



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

March 22, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2137, an Act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





House File 2137

AN ACT
RELATING TO THE MILITARY DIVISION OF THE DEPARTMENT OF PUBLIC
DEFENSE CONCERNING STATE MILITARY SERVICE AND THE IOWA CODE
OF MILITARY JUSTICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 29A.8A, Code 2009, is amended to read as follows:

29A.8A State military service.

1. If federal funding and authorization exist for this purpose, the governor may order to state military service the military forces of the Iowa army national guard or Iowa air national guard as the governor may deem appropriate for the purposes of homeland security, homeland defense, or other duty.

2. A state employee shall take either a full day's leave in accordance with section 29A.28 or eight hours of compensatory time on a day in which the state employee receives a full day's pay from federal funds for ~~national guard duty~~ state military service.

3. When performing state military service, the adjutant general, a deputy adjutant general, or the state quartermaster

shall not be considered a state employee, except for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefits plans.

Sec. 2. Section 29B.37, Code 2009, is amended to read as follows:

29B.37 Adjutant general may prescribe rules.

The procedures, including modes of proof, in cases before military courts and other military tribunals shall be prescribed by the adjutant general by rule, but shall not be contrary to or inconsistent with this code. ~~This code shall be construed as to effectuate the general purpose of uniformity so far as practical with the uniform code of military justice, 10 U.S.C. ch. 47.~~ All courts and other proceedings shall be conducted under the procedural rules established under 10 U.S.C. ch. 47 unless otherwise provided in this code.

Sec. 3. Section 29B.47, subsection 3, Code 2009, is amended to read as follows:

3. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state United States and shall be executed by civil officers as prescribed by laws of the state United States or the place where the witness or evidence is located.

Sec. 4. NEW SECTION. **29B.107A Wrongful use or possession of controlled substances.**

1. Any person subject to this code who wrongfully uses, possesses, manufactures, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces of the United States or of the state military forces, a controlled substance shall be punished as a court-martial may direct.

2. For purposes of this section, "*controlled substance*" includes but is not limited to any of the following:

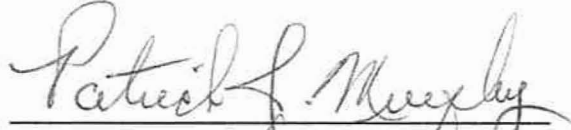
a. Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

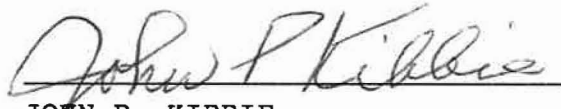
b. Any substance listed on a schedule of controlled substances prescribed by the president of the United States for the purposes of the uniform code of military justice, 10 U.S.C. ch. 47.

c. Any substance listed in schedules I through V of section 202 of the federal Controlled Substances Act, 21 U.S.C. § 812.

Sec. 5. NEW SECTION. 29B.130 Uniformity of interpretation.


This code shall be construed as to effectuate the general purpose of uniformity, so far as practical, with the uniform code of military justice, 10 U.S.C. ch. 47.

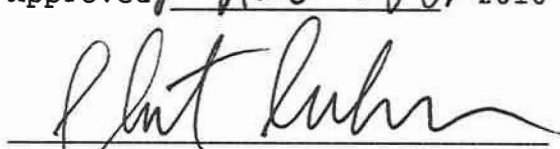

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2137, Eighty-third General Assembly.

Approved March 22nd 2010


MARK BRANDSGARD
Chief Clerk of the House


CHESTER J. CULVER
Governor