State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, the World Health Organization has reported an outbreak of thousands of cases of Novel Coronavirus 2019 (COVID-19) in multiple countries, causing illness and deaths; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, on March 9, 2020, a Proclamation of Disaster Emergency was issued to coordinate the State of Iowa's response to this outbreak and such disaster continues to exist; and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, a Proclamation of Public Health Disaster Emergency was issued to provide additional needed resources and measures to respond to this disaster, and such public health disaster continues to exist; and

WHEREAS, strict compliance with the provisions of Iowa Law that require the collection of property taxes and the imposition of penalty and interest for delayed payment will prevent or hinder efforts to cope with this disaster in all counties of our state; that reduction in collection efforts will help prevent the transmission of infectious disease and help ensure that cases of COVID-19 are properly controlled and treated; and the Polk County Board of Supervisors and the Linn County Board of Supervisors have requested a delay in the collection of property taxes and such a delay would limit counties abilities to provide services to aid victims of this disaster; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Code §§ 562A.27, 562B.25, and 648.1(2)–(6) allowing for the termination of a rental agreement by a landlord and the eviction of a tenant under certain circumstances would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state and reduction in evictions will help prevent the transmission of infectious disease and help ensure that cases of COVID-19 are properly controlled and treated; and

WHEREAS, strict compliance with the provisions of Iowa Code § 123.30(3)(c) regarding sale of unopened containers of alcoholic beverages to patrons for consumption off premises by class "C" liquor control licensees would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 123.137 regarding reporting barrels of beer sold by a class "A" or special class "A" beer permit holder to the administrator of the Iowa Alcoholic Beverages Division and payment to the Division the amount of tax due on or before the tenth day of each calendar month and the associated penalty of ten percent if the report is not filed and the tax not paid within the time required by this section

would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Code § 123.184 regarding reporting the exact number of gallons of wine sold by a class "A" wine permit holder and wine direct shipper permit holder to the administrator of the Iowa Alcoholic Beverages Division and payment to the division the amount of tax due on the tenth day of each calendar month and the associated penalty of ten percent if the report is not filed and the tax not paid within the time required by this section would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Code § 123.34(5) prohibiting a refund of fees paid for a six-month or eight-month seasonal license or permit, or for fourteen-day or five-day license or permit would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Code § 123.130(4) and Iowa Administrative Code 185-4.6(3)(c) & (e) requiring that beer sold at retail at the manufacturing premises for consumption off the premises must be in-person and transferred to another container at the time of sale would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa law prohibiting the refund of raffle license fees and imposing other requirements on the use of the permits would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, the Iowa League of Cities on behalf of numerous local governmental bodies has requested the suspension of Iowa laws that would prevent the use of electronic meetings or the limitation on the number of people present at an in-person meeting site, and that compliance with these requirements would limit cities ability to provide services to aid victims of this disaster; and

WHEREAS, the Marion City Council has requested the suspension of Iowa Code § 372.13(2) requiring that a city council make an appointment to fill a vacancy within sixty day or calling a special election, and that compliance with the statute and engaging in public interviews and other activities to fill the vacancy would limit cities ability to provide services to aid victims of this disaster; and

WHEREAS, strict compliance with the provisions of Iowa Code § 100.31 requiring certain fire and tornado drills would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code chapter 724 that require personal delivery of applications for permits to acquire pistols or revolvers and a five-year expiration of permits to carry would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state, and reduction in in-person weapons permit applications will help prevent the transmission of infectious disease and help ensure that cases of COVID-19 are properly controlled and treated; and

WHEREAS, the agriculture production and agriculture processing sectors are critical infrastructure and are vital to the security, public health, and safety of the state of Iowa and strict compliance with the permit and fee requirements of Iowa Code § 321E.29 and Iowa Admin. Code chapter 761-511 allowing oversize and overweight divisible loads under certain circumstances will prevent or hinder efforts to cope with this disaster in all counties of our state; and

WHEREAS, strict compliance with the permit and fee requirements of Iowa Code § 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles under certain circumstances will prevent or hinder efforts to cope with this disaster in all counties of our state; and

WHEREAS, strict compliance with the Iowa law requiring fees for special overweight loads under certain circumstances will prevent or hinder efforts to cope with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa law requiring agencies involved in the response to this disaster to procure goods and services through a competitive selection process would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa law requiring temporary employees working for state agencies would prevent, hinder, or delay necessary action in coping wit-h this disaster in all counties of our state.

NOW THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution, Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6(1), 135.140(6), and 135.144 do hereby proclaim a **STATE OF PUBLIC HEALTH DISASTER EMERGENCY** continues to exist throughout the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

PROPERTY TAX PAYMENTS

SECTION ONE. Pursuant to Iowa Code §29C.6(6) and 135.144(3), in conjunction with the Iowa Department of Public Health, and at the request of multiple counties, I temporarily suspend the regulatory provisions of Iowa Code § 445.39 and Iowa Admin. Code rule 701-75.3, that require the imposition of penalty and interest for delay in payment and direct that no such penalty or interest may be imposed for the duration of this proclamation and any future extension of this suspension.

SUSPENSION OF CERTAIN EVICTIONS

SECTION TWO. Pursuant to Iowa Code §§ 29C.6(6) and 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code §§ 562A.27, 562B.25, and 648.1(2)–(6), allowing for the termination of a rental agreement by a landlord and the eviction of a tenant under the Iowa Uniform Residential Landlord and Tenant Act or the Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Act in certain circumstances. This suspension does not apply to actions for forcible entry and detainer where the defendant has by force, intimidation, fraud, or stealth entered upon the prior actual possession of another in real property and detains the same, or any other emergency circumstances allowed by law. Suspension of these provisions shall apply during the duration of this Proclamation or any future extension of this suspension.

SALES OF ALCOHOL AND FINANCIAL RELIEF

SECTION THREE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code § 123.30(3)(c) prohibiting a holder of a class "C" liquor control license from selling unopened bottles of wine or alcoholic liquor for consumption off premises. Class "C" licensees may continue to sell beer for consumption off premises. Beverages may be sold if promptly taken from the premises, such as on a carry-out or drive-through basis, or if the beverage is delivered to customers off the premises. Suspension of this provision is effective immediately and will continue until 11:59 p.m. on March 31, 2020.

SECTION FOUR. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code § 123.130(4) and Iowa Administrative Code 185-4.6(3)(c) & (e) requiring that beer sold at retail at the manufacturing premises for consumption off the premises must be in-person and transferred to another container at the time of sale. Suspension of this provision is effective immediately and will continue until 11:59 p.m. on March 31, 2020.

SECTION FIVE. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), I temporarily suspend the regulatory provisions of Iowa Code § 123.137, requiring class "A" or class "A" beer permit holders to report barrels of beer sold or pay to the Iowa Alcoholic Beverages Division the amount of tax due on or before the tenth day of each calendar month.

The associated penalty of ten percent if the report is not filed and the tax not paid within the time will not be assessed.

SECTION SIX. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), I temporarily suspend the regulatory provisions of Iowa Code § 123.184, requiring class "A" wine permit holders and wine direct shipper permit holders to report gallons of wine sold or pay to the division the amount of tax due on or before the tenth day of each calendar month. The associated penalty of ten percent if the report is not filed and the tax not paid within the time will not be assessed.

SECTION SEVEN. Pursuant to Iowa Code § 29C.6(6) and Iowa Code § 135.144(3), I temporarily suspend the regulatory provisions of Iowa Code § 123.34(5) prohibiting a refund of fees paid for a six-month or eight-month seasonal license or permit, or for fourteen-day or five-day license or permit.

SECTION EIGHT. Pursuant to Iowa Code § 29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code § 99B.12(1)(e) and Iowa Admin. Code 481-100.3(3) prescribing that no raffle license fees are refundable, and temporarily suspend the regulatory provisions of Iowa Admin. Code 481-100.16(1) prescribing raffles to conclude only during the period of the license.

ELECTRONIC MEETINGS AND HEARINGS

SECTION NINE. Pursuant to Iowa Code § 29C.6(6), and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, to the extent that the statutes could be interpreted to prevent a governmental body from holding the meeting by electronic means, provided that the governmental body properly notices the meeting or hearing and includes a telephone conference number or website address that permits the public to participate in the meeting or hearing. I also temporarily suspend those statutes to the extent they could be interpreted to prevent a governmental body from limiting the number of people present at an in-person location of the meeting, provided that the governmental body provides a means for the public to participate by telephone or electronically as provided in this section.

DEADLINE TO FILL CITY COUNCIL VACANCIES

SECTION TEN. Pursuant to Iowa Code § 29C.6(6), and at the request of the Marion City Council, I temporarily suspend the regulatory provisions of Iowa Code § 372.13(2) that require a city council to fill a vacancy on the city council within sixty days after the vacancy occurs or the calling of a special election. For the duration of this Proclamation, and any extensions including this suspension, the City Council shall not be required to make an appointment and a special election shall not be required to be called.

RELATING TO SCHOOL CLOSURES

SECTION ELEVEN. Pursuant to Iowa Code §29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 100.31, prescribing that not less than four fire drills and not less than four tornado drills be conducted in all school buildings each school year, with not less than two drills of each type be conducted between January 1 and June 30 of each year.

WEAPONS PERMITTING PROCEDURES

SECTION TWELVE. Pursuant to Iowa Code section 29C.6(6) and 135.144(3), and in conjunction with the Iowa Department of Public Health, I temporarily suspend the regulatory provisions of Iowa Code section 724.18 requiring personal delivery of applications for permits to acquire pistols or revolvers and direct that each sheriff's office to formulate and implement a policy for the procedure for accepting applications for permits to acquire pistols or revolvers and applications for permits to carry weapons that shall include in-person drop-off without involving in-person interactions between the public and staff, acceptance by mail, and to the extent practical by electronic means.

SECTION THIRTEEN. Pursuant to Iowa Code section 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code sections 724.6, 724.7, and 724.20 regarding

professional and nonprofessional permits to carry and permits to acquire pistols or revolvers, in that, for State purposes only, the permit to carry weapons will not expire during this Proclamation. This suspension will not extend to the ability of the permits to be used to purchase, in lieu of a NICS check, once the permit is past its original expiration date.

CRITICAL TRUCKING OPERATIONS

SECTION FOURTEEN. Pursuant to Iowa Code §29C.6 (6), I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463 (6) (a) and (b) and 321E.29 and Iowa Admin. Code chapter 761-511, to the extent that those provisions restrict the movement of oversize and overweight loads of vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets food, medical supplies, cleaning products, other household goods, agricultural supplies and commodities (including, but not limited to, livestock, raw milk, and crop supplies), or any other goods and supplies necessary to respond to this public health disaster and its economic effects and require a permit to transport such loads.

A. Suspension of these provisions applies to loads transported on all highways within Iowa, excluding the interstate system, and those which do not exceed a maximum of 90,000 pounds gross weight, do not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code §321.463 (6) (b), by more than twelve and one-half percent (12.5%), do not exceed the legal maximum axle weight limit of 20,000 pounds, and comply with posted limits on roads and bridges.

B. This action is intended to allow vehicles transporting food, medical supplies, cleaning products, and other household goods to be oversize and overweight, not exceeding 90,000 pounds gross weight, without a permit, but only for the duration of this proclamation.

SECTION FIFTEEN. Pursuant to Iowa Code § 29C.6(6) and 49 CFR § 390.23, I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, while transporting vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets food, medical supplies, cleaning products, other household goods, agricultural supplies and commodities (including, but not limited to, livestock, raw milk, and crop supplies) any other goods and supplies necessary to respond to this public health disaster and its economic effects subject to the following condition:

A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements set out in 49 CFR Part 382, the commercial drivers' license requirements set out in 49 CFR Part 383, the financial responsibility requirements set out in 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this Proclamation.

B. No motor carrier operating under the terms of this agreement shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.

C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give the driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight (8) consecutive days.

D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this proclamation provides under title 49 CFR § 390.23.

E. Upon the expiration of this Proclamation, or when a driver has been relieved of all duty and responsibility to transport necessary medical assets under the conditions of this Proclamation, a driver who has had at least thirty-four (34) consecutive hours off duty shall be permitted to start the driver's on-duty status hours with the 60/70 hour clock at zero.

F. This portion of this Proclamation of Disaster Emergency applies only to hours of service of motor carriers and drivers of commercial motor vehicles while actively transporting the items identified in this section for the duration of this proclamation related to the COVID-19 event.

SECTION SIXTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(3), 321E.2, 321E.8, and 321E.9 that limit issuance of permits for oversize or overweight loads to loads which are indivisible, to allow annual permits issued under Iowa Code § 321E.8 and single-trip permits issued under § 321E.9 to be issued for loads which are divisible and related to responding to and recovering from this disaster. I further waive for vehicle and loads, whether divisible or indivisible, the regulatory provisions of Iowa Code § 321E.12 that require the vehicle traveling under a permit to be registered for the gross weight of the vehicle and load and the regulatory provisions of Iowa Code § 321E.14 that require the payment of a fee for a permit issued for a vehicle and load related to responding to and recovering from this disaster. The provisions of this paragraph apply only when the movement of the vehicle and load is related to responding to and recovering from this disaster. The movement of any vehicle or load under this paragraph must comply with all other requirements of Chapter 321E of the Iowa Code and of the permit issued, other than as suspended in this proclamation. The provisions of this paragraph relating to the permitting and movement of divisible loads authorize the movement of such loads on all highways of this state, excluding the interstate system.

SECTION SEVENTEEN. The Iowa Department of Transportation is hereby directed to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of trucks involved in transporting vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets food, medical supplies, cleaning products, other household goods, agricultural supplies and commodities (including, but not limited to, livestock, raw milk, and crop supplies).

STATE AGENCY OPERATIONS

SECTION EIGHTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 8A.413(12) and Iowa Admin. Code rules 11-57.4 and 11-57.7 that limit the number of hours per fiscal year for temporary employees in state agencies, and the regulatory provisions of Iowa Code § 20.4(5) to the extent it limits the period of time a temporary employee may work in state agencies as an excluded public employee.

SECTION NINETEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code chapters 8A and 8B, Iowa Code § 313.10, Iowa Admin. Code Chapters 11-117, 11-118, 129-10, 641-176, requiring the Iowa Department of Public Health, the Iowa Department of Homeland Security and Emergency Management, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process or to otherwise follow, adhere to, or obtain other procurement-related processes, procedures, approvals, or limitations. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to prevent, contain, or mitigate the effects of the COVID-19 virus, facilitate telework by state employees, and mitigate and respond to increased cyber-attacks and threats.

IMPLEMENTATION AND INTERPRETATION

SECTION TWENTY. The Iowa Department of Public Safety, the Iowa Department of Public Health, the Iowa Department of Education, the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation and other participating state agencies are hereby directed to monitor the operation and implementation of this proclamation to assure the public's health and safety.

SECTION TWENTY-ONE. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION TWENTY-TWO. This state of disaster emergency shall be effective immediately on March 19, 2020, and shall expire on April 16, 2020, at 11:59 p.m., unless sooner terminated or extended in writing by me.

F. This portion of this Proclamation of Disaster Emergency applies only to hours of service of motor carriers and drivers of commercial motor vehicles while actively transporting the items identified in this section for the duration of this proclamation related to the COVID-19 event.

SECTION SIXTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(3), 321E.2, 321E.8, and 321E.9 that limit issuance of permits for oversize or overweight loads to loads which are indivisible, to allow annual permits issued under Iowa Code § 321E.8 and single-trip permits issued under § 321E.9 to be issued for loads which are divisible and related to responding to and recovering from this disaster. I further waive for vehicle and loads, whether divisible or indivisible, the regulatory provisions of Iowa Code § 321E.12 that require the vehicle traveling under a permit to be registered for the gross weight of the vehicle and load and the regulatory provisions of Iowa Code § 321E.14 that require the payment of a fee for a permit issued for a vehicle and load related to responding to and recovering from this disaster. The provisions of this paragraph apply only when the movement of the vehicle and load is related to responding to and recovering from this disaster. The movement of any vehicle or load under this paragraph must comply with all other requirements of Chapter 321E of the Iowa Code and of the permit issued, other than as suspended in this proclamation. The provisions of this paragraph relating to the permitting and movement of divisible loads authorize the movement of such loads on all highways of this state, excluding the interstate system.

SECTION SEVENTEEN. The Iowa Department of Transportation is hereby directed to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of trucks involved in transporting vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets food, medical supplies, cleaning products, other household goods, agricultural supplies and commodities (including, but not limited to, livestock, raw milk, and crop supplies).

STATE AGENCY OPERATIONS

SECTION EIGHTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 8A.413(12) and Iowa Admin. Code rules 11-57.4 and 11-57.7 that limit the number of hours per fiscal year for temporary employees in state agencies, and the regulatory provisions of Iowa Code § 20.4(5) to the extent it limits the period of time a temporary employee may work in state agencies as an excluded public employee.

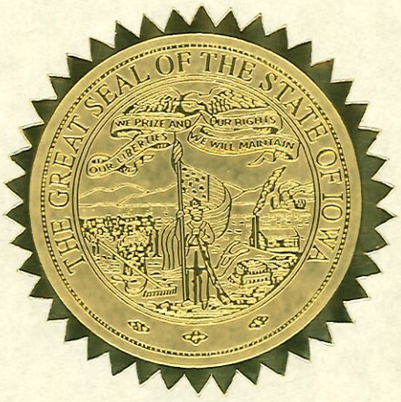
SECTION NINETEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code chapters 8A and 8B, Iowa Code § 313.10, Iowa Admin. Code Chapters 11-117, 11-118, 129-10, 641-176, requiring the Iowa Department of Public Health, the Iowa Department of Homeland Security and Emergency Management, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process or to otherwise follow, adhere to, or obtain other procurement-related processes, procedures, approvals, or limitations. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to prevent, contain, or mitigate the effects of the COVID-19 virus, facilitate telework by state employees, and mitigate and respond to increased cyber-attacks and threats.

IMPLEMENTATION AND INTERPRETATION

SECTION TWENTY. The Iowa Department of Public Safety, the Iowa Department of Public Health, the Iowa Department of Education, the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation and other participating state agencies are hereby directed to monitor the operation and implementation of this proclamation to assure the public's health and safety.

SECTION TWENTY-ONE. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION TWENTY-TWO. This state of disaster emergency shall be effective immediately on March 19, 2020, and shall expire on April 16, 2020, at 11:59 p.m., unless sooner terminated or extended in writing by me.



IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS 19th DAY OF MARCH IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE