

14 2. DEPARTMENT OF PUBLIC DEFENSE

15 a. Military division

16 For salaries except salaries provided for in paragraph b of this
17 subsection, support, maintenance, and miscellaneous purposes 1,721,000

18 b. For salaries, of the adjutant general and members of his staff who
19 are on full-time active state service, and for their support and
20 maintenance 195,000

21 However, if section two (2) of this Act does not become law, this paragraph is
22 void. The amount set for any cost of living adjustment provided by the general
23 assembly for employees of the state shall not apply to persons subject to this
24 paragraph, however funds appropriated for salary adjustments may be expended
25 for adjusting the salaries of persons subject to this paragraph if the funds
26 provided in this paragraph are not sufficient for such purpose.

27 c. Civil defense division

28 For salaries, support, maintenance, and miscellaneous purposes 90,750

1 SEC. 2. Section twenty-nine A point twenty-nine (29A.29), Code 1975, is
2 amended to read as follows:

3 **29A.29 Payment from treasury.** When in active state service, the
4 compensation of officers and enlisted men and expenses of the national guard
5 and claims for death, injury and illness of the members thereof, incurred in line of
6 duty, shall be paid out of any funds in the state treasury not otherwise
7 appropriated. *However, if funds for compensation and expenses have been*
8 *appropriated for compensation and expenses of persons on full-time active state service*
9 *pursuant to a specific Act of the general assembly, such persons shall be paid from*
10 *funds appropriated pursuant to such Act.*

1 SEC. 3. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes set forth in
3 such federal grants or receipts.

Approved March 12, 1976

CHAPTER 1074

DISASTER SERVICES AND PUBLIC DISORDERS

H. F. 1346

AN ACT relating to disaster services and public disorders, specifying the powers and duties of the governor, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact.

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

1 SECTION 1. Chapter twenty-nine C (29C), Code 1975, is amended by striking
2 the chapter and inserting in lieu thereof sections two (2) through twenty-two (22)
3 of this Act.

1 SEC. 2. NEW SECTION. **Statement of policy.** Because of existing and
2 increasing possibility of the occurrence of disasters, and in order to insure that
3 preparations of this state will be adequate to deal with such disasters, and to
4 provide for the common defense and to protect the public peace, health and
5 safety, and to preserve the lives and property of the people of the state, it is the
6 policy of this state:

7 1. To establish a state office of disaster services and to authorize the
8 establishment of local organizations for disaster services in the political
9 subdivisions of the state.

10 2. To confer upon the governor and upon the executive heads or governing
11 bodies of the political subdivisions of the state the emergency powers provided in
12 this Act.

13 3. To provide for the rendering of mutual aid among the political subdivisions
14 of the state and with other states and to cooperate with the federal government
15 with respect to the carrying out of disaster services functions.

1 SEC. 3. NEW SECTION. **Definitions.** "Disaster" means man-made
2 catastrophes and natural occurrences such as fire, flood, earthquake, tornado,
3 windstorm, which threaten the public peace, health, and safety of the people or
4 which damage and destroy public or private property. The term includes enemy
5 attack, sabotage, or other hostile action from without the state.

6 "Public disorder" means such substantial interference with the public peace as
7 to constitute a significant threat to the health and safety of the people or a
8 significant threat to public or private property. The term includes insurrection,
9 rioting, looting, and persistent violent civil disobedience.

1 SEC. 4. NEW SECTION. **Proclamation of state of public disorder by governor.**

2 1. The governor may, after finding a state of public disorder exists, proclaim a
3 state of public disorder emergency. This proclamation shall be in writing, indicate
4 the area affected and the facts upon which it is based, be signed by the governor,
5 and be filed with the secretary of state.

6 2. Notice of a proclamation of a state of public disorder emergency shall be
7 given by the secretary of state by publication in a newspaper of general
8 circulation in the area affected, by broadcast through radio and television serving
9 the area affected, and by posting signs at conspicuous places within this area. The
10 exercise of the special powers by the governor under this section shall not be
11 precluded by the lack of giving notice if the giving of notice has been diligently
12 attempted. All orders and rules promulgated under the proclamation shall be
13 given public notice by the governor in the area affected.

14 3. A state of public disorder emergency shall continue for ten days, unless
15 sooner terminated by the governor. The general assembly may, by concurrent
16 resolution, rescind a proclamation of a state of public disorder emergency. If the
17 general assembly is not in session, the legislative council may, by a majority vote,
18 rescind this proclamation. Rescission shall be effective upon filing of the
19 concurrent resolution or resolution of the legislative council with the secretary of
20 state.

21 4. The governor may, during the existence of a state of public disorder
22 emergency, prohibit:

23 a. Any person being in a public place during the hours declared by the
24 governor to be a period of curfew if this period does not exceed twelve hours in
25 any one day and if its area of its application is specifically designated.

26 b. Public gatherings of a designated number of persons within a designated
27 area.

28 c. The manufacture, use, possession, or transportation of any device or object
29 designed to explode or produce uncontained combustion.

30 d. The possession of any flammable or explosive liquids or materials in a glass
31 or uncapped container, except in connection with normal operation of motor
32 vehicles or normal home and commercial use.

33 e. The possession of firearms or any other deadly weapon by a person other
34 than at that person's place of residence or business, except by law enforcement
35 officers.

36 f. The sale, purchase, or dispensing of alcoholic beverages.

37 g. The sale, purchase, or dispensing of such other commodities as are
38 designated by the governor.

39 h. The use of certain streets or highways by the public.

40 i. Such other activities as the governor reasonably believes should be
41 prohibited to help maintain life, health, property, or the public peace.

1 SEC. 5. NEW SECTION. **Judicial protections.** The supreme court shall
2 promulgate rules for emergency proceedings to be effective upon the declaration
3 of a state of public disorder emergency in order that the constitutional rights of
4 all persons taken into custody shall be adequately protected.

1 SEC. 6. NEW SECTION. **Office of disaster services.** There is created an office
2 of disaster services within the department of public defense. The office of disaster
3 services shall be responsible for the administration of emergency planning
4 matters, including emergency resource planning in this state, cooperation with
5 and support of the civil air patrol, and coordination of available services in the
6 event of a disaster.

1 SEC. 7. NEW SECTION. **Proclamation of disaster emergency by governor.** In
2 exercising the governor's powers and duties under this Act and to effect the policy
3 and purpose, the governor may:

4 1. After finding a disaster exists or is imminently threatened, proclaim a state
5 of disaster emergency. This proclamation shall be in writing, indicate the area
6 affected and the facts upon which it is based, be signed by the governor, and be
7 filed with the secretary of state. A state of disaster emergency shall continue for
8 thirty days, unless sooner terminated or extended in writing by the governor. The
9 general assembly may, by concurrent resolution, rescind this proclamation. If the
10 general assembly is not in session, the legislative council may, by majority vote,
11 rescind this proclamation. Rescission shall be effective upon filing of the
12 concurrent resolution or resolution of the legislative council with the secretary of
13 state. A proclamation of disaster emergency shall activate the disaster response
14 and recovery aspect of the state, local and interjurisdictional disaster emergency
15 plans applicable to the political subdivision or area in question and be authority
16 for the deployment and use of any forces to which the plan applies, and for use or
17 distribution of any supplies, equipment, and materials and facilities assembled,
18 stockpiled, or arranged to be made available.

19 2. When, at the request of the governor, the president of the United States has
20 declared a major disaster to exist in this state, enter into purchase, lease, or other
21 arrangements with any agency of the United States for temporary housing units
22 to be occupied by disaster victims and to make such units available to any
23 political subdivision of the state, to assist any political subdivision of this state
24 which is the locus of temporary housing for disaster victims, to acquire sites
25 necessary for such temporary housing and to do all things required to prepare
26 such sites to receive and utilize temporary housing units, by advancing or lending
27 funds available to the governor from any appropriation made by the legislature or
28 from any other source, allocating funds made available by any agency, public or
29 private, or becoming a copartner with the political subdivision for the execution
30 and performance of any temporary housing for disaster victims project. Any
31 political subdivision of this state is expressly authorized to acquire, temporarily or
32 permanently, by purchase, lease, or otherwise, sites required for installation of
33 temporary housing units for disaster victims, and to enter into whatever
34 arrangements are necessary to prepare or equip such sites to utilize the housing
35 units. The governor may temporarily suspend or modify, for not to exceed sixty
36 days, any public health, safety, zoning, transportation, or other requirement of
37 law or regulation within this state when by proclamation, he deems such
38 suspension or modification essential to provide temporary housing for disaster
39 victims.

40 3. When the president of the United States has declared a major disaster to
41 exist in the state and upon the governor's determination that a local government
42 of the state will suffer a substantial loss of tax and other revenues from a major
43 disaster and has demonstrated a need for financial assistance to perform its
44 governmental functions, apply to the federal government, on behalf of the local
45 government for a loan, receive and disburse the proceeds of any approved loan to
46 any applicant local government, determine the amount needed by any applicant
47 local government to restore or resume its governmental functions, and certify the
48 same to the federal government; however, no application amount shall exceed
49 twenty-five percent of the annual operating budget of the applicant for the fiscal
50 year in which the major disaster occurs. The governor may recommend to the
51 federal government, based upon his review, the cancellation of all or any part of
52 repayment when, in first three full fiscal year period following the major disaster,
53 the revenues of the local government are insufficient to meet its operating
54 expenses, including additional disaster-related expenses of a municipal operation
55 character.

56 4. When a disaster emergency is proclaimed, notwithstanding any other
57 provision of law, through the use of state agencies or the use of any of the
58 political subdivisions of the state, clear or remove from publicly or privately
59 owned land or water, debris and wreckage which may threaten public health or
60 safety or public or private property. The governor may accept funds from the
61 federal government and utilize such funds to make grants to any local
62 government for the purpose of removing debris or wreckage from publicly or
63 privately owned land or water. Authority shall not be exercised by the governor
64 unless the affected local government, corporation, organization or individual shall
65 first present an additional authorization for removal of such debris or wreckage
66 from public and private property and, in the case of removal of debris or
67 wreckage from private property, such corporation, organization or individual shall
68 first agree to hold harmless the state or local government against any claim
69 arising from such removal. When the governor provides for clearance of debris or
70 wreckage, employees of the designated state agencies or individuals appointed by
71 the state may enter upon private land or waters and perform any tasks necessary
72 to the removal or clearance operation. Any state employee or agent complying
73 with orders of the governor and performing duties pursuant to such orders under
74 this Act shall be considered to be acting within the scope of his employment
75 within the meaning specified in chapter twenty-five A (25A) of the Code.

76 5. When the president of the United States has declared a major disaster to
77 exist in the state and upon the governor's determination that financial assistance
78 is essential to meet disaster-related necessary expenses or serious needs of
79 individuals or families adversely affected by a major disaster that cannot be
80 otherwise adequately met from other means of assistance, accept a grant by the
81 federal government to fund such financial assistance, subject to such terms and
82 conditions as may be imposed upon the grant and enter into an agreement with
83 the federal government pledging the state to participate in the funding of the
84 financial assistance authorized in an amount not to exceed twenty-five percent
85 thereof, and, if state funds are not otherwise available to the governor, accept an
86 advance of the state share from the federal government to be repaid when the
87 state is able to do so.

88 6. Suspend the provisions of any regulatory statute prescribing the procedures
89 for conduct of state business, or the orders, rules, or regulations of any state
90 agency, if strict compliance with the provisions of any statute, order, rule, or
91 regulation would in any way prevent, hinder, or delay necessary action in coping
92 with the emergency by stating in a proclamation such reasons. Upon the request
93 of a local governing body, the governor may also suspend statutes limiting local
94 governments in their ability to provide services to aid disaster victims.

95 7. On behalf of this state, enter into mutual aid arrangements with other states
96 and to coordinate mutual aid plans between political subdivisions of this state.

97 8. Delegate any administrative authority vested in him under this Act and
98 provide for the subdelegation of any such authority.

99 9. Cooperate with the president of the United States and the heads of the
100 armed forces, the disaster services and emergency planning agencies of the United
101 States and other appropriate federal officers and agencies and with the officers
102 and agencies of other states in matters pertaining to disaster recovery and
103 emergency planning of the state and nation.

104 10. Utilize all available resources of the state government as reasonably
105 necessary to cope with the disaster emergency and of each political subdivision of
106 the state.

107 11. Transfer the direction, personnel, or functions of state departments and
108 agencies or units thereof for the purpose of performing or facilitating disaster
109 services.

110 12. Subject to any applicable requirements for compensation, commandeer or
111 utilize any private property if he finds this necessary to cope with the disaster
112 emergency.

113 13. Direct the evacuation of all or part of the population from any stricken or
114 threatened area within the state if he deems this action necessary for the
115 preservation of life or other disaster mitigation, response, or recovery.

116 14. Prescribe routes, modes of transportation, and destinations in connection
117 with evacuation.

118 15. Control ingress and egress to and from a disaster area, the movement of
119 persons within the area, and the occupancy of premises in such area.

120 16. Suspend or limit the sale, dispensing, or transportation of alcoholic
121 beverages, firearms, explosives, and combustibles.

1 SEC. 8. NEW SECTION. **Powers and duties of adjutant general.** The adjutant
2 general, as the executive director of the department of public defense and under
3 the direction and control of the governor, shall have supervisory direction and
4 control of the office of disaster services and shall be responsible to the governor
5 for the carrying out of the provisions of this Act. In the event of disaster beyond
6 local control, the adjutant general may assume direct operational control over all
7 or any part of the disaster services and emergency planning functions within this
8 state.

1 SEC. 9. NEW SECTION. **Powers and duties of director.**

2 1. The office of disaster services shall be under the management of a director
3 appointed by the governor.

4 2. The director shall be vested with the authority to administer disaster services
5 and emergency planning affairs in this state and shall be responsible for preparing
6 and executing the disaster services and emergency planning programs of this state
7 subject to the direction of the adjutant general.

8 3. The director, upon the direction of the governor and supervisory control of
9 the executive director of the department of public defense, shall:

10 a. Prepare a comprehensive plan and program for the disaster recovery,
11 emergency operation, and emergency resource management of this state. The plan
12 and program shall be integrated into and coordinated with the emergency plans
13 of the federal government and of other states to the fullest possible extent and
14 coordinate the preparation of plans and programs for disaster services and
15 emergency operations and planning by the political subdivisions and various state
16 departments of this state. The plans shall be integrated into and coordinated with
17 a comprehensive state emergency program for this state as coordinated by the
18 director of the office of disaster services to the fullest possible extent.

19 b. Make such studies and surveys of the industries, resources and facilities in
20 this state as may be necessary to ascertain the capabilities of the state for disaster
21 recovery, disaster planning and operations, and emergency resource management,
22 and to plan for the most efficient emergency use thereof.

23 c. Provide technical assistance to any joint county-municipal disaster services
24 and emergency planning administration requiring such assistance in the
25 development of a disaster services and recovery plan and program.

26 4. The director, with the approval of the governor and upon recommendation
27 of the adjutant general, may employ a deputy director and such technical,
28 clerical, stenographic and other personnel and make such expenditures within the
29 appropriation or from other funds made available to the department of public
30 defense for purposes of disaster services and emergency planning, as may be
31 necessary to carry out the purposes of this Act.

1 SEC. 10. NEW SECTION. **Joint county-municipal administration.**

2 1. The county boards of supervisors, city councils and boards of directors of
3 school districts shall cooperate with the office of disaster services to carry out the
4 provisions of this Act. Boards of supervisors and city councils shall form a joint
5 county-municipal disaster services and emergency planning administration. Such
6 joint administration shall be composed of a member of the county board of
7 supervisors and the mayor or his representative of the city governments within the
8 county and the sheriff of such county. One member of the joint administration
9 shall be designated as chairperson and one as vice chairperson. The joint
10 administration shall appoint a coordinator who possesses such qualifications as
11 established by rule of the director of the office of disaster services as provided in
12 chapter seventeen A (17A) of the Code. The coordinator shall be responsible to
13 the joint administration for the administration and coordination of all disaster
14 services and emergency planning matters throughout the county, subject to the
15 direction and control of the joint administration. The disaster services and
16 emergency planning coordinator shall prepare a comprehensive countywide
17 disaster plan that shall be subject to the approval of the state office of disaster
18 services. The plan shall be integrated into and coordinated with the disaster plans
19 of the state office of disaster services and other political subdivisions within the
20 state. Each county and city located within the county may appropriate money
21 from the general fund of the county or city for the purpose of paying expenses
22 relating to disaster services and emergency planning matters of such joint
23 administration and establish a joint county-municipal disaster services fund in the
24 office of the county treasurer. The county and cities located in that county may
25 deposit moneys in such fund, which fund shall be for the purpose of paying
26 expenses relating to disaster services and emergency planning matters of such
27 joint administration. Any reimbursement, matching funds, or moneys received
28 from sale of property obtained through the surplus property program or moneys
29 obtained from any source in connection with the disaster services and emergency
30 planning program, shall be deposited in the joint disaster services fund.
31 Withdrawal of moneys from the joint county-municipal disaster services fund
32 may be made on warrants drawn by the county auditor, supported by claims and
33 vouchers signed by the chairperson or vice chairperson of the joint administration
34 and the coordinator of the joint county-municipal disaster services and emergency
35 planning administration.

36 2. No later than November fifteenth of each year the joint county-municipal
37 disaster services coordinator and the joint administration shall prepare a proposed
38 budget of all expenses for the ensuing fiscal year. The proposed budget shall
39 include estimated expenses that might be incurred in the event of a natural
40 disaster including, but not limited to, hurricanes, tornadoes, windstorms, or
41 floods, and the necessary training, warning, protection facilities and equipment
42 necessary to minimize the loss of life in the event of acts of aggression. The
43 budget shall contain an itemized list of the proposed salaries of disaster services
44 and emergency planning personnel, their number and their compensation, the
45 estimated amount needed for personnel benefits, travel and transportation,
46 transportation of equipment, rent, communications and utilities, printing and

47 reproduction, supplies and material, equipment, and other services needed. Each
 48 year, the chairperson of the joint administration shall, by written notice, call a
 49 meeting of the joint administration to consider such proposed budget. The joint
 50 administration shall adopt a budget for the ensuing federal fiscal year not later
 51 than January fifteenth. At such meeting, the joint administration shall authorize:

52 a. The number of personnel for disaster services and emergency planning
 53 activities, full-time and part-time employment;

54 b. The salaries and compensation of disaster services and emergency planning
 55 employees. Those employees coming under the merit system will include salary
 56 scheduled for various classes in which the salary of a class is adjusted to the
 57 responsibility and difficulty of the work;

58 c. The amount of operating expenses as contained in the proposed budget.
 59 All expenditures shall be subject to the provisions of chapter twenty-four (24) of
 60 the Code, and the chairperson or vice chairperson of the joint administration are
 61 declared to be the certifying officials.

62 3. The joint administration shall be responsible for the direction,
 63 administration, and coordination of disaster services and emergency planning
 64 matters in the county. The joint administration shall coordinate its services in the
 65 event of a disaster. The coordinator may, with the approval of the joint
 66 administration, employ such technical, clerical and administrative personnel as
 67 may be required and necessary to carry out the purposes of this section. The joint
 68 administration shall fix the compensation of such persons so employed to be paid
 69 out of the disaster services and emergency planning fund created by this Act.

70 4. If an approved comprehensive countywide disaster plan has not been
 71 prepared within one year after the effective date of this Act and the director of
 72 the office of disaster services finds that satisfactory progress is not being made
 73 toward the completion of such plan, or if the director finds that a joint county-
 74 municipal disaster services and emergency planning administration has failed to
 75 appoint a qualified coordinator as provided in this Act, the director shall notify
 76 the governing bodies of the counties and cities affected by the failure and the
 77 governing bodies shall not appropriate any moneys to the joint county-municipal
 78 disaster services fund until the disaster plan is prepared and approved or a
 79 qualified coordinator is appointed. If the director finds that a city or county has
 80 appointed an unqualified coordinator, the director shall notify the governing
 81 body of such city or county citing the qualifications which are not met and the
 82 governing body shall not approve the payment of the salary or expenses of the
 83 unqualified coordinator, unless appointed under subsection three (3) of section
 84 eleven (11) of this Act.

1 **SEC. 11. NEW SECTION. County or city coordinator.**

2 1. Each board of supervisors and city council shall appoint a coordinator of
 3 disaster services and emergency planning for that county or city, who shall
 4 possess such qualifications as established by rule of the director of the office of
 5 disaster services as provided in chapter seventeen A (17A) of the Code. The
 6 coordinator shall serve as the coordinator of disaster services and emergency
 7 planning for that city or county and shall also serve as an operations officer for
 8 the joint administration.

9 2. The county boards of supervisors in any two or more adjacent counties may,
 10 by mutual agreement, act as a joint board to appoint one coordinator qualified as
 11 established by rule of the director of the office of disaster services, who shall be
 12 the official coordinator of disaster services and emergency planning for each of
 13 the counties, shall work with any joint county-municipal disaster services and
 14 emergency planning administrations which may have been formed within any of
 15 the counties, and shall provide such services as may be carried on jointly to the
 16 mutual benefit of all counties involved. Such agreement shall be in writing, shall
 17 be approved by the office of disaster services director, and shall be entered in the
 18 respective minutes of each county board. The coordinator so appointed shall be

19 appointed for a term of one to two years, but in no event longer than the period
 20 of time the mutual agreement by the boards is to be in effect. The written
 21 agreement shall provide for the determination of the cost of the joint program
 22 and the manner of allocation of such cost to each board for inclusion in the
 23 budget of the respective boards. For the payment of the salary and expenses of
 24 the coordinator and such other necessary expenses as may be incurred, the boards
 25 shall designate one board to make such payments and be reimbursed by the other
 26 board or boards pursuant to the joint agreement. The boards may meet together
 27 for the transaction of joint business.

28 3. The coordinator employed by the county boards of supervisors may also
 29 serve as a joint county-municipal disaster services coordinator for any joint
 30 county-municipal disaster services administration if a joint administration has
 31 been formed in any of the counties in which the coordinator is serving. Where the
 32 coordinator also serves as a joint county-municipal disaster services coordinator,
 33 any city included in the joint administration may appropriate funds for the
 34 payment of the salary and expenses of the coordinator in the same manner the
 35 city may appropriate money under the joint administration. The joint county-
 36 municipal disaster services and emergency planning administration, a city council,
 37 or a board of supervisors may by a unanimous vote appoint a coordinator who
 38 does not meet the qualifications established by the director. Such appointment
 39 shall be interim in nature. An interim coordinator shall not hold office for more
 40 than one year unless he or she shall have met the qualifications established by the
 41 director.

1 **SEC. 12. NEW SECTION. Local mutual aid arrangements.**

2 1. The coordinator of each local organization for disaster services shall, in
 3 collaboration with other public and private agencies within this state, develop
 4 mutual aid arrangements for reciprocal disaster services and recovery aid and
 5 assistance in case of disaster too great to be dealt with unassisted. Such
 6 arrangements shall be consistent with the office of disaster services plan and
 7 program, and in time of emergency it shall be the duty of each local organization
 8 for disaster services preparedness to render assistance in accordance with the
 9 provisions of such mutual aid arrangements.

10 2. The coordinator of each local organization for disaster services may, subject
 11 to the approval of the governor, enter into mutual aid arrangements with disaster
 12 services agencies or organizations in other states for reciprocal disaster services
 13 and recovery aid and assistance in case of disaster too great to be dealt with
 14 unassisted.

1 **SEC. 13. NEW SECTION. Use of existing facilities.** In carrying out the
 2 provisions of this Act, the governor and the executive director of the department
 3 of public defense, and the executive officers or governing boards of political
 4 subdivisions of the state shall utilize, to the maximum extent practicable, the
 5 services, equipment, supplies and facilities of existing departments, officers, and
 6 agencies of the state and of political subdivisions at their respective levels of
 7 responsibility.

1 **SEC. 14. NEW SECTION. Funds by grants or gifts.**

2 1. If the federal government or any agency or officer thereof shall offer to the
 3 state or through the state to any political subdivision of the state, services,
 4 equipment, supplies, materials, or funds by way of gift, grant or loan, for
 5 purposes of disaster services and emergency planning, the governor or such
 6 political subdivision, acting with the consent of the governor and through its
 7 executive officer or governing body, may authorize any officer of the state or of
 8 the political subdivision to receive such services, equipment, supplies, materials,
 9 or funds on behalf of the state or such political subdivision, and subject to the
 10 terms of the offer and rules of the agency making the offer.

11 2. If any person shall offer to the state or to any political subdivision of the
 12 state, services, equipment, supplies, materials, or funds by way of gift, grant, or
 13 loan, for purposes of disaster services and emergency planning, the governor or
 14 executive officer of such political subdivision, may accept such offer and, upon
 15 such acceptance, the governor of the state or executive officer or governing body
 16 of such political subdivision may authorize any officer of the state or of the
 17 political subdivision to receive such services, equipment, supplies, materials, or
 18 funds on behalf of the state or such political subdivision, and subject to the terms
 19 of the offer.

1 SEC. 15. NEW SECTION. **Comptroller to issue warrants.** The state
 2 comptroller shall draw warrants on the treasurer of state for the purposes
 3 specified in this Act, upon duly itemized and verified vouchers that have been
 4 approved by the director of the office of disaster services.

1 SEC. 16. NEW SECTION. **Tax exempt purchases.** All purchases under the
 2 provisions of this chapter shall be exempt from the taxes imposed by sections four
 3 hundred twenty-two point forty-three (422.43) and four hundred twenty-three
 4 point two (423.2) of the Code.

1 SEC. 17. NEW SECTION. **Political activity prohibited.**

2 1. A person employed by any organization for disaster services or emergency
 3 resources management established under this Act shall not:

4 a. During working hours or when performing official duties or when using
 5 public equipment or at any time on public property, take part in any way in
 6 soliciting any contribution for any political party or any person seeking political
 7 office. The provisions of this section do not preclude any employee from holding
 8 any nonpartisan elective office for which no pay is received or any office for
 9 which only token pay is received.

10 b. Seek or attempt to use any political endorsement in connection with any
 11 appointment to a position created under this Act.

12 c. Use any official authority or influence for the purpose of interfering with an
 13 election or affecting the results thereof.

14 2. Any employee of an organization for disaster services or emergency resource
 15 management shall not become a candidate for any partisan elective office.

1 SEC. 18. NEW SECTION. **Oath of members and employees.** Each person who
 2 is appointed to serve in an organization for disaster services shall, before entering
 3 upon his duties, take an oath in writing, before a person authorized to administer
 4 oaths in this state, which oath shall be substantially as follows:

5 I,, do solemnly swear (or affirm) that I will support and defend the
 6 Constitution of the United States and the Constitution of the state of Iowa,
 7 against all enemies, foreign or domestic; that I will bear true faith and allegiance
 8 to the same; that I take this obligation freely, without any mental reservation or
 9 purpose of evasion; and that I will well and faithfully discharge the duties upon
 10 which I am about to enter.

1 SEC. 19. NEW SECTION. **Enforcement duties.**

2 1. It shall be the duty of every organization for disaster services and emergency
 3 planning pursuant to this Act and of the officers thereof to execute
 4 and enforce such orders or rules made by the governor, or under his authority
 5 and the orders or rules made by subordinate organizations and not contrary or
 6 inconsistent with the orders or rules of the governor.

7 2. A peace officer, when in full and distinctive uniform or displaying a badge
 8 or other insignia of authority, may arrest without a warrant any person violating
 9 or attempting to violate in such officer's presence any order or rule, made
 10 pursuant to this Act. This authority shall be limited to those rules which affect the
 11 public generally.

1 SEC. 20. NEW SECTION. **Rules and order exempted.** Any order issued or
2 rule promulgated by a state agency during a declared disaster emergency and
3 pursuant to the provisions of this Act shall be exempt from being issued or
4 promulgated as provided in chapter seventeen A (17A) of the Code.

1 SEC. 21. NEW SECTION. **Contingent fund—governmental subdivisions disaster**
2 **aid.**

3 1. A contingent fund is created in the state treasury for the use of the executive
4 council which may be expended for the purpose of paying the expenses of
5 suppressing any insurrection or riot, actual or threatened, when state aid has been
6 rendered by order of the governor, and for repairing, rebuilding, or restoring any
7 state property injured, destroyed, or lost by fire, storm, theft, or unavoidable
8 cause, and for aid to any governmental subdivision in an area declared by the
9 governor to be a disaster area due to natural disasters or to expenditures
10 necessitated by the governmental subdivision toward averting or lessening the
11 impact of such potential disaster, where the effect of such disaster or such action
12 on the governmental subdivision is the immediate financial inability to meet the
13 continuing requirements of local government. Upon application by a
14 governmental subdivision in such an area, accompanied by a showing of
15 obligations and expenditures necessitated by such actual or potential disaster in
16 such form and with such further information as the executive council may
17 require, such aid may be made in the discretion of the executive council and, if
18 made, shall be in the nature of a loan up to a limit of seventy-five percent of the
19 showing of such obligations and expenditures. The loan, without interest, shall be
20 repaid by the maximum annual emergency levy as authorized by section twenty-
21 four point six (24.6) of the Code. The aggregate total of such loans shall not
22 exceed one million dollars during any fiscal year. A loan shall not be for any
23 obligation or expenditure occurring more than two years previous to the
24 application.

25 2. The proceeds of such loan shall be applied toward the payment of costs and
26 obligations necessitated by such actual or potential disaster and the
27 reimbursement of local funds from which such expenditures have been made.
28 Any such project for repair, rebuilding or restoration of state property for which
29 no specific appropriation has been made, shall, before work is begun, be subject
30 to approval or rejection by the executive council.

31 3. If the president, at the request of the governor, has declared a major disaster
32 to exist in this state, the executive council may make financial grants to meet
33 disaster-related necessary expenses or serious needs of individuals or families
34 adversely affected by a major disaster which cannot otherwise adequately be met
35 from other means of assistance. The amount of a financial grant shall not exceed
36 five thousand dollars in the aggregate to an individual or family in any single
37 major disaster declared by the president. All grants authorized to individuals and
38 families will be subject to the federal government providing no less than seventy-
39 five percent of each grant and the declaration of a major disaster in the state by
40 the president of the United States.

41 4. If the president, at the request of the governor, has declared a major disaster
42 to exist in this state, the executive council may lease or purchase sites and develop
43 such sites to accommodate temporary housing units for disaster victims.

44 5. For the purposes of this section, "governmental subdivision" means any
45 political subdivision of this state.

1 SEC. 22. NEW SECTION. **Interstate civil defense and disaster compact**
2 **authorized.** The interstate civil defense and disaster compact, shall be in effect
3 with all jurisdictions which have joined or which may join in the form
4 substantially as contained in this section, provided that other jurisdictions have
5 signified their joinder with this state by enactment without limitation as to parties
6 or in some other manner sufficient in law to make it clear that joinder has been
7 effected with this state.

8 The contracting states solemnly agree:

9 Article 1. The purpose of this compact is to provide mutual aid among the
10 states in meeting any emergency or disaster. The prompt, full, and effective
11 utilization of the resources of the respective states, including the resources as may
12 be available from the United States government or any other source, are essential
13 to the safety, care, and welfare of the people in the event of disaster, and any
14 other resources, including personnel, equipment, or supplies, shall be incorporated
15 into a plan or plans of mutual aid to be developed among the civil defense
16 agencies or similar bodies of the states that are parties to this contract. The
17 directors of civil defense of all party states shall constitute a committee to
18 formulate plans to take all necessary steps for the implementation of this contract.

19 Art. 2. It shall be the duty of each party state to formulate civil defense plans
20 and programs for application within such state. There shall be frequent
21 consultation between the representatives of the states and with the United States
22 government and the free exchange of information and plans, including inventories
23 of any materials and equipment available for civil defense. In carrying out civil
24 defense plans and programs the party states shall so far as possible provide and
25 follow uniform standards, practices and rules in regard to:

26 1. Insignia, arm bands and any other distinctive articles to designate and
27 distinguish the different civil defense services;

28 2. Blackouts and practice blackouts, air-raid drills, mobilization of civil defense
29 forces and other tests and exercises;

30 3. Warnings and signals for drills or attacks and the mechanical devices to be
31 used in connection therewith;

32 4. The effective screening or extinguishing of all lights and lighting devices and
33 appliances;

34 5. Shutting off water mains, gas mains, electric power connections and the
35 suspension of all other utility services;

36 6. All materials or equipment used or to be used for civil defense purposes in
37 order to assure that such materials and equipment will be easily and freely
38 interchangeable when used in or by any other party state;

39 7. The conduct of civilians and the movement and cessation of movement of
40 pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

41 8. The safety of public meetings or gatherings; and

42 9. Mobile support units.

43 Art. 3. Any party state requested to render mutual aid shall take such action as
44 is necessary to provide and make available the resources covered by this compact
45 in accordance with terms of the contract; but the state rendering aid may
46 withhold resources to the extent necessary to provide reasonable protection for
47 such state. Each party state shall extend to the civil defense forces of any other
48 party state, while operating within its state limits under the terms and conditions
49 of this compact, the same powers (except that of arrest unless specifically
50 authorized by the receiving state), duties, rights, privileges and immunities as if
51 they were performing their duties in the state in which normally employed or
52 rendering services. Civil defense forces will continue under the command and
53 control of their regular leaders but the organizational units will come under the
54 operational control of the civil defense authorities of the state receiving
55 assistance.

56 Art. 4. Whenever a person holds a license, certificate, or other permit issued by
57 a state evidencing the meeting of qualifications for professional, mechanical or
58 other skills, such person may render aid involving such skill in any party state to
59 meet an emergency or disaster and the state shall give due recognition to such
60 license, certificate or other permit as if issued in the state in which aid is
61 rendered.

62 Art. 5. No party state or its officers or employees rendering aid in another state
63 pursuant to this compact shall be liable on account of any act or omission in
64 good faith on the part of such forces while so engaged or on account of the

65 maintenance or use of any equipment or supplies used in connection with
66 rendering aid.

67 Art. 6. If the pattern and detail of the machinery for mutual aid among two or
68 more states differs from that appropriate among other party states, this
69 instrument contains elements of a broad base common to all states, and nothing
70 contained in it shall preclude any state from entering into supplementary
71 agreements with another state or states. Such supplementary agreements may
72 comprehend, but shall not be limited to, provisions for evacuation and reception
73 of injured and other persons, and the exchange of medical, fire, police, public
74 utility, reconnaissance, welfare, transportation and communications personnel,
75 equipment and supplies.

76 Art. 7. Each party state shall provide for the payment of compensation and
77 death benefits to injured members of the civil defense forces of that state and the
78 representatives of deceased members of such forces if members sustain injuries or
79 are killed while rendering aid pursuant to this compact, in the same manner and
80 on the same terms as if the injury or death were sustained within such state.

81 Art. 8. A party state rendering aid in another state pursuant to this compact
82 shall be reimbursed by the party state receiving such aid for any loss or damage
83 to, or expense incurred in the operation of any equipment answering a request for
84 aid, and for the cost incurred in connection with such requests; but any aiding
85 party state may assume in whole or in part such loss, damage, expense, or other
86 cost, or may loan such equipment or donate the services to the receiving party
87 state without charge or cost and any two or more party states may enter into
88 supplementary agreements establishing a different allocation of costs as among
89 those states. The party state receiving aid may accept relief from the federal
90 government from any liability and the party state supplying civil defense forces
91 may accept reimbursement from the federal government for the compensation
92 paid to and the transportation, subsistence, and maintenance expenses and
93 supplies of such forces during the time of the rendition of such aid or assistance
94 outside the state.

95 Art. 9. Plans for the orderly evacuation and reception of the civilian population
96 as the result of an emergency or disaster shall be worked out from time to time
97 between representatives of the party states and the various local civil defense
98 areas. Such plans shall include the manner of transporting evacuees, the number
99 of evacuees to be received in different areas, the manner in which food, clothing,
100 housing, and medical care will be provided, the registration of the evacuees, the
101 providing of facilities for the notification of relatives or friends and the
102 forwarding of such evacuees to other areas or the bringing in of additional
103 materials, supplies, and all other relevant factors. The plans shall provide that the
104 party state receiving evacuees shall be reimbursed generally for the actual and
105 necessary expenses incurred in receiving and caring for evacuees, for expenditures
106 for transportation, food, clothing, medicines and medical care, and like items. The
107 expenditures shall be reimbursed by the party state of which the evacuees are
108 residents, or by the United States government under plans approved by it. After
109 the termination of the emergency or disaster the party state of which the evacuees
110 are resident shall assume the responsibility for the ultimate support or
111 repatriation of such evacuees.

112 Art. 10. This compact shall be available to any state, territory or possession of
113 the United States, and the District of Columbia. The term "state" may also
114 include any neighboring foreign country or province or state thereof.

115 Art. 11. The committee established pursuant to article one (1) of this compact
116 may request the civil defense agency of the United States government to act as an
117 informational and coordinating body under this compact, and representatives of
118 such agency of the United States government may attend meetings of the
119 committee.

120 Art. 12. This compact shall become operative immediately upon its ratification
121 by any state as between it and any other state or states so ratifying and shall be
122 subject to approval by Congress unless prior congressional approval has been
123 given. Duly authenticated copies of this compact and of supplementary
124 agreements entered into by the party states shall, at the time of their approval, be
125 deposited with each of the party states and the civil defense agency and other
126 appropriate agencies of the United States government.

127 Art. 13. This compact shall continue in force and remain binding on each party
128 state until the legislature or the governor of the party state takes action to
129 withdraw. The action shall not be effective until thirty days after notice has been
130 sent by the governor of the party state desiring to withdraw to the governors of all
131 other party states.

132 Art. 14.

133 1. This article shall be in effect only as among those states which have enacted
134 it into law or in which the governors have adopted it pursuant to constitutional or
135 statutory authority sufficient to give it the force of law as part of this compact.
136 Nothing contained in this article or in any supplementary agreement made in
137 implementation thereof shall be construed to abridge, impair or supersede any
138 other provision of this compact or any obligation undertaken by a state pursuant
139 thereto, except that if its terms so provide, a supplementary agreement in
140 implementation of this article may modify, expand or add to any such obligation
141 as among the parties to the supplementary agreement.

142 2. In addition to the occurrences, circumstances and subject matters to which
143 preceding articles of this compact make it applicable, this compact and the
144 authorizations, entitlements and procedures thereof shall apply to:

145 a. Searches for and rescue of persons who are lost, marooned, or otherwise in
146 danger;

147 b. Action useful in coping with disasters arising from any cause or designed to
148 increase capability to cope with any such disasters;

149 c. Incidents, or the imminence thereof, which endanger the health or safety of
150 the public and which require the use of special equipment, trained personnel or
151 personnel in larger numbers than are locally available in order to reduce,
152 counteract or remove the danger;

153 d. The giving and receiving of aid by subdivisions of party states;

154 e. Exercises, drills or other training or practice activities designed to aid
155 personnel to prepare for, cope with, or prevent any disaster or other emergency to
156 which this compact applies.

157 3. Except as expressly limited by this compact or a supplementary agreement in
158 force pursuant thereto, any aid authorized by this compact or such supplementary
159 agreement may be furnished by any agency of a party state, a subdivision of such
160 state, or by a joint agency of any two or more party states or of their subdivisions.
161 Any joint agency providing such aid shall be entitled to reimbursement therefor
162 to the same extent and in the same manner as a state. The personnel of such a
163 joint agency, when rendering aid pursuant to this compact, shall have the same
164 rights, authority and immunity as personnel of party states.

165 4. Nothing in this article shall be construed to exclude from the coverage of
166 articles one (1) through thirteen (13) of this compact any matter which, in the
167 absence of this article, could reasonably be construed to be covered thereby.

1 SEC. 23. Section twenty-four point six (24.6), Code 1975, is amended to read
2 as follows:

3 **24.6 Emergency fund—levy.** Each municipality as defined herein, may
4 include in the estimate herein required, an estimate for an emergency fund. Each
5 such municipality shall have power to assess and levy a tax for such emergency
6 fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed
7 value of taxable property of the municipality, provided that no such emergency
8 tax levy shall be made until such municipality shall have first petitioned the state

9 board to make such levy and received its approval thereof. Transfers of moneys
 10 may be made from the emergency fund to any other fund of the municipality for
 11 the purpose of meeting deficiencies in any such fund arising from any cause,
 12 provided, however, that no such transfer shall be made except upon the written
 13 approval of the state board, and then only when such approval is requested by a
 14 two-thirds vote of the governing body of said municipality. Approval may be
 15 granted by the state board upon an application approved by a two-thirds vote of
 16 the board of supervisors of a county to use this fund for the purpose of matching
 17 funds available to such county from federal programs including, but not limited
 18 to, crime control, public health, ~~civil defense~~ *disaster services*, highway safety,
 19 juvenile delinquency, narcotics control and pollution.

1 SEC. 24. Section twenty-nine point one (29.1), Code 1975, is amended to read
 2 as follows:

3 **29.1 Military and civil forces co-ordinated.** There shall be an agency of the
 4 state government to be known as the department of public defense of the state of
 5 Iowa, which shall be composed of the military agency as provided in the laws of
 6 this state and the ~~civil defense~~ *agency office of disaster services* as provided in the
 7 laws of the state. The adjutant general, state of Iowa, shall be executive director
 8 of the department of public defense.

1 SEC. 25. Section twenty-nine point three (29.3), Code 1975, is amended to
 2 read as follows:

3 **29.3 ~~Civil division~~ *Disaster services.*** There shall be within the department of
 4 public defense of the state government, as a division thereof, a ~~state civil defense~~
 5 ~~agency an office of disaster services~~ which shall be styled and known as the "~~civil~~
 6 ~~defense division~~ *office of disaster services*, department of public defense", with a
 7 director of ~~civil defense~~ *the office of disaster services* who shall be the head thereof.
 8 The adjutant general, as the executive director of the department of public
 9 defense shall exercise supervisory authority over the division.

1 SEC. 26. Section twenty-nine A point seven (29A.7), Code 1975, is amended to
 2 read as follows:

3 **29A.7 Commander in chief.** The governor shall be the commander in chief of
 4 the military forces, except so much thereof as may be in federal service. The
 5 governor may employ the military forces of the state for the defense or relief of
 6 the state, the enforcement of its laws, ~~and~~ the protection of life and property
 7 ~~therein and he shall have the power, in cases of insurrection, invasion, or breaches~~
 8 ~~of peace, or imminent danger thereof, to order into active state service such of the~~
 9 ~~military forces of the state as he may deem proper, under the command of such~~
 10 ~~officer as he may designate, and emergencies resulting from disasters or public~~
 11 ~~disorders as defined in this Act.~~

1 SEC. 27. Section twenty-nine A point eight (29A.8), Code 1975, is amended to
 2 read as follows:

3 **29A.8 Active service.** The governor shall have the power to order into active
 4 state service such of the military forces of the state, including retired national
 5 guardsmen, both army and air, ~~who are willing to return to service~~, as he may
 6 deem proper, under command of such officer as he may designate, ~~in cases of~~
 7 ~~insurrection or invasion, or imminent danger thereof, or for the purpose of aiding the~~
 8 ~~civil authorities of any political subdivision of the state in maintaining law and~~
 9 ~~order in such subdivision in cases of breaches of the peace or imminent danger~~
 10 ~~thereof, if the law enforcement officers of such subdivision are unable to maintain~~
 11 ~~law and order, and the civil authorities request such assistance. If circumstances~~
 12 ~~necessitate the establishment of a military district under martial law and the general~~
 13 ~~assembly is not convened, such district shall be established only after the governor has~~
 14 ~~issued a proclamation convening an extraordinary session of the general assembly.~~

1 SEC. 28. Section twenty-nine A point nine (29A.9), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 The governor may order the national guard into camp for field training for
4 such period or periods as he may direct. He may, in his discretion, order such
5 organizations or personnel of the national guard, or persons who have retired
6 from the national guard, both army and air, ~~and are willing to return to service,~~
7 as he may deem proper, to active state service, or duty, or to assemble for
8 purposes of drill, instruction, parade, ceremonies, guard and escort duty, and
9 schools of instruction, and prescribe all regulations and requirements therefor.

1 SEC. 29. Section twenty-nine A point forty-one (29A.41), Code 1975, is
2 amended to read as follows:

3 **29A.41 Exemption from jury and other exemptions.** Every officer and
4 enlisted person of the national guard *while in active state service* shall be exempt
5 from jury duty. No member of the national guard shall be arrested, or served with
6 any summons, order, warrant or other civil process after having been ordered to
7 any duty, or while going to, attending, or returning from, any place to which the
8 officer or enlisted person is required to go for military duty. Nothing herein shall
9 prevent the officer's or enlisted person's arrest by order of a military officer or for
10 a felony or breach of the peace committed while not in the actual performance of
11 the officer's or enlisted person's duty. The articles of equipment personally owned
12 by such members shall be exempt from seizure or sale for debt. Every member of
13 the national guard who has faithfully served the full term of the member's
14 commission, warrant or enlistment, shall, upon application, be entitled to an
15 honorable discharge, exempting the member from military duty except in time of
16 war or public danger.

1 SEC. 30. Section three hundred thirty-two point three (332.3), subsection
2 twenty-five (25), Code 1975, is amended to read as follows:

3 25. To appropriate funds from the general fund to match any grant to the
4 county under any state or federal program for the purpose of matching funds
5 available to such county from federal programs including, but not limited to,
6 crime control, public health, ~~civil defense~~ *disaster services*, highway safety, juvenile
7 delinquency, narcotics control and pollution.

1 SEC. 31. Section nineteen point seven (19.7), Code 1975, is repealed.

Approved June 23, 1976