

Senate Study Bill 1081 - Introduced

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

A BILL FOR

1 An Act providing for the elimination of the Iowa emergency
2 response commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.5, Code 2017, is amended to read as
2 follows:

3 **29C.5 Department of homeland security and emergency**
4 **management.**

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

21 Sec. 2. Section 30.1, subsection 1, Code 2017, is amended by
22 striking the subsection.

23 Sec. 3. Section 30.1, subsection 2, Code 2017, is amended
24 to read as follows:

25 2. "Committee" means a local emergency planning committee
26 appointed by the ~~commission~~ department.

27 Sec. 4. Section 30.1, Code 2017, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 2A. "Department" means the department of
30 homeland security and emergency management.

31 Sec. 5. Section 30.5, Code 2017, is amended to read as
32 follows:

33 **30.5 Commission Department powers and duties.**

34 1. The ~~commission~~ department has the powers necessary
35 to carry out the functions and duties specified in state law

1 and the Emergency Planning and Community Right-to-know Act,
2 including the powers to solicit and accept gifts and grants,
3 and to adopt rules pursuant to [chapter 17A](#). All federal funds,
4 grants, and gifts shall be deposited with the treasurer of
5 state and used only for the purposes agreed upon as conditions
6 for receipt of the funds, grants, or gifts.

7 2. The ~~commission~~ department may enter into agreements
8 pursuant to [chapter 28E](#) to accomplish any duty imposed upon the
9 ~~commission~~ department by the Emergency Planning and Community
10 Right-to-know Act, but the ~~commission~~ department shall not
11 compensate any governmental unit for the performance of duties
12 pursuant to such an agreement. Funding for administering
13 the duties of the ~~commission~~ department under [sections 30.7](#),
14 [and 30.8](#), ~~and 30.9~~ shall be included in the budgets of the
15 department of natural resources and the department of homeland
16 security and emergency management.

17 3. The ~~commission~~ department may request from any state
18 agency or official the information and assistance necessary to
19 perform the duties of the ~~commission~~ department. All state
20 departments, divisions, agencies, and offices shall make
21 available upon request information which is requested and which
22 is not by law confidential.

23 4. The department shall designate local emergency planning
24 districts and appoint persons to serve on local emergency
25 planning committees. The department may, upon request, revise
26 its designations of districts and appointments of committee
27 members.

28 5. The department shall supervise and coordinate the
29 activities of the committees.

30 6. Upon request by a state or local official or any
31 person, the department shall obtain from a facility owner
32 or operator the emergency and hazardous chemical inventory
33 information which the owner or operator is required to prepare
34 and submit pursuant to section 312 of the Emergency Planning
35 and Community Right-to-know Act, 42 U.S.C. §11022, and provide

1 the information to the requesting party.

2 7. The department shall make available to the public upon
3 request during normal working hours material safety data
4 sheets, lists of hazardous chemicals, inventory forms, toxic
5 chemical release forms, and follow-up emergency notices in its
6 possession pursuant to section 324 of the Emergency Planning
7 and Community Right-to-know Act, 42 U.S.C. §11044.

8 8. The department shall perform all other functions and
9 duties as specified in the Emergency Planning and Community
10 Right-to-know Act.

11 9. Comprehensive emergency response plans required to
12 be developed under section 303 of the Emergency Planning
13 and Community Right-to-know Act, 42 U.S.C. §11003, shall be
14 submitted to the department. After initial submission, a
15 plan need not be resubmitted unless revisions are requested
16 by the department. The department shall review the plan
17 and shall incorporate the provisions of the plan into its
18 responsibilities under chapter 29C.

19 10. The department shall make available to the public upon
20 request during normal working hours the information in its
21 possession pursuant to section 324 of the Emergency Planning
22 and Community Right-to-know Act, 42 U.S.C. §11044.

23 Sec. 6. Section 30.7, Code 2017, is amended to read as
24 follows:

25 **30.7 Duties to be allocated to department of natural**
26 **resources — emergency and hazardous chemicals.**

27 Agreements negotiated by the ~~commission~~ department and
28 the department of natural resources shall provide for the
29 allocation of duties to the department of natural resources as
30 follows:

31 1. Material safety data sheets or a list ~~for~~ of chemicals
32 required to be submitted to the ~~commission~~ department
33 under section 311 of the Emergency Planning and Community
34 Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the
35 department of natural resources. Submission to that department

1 constitutes compliance with the requirement for notification
2 to the ~~commission~~ department.

3 2. Emergency and hazardous chemical inventory forms
4 required to be submitted to the ~~commission~~ department
5 under section 312 of the Emergency Planning and Community
6 Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the
7 department of natural resources. Submission to that department
8 constitutes compliance with the requirement for notification
9 to the ~~commission~~ department.

10 3. The department of natural resources shall advise the
11 ~~commission~~ department of the failure of any facility owner or
12 operator to submit information as required under sections 311
13 and 312 of the Emergency Planning and Community Right-to-know
14 Act, 42 U.S.C. §11021 and 11022.

15 4. The department of natural resources shall make available
16 to the public upon request during normal working hours the
17 information forms in its possession pursuant to sections 312
18 and 324 of the Emergency Planning and Community Right-to-know
19 Act, 42 U.S.C. §11022 and 11044.

20 5. The department of natural resources shall compile data or
21 information from the emergency and hazardous chemical inventory
22 forms required to be submitted to the ~~commission~~ department
23 under section 312 of the Emergency Planning and Community
24 Right-to-know Act, 42 U.S.C. §11022.

25 Sec. 7. Section 30.8, Code 2017, is amended to read as
26 follows:

27 **30.8 Duties to be allocated to department of natural**
28 **resources.**

29 Agreements negotiated by the ~~commission~~ department and
30 the department of natural resources shall provide for the
31 allocation of duties to the department of natural resources as
32 follows:

33 1. Emergency notifications of releases required to be
34 submitted to the ~~commission~~ department under section 304
35 of the Emergency Planning and Community Right-to-know Act,

1 42 U.S.C. §11004, shall be submitted to the department of
2 natural resources. Submission to that department constitutes
3 compliance with the requirement for notification to the
4 ~~commission~~ department.

5 2. The department of natural resources shall advise the
6 ~~commission~~ department of the failure of any facility owner or
7 operator to submit a notification as required under section 304
8 of the Emergency Planning and Community Right-to-know Act, 42
9 U.S.C. §11004.

10 3. The department of natural resources shall make available
11 to the public upon request during normal working hours the
12 information in its possession pursuant to section 324 of the
13 Emergency Planning and Community Right-to-know Act, 42 U.S.C.
14 §11044.

15 4. The department of natural resources shall compile
16 the data collected pursuant to section 313 of the Emergency
17 Planning and Community Right-to-know Act, 42 U.S.C. §11023,
18 and shall make the compiled data available to the public upon
19 request.

20 Sec. 8. Section 30.10, Code 2017, is amended to read as
21 follows:

22 **30.10 Powers of local emergency planning committees.**

23 The local emergency planning committee appointed by the
24 ~~commission~~ department for each local emergency planning
25 district has the powers necessary to carry out the functions
26 and duties specified in state law and the Emergency Planning
27 and Community Right-to-know Act.

28 Sec. 9. Section 30.12, subsection 1, unnumbered paragraph
29 1, Code 2017, is amended to read as follows:

30 The ~~commission~~ department may commence a civil action
31 against an owner or operator of a facility who has violated
32 federal requirements to do any of the following:

33 Sec. 10. REPEAL. Sections 30.2, 30.3, 30.4, 30.6, and 30.9,
34 Code 2017, are repealed.

35 Sec. 11. CODE EDITOR DIRECTIVE.

1 1. The Code editor is directed to make the following
2 transfers:

- 3 a. Section 30.5 to section 30.2.
- 4 b. Section 30.7 to section 30.3.
- 5 c. Section 30.8 to section 30.4.
- 6 d. Section 30.10 to section 30.5.
- 7 e. Section 30.11 to section 30.6.
- 8 f. Section 30.12 to section 30.7.

9 2. The Code editor shall correct internal references in the
10 Code and in any enacted legislation as necessary due to the
11 enactment of this section.

12 EXPLANATION

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

15 Code chapter 30, concerning chemical emergencies and the
16 emergency response commission, is amended by eliminating the
17 Iowa emergency response commission and transferring the powers
18 and duties of the commission under the Code chapter to the
19 department of homeland security and emergency management. The
20 Code chapter implements, in part, the Emergency Planning and
21 Community Right-to-know Act which provides that the governor
22 may designate as the state emergency response commission one
23 or more existing emergency response organizations that are
24 state sponsored or appointed. This bill eliminates provisions
25 governing the officers, meetings, expenses, and duties of
26 the commission. The bill also transfers and renumbers the
27 remaining Code sections of the Code chapter.