

May 5, 1965.
Placed on Calendar.

Senate File 575
By GOVERNMENTAL AFFAIRS
COMMITTEE.

Passed Senate, Date 5/19
Vote: Ayes 44 Nays 5

Passed House, Date 5/26
Vote: Ayes 112 Nays 8

Approved.....

passed senate as amended 5/27/55-0 suffing committee 5/31

A BILL FOR

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
2 1962, is hereby repealed and the following enacted in lieu
3 thereof.

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

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

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2 is hereby repealed and the following enacted in lieu thereof.

3 "There is hereby created a civil defense advisory council,
4 hereinafter referred to as the "council", the members of which
5 shall be composed of nine (9) residents of the state of Iowa
6 appointed by the governor for three (3) year terms.

7 Membership in the council shall be representative of counties,

8 municipalities and rural areas, shall be nonpartisan, and the
9 members shall be appointed without reference to their political
10 affiliation.

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

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

24 The council shall advise the governor, the executive director
25 of the department of public defense, and the director, on all
26 matters pertaining to civil defense and emergency planning.

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

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

3 1. This chapter shall be construed liberally so as to effect
4 the maximum cooperation and coordination of the affairs of the
5 civil defense division with the federal government, with other

6 states, with political subdivisions of the state, and with
7 private agencies in all matters pertaining to the civil defense
8 and emergency planning of this state and of the nation.

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

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

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

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

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

29 (1) Blackouts and practice blackouts, air raid drills,
30 mobilization of civil defense and emergency planning forces, and
31 other tests and exercises; (2) warnings and signals for drills
32 or attacks and the mechanical devices to be used in connection
33 therewith; (3) the effective screening or extinguishing of all

34 lights and lighting devices and appliances; (4) Shutting off
35 water mains, gas mains, electric power connections and the
36 suspension of all other utility services; (5) the conduct of
37 civilians and the movement and cessation of movement of
38 pedestrians and vehicular traffic during, prior, and subsequent
39 to drills or attack; (6) public meetings or gatherings; and
40 (7) the evacuation and reception of the civilian population.

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

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

3 1. The civil defense division shall be under the management
4 of a civil defense director who shall be appointed by the
5 governor, upon the recommendation of the council, for a four (4)
6 year term. The governor shall fix his compensation out of funds
7 hereafter appropriated to or otherwise available to the
8 department of public defense for such purpose.

9 2. The director shall be vested with the authority to
10 administer civil defense and emergency planning affairs in this
11 state, including man-made or natural disasters, as provided for
12 herein, and shall be responsible for preparing and executing the
13 civil defense and emergency planning programs of this state,

14 subject to the direction of the governor and supervisory control
15 of the executive director of the department of public defense
16 and assistance of the council.

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

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

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

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

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

7 2. By striking in line seven (7) the word "administration"
8 and inserting in lieu thereof the words "department of public
9 defense".

10 3. By striking in line eight (8) after the word "defense"
11 the following: "and emergency planning".

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

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

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

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

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

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

6 2. By inserting in line nine (9) after the word "county" the
7 following: "and the sheriff of such county."

8 3. By inserting in line thirteen (13) after the word
9 "defense" the following: "and emergency planning".

10 4. By striking in lines fifteen (15) and sixteen (16) the
11 words "its own general fund" and inserting in lieu thereof the
12 following: "any funds that are not restricted".

13 5. By inserting in line seventeen (17) after the word
14 "defense" the following: "and emergency planning".

15 6. By inserting in line nineteen (19) after the word "the"
16 the following: "county and".

17 7. By inserting in line twenty-one (21) after the word
18 "defense" the following: "and emergency planning".

19 8. By inserting in line twenty-five (25) before the word
20 "program" the following: "and emergency planning".

21 9. By striking in line twenty-six (26) the words "and used
22 for civil defense purposes."

23 10. By striking in line twenty-six (26) the word "withdrawals"
24 and all of lines twenty-seven (27), twenty-eight (28), twenty-
25 nine (29), and thirty (30), and inserting in lieu thereof the
26 following: "Withdrawal of monies from the joint county-municipal
27 civil defense and emergency planning account maintained by the
28 office of the county treasurer to reimburse both county and city
29 governments for their share of funds received by the joint
30 county-municipal civil defense and emergency planning agency, and
31 deposited with the county treasurer, may be made on warrants
32 drawn by the county auditor, supported by claims from the county
33 or city government concerned, and these claims verified and
34 vouchers signed by the chairman or vice chairman of the joint
35 administration and the director of the joint county-municipal
36 civil defense and emergency planning administration."

37 11. By striking in line thirty-eight (38) the words "a
38 nuclear attack" and inserting in lieu thereof the words "acts of
39 aggression."

40 12. By inserting in line forty (40) after the word "defense"

41 the following: "and emergency planning".

42 13. By inserting in line fifty (50) after the word "defense"
43 the following: "and emergency planning".

44 14. By inserting in line fifty-two (52) after the word
45 "defense" the following: "and emergency planning".

46 15. By inserting in line sixty-two (62) after the word
47 "defense" the following: "and emergency planning".

48 16. By striking in line sixty-three (63) the word "direct"
49 and inserting in lieu thereof the word "coordinate".

50 17. By inserting in line seventy (70) after the word "defense"
51 the following: "and emergency planning".

52 18. By inserting in line seventy-two (72) after the word
53 "each" the following: "county board of supervisors and".

54 19. By inserting in line seventy-two (72) after the word
55 "defense" the following: "and emergency planning".

56 20. By inserting in line seventy-three (73) after the word
57 "that" the word "county".

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

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

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

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

10 responsibility.”

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

4 1. Any person owning or controlling real estate or other
5 premises who voluntarily and without compensation grants a
6 license or privilege, or otherwise permits the designation or
7 use of the whole or any part or parts of such real estate or
8 premises for the purpose of sheltering persons during an actual,
9 impending, mock or practice attack shall, together with his
10 successors in interest, if any, not be civilly liable for
11 negligently causing the death, or injury to, any person on or
12 about such real estate or premises or for loss of, or damage to,
13 the property of such person.

14 2. Each political subdivision shall have the power to make
15 appropriations in the manner provided by law for making
16 appropriations for the expenses and salaries of such political
17 subdivisions for the payment of expenses and salaries of its
18 local organization for civil defense and emergency planning

19 Whenever the federal government or any agency or officer
20 thereof shall offer to the state, or through the state to any
21 political subdivision thereof, services, equipment, supplies,
22 materials, or funds by way of gift, grant or loan, for purposes
23 of civil defense and emergency planning, the state, acting
24 through the governor, or such political subdivision, acting with
25 the consent of the governor and through its executive officer or
26 governing body, may authorize any officer of the state of the
27 political subdivision, as the case may be, to receive such
28 services, equipment, supplies, materials, or funds on behalf of

29 the state or such political subdivision, and subject to the terms
30 of the offer and the rules and regulations, if any, of the agency
31 making the offer.

32 Whenever any person, firm, or corporation shall offer to the
33 state or to any political subdivision thereof, services,
34 equipment, supplies, materials, or funds by way of gift, grant,
35 or loan, for purposes of civil defense and emergency planning,
36 the state, acting through its executive officer or governing
37 body, may accept such offer and upon such acceptance the governor
38 of the state or executive officer or governing body of such
39 political subdivision may authorize any officer of the state or
40 of the political subdivision, as the case may be, to receive such
41 services, equipment, supplies, materials, or funds on behalf of
42 the state of such political subdivision, and subject to the terms
43 of the offer.

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

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

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

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

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

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

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

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

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

5 2. By striking in line two (2) the word "administration" and
6 inserting 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
5 any person or circumstance is held invalid, such invalidity shall
6 not affect other provisions or applications of the Act which can
7 be given effect without the invalid provision or application, and
8 to this end the provisions of this Act are declared to be
9 severable.

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

19 3. A peace officer, when in full and distinctive uniform or
20 displaying a badge or other insignia of authority, may arrest
21 without a warrant any person violating or attempting to violate

22 in such officer's presence any order, rule, or regulation made
23 pursuant to this Act. This authority shall be limited to those
24 rules and regulations which affect the public generally.

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

SENATE FILE 575

1 Amend Senate File 575 by striking section 11 and
2 inserting in lieu thereof the following:
3 "Sec. 11. Section twenty-eight A point nine (28A.9),
4 Code 1962, is hereby amended by striking in line seven (7)
5 the word "administration" and inserting in lieu thereof
6 the words "civil defense division and executive director,
7 department of public defense."

Filed
May 14, 1965. *adopted 5/19*

By MESSERLY.

SENATE FILE 575

1 Amend Senate File 575, section 4, subsection 3, by
2 striking all of paragraph a and inserting in lieu thereof
3 the following:
4 "a. Prepare a comprehensive plan and program for the
5 civil defense and emergency resource management of this
6 state, such plan and program to be integrated into and
7 coordinated with the civil defense plans and emergency
8 planning of the federal government and of other states to
9 the fullest possible extent, and to coordinate the prepara-
10 tion of plans and programs for civil defense and emergency
11 planning by the political subdivisions and various state
12 departments of this state, such plans to be integrated into
13 and coordinated with a comprehensive state emergency program
14 for this state as coordinated by the director of public
15 defense, to the fullest possible extent.

Filed
May 14, 1965. *adopted 5/19*

By MESSERLY.

SENATE FILE 575

1 Senate File 575 is hereby amended by adding to section 8 the
2 following subsection:
3 "22. By adding thereto the following:
4 'The county boards of supervisors in any two (2) or more
5 adjacent counties, in which joint county-municipal defense and
6 emergency planning administrations have not been formed, may by
7 mutual agreement set as a joint board to appoint one (1) director
8 who shall be the official director of civil defense and emergency
9 planning for each of the counties and who shall provide such
10 services as may be carried on jointly to the mutual benefit of
11 all counties involved. Such agreement shall be in writing, shall
12 be approved by the civil defense advisory council, and shall be
13 entered in the respective minutes of each county board. The director
14 so appointed shall be appointed for a term of one (1) to three (3)
15 years but in no event longer than the period of time the mutual
16 agreement by the boards is to be in effect. The written agreement
17 shall provide for the determination of the cost of the joint program
18 and the manner of allocation of such cost to each board for inclusion
19 in the budget of the respective boards. For the payment of the
20 salary and expenses of the director and such other necessary
21 expenses as may be incurred, the boards shall designate one (1)
22 board to make such payments and be reimbursed by the other board
23 or boards pursuant to the joint agreement. The boards are hereby
24 authorized to meet together for the transaction of joint business.'"

Filed and adopted
May 19, 1965.

By KIBBIE.

SENATE FILE 575

1 Amend Senate File 575, section 10, by striking subsection
2 1 thereof.

Filed and adopted
May 19, 1965.

By SHAFF.

SENATE FILE 575

- 1 Amend Senate File 575, section eight (8), subsection twenty-
2 two (22) as follows:
3 1. By striking from lines three (3) and four (4) the words
4 "in which joint county-municipal defense and emergency planning
5 administrations have not been formed,"
6 2. By inserting in line eight (8) after the word "counties"
7 the words "shall work with any joint county-municipal defense
8 and emergency planning administrations which may have been formed
9 within any of the counties,"
10 3. By striking from line nine (9) the words "civil defense
11 advisory council" and inserting in lieu thereof the words "state
12 civil defense director".
13 4. By adding thereto the following paragraph:
14 "The director employed by the county boards of supervisors may
15 further serve as a joint county-municipal civil defense director
16 for any joint county-municipal civil defense administration if a
17 joint administration has been formed in any of the counties in
18 which the director is serving. Where the director also serves
19 as a joint county-municipal civil defense director, any city or
20 town included in the joint administration may appropriate funds
21 for the payment of the salary and expenses of the director in
22 the same manner the city or town may appropriate money under the
23 joint administration."

Filed and adopted
May 26, 1965.

Senate concurred 5/27

CONWAY of Louisa-Muscatine.