

Kibbie
McLaren
Drake

SSB-1051
State Government
Succeeded by
(SF/HF 254)
SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF PUBLIC
DEFENSE BILL)

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

A BILL FOR

1 An Act relating to the emergency management division of the
2 department of public defense by authorizing fees for
3 radiological detection equipment maintenance services, by
4 providing for the appointment of county emergency management
5 officers, by authorizing financial assistance to local
6 governments for emergency management purposes, and by
7 providing an effective date.

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

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28/1/78
Succeeded by

DIVISION I

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2 Section 1. Section 23A.2, subsection 10, Code 1999, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. m. The repair, calibration, or maintenance
5 of radiological detection equipment by the emergency
6 management division of the department of public defense.

7 Sec. 2. Section 29C.8, Code 1999, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5. The emergency management division may
10 charge fees for the repair, calibration, or maintenance of
11 radiological detection equipment and may expend funds in
12 addition to funds budgeted for the servicing of the
13 radiological detection equipment. The division shall adopt
14 rules pursuant to chapter 17A providing for the establishment
15 and collection of fees for radiological detection equipment
16 repair, calibration, or maintenance services and for entering
17 into agreements with other public and private entities to
18 provide the services. Fees collected for repair, calibration,
19 or maintenance services shall be treated as repayment receipts
20 as defined in section 8.2 and shall be used for the operation
21 of the division's radiological maintenance facility or
22 radiation incident response training.

23 DIVISION II

24 Sec. 3. Section 29C.6, subsection 17, Code 1999, is
25 amended to read as follows:

26 17. a. When the president of the United States has
27 declared a major disaster to exist in the state and upon the
28 governor's determination that financial assistance is
29 essential to meet disaster-related necessary expenses or
30 serious needs of local and state government adversely affected
31 by a major disaster that cannot be otherwise adequately met
32 from other means of assistance, accept a grant by the federal
33 government to fund the financial assistance, subject to terms
34 and conditions imposed upon the grant, and enter into an
35 agreement with the federal government pledging the state to

1 participate in the funding of the financial assistance
 2 authorized to local government and eligible private nonprofit
 3 agencies in an amount not to exceed ten percent of the total
 4 eligible expenses, with the applicant providing fifteen
 5 percent the balance of any participation amount. If financial
 6 assistance is granted by the federal government for state
 7 disaster-related expenses or serious needs, the state shall
 8 participate in the funding of the financial assistance
 9 authorized in an amount not to exceed twenty-five percent of
 10 the total eligible expenses. If financial assistance is
 11 granted by the federal government for hazard mitigation, the
 12 state may participate in the funding of the financial
 13 assistance authorized to a local government in an amount not
 14 to exceed ten percent of the eligible expenses, with local
 15 government the applicant providing forty-percent the balance
 16 of any participation amount. If financial assistance is
 17 granted by the federal government for state-related hazard
 18 mitigation, the state may participate in the funding of the
 19 financial assistance authorized, not to exceed fifty percent
 20 of the total eligible expenses. If state funds are not
 21 otherwise available to the governor, an advance of the state
 22 share may be accepted from the federal government to be repaid
 23 when the state is able to do so.

24 b. State participation in funding financial assistance
 25 under paragraph "a" is contingent upon the local government
 26 having on file a state-approved, comprehensive, countywide
 27 emergency operations plan which meets the standards adopted
 28 pursuant to section 29C.9, subsection 8.

29 Sec. 4. EFFECTIVE DATE. This division of this Act takes
 30 effect July 1, 2000.

31 DIVISION III

32 Sec. 5. Section 331.321, subsection 1, paragraph a, Code
 33 1999, is amended to read as follows:

34 a. An emergency management ~~coordinator-in-accordance-with~~
 35 ~~section-29C-10~~ officer. The emergency management officer

1 shall possess the qualifications established by rule of the
2 administrator of the emergency management division of the
3 department of public defense. The county emergency management
4 officer shall serve as the coordinator of emergency services
5 and planning for the county and, in times of disaster, shall
6 also serve as an operations officer for the emergency
7 management coordinator as established in section 29C.10.

8 EXPLANATION

9 Division I of this bill exempts the provision of repair,
10 calibration, or maintenance services by the emergency
11 management division of the department of public defense from
12 state law which prohibits state competition with private
13 enterprise. The bill also authorizes the division to charge
14 fees for the provision of repair, calibration, or maintenance
15 services for radiological detection equipment. Fees charged,
16 if any, are to be treated as repayment receipts under Code
17 section 8.2 and are to be used for the operation of the
18 radiological maintenance facility or for radiation incident
19 response training.

20 Division II of the bill provides that a local government
21 shall have on file with the emergency management division of
22 the state department of public defense a comprehensive,
23 countywide emergency operations plan meeting state standards
24 in order to be eligible for the partial state funding of
25 financial assistance to the local government or eligible
26 private nonprofit agencies for disaster-related expenses,
27 serious needs, or hazard mitigation. Division II takes effect
28 July 1, 2000.

29 Division III of the bill allows the board of supervisors to
30 appoint an emergency management officer for the county. The
31 county emergency management officer shall coordinate emergency
32 services and planning in the county and shall also serve as an
33 operations officer for the emergency management coordinator
34 appointed pursuant to Code section 29C.10.

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1051



HEADQUARTERS IOWA NATIONAL GUARD

Office of the Adjutant General

Camp Dodge
7700 NW Beaver Drive
Johnston, Iowa 50131-1902

MEMORANDUM FOR Members of the General Assembly

SUBJECT: LSB 1087DP Background Memorandum

1. Division I of the Bill authorizes the Emergency Management Division of the Department of Public Defense to perform radiological equipment maintenance services to public and private entities and to charge fees for the services. The Emergency Management Division (EMD) operates the only licensed radiological equipment calibration, maintenance, and repair facility in the state. The facility is funded with money received from the Federal Emergency Management Agency (FEMA) and the nuclear power plants that either operate within the state or which directly affect Iowans. The share provided by FEMA has decreased by 50% for the federal fiscal year beginning October 1, 1998. Currently EMD performs calibration, maintenance, and repair services on radiological equipment owned and operated by the state with regard to emergency management and the radiological emergency protection programs. Private sector and public agencies have approached EMD to provide this service. EMD proposes to provide services to those entities licensed to possess, use, or handle radioactive materials, including the nuclear medicine departments of hospitals and scientific and medical departments at colleges and universities, and to industrial entities. EMD would also provide services to non-licensed entities such as utilities that use coal or natural gas to produce electricity and to state and local emergency response agencies. In addition, EMD would provide the same services to out of state entities. Out of state instrument manufacturers normally take 15 to 30 days and charge fees of \$100 to \$150 per instrument to perform these services. EMD proposes to perform these services in three to five days and to set the fees therefore at \$100 per instrument. Revenues generated from these fees will be used to make up for the revenue shortfall, and to provide radiological training for first responders.
2. Division II of the Bill provides for an emergency planning incentive. Currently, Iowa Code section 29C.9 provides for the establishment of an emergency management commission within each county of the State. The Code further provides that each commission shall appoint an emergency management coordinator and that the commission shall develop and adopt a comprehensive countywide emergency operations plan that meets standards established in rules by the EMD. The Bill provides a planning incentive by requiring local governments to have the required countywide comprehensive plans, meeting current standards to qualify for the state share of financial assistance in a federally declared disaster.
3. Division III of the Bill provides for the appointment of a county emergency management officer to coordinate the emergency management activities of the county under the authority of the county board of supervisors. In times of disaster, the county emergency management officer serves as an operations officer to the county emergency management coordinator, provided in section 29C.10, as appointed by the county emergency management commission. The commission is comprised of a member of the county board of supervisors, the sheriff, and the mayors from each incorporated city within the county, or their authorized representatives.

FOR THE ADJUTANT GENERAL

A handwritten signature in black ink, appearing to read "Ron Dardis".

Ron Dardis
Brigadier General, Iowa Air National Guard
Deputy Adjutant General

H. 3/19/99 State Gov
H. 3/31/99 Do Pass

FILED MAR 1 1999

SENATE FILE 254
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1051)

Passed Senate, ^(P. 687) Date 3/18/99 Passed House, ^(P. 1201) Date 4/12/99
Vote: Ayes 49 Nays 0 Vote: Ayes 96 Nays 0
Approved April 29, 1999

A BILL FOR

1 An Act relating to the emergency management division of the
2 department of public defense by authorizing fees for
3 radiological detection equipment maintenance services, by
4 authorizing financial assistance to local governments for
5 emergency management purposes, by directing a report to the
6 general assembly by the division director, and by providing an
7 effective date.

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

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SF 254

DIVISION I

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Section 1. Section 23A.2, subsection 10, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The repair, calibration, or maintenance of radiological detection equipment by the emergency management division of the department of public defense.

Sec. 2. Section 29C.8, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The emergency management division may charge fees for the repair, calibration, or maintenance of radiological detection equipment and may expend funds in addition to funds budgeted for the servicing of the radiological detection equipment. The division shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as repayment receipts as defined in section 8.2 and shall be used for the operation of the division's radiological maintenance facility or radiation incident response training.

DIVISION II

Sec. 3. Section 29C.6, subsection 17, Code 1999, is amended to read as follows:

17. a. 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 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

1 participate in the funding of the financial assistance
2 authorized to local government and eligible private nonprofit
3 agencies in an amount not to exceed ten percent of the total
4 eligible expenses, with the applicant providing fifteen
5 percent the balance of any participation amount. If financial
6 assistance is granted by the federal government for state
7 disaster-related expenses or serious needs, the state shall
8 participate in the funding of the financial assistance
9 authorized in an amount not to exceed twenty-five percent of
10 the total eligible expenses. If financial assistance is
11 granted by the federal government for hazard mitigation, the
12 state may participate in the funding of the financial
13 assistance authorized to a local government in an amount not
14 to exceed ten percent of the eligible expenses, with ~~local~~
15 government the applicant providing forty-percent the balance
16 of any participation amount. If financial assistance is
17 granted by the federal government for state-related hazard
18 mitigation, the state may participate in the funding of the
19 financial assistance authorized, not to exceed fifty percent
20 of the total eligible expenses. If state funds are not
21 otherwise available to the governor, an advance of the state
22 share may be accepted from the federal government to be repaid
23 when the state is able to do so.

24 b. State participation in funding financial assistance
25 under paragraph "a" is contingent upon the local government
26 having on file a state-approved, comprehensive, countywide
27 emergency operations plan which meets the standards adopted
28 pursuant to section 29C.9, subsection 8.

29 Sec. 4. EFFECTIVE DATE. This division of this Act takes
30 effect July 1, 2000.

31 DIVISION III

32 Sec. 5. The general assembly recognizes the need for the
33 state government to be prepared to respond to incidents
34 involving nuclear, chemical, or biological materials.
35 Further, the general assembly recognizes that the emergency

1 management division of the department of public defense should
2 take the lead in these efforts. Therefore, the administrator
3 of the emergency management division is directed to report to
4 the general assembly not later than January 15, 2000,
5 regarding the status of state government preparedness to
6 respond to nuclear, chemical, or biological materials
7 incidents and identify unmet needs for preparedness and
8 response efforts.

9

EXPLANATION

10 Division I of this bill exempts the provision of repair,
11 calibration, or maintenance services by the emergency
12 management division of the department of public defense from
13 state law which prohibits state competition with private
14 enterprise. The bill also authorizes the division to charge
15 fees for the provision of repair, calibration, or maintenance
16 services for radiological detection equipment. Fees charged,
17 if any, are to be treated as repayment receipts under Code
18 section 8.2 and are to be used for the operation of the
19 radiological maintenance facility or for radiation incident
20 response training.

21 Division II of the bill provides that a local government
22 shall have on file with the emergency management division of
23 the state department of public defense a comprehensive,
24 countywide emergency operations plan meeting state standards
25 in order to be eligible for the partial state funding of
26 financial assistance to the local government or eligible
27 private nonprofit agencies for disaster-related expenses,
28 serious needs, or hazard mitigation. Division II takes effect
29 July 1, 2000.

30 Division III of the bill directs the administrator of the
31 emergency management division of the department of public
32 defense to report to the general assembly not later than
33 January 15, 2000, regarding state government preparedness to
34 respond to nuclear, chemical, or biological materials
35 incidents and identify unmet needs for preparedness and

1 response efforts.

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LSB 1087SV 78

tj/sc/14

AN ACT

RELATING TO THE EMERGENCY MANAGEMENT DIVISION OF THE DEPARTMENT OF PUBLIC DEFENSE BY AUTHORIZING FEES FOR RADIOLOGICAL DETECTION EQUIPMENT MAINTENANCE SERVICES, BY AUTHORIZING FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS FOR EMERGENCY MANAGEMENT PURPOSES, BY DIRECTING A REPORT TO THE GENERAL ASSEMBLY BY THE DIVISION DIRECTOR, AND BY PROVIDING AN EFFECTIVE DATE.

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

DIVISION I

Section 1. Section 23A.2, subsection 10, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The repair, calibration, or maintenance of radiological detection equipment by the emergency management division of the department of public defense.

Sec. 2. Section 29C.8, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The emergency management division may charge fees for the repair, calibration, or maintenance of radiological detection equipment and may expend funds in addition to funds budgeted for the servicing of the radiological detection equipment. The division shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as repayment receipts as defined in section 8.2 and shall be used for the operation of the division's radiological maintenance facility or radiation incident response training.

DIVISION II

Sec. 3. Section 29C.6, subsection 17, Code 1999, is amended to read as follows:

17. a. 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 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 the applicant providing fifteen percent the balance of any participation amount. 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 the applicant providing forty-percent the balance of any participation amount. 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.

b. State participation in funding financial assistance under paragraph "a" is contingent upon the local government having on file a state-approved, comprehensive, countywide emergency operations plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

Sec. 4. EFFECTIVE DATE. This division of this Act takes effect July 1, 2000.

DIVISION III

Sec. 5. The general assembly recognizes the need for the state government to be prepared to respond to incidents involving nuclear, chemical, or biological materials. Further, the general assembly recognizes that the emergency management division of the department of public defense should take the lead in these efforts. Therefore, the administrator of the emergency management division is directed to report to the general assembly not later than January 15, 2000, regarding the status of state government preparedness to respond to nuclear, chemical, or biological materials

incidents and identify unmet needs for preparedness and response efforts.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 254, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved *April 29*, 1999

THOMAS J. VILSACK
Governor