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 tens of thousands of cases and thousands of deaths associated with Novel Coronavirus 2019 (COVID-19) in multiple countries across the globe; and

WHEREAS, the World Health Organization has raised the global pandemic alert to five, meaning a pandemic is imminent and states should finalize preparations to contain an outbreak; and

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

WHEREAS, the Centers for Disease Control and Prevention have confirmed an outbreak of COVID-19 and cases have been identified in at least 35 states; and

WHEREAS, on March 9, 2020, multiple individuals tested presumptive positive for COVID-19 within the state of Iowa; and

WHEREAS, reports forwarded by local officials indicate that local resources and capacities may be impacted and state assistance and resources will be necessary to respond to and recover from the effects of this disaster; and

WHEREAS, the United States Department of Health and Human Services may deploy assets from the pandemic cache including medication and personal protective equipment; and

WHEREAS, delivery of pandemic allocations within this cache must be transported to the affected areas within the state of Iowa in a timely manner.

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), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

SECTION 1. As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster affected counties.

SECTION 2. I temporarily suspend the regulatory provisions of 11 Iowa Admin. Code § 53.11 (3) prohibiting pay to those State of Iowa employees for hours worked in excess of 40 hours per workweek while present in the State's Emergency Operations Center or otherwise engaged in assigned disaster response missions or other activities. This suspension shall be retroactive to the initial activation of the State's Emergency Operations Center.

SECTION 3. I hereby order all state agencies to utilize such personnel, equipment, and facilities as necessary to assist the Iowa Department of Public Health and the Iowa Department of Homeland Security and Emergency Management in performing any and all activities necessary to prevent, contain, and mitigate the effects of the COVID-19 virus. Iowa Code § 29C.6 (8), (10).

SECTION 4. I temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, Iowa Code § 313.10, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 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. 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. Iowa Code § 29C.6 (6).

SECTION 5. 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, and other necessary medical assets, 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 medical assets related to the COVID-19 event.

Iowa Code § 29C.6 (6); 49 CFR § 390.23.

SECTION 6. The Iowa Department of Public Safety, the Iowa Department of Public Health, the Iowa Department of Homeland Security and Emergency Management, and 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 7. This state of disaster emergency shall be effective at 12:01 a.m. on March 9, 2020 shall continue for thirty (30) days, and shall expire on April 7, 2020, at 11:59 p.m., unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).

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 NINTH DAY OF MARCH IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE