

CHAPTER 9

LOCAL BUDGET LAW. LIMITATION ON MUNICIPAL EXPENDITURES

S. F. 109

AN ACT to amend section three hundred eighty (380), Code, 1931, as amended by chapter fourteen (14), acts Forty-fifth General Assembly, relating to the limitation on expenditures of certain municipalities.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred eighty (380), Code, 1931, as
2 amended by chapter fourteen (14), acts Forty-fifth General Assem-
3 bly, is hereby amended by adding to said section the following:

4 "And except that any city having a population over twenty-four
5 thousand (24,000) and not exceeding twenty-seven thousand (27,000)
6 may, during 1933 and prior to April 1, 1934, exceed its levy in the
7 street improvement fund by any sum not exceeding twenty-five thou-
8 sand (25,000) dollars."

1 SEC. 2. This act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in the Clin-
3 ton Herald, a newspaper published in the city of Clinton, Iowa, and
4 in the DeWitt Observer, a newspaper published in the city of DeWitt,
5 Iowa, without expense to the state.

Senate File No. 109. Approved January 13, 1934.

I hereby certify that the foregoing act was published in the Clinton Herald, January 19, 1934, and DeWitt Observer, January 18, 1934.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 10

MILITARY CODE

S. F. 276

AN ACT to revise and modernize the military laws of the state of Iowa, to define the military force of this state, to provide for their organization, equipment, training, pay and regulation, to provide for the incorporation of companies and organizations therein, to prohibit the unauthorized wearing of the military uniform, to provide for the appointment and retirement of officers, to provide for the use of the military force of this state, to provide for military courts and define their duties, to provide for the issuance and protection of state and government property and funds, to provide for the appointment of the adjutant general and other officers and boards, to provide for the control and improvement of the military reservation and rifle ranges, to make certain appropriations for the support of the military force, to repeal chapter twenty-eight (28), Code, 1931, and chapters seventeen (17) and eighteen (18) of the acts of the Forty-fifth General Assembly, relating to and constituting the military laws of this state.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Military forces.** The military forces of this state
2 shall consist of those persons subject to military duty in the militia
3 as defined in the constitution of the state, and those persons subject
4 to duty in the national guard as defined in the national defense act
5 of the United States, except that honorably discharged soldiers,

6 sailors, and marines of the United States shall be exempt from mili-
7 tary service in this state at their election.

1 **SEC. 2. General definitions.** When used in this act, the following
2 words, terms and phrases shall have the following meanings:

3 The word "militia" shall mean the forces provided for in the con-
4 stitution of Iowa.

5 The term "national guard" shall mean that part of the military
6 force of the state that is organized, equipped and federally recognized
7 under the provisions of the national defense act of the United States
8 as the "national guard of the United States and the state of Iowa."
9 It shall also include the term "national guard of the state of Iowa."

10 The word "company" as used in this act shall be understood and
11 construed to include a company of infantry, engineers, signal corps,
12 a flight of the air service, a battery of field artillery, a troop of
13 cavalry, or any similar organization in any branch of the military
14 service authorized by federal law for this state, including a permanent
15 detachment.

16 The word "battalion" applies in like manner to "squadron" of
17 cavalry, and of the air service.

18 The term "active service" shall be understood and construed to be
19 service on behalf of the state, in case of public disaster, riot, tumult,
20 breach of the peace, resistance of process, or whenever the same is
21 threatened, whenever called upon in aid of civil authorities, or under
22 martial law, or at encampments whether ordered by state or federal
23 authority, or upon any other duty requiring the entire time of the
24 organization or person, except when called or drafted into the federal
25 service by the president of the United States.

26 The term "on duty" shall include periods of drill and such other
27 training and service as may be required under state or federal law,
28 regulations, or orders.

29 The terms "in service of the United States" and "not in service of
30 the United States", used herein, shall be understood to mean and be
31 the same as such terms are used in the national defense act of con-
32 gress, approved June 3, 1916, and amendments thereto.

1 **SEC. 3. Military organizations prohibited.** It shall be unlawful
2 for any body of men, other than the national guard and the troops
3 of the United States, to associate themselves together as a military
4 organization within the limits of this state without the written per-
5 mission of the governor, which he may at any time revoke, but this
6 provision shall not prevent civic, social, or benevolent organizations
7 from wearing uniforms and swords not in conflict with the other
8 provisions of this chapter.

1 **SEC. 4. Uniform—by whom worn—when—penalty.** Every per-
2 son who at any time wears a uniform of the United States army,
3 navy, marine corps, or the national guard, or any part of such uni-
4 form, or a uniform or a part of a uniform similar thereto, within
5 the bounds of the state, is guilty of a misdemeanor, and if found
6 guilty of such offense, he shall be punished by a fine of not less than
7 fifty dollars and not more than one hundred dollars, or by imprison-
8 ment in the county jail not exceeding thirty days, or by both such fine

9 and imprisonment; provided, that nothing in this section shall be con-
10 strued as prohibiting officers or enlisted men of the national guard
11 of the state of Iowa, or any other state, or of the United States army,
12 navy, marine corps, or revenue service, or forest service, or cadets
13 of any university, college or school, from wearing such uniform or
14 parts of uniform, while on military duty or duty connected there-
15 with; and provided, further, that nothing in this section shall be con-
16 strued as prohibiting members of any veterans' association from
17 wearing their uniforms; and provided, further, that nothing in this
18 section shall be construed as prohibiting persons of the theatrical
19 profession from wearing such uniforms in any playhouse or theatre
20 while actually engaged in following their profession, and provided,
21 further, that nothing in this section shall be construed as prohibiting
22 the uniformed ranks of civic societies from parading or traveling
23 in a body or being in encampments, or going to or from their places
24 of meeting or assembling in a lodge room in their adopted uniforms.

1 **SEC. 5. Not to be discriminated against.** No person shall dis-
2 criminate against any officer or enlisted man of the national guard
3 because of his membership therein. No person shall prohibit or
4 refuse entrance to any officer or enlisted man of the army or navy
5 of the United States, or of the military forces of this state, into any
6 public entertainment or place of amusement because such officer
7 or enlisted man is wearing a uniform of the organization to which
8 he belongs. No employer, officer or agent of any corporation, com-
9 pany, firm or other person, shall discharge any person from employ-
10 ment because of being an officer, warrant officer or enlisted man of
11 the military forces of the state, or hinder or prevent him from per-
12 forming any military service he may be called upon to perform by
13 proper authority, in respect to his employment, trade or business.
14 Any person violating any of the provisions of this section shall be
15 punished by a fine of not to exceed one hundred dollars, or by im-
16 prisonment in the county jail for a period of not to exceed thirty
17 days, or by both such fine and imprisonment.

1 **SEC. 6. Organization—armament — equipment — discipline.** The
2 organization, armament, equipment and discipline of the national
3 guard, and the militia when called into active service, except as here-
4 inafter specifically provided, shall be the same as that which is now
5 or may be hereafter prescribed under the provisions of federal law
6 and regulations as to those requirements which are mandatory
7 therein, but as to those things which are optional therein they shall
8 become effective when an order or regulation to that effect shall have
9 been promulgated by the governor.

1 **SEC. 7. Composition of national guard.** The national guard shall
2 consist of such organizations as may be specified by the secretary of
3 war, with the approval of the governor, in accordance with federal
4 law and regulations.

1 **SEC. 8. Regulations governing.** The national guard shall be sub-
2 ject to the provisions of federal law and regulations relating to the
3 government, discipline and uniforming thereof, and to the provisions

4 of the military code of Iowa, and to regulations published pursuant
5 thereto.

1 **SEC. 9. Incorporation of companies.** Companies may incorporate
2 under the chapter of the code of Iowa authorizing corporations not
3 for pecuniary profit. The articles of incorporation may provide for
4 the methods of administration of civil business, and may provide for
5 such officers as may be deemed necessary. The articles of incorpora-
6 tion shall be approved by the regimental commander and the adjutant
7 general, and such approval indorsed thereon, before the same are
8 recorded. They must provide, among other things, that the name of
9 the corporation shall be identical with the military designation of
10 the organization, and that the officers of the company shall be officers
11 of the corporation.

1 **SEC. 10. Rules and by-laws—capacity to sue.** Each company may
2 make rules and by-laws for its own government, not in conflict with
3 existing laws, regulations and orders, subject to the approval of the
4 regimental commander. Any person who is, by such rules and by-
5 laws, made the custodian of any funds, whether originally derived
6 from federal, state or other sources, shall have legal capacity to sue
7 for the collection thereof or an accounting therefor.

1 **SEC. 11. Qualifications of officers.** Officers of the national guard,
2 except the adjutant general, the assistant adjutant general, the United
3 States property and disbursing officer, and/or the state quarter-
4 master, shall be selected from the classes of persons having the quali-
5 fications prescribed by federal law and regulations. They shall be
6 appointed by the governor upon the recommendation of their
7 superiors in the chain of command. They shall be commissioned when
8 they shall have successfully passed such tests as to physical, moral
9 and professional fitness as shall be prescribed by federal law and
10 regulations. Each officer when commissioned shall take the oath of
11 office prescribed by congress, and shall hold office until he shall have
12 attained the age of sixty-four years, unless his commission is sooner
13 vacated by resignation, death or as hereinafter provided. In case
14 the officer has no immediate superiors, within the state, in the chain
15 of command, he shall be appointed, as above provided, upon the rec-
16 ommendation of the adjutant general. The commission shall desig-
17 nate the arm or branch of service in which the officer is commissioned.

1 **SEC. 12. Commissions may be vacated.** The moral character,
2 capacity and general fitness for the service of any national guard
3 officer may be determined at any time by an efficiency board as pro-
4 vided by federal law and regulations. Commissions of officers of
5 the national guard may be vacated upon resignation, absence with-
6 out leave for three months, upon the recommendation of an efficiency
7 board, or pursuant to sentence of a court martial. Any officer per-
8 manently removing from the state shall resign his commission upon
9 request of the adjutant general or make application to be placed upon
10 the inactive list, and upon failure so to do, his commission shall be
11 revoked by the governor. Officers rendered surplus by the disband-
12 ment of their organization shall be disposed of as provided by federal
13 law and regulations. Officers may, upon their own application, be

14 placed on the inactive list, as may be authorized by federal law and
15 regulations.

1 **SEC. 13. Unassigned list.** There shall be maintained in the office
2 of the adjutant general a list to be known as the unassigned list, to
3 which officers may be transferred, pending their resignation or re-
4 moval from the service. Any officer may be transferred by the
5 adjutant general to such unassigned list upon the recommendation
6 of his commanding officer, either immediate or remote. Before such
7 transfer is made the adjutant general shall notify the officer, either
8 in person or by registered letter mailed to his last known address
9 of the intended transfer. The officer shall have ten days from the
10 date of mailing of said notice in which to apply to the adjutant gen-
11 eral for an efficiency board. Should the officer fail to apply for an
12 efficiency board, the transfer shall be made upon the expiration of
13 the ten-day period. If the officer requests an efficiency board, the
14 adjutant general will be governed by the finding of such board. All
15 officers transferred to such unassigned list shall remain subject to
16 military discipline and to courts martial for military offenses to the
17 same extent and in like manner as if upon the active list.

1 **SEC. 14. Inactive national guard.** An inactive national guard may
2 be organized and maintained as may be prescribed or authorized by
3 federal law and regulations.

1 **SEC. 15. Retirement of commissioned officers.** Any commissioned
2 officer of the national guard who has, or shall have served as such
3 officer for a period of not less than ten years in the national guard,
4 or who has, or shall have served, for a period of not less than ninety
5 days, in the army or navy of the United States during any war, and
6 who is honorably discharged therefrom, and who has, or shall have
7 served as such officer in the national guard for a period of not less
8 than five years, who resigns or is retired, or who is now or may
9 hereafter become disabled and retired, may, upon his request in writ-
10 ing to the adjutant general, stating his grounds therefor, be placed,
11 by order of the commander-in-chief, on a roll in the office of the
12 adjutant general to be known as the "roll of retired officers." Any
13 officer registered on the roll of retired officers as above provided is
14 entitled to wear the uniform of the rank last held by him on state
15 or other occasions of ceremony, when the wearing of such uniform
16 is not in conflict with federal law. The adjutant general shall have
17 the power, on good cause shown, to retire any officer, as herein pro-
18 vided, in the next higher grade held by said officer during his mili-
19 tary service.

1 **SEC. 16. Officers—powers and duties—administration of oaths.**
2 In addition to the powers and duties prescribed in this chapter, all
3 commissioned officers of the national guard shall have the same
4 powers and perform the same duties as commissioned officers of
5 similar rank and position in the army of the United States insofar
6 as may be authorized by federal law. They are authorized to admin-
7 ister oaths in all matters connected with the service.

1 **SEC. 17. Bonds of officers.** Each officer to whom there shall be
2 issued, or who shall be accountable for arms, equipment, uniforms,

3 and any other state or United States property for military uses, or
4 who shall have the control, custody, or disbursement of funds as pro-
5 vided for in this chapter, shall, before the delivery to him of such
6 arms, equipment, uniform, and other state or United States property,
7 and the receipt of such funds, execute and deliver to the adjutant
8 general a bond therefor, with sureties to be approved by the governor,
9 and payable to the state, in such amount as may be fixed by the gov-
10 ernor, conditioned for the proper care, use, and return in good order,
11 wear, use, and unavoidable loss and damage excepted, of all such
12 state and United States property, and the proper care and faithful
13 disbursement and accounting of all funds coming into the hands of
14 such officer. Upon the violation of any of the conditions of such
15 bond, action thereon shall be brought by the adjutant general on
16 behalf of the state, and any recovery thereon shall be credited to the
17 guard funds of the state. It shall be the duty of the attorney general
18 of the state to prosecute all actions upon such bonds.

1 **SEC. 18. Accounting to adjutant general.** No further payments
2 shall be made under any provision of this chapter to the accountable
3 officer of any organization or unit who does not fully and satisfac-
4 torily account to the adjutant general for all moneys theretofore paid
5 to him under any provisions of this chapter.

1 **SEC. 19. False certificate or return.** Any officer or soldier of the
2 national guard who knowingly makes any false certificate of muster
3 or false return of federal or state property or funds in his possession
4 shall be guilty of a misdemeanor.

1 **SEC. 20. Misuse of funds or property.** Any officer or soldier of
2 the national guard who wilfully neglects or refuses to apply all
3 money, in his possession drawn from the state treasury, to the pur-
4 pose for which such money was appropriated or who fails or refuses
5 to account for or return any state or federal property or funds in
6 his possession shall be guilty of the crime of embezzlement by bailee
7 and punished accordingly.

1 **SEC. 21. Compensation for services, death and injury.** Officers
2 and enlisted men while in active service of the state shall receive the
3 same pay and allowances as paid for the same rank or grade for
4 service in the army of the United States.

5 In the event any officer or enlisted man shall be killed while on
6 duty or in active service, in line of duty, or shall die as a result of
7 injuries received while on duty or in active service, in line of duty,
8 his dependents, as defined by the workmen's compensation law of
9 the state, shall receive the maximum compensation as provided by
10 the said law.

11 Officers and/or enlisted men who suffer injuries or contract disease,
12 in line of duty, while on duty or in active service, shall receive hos-
13 pitalization and medical treatment, and the pay and allowances of
14 their grade during the period that they are unable to resume their
15 civilian occupation; but no commissioned officer shall be paid after
16 the termination of said service or duty more than the pay and allow-
17 ances of a second lieutenant.

18 All payments herein provided for shall be paid on the approval of
19 the adjutant general by warrant drawn against any state funds not
20 otherwise appropriated.

21 In the event of compensation for said service, death or injuries,
22 being paid in part by the federal government, the state shall pay
23 only the balance necessary to make the above designated amounts.

1 **SEC. 22. Enlistments.** All enlistments in the national guard shall
2 be as prescribed by federal law and regulations.

1 **SEC. 23. State staff corps and detachment.** The number and
2 grade of officers and enlisted men in the state staff corps and detach-
3 ment shall be as prescribed by federal law and regulations, but in
4 case of war, invasion, insurrection, riot or imminent danger thereof,
5 the governor may temporarily increase such force to meet such
6 emergency. All officers of state staff corps and detachment appointed
7 shall have had previous military experience and shall hold their posi-
8 tions until they shall have reached the age of sixty-four years, unless
9 retired prior to that time by reason of resignation, disability, or for
10 cause to be determined by an efficiency board or a court martial, as
11 the exigencies of the case may warrant, legally convened for that
12 purpose, and vacancies among said officers shall be filled by appoint-
13 ment from the officers of the national guard.

1 **SEC. 24. Exemptions.** Every officer and soldier of the national
2 guard shall be exempt from jury duty and the payment of poll tax
3 and/or labor on the road on account of poll tax during his term of
4 service. No member of the national guard shall be arrested, or
5 served with any summons, order, warrant, or other civil process
6 after having been ordered to any duty, or while going to, attending,
7 or returning from, any place to which he is required to go for mili-
8 tary duty. Nothing herein shall prevent his arrest by order of a
9 military officer or for a felony or breach of the peace committed while
10 not in the actual performance of his duty. The articles of equipment
11 personally owned by such members shall be exempt from seizure or
12 sale for debt. Every member of the national guard who has faith-
13 fully served the full term of his commission or enlistment, shall,
14 upon application, be entitled to an honorable discharge, exempting
15 him from military duty except in time of war or public danger.

1 **SEC. 25. State and municipal officers and employees not to lose**
2 **pay while on duty.** All officers and employees of the state, or a sub-
3 division thereof, or a municipality therein, who are members of the
4 national guard, shall, when ordered by proper authority to active
5 service, be entitled to a leave of absence from such civil employment
6 for the period of such active service, without loss of status or
7 efficiency rating, and without loss of pay during the first thirty days
8 of such leave of absence.

1 **SEC. 26. Governor to be commander-in-chief.** The governor shall
2 be the commander-in-chief of the military forces, except so much
3 thereof as may be in actual service of the United States, and may
4 employ the same for the defense or relief of the state, the enforce-
5 ment of its laws, and the protection of life and property therein.

1 **SEC. 27. Staff of the governor—how selected.** The staff of the
2 governor shall consist of the adjutant general, who shall be the chief
3 of staff; the assistant adjutant general, who shall be assistant chief
4 of staff, and twelve aides. The aides shall be detailed at the pleasure
5 of the governor, from the active, reserve, or retired commissioned
6 personnel of the national guard, officers' reserve corps, or the regular
7 army on duty in the state, with the rank then held by them or last
8 held by them.

1 **SEC. 28. The governor may order out troops.** The governor shall
2 have the power, in cases of insurrection, invasion, or breaches of
3 peace, or imminent danger thereof, to order into the service of the
4 state such of its military forces as he may think proper, under the
5 command of such officer as he may designate.

1 **SEC. 29. Aid to civil authorities.** When the law enforcing officers
2 of any subdivision or subdivisions of the state are unable to maintain
3 law and order, the governor shall have the power, on the request
4 of the civil authorities of such subdivision or subdivisions, in case of
5 breaches of peace or imminent danger thereof, to order into active
6 service of the state such of its military forces as he may deem proper,
7 under the command of such officer as he may designate, for the pur-
8 pose of aiding the civil authorities in maintaining law and order in
9 such subdivision or subdivisions.

1 **SEC. 30. Assault on troops.** Whenever the national guard is
2 called into service under proclamation of the governor for the per-
3 formance of any duties contemplated in this act, any person who
4 wilfully assaults, or fires at, or throws any dangerous missile at,
5 against, or upon any member or body of the national guard so en-
6 gaged, or civil officer or other persons lawfully aiding or assisting
7 them in the discharge of their duties, shall be deemed guilty of a
8 felony and upon conviction shall be imprisoned in the state peniten-
9 tiary not more than two years.

1 **SEC. 31. Compensation and expenses of the national guard.** When
2 in active service of the state, pursuant to the order of the governor,
3 the compensation and expenses of the national guard and claims of
4 the members thereof for injury or illness incurred in line of duty,
5 shall be paid out of any funds in the state treasury not otherwise
6 appropriated.

1 **SEC. 32. Courts of inquiry.** Courts of inquiry, to consist of one
2 or more officers, may, and on the request of the officers involved shall,
3 be instituted by the governor for the purpose of investigating the
4 conduct of any officer, or any accusation or imputation against him,
5 or any acts made the subject of military complaint. Such court of
6 inquiry shall, without delay, report a statement of facts and, when
7 required, the evidence adduced and an opinion with recommendations
8 thereon to the governor, who may, in his discretion, thereupon order
9 court martial for the trial of the officer whose conduct has been
10 inquired into.

1 **SEC. 33. Jurisdiction outside of occupied territory.** Troops oc-
2 cupping a military district established under martial law, may, if

3 necessary, pursue, arrest and subpoena persons wanted in said mili-
4 tary district, anywhere within the state of Iowa.

1 **SEC. 34. Service of process.** All peace officers of the state shall
2 serve process and execute the orders of a military court in the same
3 way and to the same extent as corresponding instruments of civil
4 courts.

1 **SEC. 35. Offenders may be committed to jail.** In default of pay-
2 ment of any fine, forfeiture, or costs imposed by any military court
3 after approval of sentence by the reviewing authority, the offender
4 shall be committed to any county jail designated by said courts for
5 a period equal to one day for each dollar of fine imposed and unpaid.

1 **SEC. 36. Prisoners to be kept in county jail.** The keepers and
2 wardens of all county jails or state institutions are required to receive
3 and confine all military offenders or other persons when delivered to
4 them, under the proper certificate of commitment of a military court
5 or commanding officer, for and during the term of sentence or con-
6 finement as set forth in said commitment.

1 **SEC. 37. Not liable for acts performed under orders.** The com-
2 manding officer and members of any of the military forces engaged
3 in the suppression of an insurrection, the dispersion of a mob, or
4 the enforcement of the laws, shall have the same immunity as peace
5 officers.

1 **SEC. 38. Attorney general or judge advocate to defend.** If a suit
2 or proceeding shall be commenced in any court by any person against
3 any officer of the military forces for any act done by such officer in
4 his official capacity in the discharge of any duty under this chapter,
5 or against any soldier acting under the authority or order of any
6 such officer, or by virtue of any warrant issued by him pursuant to
7 law, it shall be the duty of the attorney general or judge advocate
8 to defend such person. The costs of such defense shall be paid out
9 of any funds in the state treasury not otherwise appropriated. Before
10 any suit or proceeding shall be filed or maintained against any officer
11 or soldier as herein provided, the plaintiff shall be required to give
12 security, to be approved by the court in a sum not less than one hun-
13 dred dollars to secure the costs. If the plaintiff fails to recover
14 judgment such costs shall be taxed and judgment rendered therefor
15 against him and his sureties.

1 **SEC. 39. No action shall be maintained.** No action or proceeding
2 shall be maintained against any officer by whom a military court is
3 ordered, or against any member of a military court or commission,
4 officer or agent acting under its authority, or reviewing its proceed-
5 ings, on account of the imposition of a fine or penalty or for the
6 execution of a sentence of any person, unless it be shown that such
7 officer, member or agent has acted from motives of malice.

1 **SEC. 40. Adjutant general.** There shall be an adjutant general
2 of the state who shall be appointed and commissioned by the governor,
3 upon the recommendation of a majority of the general officers and
4 regimental commanders of the national guard, upon the expiration

5 of the term of the present adjutant general, and shall have the rank
6 of brigadier general who shall hold office for a term of four years.
7 At the time of his appointment he shall be a commissioned officer of
8 the national guard with not less than ten years' military service in
9 the armed forces of this state or of the United States, at least five
10 of which have been commissioned service, and who shall have reached
11 the grade of a field officer. He shall be removed only upon conviction
12 of a violation of the articles of war, by a court martial appointed
13 pursuant to such articles.

1 **SEC. 41. Assistant adjutant general.** There shall be an assistant
2 adjutant general of the state who shall be appointed by the governor,
3 upon the recommendation of the adjutant general. He shall have such
4 rank as is consistent with federal law and regulations and at the
5 time of his appointment shall be a commissioned officer of the national
6 guard with not less than five years' military service in the armed
7 forces of this state or of the United States, at least three of which
8 shall have been commissioned service and he shall have reached the
9 grade of captain. He shall hold office as provided for the adjutant
10 general.

1 **SEC. 42. Duties of adjutant general and assistant adjutant gen-**
2 **eral.** The adjutant general shall have control of the military depart-
3 ment of the state, and perform such duties as pertain to the office
4 of the adjutant general under federal law and regulations. He shall
5 superintend the preparation of all letters and reports required by
6 the United States from the state, and perform all the duties pre-
7 scribed by law. He shall have charge of the state military reserva-
8 tions, and all other property of the state kept or used for military
9 purposes. It shall be the duty of the adjutant general to cause an
10 inventory to be taken at least once each year of all military stores,
11 property and funds under his jurisdiction. He shall in each year
12 preceding a regular session of the general assembly make out a
13 detailed report of the transactions of his office, the expenses thereof,
14 and such other matters as shall be required by the governor for the
15 period since the last preceding report, and the governor may at any
16 time require a similar report.

17 The adjutant general shall make and preserve by counties a per-
18 manent registry of the graves of all persons who shall have served
19 in the military or naval forces of the United States in time of war,
20 and whose mortal remains may rest in Iowa.

21 The adjutant general is authorized to enter into an agreement
22 with the secretary of war to operate the water plant at Camp Dodge
23 for the use and benefit of the United States, its successors and assigns,
24 upon such terms and conditions as shall be approved by the governor,
25 provided, that such operation shall be at a profit to the state.

26 The assistant adjutant general shall serve in the office of the ad-
27 jutant general and aid him by performing such duties as the adjutant
28 general may assign him. In the absence or disability of the adju-
29 tant general he shall perform the duties of that office as acting ad-
30 jutant general.

1 **SEC. 43. Appropriation for inventory.** For the purpose of mak-
2 ing the inventory provided for in the foregoing section there is hereby

3 appropriated the sum of twenty-five hundred dollars or so much
4 thereof as may be necessary for the biennium ending June 30, 1935.

1 **SEC. 44. Military reservations — improvements.** The adjutant
2 general, with the approval of the governor, is authorized to expend
3 from the funds appropriated for the support and maintenance of
4 the national guard, and the permanent Camp Dodge improvement
5 fund, such amounts as may be necessary in the purchase of additional
6 land, erection of buildings and other improvements on the state
7 military reservations and rifle ranges purchased by the state for the
8 use of the national guard or purchased by the United States for the
9 use of the national guard, when, in his judgment, such buildings and
10 improvements will be for the benefit of the national guard.

1 **SEC. 45. Swimming pool at Camp Dodge.** The adjutant general
2 shall have authority to lease or operate the swimming pool at Camp
3 Dodge. The net proceeds therefrom shall be deposited with the treas-
4 urer of state as a permanent Camp Dodge improvement fund.

1 **SEC. 46. Governor to appoint disbursing officer.** The governor,
2 pursuant to federal authority, shall appoint, designate, or detail,
3 upon recommendation of the adjutant general, an officer of the na-
4 tional guard who shall be property and disbursing officer of the
5 United States for the state of Iowa. He shall receipt and account
6 for all funds and property belonging to the United States in posses-
7 sion of the national guard of this state, and shall make such returns
8 and reports concerning the same as may be required by the secretary
9 of war. He shall render, through the war department, such accounts
10 of federal funds intrusted to him for disbursement as may be required
11 by the treasury department. Before entering upon the performance
12 of his duties as property and disbursing officer he shall be required
13 to give good and sufficient bond to the United States, the amount
14 thereof to be determined by the secretary of war, for the faithful
15 performance of his duties and for the safekeeping and proper dis-
16 position of the federal property and funds intrusted to his care. The
17 said property and disbursing officer may also be the quartermaster
18 of the state.

1 **SEC. 47. State quartermaster.** There shall be detailed from the
2 quartermaster corps of the state, an officer who shall be the quarter-
3 master and property officer of the state, and as such, shall have charge
4 of and be accountable for, under the adjutant general, all the state
5 military property, and who may be the United States property and
6 disbursing officer. He shall keep such property returns and reports
7 on the same and shall give such bond to the state of Iowa as the
8 governor may direct.

1 **SEC. 48. Armory board.** The governor shall appoint an armory
2 board which shall consist of the adjutant general, and four other
3 officers from the active, inactive, or retired commissioned personnel
4 of the national guard. The board shall meet at such times and places
5 as are ordered by the governor. The four officers so appointed shall
6 serve at the pleasure of the governor. The board shall, for each unit
7 of the national guard, fix the rent allowance to be paid by the state
8 for other than state-owned armories, and shall acquire, contract,

9 erect, purchase, sell, maintain, repair and alter state-owned armories
10 subject to the laws made and provided therefor. Said board may lease
11 property to be used for armory purposes, said lease to extend for
12 any period but not to exceed fifteen years.

13 The board shall fix the amount to be paid to commanding officers
14 of each division, brigade, regiment, battalion, company or other unit
15 of the national guard for headquarters expenses and shall provide
16 by regulation how the same shall be disbursed by such commanding
17 officers. The actions of the armory board shall be subject to the
18 approval of the governor.

19 The allowances made by the armory board shall, when approved
20 by the governor, be paid from the funds appropriated for the support
21 and maintenance of the national guard.

1 **SEC. 49. Tax exemptions of armories—use of public utilities.** All
2 personal and real property held and used for armory or military
3 purposes shall be exempt from taxation; and it shall be lawful for
4 any county or city or town which owns public utilities to grant to
5 any organization or unit of the national guard, which is stationed
6 in such place, the free use of such public utilities.

1 **SEC. 50. Rifle ranges.** The sum of three hundred dollars annually
2 or so much thereof as is necessary, is hereby allowed to each company
3 or other unit of the national guard for the procurement, construction,
4 and maintenance of a rifle or pistol range. The payments herein
5 provided shall be made from the funds appropriated for the support
6 and maintenance of the national guard.

1 **SEC. 51. Drill allowances for organizations.** Each company or
2 similar unit of the national guard showing attendance and actual
3 drill of those present for such drills as are prescribed in compliance
4 with the national defense act or subsequent amendment thereto, or
5 substitute therefor, and such regulations as may be prescribed from
6 time to time by the secretary of war, pursuant thereto, shall be
7 allowed semiannually for miscellaneous military purposes, the sum
8 of four dollars per capita, based on the average enlisted strength
9 during such semiannual period, but when the average attendance dur-
10 ing any semiannual period falls below fifty per cent of the average
11 enlisted strength in that period, then and in that event such unit
12 shall forfeit all right or claim to any such allowance. The semiannual
13 periods herein referred to shall begin January first and July first.
14 This allowance shall be paid from the funds appropriated for the
15 support and maintenance of the national guard, and the adjutant
16 general shall prescribe regulations governing its expenditure.

1 **SEC. 52. Training.** The governor may order the national guard
2 into camp for field training each year for such period as he may
3 direct. He may, in his discretion, order such organizations or per-
4 sonnel of the national guard, as he may deem proper, to assemble
5 for purposes of drill, instruction, parade, ceremonies, guard and
6 escort duty, and schools of instruction, and prescribe all regulations
7 and requirements therefor.

8 The governor shall also provide for the participation of the na-
9 tional guard, or any portion thereof, in field training at such times

10 and places as may be designated by the secretary of war, pursuant
11 to any act of congress.

1 **SEC. 53. Inspections.** The governor may order such inspections
2 of the different organizations, units and personnel of the national
3 guard as he may deem proper and necessary.

4 The forms and mode of inspection shall be prescribed by the
5 adjutant general.

1 **SEC. 54. Service and merit badges.** The adjutant general, from
2 the funds appropriated for the support and maintenance of the
3 national guard, shall procure and issue to the members of the national
4 guard, entitled thereto, merit and/or service badges for such service
5 and periods of service, under such regulations and according to the
6 design and pattern thereof, as may be determined by the adjutant
7 general. Members of the national guard who, by order of the presi-
8 dent, have served or shall serve in federal forces during a national
9 emergency, shall be entitled to count the period of such federal
10 service toward the procurement of a service badge.

1 **SEC. 55. Trespass.** Any person who shall trespass upon any mili-
2 tary reservation, camp or armory, in violation of the orders of the
3 commander thereof, or officer charged with the responsibility there-
4 for, or shall molest, or interfere with any member of the national
5 guard, in the discharge of his duty, shall be guilty of a misdemeanor.
6 The commanding officer of such force may order the arrest of such
7 person and cause him to be delivered to a peace officer or magistrate.

1 **SEC. 56. Distribution and recovery of government property.** The
2 commanding officer of a company receiving clothing or equipment
3 for the use of his command shall distribute same to the members of
4 his command, taking receipts and requesting the return of each
5 article at such time and place as he shall direct.

6 Upon the direction of any company commander it shall be the
7 duty of the county attorney of the county where such military
8 organization is located, to bring action in the name of the state of
9 Iowa against any person for the recovery of any property issued
10 by said company commander or his predecessor, or for the value
11 thereof as set forth in the price list promulgated by the federal
12 government.

13 All sums so collected shall be paid to such company commander
14 and used for the replacement of military property charged to the
15 organization.

1 **SEC. 57. Supplies and equipment.** All arms, clothing, equipment,
2 and other military property furnished or issued by the federal gov-
3 ernment or the state or for which an allowance has been made, shall
4 be used for military purposes only, and each officer and soldier upon
5 being separated from the military service of the state, or upon
6 demand of his commanding officer, shall forthwith surrender such
7 military property in his possession to said commanding officer. Any
8 member of the national guard who shall neglect to return to the
9 armory of the unit, or place in charge of the commanding officer of
10 the organization to which he belongs, any arms, clothing, equipment,

11 or other military property or portion thereof, belonging to the fed-
12 eral government or the state, upon being notified by said command-
13 ing officer so to do, shall be guilty of a misdemeanor.

1 **SEC. 58. Destruction or injury of military property.** Every per-
2 son who shall wilfully or wantonly injure or destroy any articles
3 of arms, clothing, equipment, or other military property furnished
4 or issued by the federal government or the state, and refuses to
5 make good such injury or loss; or who shall sell, dispose of, secrete
6 or remove the same with intent to sell or dispose of it, shall be
7 punished by a fine of not less than one hundred dollars nor more
8 than five hundred dollars, or be imprisoned in the county jail for
9 not more than four months, or by both such fine and imprisonment.

1 **SEC. 59. Call by president—term of service.** Whenever the
2 United States is invaded or in danger of invasion from any foreign
3 nation, or of rebellion against the authority of the government of
4 the United States, or the president is unable, with the regular forces
5 at his command, to execute the laws of the union, it shall be lawful
6 for the president to call forth such number of the national guard
7 as he may deem necessary to assist in repelling such invasion, sup-
8 pressing such rebellion, or to assist in enabling him to execute
9 such laws, and to issue his orders for that purpose, through the
10 governor, to such officers of the national guard as he may think
11 proper; and the president may specify, in his call, the period for
12 which such service is required, and the guard so called forth shall
13 continue to serve during the term so specified, either within or
14 without the territory of the United States, unless sooner relieved
15 by order of the president; provided, that no commissioned officer or
16 enlisted man of the guard shall be held to serve beyond the term
17 of his existing commission or enlistment.

18 Whenever the president shall require, in any of the designated
19 instances, more troops than can be supplied by the national guard,
20 the governor shall, in his discretion, organize forthwith such other
21 national guard forces as he may deem necessary, or order into the
22 service of the United States so many of the unorganized militia of
23 the state as is required, designating the same by draft if a sufficient
24 number do not volunteer, and shall commission officers therefor.

25 Officers and enlisted men called into federal service through the
26 guard shall upon completion of such service continue to serve the
27 balance of their enlistment period the same as though it had not
28 been interrupted by such service.

1 **SEC. 60. Articles of war shall govern.** Whenever any portion of
2 the national guard shall be in "active service" as defined by section
3 2 of this chapter, the articles of war governing the armies of the
4 United States as now or hereafter in effect, shall be in force and
5 regarded as a part of this chapter, so far as said forces are con-
6 cerned, until said forces shall be relieved from said duty; except that
7 confinement in the penitentiary shall be in the penitentiary of this
8 state, and provided that offenses committed while in active service
9 may be tried and punished by a court martial lawfully appointed,
10 after this active duty has terminated, and if found guilty the accused

11 shall be punished according to the articles of war and the rules and
 12 regulations governing the United States armies, but within the
 13 limits prescribed by federal law for courts martial in the national
 14 guard; and provided, also, that in any case when the offense charged
 15 is also made an offense by the civil law of this state, the officer whose
 16 duty it is to approve the charge may, in his discretion, order the
 17 person charged to be turned over to the civil authorities for trial.

1 SEC. 61. **Fines—disposition.** The proceeds of all fines in sum-
 2 mary, general and special court-martial cases shall be paid to the
 3 adjutant general and paid into the maintenance fund of the national
 4 guard, and all costs of prosecution shall be paid out of the same fund.

1 SEC. 62. **United States army regulations.** All matters relating to
 2 the organization, discipline and government of the military forces
 3 not otherwise provided for in this chapter, shall be decided by the
 4 custom, regulations, and usage of the United States army.

1 SEC. 63. **Constitutionality.** Should the courts of this state or of
 2 the United States declare any of the provisions of this chapter uncon-
 3 stitutional, illegal or void, such decision shall not invalidate any
 4 other provision herein contained.

1 SEC. 64. Chapter twenty-eight (28), Code, 1931, and chapters
 2 seventeen (17) and eighteen (18) of the acts of the Forty-fifth
 3 General Assembly are hereby repealed.

1 SEC. 65. **Publication clause.** This act, being deemed of immedi-
 2 ate importance, shall be in full force and effect after its passage and
 3 publication in the Boone News-Republican, a newspaper published
 4 at Boone, Iowa, and in the Adams County Free Press, a newspaper
 5 published at Corning, Iowa.

Senate File No. 276. Approved March 6, 1934.

I hereby certify that the foregoing act was published in the Boone News-Republican,
 March 9, 1934, and Adams County Free Press, March 15, 1934.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 11

MEMORIAL BUILDINGS. COMMISSIONERS, ERECTION AND EQUIPMENT

S. F. 63

AN ACT to amend sections four hundred eighty-four (484) and four hundred ninety-two
 (492) of the Code, 1931, relating to memorial buildings and monuments, petitions and
 qualifications, and method of appointing commissioners.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That paragraph one (1) of section four hundred
 2 eighty-four (484) of the Code of 1931, be amended by striking the
 3 word "and" in line 7 and by adding a comma after the words "Ameri-
 4 can Legion" in line 8 and inserting after said comma the following:
 5 "disabled American veterans of the world war, and the veterans
 6 of foreign wars of the United States."