

**Senate Study Bill 1061 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON WILHELM)

**A BILL FOR**

1 An Act relating to emergency management planning.

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

1       Section 1. Section 29C.2, subsection 3, Code 2011, is  
2 amended to read as follows:

3       3. "*Local emergency management agency*" means a ~~countywide~~  
4 joint county-municipal public agency organized to administer  
5 this chapter under the authority of the local emergency  
6 management commission.

7       Sec. 2. Section 29C.6, subsection 17, paragraph b, Code  
8 2011, is amended to read as follows:

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

14      Sec. 3. Section 29C.8, subsection 3, paragraph a, Code 2011,  
15 is amended to read as follows:

16      a. Prepare a comprehensive emergency plan and emergency  
17 management program for homeland security, disaster  
18 preparedness, response, recovery, mitigation, emergency  
19 operation, and emergency resource management of this state.  
20 The plan and program shall be integrated into and coordinated  
21 with the homeland security and emergency plans of the federal  
22 government and of other states to the fullest possible extent  
23 and coordinate the preparation of plans and programs for  
24 emergency management of the political subdivisions and various  
25 state departments of this state. The plans shall be integrated  
26 into and coordinated with a comprehensive state homeland  
27 security and emergency program for this state as coordinated  
28 by the administrator of the homeland security and emergency  
29 management division to the fullest possible extent.

30      Sec. 4. Section 29C.9, subsections 1, 7, and 8, Code 2011,  
31 are amended to read as follows:

32      1. The county ~~boards~~ board of supervisors, city councils,  
33 and ~~school district boards of directors~~ the sheriff in each  
34 county shall cooperate with the homeland security and emergency  
35 management division of the department of public defense to

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

3       7. The commission shall delegate to the emergency  
4 management coordinator the authority to fulfill the commission  
5 duties as described in the division's administrative rules.

6 Each commission shall appoint a ~~county~~ local emergency  
7 management coordinator who shall meet the qualifications  
8 specified in the administrative rules by the administrator  
9 of the homeland security and emergency management division.  
10 Additional emergency management personnel may be appointed at  
11 the discretion of the commission.

12       8. The commission shall develop, adopt, and submit for  
13 approval by local governments within the ~~county~~ commission's  
14 jurisdiction, a comprehensive ~~countywide~~ emergency ~~operations~~  
15 plan which meets standards adopted by the division in  
16 accordance with chapter 17A. If an approved comprehensive  
17 ~~countywide~~ emergency ~~operations~~ plan has not been prepared  
18 according to established standards and the administrator  
19 of the homeland security and emergency management division  
20 finds that satisfactory progress is not being made toward the  
21 completion of the plan, or if the administrator finds that a  
22 local emergency management commission has failed to appoint  
23 a qualified emergency management coordinator as provided in  
24 this chapter, the administrator shall notify the governing  
25 bodies of the counties and cities affected by the failure  
26 and the governing bodies shall not appropriate any moneys  
27 to the local emergency management fund until the ~~disaster~~  
28 comprehensive emergency plan is prepared and approved or a  
29 qualified emergency management coordinator is appointed. If  
30 the administrator finds that a ~~city or a county~~ commission has  
31 appointed an unqualified emergency management coordinator,  
32 the administrator shall notify the ~~governing body of the city~~  
33 ~~or county~~ commission citing the qualifications which are not  
34 met and the ~~governing body~~ commission shall not approve the  
35 payment of the salary or expenses of the unqualified emergency

1 management coordinator.

2 Sec. 5. Section 29C.10, Code 2011, is amended to read as  
3 follows:

4 **29C.10 Emergency management coordinator.**

5 1. The commission or joint commission shall appoint an  
6 emergency management coordinator who shall serve at the  
7 pleasure of the commission, and shall be responsible for  
8 the development of the countywide comprehensive emergency  
9 operations plan, coordination of shall coordinate emergency  
10 planning activities, and shall provide technical assistance to  
11 political subdivisions throughout the county comprising the  
12 commission or joint commission.

13 2. When an emergency or disaster occurs, the emergency  
14 management coordinator shall provide coordination and  
15 assistance to the governing officials of the municipalities and  
16 the county political subdivisions comprising the commission or  
17 joint commission.

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

26 Sec. 6. Section 29C.11, Code 2011, is amended to read as  
27 follows:

28 **29C.11 Local mutual aid arrangements.**

29 1. The local emergency management coordinator for each  
30 emergency management agency commission shall, in collaboration  
31 with other public and private agencies within this state,  
32 develop mutual aid arrangements for reciprocal disaster  
33 services and recovery aid and assistance in case of disaster  
34 too great to be dealt with unassisted. The arrangements  
35 shall be consistent with the homeland security and emergency

1 management division plan and program, and in time of  
2 emergency each local emergency management agency shall render  
3 assistance in accordance with the provisions of the mutual aid  
4 arrangements.

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

12      Sec. 7. Section 29C.17, subsection 1, Code 2011, is amended  
13 to read as follows:

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

24      Sec. 8. Section 29C.17, subsection 2, unnumbered paragraph  
25 1, Code 2011, is amended to read as follows:

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

29      Sec. 9. Section 29C.20A, subsection 5, Code 2011, is amended  
30 to read as follows:

31      5. The ~~homeland security and emergency management division~~  
32 department of human services shall submit an annual report, by  
33 January 1 of each year, to the legislative fiscal committee  
34 and the general assembly's standing committees on government  
35 oversight concerning the activities of the grant program in the

1 previous fiscal year.

2 Sec. 10. Section 29C.22, subsection 1, paragraph b, Code  
3 2011, is amended to read as follows:

4 b. The purpose of this compact is to provide for mutual  
5 assistance between the participating governments entering  
6 into this compact in managing any emergency or disaster that  
7 is declared in accordance with a countywide comprehensive  
8 emergency operations plan or by the governor, whether arising  
9 from natural disaster, technological hazard, man-made disaster,  
10 community disorder, insurgency, terrorism, or enemy attack.

11 Sec. 11. Section 30.2, subsection 2, paragraph b, Code 2011,  
12 is amended to read as follows:

13 b. The commission members representing the departments  
14 of workforce development, natural resources, public defense,  
15 public safety, and transportation, a local emergency planning  
committee, and one private industry representative designated  
17 by the commission shall be voting members of the commission.  
18 The remaining members of the commission shall serve as  
19 nonvoting, advisory members.

20 Sec. 12. Section 30.9, subsections 1 and 2, Code 2011, are  
21 amended to read as follows:

22 1. Comprehensive emergency response plans required to  
23 be developed under section 303 of the Emergency Planning and  
24 Community Right-to-know Act, 42 U.S.C. § 11003, shall be  
25 submitted to the department of public defense. Committee  
26 submission to that department constitutes compliance with the  
27 requirement for reporting to the commission. After initial  
28 submission, a plan need not be resubmitted unless revisions  
29 are requested by the commission. The department of public  
30 defense shall review the plan on behalf of the commission  
31 and shall incorporate the provisions of the plan into its  
32 responsibilities under chapter 29C.

33 2. The department of public defense shall advise the  
34 commission of the failure of any committee to submit an  
35 initial comprehensive emergency response plan or a revised plan

1 requested by the commission.

2 EXPLANATION

3 This bill relates to emergency management planning.

4 The bill changes the name of comprehensive, countywide  
5 emergency operations plans to comprehensive emergency plans and  
6 makes conforming amendments.

7 The bill changes the entities required to work with the  
8 homeland security and emergency management division of the  
9 department of public defense in establishing local emergency  
10 management commissions. Currently, the county boards of  
11 supervisors, city councils, and school district boards of  
12 directors are the designated entities. The bill replaces the  
13 school district boards of directors with the sheriff.

14 The bill replaces references to county emergency management  
15 coordinator with local emergency management coordinator.

16 The bill replaces references to political subdivisions of  
17 a county to political subdivisions of an emergency management  
18 commission or joint commission.

19 The bill replaces references to a city or county with  
20 political subdivisions of an emergency management commission or  
21 joint commission.

22 Under local mutual aid arrangements, the bill replaces the  
23 emergency management coordinator for each emergency management  
24 agency with the emergency management commission to perform  
25 certain duties.

26 Currently, the homeland security and emergency management  
27 division of the department of public defense has certain  
28 annual reporting duties related to the disaster aid individual  
29 assistance grant fund. The bill replaces the homeland security  
30 and emergency management division with the department of human  
31 services.

32 The bill makes the person representing a local emergency  
33 planning committee on the Iowa emergency response commission a  
34 voting member.