or private property. The term includes insurrection,
16 rioting, looting, and persistent violent civil disobedience.

17 Sec. 2. Section 29C.6, subsection 1, Code 1981, is amended
18 to read as follows:

19 1. After finding a disaster exists or is ~~imminently~~
20 threatened, proclaim a state of disaster emergency. This
21 proclamation shall be in writing, indicate the area affected
22 and the facts upon which it is based, be signed by the
23 governor, and be filed with the secretary of state. A state
24 of disaster emergency shall continue for thirty days, unless
25 sooner terminated or extended in writing by the governor.
26 The general assembly may, by concurrent resolution, rescind
27 this proclamation. If the general assembly is not in session,
28 the legislative council may, by majority vote, rescind this
29 proclamation. Rescission shall be effective upon filing of
30 the concurrent resolution or resolution of the legislative
31 council with the secretary of state. A proclamation of
32 disaster emergency shall activate the disaster response and
33 recovery aspect of the state, local and interjurisdictional
34 disaster emergency plans applicable to the political
35 subdivision or area in question and be authority for the

1 deployment and use of any forces to which the plan applies,
2 and for use or distribution of any supplies, equipment, and
3 materials and facilities assembled, stockpiled, or arranged
4 to be made available.

5 Sec. 3. This Act, being deemed of immediate importance,
6 takes effect from and after its publication in the Urbandale
7 News, a newspaper published in Urbandale, Iowa, and in The
8 Boone News-Republican, a newspaper published in Boone, Iowa.

9 EXPLANATION

10 This bill authorizes the governor to proclaim a state of
11 disaster emergency when a disaster is threatened and amends
12 the definition of disaster to include accidents involving
13 hazardous substances or nuclear fuel. This bill takes effect
14 upon publication.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 782

S-3615

1 Amend House File 782 as passed by the House as
2 follows:
3 1. Page 2, by inserting after line 4 the following:
4 "Sec. 3. Chapter 93, Code 1981, is amended by
5 adding the following new section as section 93.9:
6 NEW SECTION. 93.9 SET-ASIDE DEFINITIONS. As
7 used in section 93.10 unless the context otherwise
8 requires:
9 1. "Prime supplier" means an individual, trustee,
10 agency, partnership, association, corporation, company,
11 municipality, political subdivision, or other legal
12 entity that makes the first sale of a liquid fossil
13 fuel into the state distribution system for consumption
14 within the state.
15 2. "Liquid fossil fuel" means heating oils, diesel
16 oil, motor gasoline, propane, residual fuel oils,
17 kerosene, and aviation fuels.
18 3. "Hardship" means a situation involving or
19 potentially involving substantial discomfort or danger
20 or economic dislocation caused by a shortage or
21 distribution imbalance of a liquid fossil fuel.
22 Sec. 4. Chapter 93, Code 1981, is amended by
23 adding the following new section as section 93.10:
24 NEW SECTION. 93.10 RESERVE REQUIRED.
25 1. If the council or the governor finds that an
26 impending or actual shortage or distribution imbalance
27 of liquid fossil fuels may cause hardship or pose
28 a threat to the health and economic well-being of
29 the people of the state or a significant segment of
30 the state's population, the council or the governor
31 may authorize the director to operate a liquid fossil
32 fuel set-aside program as provided in subsection 2.
33 2. Upon authorization by the council or the
34 governor the director may require a prime supplier
35 to reserve a specified fraction of the prime supplier's
36 projected total monthly release of liquid fossil fuel
37 in Iowa. The director may release any or all of the
38 fuel required to be reserved by a prime supplier to
39 end-users or to distributors for release through
40 normal retail distribution channels to retail
41 customers. However, the specified fraction required
42 to be reserved shall not exceed three percent for
43 propane, aviation fuel and residual oil, and five
44 percent for motor gasoline, heating oil, and diesel
45 oil.
46 3. The council shall periodically review and may
47 terminate the operation of a set-aside program
48 authorized by the council under subsection 1 when
49 the council finds that the conditions that prompted
50 the authorization no longer exist. The governor shall

SENATE 10
APRIL 30, 1981

S-3615
PAGE 2

1 periodically review and may terminate the operation
2 of a set-aside program authorized by the governor
3 under subsection 1 when the governor finds that the
4 conditions that prompted the authorization no longer
5 exist.

6 4. The director shall adopt rules to implement
7 this section."

8 2. Amend the title, line 1, by inserting after
9 the word "governor" the words "and the energy policy
10 council".

11 3. Amend the title, line 2, by inserting after
12 the word "disaster" the words "or other".

S-3615 FILED
APRIL 29, 1981

BY LOWELL L. JUNKINS
CALVIN O. HULTMAN

Adopted 4/30/81 (p. 1506)

HOUSE FILE 782

S-3562

1 Amend House File 782, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "29C.2 DEFINITIONS."

S-3562 FILED
APRIL 24, 1981

BY BOB RUSH

Adopted 4/29/81 (p. 1487)

HOUSE FILE 782

S-3618

1 Amend House File 782 as passed by the House as
2 follows:

3 1. Page 1, line 8, by striking the word
4 "incident" and inserting in lieu thereof the word
5 "incident".

S-3618 FILED & ADOPTED
APRIL 30, 1981 *(p. 1506)*

BY BOB RUSH

SENATE AMENDMENT TO HOUSE FILE 782

3961

1 Amend House File 782 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "29C.2 DEFINITIONS."

6 2. Page 1, line 8, by striking the word "incident"
7 and inserting in lieu thereof the word "incident,".

8 3. Page 2, by inserting after line 4 the following:
9 "Sec. 3. Chapter 93, Code 1981, is amended by
10 adding the following new section as section 93.9:

11 NEW SECTION. 93.9 SET-ASIDE DEFINITIONS. As
12 used in section 93.10 unless the context otherwise
13 requires:

14 1. "Prime supplier" means an individual, trustee,
15 agency, partnership, association, corporation, company,
16 municipality, political subdivision, or other legal
17 entity that makes the first sale of a liquid fossil
18 fuel into the state distribution system for consumption
19 within the state.

20 2. "Liquid fossil fuel" means heating oils, diesel
21 oil, motor gasoline, propane, residual fuel oils,
22 kerosene, and aviation fuels.

23 3. "Hardship" means a situation involving or
24 potentially involving substantial discomfort or danger
25 or economic dislocation caused by a shortage or
26 distribution imbalance of a liquid fossil fuel.

27 Sec. 4. Chapter 93, Code 1981, is amended by
28 adding the following new section as section 93.10:

29 NEW SECTION. 93.10 RESERVE REQUIRED.

30 1. If the council or the governor finds that an
31 impending or actual shortage or distribution imbalance
32 of liquid fossil fuels may cause hardship or pose
33 a threat to the health and economic well-being of
34 the people of the state or a significant segment of
35 the state's population, the council or the governor
36 may authorize the director to operate a liquid fossil
37 fuel set-aside program as provided in subsection 2.

38 2. Upon authorization by the council or the
39 governor the director may require a prime supplier
40 to reserve a specified fraction of the prime supplier's
41 projected total monthly release of liquid fossil fuel
42 in Iowa. The director may release any or all of the
43 fuel required to be reserved by a prime supplier to
44 end-users or to distributors for release through
45 normal retail distribution channels to retail
46 customers. However, the specified fraction required
47 to be reserved shall not exceed three percent for
48 propane, aviation fuel and residual oil, and five
49 percent for motor gasoline, heating oil, and diesel
50 oil.

Page Two
H-3961

1 3. The council shall periodically review and may
2 terminate the operation of a set-aside program
3 authorized by the council under subsection 1 when
4 the council finds that the conditions that prompted
5 the authorization no longer exist. The governor shall
6 periodically review and may terminate the operation
7 of a set-aside program authorized by the governor
8 under subsection 1 when the governor finds that the
9 conditions that prompted the authorization no longer
10 exist.

11 4. The director shall adopt rules to implement
12 this section."

13 4. Amend the title, line 1, by inserting after
14 the word "governor" the words "and the energy policy
15 council".

16 5. Amend the title, line 2, by inserting after
17 the word "disaster" the words "or other".

H-3961 FILED MAY 4, 1981

RECEIVED FROM THE SENATE

James L. ... 5/13/81 (J. 1841)

HOUSE FILE 782

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE GOVERNOR AND THE ENERGY POLICY COUNCIL DURING A DISASTER OR OTHER EMERGENCY, TO BE EFFECTIVE UPON PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 29C.2, Code 1981, is amended to read as follows:

29C.2 DEFINITIONS.

1. "Disaster" means man-made ~~catastrophes~~ and natural occurrences such as fire, flood, drought, earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the state.

2. "Public disorder" means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

Sec. 2. Section 29C.6, subsection 1, Code 1981, is amended to read as follows:

1. After finding a disaster exists or is ~~imminently~~ threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in session, the legislative council may, by majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation of disaster emergency shall activate the disaster response and recovery aspect of the state, local and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan applies, and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available.

Sec. 3. Chapter 93, Code 1981, is amended by adding the following new section as section 93.9:

NEW SECTION. 93.9 SET-ASIDE DEFINITIONS. As used in section 93.10 unless the context otherwise requires:

1. "Prime supplier" means an individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or other legal entity that makes the first sale of a liquid fossil fuel into the state distribution system for consumption within the state.

2. "Liquid fossil fuel" means heating oils, diesel oil, motor gasoline, propane, residual fuel oils, kerosene, and aviation fuels.

3. "Hardship" means a situation involving or potentially involving substantial discomfort or danger or economic

dislocation caused by a shortage or distribution imbalance of a liquid fossil fuel.

Sec. 4. Chapter 93, Code 1981, is amended by adding the following new section as section 93.10:

NEW SECTION. 93.10 RESERVE REQUIRED.

1. If the council or the governor finds that an impending or actual shortage or distribution imbalance of liquid fossil fuels may cause hardship or pose a threat to the health and economic well-being of the people of the state or a significant segment of the state's population, the council or the governor may authorize the director to operate a liquid fossil fuel set-aside program as provided in subsection 2.

2. Upon authorization by the council or the governor the director may require a prime supplier to reserve a specified fraction of the prime supplier's projected total monthly release of liquid fossil fuel in Iowa. The director may release any or all of the fuel required to be reserved by a prime supplier to end-users or to distributors for release through normal retail distribution channels to retail customers. However, the specified fraction required to be reserved shall not exceed three percent for propane, aviation fuel and residual oil, and five percent for motor gasoline, heating oil, and diesel oil.

3. The council shall periodically review and may terminate the operation of a set-aside program authorized by the council under subsection 1 when the council finds that the conditions that prompted the authorization no longer exist. The governor shall periodically review and may terminate the operation of a set-aside program authorized by the governor under subsection 1 when the governor finds that the conditions that prompted the authorization no longer exist.

4. The director shall adopt rules to implement this section.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in the Urbandale

News, a newspaper published in Urbandale, Iowa, and in The Boone News-Republican, a newspaper published in Boone, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 782, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved  1981

ROBERT D. RAY
Governor