

Senate Study Bill 1267

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act relating to the authority of the director of the
2 department of natural resources in disaster emergencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2375XL 83
5 tm/rj/8

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1 1 Section 1. NEW SECTION. 455A.4A DIRECTOR AUTHORITY ==
1 2 DISASTER EMERGENCIES.
1 3 Upon a proclamation of disaster emergency by the governor
1 4 pursuant to section 29C.6, the director may do any of the
1 5 following:
1 6 1. Suspend any requirement in title XI, subtitles 1, 2,
1 7 and 6, or any rule adopted pursuant to such subtitles if
1 8 strict compliance with the statute or rule would prevent,
1 9 hinder, or delay necessary action in responding to the
1 10 disaster emergency.
1 11 2. Issue orders as necessary to respond to the disaster
1 12 emergency which shall be effective immediately upon issuance.
1 13 Any appeal or request for review of such orders shall not
1 14 suspend the implementation of the action ordered.
1 15 3. Adopt rules and policies as necessary to respond to the
1 16 disaster emergency. Such rules and policies shall be exempt
1 17 from being promulgated as provided in chapter 17A.
1 18 4. Any suspension of a statute or rule, issuance of an
1 19 order, or adoption of a rule or policy shall meet all of the
1 20 following criteria:
1 21 a. It must be as narrow as possible to respond to and
1 22 remedy the disaster emergency condition.
1 23 b. It must be limited to the time necessary to address the
1 24 disaster emergency conditions and any repairs and remedial
1 25 measures associated with the disaster emergency.
1 26 c. It must be developed and implemented so as not to
1 27 result in loss of federal moneys or program delegation.
1 28 EXPLANATION
1 29 This bill relates to the authority of the director of the
1 30 department of natural resources in disaster emergencies.
1 31 The bill allows the director to suspend certain statutes
1 32 and administrative rules if strict compliance with the statute
1 33 or rule would prevent, hinder, or delay necessary action in
1 34 responding to the disaster emergency. The director may issue
1 35 orders as necessary to respond to the disaster emergency which
2 1 shall be effective immediately upon issuance. The director
2 2 may adopt rules and policies as necessary to respond to the
2 3 disaster emergency. Such actions must be narrowly prescribed,
2 4 limited in time, and implemented in accordance with federal
2 5 law.
2 6 LSB 2375XL 83
2 7 tm/rj/8