

45544

SENATE FILE **390**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 221)

Passed Senate, Date 3/26/91 (p. 854) Passed House, Date 3/31/92 (p. 943)

Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 0

Approved April 27, 1992 (p. 1670)

Motion to recommit (870) w/d 4/8/91

Motion to recommit (p. 963) w/d 4/3/92

Repassed Senate 4/9/92 (p. 1327)

aye 49, Nays 0

A BILL FOR

1 An Act relating to the reorganization of the disaster services
2 division of the department of public defense by renaming the
3 division, providing for financial assistance, renaming local
4 emergency management commissions and managers, making
5 administrative changes, and making other amendments relevant
6 to the reorganization.

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

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

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

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

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

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

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

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

21 29C.5 DISASTER-SERVICES EMERGENCY MANAGEMENT DIVISION.

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

30 Sec. 4. Section 29C.6, subsections 9, 11, and 17, Code
31 1991, are amended to read as follows:

32 9. Co-operate with the president of the United States and
33 the heads of the armed forces, the ~~disaster-services-and~~
34 emergency planning management agencies of the United States
35 and other appropriate federal officers and agencies and with

1 the officers and agencies of other states in matters
2 pertaining to disaster-recovery-and emergency planning
3 management of the state and nation.

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

8 17. When the president of the United States has declared a
9 major disaster to exist in the state and upon the governor's
10 determination that financial assistance is essential to meet
11 disaster-related necessary expenses or serious needs of local
12 and state government adversely affected by a major disaster
13 that cannot be otherwise adequately met from other means of
14 assistance, accept a grant by the federal government to fund
15 such the financial assistance, subject to terms and conditions
16 imposed upon the grant, and enter into an agreement with the
17 federal government pledging the state to participate in the
18 funding of the financial assistance authorized to local
19 government and eligible private nonprofit agencies in an
20 amount not to exceed ten percent of the total eligible
21 expenses, with local-government the applicant providing
22 fifteen percent. If financial assistance is granted by the
23 federal government for state disaster-related expenses or
24 serious needs, the state shall participate in the funding of
25 the financial assistance authorized in an amount not to exceed
26 twenty-five percent of the total eligible expenses. If
27 financial assistance is granted by the federal government for
28 hazard mitigation, the state may participate in the funding of
29 the financial assistance authorized to a local government in
30 an amount not to exceed ten percent of the eligible expenses,
31 with local government providing forty percent. If financial
32 assistance is granted by the federal government for state-
33 related hazard mitigation, the state may participate in the
34 funding of the financial assistance authorized, not to exceed
35 fifty percent of the total eligible expenses. If state funds

1 are not otherwise available to the governor, an advance of the
2 state share may be accepted from the federal government to be
3 repaid when the state is able to do so.

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

6 29C.7 POWERS AND DUTIES OF ADJUTANT GENERAL.

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

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

19 1. The disaster-services emergency management division
20 shall be under the management of an administrator appointed by
21 the governor.

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

28 Sec. 7. Section 29C.8, subsection 2, paragraphs a and c,
29 Code 1991, are amended to read as follows:

30 a. Prepare a comprehensive plan and emergency management
31 program for the disaster preparedness, response, recovery,
32 mitigation, emergency operation, and emergency resource
33 management of this state. The plan and program shall be
34 integrated into and co-ordinated with the emergency plans of
35 the federal government and of other states to the fullest

1 possible extent and co-ordinate the preparation of plans and
2 programs for ~~disaster-services-and~~ emergency operations-and
3 ~~planning-by~~ management of the political subdivisions and
4 various state departments of this state. The plans shall be
5 integrated into and co-ordinated with a comprehensive state
6 emergency program for this state as co-ordinated by the
7 administrator of the ~~disaster-services~~ emergency management
8 division to the fullest possible extent.

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

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

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

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

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

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

32 29C.9 LOCAL EMERGENCY MANAGEMENT COMMISSIONS.

33 1. The county boards of supervisors, city councils, and
34 school district boards of directors in each county shall
35 cooperate with the emergency management division of the

1 department of public defense to establish a local emergency
2 management commission to carry out the provisions of this
3 chapter.

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

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

14 4. For the purposes of this chapter, the commission or
15 joint commission is a municipality as defined in section
16 613A.1.

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

20 6. The commission shall determine the mission of its
21 agency and program and provide oversight for the delivery of
22 the emergency management services of planning, administration,
23 coordination, training, and support for local governments and
24 their departments.

25 7. The commission shall delegate to the emergency program
26 manager the authority to fulfill the commission duties as
27 described in the division's administrative rules, or if the
28 commission is nonfunctional or has not employed an emergency
29 program manager, the elected officials of the county and the
30 cities shall carry out the provisions of this chapter. Each
31 commission shall appoint a county emergency program manager
32 who shall be a person meeting the qualifications specified by
33 the administrator of the emergency management division.

34 Additional emergency management personnel may be appointed at
35 the discretion of the commission.

1 8. The commission shall develop, adopt, and submit for
2 approval by local governments within the county, a
3 comprehensive county-wide emergency operations plan which
4 meets standards adopted by the division in accordance with
5 chapter 17A. If an approved comprehensive county-wide
6 emergency operations plan has not been prepared according to
7 established standards and the administrator of the emergency
8 management division finds that satisfactory progress is not
9 being made toward the completion of the plan, or if the
10 administrator finds that a local emergency management
11 commission has failed to appoint a qualified emergency program
12 manager as provided in this chapter, the administrator shall
13 notify the governing bodies of the counties and cities
14 affected by the failure and the governing bodies shall not
15 appropriate any moneys to the local emergency management fund
16 until the disaster plan is prepared and approved or a
17 qualified emergency program manager is appointed. If the
18 administrator finds that a city or a county has appointed an
19 unqualified emergency program manager, the administrator shall
20 notify the governing body of the city or county citing the
21 qualifications which are not met and the governing body shall
22 not approve the payment of the salary or expenses of the
23 unqualified emergency program manager.

24 9. The commission shall encourage local officials to
25 support and participate in exercise programs which test
26 proposed or established jurisdictional emergency plans and
27 capabilities. During emergencies when lives are threatened
28 and extensive damage has occurred to property, the county and
29 all cities involved shall fully cooperate with the emergency
30 management agency to provide all necessary assistance, to
31 include the gathering of damage assessment data required by
32 state and federal authorities for the purposes of emergency
33 declarations and disaster assistance.

34 10. Two or more commissions may, upon review by the state
35 administrator and with the approval of their respective boards

1 of supervisors and cities, enter into agreements pursuant to
2 chapter 28E for the joint coordination and administration of
3 emergency management services throughout the multicounty area.

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

6 29C.10 EMERGENCY PROGRAM MANAGER.

7 1. The commission or joint commission shall appoint an
8 emergency program manager who shall serve at the pleasure of
9 the commission and shall be responsible for the development of
10 the county-wide emergency operations plan, coordination of
11 emergency planning activities and provide technical assistance
12 to political subdivisions throughout the county.

13 2. When an emergency occurs, the emergency program manager
14 shall provide coordination and assistance to the governing
15 officials of the municipalities and the county, and shall take
16 all necessary actions, within the commission guidelines, to
17 help the jurisdictions respond to and recover from the
18 disaster.

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

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

27 29C.11 LOCAL MUTUAL AID ARRANGEMENTS.

28 1. ~~The co-ordinator-of-each-local-organization~~ emergency
29 program manager ~~for disaster-services~~ each emergency
30 management agency shall, in collaboration with other public
31 and private agencies within this state, develop mutual aid
32 arrangements for reciprocal disaster services and recovery aid
33 and assistance in case of disaster too great to be dealt with
34 unassisted. ~~Such~~ The arrangements shall be consistent with
35 the ~~disaster-services~~ emergency management division plan and

1 program, and in time of emergency ~~it shall be the duty of~~ each
2 ~~local organization for disaster services preparedness to~~
3 emergency management agency shall render assistance in
4 accordance with the provisions of such the mutual aid
5 arrangements.

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

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

16 29C.13 FUNDS BY GRANTS OR GIFTS.

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

30 2. If any person ~~shall offer~~ offers to the state or to any
31 political subdivision of the state, services, equipment,
32 supplies, materials, or funds by way of gift, grant, or loan,
33 for purposes of ~~disaster services and~~ emergency planning
34 management, the governor or executive officer of ~~such the~~
35 political subdivision, may accept ~~such the~~ offer and, upon

1 such acceptance, the governor of the state or executive
2 officer or governing body of ~~such~~ the political subdivision
3 may authorize any officer of the state or of the political
4 subdivision to receive such services, equipment, supplies,
5 materials, or funds on behalf of the state or ~~such~~ the
6 political subdivision, and subject to the terms of the offer.

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

9 29C.14 DIRECTOR OF REVENUE AND FINANCE TO ISSUE WARRANTS.

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

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

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

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

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

26 29C.17 LOCAL EMERGENCY MANAGEMENT FUND.

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

1 or vice-chairperson of the commission is the certifying
2 official.

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

6 a. A county-wide special levy approved by the board of
7 supervisors.

8 b. Per capita allocation funded from city and county
9 general funds or by a combination of city and county special
10 levies which may be apportioned among the member
11 jurisdictions.

12 c. An allocation computed as each jurisdiction's relative
13 share of the total assessed valuation within the county.

14 d. A voluntary share allocation.

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

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

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

35 Sec. 17. Section 29C.18, subsection 1, Code 1991, is

1 amended to read as follows:

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

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

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

25 4. If the president, at the request of the governor, has
26 declared a major disaster to exist in this state, the
27 executive council may make financial grants to meet disaster-
28 related necessary expenses or serious needs of individuals or
29 families adversely affected by a major disaster which cannot
30 otherwise adequately be met from other means of assistance.
31 The amount of a financial grant shall not exceed five-thousand
32 dollars the maximum federal authorization in the aggregate to
33 an individual or family in any single major disaster declared
34 by the president. All grants authorized to individuals and
35 families will be subject to the federal government providing

1 no less than seventy-five percent of each grant and the
2 declaration of a major disaster in the state by the president
3 of the United States.

4 Sec. 19. Section 7E.5, subsection 1, paragraph q, Code
5 1991, is amended to read as follows:

6 q. The department of public defense, created in section
7 29.1, which has primary responsibility for state military
8 forces, ~~disaster-services~~ emergency management, and veterans
9 affairs.

10 Sec. 20. Section 29.1, Code 1991, is amended to read as
11 follows:

12 29.1 DEPARTMENT OF PUBLIC DEFENSE.

13 The department of public defense is composed of the
14 military division, the ~~disaster-services~~ emergency management
15 division, and the veterans affairs division. The adjutant
16 general is the director of the department of public defense
17 and the budget and personnel of all of the divisions are
18 subject to the approval of the adjutant general. The Iowa
19 emergency response commission established by section 30.2 is
20 attached to the department of public defense for
21 organizational purposes.

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

24 29.3 ~~DISASTER-SERVICES~~ EMERGENCY MANAGEMENT DIVISION.

25 There shall be within the department of public defense of
26 the state government, as a division thereof of the department,
27 an office of ~~disaster-services~~ emergency management which
28 shall be ~~styled-and~~ known as the "~~disaster-services~~ emergency
29 management division, department of public defense", with an
30 administrator of the division who shall be the head thereof of
31 the division. The adjutant general, as the director of the
32 department of public defense shall exercise supervisory
33 authority over the division.

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

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

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

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

12 Sec. 24. Section 331.321, subsection 1, paragraph a, Code
13 1991, is amended to read as follows:

14 a. ~~A-co-ordinator-of-disaster-services~~ An emergency
15 program manager in accordance with section 29C.10.

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

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

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

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

25 Sec. 27. Section 331.427, subsection 2, paragraph a, Code
26 1991, is amended to read as follows:

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

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

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

35 Sec. 29. Section 384.12, Code 1991, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 21. A tax for the support of a local
3 emergency management commission established pursuant to
4 chapter 29C.

5 Sec. 30. Section 455B.266, subsection 1, paragraph d, Code
6 1991, is amended to read as follows:

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

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

13 455B.385 STATE HAZARDOUS CONDITION CONTINGENCY PLAN.

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

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

29 A 911 system shall be capable of transmitting requests for
30 law enforcement, fire fighting, and emergency medical and
31 ambulance services to a public safety agency or agencies that
32 provide the requested service at the place where the call
33 originates. A 911 system may also provide for transmitting
34 requests for ~~disaster-services~~ emergency management, poison
35 control, suicide prevention, and other emergency services.

1 The public safety answering point shall be capable of
2 receiving calls from hearing impaired persons through a
3 telecommunications device for the deaf. Conferencing
4 capability with counseling, aid to handicapped, and other
5 services as deemed necessary for identifying appropriate
6 emergency response services may be provided by the 911
7 service.

8 Sec. 33. Section 477A.3, unnumbered paragraph 1, Code
9 1991, is amended to read as follows:

10 The state emergency telephone number commission is created
11 in the ~~disaster-services~~ emergency management division of the
12 department of public defense. The administrator of the
13 ~~disaster-services~~ emergency management division shall serve as
14 chairperson of the commission. The ~~disaster-services~~
15 emergency management division shall provide the meeting
16 facilities for the commission. The division of
17 communications, department of general services, shall provide
18 administrative and technical support for the commission with
19 the support of the staff of the respective members of the
20 commission. The members of the commission are as follows:

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

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

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

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

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

35

EXPLANATION

1 This bill changes the name of the disaster services
2 division of the department of public defense to the emergency
3 management division. The bill also provides for the
4 establishment of local emergency management agencies in lieu
5 of joint county-municipal disaster and emergency planning
6 administrations. The local emergency management agencies are
7 to operate under local emergency management commissions or
8 joint commissions having a membership of a member of the
9 boards of supervisors, the county sheriffs, and the mayors of
10 each city. Each commission shall employ a qualified emergency
11 program manager to lead the commission's staff. The bill also
12 authorizes counties and cities to levy a tax to support local
13 emergency management commissions and local emergency
14 management agencies.

15 The bill establishes standard procedures and requirements
16 for the operation of the local commissions and agencies.

17 The bill also provides that if the federal government
18 provides financial assistance for hazard mitigation, the state
19 may participate in the funding authorized to a local
20 government by providing not more than 10 percent of the
21 eligible expenses and the local government providing 40
22 percent. For a state-related hazard mitigation, the state may
23 participate by funding 50 percent of the eligible expenses
24 with an equal match from the federal government.

25 The bill removes the requirement that state and local
26 emergency management employees take an oath of office.

27 This bill may impose a state mandate pursuant to chapter
28 25B.

29
30
31
32
33
34
35

**SENATE FILE 390
FISCAL NOTE**

A fiscal note for Senate File 390 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 390 changes the name of the Disaster Services Division of the Department of Public Defense to the Emergency Management Division. The bill also provides for the establishment of local emergency management agencies in lieu of joint county-municipal disaster and emergency planning administrations. The local emergency management agencies are to operate under local emergency management commissions or joint commissions having a membership of a member of the board of supervisors, the county sheriffs, and the mayors of each city. Each commission shall employ a qualified emergency program manager to lead the commission's staff. The bill also authorizes counties and cities to levy a tax to support local emergency management commissions and local emergency management agencies. The bill establishes standard procedures and requirements for the operations of the local commissions and agencies.

The bill also provides that if the federal government provides financial assistance for hazard mitigation, the State may participate in the funding authorized to a local government by providing not more than 10% of the eligible expenses and the local governments providing 40%. For a state-related hazard mitigation, the State may participate by funding 50% of the eligible expenses with an equal match from the federal government. The bill removes the requirement that State and local emergency management employees take an oath of office.

FISCAL EFFECT: There will be no increase in costs to the State or local governments as the bill only provides options on how local government may fund the Emergency Management Organizations. The local governments are currently utilizing a funding mechanism under existing statute and this would just provide other options.

(SOURCE: Division of Disaster Services, DPD)

(LSB 1222sv, DPW)

FILED MAY 2, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 390

E-5544

- 1 Amend Senate File 390, as passed by the Senate, as
2 follows:
- 3 1. Page 5, line 21, by striking the word
4 "oversight" and inserting the following: "direction".
5 2. Page 5, line 24, by inserting after the word
6 "departments." the following: "The commission shall
7 coordinate its services in the event of a disaster."
8 3. Page 5, lines 25 and 26, by striking the words
9 "program manager" and inserting the following:
10 "management coordinator".
11 4. Page 5, by striking lines 27 through 30 and
12 inserting the following: "described in the division's
13 administrative rules. Each".
14 5. Page 5, line 31, by striking the words
15 "program manager" and inserting the following:
16 "management coordinator".
17 6. Page 5, line 32, by striking the words "be a
18 person meeting" and inserting the following: "meet".
19 7. Page 5, line 32, by inserting after the word
20 "specified" the following: "in the administrative
21 rules".
22 8. Page 6, lines 11 and 12, by striking the words
23 "program manager" and inserting the following:
24 "management coordinator".
25 9. Page 6, line 17, by striking the words
26 "program manager" and inserting the following:
27 "management coordinator".
28 10. Page 6, line 19, by striking the words
29 "program manager" and inserting the following:
30 "management coordinator".
31 11. Page 6, line 23, by striking the words
32 "program manager" and inserting the following:
33 "management coordinator".
34 12. Page 6, line 30, by striking the words "all
35 necessary".
36 13. Page 6, lines 30 and 31, by striking the
37 words ", to include the" and inserting the following:
38 "in order to coordinate emergency management
39 activities including".
40 14. Page 7, line 8, by striking the words
41 "program manager" and inserting the following:
42 "management coordinator".
43 15. Page 7, by striking line 13 and inserting the
44 following:
45 "2. When an emergency or disaster occurs, the
46 emergency management coordinator".
47 16. Page 7, by striking lines 15 through 18 and
48 inserting the following: "officials of the
49 municipalities and the county."
50 17. Page 7, line 29, by striking the words

E-5544

-1-

H-5544

Page 2

- 1 "program manager" and inserting the following:
- 2 "management coordinator".
- 3 18. Page 8, line 6, by striking the words
- 4 "program manager" and inserting the following:
- 5 "management coordinator".
- 6 19. Page 13, line 15, by striking the words
- 7 "program manager" and inserting the following:
- 8 "management coordinator".

By COMMITTEE ON STATE GOVERNMENT
BLANSHAN of Greene, Chairperson

H-5544 FILED MARCH 26, 1992

Adopted 3/3/92

SENATE FILE 390

H-5631

- 1 Amend Senate File 390, as passed by the Senate, as
 - 2 follows:
 - 3 1. Page 9, by striking lines 21 through 23 and
 - 4 inserting the following:
 - 5 "~~21. Any employee of an organization for disaster~~
 - 6 ~~services or emergency resource management shall not~~
 - 7 ~~become a candidate for any partisan elective office."~~
- By BURKE of Marshall

H-5631 FILED MARCH 31, 1992

HOUSE AMENDMENT TO
SENATE FILE 390

S-5563

- 1 Amend Senate File 390, as passed by the Senate, as
2 follows:
3 1. Page 5, line 21, by striking the word
4 "oversight" and inserting the following: "direction".
5 2. Page 5, line 24, by inserting after the word
6 "departments." the following: "The commission shall
7 coordinate its services in the event of a disaster."
8 3. Page 5, lines 25 and 26, by striking the words
9 "program manager" and inserting the following:
10 "management coordinator".
11 4. Page 5, by striking lines 27 through 30 and
12 inserting the following: "described in the division's
13 administrative rules. Each".
14 5. Page 5, line 31, by striking the words
15 "program manager" and inserting the following:
16 "management coordinator".
17 6. Page 5, line 32, by striking the words "be a
18 person meeting" and inserting the following: "meet".
19 7. Page 5, line 32, by inserting after the word
20 "specified" the following: "in the administrative
21 rules".
22 8. Page 6, lines 11 and 12, by striking the words
23 "program manager" and inserting the following:
24 "management coordinator".
25 9. Page 6, line 17, by striking the words
26 "program manager" and inserting the following:
27 "management coordinator".
28 10. Page 6, line 19, by striking the words
29 "program manager" and inserting the following:
30 "management coordinator".
31 11. Page 6, line 23, by striking the words
32 "program manager" and inserting the following:
33 "management coordinator".
34 12. Page 6, line 30, by striking the words "all
35 necessary".
36 13. Page 6, lines 30 and 31, by striking the
37 words ", to include the" and inserting the following:
38 "in order to coordinate emergency management
39 activities including".
40 14. Page 7, line 8, by striking the words
41 "program manager" and inserting the following:
42 "management coordinator".
43 15. Page 7, by striking line 13 and inserting the
44 following:
45 "2. When an emergency or disaster occurs, the
46 emergency management coordinator".
47 16. Page 7, by striking lines 15 through 18 and
48 inserting the following: "officials of the
49 municipalities and the county."
50 17. Page 7, line 29, by striking the words

S-5563

-1-

S-5563

Page 2

- 1 "program manager" and inserting the following:
2 "management coordinator".
3 18. Page 8, line 6, by striking the words
4 "program manager" and inserting the following:
5 "management coordinator".
6 19. Page 13, line 15, by striking the words
7 "program manager" and inserting the following:
8 "management coordinator".

RECEIVED FROM THE HOUSE

Senate concurred 4/7/92 (p 1327)

NYSTROM, OH.
KIBBIE
LIND

SSB 221
STATE GOVERNMENT

SENATE/HOUSE FILE 390
BY (PROPOSED DEPARTMENT OF
DEFENSE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the reorganization of the disaster services
2 division of the department of public defense by renaming the
3 division, providing for financial assistance, renaming local
4 emergency management commissions and managers, making
5 administrative changes, and making other amendments relevant
6 to the reorganization.

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

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

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

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

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

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

21 29C.5 DISASTER-SERVICES EMERGENCY MANAGEMENT DIVISION.

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

30 Sec. 4. Section 29C.6, subsections 9, 11, and 17, Code
31 1991, are amended to read as follows:

32 9. Co-operate with the president of the United States and
33 the heads of the armed forces, the ~~disaster-services-and~~
34 emergency planning management agencies of the United States
35 and other appropriate federal officers and agencies and with

1 the officers and agencies of other states in matters
2 pertaining to ~~disaster-recovery-and~~ emergency planning
3 management of the state and nation.

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

8 17. When the president of the United States has declared a
9 major disaster to exist in the state and upon the governor's
10 determination that financial assistance is essential to meet
11 disaster-related necessary expenses or serious needs of local
12 and state government adversely affected by a major disaster
13 that cannot be otherwise adequately met from other means of
14 assistance, accept a grant by the federal government to fund
15 such the financial assistance, subject to terms and conditions
16 imposed upon the grant, and enter into an agreement with the
17 federal government pledging the state to participate in the
18 funding of the financial assistance authorized to local
19 government and eligible private nonprofit agencies in an
20 amount not to exceed ten percent of the total eligible
21 expenses, with ~~local-government~~ the applicant providing
22 fifteen percent. If financial assistance is granted by the
23 federal government for state disaster-related expenses or
24 serious needs, the state shall participate in the funding of
25 the financial assistance authorized in an amount not to exceed
26 twenty-five percent of the total eligible expenses. If
27 financial assistance is granted by the federal government for
28 hazard mitigation, the state may participate in the funding of
29 the financial assistance authorized to a local government in
30 an amount not to exceed ten percent of the eligible expenses,
31 with local government providing forty percent. If financial
32 assistance is granted by the federal government for state-
33 related hazard mitigation, the state may participate in the
34 funding of the financial assistance authorized, not to exceed
35 fifty percent of the total eligible expenses. If state funds

1 are not otherwise available to the governor, an advance of the
2 state share may be accepted from the federal government to be
3 repaid when the state is able to do so.

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

6 29C.7 POWERS AND DUTIES OF ADJUTANT GENERAL.

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

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

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

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

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

30 a. Prepare a comprehensive plan and emergency management
31 program for the disaster preparedness, response, recovery,
32 mitigation, emergency operation, and emergency resource
33 management of this state. The plan and program shall be
34 integrated into and co-ordinated with the emergency plans of
35 the federal government and of other states to the fullest

1 possible extent and co-ordinate the preparation of plans and
2 programs for ~~disaster-services-and~~ emergency operations-and
3 ~~planning-by~~ management of the political subdivisions and
4 various state departments of this state. The plans shall be
5 integrated into and co-ordinated with a comprehensive state
6 emergency program for this state as co-ordinated by the
7 administrator of the ~~disaster-services~~ emergency management
8 division to the fullest possible extent.

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

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

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

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

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

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

32 29C.9 LOCAL EMERGENCY MANAGEMENT COMMISSIONS.

33 1. The county boards of supervisors, city councils, and
34 school district boards of directors in each county shall
35 cooperate with the emergency management division of the

1 department of public defense to establish local emergency
2 management commission to carry out the provisions of this
3 chapter.

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

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

14 4. For the purposes of this chapter, the commission or
15 joint commission is a municipality as defined in section
16 613A.1.

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

20 6. The commission shall determine the mission of its
21 agency and program and provide oversight for the delivery of
22 the emergency management services of planning, administration,
23 coordination, training, and support for local governments and
24 their departments.

25 7. The commission shall delegate to the emergency program
26 manager the authority to fulfill the commission duties as
27 described in the division's administrative rules, or if the
28 commission is nonfunctional or has not employed an emergency
29 program manager, the elected officials of the county and the
30 cities shall carry out the provisions of this chapter. Each
31 commission shall appoint a county emergency program manager
32 who shall be a person meeting the qualifications specified by
33 the administrator of the emergency management division.
34 Additional emergency management personnel may be appointed at
35 the discretion of the commission.

1 8. The commission shall develop, adopt, and submit for
2 approval by local governments within the county, a
3 comprehensive county-wide emergency operations plan which
4 meets standards adopted by the division in accordance with
5 chapter 17A. If an approved comprehensive county-wide
6 emergency operations plan has not been prepared according to
7 established standards and the administrator of the emergency
8 management division finds that satisfactory progress is not
9 being made toward the completion of the plan, or if the
10 administrator finds that a local emergency management
11 commission has failed to appoint a qualified emergency program
12 manager as provided in this chapter, the administrator shall
13 notify the governing bodies of the counties and cities
14 affected by the failure and the governing bodies shall not
15 appropriate any moneys to the local emergency management fund
16 until the disaster plan is prepared and approved or a
17 qualified emergency program manager is appointed. If the
18 administrator finds that a city or a county has appointed an
19 unqualified emergency program manager, the administrator shall
20 notify the governing body of the city or county citing the
21 qualifications which are not met and the governing body shall
22 not approve the payment of the salary or expenses of the
23 unqualified emergency program manager.

24 9. The commission shall encourage local officials to
25 support and participate in exercise programs which test
26 proposed or established jurisdictional emergency plans and
27 capabilities. During emergencies when lives are threatened
28 and extensive damage has occurred to property, the county and
29 all cities involved shall fully cooperate with the emergency
30 management agency to provide all necessary assistance, to
31 include the gathering of damage assessment data required by
32 state and federal authorities for the purposes of emergency
33 declarations and disaster assistance.

34 10. Two or more commissions may, upon review by the state
35 administrator and with the approval of their respective boards

1 of supervisors and cities, enter into agreements pursuant to
2 chapter 28E for the joint coordination and administration of
3 emergency management services throughout the multicounty area.

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

6 29C.10 EMERGENCY PROGRAM MANAGER.

7 1. The commission or joint commission shall appoint an
8 emergency program manager who shall serve at the pleasure of
9 the commission and shall be responsible for the development of
10 the county-wide emergency operations plan, coordination of
11 emergency planning activities and provide technical assistance
12 to political subdivisions throughout the county.

13 2. When an emergency occurs, the emergency program manager
14 shall provide coordination and assistance to the governing
15 officials of the municipalities and the county, and shall take
16 all necessary actions, within the commission guidelines, to
17 help the jurisdictions respond to and recover from the
18 disaster.

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

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

27 29C.11 LOCAL MUTUAL AID ARRANGEMENTS.

28 1. ~~The co-ordinator-of-each-local-organization~~ emergency
29 program manager ~~for disaster-services~~ each emergency
30 management agency shall, in collaboration with other public
31 and private agencies within this state, develop mutual aid
32 arrangements for reciprocal disaster services and recovery aid
33 and assistance in case of disaster too great to be dealt with
34 unassisted. ~~Such~~ The arrangements shall be consistent with
35 the ~~disaster-services~~ emergency management division plan and

1 program, and in time of emergency ~~it shall be the duty of~~ each
2 local ~~organization for disaster services preparedness to~~
3 emergency management agency shall render assistance in
4 accordance with the provisions of ~~such~~ the mutual aid
5 arrangements.

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

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

16 29C.13 FUNDS BY GRANTS OR GIFTS.

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

30 2. If any person ~~shall offer~~ offers to the state or to any
31 political subdivision of the state, services, equipment,
32 supplies, materials, or funds by way of gift, grant, or loan,
33 for purposes of ~~disaster services and~~ emergency planning
34 management, the governor or executive officer of ~~such~~ the
35 political subdivision, may accept ~~such~~ the offer and, upon

1 such acceptance, the governor of the state or executive
2 officer or governing body of ~~such~~ the political subdivision
3 may authorize any officer of the state or of the political
4 subdivision to receive such services, equipment, supplies,
5 materials, or funds on behalf of the state or ~~such~~ the
6 political subdivision, and subject to the terms of the offer.

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

9 29C.14 DIRECTOR OF REVENUE AND FINANCE TO ISSUE WARRANTS.

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

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

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

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

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

26 29C.17 LOCAL EMERGENCY MANAGEMENT FUND.

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

1 or vice-chairperson of the commission is the certifying
2 official.

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

6 a. A county-wide special levy approved by the board of
7 supervisors.

8 b. Per capita allocation funded from city and county
9 general funds or by a combination of city and county special
10 levies which may be apportioned among the member
11 jurisdictions.

12 c. An allocation computed as each jurisdiction's relative
13 share of the total assessed valuation within the county.

14 d. A voluntary share allocation.

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

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

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

35 Sec. 17. Section 29C.18, subsection 1, Code 1991, is

1 amended to read as follows:

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

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

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

25 4. If the president, at the request of the governor, has
26 declared a major disaster to exist in this state, the
27 executive council may make financial grants to meet disaster-
28 related necessary expenses or serious needs of individuals or
29 families adversely affected by a major disaster which cannot
30 otherwise adequately be met from other means of assistance.
31 The amount of a financial grant shall not exceed five-thousand
32 dollars the maximum federal authorization in the aggregate to
33 an individual or family in any single major disaster declared
34 by the president. All grants authorized to individuals and
35 families will be subject to the federal government providing

1 no less than seventy-five percent of each grant and the
2 declaration of a major disaster in the state by the president
3 of the United States.

4 Sec. 19. Section 7E.5, subsection 1, paragraph q, Code
5 1991, is amended to read as follows:

6 q. The department of public defense, created in section
7 29.1, which has primary responsibility for state military
8 forces, ~~disaster-services~~ emergency management, and veterans
9 affairs.

10 Sec. 20. Section 29.1, Code 1991, is amended to read as
11 follows:

12 29.1 DEPARTMENT OF PUBLIC DEFENSE.

13 The department of public defense is composed of the
14 military division, the ~~disaster-services~~ emergency management
15 division, and the veterans affairs division. The adjutant
16 general is the director of the department of public defense
17 and the budget and personnel of all of the divisions are
18 subject to the approval of the adjutant general. The Iowa
19 emergency response commission established by section 30.2 is
20 attached to the department of public defense for
21 organizational purposes.

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

24 29.3 ~~DISASTER-SERVICES~~ EMERGENCY MANAGEMENT DIVISION.

25 There shall be within the department of public defense of
26 the state government, as a division thereof of the department,
27 an office of ~~disaster-services~~ emergency management which
28 shall be ~~styled-and~~ known as the "~~disaster-services~~ emergency
29 management division, department of public defense", with an
30 administrator of the division who shall be the head thereof of
31 the division. The adjutant general, as the director of the
32 department of public defense shall exercise supervisory
33 authority over the division.

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

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

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

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

12 Sec. 24. Section 331.321, subsection 1, paragraph a, Code
13 1991, is amended to read as follows:

14 a. ~~A-co-ordinator-of-disaster-services~~ An emergency
15 program manager in accordance with section 29C.10.

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

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

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

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

25 Sec. 27. Section 331.427, subsection 2, paragraph a, Code
26 1991, is amended to read as follows:

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

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

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

35 Sec. 29. Section 384.12, Code 1991, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 21. A tax for the support of a local
3 emergency management commission established pursuant to
4 chapter 29C.

5 Sec. 30. Section 455B.266, subsection 1, paragraph d, Code
6 1991, is amended to read as follows:

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

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

13 455B.385 STATE HAZARDOUS CONDITION CONTINGENCY PLAN.

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

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

29 A 911 system shall be capable of transmitting requests for
30 law enforcement, fire fighting, and emergency medical and
31 ambulance services to a public safety agency or agencies that
32 provide the requested service at the place where the call
33 originates. A 911 system may also provide for transmitting
34 requests for disaster-services emergency management, poison
35 control, suicide prevention, and other emergency services.

1 The public safety answering point shall be capable of
2 receiving calls from hearing impaired persons through a
3 telecommunications device for the deaf. Conferencing
4 capability with counseling, aid to handicapped, and other
5 services as deemed necessary for identifying appropriate
6 emergency response services may be provided by the 911
7 service.

8 Sec. 33. Section 477A.3, unnumbered paragraph 1, Code
9 1991, is amended to read as follows:

10 The state emergency telephone number commission is created
11 in the disaster-services emergency management division of the
12 department of public defense. The administrator of the
13 disaster-services emergency management division shall serve as
14 chairperson of the commission. The disaster-services
15 emergency management division shall provide the meeting
16 facilities for the commission. The division of
17 communications, department of general services, shall provide
18 administrative and technical support for the commission with
19 the support of the staff of the respective members of the
20 commission. The members of the commission are as follows:

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

23 1. "Administrator" means the administrator of the division
24 of disaster-services emergency management of the department of
25 public defense.

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

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

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

35

EXPLANATION

1 This bill changes the name of the disaster services
2 division of the department of defense to the emergency
3 management division. The bill also provides for the
4 establishment of local emergency management agencies in lieu
5 of joint county-municipal disaster and emergency planning
6 administrations. The local emergency management agencies are
7 to operate under local emergency management commissions or
8 joint commissions having a membership of a member of the
9 boards of supervisors, the county sheriffs, and the mayors of
10 each city. Each commission shall employ a qualified emergency
11 program manager to lead the commission's staff. The bill also
12 authorizes counties and cities to levy a tax to support local
13 emergency management commissions and local emergency
14 management agencies.

15 The bill establishes standard procedures and requirements
16 for the operation of the local commissions and agencies.

17 The bill also provides that if the federal government
18 provides financial assistance for hazard mitigation, the state
19 may participate in the funding authorized to a local
20 government by providing not more than 10 percent of the
21 eligible expenses and the local government providing 40
22 percent. For a state-related hazard mitigation, the state may
23 participate by funding 50 percent of the eligible expenses
24 with an equal match from the federal government.

25 The bill removes the requirement that state and local
26 emergency management employees take an oath of office.

27 This bill may impose a state mandate pursuant to chapter
28 25B.

29 BACKGROUND STATEMENT

30 SUBMITTED BY THE AGENCY

31 This bill is in response to requested changes from local
32 government. The bill provides for the name change from
33 disaster services to emergency management, local organization
34 to local emergency management commission, and the local
35 coordinator to local emergency program manager. It also

1 reflects changes to be in concert with Pub. L. No. 93-288, as
2 amended by the federal Stafford Act, and presidential
3 declarations. It eliminates the requirement for state and
4 local disaster services employees to take an oath of office.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 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 co-ordination 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~~ services, equipment, supplies, materials, or funds on behalf of the state or ~~such 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 acceptance, the governor of the state or executive officer or governing body of such 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 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 resource 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 cooperate 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.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 390, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1992

TERRY E. BRANSTAD
Governor