

Senate Study Bill 3102 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HOMELAND SECURITY AND
EMERGENCY MANAGEMENT BILL)

A BILL FOR

1 An Act relating to emergency management assistance in a
2 disaster emergency concerning emergency personnel and mutual
3 aid arrangements and agreements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.6, subsection 7, Code 2014, is
2 amended to read as follows:

3 7. On behalf of this state, enter into mutual aid
4 arrangements with other states, including mutual aid
5 arrangements with other states that extend the terms and
6 conditions set forth in the interstate emergency management
7 assistance compact described in section 29C.21 to situations in
8 which an emergency or disaster proclamation has not been made
9 by the governor of an affected state, and to coordinate mutual
10 aid plans between political subdivisions of this state.

11 Sec. 2. Section 29C.8, subsection 3, paragraph f,
12 subparagraph (1), Code 2014, is amended to read as follows:

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

30 Sec. 3. Section 29C.8, Code 2014, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 6. The director may, subject to the
33 approval of the department of management and department
34 of administrative services, establish permanent emergency
35 personnel positions that are directly related to the governor's

1 proclamation of a disaster emergency or to when the president
2 of the United States has declared a major disaster to exist
3 in this state. All such emergency personnel are exempt from
4 the merit system provisions of chapter 8A, subchapter IV, and
5 excluded from collective bargaining as provided in chapter
6 20. However, such emergency personnel shall be classified and
7 compensated in accordance with chapter 8A, subchapter IV.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill concerns the department of homeland security and
12 emergency management as it relates to disaster emergencies.

13 Code section 29C.6, concerning the proclamation of a
14 disaster emergency by the governor, is amended to provide
15 that the governor's authority to enter into mutual aid
16 arrangements with other states may include arrangements that
17 extend the terms and conditions of the interstate emergency
18 management assistance compact to situations in which a disaster
19 proclamation of an affected state has not been made by that
20 state's governor.

21 Code section 29C.8(3) is amended to provide that the
22 reference to the governor's proclamation as provided in Code
23 section 29C.6 is for a disaster emergency.

24 Code section 29C.8, concerning the powers and duties of
25 the director of the department, is also amended to allow
26 the director, subject to the approval of the department of
27 management and administrative services, to establish permanent
28 emergency personnel positions in situations involving the
29 declaration of a major disaster by the President of the United
30 States or a proclamation of disaster emergency by the governor.
31 The bill provides that such personnel are exempt from the
32 merit system provisions of Code chapter 8A, subchapter IV, and
33 excluded from collective bargaining as provided in Code chapter
34 20. However, the bill provides that such emergency personnel
35 shall be classified and compensated in accordance with Code

S.F. _____ H.F. _____

1 chapter 8A, subchapter IV.