

MAR 1 1 2005  
Place On Calendar

HOUSE FILE 716  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 192)

Passed House, Date 3-16-05 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 5/5/05

**A BILL FOR**

1 An Act relating to the military division and the homeland  
2 security and emergency management division of the department  
3 of public defense concerning the activation and use of the  
4 civil air patrol, the authority of the adjutant general to  
5 enter into interstate agreements for use of national guard  
6 personnel, peace officer status for national guard personnel  
7 performing certain missions, and the use of the national  
8 incident management system for state emergencies.

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

HF 716

**HOUSE FILE 716**

**H-1061**

- 1 Amend House File 716 as follows:
- 2 1. Page 3, by striking lines 9 through 16.
- 3 2. Title page, by striking lines 6 through 7 and
- 4 inserting the following: "personnel, and the use of
- 5 the national".
- 6 3. By renumbering as necessary.

**By PAULSEN of Linn**

**H-1061 FILED MARCH 14, 2005**

19  
20  
21  
22

1 Section 1. Section 29A.1, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 0A. "Civil air patrol" means the civilian  
4 auxiliary of the United States air force established by the  
5 United States Congress in 36 U.S.C. § 40301 et seq., and 10  
6 U.S.C. § 9441 et seq.

7 Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.

8 1. The civil air patrol may be used to support national  
9 guard missions in support of civil authorities as described in  
10 section 29C.5 or in support of noncombat national guard  
11 missions under section 29A.8 or 29A.8A.

12 2. Requests for activation of the civil air patrol shall  
13 be made to the commander of the Iowa wing of the civil air  
14 patrol. Missions shall be in accordance with laws and  
15 regulations applicable to the United States air force and the  
16 civil air patrol. Prior to activation of the civil air  
17 patrol, the adjutant general or the Iowa civil air patrol wing  
18 commander shall apply to the air force rescue coordination  
19 center, the air force national security emergency preparedness  
20 agency, or the civil air patrol national operations center for  
21 federal mission status and funding.

22 3. If an operation or mission of the civil air patrol is  
23 granted federal mission status and assigned an accompanying  
24 federal mission number, the following shall apply:

25 a. The operation or mission shall be funded by the federal  
26 government.

27 b. When training or operating pursuant to a federal  
28 mission number, members of the civil air patrol shall be  
29 considered federal employees for the purposes of tort claims  
30 arising from the performance of the mission or any actions  
31 incident to the performance of the mission.

32 4. If an operation or mission of the civil air patrol is  
33 not granted federal mission status and is not assigned an  
34 accompanying federal mission number, the following shall  
35 apply:

1 a. Operations and administration of the civil air patrol  
2 relating to missions not qualifying for federal mission status  
3 shall be funded by the state from moneys appropriated to the  
4 homeland security and emergency management division of the  
5 department of public defense for that purpose.

6 b. When performing a mission that does not qualify for  
7 federal mission status, members of the civil air patrol shall  
8 be considered state employees for purposes of the Iowa tort  
9 claims Act, as provided in chapter 669, and for purposes of  
10 workers' compensation, as provided in chapter 85.

11 Sec. 3. Section 29A.12, Code 2005, is amended to read as  
12 follows:

13 29A.12 POWERS AND DUTIES.

14 1. The adjutant general shall have command and control of  
15 the military division, and perform such duties as pertain to  
16 the office of the adjutant general under law and regulations,  
17 pursuant to the authority vested in the adjutant general by  
18 the governor. The adjutant general shall superintend the  
19 preparation of all letters and reports required by the United  
20 States from the state, and perform all the duties prescribed  
21 by law. The adjutant general shall have charge of the state  
22 military reservations, and all other property of the state  
23 kept or used for military purposes. The adjutant general  
24 shall cause an inventory to be taken at least once each year  
25 of all military stores, property and funds under the adjutant  
26 general's jurisdiction. In each year preceding a regular  
27 session of the general assembly the adjutant general shall  
28 prepare a detailed report of the transactions of that office,  
29 its expenses, and other matters required by the governor for  
30 the period since the last preceding report, and the governor  
31 may at any time require a similar report.

32 2. The adjutant general may enter into an agreement with  
33 the secretary of defense to operate the water plant at Camp  
34 Dodge for the use and benefit of the United States, and the  
35 state of Iowa upon terms and conditions as approved by the

1 governor. The adjutant general may also enter into an  
2 agreement with the national guard of another state for the use  
3 of Iowa national guard personnel and equipment.

4 3. The adjutant general may request activation of the  
5 civil air patrol to provide assistance to the national guard  
6 in accordance with section 29A.3A. The adjutant general is  
7 authorized to provide suitable space in national guard  
8 facilities to support the civil air patrol.

9 Sec. 4. Section 29A.50, Code 2005, is amended to read as  
10 follows:

11 29A.50 IMMUNITY AND AUTHORITY.

12 The commanding officer and members of any of the military  
13 forces engaged in the suppression of an insurrection,  
14 assistance to civil authorities in emergencies, homeland  
15 defense, or security duties, or the enforcement of the laws,  
16 shall have the same immunity and authority as peace officers.

17 Sec. 5. Section 29C.5, Code 2005, is amended to read as  
18 follows:

19 29C.5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION.

20 A homeland security and emergency management division is  
21 created within the department of public defense. The homeland  
22 security and emergency management division shall be  
23 responsible for the administration of emergency planning  
24 matters, including emergency resource planning in this state,  
25 cooperation with, and support of, funding for, and tasking of  
26 the civil air patrol for missions not qualifying for federal  
27 mission status as described in section 29A.3A, homeland  
28 security activities, and coordination of available services in  
29 the event of a disaster.

30 Sec. 6. Section 29C.8, subsection 3, paragraph g, Code  
31 2005, is amended to read as follows:

32 g. ~~Develop, implement,~~ Implement and support ~~a-uniform the~~  
33 national incident command management system as established by  
34 the United States department of homeland security to be used  
35 by state agencies and local and tribal governments to

1 facilitate efficient and effective assistance to those  
2 affected by emergencies and disasters. ~~This system shall be~~  
3 ~~consistent with the requirements of the United States~~  
4 ~~occupational safety and health administration and a national~~  
5 ~~incident management system.~~

6 EXPLANATION

7 This bill concerns the military division and the homeland  
8 security and emergency management division of the department  
9 of public defense.

10 The bill provides for the activation and use of the Iowa  
11 wing of the civil air patrol to support civil authorities and  
12 to support the noncombat missions of the Iowa national guard.  
13 The bill provides that prior to activating the civil air  
14 patrol, a request for federal mission status and funding shall  
15 be made. If federal mission status is granted, the mission  
16 shall be funded by the federal government and members of the  
17 civil air patrol shall be considered federal employees for  
18 purposes of tort claims. If federal mission status is not  
19 granted, the bill provides that the state shall fund the  
20 mission through an appropriation to the homeland security and  
21 emergency management division of the department of public  
22 defense and members of the civil air patrol will be considered  
23 state employees for tort claims and workers' compensation  
24 purposes when performing missions that do not qualify for a  
25 federal mission number.

26 Code section 29A.12 is amended to authorize the adjutant  
27 general to provide suitable space for the civil air patrol and  
28 to provide explicit authority for the adjutant general to  
29 enter into interstate agreements with other states' national  
30 guards for the use of Iowa national guard personnel and  
31 equipment.

32 Code section 29A.50 is amended to provide that members of  
33 the state military forces have the same authority as peace  
34 officers when engaged in the suppression of an insurrection,  
35 assistance to civil authorities in emergencies, homeland

1 defense, or security duties, or the enforcement of the laws.

2 Code section 29C.5 is amended to reflect that the homeland  
3 security and emergency management division is responsible for  
4 the funding and tasking of the civil air patrol for missions  
5 that do not qualify for federal mission status.

6 Code section 29C.8 is amended to provide that the incident  
7 management system used by the state of Iowa, including local  
8 and tribal governments, for emergency and disaster response  
9 shall be the national incident management system as  
10 established by the United States department of homeland  
11 security.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 716  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 192)

(As Amended and Passed by the House March 16, 2005)

Re-Passed House, Date 4-27-05 Passed Senate, Date 4-12-05  
Vote: Ayes 100 Nays 0 Vote: Ayes 50 Nays 0  
Approved \_\_\_\_\_ *Re-passed 4-28-05 48-0*

A BILL FOR

1 An Act relating to the military division and the homeland  
2 security and emergency management division of the department  
3 of public defense concerning the activation and use of the  
4 civil air patrol, the authority of the adjutant general to  
5 enter into interstate agreements for use of national guard  
6 personnel, and the use of the national incident management  
7 system for state emergencies.

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

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

House Amendments \_\_\_\_\_  
Deleted Language \*

1 Section 1. Section 29A.1, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 0A. "Civil air patrol" means the civilian  
4 auxiliary of the United States air force established by the  
5 United States Congress in 36 U.S.C. § 40301 et seq., and 10  
6 U.S.C. § 9441 et seq.

7 Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.

8 1. The civil air patrol may be used to support national  
9 guard missions in support of civil authorities as described in  
10 section 29C.5 or in support of noncombat national guard  
11 missions under section 29A.8 or 29A.8A.

12 2. Requests for activation of the civil air patrol shall  
13 be made to the commander of the Iowa wing of the civil air  
14 patrol. Missions shall be in accordance with laws and  
15 regulations applicable to the United States air force and the  
16 civil air patrol. Prior to activation of the civil air  
17 patrol, the adjutant general or the Iowa civil air patrol wing  
18 commander shall apply to the air force rescue coordination  
19 center, the air force national security emergency preparedness  
20 agency, or the civil air patrol national operations center for  
21 federal mission status and funding.

22 3. If an operation or mission of the civil air patrol is  
23 granted federal mission status and assigned an accompanying  
24 federal mission number, the following shall apply:

25 a. The operation or mission shall be funded by the federal  
26 government.

27 b. When training or operating pursuant to a federal  
28 mission number, members of the civil air patrol shall be  
29 considered federal employees for the purposes of tort claims  
30 arising from the performance of the mission or any actions  
31 incident to the performance of the mission.

32 4. If an operation or mission of the civil air patrol is  
33 not granted federal mission status and is not assigned an  
34 accompanying federal mission number, the following shall  
35 apply:

1 a. Operations and administration of the civil air patrol  
2 relating to missions not qualifying for federal mission status  
3 shall be funded by the state from moneys appropriated to the  
4 homeland security and emergency management division of the  
5 department of public defense for that purpose.

6 b. When performing a mission that does not qualify for  
7 federal mission status, members of the civil air patrol shall  
8 be considered state employees for purposes of the Iowa tort  
9 claims Act, as provided in chapter 669, and for purposes of  
10 workers' compensation, as provided in chapter 85.

11 Sec. 3. Section 29A.12, Code 2005, is amended to read as  
12 follows:

13 29A.12 POWERS AND DUTIES.

14 1. The adjutant general shall have command and control of  
15 the military division, and perform such duties as pertain to  
16 the office of the adjutant general under law and regulations,  
17 pursuant to the authority vested in the adjutant general by  
18 the governor. The adjutant general shall superintend the  
19 preparation of all letters and reports required by the United  
20 States from the state, and perform all the duties prescribed  
21 by law. The adjutant general shall have charge of the state  
22 military reservations, and all other property of the state  
23 kept or used for military purposes. The adjutant general  
24 shall cause an inventory to be taken at least once each year  
25 of all military stores, property and funds under the adjutant  
26 general's jurisdiction. In each year preceding a regular  
27 session of the general assembly the adjutant general shall  
28 prepare a detailed report of the transactions of that office,  
29 its expenses, and other matters required by the governor for  
30 the period since the last preceding report, and the governor  
31 may at any time require a similar report.

32 2. The adjutant general may enter into an agreement with  
33 the secretary of defense to operate the water plant at Camp  
34 Dodge for the use and benefit of the United States, and the  
35 state of Iowa upon terms and conditions as approved by the

1 governor. The adjutant general may also enter into an  
2 agreement with the national guard of another state for the use  
3 of Iowa national guard personnel and equipment.

4 3. The adjutant general may request activation of the  
5 civil air patrol to provide assistance to the national guard  
6 in accordance with section 29A.3A. The adjutant general is  
7 authorized to provide suitable space in national guard  
8 facilities to support the civil air patrol.

\*9 Sec. 4. Section 29C.5, Code 2005, is amended to read as  
10 follows:

11 29C.5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION.

12 A homeland security and emergency management division is  
13 created within the department of public defense. The homeland  
14 security and emergency management division shall be  
15 responsible for the administration of emergency planning  
16 matters, including emergency resource planning in this state,  
17 cooperation with, and support of, funding for, and tasking of  
18 the civil air patrol for missions not qualifying for federal  
19 mission status as described in section 29A.3A, homeland  
20 security activities, and coordination of available services in  
21 the event of a disaster.

22 Sec. 5. Section 29C.8, subsection 3, paragraph g, Code  
23 2005, is amended to read as follows:

24 g. ~~Develop, implement, Implement~~ and support ~~a-uniform~~ the  
25 national incident command management system as established by  
26 the United States department of homeland security to be used  
27 by state agencies and local and tribal governments to  
28 facilitate efficient and effective assistance to those  
29 affected by emergencies and disasters. ~~This system shall be~~  
30 consistent with the requirements of the United States  
31 occupational safety and health administration and a national  
32 incident management system.

33  
34  
35

Chair: Roberts  
Bukta Raecker  
Lensing T. Taylor  
Paulsen Tomenga

Successful  
7/6

HSB 192  
STATE GOVERNMENT

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC DEFENSE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the military division and the homeland  
2 security and emergency management division of the department  
3 of public defense concerning the activation and use of the  
4 civil air patrol, the authority of the adjutant general to  
5 enter into interstate agreements for use of national guard  
6 personnel, peace officer status for national guard personnel  
7 performing certain missions, and the use of the national  
8 incident management system for state emergencies.

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

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1 Section 1. Section 29A.1, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 0A. "Civil air patrol" means the civilian  
4 auxiliary of the United States air force established by the  
5 United States Congress in 36 U.S.C. § 40301 et seq., and 10  
6 U.S.C. § 9441 et seq.

7 Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.

8 1. The civil air patrol may be used to support national  
9 guard missions in support of civil authorities as described in  
10 section 29C.5 or in support of noncombat national guard  
11 missions under section 29A.8 or 29A.8A.

12 2. Requests for activation of the civil air patrol shall  
13 be made to the commander of the Iowa wing of the civil air  
14 patrol. Missions shall be in accordance with laws and  
15 regulations applicable to the United States air force and the  
16 civil air patrol. Prior to activation of the civil air  
17 patrol, the adjutant general or the Iowa civil air patrol wing  
18 commander shall apply to the air force rescue coordination  
19 center, the air force national security emergency preparedness  
20 agency, or the civil air patrol national operations center for  
21 federal mission status and funding.

22 3. If an operation or mission of the civil air patrol is  
23 granted federal mission status and assigned an accompanying  
24 federal mission number, the following shall apply:

25 a. The operation or mission shall be funded by the federal  
26 government.

27 b. When training or operating pursuant to a federal  
28 mission number, members of the civil air patrol shall be  
29 considered federal employees for the purposes of tort claims  
30 arising from the performance of the mission or any actions  
31 incident to the performance of the mission.

32 4. If an operation or mission of the civil air patrol is  
33 not granted federal mission status and is not assigned an  
34 accompanying federal mission number, the following shall  
35 apply:

1 a. Operations and administration of the civil air patrol  
2 relating to missions not qualifying for federal mission status  
3 shall be funded by the state from moneys appropriated to the  
4 homeland security and emergency management division of the  
5 department of public defense for that purpose.

6 b. When performing a mission that does not qualify for  
7 federal mission status, members of the civil air patrol shall  
8 be considered state employees for purposes of the Iowa tort  
9 claims Act, as provided in chapter 669, and for purposes of  
10 workers' compensation, as provided in chapter 85.

11 Sec. 3. Section 29A.12, Code 2005, is amended to read as  
12 follows:

13 29A.12 POWERS AND DUTIES.

14 1. The adjutant general shall have command and control of  
15 the military division, and perform such duties as pertain to  
16 the office of the adjutant general under law and regulations,  
17 pursuant to the authority vested in the adjutant general by  
18 the governor. The adjutant general shall superintend the  
19 preparation of all letters and reports required by the United  
20 States from the state, and perform all the duties prescribed  
21 by law. The adjutant general shall have charge of the state  
22 military reservations, and all other property of the state  
23 kept or used for military purposes. The adjutant general  
24 shall cause an inventory to be taken at least once each year  
25 of all military stores, property and funds under the adjutant  
26 general's jurisdiction. In each year preceding a regular  
27 session of the general assembly the adjutant general shall  
28 prepare a detailed report of the transactions of that office,  
29 its expenses, and other matters required by the governor for  
30 the period since the last preceding report, and the governor  
31 may at any time require a similar report.

32 2. The adjutant general may enter into an agreement with  
33 the secretary of defense to operate the water plant at Camp  
34 Dodge for the use and benefit of the United States, and the  
35 state of Iowa upon terms and conditions as approved by the

1 governor. The adjutant general may also enter into an  
2 agreement with the national guard of another state for the use  
3 of Iowa national guard personnel and equipment.

4 3. The adjutant general may request activation of the  
5 civil air patrol to provide assistance to the national guard  
6 in accordance with section 29A.3A. The adjutant general is  
7 authorized to provide suitable space in national guard  
8 facilities to support the civil air patrol.

9 Sec. 4. Section 29A.50, Code 2005, is amended to read as  
10 follows:

11 29A.50 IMMUNITY AND AUTHORITY.

12 The commanding officer and members of any of the military  
13 forces engaged in the suppression of an insurrection,  
14 assistance to civil authorities in emergencies, homeland  
15 defense, or security duties, or the enforcement of the laws,  
16 shall have the same immunity and authority as peace officers.

17 Sec. 5. Section 29C.5, Code 2005, is amended to read as  
18 follows:

19 29C.5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION.

20 A homeland security and emergency management division is  
21 created within the department of public defense. The homeland  
22 security and emergency management division shall be  
23 responsible for the administration of emergency planning  
24 matters, including emergency resource planning in this state,  
25 cooperation with, and support of, funding for, and tasking of  
26 the civil air patrol for missions not qualifying for federal  
27 mission status as described in section 29A.3A, homeland  
28 security activities, and coordination of available services in  
29 the event of a disaster.

30 Sec. 6. Section 29C.8, subsection 3, paragraph g, Code  
31 2005, is amended to read as follows:

32 g. ~~Develop, implement,~~ Implement and support ~~a-uniform~~ the  
33 national incident command management system as established by  
34 the United States department of homeland security to be used  
35 by state agencies and local and tribal governments to

1 facilitate efficient and effective assistance to those  
2 affected by emergencies and disasters. ~~This system shall be~~  
3 ~~consistent with the requirements of the United States~~  
4 ~~occupational safety and health administration and a national~~  
5 ~~incident management system.~~

6

## EXPLANATION

7 This bill concerns the military division and the homeland  
8 security and emergency management division of the department  
9 of public defense.

10 The bill provides for the activation and use of the Iowa  
11 wing of the civil air patrol to support civil authorities and  
12 to support the noncombat missions of the Iowa national guard.  
13 The bill provides that prior to activating the civil air  
14 patrol, a request for federal mission status and funding shall  
15 be made. If federal mission status is granted, the mission  
16 shall be funded by the federal government and members of the  
17 civil air patrol shall be considered federal employees for  
18 purposes of tort claims. If federal mission status is not  
19 granted, the bill provides that the state shall fund the  
20 mission through an appropriation to the homeland security and  
21 emergency management division of the department of public  
22 defense and members of the civil air patrol will be considered  
23 state employees for tort claims and workers' compensation  
24 purposes when performing missions that do not qualify for a  
25 federal mission number.

26 Code section 29A.12 is amended to authorize the adjutant  
27 general to provide suitable space for the civil air patrol and  
28 to provide explicit authority for the adjutant general to  
29 enter into interstate agreements with other states' national  
30 guards for the use of Iowa national guard personnel and  
31 equipment.

32 Code section 29A.50 is amended to provide that members of  
33 the state military forces have the same authority as peace  
34 officers when engaged in the suppression of an insurrection,  
35 assistance to civil authorities in emergencies, homeland

1 defense, or security duties, or the enforcement of the laws.

2 Code section 29C.5 is amended to reflect that the homeland  
3 security and emergency management division is responsible for  
4 the funding and tasking of the civil air patrol for missions  
5 that do not qualify for federal mission status.

6 Code section 29C.8 is amended to provide that the incident  
7 management system used by the state of Iowa, including local  
8 and tribal governments, for emergency and disaster response  
9 shall be the national incident management system as  
10 established by the United States department of homeland  
11 security.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 716

AN ACT

RELATING TO THE MILITARY DIVISION AND THE HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OF THE DEPARTMENT OF PUBLIC DEFENSE CONCERNING THE ACTIVATION AND USE OF THE CIVIL AIR PATROL, THE AUTHORITY OF THE ADJUTANT GENERAL TO ENTER INTO INTERSTATE AGREEMENTS FOR USE OF NATIONAL GUARD PERSONNEL, AND THE USE OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM FOR STATE EMERGENCIES.

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

Section 1. Section 29A.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Civil air patrol" means the civilian auxiliary of the United States air force established by the United States Congress in 36 U.S.C. § 40301 et seq., and 10 U.S.C. § 9441 et seq.

Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.

1. The civil air patrol may be used to support national guard missions in support of civil authorities as described in section 29C.5 or in support of noncombat national guard missions under section 29A.8 or 29A.8A.

2. Requests for activation of the civil air patrol shall be made to the commander of the Iowa wing of the civil air patrol. Missions shall be in accordance with laws and regulations applicable to the United States air force and the civil air patrol. Prior to activation of the civil air patrol, the adjutant general or the Iowa civil air patrol wing commander shall apply to the air force rescue coordination center, the air force national security emergency preparedness agency, or the civil air patrol national operations center for federal mission status and funding.

3. If an operation or mission of the civil air patrol is granted federal mission status and assigned an accompanying federal mission number, the following shall apply:

a. The operation or mission shall be funded by the federal government.

b. When training or operating pursuant to a federal mission number, members of the civil air patrol shall be considered federal employees for the purposes of tort claims arising from the performance of the mission or any actions incident to the performance of the mission.

4. If an operation or mission of the civil air patrol is not granted federal mission status and is not assigned an accompanying federal mission number, the following shall apply:

a. Operations and administration of the civil air patrol relating to missions not qualifying for federal mission status shall be funded by the state from moneys appropriated to the homeland security and emergency management division of the department of public defense for that purpose.

b. When performing a mission that does not qualify for federal mission status, members of the civil air patrol shall be considered state employees for purposes of the Iowa tort claims Act, as provided in chapter 669, and for purposes of workers' compensation, as provided in chapter 85.

Sec. 3. Section 29A.12, Code 2005, is amended to read as follows:

29A.12 POWERS AND DUTIES.

1. The adjutant general shall have command and control of the military division, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in the adjutant general by the governor. The adjutant general shall superintend the preparation of all letters and reports required by the United States from the state, and perform all the duties prescribed by law. The adjutant general shall have charge of the state military reservations, and all other property of the state

kept or used for military purposes. The adjutant general shall cause an inventory to be taken at least once each year of all military stores, property and funds under the adjutant general's jurisdiction. In each year preceding a regular session of the general assembly the adjutant general shall prepare a detailed report of the transactions of that office, its expenses, and other matters required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

2. The adjutant general may enter into an agreement with the secretary of defense to operate the water plant at Camp Dodge for the use and benefit of the United States, and the state of Iowa upon terms and conditions as approved by the governor. The adjutant general may also enter into an agreement with the national guard of another state for the use of Iowa national guard personnel and equipment.

3. The adjutant general may request activation of the civil air patrol to provide assistance to the national guard in accordance with section 29A.3A. The adjutant general is authorized to provide suitable space in national guard facilities to support the civil air patrol.

Sec. 4. Section 29C.5, Code 2005, is amended to read as follows:

29C.5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION.

A homeland security and emergency management division is created within the department of public defense. The homeland security and emergency management division shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with, and support of, funding for, and tasking of the civil air patrol for missions not qualifying for federal mission status as described in section 29A.3A in accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol, homeland security activities, and coordination of available services in the event of a disaster.

Sec. 5. Section 29C.8, subsection 3, paragraph g, Code 2005, is amended to read as follows:

g. ~~Develop, implement, Implement~~ and support a uniform the national incident command management system as established by the United States department of homeland security to be used by state agencies and local and tribal governments to facilitate efficient and effective assistance to those affected by emergencies and disasters. This system shall be consistent with the requirements of the United States occupational safety and health administration and a national incident management system.

---

CHRISTOPHER C. RANTS  
Speaker of the House

---

JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 716, Eighty-first General Assembly.

---

MARGARET THOMSON  
Chief Clerk of the House

Approved 5/5, 2005

---

THOMAS J. VILSACK  
Governor