

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is a darker shade of blue. The hourglass is centered on the page.

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*Iowa Emergency Management and Homeland Security
Statutory Authorities Summarized*

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Updated March 26, 2004

Abstract. This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified.

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Iowa Emergency Management and Homeland Security Authorities Summarized

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Summary

The primary Iowa emergency management statute (Iowa Code Title I, §29C) delegates emergency powers and authorities to the governor, the state Emergency Management Division, and local emergency management commissions. The General Assembly, or the Legislative Council if the former is not in session, may rescind a gubernatorial declaration of a disaster. Assistance and funding are accomplished through a combination of federal aid, fees, a state emergency response fund, and a state contingent fund. If the state emergency management administrator determines that localities have not prepared adequate plans or hired qualified coordinators, local governments may be prohibited from appropriating funds for such purposes. Iowa participates in interstate compacts for mutual aid, and provides for mutual assistance and training between local governments.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor may: suspend the provisions of any regulatory statute, order, or rule, and may suspend statutes that limit local government assistance to victims of disaster; enter into mutual aid arrangements with other states; coordinate mutual aid plans between political subdivisions; transfer direction, personnel, or functions of departments; commandeer private property; compel evacuation or control movement of population in stricken or threatened area; and regulate the sale or transportation of alcoholic beverages, firearms, and combustibles (Iowa Code Title I, §29C.6.(6.)-(16.)) During a “state of public disorder emergency” the government is empowered to prohibit public gatherings, prohibit the possession of flammable liquids in extraordinary circumstances, and take other restrictive actions (Iowa Code Title I, §29C.3(4)). The governor serves as commander in chief of the state military forces and may assign them to provide assistance to civil authorities in emergencies resulting from disasters (Iowa Code Title I, §29A.7). [See also “Declaration Procedures,” below]

Emergency Management Division: The statute creates the division within the Department of Public Defense and confers responsibility for the administration of emergency planning matters, and emergency resource planning, among other activities (Iowa Code §29C.5). The statute creates the position of administrator of the division. The adjutant general exercises supervisory authority over the division (Iowa Code Title I, §29.3).

Adjutant General: The adjutant general serves as director of the Department of Public Defense under direction of the governor. In the event of disaster beyond local control, the adjutant general may assume control over emergency management functions (Iowa Code Title I, §29C.7).

Emergency Management Administrator: The administrator is appointed by the governor and serves as head of the emergency management division. The administrator is responsible for preparing and executing emergency management and homeland security programs, subject to the direction of the adjutant general. The administrator is charged with preparing a comprehensive plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and resource management. Also, the administrator provides technical assistance to local or joint emergency commissions, surveys facility vulnerabilities, prepares a critical asset protection plan, and identifies personnel and expenditures appropriate for emergency management (Iowa Code Title I, §29C.8).

Local emergency management commissions: County boards of supervisors, city councils, and school district boards of directors in each county must cooperate with the Emergency Management Division to establish a local emergency management commission. Such commissions provide direction for local emergency management, appoint emergency management coordinators, and develop an emergency operations plan. Two or more commissions may agree to joint coordination and administration of emergency management services (Iowa Code Title I, §29C.9).

Local emergency management coordinator: Local coordinators are appointed by the state commission (described below); each coordinator is responsible for the development of the countywide emergency operations plan, the coordination of emergency planning activities, and the provision of technical assistance to political subdivisions throughout the county (Iowa Code Title I, §29C.9(7.),§29C.10).

Emergency Response Commission: The statute established the Emergency Response Commission, charged with implementing provisions of the federal Emergency Planning and Community Right-to-Know Act, comprehensive emergency response plans, and interagency agreements (Iowa Code Title I, §30.1-30.12). For organizational purposes the statute attached the commission to the Department of Public Defense (Iowa Code Title I, §29.1).

Preparedness

State government departments and agencies are authorized to share the cost of the design, construction, and operation of a disaster recovery facility, and funds, including user fees and appropriations, may be used to cover these expenses (Iowa Code Title I, §29C.12A).

The statute requires local governments to submit, and have approved, a countywide emergency operations plan that complies with state standards, and requires the local emergency management commissions to encourage officials to test emergency plans and capabilities. Local emergency management commissions must develop and encourage tests of emergency plans and capabilities (Iowa Code Title I, §29C.9.(8, 9.)).

Comprehensive emergency response plans required under federal law (42 U.S.C. 11003) must be submitted to the Department of Public Defense (Iowa Code Title I, §30.9.(1.)).

The administrator of the Emergency Management Division is required to review and support the operations of an urban search and rescue team and develop and support a uniform incident command system for state agencies (Iowa Code Title I, §29C.8(3.f.)).

See also “Funding,” below.

Declaration Procedures

The governor is authorized to proclaim a state of “public disorder emergency,” which continues for 10 days, unless terminated by the governor. The General Assembly may rescind such a proclamation by concurrent resolution. If the General Assembly is not in session, the Legislative Council may, by a majority vote, rescind the proclamation (Iowa Code Title I, §29C.3.(1.)-(3.))

The governor is authorized to proclaim a “state of disaster emergency,” which continues for 30 days unless terminated or extended by the governor. The General Assembly may rescind a proclamation by means of a concurrent resolution. If the General Assembly is not in session, the Legislative Council may, by a majority vote, rescind the proclamation. The declaration activates the state disaster response and recovery plans and

authorizes the use of such forces, supplies or equipment as may be necessary (Iowa Code Title I, §29C.6.(1.)).

Types of Assistance

If the President issues a major disaster declaration, the governor may establish temporary housing for disaster victims and may for a period not to exceed 60 days, temporarily suspend or modify any requirement of law when essential to provide temporary housing for victims. The governor is authorized to apply to the federal government, on behalf of a local government, for a loan to restore or resume governmental functions, and may recommend the cancellation of repayment of such a loan. The governor may order debris and wreckage removal from publicly or privately owned land or water. The statute authorizes the governor to accept federal funds for debris removal and holds harmless the state or local governments against any claim arising from such removal (Iowa Code Title I, §29C.6.(2.) to(5.)).

All purchases made under the provisions of the emergency management statute are exempt from personal property, services, and sales and use taxes (Iowa Code Title I, §29C.15).

Mutual Aid

The *Emergency Management Assistance Compact* is codified (Iowa Code Title I, §29C.21).

The statute provides for mutual assistance between participating governments to manage emergencies or disasters arising from a natural disaster, technological hazard, man-made disaster, community disorder, insurgency, terrorism, or enemy attack. The statute also provides for cooperation in emergency-related exercises, testing, or other training (Iowa Code Title I, §29C.22).

The emergency management coordinator for each local emergency management agency develops mutual aid arrangements for reciprocal disaster services and recovery aid and assistance. Coordinators may enter into mutual aid arrangements with emergency management agencies or organizations in other states (Iowa Code Title I, §29C.11).

Funding

The statute created a contingent fund in the state treasury to be used by the Executive Council for the purpose of loaning money for expenses of: suppression of an insurrection or riot; restoration and repair of state property; and mitigation activities. The Executive Council may make financial grants for disaster-related expenses, serious needs, hazard mitigation projects of local governments, eligible private nonprofit agencies, or to help individuals or families. The statute limits the amount of grants to be provided (Iowa Code Title I, §29C.20).

Authorizes the governor or officials of a political subdivision to accept federal or other grants for services, equipment, supplies, materials or funds for purposes of emergency management (Iowa Code Title I, §29C.13).

The governor may accept federal aid after the President issues a major disaster declaration to meet the needs of individuals or families adversely affected, and may pledge the state to provide not more than 10% of eligible expenses for local governments and eligible nonprofit agencies, 25% for state needs, and 10% for hazard mitigation. The statute authorizes federal and state financial assistance for local governments and eligible private nonprofit agencies (Iowa Code Title I, §29C.6.(17a.)).

The statute created a local emergency management fund in the offices of county treasurer and authorizes county emergency management budgets to be funded by special levies, per capita allocations from the general fund, or other means as specified (Iowa Code Title I, §29C.17).

The statute authorizes the administrator of the Emergency Management Division to charge fees for the maintenance of radiological detection equipment. Such fees must be used for radiological maintenance facilities or radiation incident response training (Iowa Code Title I, §29C.8.(5.)).

The statute created an emergency response fund in the state treasury, with money to be derived from penalties and fines imposed for natural resources and hazardous waste violations. The fund is administered by the Emergency Management Division and is authorized to carry out planning and training for emergency response teams (Iowa Code Title I, §29C.8A).

Hazard Mitigation

See contingent fund reference in “Funding,” below.

The statute authorizes a range of flood plain management and erosion control provisions, including water resources plans, the construction of levees, dams, or other structures, and policies governing land and water use (Iowa Code Title I, §161E and §455B.261-.281).

Continuity of Government Operations

The state constitution provides for a line of succession to the offices of governor and lieutenant governor (Iowa Constitution, Article IV, § 19).

The governor may convene the General Assembly at a location other than the seat of government in times of pestilence or public danger (Iowa Code Title I, §2.1).

Other

State officers and employees who are volunteer fire fighters or emergency medical service personnel are entitled to a leave of absence for period of emergency response without loss of status, pay, rights to action, sick leave, bonus, or other benefits. The statute exempts temporary employees and essential personnel (Iowa Code Title II, §55.2).

An employee of an appointing authority who is a certified disaster service volunteer may be granted leave up to 15 working days in each year to participate in disaster relief

services for the American Red Cross, without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime (Iowa Code Title II, §70A.26).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Iowa Statutes, with Citations

Terms	Citations
Disaster	Iowa Code Title I, §29C.2
Homeland security	Iowa Code Title I, §29C.2
Local emergency management agency	Iowa Code Title I, §29C.2
Public disorder	Iowa Code Title I, §29C.2

For Further Research

The citations noted above and other elements of the state code for Iowa may be searched at: [<http://www.legis.state.ia.us/IowaLaw.html>].