

**Senate File 289 - Introduced**

SENATE FILE 289  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1033)

**A BILL FOR**

1 An Act establishing the department of homeland security and  
2 emergency management.

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

1 Section 1. Section 7E.5, subsection 1, paragraph p, Code  
2 2013, is amended to read as follows:

3 *p.* The department of public defense, created in section  
4 29.1, which has primary responsibility for state military  
5 forces ~~and emergency management~~.

6 Sec. 2. Section 7E.5, subsection 1, Code 2013, is amended by  
7 adding the following new paragraph:

8 NEW PARAGRAPH. *w.* The department of homeland security  
9 and emergency management, created in section 29C.5, which has  
10 primary responsibility for the administration of emergency  
11 planning matters, including emergency resource planning in  
12 this state, homeland security activities, and coordination of  
13 available services and resources in the event of a disaster to  
14 include those services and resources of the federal government  
15 and private entities.

16 Sec. 3. Section 8A.202, subsection 5, paragraph e, Code  
17 2013, is amended to read as follows:

18 *e.* The department of public defense, ~~including both the~~  
19 ~~military division and the homeland security and emergency~~  
20 ~~management division,~~ shall not be required to obtain any  
21 information technology services pursuant to this subchapter  
22 for the department of public defense ~~or its divisions~~ that is  
23 provided by the department pursuant to this chapter without the  
24 consent of the adjutant general.

25 Sec. 4. Section 8D.2, subsection 5, paragraph b, Code 2013,  
26 is amended to read as follows:

27 *b.* For the purposes of this chapter, "*public agency*" also  
28 includes any homeland security or defense facility or disaster  
29 response agency established by the ~~administrator~~ director of  
30 the department of homeland security and emergency management  
31 ~~division of the department of public defense~~ or the governor  
32 or any facility connected with a security or defense system or  
33 disaster response as required by the ~~administrator~~ director of  
34 the department of homeland security and emergency management  
35 ~~division of the department of public defense~~ or the governor.

1     Sec. 5. Section 8D.9, subsection 3, Code 2013, is amended  
2 to read as follows:

3     3. A facility that is considered a public agency pursuant  
4 to section 8D.2, subsection 5, paragraph "b", shall be  
5 authorized to access the Iowa communications network strictly  
6 for homeland security communication purposes and disaster  
7 communication purposes. Any utilization of the network that  
8 is not related to communications concerning homeland security  
9 or a disaster, as defined in section 29C.2, is expressly  
10 prohibited. Access under this subsection shall be available  
11 only if a state of disaster emergency is proclaimed by the  
12 governor pursuant to section 29C.6 or a homeland security  
13 or disaster event occurs requiring connection of disparate  
14 communications systems between public agencies to provide  
15 for a multiagency or multijurisdictional response. Access  
16 shall continue only for the period of time the homeland  
17 security or disaster event exists. For purposes of this  
18 subsection, disaster communication purposes includes training  
19 and exercising for a disaster if public notice of the training  
20 and exercising session is posted on the ~~website~~ internet site  
21 of the department of homeland security and emergency management  
22 ~~division of the department of public defense~~. A scheduled and  
23 noticed training and exercising session shall not exceed five  
24 days. Interpretation and application of the provisions of this  
25 subsection shall be strictly construed.

26     Sec. 6. Section 16.191, subsection 2, paragraph e, Code  
27 2013, is amended to read as follows:

28     e. The ~~administrator~~ director of the department of homeland  
29 security and emergency management ~~division of the department of~~  
30 ~~public defense~~ or the ~~administrator's~~ director's designee.

31     Sec. 7. Section 22.7, subsection 45, Code 2013, is amended  
32 to read as follows:

33     45. The critical asset protection plan or any part of the  
34 plan prepared pursuant to section 29C.8 and any information  
35 held by the department of homeland security and emergency

1 management ~~division~~ that was supplied to the ~~division~~  
 2 department by a public or private agency or organization and  
 3 used in the development of the critical asset protection plan  
 4 to include, but not be limited to, surveys, lists, maps, or  
 5 photographs. However, the ~~administrator~~ director shall make  
 6 the list of assets available for examination by any person.  
 7 A person wishing to examine the list of assets shall make  
 8 a written request to the ~~administrator~~ director on a form  
 9 approved by the ~~administrator~~ director. The list of assets may  
 10 be viewed at the ~~division's~~ department's offices during normal  
 11 working hours. The list of assets shall not be copied in any  
 12 manner. Communications and asset information not required by  
 13 law, rule, or procedure that are provided to the ~~administrator~~  
 14 director by persons outside of government and for which the  
 15 ~~administrator~~ director has signed a nondisclosure agreement are  
 16 exempt from public disclosures. The department of homeland  
 17 security and emergency management ~~division~~ may provide all or  
 18 part of the critical asset plan to federal, state, or local  
 19 governmental agencies which have emergency planning or response  
 20 functions if the ~~administrator~~ director is satisfied that  
 21 the need to know and intended use are reasonable. An agency  
 22 receiving critical asset protection plan information from the  
 23 ~~division~~ department shall not redisseminate the information  
 24 without prior approval of the ~~administrator~~ director.

25 Sec. 8. Section 23A.2, subsection 10, paragraph m, Code  
 26 2013, is amended to read as follows:

27 *m.* The repair, calibration, or maintenance of radiological  
 28 detection equipment by the department of homeland security  
 29 and emergency management ~~division of the department of~~ public  
 30 ~~defense~~.

31 Sec. 9. Section 29.1, Code 2013, is amended to read as  
 32 follows:

33 **29.1 Department of public defense.**

34 The department of public defense is composed of the military  
 35 ~~division and the homeland security and emergency management~~

1 ~~division~~ office of the adjutant general and the military forces  
2 of the state of Iowa. The adjutant general is the director of  
3 the department of public defense and ~~the budget and personnel~~  
4 ~~of all of the divisions are subject to the approval of the~~  
5 adjutant general shall perform all functions, responsibilities,  
6 powers, and duties over the military forces of the state of  
7 Iowa as provided in the laws of the state. ~~The Iowa emergency~~  
8 ~~response commission established by section 30.2 is attached to~~  
9 ~~the department of public defense for organizational purposes.~~

10 Sec. 10. Section 29.2A, Code 2013, is amended to read as  
11 follows:

12 **29.2A Airport fire fighters — maximum age.**

13 The maximum age for a person to be employed as an airport  
14 fire fighter by the ~~military division of the~~ department of  
15 public defense is sixty-five years of age.

16 Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code  
17 2013, is amended to read as follows:

18 a. Operations and administration of the civil air patrol  
19 relating to missions not qualifying for federal mission status  
20 shall be funded by the state from moneys appropriated to the  
21 department of homeland security and emergency management  
22 ~~division of the department of public defense~~ for that purpose.

23 Sec. 12. Section 29A.12, subsection 1, Code 2013, is amended  
24 to read as follows:

25 1. The adjutant general shall have command and control of  
26 the ~~military division~~ department of public defense, and perform  
27 such duties as pertain to the office of the adjutant general  
28 under law and regulations, pursuant to the authority vested in  
29 the adjutant general by the governor. The adjutant general  
30 shall superintend the preparation of all letters and reports  
31 required by the United States from the state, and perform all  
32 the duties prescribed by law. The adjutant general shall  
33 have charge of the state military reservations, and all other  
34 property of the state kept or used for military purposes. The  
35 adjutant general may accept and expend nonappropriated funds

1 in accordance with law and regulations. The adjutant general  
 2 shall cause an inventory to be taken at least once each year  
 3 of all military stores, property, and funds under the adjutant  
 4 general's jurisdiction. In each year preceding a regular  
 5 session of the general assembly, the adjutant general shall  
 6 prepare a detailed report of the transactions of that office,  
 7 its expenses, and other matters required by the governor for  
 8 the period since the last preceding report, and the governor  
 9 may at any time require a similar report.

10 Sec. 13. Section 29A.56, Code 2013, is amended to read as  
 11 follows:

12 **29A.56 Special police.**

13 The adjutant general may by order entered of record  
 14 commission one or more of the employees of the ~~military~~  
 15 ~~division~~ department of public defense as special police. Such  
 16 special police shall on the premises of any state military  
 17 reservation or other state military property have and exercise  
 18 the powers of regular peace officers.

19 Sec. 14. Section 29C.1, subsection 1, Code 2013, is amended  
 20 to read as follows:

21 1. To establish a department of homeland security  
 22 and emergency management ~~division of the department of~~  
 23 ~~public defense~~ and to authorize the establishment of local  
 24 organizations for emergency management in the political  
 25 subdivisions of the state.

26 Sec. 15. Section 29C.2, Code 2013, is amended by adding the  
 27 following new subsections:

28 NEW SUBSECTION. 1A. "*Department*" means the department of  
 29 homeland security and emergency management.

30 NEW SUBSECTION. 1B. "*Director*" means the director of the  
 31 department of homeland security and emergency management.

32 Sec. 16. Section 29C.5, Code 2013, is amended to read as  
 33 follows:

34 **29C.5 Homeland Department of homeland security and emergency**  
 35 **management ~~division~~.**

1     A The department of homeland security and emergency  
 2 ~~management division~~ is created ~~within the department of public~~  
 3 ~~defense~~. The department of homeland security and emergency  
 4 ~~management division~~ shall be responsible for the administration  
 5 of emergency planning matters, including emergency resource  
 6 planning in this state, cooperation with, support of, funding  
 7 for, and tasking of the civil air patrol for missions not  
 8 qualifying for federal mission status as described in section  
 9 29A.3A in accordance with operational and funding criteria  
 10 developed with the adjutant general and coordinated with  
 11 the civil air patrol, homeland security activities, and  
 12 coordination of available services and resources in the event  
 13 of a disaster to include those services and resources of the  
 14 federal government and private entities. The Iowa emergency  
 15 response commission established by section 30.2 is attached to  
 16 the department of homeland security and emergency management  
 17 for organizational purposes.

18     Sec. 17. Section 29C.8, Code 2013, is amended to read as  
 19 follows:

20     **29C.8 Powers and duties of ~~administrator~~ director.**

21     1. The department of homeland security and emergency  
 22 ~~management division~~ shall be under the management of an  
 23 ~~administrator~~ a director appointed by the governor.

24     2. ~~The administrator~~ director shall be vested with the  
 25 authority to administer emergency management and homeland  
 26 security affairs in this state and shall be responsible for  
 27 preparing and executing the emergency management and homeland  
 28 security programs of this state subject to the direction of the  
 29 ~~adjutant general~~ governor. In the event of a disaster beyond  
 30 local control, the director may assume direct operational  
 31 control over all or any part of the emergency management  
 32 functions within this state.

33     3. ~~The administrator~~ director, upon the direction of  
 34 the governor ~~and supervisory control of the director of the~~  
 35 ~~department of public defense~~, shall:

1     *a.* Prepare a comprehensive emergency plan and emergency  
2 management program for homeland security, disaster  
3 preparedness, response, recovery, mitigation, emergency  
4 operation, and emergency resource management of this state.  
5 The plan and program shall be integrated into and coordinated  
6 with the homeland security and emergency plans of the federal  
7 government and of other states to the fullest possible extent  
8 ~~and.~~ The director shall also coordinate the preparation of  
9 plans and programs for emergency management of the political  
10 subdivisions and various state departments of this state.  
11 The plans shall be integrated into and coordinated with a  
12 comprehensive state homeland security and emergency program for  
13 this state as coordinated by the ~~administrator of the homeland~~  
14 ~~security and emergency management division~~ director to the  
15 fullest possible extent.

16     *b.* Make such studies and surveys of the industries,  
17 resources, and facilities in this state as may be necessary to  
18 ascertain the vulnerabilities of critical state infrastructure  
19 and assets to attack and the capabilities of the state for  
20 disaster recovery, disaster planning and operations, and  
21 emergency resource management, and to plan for the most  
22 efficient emergency use thereof.

23     *c.* Provide technical assistance to any commission requiring  
24 the assistance in the development of an emergency management  
25 or homeland security program.

26     *d.* Implement planning and training for emergency response  
27 teams as mandated by the federal government under the  
28 Comprehensive Environmental Response, Compensation, and  
29 Liability Act of 1980 as amended by the Superfund Amendments  
30 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

31     *e.* Prepare a critical asset protection plan that contains  
32 an inventory of infrastructure, facilities, systems, other  
33 critical assets, and symbolic landmarks; an assessment of the  
34 criticality, vulnerability, and level of threat to the assets;  
35 and information pertaining to the mobilization, deployment, and

1 tactical operations involved in responding to or protecting the  
2 assets.

3 *f.* Approve and support the development and ongoing  
4 operations of homeland security and emergency response teams to  
5 be deployed as a resource to supplement and enhance disrupted  
6 or overburdened local emergency and disaster operations and  
7 deployed as available to provide assistance to other states  
8 pursuant to the interstate emergency management assistance  
9 compact described in section 29C.21. The following shall apply  
10 to homeland security and emergency response teams:

11 (1) A member of a homeland security and emergency response  
12 team acting under this section upon the directive of the  
13 ~~administrator~~ director or pursuant to a governor's disaster  
14 proclamation as provided in section 29C.6 shall be considered  
15 an employee of the state for purposes of section 29C.21 and  
16 chapter 669 and shall be afforded protection as an employee  
17 of the state under section 669.21. Disability, workers'  
18 compensation, and death benefits for team members working  
19 under the authority of the ~~administrator~~ director or pursuant  
20 to the provisions of section 29C.6 shall be paid by the  
21 state in a manner consistent with the provisions of chapter  
22 85, 410, or 411 as appropriate, depending on the status of  
23 the member, provided that the member is registered with the  
24 ~~homeland security and emergency management division~~ department  
25 as a member of an approved team and is participating as a  
26 team member in a response or recovery operation initiated  
27 by the ~~administrator~~ director or governor pursuant to this  
28 section or in a training or exercise activity approved by the  
29 ~~administrator~~ director.

30 (2) Each approved homeland security and emergency  
31 management response team shall establish standards for  
32 team membership, shall provide the ~~division~~ department with  
33 a listing of all team members, and shall update the list  
34 each time a member is removed from or added to the team.  
35 Individuals so identified as team members shall be considered

1 to be registered as team members for purposes of subparagraph  
2 (1).

3 (3) Upon notification of a compensable loss to a member of  
4 a homeland security and emergency management response team, the  
5 department of administrative services shall process the claim  
6 and seek authorization from the executive council to pay as an  
7 expense paid from the appropriations addressed in section 7D.29  
8 those costs associated with covered benefits.

9 g. Implement and support the national incident management  
10 system as established by the United States department of  
11 homeland security to be used by state agencies and local and  
12 tribal governments to facilitate efficient and effective  
13 assistance to those affected by emergencies and disasters.

14 h. Carry out duties related to the flood mitigation program  
15 and the flood mitigation board under chapter 418.

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

24 5. The ~~homeland security and emergency management division~~  
25 department may charge fees for the repair, calibration, or  
26 maintenance of radiological detection equipment and may expend  
27 funds in addition to funds budgeted for the servicing of the  
28 radiological detection equipment. The ~~division~~ department  
29 shall adopt rules pursuant to chapter 17A providing for the  
30 establishment and collection of fees for radiological detection  
31 equipment repair, calibration, or maintenance services and  
32 for entering into agreements with other public and private  
33 entities to provide the services. Fees collected for repair,  
34 calibration, or maintenance services shall be treated as  
35 repayment receipts as defined in section 8.2 and shall be used

1 for the operation of the ~~division's~~ department's radiological  
2 maintenance facility or radiation incident response training.

3 Sec. 18. Section 29C.8A, subsection 2, Code 2013, is amended  
4 to read as follows:

5 2. The emergency response fund shall be administered by the  
6 ~~homeland security and emergency management division~~ department  
7 to carry out planning and training for the emergency response  
8 teams.

9 Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code  
10 2013, are amended to read as follows:

11 1. The county boards of supervisors, city councils, and  
12 the sheriff in each county shall cooperate with the ~~homeland~~  
13 ~~security and emergency management division of the department of~~  
14 ~~public defense~~ department to establish a commission to carry  
15 out the provisions of this chapter.

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

19 7. The commission shall delegate to the emergency  
20 management coordinator the authority to fulfill the  
21 commission duties as described in the ~~division's~~ department's  
22 administrative rules. Each commission shall appoint a  
23 local emergency management coordinator who shall meet the  
24 qualifications specified in the administrative rules by the  
25 ~~administrator of the homeland security and emergency management~~  
26 ~~division~~ director. Additional emergency management personnel  
27 may be appointed at the discretion of the commission.

28 8. The commission shall develop, adopt, and submit  
29 for approval by local governments within the commission's  
30 jurisdiction, a comprehensive emergency plan which meets  
31 standards adopted by the ~~division~~ department in accordance with  
32 chapter 17A. If an approved comprehensive emergency plan has  
33 not been prepared according to established standards and the  
34 ~~administrator of the homeland security and emergency management~~  
35 ~~division~~ director finds that satisfactory progress is not being

1 made toward the completion of the plan, or if the ~~administrator~~  
2 director finds that a commission has failed to appoint a  
3 qualified emergency management coordinator as provided in this  
4 chapter, the ~~administrator~~ director shall notify the governing  
5 bodies of the counties and cities affected by the failure  
6 and the governing bodies shall not appropriate any moneys to  
7 the local emergency management fund until the comprehensive  
8 emergency plan is prepared and approved or a qualified  
9 emergency management coordinator is appointed. If the  
10 ~~administrator~~ director finds that a commission has appointed an  
11 unqualified emergency management coordinator, the ~~administrator~~  
12 director shall notify the commission citing the qualifications  
13 which are not met and the commission shall not approve the  
14 payment of the salary or expenses of the unqualified emergency  
15 management coordinator.

16 10. Two or more commissions may, upon review by the  
17 ~~state administrator~~ director and with the approval of their  
18 respective boards of supervisors and cities, enter into  
19 agreements pursuant to chapter 28E for the joint coordination  
20 and administration of emergency management services throughout  
21 the multicounty area.

22 Sec. 20. Section 29C.11, subsection 1, Code 2013, is amended  
23 to read as follows:

24 1. The local emergency management commission shall, in  
25 collaboration with other public and private agencies within  
26 this state, develop mutual aid arrangements for reciprocal  
27 disaster services and recovery aid and assistance in case  
28 of disaster too great to be dealt with unassisted. The  
29 arrangements shall be consistent with the ~~homeland security and~~  
30 ~~emergency management division~~ department plan and program, and  
31 in time of emergency each local emergency management agency  
32 shall render assistance in accordance with the provisions of  
33 the mutual aid arrangements.

34 Sec. 21. Section 29C.12, Code 2013, is amended to read as  
35 follows:

1       **29C.12 Use of existing facilities.**

2       In carrying out the provisions of this chapter, the  
3 governor, ~~and the director of the department of public defense,~~  
4 and the executive officers or governing boards of political  
5 subdivisions of the state shall utilize, to the maximum extent  
6 practicable, the services, equipment, supplies, and facilities  
7 of existing departments, officers, and agencies of the state  
8 and of political subdivisions at their respective levels of  
9 responsibility.

10       Sec. 22. Section 29C.12A, Code 2013, is amended to read as  
11 follows:

12       **29C.12A Participation in funding disaster recovery facility.**

13       All state government departments and agencies may  
14 participate in sharing the cost of the design, construction,  
15 and operation of a disaster recovery facility located in the  
16 ~~STARC~~ joint forces headquarters armory at Camp Dodge. State  
17 departments and agencies may use funds from any source,  
18 including but not limited to user fees and appropriations  
19 for operational or capital purposes, to participate in the  
20 facility.

21       Sec. 23. Section 29C.14, Code 2013, is amended to read as  
22 follows:

23       **29C.14 Director of the department of administrative services**  
24 **to issue warrants.**

25       The director of the department of administrative services  
26 shall draw warrants on the treasurer of state for the purposes  
27 specified in this chapter, upon duly itemized and verified  
28 vouchers that have been approved by the ~~administrator~~ director  
29 of the department of homeland security and emergency management  
30 ~~division~~.

31       Sec. 24. Section 29C.18, subsection 1, Code 2013, is amended  
32 to read as follows:

33       1. Every organization for homeland security and emergency  
34 management established pursuant to this chapter and its  
35 officers shall execute and enforce the orders or rules made by

1 the governor, or under the governor's authority and the orders  
2 or rules made by subordinate organizations and not contrary or  
3 inconsistent with the orders or rules of the governor.

4 Sec. 25. Section 29C.20B, Code 2013, is amended to read as  
5 follows:

6 **29C.20B Disaster case management.**

7 1. The department of homeland security and emergency  
8 management ~~division~~ shall work with the department of  
9 human services and nonprofit, voluntary, and faith-based  
10 organizations active in disaster recovery and response to  
11 establish a statewide system of disaster case management  
12 to be activated following the governor's proclamation of a  
13 disaster emergency or the declaration of a major disaster by  
14 the president of the United States for individual assistance  
15 purposes. Under the system, the department of homeland  
16 security and emergency management ~~division~~ shall coordinate  
17 case management services locally through local committees as  
18 established in each commission's emergency plan.

19 2. The department of homeland security and emergency  
20 management ~~division~~, in conjunction with the department of  
21 human services and an Iowa representative to the national  
22 voluntary organizations active in disaster, shall adopt rules  
23 pursuant to chapter 17A to create coordination mechanisms  
24 and standards for the establishment and implementation of  
25 a statewide system of disaster case management which shall  
26 include at least all of the following:

27 a. Disaster case management standards.

28 b. Disaster case management policies.

29 c. Reporting requirements.

30 d. Eligibility criteria.

31 e. Coordination mechanisms necessary to carry out the  
32 services provided.

33 f. Development of formal working relationships with  
34 agencies and creation of interagency agreements for those  
35 considered to provide disaster case management services.

1     *g.* Coordination of all available services for individuals  
2 from multiple agencies.

3     Sec. 26. Section 29C.22, subsection 3, paragraph *c*, Code  
4 2013, is amended to read as follows:

5     *c.* The authorized representative of a participating  
6 government may initiate a request by contacting the department  
7 of homeland security and emergency management ~~division of the~~  
8 ~~state department of public defense~~. When a request is received  
9 by the ~~division~~ department, the ~~division~~ department shall  
10 directly contact other participating governments to coordinate  
11 the provision of mutual aid.

12     Sec. 27. Section 29C.22, subsection 11, paragraphs *b* and *c*,  
13 Code 2013, are amended to read as follows:

14     *b.* Any participating government may withdraw from this  
15 compact by adopting an ordinance or resolution repealing the  
16 same, but a withdrawal shall not take effect until thirty days  
17 after the governing body of the withdrawing participating  
18 government has given notice in writing of the withdrawal to the  
19 ~~administrator~~ director of the department of homeland security  
20 and emergency management ~~division~~ who shall notify all other  
21 participating governments. The action shall not relieve the  
22 withdrawing political subdivision from obligations assumed  
23 under this compact prior to the effective date of withdrawal.

24     *c.* Duly authenticated copies of this compact and any  
25 supplementary agreements as may be entered into shall  
26 be deposited, at the time of their approval, with the  
27 ~~administrator~~ director of the department of homeland security  
28 and emergency management ~~division~~ who shall notify all  
29 participating governments and other appropriate agencies of  
30 state government.

31     Sec. 28. Section 30.2, subsections 1 and 2, Code 2013, are  
32 amended to read as follows:

33     1. The Iowa emergency response commission is established.  
34 The commission is responsible directly to the governor. The  
35 commission is attached to the department of ~~public defense~~

1 homeland security and emergency management for routine  
2 administrative and support services only.

3 2. a. The commission is composed of ~~fifteen~~ sixteen members  
4 appointed by the governor. One member shall be appointed to  
5 represent the department of homeland security and emergency  
6 management, one to represent the department of agriculture and  
7 land stewardship, one to represent the department of workforce  
8 development, one to represent the department of justice, one to  
9 represent the department of natural resources, one to represent  
10 the department of public defense, one to represent the Iowa  
11 department of public health, one to represent the department  
12 of public safety, one to represent the state department of  
13 transportation, one to represent the state fire service and  
14 emergency response council, one to represent a local emergency  
15 planning committee, one to represent the Iowa hazardous  
16 materials task force, and one to represent the office of the  
17 governor. Three representatives from private industry shall  
18 also be appointed by the governor, subject to confirmation by  
19 the senate.

20 b. The commission members representing the departments  
21 of homeland security and emergency management, workforce  
22 development, natural resources, public defense, public safety,  
23 and transportation, a local emergency planning committee,  
24 and one private industry representative designated by the  
25 commission shall be voting members of the commission. The  
26 remaining members of the commission shall serve as nonvoting,  
27 advisory members.

28 Sec. 29. Section 30.5, subsection 2, Code 2013, is amended  
29 to read as follows:

30 2. The commission may enter into agreements pursuant to  
31 chapter 28E to accomplish any duty imposed upon the commission  
32 by the Emergency Planning and Community Right-to-know Act,  
33 but the commission shall not compensate any governmental unit  
34 for the performance of duties pursuant to such an agreement.  
35 Funding for administering the duties of the commission under

1 sections 30.7, 30.8, and 30.9 shall be included in the budgets  
2 of the department of natural resources and the department of  
3 ~~public defense~~ homeland security and emergency management.

4 Sec. 30. Section 30.9, Code 2013, is amended to read as  
5 follows:

6 **30.9 Duties to be allocated to department of ~~public defense~~**  
7 **homeland security and emergency management.**

8 Agreements negotiated by the commission and the department  
9 of ~~public defense~~ homeland security and emergency management  
10 shall provide for the allocation of duties to the department  
11 of ~~public defense~~ homeland security and emergency management  
12 as follows:

13 1. Comprehensive emergency plans required to be developed  
14 under section 303 of the Emergency Planning and Community  
15 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall  
16 be submitted to the department of ~~public defense~~ homeland  
17 security and emergency management. Committee submission to  
18 that department constitutes compliance with the requirement for  
19 reporting to the commission. After initial submission, a plan  
20 need not be resubmitted unless revisions are requested by the  
21 commission. The department of ~~public defense~~ homeland security  
22 and emergency management shall review the plan on behalf of the  
23 commission and shall incorporate the provisions of the plan  
24 into its responsibilities under chapter 29C.

25 2. The department of ~~public defense~~ homeland security and  
26 emergency management shall advise the commission of the failure  
27 of any committee to submit an initial comprehensive emergency  
28 response and recovery plan or a revised plan requested by the  
29 commission.

30 3. The department of ~~public defense~~ homeland security and  
31 emergency management shall make available to the public upon  
32 request during normal working hours the information in its  
33 possession pursuant to section 324 of the Emergency Planning  
34 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.  
35 § 11044.

1     Sec. 31. Section 34A.2, subsection 2, Code 2013, is amended  
2 by striking the subsection.

3     Sec. 32. Section 34A.2, Code 2013, is amended by adding the  
4 following new subsection:

5     NEW SUBSECTION. 5A. "*Director*" means the director of the  
6 department of homeland security and emergency management.

7     Sec. 33. Section 34A.2A, Code 2013, is amended to read as  
8 follows:

9     **34A.2A Program manager — appointment — duties.**

10    1. The ~~administrator~~ director of the department of homeland  
11 security and emergency management ~~division of the department~~  
12 ~~of public defense~~ shall appoint an E911 program manager to  
13 administer this chapter.

14    2. The E911 program manager shall act under the supervisory  
15 control of the ~~administrator~~ director of the department of  
16 homeland security and emergency management ~~division of the~~  
17 ~~department of public defense~~, and in consultation with the  
18 E911 communications council, and shall perform the duties  
19 specifically set forth in this chapter and as assigned by the  
20 ~~administrator~~ director.

21    Sec. 34. Section 34A.6, subsection 3, Code 2013, is amended  
22 to read as follows:

23    3. The secretary of state, in consultation with the  
24 ~~administrator~~ director, shall adopt rules for the conduct of  
25 joint E911 service referendums as required by and consistent  
26 with subsections 1 and 2.

27    Sec. 35. Section 34A.7A, subsection 1, paragraph a, Code  
28 2013, is amended to read as follows:

29    a. Notwithstanding section 34A.6, the ~~administrator~~  
30 director shall adopt by rule a monthly surcharge of up  
31 to sixty-five cents to be imposed on each communications  
32 service number provided in this state. The surcharge shall  
33 be imposed uniformly on a statewide basis and simultaneously  
34 on all communications service numbers as provided by rule  
35 of the ~~administrator~~ director. The surcharge shall not be

1 imposed on wire-line-based communications or prepaid wireless  
2 telecommunications service.

3 Sec. 36. Section 34A.7A, subsection 2, paragraphs a and f,  
4 Code 2013, are amended to read as follows:

5 a. An amount as appropriated by the general assembly to the  
6 ~~administrator~~ director shall be allocated to the ~~administrator~~  
7 director and program manager for implementation, support, and  
8 maintenance of the functions of the ~~administrator~~ director and  
9 program manager and to employ the auditor of state to perform  
10 an annual audit of the E911 emergency communications fund.

11 f. The ~~administrator~~ director, in consultation with the  
12 program manager and the E911 communications council, shall  
13 adopt rules pursuant to chapter 17A governing the distribution  
14 of the surcharge collected and distributed pursuant to this  
15 subsection. The rules shall include provisions that all joint  
16 E911 service boards and the department of public safety which  
17 answer or service wireless E911 calls are eligible to receive  
18 an equitable portion of the receipts.

19 Sec. 37. Section 34A.15, subsection 3, Code 2013, is amended  
20 to read as follows:

21 3. The council shall advise and make recommendations to  
22 the ~~administrator~~ director and program manager regarding  
23 the implementation of this chapter. Such advice and  
24 recommendations shall be provided on issues at the request of  
25 the ~~administrator~~ director or program manager or as deemed  
26 necessary by the council.

27 Sec. 38. Section 34A.20, subsection 2, Code 2013, is amended  
28 to read as follows:

29 2. The authority shall cooperate with the ~~administrator~~  
30 director in the creation, administration, and funding of the  
31 E911 program established in subchapter I.

32 Sec. 39. Section 35A.5, subsection 16, Code 2013, is amended  
33 to read as follows:

34 16. In coordination with the ~~military division of the~~  
35 department of public defense, advise service members prior to,

1 and after returning from, deployment on active duty service  
2 outside the United States of issues related to the filing  
3 of tax returns and the payment of taxes due and encourage a  
4 service member who has not filed a return or who owes taxes to  
5 contact the department of revenue prior to deployment.

6 Sec. 40. Section 68B.2, subsection 23, Code 2013, is amended  
7 to read as follows:

8 23. "*Regulatory agency*" means the department of agriculture  
9 and land stewardship, department of workforce development,  
10 department of commerce, Iowa department of public health,  
11 department of public safety, department of education, state  
12 board of regents, department of human services, department of  
13 revenue, department of inspections and appeals, department of  
14 administrative services, public employment relations board,  
15 state department of transportation, civil rights commission,  
16 department of public defense, department of homeland security  
17 and emergency management, Iowa ethics and campaign disclosure  
18 board, and department of natural resources.

19 Sec. 41. Section 80.28, subsection 2, paragraph a,  
20 subparagraph (3), Code 2013, is amended to read as follows:

21 (3) One member representing the department of homeland  
22 security and emergency management ~~division~~.

23 Sec. 42. Section 80B.11C, Code 2013, is amended to read as  
24 follows:

25 **80B.11C Telecommunicator training standards.**

26 The director of the academy, subject to the approval of  
27 the council, in consultation with the Iowa state sheriffs'  
28 and deputies' association, the Iowa police executive forum,  
29 the Iowa peace officers association, the Iowa state police  
30 association, the Iowa professional fire fighters, the Iowa  
31 emergency medical services association, the joint council of  
32 Iowa fire service organizations, the Iowa department of public  
33 safety, the Iowa chapter of the association of public-safety  
34 communications officials—international, inc., the Iowa chapter  
35 of the national emergency number association, the department of

1 homeland security and emergency management ~~division of the Iowa~~  
2 ~~department of public defense~~, and the Iowa department of public  
3 health, shall adopt rules pursuant to chapter 17A establishing  
4 minimum standards for training of telecommunicators. For  
5 purposes of this section, "telecommunicator" means a person who  
6 receives requests for, or dispatches requests to, emergency  
7 response agencies which include, but are not limited to, law  
8 enforcement, fire, rescue, and emergency medical services  
9 agencies.

10 Sec. 43. Section 97B.49B, subsection 1, paragraph e,  
11 subparagraph (8), Code 2013, is amended to read as follows:

12 (8) An airport fire fighter employed by the ~~military~~  
13 ~~division of the~~ department of public defense.

14 Sec. 44. Section 100B.22, subsection 1, paragraph a, Code  
15 2013, is amended to read as follows:

16 a. Regional emergency response training centers shall be  
17 established to provide training to fire fighters and other  
18 emergency responders. The lead public agency for the training  
19 centers shall be the following community colleges for the  
20 following merged areas:

21 (1) Northeast Iowa community college for merged area I  
22 in partnership with the Dubuque county firemen's association  
23 and to provide advanced training in agricultural emergency  
24 response as such advanced training is funded by the department  
25 of homeland security and emergency management ~~division of the~~  
26 ~~department of public defense~~.

27 (2) North Iowa area community college for merged area II in  
28 partnership with the Mason City fire department.

29 (3) Iowa lakes community college for merged area III and  
30 northwest Iowa community college for merged area IV.

31 (4) Iowa central community college for merged area V and to  
32 provide advanced training in homeland security as such advanced  
33 training is funded by the department of homeland security and  
34 emergency management ~~division of the department of public~~  
35 ~~defense~~.

1 (5) Hawkeye community college for merged area VII in  
2 partnership with the Waterloo regional hazardous materials  
3 training center and to provide advanced training in hazardous  
4 materials emergency response as such advanced training is  
5 funded by the department of homeland security and emergency  
6 ~~management division of the department of public defense.~~

7 (6) Eastern Iowa community college for merged area IX in  
8 partnership with the city of Davenport fire department.

9 (7) Kirkwood community college for merged area X in  
10 partnership with the city of Coralville fire department and the  
11 Iowa City fire department and to provide advanced training in  
12 agricultural terrorism response and mass casualty and fatality  
13 response as such advanced training is funded by the department  
14 of homeland security and emergency management ~~division of the~~  
15 ~~department of public defense.~~

16 (8) Des Moines area community college for merged area XI and  
17 Iowa valley community college for merged area VI and to provide  
18 advanced training in operations integration in compliance  
19 with the national incident management system as such advanced  
20 training is funded by the department of homeland security and  
21 emergency management ~~division of the department of public~~  
22 ~~defense.~~

23 (9) Western Iowa technical community college for merged  
24 area XII in partnership with the Sioux City fire department  
25 and to provide advanced training in emergency responder  
26 communications as such advanced training is funded by the  
27 department of homeland security and emergency management  
28 ~~division of the department of public defense.~~

29 (10) Iowa western community college for merged areas XIII  
30 and XIV in partnership with southwestern community college and  
31 the Council Bluffs fire department.

32 (11) Southeastern Iowa community college for merged areas  
33 XV and XVI in partnership with Indian hills community college  
34 and the city of Fort Madison fire department.

35 Sec. 45. Section 135.141, subsection 2, paragraphs a and j,

1 Code 2013, are amended to read as follows:

2     *a.* Coordinate with the department of homeland security  
3 and emergency management ~~division of the department of public~~  
4 ~~defense~~ the administration of emergency planning matters  
5 which involve the public health, including development,  
6 administration, and execution of the public health components  
7 of the comprehensive emergency plan and emergency management  
8 program pursuant to section 29C.8.

9     *j.* Adopt rules pursuant to chapter 17A for the  
10 administration of this division of this chapter including rules  
11 adopted in cooperation with the Iowa pharmacy association  
12 and the Iowa hospital association for the development of a  
13 surveillance system to monitor supplies of drugs, antidotes,  
14 and vaccines to assist in detecting a potential public health  
15 disaster. Prior to adoption, the rules shall be approved by  
16 the state board of health and the ~~administrator~~ director of  
17 the department of homeland security and emergency management  
18 ~~division of the department of public defense~~.

19     Sec. 46. Section 135.145, subsections 1 and 2, Code 2013,  
20 are amended to read as follows:

21     1. When the department of public safety or other federal,  
22 state, or local law enforcement agency learns of a case of a  
23 disease or health condition, unusual cluster, or a suspicious  
24 event that may be the cause of a public health disaster, the  
25 department or agency shall immediately notify the department,  
26 the ~~administrator~~ director of the department of homeland  
27 security and emergency management ~~division of the department~~  
28 ~~of public defense~~, the department of agriculture and land  
29 stewardship, and the department of natural resources as  
30 appropriate.

31     2. When the department learns of a case of a disease  
32 or health condition, an unusual cluster, or a suspicious  
33 event that may be the cause of a public health disaster, the  
34 department shall immediately notify the department of public  
35 safety, the department of homeland security and emergency

1 management ~~division of the department of public defense~~, and  
2 other appropriate federal, state, and local agencies and  
3 officials.

4 Sec. 47. Section 163.3A, subsection 2, Code 2013, is amended  
5 to read as follows:

6 2. The services shall be performed under the direction of  
7 the department and may be part of measures authorized by the  
8 governor under a declaration or proclamation issued pursuant to  
9 chapter 29C. In such case, the department shall cooperate with  
10 the Iowa department of public health under chapter 135, and the  
11 department of ~~public defense~~, homeland security and emergency  
12 management ~~division~~, and local emergency management agencies as  
13 provided in chapter 29C.

14 Sec. 48. Section 163.51, subsection 2, paragraph b, Code  
15 2013, is amended to read as follows:

16 *b.* If the department confirms an outbreak of foot and  
17 mouth disease in this state, the department shall cooperate  
18 with the governor; federal agencies, including the United  
19 States department of agriculture; and state agencies, including  
20 the department of homeland security and emergency management  
21 ~~division of the department of public defense~~, in order to  
22 provide the public with timely and accurate information  
23 regarding the outbreak. The department shall cooperate with  
24 organizations representing agricultural producers in order to  
25 provide all necessary information to agricultural producers  
26 required to control the outbreak.

27 Sec. 49. Section 305.8, subsection 1, paragraph b, Code  
28 2013, is amended to read as follows:

29 *b.* In consultation with the department of homeland security  
30 and emergency management ~~division of the department of public~~  
31 ~~defense~~, establish policies, standards, and guidelines for  
32 the identification, protection, and preservation of records  
33 essential for the continuity or reestablishment of governmental  
34 functions in the event of an emergency arising from a natural  
35 or other disaster.

1 Sec. 50. Section 418.1, subsection 3, Code 2013, is amended  
2 to read as follows:

3 3. ~~"Division"~~ "Department" means the department of homeland  
4 security and emergency management ~~division of the department~~  
5 ~~of public defense.~~

6 Sec. 51. Section 418.5, subsection 1, Code 2013, is amended  
7 to read as follows:

8 1. The flood mitigation board is established consisting of  
9 nine voting members and four ex officio, nonvoting members, and  
10 is located for administrative purposes within the division.  
11 The ~~administrator~~ director of the ~~division~~ department shall  
12 provide office space, staff assistance, and necessary supplies  
13 and equipment for the board. The ~~administrator~~ director shall  
14 budget funds to pay the necessary expenses of the board. In  
15 performing its functions, the board is performing a public  
16 function on behalf of the state and is a public instrumentality  
17 of the state.

18 Sec. 52. Section 418.5, subsection 2, paragraph e, Code  
19 2013, is amended to read as follows:

20 e. The ~~administrator~~ director of the ~~division~~ department or  
21 the ~~administrator's~~ director's designee.

22 Sec. 53. Section 418.7, Code 2013, is amended to read as  
23 follows:

24 **418.7 ~~Division~~ Department duties.**

25 The ~~division~~ department, subject to approval by the board,  
26 shall adopt administrative rules pursuant to chapter 17A  
27 necessary to administer the flood mitigation program. The  
28 ~~division~~ department shall provide the board with assistance in  
29 implementing administrative functions and providing technical  
30 assistance and application assistance to applicants under the  
31 program.

32 Sec. 54. Section 418.8, subsection 1, Code 2013, is amended  
33 to read as follows:

34 1. The board shall establish and the ~~division~~ department,  
35 subject to direction and approval by the board, shall

1 administer a flood mitigation program to assist governmental  
2 entities in undertaking projects approved under this chapter.  
3 The flood mitigation program shall include projects approved  
4 by the board to utilize either financial assistance from  
5 the flood mitigation fund created under section 418.10 or  
6 sales tax revenues remitted to the governmental entity under  
7 section 418.12. A governmental entity shall not be approved  
8 by the board to utilize both financial assistance from the  
9 flood mitigation fund and sales tax revenues remitted to the  
10 governmental entity.

11 Sec. 55. Section 418.9, subsections 4 and 7, Code 2013, are  
12 amended to read as follows:

13 4. Upon review of the applications, the board, following  
14 consultation with the economic development authority, shall  
15 approve, defer, or deny the applications. If a project plan  
16 is denied, the board shall state the reasons for the denial  
17 and the governmental entity may resubmit the application so  
18 long as the application is filed on or before January 1, 2016.  
19 If a project plan application is approved, the board shall  
20 specify whether the governmental entity is approved for the  
21 use of sales tax revenues under section 418.12 or whether the  
22 governmental entity is approved to receive financial assistance  
23 from the flood mitigation fund under section 418.10. If  
24 the board approves a project plan application that includes  
25 financial assistance from the flood mitigation fund, the  
26 board shall negotiate and execute on behalf of the ~~division~~  
27 department all necessary agreements to provide such financial  
28 assistance. If the board approves a project plan application  
29 that includes the use of sales tax increment revenues, the  
30 board shall establish the annual maximum amount of such  
31 revenues that may be remitted to the governmental entity  
32 not to exceed the limitations in section 418.12, subsection  
33 4. The board may, however, establish remittance limitations  
34 for the project lower than the individual project remittance  
35 limitations specified for projects under section 418.12,

1 subsection 4.

2 7. Upon approval of an application for financial assistance  
3 under the program, the board shall notify the treasurer of  
4 state regarding the amount of moneys needed to satisfy the  
5 award of financial assistance and the terms of the award.  
6 The treasurer of state shall notify the ~~division~~ department  
7 any time moneys are disbursed to a recipient of financial  
8 assistance under the program.

9 Sec. 56. Section 455B.266, subsection 1, paragraph d, Code  
10 2013, is amended to read as follows:

11 d. Determination by the department in conjunction with  
12 the department of homeland security and emergency management  
13 ~~division of the department of public defense~~ of a local crisis  
14 which affects availability of water.

15 Sec. 57. Section 455B.385, Code 2013, is amended to read as  
16 follows:

17 **455B.385 State hazardous condition contingency plan.**

18 All public agencies, as defined in chapter 28E, shall  
19 cooperate in the development and implementation of a state  
20 hazardous condition contingency plan. The plan shall detail  
21 the manner in which public agencies shall participate in the  
22 response to a hazardous condition. The director may enter  
23 into agreements, with approval of the commission, with any  
24 state agency or unit of local government or with the federal  
25 government, as necessary to develop and implement the plan.  
26 The plan shall be coordinated with the department of homeland  
27 security and emergency management ~~division of the department~~  
28 ~~of public defense~~ and any joint emergency management agencies  
29 established pursuant to chapter 29C.

30 Sec. 58. Section 466B.3, subsection 4, paragraph d, Code  
31 2013, is amended to read as follows:

32 d. The ~~administrator~~ director of the department of homeland  
33 security and emergency management ~~division of the department of~~  
34 ~~public defense~~ or the ~~administrator's~~ director's designee.

35 Sec. 59. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013,

1 are repealed.

2 Sec. 60. TRANSITION PROVISIONS.

3 1. Any rule, regulation, form, order, or directive  
4 promulgated by the division of homeland security and  
5 emergency management of the department of public defense shall  
6 continue in full force and effect until amended, repealed,  
7 or supplemented by affirmative action of the department of  
8 homeland security and emergency management as established in  
9 this Act.

10 2. All employees of the division of homeland security and  
11 emergency management of the department of public defense shall  
12 be considered employees of the department of homeland security  
13 and emergency management upon the elimination of the former and  
14 creation of the latter as provided in this Act.

15 EXPLANATION

16 Currently, the department of public defense is composed  
17 of the military division and the homeland security and  
18 emergency management division. This bill transfers the  
19 homeland security and emergency management division of the  
20 department of public defense into a new department of homeland  
21 security and emergency management. The bill retains within the  
22 department of public defense responsibility over the office of  
23 the adjutant general and the military forces of the state of  
24 Iowa. The bill provides that the governor appoint the director  
25 of the new department. Current duties and responsibilities  
26 of the homeland security and emergency management division  
27 are transferred to the new department of homeland security  
28 and emergency management. In addition, the bill transfers  
29 the attachment of the Iowa emergency response commission  
30 for routine administrative support from the department of  
31 public defense to the new department of homeland security and  
32 emergency management.

33 The bill also includes transition provisions relative to  
34 the establishment of the department of homeland security  
35 and emergency management. The bill provides that any rule,

1 regulation, form, order, or directive promulgated by the  
2 division of homeland security and emergency management of the  
3 department of public defense shall continue unless modified or  
4 otherwise changed by the new department. The bill provides  
5 that employees of the division of homeland security and  
6 emergency management of the department shall be considered  
7 employees of the department of homeland security and emergency  
8 management.