

January 29, 1959.
Passed on File.

Senate File 166

By O'MALLEY, HOXIE, HARBOR, PRINCE,
HENRY, SHOEMAN, GILLESPIE and
PRENTIS.

Passed Senate, Date.....3-20-59 Passed House, Date.....4-3-59
Vote: Ayes.....44 Nays.....0 Vote: Ayes.....85 Nays.....1
Approved.....4/10/59

A BILL FOR

An Act to create a civil defense administration for the state of Iowa to serve in the event of major man-made disasters or natural disasters; to provide for a director thereof; to define the powers and duties of the director, the civil defense administration and the governor; and to authorize the receipt and expenditure of funds incident to the administration thereof.

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

1 Section 1. The Iowa Civil Defense Administration, hereinafter
2 referred to as the "administration," shall be responsible for
3 the administration of civil defense matters in the state of Iowa.

4 The administration shall direct its services in the event of major
5 man-made disasters or in the event of natural disasters including,
6 but not limited to, hurricanes, tornadoes, windstorms or floods.

1 Sec. 2. The administration shall be composed of nine (9)
2 residents of the state of Iowa appointed by the governor for
3 four (4) year terms. Membership in the administration shall be
4 representative of counties, municipalities, target, and rural
5 areas.

6 The administration shall be non-partisan and the members shall
7 be appointed without reference to their political affiliation.

8 The governor shall appoint one (1) of the members as chairman
9 and one as vice-chairman. As the terms of the members so
10 appointed shall expire, their successors shall be appointed,
11 each for a term of four (4) years; provided, however, that

12 upon the death, disability or resignation of any member, the
13 governor shall appoint a person to serve for the unexpired term.

14 The members of the administration shall serve without
15 compensation, except that they shall be reimbursed for their
16 actual and necessary expenses incurred in performing their
17 duties as members of the administration.

1 Sec. 3. This Act shall be construed liberally so as to
2 effect the maximum cooperation of the administration and
3 coordination of its affairs with agencies and persons acting
4 under the provisions of the federal civil defense act of 1950,
5 known as Public Law 920, Eighty-first Congress, Second Session,
6 approved January 12, 1951, and Public Law 875, Eighty-first
7 Congress, Second Session, approved September 30, 1950, and
8 Public Law 655, Eighty-fourth Congress, signed by the president
9 July 3, 1956, and Public Law 85-606, Eighty-fifth Congress,
10 approved August 8, 1958, and any amendments of said four (4)
11 laws. In addition to the powers set out herein the governor,
12 upon recommendation of the administration, may enter into such
13 agreements as are required to effect such cooperation and
14 coordination.

1 Sec. 4. The administration shall be under the management
2 of a civil defense director. The director shall be appointed
3 by and be responsible to the administration, who shall fix his
4 compensation out of funds hereafter appropriated to or otherwise
5 available to the administration for such purpose. The director
6 shall be vested with the authority to administer civil defense
7 affairs in this state, including man-made or natural disasters,
8 as provided for herein, and shall be responsible for preparing
9 and executing the civil defense program of this state, subject

10 to the direction and control of the administration.

1 Sec. 5. The director, with the approval of the administration,
2 may employ a deputy director and may employ such technical,
3 clerical, stenographic and other personnel, and make such
4 expenditures within the appropriation therefor, or from other
5 funds made available to the administration for purposes of
6 civil defense, as may be necessary to carry out the purposes of
7 this Act.

1 Sec. 6. The executive council shall furnish to the
2 administration suitable offices in the state capitol or other
3 state buildings, or elsewhere in the city of Des Moines.

1 Sec. 7. County boards of supervisors, city or town councils
2 and school boards are hereby authorized to cooperate with the
3 administration to carry out the provisions of this Act, and
4 may appropriate and expend public funds therefor.

1 Sec. 8. In carrying out the provisions of this Act, the
2 governor, the director of the administration, and the executive
3 officers or governing bodies of political subdivisions of the
4 state are authorized to utilize, to the maximum extent
5 practicable, the services, equipment, supplies and facilities
6 of existing departments, officers, and agencies of the state
7 and of political subdivisions thereof with the exception of the
8 Iowa national guard.

1 Sec. 9. The comptroller is authorized and directed to
2 draw warrants on the treasurer of state for the several sums
3 and for the purposes specified in this Act, upon duly itemized
4 and verified vouchers that have been approved by the director
5 of the administration.

1 Sec. 10. All purchases under the provisions of this Act

2 shall be exempt from the taxes imposed by sections four
3 hundred twenty-two point forty-three (422.43) and four hundred
4 twenty-three point two (423.2) of the Code.

1 Sec. 11. Chapter sixty-one (61), Acts of the Fiftieth
2 General Assembly, and section nine (9) of chapter sixty-three
3 (63), Acts of the Fifty-first General Assembly, are hereby
4 repealed.

1 Sec. 12. No organization for civil defense established
2 under the authority of the administration shall participate
3 in any form of political activity, nor shall it be employed
4 directly or indirectly for political purposes.

1 Sec. 13. No person shall be employed or associated in
2 any capacity in any civil defense organization established
3 under this administration, who advocates or has advocated a
4 change by force or violence in the constitutional form of the
5 government of the United States or of this state, or who
6 advocates the overthrow of any government in the United States
7 by force or violence, or who has been convicted of, or is
8 under indictment or information charging and subversive act
9 against the United States. Each person who is appointed to
10 serve in an organization for civil defense shall, before
11 entering upon his duties, take an oath in writing, before a
12 person authorized to administer oaths in this state, which
13 oath shall be substantially as follows:

14 "I do solemnly swear (or affirm)
15 that I will support and defend the constitution of the United
16 States and the constitution of the state of Iowa, against all
17 enemies, foreign or domestic; that I will bear true faith and
18 allegiance to the same; that I take this obligation freely,

19 without any mental reservation or purpose of evasion; and that
 20 I will well and faithfully discharge the duties upon which I
 21 am about to enter.

22 "And I do further swear (or affirm) that I do not advocate
 23 nor am I a member of any political party or organization that
 24 advocates the overthrow of the government of the United States
 25 or of this state by force or violence; and that during such
 26 time as I am a member of the (name of the civil defense
 27 organization), I will not advocate nor become a member of any
 28 political party or organization that advocates the overthrow
 29 of the government of the United States or of this state by
 30 force or violence."

1 Sec. 14. The employees of the administration, upon passing
 2 examination, will become members of the Iowa merit system.

1 Sec. 15. This Act may be cited as the "Iowa Civil Defense
 2 Act of 1959".

1 Sec. 16. This Act, being deemed of immediate importance
 2 shall take effect and be in full force from and after its
 3 publication in the, a newspaper
 4 published in, Iowa; and in the
 5, a newspaper published in
 6, Iowa.

EXPLANATION OF SENATE FILE 166

This bill is in the nature of a legalizing act.

Heretofore the state office of civil defense and the administrative functions of that office have been carried on as a division of the Iowa Development Commission. The authority by which this was done and is still being carried on was by executive order, based upon the Emergency War Act of 1943. In the light of the present and future needs of an effective civil defense program for the state of Iowa in the interests of the general welfare, it is both appropriate and necessary to establish by legislative enactment the Iowa Civil Defense Administration and define its duties.

In the past, appropriations have been a part of the appropriations presented by the Iowa Development Commission. The same is true for the next biennium, July 1, 1959 to July 1 1961, and should be appropriated separately for the next biennium.

There is need of immediate legislation in order to afford coordination of the state with federal programs and facilities of civil defense.

This bill does the following:

1. Creates the Iowa Civil Defense Administration by legislative Act and thereby

removes any aspect of doubt arising from authority extended by the Emergency War Act of 1943.

2. Defines the duties and functions of the Iowa Civil Defense Administration.

3. Permits expenditures of funds by local political subdivisions in the interests of civil defense.

4. Enables the state of Iowa to participate in cooperation and coordination with other states and the federal government in matters of civil defense.

5. Requires that administration employees belong to the Iowa Merit System, as federal regulations under Public Law 85-606 require that when a state office of civil defense participates in the program, state employees of the civil defense office must belong to the merit system.

SENATE FILE 166

- 1 Amend Senate File 166 by striking all of section 16 and
- 2 inserting in lieu thereof the following:
- 3 "Sec. 16. This Act, being deemed of immediate importance
- 4 shall take effect and be in full force from and after its
- 5 publication in the Shenandoah Sentinel, a newspaper published
- 6 in Shenandoah, Iowa; and in the West Des Moines Express, a
- 7 newspaper published in West Des Moines, Iowa."

advised
3/19/59

Filed
March 19, 1959.

By **Hoxm**