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HOUSE FILE 1346

Place On Calendar  
House File 1346  
State Government  
Redmond,  
Chairperson  
Glenn  
Nystrom

*4/1, Pass for 5613 4/28* BY COMMITTEE ON STATE GOVERNMENT

Passed House, Date 3-26-76(1458) Passed Senate, Date 5-26-76(p.2302)  
Vote: Ayes 71 Nays 4 Vote: Ayes 40 Nays 7  
Approved 6-23-76

*Referred House per Senate amendment*  
5-27-76 (p.3242)  
87-1

## A BILL FOR

- 1 An Act relating to disaster services, creating an office of
- 2 disaster services and joint county-municipal disaster
- 3 services and emergency planning administrations, specifying
- 4 the powers and duties of such offices, and adopting the
- 5 interstate civil defense and disaster compact.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

### FISCAL NOTE HOUSE FILE 1346

Date Prepared March 17, 1976

Requested by Representative Bittle

Prepared in regard to H.F. 1346, An Act relating to disaster services creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such officer, and adopting the interstate civil defense compact. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

All nonmilitary sections of the proposal can be carried out with the current staff level and funding with the exception of the compact and compliance with the one year deadline on the completion of county-wide disaster plans. Present staff can produce or provide assistance in producing 8-10 countywide plans per year. Approximately 30 counties have no disaster plans. If the director of the office of disaster services can waive this requirement under certain circumstances the staff need not be increased.

The Interstate Civil Defense and Disaster Compact will require the development of a mutual aid agreement with each party state and a number of supporting plans. This requirement has no deadline imposed, but considering a staff of only 5 persons and the requirements placed on that staff by the federal government, several months may pass before full compliance can be made with this section.

Source: Public Defense

FILED GERRY D. RANKIN  
MARCH 19, 1976 Legislative Fiscal Director

1 Section 1. Chapter twenty-nine C (29C), Code 1975, is  
2 amended by striking the chapter and inserting in lieu thereof  
3 sections two (2) through nineteen (19) of this Act.

4 Sec. 2. NEW SECTION. STATEMENT OF POLICY. Because of  
5 existing and increasing possibility of the occurrence of  
6 disasters of unprecedented size and destructiveness resulting  
7 from enemy attack, sabotage, or other hostile action, or from  
8 fire, flood, earthquake, or other natural causes, and in order  
9 to insure that preparations of this state will be adequate  
10 to deal with such disasters, and to provide for the common  
11 defense and to protect the public peace, health and safety,  
12 and to preserve the lives and property of the people of the  
13 state, it is the policy of this state:

14 1. To establish a state office of disaster services and  
15 to authorize the establishment of local organizations for  
16 disaster services in the political subdivisions of the state.

17 2. To confer upon the governor and upon the executive  
18 heads or governing bodies of the political subdivisions of  
19 the state the emergency powers provided in this Act.

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

24 Sec. 3. NEW SECTION. OFFICE OF DISASTER SERVICES. There  
25 is created an office of disaster services within the department  
26 of public defense. The office of disaster services shall  
27 be responsible for the administration of emergency planning  
28 matters, including emergency resource planning in this state,  
29 cooperation with and support of the civil air patrol, and  
30 coordination of available services in the event of major man-  
31 made disasters or in the event of natural disasters including,  
32 but not limited to, hurricanes, tornadoes, windstorms or  
33 floods.

34 Sec. 4. NEW SECTION. POWERS AND DUTIES OF GOVERNOR.  
35 In exercising his powers and duties under this Act and to

1 effect the policy and purpose, the governor may:

2 1. Issue executive orders, proclamations, and regulations,  
3 and amend or rescind them. A disaster emergency shall be  
4 declared by executive order or proclamation of the governor  
5 if he finds a disaster has occurred or that this occurrence  
6 or the threat of a disaster is imminent. The state of disaster  
7 emergency shall continue until the governor finds that the  
8 threat or danger has passed or the disaster has been dealt  
9 with to the extent that emergency conditions no longer exist  
10 and terminates the state of disaster emergency by executive  
11 order or proclamation, but a state of disaster emergency shall  
12 not continue for longer than thirty days unless renewed by  
13 the governor. The general assembly, by concurrent resolution,  
14 may terminate a state of disaster emergency at any time.  
15 Thereupon, the governor shall issue an executive order or  
16 proclamation ending the state of disaster emergency. All  
17 executive orders or proclamations issued under this subsection  
18 shall indicate the nature of the disaster, the area or areas  
19 threatened, and the conditions which have brought it about  
20 or which make possible termination of the state of disaster  
21 emergency. An executive order or proclamation of a state  
22 of disaster emergency shall activate the disaster response  
23 and recovery aspect of the state, local and interjurisdictional  
24 disaster emergency plans applicable to the political  
25 subdivision or area in question and be authority for the  
26 deployment and use of any forces to which the plan applies,  
27 and for use or distribution of any supplies, equipment, and  
28 materials and facilities assembled, stockpiled, or arranged  
29 to be made available.

30 2. When, at the request of the governor, the president  
31 of the United States has declared a major disaster to exist  
32 in this state, enter into purchase, lease, or other  
33 arrangements with any agency of the United States for temporary  
34 housing units to be occupied by disaster victims and to make  
35 such units available to any political subdivision of the

1 state, to assist any political subdivision of this state which  
2 is the locus of temporary housing for disaster victims, to  
3 acquire sites necessary for such temporary housing and to  
4 do all things required to prepare such sites to receive and  
5 utilize temporary housing units, by advancing or lending funds  
6 available to the governor from any appropriation made by the  
7 legislature or from any other source, allocating funds made  
8 available by any agency, public or private, or becoming a  
9 copartner with the political subdivision for the execution  
10 and performance of any temporary housing for disaster victims  
11 project. Any political subdivision of this state is expressly  
12 authorized to acquire, temporarily or permanently, by purchase,  
13 lease, or otherwise, sites required for installation of  
14 temporary housing units for disaster victims, and to enter  
15 into whatever arrangements are necessary to prepare or equip  
16 such sites to utilize the housing units. The governor may  
17 temporarily suspend or modify, for not to exceed sixty days,  
18 any public health, safety, zoning, transportation, or other  
19 requirement of law or regulation within this state when by  
20 proclamation, he deems such suspension or modification  
21 essential to provide temporary housing for disaster victims.

22 3. When the president of the United States has declared  
23 a major disaster to exist in the state and upon the governor's  
24 determination that a local government of the state will suffer  
25 a substantial loss of tax and other revenues from a major  
26 disaster and has demonstrated a need for financial assistance  
27 to perform its governmental functions, apply to the federal  
28 government, on behalf of the local government for a loan,  
29 the governor may receive and disburse the proceeds of any  
30 approved loan to any applicant local government, determine  
31 the amount needed by any applicant local government to restore  
32 or resume its governmental functions, and certify the same  
33 to the federal government; however, no application amount  
34 shall exceed twenty-five percent of the annual operating  
35 budget of the applicant for the fiscal year in which the major

1 disaster occurs. The governor may recommend to the federal  
2 government, based upon his review, the cancellation of all  
3 or any part or repayment when, in first three full fiscal  
4 year period following the major disaster, the revenues of  
5 the local government are insufficient to meet its operating  
6 expenses, including additional disaster-related expenses of  
7 a municipal operation character.

8 4. When a disaster emergency is proclaimed, notwithstanding  
9 any other provision of law, through the use of state agencies  
10 or the use of any of the political subdivisions of the state,  
11 clear or remove from publicly or privately owned land or  
12 water, debris and wreckage which may threaten public health  
13 or safety or public or private property. The governor may  
14 accept funds from the federal government and utilize such  
15 funds to make grants to any local government for the purpose  
16 of removing debris or wreckage from publicly or privately  
17 owned land or water. Authority shall not be exercised by  
18 the governor unless the affected local government, corporation,  
19 organization or individual shall first present an additional  
20 authorization for removal of such debris or wreckage from  
21 public and private property and, in the case of removal of  
22 debris or wreckage from private property, shall first agree  
23 to indemnify the state government against any claim arising  
24 from such removal. When the governor provides for clearance  
25 of debris or wreckage, employees of the designated state  
26 agencies or individuals appointed by the state may enter upon  
27 private land or waters and perform any tasks necessary to  
28 the removal or clearance operation. Any state employee or  
29 agent complying with orders of the governor and performing  
30 duties pursuant to such orders under this Act shall be  
31 considered to be acting within the scope of his employment  
32 within the meaning specified in chapter twenty-five A (25A)  
33 of the Code.

34 5. When the president of the United States has declared  
35 a major disaster to exist in the state and upon the governor's

1 determination that financial assistance is essential to meet  
2 disaster-related necessary expenses or serious needs of  
3 individuals or families adversely affected by a major disaster  
4 that cannot be otherwise adequately met from other means of  
5 assistance, accept a grant by the federal government to fund  
6 such financial assistance, subject to such terms and conditions  
7 as may be imposed upon the grant and enter into an agreement  
8 with the federal government pledging the state to participate  
9 in the funding of the financial assistance authorized in an  
10 amount not to exceed twenty-five percent thereof, and, if  
11 state funds are not otherwise available to the governor,  
12 accept an advance of the state share from the federal  
13 government to be repaid when the state is able to do so.

14 6. Suspend the provisions of any regulatory statute  
15 prescribing the procedures for conduct of state business,  
16 or the orders, rules, or regulations of any state agency,  
17 if strict compliance with the provisions of any statute,  
18 order, rule, or regulation would in any way prevent, hinder,  
19 or delay necessary action in coping with the emergency by  
20 stating in a proclamation such reasons.

21 7. On behalf of this state, enter into mutual aid arrange-  
22 ments with other states and to coordinate mutual aid plans  
23 between political subdivisions of this state.

24 8. Delegate any administrative authority vested in him  
25 under this Act and provide for the subdelegation of any such  
26 authority.

27 9. Cooperate with the president of the United States and  
28 the heads of the armed forces, the disaster services and  
29 emergency planning agencies of the United States and other  
30 appropriate federal officers and agencies and with the officers  
31 and agencies of other states in matters pertaining to disaster  
32 recovery and emergency planning of the state and nation.

33 10. Utilize all available resources of the state government  
34 as reasonably necessary to cope with the disaster emergency  
35 and of each political subdivision of the state.

1 11. Transfer the direction, personnel, or functions of  
2 state departments and agencies or units thereof for the pur-  
3 pose of performing or facilitating disaster services.

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

7 13. Direct and compel the evacuation of all or part of  
8 the population from any stricken or threatened area within  
9 the state if he deems this action necessary for the  
10 preservation of life or other disaster mitigation, response,  
11 or recovery.

12 14. Prescribe routes, modes of transportation, and destina-  
13 tions in connection with evacuation.

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

17 16. Suspend or limit the sale, dispensing, or  
18 transportation of alcoholic beverages, firearms, explosives,  
19 and combustibles.

20 Sec. 5. NEW SECTION. POWERS AND DUTIES OF ADJUTANT GENERAL.  
21 The adjutant general, as the executive director of the Depart-  
22 ment of Public Defense and under the direction and control  
23 of the governor, shall have general direction and control  
24 of the office of disaster services and shall be responsible  
25 to the governor for the carrying out of the provisions of  
26 this Act. In the event of disaster beyond local control, the  
27 adjutant general may assume direct operational control over  
28 all or any part of the disaster services and emergency planning  
29 functions within this state.

30 Sec. 6. NEW SECTION. POWERS AND DUTIES OF STAFF DIRECTOR.

31 1. The office of disaster services shall be under the  
32 management of a staff director appointed by the adjutant  
33 general from a list of eligible persons prepared by the Iowa  
34 merit employment department as provided in chapter nineteen  
35 A (19A) of the Code.

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

6     3. The staff director, upon the direction of the adjutant  
7 general, shall:

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

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

27     c. Provide technical assistance to any joint county-  
28 municipal disaster services and emergency planning  
29 administration requiring such assistance in the development  
30 of a disaster services and recovery plan and program.

31     4. The staff director, with the approval of the adjutant  
32 general, may employ a deputy staff director and such technical,  
33 clerical, stenographic and other personnel and make such  
34 expenditures within the appropriation or from other funds  
35 made available to the department of public defense for purposes

1 of disaster services and emergency planning, as may be  
2 necessary to carry out the purposes of this Act.

3 Sec. 7. NEW SECTION. JOINT COUNTY-MUNICIPAL ADMINISTRA-  
4 TION.

5 1. The county boards of supervisors, city councils and  
6 boards of directors of school districts shall cooperate with  
7 the office of disaster services to carry out the provisions  
8 of this Act and shall form a joint county-municipal disaster  
9 services and emergency planning administration. Such joint  
10 administration shall be composed of a member of the county  
11 board of supervisors and the mayor or his representative of  
12 the city governments within the county and the sheriff of  
13 such county. One member of the joint administration shall  
14 be designated as chairperson and one as vice chairperson.  
15 The joint administration shall appoint a coordinator who  
16 possesses such qualifications as established by rule of the  
17 director of the office of disaster services. The coordinator  
18 shall be responsible to the joint administration for the  
19 administration and coordination of all disaster services and  
20 emergency planning matters throughout the county, subject  
21 to the direction and control of the joint administration.  
22 The disaster services and emergency planning coordinator  
23 shall prepare a comprehensive countywide disaster plan that  
24 shall be subject to the approval of the state office of disas-  
25 ter services. The plan shall be integrated into and  
26 coordinated with the disaster plans of the state office of  
27 disaster services and other political subdivisions within  
28 the state. Each county and city located within the county  
29 may appropriate money from the general fund of the county  
30 or city for the purpose of paying expenses relating to disaster  
31 services and emergency planning matters of such joint  
32 administration and establish a joint county-municipal disaster  
33 services fund in the office of the county treasurer. The  
34 county and cities located in that county may deposit moneys  
35 in such fund, which fund shall be for the purpose of paying

1 expenses relating to disaster services and emergency planning  
2 matters of such joint administration. Any reimbursement,  
3 matching funds, or moneys received from sale of property  
4 obtained through the surplus property program or moneys  
5 obtained from any source in connection with the disaster  
6 services and emergency planning program, shall be deposited  
7 in the joint disaster services fund. Withdrawal of moneys  
8 from the joint county-municipal disaster services fund may  
9 be made on warrants drawn by the county auditor, supported  
10 by claims and vouchers signed by the chairperson or vice  
11 chairperson of the joint administration and the coordinator  
12 of the joint county-municipal disaster services and emergency  
13 planning administration.

14 2. No later than November fifteenth of each year the joint  
15 county-municipal disaster services coordinator and the joint  
16 administration shall prepare a proposed budget of all expenses  
17 for the ensuing fiscal year. The proposed budget shall include  
18 estimated expenses that might be incurred in the event of  
19 a natural disaster including, but not limited to, hurricanes,  
20 tornadoes, windstorms, or floods, and the necessary training,  
21 warning, protection facilities and equipment necessary to  
22 minimize the loss of life in the event of acts of aggression.  
23 The budget shall contain an itemized list of the proposed  
24 salaries of disaster services and emergency planning personnel,  
25 their number and their compensation, the estimated amount  
26 needed for personnel benefits, travel and transportation,  
27 transportation of equipment, rent, communications and  
28 utilities, printing and reproduction, supplies and material,  
29 equipment, and other services needed. Each year, the  
30 chairperson of the joint administration shall, by written  
31 notice, call a meeting of the joint administration to consider  
32 such proposed budget. The joint administration shall adopt  
33 a budget for the ensuing federal fiscal year not later than  
34 January fifteenth. At such meeting, the joint administration  
35 shall authorize:

1 a. The number of personnel for disaster services and  
2 emergency planning activities, full-time and part-time em-  
3 ployment;

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

9 c. The amount of operating expenses as contained in the  
10 proposed budget.

11 All expenditures shall be subject to the provisions of chapter  
12 twenty-four (24) of the Code, and the chairperson or vice  
13 chairperson of the joint administration are declared to be  
14 the certifying officials.

15 3. The joint administration shall be responsible for the  
16 direction, administration, and coordination of disaster  
17 services and emergency planning matters in the county. The  
18 joint administration shall coordinate its services in the  
19 event of man-made disaster or in the event of natural disasters  
20 including, but not limited to, hurricanes, tornadoes,  
21 windstorms, or floods. The coordinator may, with the approval  
22 of the joint administration, employ such technical, clerical  
23 and administrative personnel as may be required and necessary  
24 to carry out the purposes of this section. The joint adminis-  
25 tration shall fix the compensation of such persons so employed  
26 to be paid out of the disaster services and emergency planning  
27 fund created by this Act.

28 4. If an approved comprehensive countywide disaster plan  
29 has not been prepared within one year after the effective  
30 date of this Act and the director of the office of disaster  
31 services finds that satisfactory progress is not being made  
32 toward the completion of such plan, or if the director finds  
33 that a joint county-municipal disaster services and emergency  
34 planning administration has failed to appoint a qualified  
35 coordinator as provided in this Act, the director shall notify

1 the governing bodies of the counties and cities affected by  
2 the failure and the governing bodies shall not appropriate  
3 any moneys to the joint county-municipal disaster services  
4 fund until the disaster plan is prepared and approved or a  
5 qualified coordinator is appointed. If the director finds  
6 that a city or county has appointed an unqualified coordina-  
7 tor, the director shall notify the governing body of such  
8 city or county citing the qualifications which are not met  
9 and the governing body shall not approve the payment of the  
10 salary or expenses of the unqualified coordinator.

11 Sec. 8. NEW SECTION. COUNTY OR CITY COORDINATOR.

12 1. Each board of supervisors and city council shall appoint  
13 a coordinator of disaster services and emergency planning  
14 for that county or city, who shall possess such qualifications  
15 as established by rule of the director of the office of  
16 disaster services. The coordinator shall serve as the  
17 coordinator of disaster services and emergency planning for  
18 that city or county and shall also serve as an operations  
19 officer for the joint administration.

20 2. The county boards of supervisors in any two or more  
21 adjacent counties may, by mutual agreement, act as a joint  
22 board to appoint one coordinator qualified as established  
23 by rule of the director of the office of disaster services,  
24 who shall be the official coordinator of disaster services  
25 and emergency planning for each of the counties, shall work  
26 with any joint county-municipal disaster services and emergency  
27 planning administrations which may have been formed within  
28 any of the counties, and shall provide such services as may  
29 be carried on joint to the mutual benefit of all counties  
30 involved. Such agreement shall be in writing, shall be  
31 approved by the office of disaster services staff director,  
32 and shall be entered in the respective minutes of each county  
33 board. The coordinator so appointed shall be appointed for  
34 a term of one to three years, but in no event longer than  
35 the period of time the mutual agreement by the boards is to

1 be in effect. The written agreement shall provide for the  
2 determination of the cost of the joint program and the manner  
3 of allocation of such cost to each board for inclusion in  
4 the budget of the respective boards. For the payment of the  
5 salary and expenses of the coordinator and such other necessary  
6 expenses as may be incurred, the boards shall designate one  
7 board to make such payments and be reimbursed by the other  
8 board or boards pursuant to the joint agreement. The boards  
9 may meet together for the transaction of joint business.

10 3. The coordinator employed by the county boards of super-  
11 visors may also serve as a joint county-municipal disaster  
12 services coordinator for any joint county-municipal disaster  
13 services administration if a joint administration has been  
14 formed in any of the counties in which the coordinator is  
15 serving. Where the coordinator also serves as a joint county-  
16 municipal disaster services coordinator, any city included  
17 in the joint administration may appropriate funds for the  
18 payment of the salary and expenses of the coordinator in the  
19 same manner the city may appropriate money under the joint  
20 administration.

21 Sec. 9. NEW SECTION. LOCAL MUTUAL AID ARRANGEMENTS.

22 1. The coordinator of each local organization for disaster  
23 services shall, in collaboration with other public and private  
24 agencies within this state, develop mutual aid arrangements  
25 for reciprocal disaster services and recovery aid and  
26 assistance in case of disaster too great to be dealt with  
27 unassisted. Such arrangements shall be consistent with the  
28 office of disaster services plan and program, and in time  
29 of emergency it shall be the duty of each local organization  
30 for disaster services preparedness to render assistance in  
31 accordance with the provisions of such mutual aid arrangements.

32 2. The coordinator of each local organization for disaster  
33 services may, subject to the approval of the governor, enter  
34 into mutual aid arrangements with disaster services agencies  
35 or organizations in other states for reciprocal disaster

1 services and recovery aid and assistance in case of disaster  
2 too great to be dealt with unassisted.

3 Sec. 10. NEW SECTION. USE OF EXISTING FACILITIES. In  
4 carrying out the provisions of this Act, the governor and  
5 the executive director of the department of public defense,  
6 and the executive officers or governing boards of political  
7 subdivisions of the state shall utilize, to the maximum extent  
8 practicable, the services, equipment, supplies and facilities  
9 of existing departments, officers, and agencies of the state  
10 and of political subdivisions at their respective levels of  
11 responsibility.

12 Sec. 11. NEW SECTION. FUNDS BY GRANTS OR GIFTS.

13 1. If the federal government or any agency or officer  
14 thereof shall offer to the state or through the state to any  
15 political subdivision of the state, services, equipment,  
16 supplies, materials, or funds by way of gift, grant or loan,  
17 for purposes of disaster services and emergency planning,  
18 the governor or such political subdivision, acting with the  
19 consent of the governor and through its executive officer  
20 or governing body, may authorize any officer of the state  
21 or of the political subdivision to receive such services,  
22 equipment, supplies, materials, or funds on behalf of the  
23 state or such political subdivision, and subject to the terms  
24 of the offer and rules of the agency making the offer.

25 2. If any person shall offer to the state or to any  
26 political subdivision of the state, services, equipment, sup-  
27 plies, materials, or funds by way of gift, grant, or loan,  
28 for purposes of disaster services and emergency planning,  
29 the governor or executive officer of such political  
30 subdivision, may accept such offer and, upon such acceptance,  
31 the governor of the state or executive officer or governing  
32 body of such political subdivision may authorize any officer  
33 of the state or of the political subdivision to receive such  
34 services, equipment, supplies, materials, or funds on behalf  
35 of the state or such political subdivision, and subject to

1 the terms of the offer.

2 Sec. 12. NEW SECTION. COMPTROLLER TO ISSUE WARRANTS.

3 The state comptroller shall draw warrants on the treasurer  
4 of state for the purposes specified in this Act, upon duly  
5 itemized and verified vouchers that have been approved by  
6 the staff director of the office of disaster services.

7 Sec. 13. NEW SECTION. TAX EXEMPT PURCHASES. All pur-  
8 chases under the provisions of this chapter shall be exempt  
9 from the taxes imposed by sections four hundred twenty-two  
10 point forty-three (422.43) and four hundred twenty-three point  
11 two (423.2) of the Code.

12 Sec. 14. NEW SECTION. POLITICAL ACTIVITY PROHIBITED.

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

16 a. During working hours or when performing official duties  
17 or when using public equipment or at any time on public prop-  
18 erty, take part in any way in soliciting any contribution  
19 for any political party or any person seeking political office,  
20 nor shall such employee engage in any political activity that  
21 will impair his efficiency during working hours or cause him  
22 to be tardy or absent from his work. The provisions of this  
23 section do not preclude any employee from holding any office  
24 for which no pay is received or any office for which only  
25 token pay is received.

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

29 c. Use or promise to use, directly or indirectly, any  
30 official authority or influence, whether possessed or  
31 anticipated, for the purpose of influencing the vote or  
32 political action of any person or for any consideration.

33 d. Use any official authority or influence for the pur-  
34 pose of interfering with an election or affecting the re-  
35 sults thereof.

1       2. Any employee of an organization for disaster services  
2 or emergency resource management who shall become a candidate  
3 for any partisan elective office for remuneration shall,  
4 commencing thirty days prior to the date of the primary or  
5 general election and continuing until such person is eliminated  
6 as a candidate, either voluntarily or otherwise, automatically  
7 receive leave of absence without pay and during such period  
8 shall perform no duties connected with the office or position  
9 so held.

10       Sec. 15. NEW SECTION. ENFORCEMENT DUTIES.

11       1. It shall be the duty of every organization for disas-  
12 ter services and emergency planning established pursuant to  
13 this Act and of the officers thereof to execute and enforce  
14 such orders or rules made by the governor, or under his  
15 authority and the orders or rules made by subordinate  
16 organizations and not contrary or inconsistent with the orders  
17 or rules of the governor.

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

24       Sec. 16. NEW SECTION. RULES AND ORDER EXEMPTED. Any  
25 order issued or rule promulgated by a state agency during  
26 a declared disaster emergency and pursuant to the provisions  
27 of this Act shall be exempt from being issued or promulgated  
28 as provided in chapter seventeen A (17A) of the Code.

29       Sec. 17. NEW SECTION. CONTINGENT FUND--GOVERNMENTAL  
30 SUBDIVISIONS DISASTER AID.

31       1. A contingent fund is created in the state treasury  
32 for the use of the executive council which may be expended  
33 for the purpose of paying the expenses of suppressing any  
34 insurrection or riot, actual or threatened, when state aid  
35 has been rendered by order of the governor, and for repairing,

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

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

32 3. If the president, at the request of the governor, has  
33 declared a major disaster to exist in this state, the executive  
34 council may make financial grants to meet disaster-related  
35 necessary expenses or serious needs of individuals or families

1 adversely affected by a major disaster which cannot other-  
2 wise adequately be met from other means of assistance. The  
3 amount of a financial grant shall not exceed five thousand  
4 dollars in the aggregate to an individual or family in any  
5 single major disaster declared by the president. All grants  
6 authorized to individuals and families will be subject to  
7 the federal government providing no less than seventy-five  
8 percent of each grant and the declaration of a major disaster  
9 in the state by the president of the United States.

10 4. If the president, at the request of the governor, has  
11 declared a major disaster to exist in this state, the execu-  
12 tive council may lease or purchase sites and develop such  
13 sites to accommodate temporary housing units for disaster  
14 victims.

15 5. For the purposes of this section, "governmental subdivi-  
16 sion" means any political subdivision of this state.

17 Sec. 18. NEW SECTION. INTERSTATE CIVIL DEFENSE AND DISAS-  
18 TER COMPACT AUTHORIZED. The interstate civil defense and  
19 disaster compact, shall be in effect with all jurisdictions  
20 which have joined or which may join in the form substantially  
21 as contained in this section, provided that other jurisdictions  
22 have signified their joinder with this state by enactment  
23 without limitation as to parties or in some other manner  
24 sufficient in law to make it clear that joinder has been  
25 effected with this state.

26 The contracting states solemnly agree:

27 Article 1. The purpose of this compact is to provide  
28 mutual aid among the states in meeting any emergency or  
29 disaster. The prompt, full, and effective utilization of  
30 the resources of the respective states, including the resources  
31 as may be available from the United States government or any  
32 other source, are essential to the safety, care, and welfare  
33 of the people in the event of disaster, and any other  
34 resources, including personnel, equipment, or supplies, shall  
35 be incorporated into a plan or plans of mutual aid to be

1 developed among the civil defense agencies or similar bodies  
2 of the states that are parties to this contract. The directors  
3 of civil defense of all party states shall constitute a  
4 committee to formulate plans to take all necessary steps for  
5 the implementation of this contract.

6 Art. 2. It shall be the duty of each party state to formu-  
7 late civil defense plans and programs for application within  
8 such state. There shall be frequent consultation between  
9 the representatives of the states and with the United States  
10 government and the free exchange of information and plans,  
11 including inventories of any materials and equipment available  
12 for civil defense. In carrying out civil defense plans and  
13 programs the party states shall so far as possible provide  
14 and follow uniform standards, practices and rules in regard  
15 to:

16 1. Insignia, arm bands and any other distinctive articles  
17 to designate and distinguish the different civil defense ser-  
18 vices;

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

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

24 4. The effective screening or extinguishing of all lights  
25 and lighting devices and appliances;

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

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

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

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

1 9. Mobile support units.

2 Art. 3. Any party state requested to render mutual aid  
3 shall take such action as is necessary to provide and make  
4 available the resources covered by this compact in accordance  
5 with terms of the contract; but the state rendering aid may  
6 withhold resources to the extent necessary to provide reason-  
7 able protection for such state. Each party state shall extend  
8 to the civil defense forces of any other party state, while  
9 operating within its state limits under the terms and con-  
10 ditions of this compact, the same powers (except that of  
11 arrest unless specifically authorized by the receiving state),  
12 duties, rights, privileges and immunities as if they were  
13 performing their duties in the state in which normally employed  
14 or rendering services. Civil defense forces will continue  
15 under the command and control of their regular leaders but  
16 the organizational units will come under the operational  
17 control of the civil defense authorities of the state receiving  
18 assistance.

19 Art. 4. Whenever a person holds a license, certificate,  
20 or other permit issued by a state evidencing the meeting of  
21 qualifications for professional, mechanical or other skills,  
22 such person may render aid involving such skill in any party  
23 state to meet an emergency or disaster and the state shall  
24 give due recognition to such license, certificate or other  
25 permit as if issued in the state in which aid is rendered.

26 Art. 5. No party state or its officers or employees render-  
27 ing aid in another state pursuant to this compact shall be  
28 liable on account of any act or omission in good faith on  
29 the part of such forces while so engaged or on account of  
30 the maintenance or use of any equipment or supplies used in  
31 connection with rendering aid.

32 Art. 6. If the pattern and detail of the machinery for  
33 mutual aid among two or more states differs from that appro-  
34 priate among other party states, this instrument contains  
35 elements of a broad base common to all states, and nothing

1 contained in it shall preclude any state from entering into  
2 supplementary agreements with another state or states. Such  
3 supplementary agreements may comprehend, but shall not be  
4 limited to, provisions for evacuation and reception of injured  
5 and other persons, and the exchange of medical, fire, police,  
6 public utility, reconnaissance, welfare, transportation and  
7 communications personnel, equipment and supplies.

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

15 Art. 8. A party state rendering aid in another state pur-  
16 suant to this compact shall be reimbursed by the party state  
17 receiving such aid for any loss or damage to, or expense  
18 incurred in the operation of any equipment answering a request  
19 for aid, and for the cost incurred in connection with such  
20 requests; but any aiding party state may assume in whole or  
21 in part such loss, damage, expense, or other cost, or may  
22 loan such equipment or donate the services to the receiving  
23 party state without charge or cost and any two or more party  
24 states may enter into supplementary agreements establishing  
25 a different allocation of costs as among those states. The  
26 party state receiving aid may accept relief from the federal  
27 government from any liability and the party state supplying  
28 civil defense forces may accept reimbursement from the federal  
29 government for the compensation paid to and the transportation,  
30 subsistence, and maintenance expenses and supplies of such  
31 forces during the time of the rendition of such aid or assis-  
32 tance outside the state.

33 Art. 9. Plans for the orderly evacuation and reception  
34 of the civilian population as the result of an emergency or  
35 disaster shall be worked out from time to time between repre-

1 sentatives of the party states and the various local civil  
2 defense areas. Such plans shall include the manner of trans-  
3 porting evacuees, the number of evacuees to be received in  
4 different areas, the manner in which food, clothing, housing,  
5 and medical care will be provided, the registration of the  
6 evacuees, the providing of facilities for the notification  
7 of relatives or friends and the forwarding of such evacuees  
8 to other areas or the bringing in of additional materials,  
9 supplies, and all other relevant factors. The plans shall  
10 provide that the party state receiving evacuees shall be  
11 reimbursed generally for the actual and necessary expenses  
12 incurred in receiving and caring for evacuees, for expenditures  
13 for transportation, food, clothing, medicines and medical  
14 care, and like items. The expenditures shall be reimbursed  
15 by the party state of which the evacuees are residents, or  
16 by the United States government under plans approved by it.  
17 After the termination of the emergency or disaster the party  
18 state of which the evacuees are resident shall assume the  
19 responsibility for the ultimate support or repatriation of  
20 such evacuees.

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

25 Art. 11. The committee established pursuant to article  
26 one (1) of this compact may request the civil defense agency  
27 of the United States government to act as an informational  
28 and coordinating body under this compact, and representatives  
29 of such agency of the United States government may attend  
30 meetings of the committee.

31 Art. 12. This compact shall become operative immediately  
32 upon its ratification by any state as between it and any other  
33 state or states so ratifying and shall be subject to approval  
34 by Congress unless prior congressional approval has been  
35 given. Duly authenticated copies of this compact and of

1 supplementary agreements entered into by the party states  
2 shall, at the time of their approval, be deposited with each  
3 of the party states and the civil defense agency and other  
4 appropriate agencies of the United States government.

5 Art. 13. This compact shall continue in force and remain  
6 binding on each party state until the legislature or the  
7 governor of the party state takes action to withdraw. The  
8 action shall not be effective until thirty days after notice  
9 has been sent by the governor of the party state desiring  
10 to withdraw to the governors of all other party states.

11 Art. 14.

12 1. This article shall be in effect only as among those  
13 states which have enacted it into law or in which the governors  
14 have adopted it pursuant to constitutional or statutory  
15 authority sufficient to give it the force of law as part of  
16 this compact. Nothing contained in this article or in any  
17 supplementary agreement made in implementation thereof shall  
18 be construed to abridge, impair or supersede any other  
19 provision of this compact or any obligation undertaken by  
20 a state pursuant thereto, except that if its terms so provide,  
21 a supplementary agreement in implementation of this article  
22 may modify, expand or add to any such obligation as among  
23 the parties to the supplementary agreement.

24 2. In addition to the occurrences, circumstances and sub-  
25 ject matters to which preceding articles of this compact  
26 make it applicable, this compact and the authorizations,  
27 entitlements and procedures thereof shall apply to:

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

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

33 c. Incidents, or the imminence thereof, which endanger  
34 the health or safety of the public and which require the use  
35 of special equipment, trained personnel or personnel in larger

1 numbers than are locally available in order to reduce,  
2 counteract or remove the danger;

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

5 e. Exercises, drills or other training or practice ac-  
6 tivities designed to aid personnel to prepare for, cope with,  
7 or prevent any disaster or other emergency to which this  
8 compact applies.

9 3. Except as expressly limited by this compact or a  
10 supplementary agreement in force pursuant thereto, any aid  
11 authorized by this compact or such supplementary agreement  
12 may be furnished by any agency of a party state, a subdivision  
13 of such state, or by a joint agency of any two or more party  
14 states or of their subdivisions. Any joint agency providing  
15 such aid shall be entitled to reimbursement therefor to the  
16 same extent and in the same manner as a state. The personnel  
17 of such a joint agency, when rendering aid pursuant to this  
18 compact, shall have the same rights, authority and immunity  
19 as personnel of party states.

20 4. Nothing in this article shall be construed to exclude  
21 from the coverage of articles one (1) through thirteen (13)  
22 of this compact any matter which, in the absence of this  
23 article, could reasonably be construed to be covered there-  
24 by.

25 Sec. 19. Section twenty-four point six (24.6), Code 1975,  
26 is amended to read as follows:

27 24.6 EMERGENCY FUND--LEVY. Each municipality as defined  
28 herein, may include in the estimate herein required, an  
29 estimate for an emergency fund. Each such municipality shall  
30 have power to assess and levy a tax for such emergency fund  
31 at a rate not to exceed twenty-seven cents per thousand dollars  
32 of assessed value of taxable property of the municipality,  
33 provided that no such emergency tax levy shall be made until  
34 such municipality shall have first petitioned the state board  
35 to make such levy and received its approval thereof. Transfers

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

14 Sec. 20. Section twenty-nine point one (29.1), Code 1975,  
15 is amended to read as follows:

16 29.1 MILITARY AND CIVIL FORCES CO-ORDINATED. There shall  
17 be an agency of the state government to be known as the depart-  
18 ment of public defense of the state of Iowa, which shall be  
19 composed of the military agency as provided in the laws of  
20 this state and the ~~civil-defense-agency~~ office of disaster  
21 services as provided in the laws of the state. The adjutant  
22 general, state of Iowa, shall be executive director of the  
23 department of public defense.

24 Sec. 21. Section twenty-nine point three (29.3), Code  
25 1975, is amended to read as follows:

26 29.3 ~~CIVIL-DIVISION~~ DISASTER SERVICES. There shall be  
27 within the department of public defense of the state  
28 government, as a division thereof, ~~a-state-civil-defense~~  
29 ~~agency~~ an office of disaster services which shall be styled  
30 and known as the "~~civil-defense-division~~ office of disaster  
31 services, department of public defense", with a director of  
32 ~~civil-defense~~ the office of disaster services who shall be  
33 the head thereof. The adjutant general, as the executive  
34 director of the department of public defense shall exercise  
35 supervisory authority over the division.

1     Sec. 22. Section twenty-nine A point seven (29A.7), Code  
2 1975, is amended to read as follows:

3     29A.7 COMMANDER IN CHIEF. The governor shall be the com-  
4 mander in chief of the military forces, except so much there-  
5 of as may be in federal service. The governor may employ  
6 the military forces of the state for the defense or relief  
7 of the state, the enforcement of its laws, and the protec-  
8 tion of life and property ~~therein and he shall have the power,~~  
9 ~~in cases of insurrection, invasion, or breaches of peace,~~  
10 ~~or imminent danger thereof, to order into active state service~~  
11 ~~such of the military forces of the state as he may deem proper,~~  
12 ~~under the command of such officer as he may designate~~ resulting  
13 from a natural disaster or imminent danger thereof.

14     Sec. 23. Section twenty-nine A point eight (29A.8), Code  
15 1975, is amended to read as follows:

16     29A.8 ACTIVE SERVICE. The governor shall have the power  
17 to order into active state service such of the military forces  
18 of the state, including retired national guardsmen, both army  
19 and air, ~~who are willing to return to service,~~ as he may deem  
20 proper, under command of such officer as he may designate,  
21 in cases of insurrection or invasion, or imminent danger  
22 thereof, or for the purpose of aiding the civil authorities  
23 of any political subdivision of the state in maintaining  
24 law and order in such subdivision in cases of breaches of  
25 the peace or imminent danger thereof, if the law enforce-  
26 ment officers of such subdivision are unable to maintain law  
27 and order, and the civil authorities request such assistance.  
28 If circumstances necessitate the establishment of a military  
29 district under martial law and the general assembly is not  
30 convened, such district shall be established only after the  
31 governor has issued a proclamation convening an extraordinary  
32 session of the general assembly.

33     Sec. 24. Section twenty-nine A point nine (29A.9), unnum-  
34 bered paragraph one (1), Code 1975, is amended to read as  
35 follows:

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

11 Sec. 25. Section twenty-nine A point forty-one (29A.41),  
12 Code 1975, is amended to read as follows:

13 29A.41 EXEMPTION FROM JURY AND OTHER EXEMPTIONS. Every  
14 officer and enlisted person of the national guard while in  
15 active state service shall be exempt from jury duty. No  
16 member of the national guard shall be arrested, or served  
17 with any summons, order, warrant or other civil process after  
18 having been ordered to any duty, or while going to, attending,  
19 or returning from, any place to which the officer or enlisted  
20 person is required to go for military duty. Nothing herein  
21 shall prevent the officer's or enlisted person's arrest by  
22 order of a military officer or for a felony or breach of the  
23 peace committed while not in the actual performance of the  
24 officer's or enlisted person's duty. The articles of equipment  
25 personally owned by such members shall be exempt from seizure  
26 or sale for debt. Every member of the national guard who  
27 has faithfully served the full term of the member's commis-  
28 sion, warrant or enlistment, shall, upon application, be  
29 entitled to an honorable discharge, exempting the member  
30 from military duty except in time of war or public danger.

31 Sec. 26. Section three hundred thirty-two point three  
32 (332.3), subsection twenty-five (25), Code 1975, is amended  
33 to read as follows:

34 25. To appropriate funds from the general fund to match  
35 any grant to the county under any state or federal program

1 for the purpose of matching funds available to such county  
2 from federal programs including, but not limited to, crime  
3 control, public health, ~~civil-defense~~ disaster services,  
4 highway safety, juvenile delinquency, narcotics control and  
5 pollution.

6 Sec. 27. Section nineteen point seven (19.7), Code 1975,  
7 is repealed.

8 EXPLANATION

9 This bill strikes the provisions of chapter 29C of the  
10 Code relating to the civil defense division of the department  
11 of public defense and replaces the division with an office  
12 of disaster services to plan and administer appropriate ser-  
13 vices in the event of natural or man-made disasters. The  
14 bill specifies the powers and duties of the governor, adju-  
15 tant general and the staff director of the office of disaster  
16 services.

17 The bill also provides for the creation of joint disaster  
18 services and emergency planning administrations to provide  
19 disaster services and coordinate state and federal disaster  
20 relief efforts.

21 This bill also provides for the adoption of the interstate  
22 civil defense and disaster compact.

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S-5613

1 Amend House File 1346, as amended and passed by  
2 the House, as follows:

3 1. Page 1, line 3, by striking the word and number  
4 "twenty-two (22)" and inserting in lieu thereof the  
5 word and number "twenty-one (21)".

6 2. Page 3, line 33, by inserting after the word  
7 "GOVERNOR." the words "In exercising the governor's  
8 powers and duties under this Act and to effect the  
9 policy and purpose, the governor may:".

10 3. Page 3, line 34, by striking the words "The  
11 governor may, after" and inserting in lieu thereof  
12 the word "After".

13 4. Page 5, line 20, by striking the words "the  
14 governor may".

15 5. Page 8, lines 16 and 17, by striking the words  
16 "Department of Public Defense" and inserting in lieu  
17 thereof the words "department of public defense".

18 6. Page 12, by striking lines 13 through 15 and  
19 inserting in lieu thereof the words "event of a  
20 disaster. The coordinator may, with the approval".

21 7. Page 13, line 26, by striking the word "joint"  
22 and inserting in lieu thereof the word "jointly".

23 8. Page 16, lines 24 through 27, by striking the  
24 words "office, nor shall such employee engage in any  
25 political activity that will impair his efficiency  
26 during working hours or cause him to be tardy or  
27 absent from his work" and inserting in lieu thereof  
28 the word "office".

29 9. By striking page 16, line 34 through page 17,  
30 line 2.

31 10. Page 17, by inserting after line 14 the  
32 following:

33 "Sec. \_\_\_\_ . NEW SECTION. OATH OF MEMBERS AND  
34 EMPLOYEES. Each person who is appointed to serve  
35 in an organization for disaster services shall, before  
36 entering upon his duties, take an oath in writing,  
37 before a person authorized to administer oaths in  
38 this state, which oath shall be substantially as  
39 follows:

40 I, ....., do solemnly swear (or affirm)  
41 that I will support and defend the Constitution of  
42 the United States and the Constitution of the state  
43 of Iowa, against all enemies, foreign or domestic;  
44 that I will bear true faith and allegiance to the  
45 same; that I take this obligation freely, without  
46 any mental reservation or purpose of evasion; and  
47 that I will well and faithfully discharge the duties  
48 upon which I am about to enter."

49 11. By renumbering sections and relettering  
50 paragraphs to conform to this amendment.

S-5613  
PAGE 2

1 12. Amend the title, line 1, by inserting after  
2 the word "services" the words "and public disorders,  
3 specifying the powers and duties of the governor".

S-5613 FILED - Senate amended and concurred 5/26  
APRIL 28, 1976

BY COMMITTEE ON STATE GOVERNMENT  
EUGENE M. HILL, CHAIRPERSON

1 through thirteen (13) of this compact any matter  
2 which, in the absence of this article, could reason-  
3 ably be construed to be covered thereby.  
4 Sec. 12. Section twenty-nine A point eight (29A.8),  
5 Code 1975, is amended to read as follows:  
6 29A.8 ACTIVE SERVICE. The governor shall have  
7 the power to order into active state service such  
8 of the military forces of the state, including retired  
9 national guardsmen, both army and air, who are willing  
10 to return to service, as he may deem proper, under  
11 command of such officer as he may designate, for the  
12 purpose of aiding the civil authorities of any  
13 political subdivision of the state in maintaining  
14 law and order and providing other assistance as may  
15 be necessary, if possible, in such subdivision in  
16 cases of man-made and natural disasters and in cases  
17 of breaches of the peace or imminent danger thereof,  
18 if the law enforcement officers of such subdivision  
19 are unable to maintain law and order, and the civil  
20 authorities request such assistance."

S-5744 FILED - *Adopted 5/26 (2300)*  
MAY 11, 1976

BY JOHN N. NYSTROM

HOUSE FILE 1346

S-5788

1 Amend House File 1346, as amended and passed by  
2 the House, as follows:  
3 1. Page 1, line 24, by striking the words "or  
4 floods,".  
5 2. Page 8, line 18, by striking the word "general"  
6 and inserting in lieu thereof the word "supervisory".  
7 3. Page 8, line 25, by striking the word "STAFF".  
8 4. Page 8, line 27, by striking the word "staff".  
9 5. Page 8, line 28, by striking the word "staff".  
10 6. Page 8, by striking lines 33 and 34 and  
11 inserting in lieu thereof the following:  
12 "3. The director, upon the direction of the governor  
13 and under the supervisory control of the executive-  
14 director of the department of public defense, shall:".  
15 7. Page 9, line 10, by striking the word "staff".  
16 8. Page 9, by striking line 23 and inserting in  
17 lieu thereof the following:  
18 "4. The director, with the approval of the governor  
19 and upon recommendation of the adjutant".  
20 9. Page 9, line 24, by striking the word "staff".  
21 10. Page 13, line 28, by striking the word "staff".  
22 11. Page 16, line 11, by striking the word "staff".  
23 12. Page 23, line 22, by striking the word  
24 "emergency" and inserting in lieu thereof the word  
25 "emergency".

S-5788 FILED - *Adopted 5/26 (2302)*  
MAY 13, 1976

BY EUGENE M. HILL

S-5744

1 Amend House File 1346, by striking everything after  
2 the enacting clause and inserting in lieu thereof  
3 the following:

4 "Section 1. Section twenty-nine C point one  
5 (29C.1), Code 1975, is amended to read as follows:  
6 29C.1 ADMINISTRATION. The state civil defense  
7 agency shall be a division within the department of  
8 public defense of the state government and shall be  
9 ~~styled and known as the "civil-defense-division Iowa~~  
10 defense civil preparedness agency, department of  
11 public defense".

12 The ~~civil-defense-division Iowa~~ defense civil  
13 preparedness agency shall be responsible for the  
14 administration of civil defense matters, to include  
15 emergency resource planning, in the state of Iowa  
16 and co-ordinate available services in the event of  
17 major man-made disasters or in the event of natural  
18 disasters including, but not limited to, hurricanes,  
19 tornadoes, windstorms or floods.

20 Sec. 2. Section twenty-nine C point two (29C.2),  
21 Code 1975, is amended to read as follows:

22 29C.2 MEMBERSHIP--EXPENSES. There is hereby  
23 created a civil defense advisory council, hereinafter  
24 referred to as the "council", the members of which  
25 shall be composed of nine residents of the state of  
26 Iowa appointed by the governor ~~for three-year terms~~  
27 not later than sixty days after the effective date  
28 of this Act. Membership in the council shall be  
29 representative consist of counties, municipalities  
30 and rural areas one person each from the senate state  
31 government and county government committees, one  
32 person each from the house state government and county  
33 government committees, two local civil defense  
34 directors selected from a list of four nominees  
35 provided by the civil defense directors association  
36 and three lay persons, shall be nonpartisan, and the  
37 members shall be appointed without reference to their  
38 political affiliation. Beginning on September 1,  
39 1976 three members shall be appointed for a one-year  
40 term expiring on July 1, 1977, three members shall  
41 be appointed for a two-year term expiring July 1,  
42 1978 and three members shall be appointed for a three-  
43 year term expiring on July 1, 1979.

44 The governor shall appoint one of the members as  
45 chairman ~~and one as vice-chairman.~~ The vice chairman  
46 shall be elected by the council.

47 As the terms of the members so appointed shall  
48 expire, their successors shall be appointed, each  
49 for a term of three years; provided, however, that  
50 upon within sixty days following the death, disability

1 or resignation of any member, the governor shall  
2 appoint a person to serve for the unexpired term.  
3 The council shall advise the governor, the executive  
4 director of the department of public defense, and  
5 the director, on all matters pertaining to civil  
6 defense and shall approve all emergency planning.  
7 The council shall meet at least quarterly.

8 The members of the council shall serve without  
9 compensation, except that they shall be reimbursed  
10 by the agency or department they represent for their  
11 actual and necessary expenses incurred in performing  
12 their duties as members of the council, except that  
13 lay members shall be reimbursed for actual and  
14 necessary expenses from the funds of the Iowa defense  
15 civil preparedness agency.

16 Sec. 3. Section twenty-nine C point three (29C.3),  
17 subsection two (2), unnumbered paragraph one (1),  
18 paragraph a, Code 1975, are amended to read as fol-  
19 lows:

20 2. In performing his duties under this chapter  
21 and to effect its policy and purpose, the governor  
22 ~~is authorized and empowered~~ may:

23 a. ~~To~~ After issuing a declaration of disaster,  
24 make, amend, and rescind the necessary orders and  
25 rules to carry out the provisions of this chapter  
26 within the limits of the authority conferred upon  
27 him herein, and on behalf of the state, to enter into  
28 agreements with the federal government in conformance  
29 with plans and policies of the federal United States  
30 defense civil defense preparedness agency and the  
31 ~~office of emergency planning~~ other federal agencies  
32 having an emergency or disaster responsibility. All  
33 rules issued by the Iowa defense civil preparedness  
34 agency in the absence of a declaration of disaster  
35 affecting state or local civil defense operations  
36 and planning shall be subject to the provisions of  
37 chapter seventeen A (17A) of the Code.

38 Sec. 4. Section twenty-nine C point three (29C.3),  
39 Code 1975, is amended by adding the following new  
40 subsection:

41 NEW SUBSECTION. Requests for national guard  
42 assistance to a political subdivision shall be made  
43 according to the provisions of section twenty-nine  
44 A point eight (29A.8) of the Code.

45 Sec. 5. Section twenty-nine C point four (29C.4),  
46 subsection one (1), Code 1975, is amended to read  
47 as follows:

48 1. The ~~civil~~ Iowa defense ~~division~~ civil  
49 preparedness agency shall be under the management  
50 of a civil defense director who shall be appointed

1 by the governor, upon the recommendation of the  
2 council, for a four-year term. The governor shall  
3 fix his compensation out of funds hereafter  
4 appropriated to or otherwise available to the  
5 department of the public defense for such purpose.

6 Sec. 6. Section twenty-nine C point five (29C.5),  
7 Code 1975, is amended to read as follows:

8 29C.5 ASSISTANTS. The director, ~~with the approval~~  
9 ~~of the executive director, department of public defense~~  
10 and upon the recommendation of the council, may employ  
11 a deputy director and may employ such technical,  
12 clerical, stenographic and other personnel, and make  
13 such expenditures within the appropriation therefor,  
14 or from other funds made available to the department  
15 of public defense for purposes of civil defense and  
16 emergency planning, as may be necessary to carry out  
17 the purposes of this chapter.

18 Sec. 7. Section twenty-nine C point seven (29C.7),  
19 unnumbered paragraphs one (1), eleven (11), and twelve  
20 (12), Code 1975, are amended to read as follows:

21 County boards of supervisors, city councils and  
22 school boards ~~are hereby authorized to~~ shall co-operate  
23 with the ~~civil Iowa defense division~~ civil preparedness  
24 agency, department of public defense to carry out  
25 the provisions of this chapter, and shall form a joint  
26 county-municipal civil defense and emergency planning  
27 administration, hereinafter referred to as the joint  
28 administration. Such joint administration shall be  
29 composed of a member of the county board of supervisors  
30 and the ~~mayer or his representative~~ mayors of the  
31 city governments within the county and the sheriff  
32 of such county. Duly authorized members serving on  
33 the joint administration may in their absence be  
34 represented by temporary members to the joint  
35 administration. One member of the joint administration  
36 shall be designated as chairman and one as vice  
37 chairman. The joint administration shall appoint  
38 a director who shall be responsible to the joint  
39 administration for the administration and co-ordination  
40 of all civil defense and emergency planning matters  
41 throughout the county, subject to the direction and  
42 control of the joint administration. Each county  
43 and city located therein is authorized to appropriate  
44 money out of any funds that are not restricted for  
45 the purpose of paying expenses relating to civil  
46 defense and emergency planning matters of such joint  
47 administration, and to establish a joint county-  
48 municipal civil defense fund in the office of the  
49 county treasurer, and the county and cities located  
50 in that county may deposit moneys in such fund, which

1 fund shall be for the purpose of paying expenses  
2 relating to civil defense and emergency planning  
3 matters of such joint administration. Any  
4 reimbursement, matching funds, or moneys received  
5 from sale of property obtained through the surplus  
6 property program, or moneys obtained from any source  
7 whatever in connection with the civil defense and  
8 emergency planning program, shall be deposited in  
9 the joint civil defense fund, herein established.  
10 Withdrawal of moneys from the joint county-municipal  
11 civil defense and emergency planning account maintained  
12 by the office of the county treasurer to reimburse  
13 both county and city governments for their share of  
14 funds received by the joint county-municipal civil  
15 defense and emergency planning agency, and deposited  
16 with the county treasurer, may be made on warrants  
17 drawn by the county auditor, supported by claims from  
18 the county or city government concerned, and these  
19 claims verified and vouchers signed by the chairman  
20 or vice chairman of the joint administration and the  
21 director of the joint county-municipal civil defense  
22 and emergency planning administration.

23 The county boards of supervisors in any two or  
24 more adjacent counties, may by mutual agreement act  
25 as a joint board to appoint one director who shall  
26 be the official director of civil defense and emergency  
27 planning for each of the counties, shall work with  
28 any joint county-municipal defense and emergency  
29 planning administrations which may have been formed  
30 within any of the counties, and who shall provide  
31 such services as may be carried on jointly to the  
32 mutual benefit of all counties involved. Such  
33 agreement shall be in writing, shall be approved by  
34 the state civil defense director, and shall be entered  
35 in the respective minutes of each county board. The  
36 director so appointed shall be ~~appointed for a term~~  
37 ~~of one to three years but in no event longer than~~  
38 ~~the period of time the mutual agreement by the boards~~  
39 ~~is to be in effect~~ serve at the pleasure of the joint  
40 board. The written agreement shall provide for the  
41 determination of the cost of the joint program and  
42 the manner of allocation of such cost to each board  
43 for inclusion in the budget of the respective boards.  
44 For the payment of the salary and expenses of the  
45 director and such other necessary expenses as may  
46 be incurred, the board shall designate one board to  
47 make such payments and be reimbursed by the other  
48 board or boards pursuant to the joint agreement.  
49 The boards are hereby authorized to meet together  
50 for the transaction of joint business.

1 The director employed by the county boards of  
2 supervisors may further serve as a joint county-  
3 municipal civil defense director for any joint county-  
4 municipal civil defense administration if a joint  
5 administration has been formed in any of the counties  
6 in which the director is serving. Where the director  
7 also serves as a joint county-municipal civil defense  
8 director, any city included in the joint administration  
9 may appropriate funds for the payment of the salary  
10 and expenses of the director in the same manner the  
11 city may appropriate money under the joint  
12 administration. The director's salary shall be  
13 commensurate with other locally appointed department  
14 heads.

15 Sec. 8. Section twenty-nine C point eight (29C.8),  
16 Code 1975, is amended to read as follows:

17 29C.8 EXISTING FACILITIES USED. In carrying out  
18 the provisions of this chapter, the governor, the  
19 executive director, department of public defense,  
20 and the director, ~~civil Iowa defense division~~ civil  
21 preparedness agency, and the executive officers or  
22 governing bodies of political subdivisions of the  
23 state are authorized to utilize, to the maximum extent  
24 practicable, the services, equipment, supplies and  
25 facilities of existing departments, officers, and  
26 agencies of the state and of political subdivisions  
27 at their respective levels of responsibility.

28 Sec. 9. Section twenty-nine C point ten (29C.10),  
29 Code 1975, is amended to read as follows:

30 29C.10 COMPTROLLER TO ISSUE WARRANTS. The  
31 comptroller is authorized and directed to draw warrants  
32 on the treasurer of state for the several sums and  
33 for the purposes specified in this chapter, upon duly  
34 itemized and verified vouchers that have been approved  
35 by the director of the ~~civil Iowa defense division~~  
36 civil preparedness agency and executive director,  
37 department of public defense.

38 Sec. 10. Section twenty-nine C point sixteen  
39 (29C.16), Code 1975, is amended to read as follows:

40 29C.16 CITATION OF LAW. This chapter may be cited  
41 as the "Iowa ~~Civil Defense~~ Civil Preparedness Act".

42 Sec. 11. Chapter twenty-nine C (29C), Code 1975,  
43 is amended by adding the following new sections:

44 NEW SECTION. The state and its political sub-  
45 divisions shall hold harmless and shall indemnify  
46 the United States government against any claim arising  
47 from the removal of debris from publicly or privately  
48 owned lands and waters caused by a major disaster.  
49 The state or its political subdivision shall not be  
50 held liable for claims arising from the removal of

1 debris caused by a major disaster from privately or  
2 publicly owned property or waters unless willful  
3 misconduct, gross negligence or bad faith can be  
4 established by the injured party.

5 NEW SECTION. A county or a joint municipal-county  
6 civil defense and emergency planning administration  
7 and political subdivisions under the jurisdiction  
8 of the administration may accept contributions, gifts,  
9 grants or matching funds and may provide services,  
10 including but not limited to, the following:

- 11 1. Emergency housing.
- 12 2. Debris removal.
- 13 3. Individual and family grant programs.
- 14 4. Unemployment assistance.
- 15 5. Food commodities.
- 16 6. Relocation assistance.
- 17 7. Legal services.
- 18 8. Crises counseling and training.
- 19 9. Emergency communications.
- 20 10. Emergency public transportation.
- 21 11. Fire suppression.
- 22 12. Emergency sanitation.

23 The services or powers may be provided or exer-  
24 cised by the administration and its political sub-  
25 divisions under disaster conditions notwithstanding  
26 statutory limitations imposed under non-disaster  
27 conditions.

28 NEW SECTION. All functions prescribed by this  
29 chapter and other activities relating to disaster  
30 emergency services are governmental functions. The  
31 state, a political subdivision, department, agency  
32 or disaster emergency worker complying with or rea-  
33 sonably attempting to comply with this chapter, or  
34 any order or rule promulgated pursuant to the pro-  
35 visions of this chapter, or pursuant to any ordinance  
36 enacted by a political subdivision relating to pre-  
37 cautionary measures shall not be liable for the death  
38 or injury to persons, or for damage to property re-  
39 sulting from compliance or attempted compliance ex-  
40 cept in case of willful misconduct, gross negligence,  
41 or bad faith. The provisions of this section shall  
42 not affect the right of a person to receive benefits  
43 to which the person would be otherwise entitled under  
44 this chapter, or under the workmen's compensation  
45 law, or under any pension law, or under an Act of  
46 Congress. A requirement for a license to practice  
47 a professional or mechanical skill or other skill  
48 shall not apply to any authorized disaster emergency  
49 worker who shall, in the course of performing his  
50 duties during a disaster emergency, practice the

1 profession or mechanical skill, or other skill.

2 NEW SECTION. INTERSTATE CIVIL DEFENSE AND DISAS-  
3 TER COMPACT AUTHORIZED. The interstate civil defense  
4 and disaster compact, shall be in effect with all  
5 jurisdictions which have joined or which may join  
6 in the form substantially as contained in this sec-  
7 tion, provided that other jurisdictions have signi-  
8 fied their joinder with this state by enactment with-  
9 out limitation as to parties or in some other manner  
10 sufficient in law to make it clear that joinder has  
11 been effected with this state.

12 The contracting states solemnly agree:

13 Article 1. The purpose of this compact is to  
14 provide mutual aid among the states in meeting any  
15 emergency or disaster. The prompt, full, and ef-  
16 fective utilization of the resources of the respec-  
17 tive states, including the resources as may be avail-  
18 able from the United States government or any other  
19 source, are essential to the safety, care, and wel-  
20 fare of the people in the event of disaster, and any  
21 other resources, including personnel, equipment, or  
22 supplies, shall be incorporated into a plan or plans  
23 of mutual aid to be developed among the civil defense  
24 agencies or similar bodies of the states that are  
25 parties to this contract. The directors of civil  
26 defense of all party states shall constitute a commit-  
27 tee to formulate plans to take all necessary steps  
28 for the implementation of this contract.

29 Art. 2. It shall be the duty of each party state  
30 to formulate civil defense plans and programs for  
31 application within such state. There shall be frequent  
32 consultation between the representatives of the states  
33 and with the United States government and the free  
34 exchange of information and plans, including inven-  
35 tories of any materials and equipment available for  
36 civil defense. In carrying out civil defense plans  
37 and programs the party states shall so far as possible  
38 provide and follow uniform standards, practices and  
39 rules in regard to:

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

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

46 3. Warnings and signals for drills or attacks  
47 and the mechanical devices to be used in connection  
48 therewith;

49 4. The effective screening or extinguishing of  
50 all lights and lighting devices and appliances;

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

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

9 7. The conduct of civilians and the movement and  
10 cessation of movement of pedestrians and vehicular  
11 traffic, prior, during and subsequent to drills or  
12 attacks;

13 8. The safety of public meetings or gathering;  
14 and

15 9. Mobil support units.

16 Art. 3. Any party state requested to render mutual  
17 aid shall take such action as is necessary to provide  
18 and make available the resources covered by this com-  
19 pact in accordance with terms of the contract; but  
20 the state rendering aid may withhold resources to  
21 the extent necessary to provide reasonable protection  
22 for such state. Each party state shall extend to  
23 the civil defense forces of any other party state,  
24 while operating within its state limits under the  
25 terms and conditions of this compact, the same powers  
26 (except that of arrest unless specifically authorized  
27 by the receiving state), duties, rights, privileges  
28 and immunities as if they were performing their duties  
29 in the state in which normally employed or rendering  
30 services. Civil defense forces will continue under  
31 the command and control of their regular leaders but  
32 the organizational units will come under the opera-  
33 tional control of the civil defense authorities of  
34 the state receiving assistance.

35 Art. 4. Whenever a person holds a license,  
36 certificate, or other permit issued by a state  
37 evidencing the meeting of qualifications for pro-  
38 fessional, mechanical or other skills, such person  
39 may render aid involving such skill in any party state  
40 to meet an emergency or disaster and the state shall  
41 give due recognition to such license, certificate  
42 or other permit as if issued in the state in which  
43 aid is rendered.

44 Art. 5. No party state or its officers or employees  
45 rendering aid in another state pursuant to this com-  
46 pact shall be liable on account of any act or omis-  
47 sion in good faith on the part of such forces while  
48 so engaged or on account of the maintenance or use  
49 of any equipment or supplies used in connection with  
50 rendering aid.

1 Art. 6. If the pattern and detail of the machinery  
2 for mutual aid among two or more states differs from  
3 that appropriate among other party states, this in-  
4 strument contains elements of a broad base common  
5 to all states, and nothing contained in it shall pre-  
6 clude any state from entering into supplementary  
7 agreements with another state or states. Such  
8 supplementary agreements may comprehend, but shall  
9 not be limited to, provisions for evacuation and  
10 reception of injured and other persons, and the  
11 exchange of medical, fire, police, public utility,  
12 reconnaissance, welfare, transportation and  
13 communications personnel, equipment and supplies.

14 Art. 7. Each party state shall provide for the  
15 payment of compensation and death benefits to injured  
16 members of the civil defense forces of that state  
17 and the representatives of deceased members of such  
18 forces if members sustain injuries or are killed while  
19 rendering aid pursuant to this compact, in the same  
20 manner and on the same terms as if the injury or death  
21 were sustained within such state.

22 Art. 8. A party state rendering aid in another  
23 state pursuant to this compact shall be reimbursed  
24 by the party state receiving such aid for any loss  
25 or damage to, or expense incurred in the operation  
26 of any equipment answering a request for aid, and  
27 for the cost incurred in connection with such requests;  
28 but any aiding party state may assume in whole or  
29 in part such loss, damage, expense, or other cost,  
30 or may loan such equipment or donate the services  
31 to the receiving party state without charge or cost  
32 and any two or more party states may enter into  
33 supplementary agreements establishing a different  
34 allocation of costs as among those states. The party  
35 state receiving aid may accept relief from the federal  
36 government from any liability and the party state  
37 supplying civil defense forces may accept reimbursement  
38 from the federal government for the compensation paid  
39 to and the transportation, subsistence, and maintenance  
40 expenses and supplies of such forces during the time  
41 of the rendition of such aid or assistance outside  
42 the state.

43 Art. 9. Plans for the orderly evacuation and re-  
44 ception of the civilian population as the result of  
45 an emergency or disaster shall be worked out from  
46 time to time between representatives of the party  
47 states and the various local civil defense areas.  
48 Such plans shall include the manner of transporting  
49 evacuees, the number of evacuees to be received in  
50 different areas, the manner in which food, clothing,

1 housing, and medical care will be provided, the regis-  
2 tration of the evacuees, the providing of facilities  
3 for the notification of relatives or friends and the  
4 forwarding of such evacuees to other areas or the  
5 bringing in of additional materials, supplies, and  
6 all other relevant factors. The plans shall provide  
7 that the party state receiving evacuees shall be re-  
8 imburged generally for the actual and necessary ex-  
9 penses incurred in receiving and caring for evacuees,  
10 for expenditures for transportation, food, clothing,  
11 medicines and medical care, and like items. The ex-  
12 penditures shall be reimbursed by the party state  
13 of which the evacuees are residents, or by the United  
14 States government under plans approved by it. After  
15 the termination of the emergency or disaster the party  
16 state of which the evacuees are resident shall assume  
17 the responsibility for the ultimate support or  
18 repatriation of such evacuees.

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

24 Art. 11. The committee established pursuant to  
25 article one (1) of this compact may request the civil  
26 defense agency of the United State government to act  
27 as an informational and coordinating body under this  
28 compact, and representatives of such agency of the  
29 United States government may attend meetings of the  
30 committee.

31 Art. 12. This compact shall become operative im-  
32 mediately upon its ratification by any state as between  
33 it and any other state or states so ratifying and  
34 shall be subject to approval by Congress unless prior  
35 congressional approval has been given. Duly  
36 authenticated copies of this compact and of  
37 supplementary agreements entered into by the party  
38 states shall, at the time of their approval, be de-  
39 posited with each of the party states and the civil  
40 defense agency and other appropriate agencies of the  
41 United States government.

42 Art. 13. This compact shall continue in force  
43 and remain binding on each party state until the  
44 legislature or the governor of the party state takes  
45 action to withdraw. The action shall not be effective  
46 until thirty days after notice has been sent by the  
47 governor of the party state desiring to withdraw to  
48 the governors of all other party states.

49 Art. 14.

50 1. This article shall be in effect only as among

1 those states which have enacted it into law or in  
2 which the governors have adopted it pursuant to  
3 constitutional or statutory authority sufficient to  
4 give it the force of law as part of this compact.  
5 Nothing contained in this article or in any supple-  
6 mentary agreement made in implementation thereof shall  
7 be construed to abridge, impair or supersede any other  
8 provisions of this compact or any obligation undertaken  
9 by a state pursuant thereto, except that if its terms  
10 so provide, a supplementary agreement in implementation  
11 of this article may modify, expand or add to any such  
12 obligation as among the parties to the supplementary  
13 agreement.

14 2. In addition to the occurrences, circumstances  
15 and subject matters to which preceding articles of  
16 this compact make it applicable, this compact and  
17 the authorizations, entitlements and procedures thereof  
18 shall apply to:

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

21 b. Action useful in coping with disasters aris-  
22 ing from any cause or designed to increase capabili-  
23 ty to cope with any such disasters;

24 c. Incidents, or the imminence thereof, which  
25 endanger the health or safety of the public and which  
26 require the use of special equipment, trained person-  
27 nel or personnel in larger numbers than are locally  
28 available in order to reduce, counteract or remove  
29 the danger;

30 d. The giving and receiving of aid by subdivi-  
31 sions of party states;

32 e. Exercises, drills or other training or prac-  
33 tice activities designed to aid personnel to prepare  
34 for, cope with, or prevent any disaster or other  
35 emergency to which this compact applies.

36 3. Except as expressly limited by this compact  
37 or a supplementary agreement in force pursuant there-  
38 to, any aid authorized by this compact or such supple-  
39 mentary agreement may be furnished by any agency of  
40 a party state, a subdivision of such state, or by  
41 a joint agency of any two or more party states or  
42 of their subdivisions. Any joint agency providing  
43 such aid shall be entitled to reimbursement therefor  
44 to the same extent and in the same manner as a state.  
45 The personnel of such a joint agency, when rendering  
46 aid pursuant to this compact, shall have the same  
47 rights, authority and immunity as personnel of party  
48 states.

49 4. Nothing in this article shall be construed  
50 to exclude from the coverage of articles one (1)

1 housing, and medical care will be provided, the regis-  
2 tration of the evacuees, the providing of facilities  
3 for the notification of relatives or friends and the  
4 forwarding of such evacuees to other areas or the  
5 bringing in of additional materials, supplies, and  
6 all other relevant factors. The plans shall provide  
7 that the party state receiving evacuees shall be re-  
8 imburged generally for the actual and necessary ex-  
9 penses incurred in receiving and caring for evacuees,  
10 for expenditures for transportation, food, clothing,  
11 medicines and medical care, and like items. The ex-  
12 penditures shall be reimbursed by the party state  
13 of which the evacuees are residents, or by the United  
14 States government under plans approved by it. After  
15 the termination of the emergency or disaster the party  
16 state of which the evacuees are resident shall assume  
17 the responsibility for the ultimate support or  
18 repatriation of such evacuees.

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

24 Art. 11. The committee established pursuant to  
25 article one (1) of this compact may request the civil  
26 defense agency of the United State government to act  
27 as an informational and coordinating body under this  
28 compact, and representatives of such agency of the  
29 United States government may attend meetings of the  
30 committee.

31 Art. 12. This compact shall become operative im-  
32 mediately upon its ratification by any state as between  
33 it and any other state or states so ratifying and  
34 shall be subject to approval by Congress unless prior  
35 congressional approval has been given. Duly  
36 authenticated copies of this compact and of  
37 supplementary agreements entered into by the party  
38 states shall, at the time of their approval, be de-  
39 posited with each of the party states and the civil  
40 defense agency and other appropriate agencies of the  
41 United States government.

42 Art. 13. This compact shall continue in force  
43 and remain binding on each party state until the  
44 legislature or the governor of the party state takes  
45 action to withdraw. The action shall not be effective  
46 until thirty days after notice has been sent by the  
47 governor of the party state desiring to withdraw to  
48 the governors of all other party states.

49 Art. 14.

50 1. This article shall be in effect only as among

S-5630

1 Amend the Senate amendment, S- 5613 , to House  
2 File 1346, as amended and passed by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 28 the  
5 following:  
6 " . Page 16, line 28, by inserting after the  
7 words "holding any" the words "nonpartisan elective."  
8 2. Page 1, by inserting after line 30 the  
9 following:  
10 " . Page 17, by striking lines 7 through 14,  
11 and inserting in lieu thereof the words "or emergency  
12 resource management shall not become a candidate for  
13 any partisan elective office."

S-5630 FILED - *Adopted 5/26 (2301)*  
APRIL 29, 1976

BY EUGENE M. HILL

H-6892

1 Amend House File 1346, as amended and passed by  
2 the House, as follows:

3 1. Page 1, line 3, by striking the word and number  
4 "twenty-two (22)" and inserting in lieu thereof the  
5 word and number "twenty-one (21)".

6 2. Page 1, line 24, by striking the words "or  
7 floods,".

8 3. Page 3, line 33, by inserting after the word  
9 "GOVERNOR." the words "In exercising the governor's  
10 powers and duties under this Act and to effect the  
11 policy and purpose, the governor may:".

12 4. Page 3, line 34, by striking the words "The  
13 governor may, after" and inserting in lieu thereof  
14 the word "After".

15 5. Page 5, line 20, by striking the words "the  
16 governor may".

17 6. Page 8, lines 16 and 17, by striking the words  
18 "Department of Public Defense" and inserting in lieu  
19 thereof the words "department of public defense".

20 7. Page 8, line 18, by striking the word "general"  
21 and inserting in lieu thereof the word "supervisory".

22 8. Page 3, line 25, by striking the word "STAFF".

23 9. Page 8, line 27, by striking the word "staff".

24 10. Page 8, line 28, by striking the word "staff".

25 11. Page 8, by striking lines 33 and 34 and  
26 inserting in lieu thereof the following:

27 "3. The director, upon the direction of the  
28 governor and supervisory control of the executive  
29 director of the department of public defense, shall:".

30 12. Page 9, line 10, by striking the word "staff".

31 13. Page 9, by striking line 23 and inserting  
32 in lieu thereof the following:

33 "4. The director, with the approval of the governor  
34 and upon recommendation of the adjutant".

35 14. Page 9, line 24, by striking the word "staff".

36 15. Page 12, by striking lines 13 through 15 and  
37 inserting in lieu thereof the words "event of a  
38 disaster. The coordinator may, with the approval".

39 16. Page 13, line 26, by striking the word "joint"  
40 and inserting in lieu thereof the word "jointly".

41 17. Page 13, line 28, by striking the word "staff".

42 18. Page 16, line 11, by striking the word "staff".

43 19. Page 16, lines 24 through 27, by striking  
44 the words "office, nor shall such employee engage  
45 in any political activity that will impair his  
46 efficiency during working hours or cause him to be  
47 tardy or absent from his work" and inserting in lieu  
48 thereof the word "office".

49 20. Page 16, line 28, by inserting after the words  
50 "holding any" the words "nonpartisan elective".

21. Striking page 16, line 34 through page 17, line 2.

22. Page 17, by striking lines 7 through 14, and inserting in lieu thereof the words "or emergency resource management shall not become a candidate for any partisan elective office."

23. Page 17, by inserting after line 14 the following:

"Sec. \_\_\_\_ . NEW SECTION. OATH OF MEMBERS AND EMPLOYEES. Each person who is appointed to serve in an organization for disaster services shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

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

24. Page 23, line 22, by striking the word "emergency" and inserting in lieu thereof the word "emergency".

25. Renumbering sections and relettering paragraphs to conform to this amendment.

26. Amend the title, line 1, by inserting after the word "services" the words "and public disorders, specifying the powers and duties of the governor".

H-6892 FILED  
RECEIVED FROM SENATE  
MAY 26, 1976

*House concurred 7/27/76 (p. 3242)*

H-5894

1 Amend House File 1346 as follows:

2 1. Page 1, by striking lines 6 through 8 and  
3 inserting in lieu thereof the words "disasters, and  
4 in order".

5 2. Page 1, by inserting after line 23 the  
6 following:

7 "Sec. \_\_\_\_ . NEW SECTION. DEFINITIONS. "Disaster"  
8 means man-made catastrophes and natural occurrences  
9 such as fire, flood, earthquake, tornado, windstorm,  
10 or floods, which threaten the public peace, health,  
11 and safety of the people or which damage and destroy  
12 public or private property. The term includes enemy  
13 attack, sabotage, or other hostile action from without  
14 the state.

15 "Public disorder" means such substantial interfer-  
16 ence with the public peace as to constitute a signifi-  
17 cant threat to the health and safety of the people  
18 or a significant threat to public or private prop-  
19 erty. The term includes insurrection, rioting,  
20 looting, and persistent violent civil disobedience.

21 Sec. \_\_\_\_ . NEW SECTION. PROCLAMATION OF STATE  
22 OF PUBLIC DISORDER BY GOVERNOR.

23 1. The governor may, after finding a state of  
24 public disorder exists, proclaim a state of public  
25 disorder emergency. This proclamation shall be in  
26 writing, indicate the area affected and the facts  
27 upon which it is based, be signed by the governor,  
28 and be filed with the secretary of state.

29 2. Notice of a proclamation of a state of public  
30 disorder emergency shall be given by the secretary  
31 of state by publication in a newspaper of general  
32 circulation in the area affected, by broadcast through  
33 radio and television serving the area affected, and  
34 by posting signs at conspicuous places within this  
35 area. The exercise of the special powers by the  
36 governor under this section shall not be precluded  
37 by the lack of giving notice if the giving of notice  
38 has been diligently attempted. All orders and rules  
39 promulgated under the proclamation shall be given  
40 public notice by the governor in the area affected.

41 3. A state of public disorder emergency shall  
42 continue for ten days, unless sooner terminated by  
43 the governor. The general assembly may, by concur-  
44 rent resolution, rescind a proclamation of a state  
45 of public disorder emergency. If the general assem-  
46 bly is not in session, the legislative council may,  
47 by a majority vote, rescind this proclamation.  
48 Rescission shall be effective upon filing of the con-  
49 current resolution or resolution of the legislative  
50 council with the secretary of state.

- 1       4. The governor may, during the existence of a
- 2 state of public disorder emergency, prohibit:
- 3       a. Any person being in a public place during the
- 4 hours declared by the governor to be a period of
- 5 curfew if this period does not exceed twelve hours
- 6 in any one day and if its area of its application
- 7 is specifically designated.
- 8       b. Public gatherings of a designated number of
- 9 persons within a designated area.
- 10       c. The manufacture, use, possession, or trans-
- 11 portation of any device or object designed to explode
- 12 or produce uncontained combustion.
- 13       d. The possession of any flammable or explosive
- 14 liquids or materials in a glass or uncapped container,
- 15 except in connection with normal operation of motor
- 16 vehicles or normal home and commercial use.
- 17       e. The possession of firearms or any other deadly
- 18 weapon by a person other than at that person's place
- 19 of residence or business, except by law enforcement
- 20 officers.
- 21       f. The sale, purchase, or dispensing of alco-
- 22 holic beverages.
- 23       g. The sale, purchase, or dispensing of such other
- 24 commodities as are designated by the governor.
- 25       h. The use of certain streets or highways by the
- 26 public.
- 27       i. Such other activities as the governor reason-
- 28 ably believes should be prohibited to help maintain
- 29 life, health, property, or the public peace.

30       Sec. \_\_\_\_ . NEW SECTION. JUDICIAL PROTECTIONS.  
 31 The supreme court shall promulgate rules for emergency  
 32 proceedings to be effective upon the declaration of  
 33 a state of public disorder emergency in order that  
 34 the constitutional rights of all persons taken into  
 35 custody shall be adequately protected."

36       3. Page 1, line 30, by striking the words "major  
 37 man-".

38       4. Page 1, by striking lines 31 through 35 and  
 39 inserting in lieu thereof the words "a disaster."

40       5. Page 2, by striking lines 1 through 21 and  
 41 inserting in lieu thereof the following:

42       "Sec. \_\_\_\_ . NEW SECTION. PROCLAMATION OF DISASTER  
 43 EMERGENCY BY GOVERNOR.

44       1. The governor may, after finding a disaster  
 45 exists or is imminently threatened, proclaim a state  
 46 of disaster emergency. This proclamation shall be  
 47 in writing, indicate the area affected and the facts  
 48 upon which it is based, be signed by the governor,  
 49 and be filed with the secretary of state. A state  
 50 of disaster emergency shall continue for thirty days,

H-5894  
Page 3

- 1 unless sooner terminated or extended in writing by
- 2 the governor. The general assembly may, by concurrent
- 3 resolution, rescind this proclamation. If the general
- 4 assembly is not in session, the legislative council
- 5 may, by majority vote, rescind this proclamation.
- 6 Rescission shall be effective upon filing of the
- 7 concurrent resolution or resolution of the legislative
- 8 council with the secretary of state. A proclamation".
- 9 6. Page 25, line 7, by striking the word "and"
- 10 and inserting in lieu thereof the word "and".
- 11 7. Page 25, line 12, by striking the word
- 12 "resulting".
- 13 8. Page 25, by striking line 13 and inserting
- 14 in lieu thereof the words ", and emergencies result-
- 15 ing from disasters or public disorders as defined
- 16 in this Act."

H-5894 FILED BY OAKLEY of Clinton  
MARCH 19, 1976 MONROE of Des Moines  
*Adopted 3/26 (1456)* HARVEY of Scott

H-5488

- 1 Amend House File 1346 as follows:
- 2 1. Page 17, by striking all of lines 17
- 3 through 35.
- 4 2. By striking all of pages 18, 19, 20, 21
- 5 and 22.
- 6 3. Page 23, by striking all of lines 1
- 7 through 24.

H-5488 FILED BY HARVEY of Scott *Adopt 3/26 (1458)*  
MARCH 3, 1976

H-5596

- 1 Amend House File 1346 as follows:
- 2 1. Page 6, line 7, by striking the words 4
- 3 "and compel".
- 4 2. Page 16, by striking all of line 31 and B
- 5 inserting in lieu thereof the words "executive
- 6 council."

H-5596 FILED BY HARVEY of Scott *Adopted 3/26 (1457)*  
MARCH 8, 1976

H-5656

- 1 Amend House File 1346 as follows:
- 2 1. Page 8, by striking line 8 and inserting
- 3 in lieu thereof the following:
- 4 "of this Act. Boards of supervisors and city
- 5 councils shall form a joint county-municipal
- 6 disaster".

H-5656 FILED BY MONROE of Des Moines *Adopted 3/26 (1459)*  
MARCH 9, 1976 HARVEY of Scott

- 1 Amend House File 1346 as follows:
- 2 1. Page 1, line 8, by inserting after the  
3 word "earthquake," the word "tornado,". A
- 4 2. Page 3, line 8, by striking the word "ay"  
5 and inserting in lieu thereof the word "any". B
- 6 3. Page 4, by striking lines 22 and 23 and  
7 inserting in lieu thereof the following: "debris  
8 or wreckage from private property, such corporation,  
9 organization or individual shall first agree to  
10 hold harmless the state or local government against  
11 any claim arising".
- 12 4. Page 5, line 20, by adding the following  
13 after the period: "Upon the request of a local  
14 governing body, the governor may also suspend  
15 statutes limiting local governments in their  
16 ability to provide services to aid disaster vic-  
17 tims."
- 18 5. Page 8, line 17, by inserting after the  
19 word "services" the words "as provided in chapter  
20 seventeen A (17A) of the Code".
- 21 6. Page 11, line 16, by inserting after the  
22 word "services" the words "as provided in chapter  
23 seventeen A (17A) of the Code".
- 24 7. Page 12, line 20, by adding the follow-  
25 ing after the period: "The joint county-municipal  
26 disaster services and emergency planning adminis-  
27 tration, a city council, or a board of supervisors  
28 may by a unanimous vote appoint a coordinator who  
29 does not meet the qualifications established by  
30 the director. Such appointment shall be interim  
31 in nature. An interim coordinator shall not hold  
32 office for more than one year unless he or she  
33 shall have met the qualifications established by  
34 the director."

H-5602 FILED  
MARCH 8, 1976

BY MONROE of Des Moines  
HARVEY of Scott

A- Withdrawn  
B- adopted 3/26 (1457)

H-5862

- 1 Amend House File 1346 as follows:
- 2 1. Page 6, line 32, by striking the word "adjutant"  
3 and inserting in lieu thereof the word "governor".
- 4 2. Page 6, by striking lines 33 through 35.
- 5 3. Page 11, line 10, by inserting after the word  
6 "coordinator" the words ", unless appointed under  
7 subsection three (3) of section eight (8) of this  
8 Act".
- 9 4. Page 11, line 34, by striking the word "three"  
10 and inserting in lieu thereof the word "two".
- 11 5. Page 16, line 21, by striking the word  
12 "biennium" and inserting in lieu thereof the word  
13 "year".

H-5862 FILED  
MARCH 18, 1976

BY OAKLEY of Clinton  
MONROE of Des Moines

Adopted 3/26 (1458)

## 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:

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

Sec. 2. NEW SECTION. STATEMENT OF POLICY. Because of existing and increasing possibility of the occurrence of disasters, and in order to insure that preparations of this state will be adequate to deal with such disasters, and to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the state, it is the policy of this state:

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

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

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

Sec. 3. NEW SECTION. DEFINITIONS. "Disaster" means man-made catastrophes and natural occurrences such as fire, flood, earthquake, tornado, windstorm, which threaten the public

peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the state.

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

Sec. 4. NEW SECTION. PROCLAMATION OF STATE OF PUBLIC DISORDER BY GOVERNOR.

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

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

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

of state.

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

- a. Any person being in a public place during the hours declared by the governor to be a period of curfew if this period does not exceed twelve hours in any one day and if its area of its application is specifically designated.
- b. Public gatherings of a designated number of persons within a designated area.
- c. The manufacture, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion.
- d. The possession of any flammable or explosive liquids or materials in a glass or uncapped container, except in connection with normal operation of motor vehicles or normal home and commercial use.
- e. The possession of firearms or any other deadly weapon by a person other than at that person's place of residence or business, except by law enforcement officers.
- f. The sale, purchase, or dispensing of alcoholic beverages.
- g. The sale, purchase, or dispensing of such other commodities as are designated by the governor.
- h. The use of certain streets or highways by the public.
- i. Such other activities as the governor reasonably believes should be prohibited to help maintain life, health, property, or the public peace.

Sec. 5. NEW SECTION. JUDICIAL PROTECTIONS. The supreme court shall promulgate rules for emergency proceedings to be effective upon the declaration of a state of public disorder emergency in order that the constitutional rights of all persons taken into custody shall be adequately protected.

Sec. 6. NEW SECTION. OFFICE OF DISASTER SERVICES. There is created an office of disaster services within the department of public defense. The office of disaster services shall

be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with and support of the civil air patrol, and coordination of available services in the event of a disaster.

Sec. 7. NEW SECTION. PROCLAMATION OF DISASTER EMERGENCY BY GOVERNOR. In exercising the governor's powers and duties under this Act and to effect the policy and purpose, the governor may:

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

2. When, at the request of the governor, the president of the United States has declared a major disaster to exist in this state, enter into purchase, lease, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make such units available to any political subdivision of the

state, to assist any political subdivision of this state which is the locus of temporary housing for disaster victims, to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units, by advancing or lending funds available to the governor from any appropriation made by the legislature or from any other source, allocating funds made available by any agency, public or private, or becoming a copartner with the political subdivision for the execution and performance of any temporary housing for disaster victims project. Any political subdivision of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements are necessary to prepare or equip such sites to utilize the housing units. The governor may temporarily suspend or modify, for not to exceed sixty days, any public health, safety, zoning, transportation, or other requirement of law or regulation within this state when by proclamation, he deems such suspension or modification essential to provide temporary housing for disaster victims.

3. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that a local government of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government for a loan, receive and disburse the proceeds of any approved loan to any applicant local government, determine the amount needed by any applicant local government to restore or resume its governmental functions, and certify the same to the federal government; however, no application amount shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs. The

governor may recommend to the federal government, based upon his review, the cancellation of all or any part or repayment when, in first three full fiscal year period following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

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

5. When the president of the United States has declared a major disaster to exist in the state and upon the governor's

determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant and enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent thereof, and, if state funds are not otherwise available to the governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. NEW SECTION. POWERS AND DUTIES OF ADJUTANT GENERAL. The adjutant general, as the executive director of the department of public defense and under the direction and control of the governor, shall have supervisory direction and control of the office of disaster services and shall be responsible to the governor for the carrying out of the provisions of this Act. In the event of disaster beyond local control, the adjutant general may assume direct operational control over all or any part of the disaster services and emergency planning functions within this state.

Sec. 9. NEW SECTION. POWERS AND DUTIES OF DIRECTOR.

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

2. The director shall be vested with the authority to

administer disaster services and emergency planning affairs in this state and shall be responsible for preparing and executing the disaster services and emergency planning programs of this state subject to the direction of the adjutant general.

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

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

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

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

4. The director, with the approval of the governor and upon recommendation of the adjutant general, may employ a deputy director and such technical, clerical, stenographic and other personnel and make such expenditures within the appropriation or from other funds made available to the department of public defense for purposes of disaster services

and emergency planning, as may be necessary to carry out the purposes of this Act.

Sec. 10. NEW SECTION. JOINT COUNTY-MUNICIPAL ADMINISTRATION.

1. The county boards of supervisors, city councils and boards of directors of school districts shall cooperate with the office of disaster services to carry out the provisions of this Act. Boards of supervisors and city councils shall form a joint county-municipal disaster services and emergency planning administration. Such joint administration shall be composed of a member of the county board of supervisors and the mayor or his representative of the city governments within the county and the sheriff of such county. One member of the joint administration shall be designated as chairperson and one as vice chairperson. The joint administration shall appoint a coordinator who possesses such qualifications as established by rule of the director of the office of disaster services as provided in chapter seventeen A (17A) of the Code. The coordinator shall be responsible to the joint administration for the administration and coordination of all disaster services and emergency planning matters throughout the county, subject to the direction and control of the joint administration. The disaster services and emergency planning coordinator shall prepare a comprehensive countywide disaster plan that shall be subject to the approval of the state office of disaster services. The plan shall be integrated into and coordinated with the disaster plans of the state office of disaster services and other political subdivisions within the state. Each county and city located within the county may appropriate money from the general fund of the county or city for the purpose of paying expenses relating to disaster services and emergency planning matters of such joint administration and establish a joint county-municipal disaster services fund in the office of the county treasurer. The county and cities located in

that county may deposit moneys in such fund, which fund shall be for the purpose of paying expenses relating to disaster services and emergency planning matters of such joint administration. Any reimbursement, matching funds, or moneys received from sale of property obtained through the surplus property program or moneys obtained from any source in connection with the disaster services and emergency planning program, shall be deposited in the joint disaster services fund. Withdrawal of moneys from the joint county-municipal disaster services fund may be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the chairperson or vice chairperson of the joint administration and the coordinator of the joint county-municipal disaster services and emergency planning administration.

2. No later than November fifteenth of each year the joint county-municipal disaster services coordinator and the joint administration shall prepare a proposed budget of all expenses for the ensuing fiscal year. The proposed budget shall include estimated expenses that might be incurred in the event of a natural disaster including, but not limited to, hurricanes, tornadoes, windstorms, or floods, and the necessary training, warning, protection facilities and equipment necessary to minimize the loss of life in the event of acts of aggression. The budget shall contain an itemized list of the proposed salaries of disaster services and emergency planning personnel, their number and their compensation, the estimated amount needed for personnel benefits, travel and transportation, transportation of equipment, rent, communications and utilities, printing and reproduction, supplies and material, equipment, and other services needed. Each year, the chairperson of the joint administration shall, by written notice, call a meeting of the joint administration to consider such proposed budget. The joint administration shall adopt a budget for the ensuing federal fiscal year not later than January fifteenth. At such meeting, the joint administration

shall authorize:

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

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

c. The amount of operating expenses as contained in the proposed budget.

All expenditures shall be subject to the provisions of chapter twenty-four (24) of the Code, and the chairperson or vice chairperson of the joint administration are declared to be the certifying officials.

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

4. If an approved comprehensive countywide disaster plan has not been prepared within one year after the effective date of this Act and the director of the office of disaster services finds that satisfactory progress is not being made toward the completion of such plan, or if the director finds that a joint county-municipal disaster services and emergency planning administration has failed to appoint a qualified coordinator as provided in this Act, the director shall notify the governing bodies of the counties and cities affected by

the failure and the governing bodies shall not appropriate any moneys to the joint county-municipal disaster services fund until the disaster plan is prepared and approved or a qualified coordinator is appointed. If the director finds that a city or county has appointed an unqualified coordinator, the director shall notify the governing body of such city or county citing the qualifications which are not met and the governing body shall not approve the payment of the salary or expenses of the unqualified coordinator, unless appointed under subsection three (3) of section eleven (11) of this Act.

Sec. 11. NEW SECTION. COUNTY OR CITY COORDINATOR.

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

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

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

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

Sec. 12. NEW SECTION. LOCAL MUTUAL AID ARRANGEMENTS.

1. The coordinator of each local organization for disaster services shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with

unassisted. Such arrangements shall be consistent with the office of disaster services plan and program, and in time of emergency it shall be the duty of each local organization for disaster services preparedness to render assistance in accordance with the provisions of such mutual aid arrangements.

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

Sec. 13. NEW SECTION. USE OF EXISTING FACILITIES. In carrying out the provisions of this Act, the governor and the executive director of the department of public defense, and the executive officers or governing boards of political subdivisions of the state shall utilize, to the maximum extent practicable, the services, equipment, supplies and facilities of existing departments, officers, and agencies of the state and of political subdivisions at their respective levels of responsibility.

Sec. 14. NEW SECTION. FUNDS BY GRANTS OR GIFTS.

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

2. If any person shall offer to the state or to any political subdivision of the state, services, equipment, sup-

plies, materials, or funds by way of gift, grant, or loan, for purposes of disaster services and emergency planning, the governor or executive officer of such political subdivision, may accept such offer and, upon such acceptance, the governor of the state or executive officer or governing body of such political subdivision may authorize any officer of the state or of the political subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Sec. 15. NEW SECTION. COMPTROLLER TO ISSUE WARRANTS. The state comptroller shall draw warrants on the treasurer of state for the purposes specified in this Act, upon duly itemized and verified vouchers that have been approved by the director of the office of disaster services.

Sec. 16. NEW SECTION. TAX EXEMPT PURCHASES. All purchases under the provisions of this chapter shall be exempt from the taxes imposed by sections four hundred twenty-two point forty-three (422.43) and four hundred twenty-three point two (423.2) of the Code.

Sec. 17. NEW SECTION. POLITICAL ACTIVITY PROHIBITED.

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

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

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

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

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

Sec. 18. NEW SECTION. OATH OF MEMBERS AND EMPLOYEES. Each person who is appointed to serve in an organization for disaster services shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

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

Sec. 19. NEW SECTION. ENFORCEMENT DUTIES.

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

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

Sec. 20. NEW SECTION. RULES AND ORDER EXEMPTED. Any

order issued or rule promulgated by a state agency during a declared disaster emergency and pursuant to the provisions of this Act shall be exempt from being issued or promulgated as provided in chapter seventeen A (17A) of the Code.

Sec. 21. NEW SECTION. CONTINGENT FUND--GOVERNMENTAL SUBDIVISIONS DISASTER AID.

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

2. The proceeds of such loan shall be applied toward the

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

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

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

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

Sec. 22. NEW SECTION. INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT AUTHORIZED. The interstate civil defense and disaster compact, shall be in effect with all jurisdictions which have joined or which may join in the form substantially as contained in this section, provided that other jurisdictions have signified their joinder with this state by enactment without limitation as to parties or in some other manner sufficient in law to make it clear that joinder has been

effected with this state.

The contracting states solemnly agree:

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

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

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

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

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

4. The effective screening or extinguishing of all lights

and lighting devices and appliances;

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

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

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

8. The safety of public meetings or gatherings; and

9. Mobile support units.

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

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

permit as if issued in the state in which aid is rendered.

Art. 5. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies used in connection with rendering aid.

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

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

Art. 8. A party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; but any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate the services to the receiving party state without charge or cost and any two or more party states may enter into supplementary agreements establishing

a different allocation of costs as among those states. The party state receiving aid may accept relief from the federal government from any liability and the party state supplying civil defense forces may accept reimbursement from the federal government for the compensation paid to and the transportation, subsistence, and maintenance expenses and supplies of such forces during the time of the rendition of such aid or assistance outside the state.

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

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

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

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

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

Art. 14.

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

2. In addition to the occurrences, circumstances and sub-

ject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

- a. Searches for and rescue of persons who are lost, marooned, or otherwise in danger;
- b. Action useful in coping with disasters arising from any cause or designed to increase capability to cope with any such disasters;
- c. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger;
- d. The giving and receiving of aid by subdivisions of party states;
- e. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with, or prevent any disaster or other emergency to which this compact applies.

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

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

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

24.6 EMERGENCY FUND--LEVY. Each municipality as defined herein, may include in the estimate herein required, an estimate for an emergency fund. Each such municipality shall have power to assess and levy a tax for such emergency fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed value of taxable property of the municipality, provided that no such emergency tax levy shall be made until such municipality shall have first petitioned the state board to make such levy and received its approval thereof. Transfers of moneys may be made from the emergency fund to any other fund of the municipality for the purpose of meeting deficiencies in any such fund arising from any cause, provided, however, that no such transfer shall be made except upon the written approval of the state board, and then only when such approval is requested by a two-thirds vote of the governing body of said municipality. Approval may be granted by the state board upon an application approved by a two-thirds vote of the board of supervisors of a county to use this fund for the purpose of matching funds available to such county from federal programs including, but not limited to, crime control, public health, civil-defense disaster services, highway safety, juvenile delinquency, narcotics control and pollution.

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

29.1 MILITARY AND CIVIL FORCES CO-ORDINATED. There shall be an agency of the state government to be known as the department of public defense of the state of Iowa, which shall be composed of the military agency as provided in the laws of this state and the civil-defense-agency office of disaster services as provided in the laws of the state. The adjutant general, state of Iowa, shall be executive director of the department of public defense.

Sec. 25. Section twenty-nine point three (29.3), Code

1975, is amended to read as follows:

29.3 ~~CIVIL-DEFENSE~~ DISASTER SERVICES. There shall be within the department of public defense of the state government, as a division thereof, ~~a-state-civil-defense agency~~ an office of disaster services which shall be styled and known as the "~~civil-defense-division~~ office of disaster services, department of public defense", with a director of ~~civil-defense~~ the office of disaster services who shall be the head thereof. The adjutant general, as the executive director of the department of public defense shall exercise supervisory authority over the division.

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

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

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

29A.8 ACTIVE SERVICE. The governor shall have the power to order into active state service such of the military forces of the state, including retired national guardsmen, both army and air, ~~who are willing to return to service,~~ as he may deem proper, under command of such officer as he may designate, in cases of insurrection or invasion, or imminent danger thereof, or for the purpose of aiding the civil authorities of any political subdivision of the state in maintaining

law and order in such subdivision in cases of breaches of the peace or imminent danger thereof, if the law enforcement officers of such subdivision are unable to maintain law and order, and the civil authorities request such assistance. If circumstances necessitate the establishment of a military district under martial law and the general assembly is not convened, such district shall be established only after the governor has issued a proclamation convening an extraordinary session of the general assembly.

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

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

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

29A.41 EXEMPTION FROM JURY AND OTHER EXEMPTIONS. Every officer and enlisted person of the national guard while in active state service shall be exempt from jury duty. No member of the national guard shall be arrested, or served with any summons, order, warrant or other civil process after having been ordered to any duty, or while going to, attending, or returning from, any place to which the officer or enlisted person is required to go for military duty. Nothing herein shall prevent the officer's or enlisted person's arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of the

officer's or enlisted person's duty. The articles of equipment personally owned by such members shall be exempt from seizure or sale for debt. Every member of the national guard who has faithfully served the full term of the member's commission, warrant or enlistment, shall, upon application, be entitled to an honorable discharge, exempting the member from military duty except in time of war or public danger.

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

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

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

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1346, Sixty-sixth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved \_\_\_\_\_, 1976

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ROBERT D. RAY  
Governor