

Senate Study Bill 3104 - Introduced

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

A BILL FOR

1 An Act establishing a mass notification and emergency messaging
2 system fund.

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

1 Section 1. LEGISLATIVE INTENT. It is the intent of the
2 general assembly, in recognition of the establishment of the
3 mass notification and emergency messaging system fund in Code
4 section 29C.17A, and in further recognition of the vital
5 importance of creating and adequately funding a system for
6 providing mass notification and emergency messaging services to
7 the citizens of the state of Iowa, that the mass notification
8 and emergency messaging system fund receive an annual
9 appropriation to ensure that the system functions throughout
10 the state on an ongoing basis.

11 Sec. 2. Section 22.7, Code 2014, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 68. Information collected for use in
14 administrating and operating the mass notification and
15 emergency messaging system established pursuant to section
16 29C.17A. However, personal information may be disclosed to
17 governmental agencies under the circumstances specified in that
18 section.

19 Sec. 3. Section 29C.2, Code 2014, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 6A. *“Mass notification and emergency*
22 *messaging system”* means a system which disseminates emergency
23 and public safety related information to the public by
24 various means including but not limited to telephone,
25 wireless communications service, dual party relay service or
26 telecommunications device, text messaging, electronic mail,
27 and facsimile, and which integrates with federal emergency
28 messaging systems.

29 Sec. 4. NEW SECTION. 29C.17A **Mass notification and**
30 **emergency messaging system fund.**

31 1. A mass notification and emergency messaging system fund
32 is created in the state treasury under the control of the
33 department. The fund shall consist of moneys appropriated
34 by the general assembly and any other moneys available to
35 and obtained or accepted by the department for placement

1 in the fund. Notwithstanding section 12C.7, interest or
2 earnings on moneys in the fund shall be credited to the fund.
3 Notwithstanding section 8.33, moneys credited to the fund that
4 remain unexpended or unobligated at the end of a fiscal year
5 shall not revert to any other fund.

6 2. Amounts contained in the fund shall be used exclusively
7 to provide for the purchase and ongoing operation of a system
8 capable of providing mass notification and emergency messaging
9 to the public. The system shall be purchased from a vendor
10 selected by the department pursuant to a competitive bidding
11 process, and shall, once purchased, be under the control of the
12 department.

13 3. The department may provide access to the mass
14 notification and emergency messaging system for use at the
15 county and local level. Access by a county or local government
16 shall be at the department's sole discretion, and if approved
17 by the department, shall be under the control of the local
18 commission. The commission shall establish an operational plan
19 and procedure which meets standards adopted by the department
20 by rule, and shall submit the operational plan and procedure
21 for approval by the department prior to access being granted.
22 Additional access criteria and procedures for administering
23 the fund shall be established by the department by rule. The
24 director may employ such additional staff as may be necessary
25 to administer this section.

26 4. All personal information collected for use in the mass
27 notification and emergency messaging system, including but
28 not limited to the names and contact information of emergency
29 messaging recipients, shall be considered confidential records
30 under section 22.7. The director may, however, provide all or
31 part of such confidential information to federal, state, or
32 local governmental agencies possessing emergency planning or
33 response functions if the director is satisfied that the need
34 to know the information and its intended use are reasonable.
35 An agency receiving confidential information pursuant to this

1 subsection shall not disseminate the information in any form
2 without prior approval by the director.

3 EXPLANATION

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

6 This bill establishes a mass notification and emergency
7 messaging system fund.

8 The bill defines "mass notification and emergency messaging
9 system" to mean a system which disseminates emergency
10 and public safety related information to the public by
11 various means including but not limited to telephone,
12 wireless communications service, dual party relay service or
13 telecommunications device, text messaging, electronic mail,
14 and facsimile, and which integrates with federal emergency
15 messaging systems.

16 The bill commences with a session law provision expressing
17 the legislative intent that the mass notification and emergency
18 messaging system fund receive an annual appropriation to ensure
19 that the system functions throughout the state on an ongoing
20 basis.

21 The bill creates the fund in the state treasury under the
22 control of the department, consisting of moneys appropriated
23 by the general assembly and any other moneys available to and
24 obtained or accepted by the department for placement in the
25 fund. The bill provides that, notwithstanding Code section
26 12C.7, interest or earnings on moneys in the fund shall be
27 credited to the fund, and that, notwithstanding Code section
28 8.33, moneys credited to the fund that remain unexpended or
29 unobligated at the end of a fiscal year shall not revert to any
30 other fund.

31 The bill provides that amounts contained in the fund shall
32 be used exclusively to provide for the purchase and ongoing
33 operation of a system capable of providing mass notification
34 and emergency messaging to the public. The system shall be
35 purchased from a vendor selected by the department pursuant to

1 a competitive bidding process, and shall, once purchased, be
2 under the control of the department.

3 The bill authorizes the department to provide access to
4 the system for use at the county and local level. Access
5 by a county or local government shall be at the department's
6 sole discretion, and if approved by the department, shall be
7 under the control of the local emergency management commission
8 or joint emergency management commission. The bill states
9 that such commission shall establish an operational plan and
10 procedure which meets standards adopted by the department by
11 rule, and shall submit the operational plan and procedure for
12 approval by the department prior to access being granted.
13 Additional access criteria and procedures for administering the
14 fund are to be established by the department by rule, and the
15 director is authorized to employ such additional staff as may
16 be necessary to administer and operate the system.

17 The bill provides that all personal information collected
18 for use in the system, including but not limited to the names
19 and contact information of emergency messaging recipients,
20 shall be considered confidential records under Code section
21 22.7. The bill authorizes the director, however, to provide
22 all or part of such confidential information to federal, state,
23 or local governmental agencies possessing emergency planning or
24 response functions if the director is satisfied that the need
25 to know the information and its intended use are reasonable.
26 The bill states that an agency receiving confidential
27 information pursuant to this exception shall not disseminate
28 the information in any form without prior approval by
29 the director. A corresponding provision is added to the
30 confidential records provisions contained in Code chapter 22.7.