

19 5. Apply for, receive, contract for, and expend federal funds and
20 grants and funds and grants from other sources."

Approved May 26, 1965.

CHAPTER 81

CIVIL DEFENSE

S. F. 575

AN ACT to amend chapter 28A, Code 1962, as amended, relating to civil defense in the state of Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section twenty-eight A point one (28A.1), Code 1962,
2 is hereby repealed and the following enacted in lieu thereof:

3 "The state civil defense agency shall be a division within the depart-
4 ment of public defense of the state government and shall be styled and
5 known as the "civil defense division, department of public defense".

6 The civil defense division shall be responsible for the administration
7 of civil defense matters, to include emergency resource planning, in the
8 state of Iowa and coordinate available services in the event of major
9 man-made disasters or in the event of natural disasters including, but
10 not limited to, hurricanes, tornadoes, windstorms or floods".

1 SEC. 2. Section twenty-eight A point two (28A.2), Code 1962, is
2 hereby repealed and the following enacted in lieu thereof:

3 "There is hereby created a civil defense advisory council, hereinafter
4 referred to as the "council", the members of which shall be composed
5 of nine (9) residents of the state of Iowa appointed by the governor
6 for three (3) year terms. Membership in the council shall be repre-
7 sentative of counties, municipalities and rural areas, shall be non-
8 partisan, and the members shall be appointed without reference to
9 their political affiliation.

10 The governor shall appoint one of the members as chairman and one
11 as vice-chairman.

12 As the terms of the members so appointed shall expire, their suc-
13 cessors shall be appointed, each for a term of three years; provided,
14 however, that upon the death, disability or resignation of any member,
15 the governor shall appoint a person to serve for the unexpired term.
16 Beginning on July 4, 1965, overlapping terms are hereby created,
17 three members to be appointed for a one year term to expire on July
18 4, 1966, three members to be appointed for a two year term to expire
19 on July 4, 1967, and three members to be appointed for a three year
20 term to expire on July 4, 1968, such appointments then to be made each
21 year thereafter as the terms expire.

22 The council shall advise the governor, the executive director of the
23 department of public defense, and the director, on all matters pertain-
24 ing to civil defense and emergency planning.

25 The members of the council shall serve without compensation, except
26 that they shall be reimbursed for their actual and necessary expenses
27 incurred in performing their duties as members of the council.

1 SEC. 3. Section twenty-eight A point three (28A.3), Code 1962, is
2 hereby repealed and the following enacted in lieu thereof:

3 1. This chapter shall be construed liberally so as to effect the maxi-
4 mum cooperation and coordination of the affairs of the civil defense
5 division with the federal government, with other states, with political
6 subdivisions of the state, and with private agencies in all matters per-
7 taining to the civil defense and emergency planning of this state and
8 of the nation.

9 2. In performing his duties under this Act and to effect its policy
10 and purpose, the governor is authorized and empowered:

11 a. To make, amend, and rescind the necessary orders, rules, and
12 regulations to carry out the provisions of this Act within the limits of
13 the authority conferred upon him herein, and on behalf of the state,
14 to enter into agreements with the federal government in conformance
15 with plans and policies of the federal civil defense agency and the office
16 of emergency planning.

17 b. On behalf of this state, to enter into mutual aid arrangements
18 with other states and to coordinate mutual aid plans between political
19 subdivisions of this state.

20 c. To delegate any administrative authority vested in him under this
21 Act, and to provide for the subdelegation of any such authority.

22 d. To cooperate with the president and the heads of the armed
23 forces, the civil defense and emergency planning agencies of the
24 United States and other appropriate federal officers and agencies, and
25 with the officers and agencies of other states in matters pertaining to
26 the civil defense and emergency planning of the state and nation,
27 including the direction and control of:

28 (1) Blackouts and practice blackouts, air raid drills, mobilization
29 of civil defense and emergency planning forces, and other tests and
30 exercises; (2) warnings and signals for drills or attacks and the
31 mechanical devices to be used in connection therewith; (3) the effec-
32 tive screening or extinguishing of all lights and lighting devices and
33 appliances; (4) shutting off water mains, gas mains, electric power
34 connections and the suspension of all other utility services; (5) the
35 conduct of civilians and the movement and cessation of movement of
36 pedestrians and vehicular traffic during, prior, and subsequent to drills
37 or attack; (6) public meetings or gatherings; and (7) the evacuation
38 and reception of the civilian population.

39 3. The adjutant general as the executive director of the department
40 of public defense, and under the direction and control of the governor,
41 shall have general direction and control of the civil defense division
42 and shall be responsible to the governor for the carrying out of the
43 provisions of this Act, and in the event of disaster beyond local con-
44 trol, may assume direct operational control over all or any part of the
45 civil defense and emergency planning functions within this state.

1 SEC. 4. Section twenty-eight A point four (28A.4), Code 1962, is
2 hereby repealed and the following enacted in lieu thereof:

3 1. The civil defense division shall be under the management of a
4 civil defense director who shall be appointed by the governor, upon
5 the recommendation of the council, for a four (4) year term. The
6 governor shall fix his compensation out of funds hereafter appropri-

7 ated to or otherwise available to the department of public defense for
8 such purpose.

9 2. The director shall be vested with the authority to administer
10 civil defense and emergency planning affairs in this state, including
11 man-made or natural disasters, as provided for herein, and shall be
12 responsible for preparing and executing the civil defense and emer-
13 gency planning programs of this state, subject to the direction of the
14 governor and supervisory control of the executive director of the de-
15 partment of public defense and assistance of the council.

16 3. The director, upon the direction of the governor and supervisory
17 control of the executive director of the department of public defense,
18 and with the advice of the council shall:

19 *a.* Prepare a comprehensive plan and program for the civil defense
20 and emergency resource management of this state, such plan and pro-
21 gram to be integrated into and coordinated with the civil defense plans
22 and emergency planning of the federal government and of other states
23 to the fullest possible extent, and to coordinate the preparation of
24 plans and programs for civil defense and emergency planning by the
25 political subdivisions and various state departments of this state,
26 such plans to be integrated into and coordinated with a comprehensive
27 state emergency program for this state as coordinated by the director
28 of public defense, to the fullest possible extent.

29 *b.* Make such studies and surveys of the industries, resources and
30 facilities in this state as may be necessary to ascertain the capabilities
31 of the state for civil defense and emergency resource management and
32 to plan for the most efficient emergency use thereof.

1 SEC. 5. Section twenty-eight A point five (28A.5), Code 1962, is
2 hereby amended as follows:

3 1. By striking in line two (2) the word "administration" and in-
4 serting in lieu thereof the words "executive director, department of
5 public defense and upon the recommendation of the council".

6 2. By striking in line seven (7) the word "administration" and in-
7 serting in lieu thereof the words "department of public defense".

8 3. By inserting in line eight (8) after the word "defense" the fol-
9 lowing: "and emergency planning".

1 SEC. 6. Section twenty-eight A point six (28A.6), Code 1962, is
2 hereby amended by striking in line two (2) the word "administration"
3 and inserting in lieu thereof the words "civil defense division, depart-
4 ment of public defense".

1 SEC. 7. Section twenty-eight A point seven (28A.7), Code 1962, is
2 hereby amended as follows:

3 1. By striking in line four (4) the word "administration" and in-
4 serting in lieu thereof the words "civil defense division, department of
5 public defense".

6 2. By striking in line five (5) the word "may" and inserting in lieu
7 thereof the word "shall".

1 SEC. 8. Section one (1) of house file four hundred seventeen (417),
2 Acts of the sixtieth general assembly, is hereby amended as follows:

3 1. By inserting in line five (5) after the word "defense" the follow-
4 ing: "and emergency planning".

- 5 2. By inserting in line nine (9) after the word "county" the follow-
6 ing: "and the sheriff of such county."
- 7 3. By inserting in line thirteen (13) after the word "defense" the
8 following: "and emergency planning".
- 9 4. By striking in lines fifteen (15) and sixteen (16) the words "its
10 own general fund" and inserting in lieu thereof the following: "any
11 funds that are not restricted".
- 12 5. By inserting in line seventeen (17) after the word "defense" the
13 following: "and emergency planning".
- 14 6. By inserting in line nineteen (19) after the word "the" the fol-
15 lowing: "county and".
- 16 7. By inserting in line twenty-one (21) after the word "defense"
17 the following: "and emergency planning".
- 18 8. By inserting in line twenty-five (25) before the word "program"
19 the following: "and emergency planning".
- 20 9. By striking in line twenty-six (26) the words "and used for civil
21 defense purposes."
- 22 10. By striking in line twenty-six (26) the word "withdrawals" and
23 all of lines twenty-seven (27), twenty-eight (28), twenty-nine (29),
24 and thirty (30), and inserting in lieu thereof the following: "With-
25 drawal of monies from the joint county-municipal civil defense and
26 emergency planning account maintained by the office of the county
27 treasurer to reimburse both county and city governments for their
28 share of funds received by the joint county-municipal civil defense
29 and emergency planning agency, and deposited with the county treas-
30 urer, may be made on warrants drawn by the county auditor, sup-
31 ported by claims from the county or city government concerned, and
32 these claims verified and vouchers signed by the chairman or vice
33 chairman of the joint administration and the director of the joint
34 county-municipal civil defense and emergency planning administra-
35 tion."
- 36 11. By striking in line thirty-eight (38) the words "a nuclear at-
37 tack" and inserting in lieu thereof the words "acts of aggression."
- 38 12. By inserting in line forty (40) after the word "defense" the
39 following: "and emergency planning".
- 40 13. By inserting in line fifty (50) after the word "defense" the fol-
41 lowing: "and emergency planning".
- 42 14. By inserting in line fifty-two (52) after the word "defense" the
43 following: "and emergency planning".
- 44 15. By inserting in line sixty-two (62) after the word "defense" the
45 following: "and emergency planning".
- 46 16. By striking in line sixty-three (63) the word "direct" and in-
47 serting in lieu thereof the word "coordinate".
- 48 17. By inserting in line seventy (70) after the word "defense" the
49 following: "and emergency planning".
- 50 18. By inserting in line seventy-two (72) after the word "each" the
51 following: "county board of supervisors and".
- 52 19. By inserting in line seventy-two (72) after the word "defense"
53 the following: "and emergency planning".
- 54 20. By inserting in line seventy-three (73) after the word "that"
55 the word "county".

56 21. By inserting in line seventy-four (74) after the word "defense"
57 the following: "and emergency planning".

58 22. By adding thereto the following:

59 "The county boards of supervisors in any two (2) or more adjacent
60 counties, may by mutual agreement act as a joint board to appoint one
61 (1) director who shall be the official director of civil defense and emer-
62 gency planning for each of the counties, shall work with any joint
63 county-municipal defense and emergency planning administrations
64 which may have been formed within any of the counties, and who shall
65 provide such services as may be carried on jointly to the mutual bene-
66 fit of all counties involved. Such agreement shall be in writing, shall
67 be approved by the state civil defense director, and shall be entered in
68 the respective minutes of each county board. The director so appointed
69 shall be appointed for a term of one (1) to three (3) years but in no
70 event longer than the period of time the mutual agreement by the
71 boards is to be in effect. The written agreement shall provide for the
72 determination of the cost of the joint program and the manner of
73 allocation of such cost to each board for inclusion in the budget of the
74 respective boards. For the payment of the salary and expenses of the
75 director and such other necessary expenses as may be incurred, the
76 boards shall designate one (1) board to make such payments and be
77 reimbursed by the other board or boards pursuant to the joint agree-
78 ment. The boards are hereby authorized to meet together for the
79 transaction of joint business."

80 The director employed by the county boards of supervisors may
81 further serve as a joint county-municipal civil defense director for any
82 joint county-municipal civil defense administration if a joint admin-
83 istration has been formed in any of the counties in which the director
84 is serving. Where the director also serves as a joint county-municipal
85 civil defense director, any city or town included in the joint adminis-
86 tration may appropriate funds for the payment of the salary and
87 expenses of the director in the same manner the city or town may
88 appropriate money under the joint administration.

1 SEC. 9. Section twenty-eight A point eight (28A.8), Code 1962, is
2 hereby amended as follows:

3 1. By striking in line three (3) the words "director of the adminis-
4 tration" and inserting in lieu thereof the words "executive director,
5 department of public defense, and the director, civil defense division,".

6 2. By striking all of lines ten (10) and eleven (11) and inserting in
7 lieu thereof after the word "subdivisions" in line nine (9) the follow-
8 ing: "at their respective levels of responsibility."

1 SEC. 10. Chapter twenty-eight A (28A), Code 1962, is hereby
2 amended by adding the following new section immediately after sec-
3 tion twenty-eight A point eight (28A.8).

4 1. Each political subdivision shall have the power to make appropri-
5 ations in the manner provided by law for making appropriations for
6 the expenses and salaries of such political subdivisions for the pay-
7 ment of expenses and salaries of its local organization for civil defense
8 and emergency planning.

9 Whenever the federal government or any agency or officer thereof
10 shall offer to the state, or through the state to any political subdivision

11 thereof, services, equipment, supplies, materials, or funds by way of
 12 gift, grant or loan, for purposes of civil defense and emergency plan-
 13 ning, the state, acting through the governor, or such political subdivi-
 14 sion, acting with the consent of the governor and through its executive
 15 officer or governing body, may authorize any officer of the state or of
 16 the political subdivision, as the case may be, to receive such services,
 17 equipment, supplies, materials, or funds on behalf of the state or such
 18 political subdivision, and subject to the terms of the offer and the rules
 19 and regulations, if any, of the agency making the offer.

20 Whenever any person, firm, or corporation shall offer to the state or
 21 to any political subdivision thereof, services, equipment, supplies,
 22 materials, or funds by way of gift, grant, or loan, for purposes of civil
 23 defense and emergency planning, the state, acting through its execu-
 24 tive officer or governing body, may accept such offer and upon such
 25 acceptance the governor of the state or executive officer or governing
 26 body of such political subdivision may authorize any officer of the state
 27 or of the political subdivision, as the case may be, to receive such serv-
 28 ices, equipment, supplies, materials, or funds on behalf of the state of*
 29 such political subdivision, and subject to the terms of the offer.

1 SEC. 11. Section twenty-eight A point nine (28A.9), Code 1962, is
 2 hereby amended by striking in line seven (7) the word "administra-
 3 tion" and inserting in lieu thereof the words "civil defense division
 4 and executive director, department of public defense."

1 SEC. 12. Section twenty-eight A point eleven (28A.11), Code 1962,
 2 is hereby amended as follows:

3 1. By inserting in line two (2) after the word "defense" the follow-
 4 ing: "or emergency resources management".

5 2. By striking in line three (3) the words "the administration" and
 6 inserting in lieu thereof the words "this chapter".

1 SEC. 13. Section twenty-eight A point twelve (28A.12), Code 1962,
 2 is hereby amended as follows:

3 1. By striking in line three (3) the word "administration" and in-
 4 serting in lieu thereof the word "chapter,".

5 2. By inserting in line twenty-nine (29) after the word "nor" the
 6 following: "have ever advocated, nor".

1 SEC. 14. Section twenty-eight A point thirteen (28A.13), Code
 2 1962, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "employees" the fol-
 4 lowing: "other than the director and assistant director".

5 2. By striking in line two (2) the word "administration" and insert-
 6 ing in lieu thereof the words "civil defense division".

1 SEC. 15. Chapter twenty-eight A (28A), Code 1962, is hereby
 2 further amended by adding the following new sections immediately
 3 after section twenty-eight A point thirteen (28A.13):

4 1. If any provision of this Act or the application thereof to any per-
 5 son or circumstance is held invalid, such invalidity shall not affect
 6 other provisions or applications of the Act which can be given effect

*According to enrolled Act.

7 without the invalid provision or application, and to this end the pro-
8 visions of this Act are declared to be severable.

9 2. It shall be the duty of every organization for civil defense and
10 emergency planning established pursuant to this Act and of the officers
11 thereof to execute and enforce such orders, rules and regulations as
12 may be made by the governor under authority of this Act. Each such
13 organization shall have available for inspection at its office all orders,
14 rules and regulations made by the governor, or under his authority and
15 those made by subordinate organizations and not contrary or incon-
16 sistent with those of the governor.

17 3. A peace officer, when in full and distinctive uniform or display-
18 ing a badge or other insignia of authority, may arrest without a war-
19 rant any person violating or attempting to violate in such officer's
20 presence any order, rule, or regulation made pursuant to this Act.
21 This authority shall be limited to those rules and regulations which
22 affect the public generally.

1 SEC. 16. Section twenty-eight A point fourteen (28A.14), Code
2 1962, is hereby amended by striking in line two (2) the following:
3 "of 1959".

Approved July 1, 1965.

CHAPTER 82

INTERCHANGE OF GOVERNMENT EMPLOYEES

S. F. 554

AN ACT to permit the interchange of federal, state and local government employees.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Declaration of policy.** The state of Iowa recognizes
2 that intergovernmental co-operation is an essential factor in resolving
3 problems affecting this state and that the interchange of personnel
4 between and among governmental agencies at the same or different
5 levels of government is a significant factor in achieving such co-
6 operation.

1 SEC. 2. **Definitions.** For the purposes of this Act:

2 1. "Sending agency" means any department or agency of the fed-
3 eral government or a state or local government which sends any em-
4 ployee thereof to another government agency under this Act.

5 2. "Receiving agency" means any department or agency of the fed-
6 eral government or a state or local government which receives an
7 employee of another government under this Act.

1 SEC. 3. **Authority to interchange employees.**

2 1. Any department, agency, or instrumentality of the state, county,
3 city, municipality, land-grant college, or college or university operated
4 by the state or any local government is authorized to participate in a
5 program of interchange of employees with departments, agencies, or
6 instrumentalities of the federal government, another state or locality,