

**Senate File 2192 - Introduced**

SENATE FILE 2192  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3029)

**A BILL FOR**

1 An Act concerning state agency response to a proclamation of  
2 disaster emergency.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.6, subsection 4, Code 2022, is  
2 amended to read as follows:

3 4. When a disaster emergency is proclaimed, notwithstanding  
4 any other provision of law, through the use of state agencies  
5 or the use of any of the political subdivisions of the state,  
6 clear or remove from publicly or privately owned land or water,  
7 debris and wreckage which may threaten public health or safety  
8 or public or private property. The governor may accept funds  
9 from the federal government and utilize such funds to make  
10 grants to any local government for the purpose of removing  
11 debris or wreckage from publicly or privately owned land or  
12 water. Authority shall not be exercised by the governor unless  
13 the affected local government, corporation, organization or  
14 individual shall first present an additional authorization for  
15 removal of such debris or wreckage from public and private  
16 property and, in the case of removal of debris or wreckage  
17 from private property, such corporation, organization or  
18 individual shall first agree to hold harmless the state or  
19 local government against any claim arising from such removal.  
20 The state and any of its officers or employees who are engaged  
21 in the removal of debris or wreckage on public property shall  
22 not be liable to the affected local government on account  
23 of any act or omission in good faith while so engaged or on  
24 account of the maintenance or use of any equipment or supplies  
25 in connection with the removal of debris or wreckage. For  
26 purposes of this subsection, "good faith" shall not include  
27 willful misconduct, gross negligence, or recklessness. When  
28 the governor provides for clearance of debris or wreckage,  
29 employees of the designated state agencies or individuals  
30 appointed by the state may enter upon private land or waters  
31 and perform any tasks necessary to the removal or clearance  
32 operation. Any state employee or agent complying with orders  
33 of the governor and performing duties pursuant to such orders  
34 under [this chapter](#) shall be considered to be acting within the  
35 scope of employment within the meaning specified in chapter

1 669.

2

EXPLANATION

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

5       This bill concerns actions by the state, and its officers,  
6 employees, or agents, in response to a disaster emergency  
7 proclamation.

8       Code section 29C.6, subsection 4, concerning the removal of  
9 debris and wreckage when a disaster emergency is proclaimed,  
10 is amended. The bill provides that the state and any of its  
11 officers or employees who are engaged in the removal of debris  
12 or wreckage on public property shall not be liable to the  
13 affected local government on account of any act or omission  
14 taken in good faith in connection with the removal of debris  
15 or wreckage.