

CHAPTER 54

MILITARY CODE

S. F. 155

AN ACT to repeal chapter twenty-nine (29), Code 1950, (military code of Iowa), and to enact a substitute therefor.

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

- 1 SECTION 1. The following words, terms, and phrases when used in
2 this Act shall have the respective meanings herein set forth:
- 3 1. "Militia" shall mean the forces provided for in the Constitution
4 of Iowa.
- 5 2. "National guard" shall mean the Iowa units, detachments and
6 organizations of the national guard of the United States and the air
7 national guard of the United States as such forces are defined in the
8 National Defense Act and acts amendatory thereto, the Iowa national
9 guard and the Iowa air national guard.
- 10 3. "Company" shall mean the smallest administrative military unit
11 and shall include a company of infantry, engineers, signal corps, a
12 flight of the air service, a battery of field artillery, or any similar
13 organization in any branch authorized by federal law for this state,
14 including a permanent detachment.
- 15 4. "Battalion" shall mean two or more companies grouped together
16 by competent orders for command purposes including battalions as
17 shown in appropriate federal tables of organization.
- 18 5. "Active state 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 any of the
21 foregoing is threatened, whenever called upon in aid of civil authori-
22 ties, or under martial law, or at encampments whether ordered by
23 state or federal authority, or upon any other duty requiring the entire
24 time of the organization or person, except when called or ordered into
25 the federal service of the United States.
- 26 6. "Federal service" shall mean service exclusively under federal
27 laws and regulations.
- 28 7. "On duty" shall mean and include drill periods, all other training,
29 and service which may be required under state or federal law, regu-
30 lations, or orders, and the necessary travel of an officer or enlisted
31 man to the place of performance of such duty and return home after
32 performance of such duty, but shall not include federal service.
- 33 8. "In service of the United States" and "Not in service of the
34 United States" used herein, shall have the same meaning as such
35 terms have in the National Defense Act of congress (39 Stat. L. ch.
36 134), approved June 3, 1916, and amendments thereto.
- 37 9. "Officer" shall mean and include commissioned officers and war-
38 rant officers.
- 39 10. "Law and regulations" means and includes state and federal
40 law and regulations.
- 41 11. "Advisory council" shall mean a board of officers composed of
42 the general officers, regimental commanders and commanders of sep-
43 arate battalions of the Iowa national guard and the senior commander
44 of the Iowa air national guard.
- 45 12. Except when otherwise expressly defined herein military words,

46 terms and phrases shall have the meaning commonly ascribed to them
47 in the military profession.

1 SEC. 2. There is hereby created the Iowa national guard and the
2 Iowa air national guard. The Iowa national guard shall be composed
3 of such organized land forces, individual officers, state headquarters,
4 and detachments, as may be prescribed from time to time by proper
5 authority. The Iowa air national guard shall be composed of such
6 organized air forces, individual officers, state headquarters, and de-
7 tachments, as may be prescribed from time to time by proper author-
8 ity.

1 SEC. 3. The Iowa units, detachments, and organizations of the
2 national guard of the United States and the air national guard of the
3 United States shall consist of such units, detachments, and organiza-
4 tions, as may be specified by the secretary of defense with the approval
5 of the governor, in accordance with law and regulations.

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

1 SEC. 5. The national guard shall be subject to the provisions of
2 federal law and regulations relating to the government, discipline and
3 uniforming thereof, and to the provisions of this Act, and to regula-
4 tions published pursuant hereto.

1 SEC. 6. The military forces of the state of Iowa shall consist of the
2 national guard and the militia.

1 SEC. 7. The governor shall be the commander-in-chief of the mili-
2 tary forces, except so much thereof as may be in federal service. The
3 governor may employ the military forces of the state for the defense
4 or relief of the state, the enforcement of its laws, and the protection
5 of life and property therein and he shall have the power, in cases of
6 insurrection, invasion, or breaches of peace, or imminent danger
7 thereof, to order into active state service such of the military forces
8 of the state as he may deem proper, under the command of such officer
9 as he may designate.

1 SEC. 8. The governor shall have the power to order into active state
2 service such, of the military forces of the state as he may deem proper,
3 under command of such officer as he may designate for the purpose of
4 aiding the civil authorities of any political subdivision of the state in
5 maintaining law and order in such subdivision in cases of breaches
6 of the peace or imminent danger thereof, if the law enforcement offi-
7 cers of such subdivision are unable to maintain law and order, and
8 the civil authorities request such assistance.

1 SEC. 9. The governor may order the national guard into camp for
2 field training for such period or periods as he may direct. He may,
3 in his discretion, order such organizations or personnel of the national

4 guard, as he may deem proper, to active state service, or duty, or to
5 assemble for purposes of drill, instruction, parade, ceremonies, guard
6 and escort duty, and schools of instruction, and prescribe all regula-
7 tions and requirements therefor.

8 The governor shall also provide for the participation of the national
9 guard, or any portion thereof, in field training at such times and places
10 as may be designated by the secretary of defense.

1 SEC. 10. The governor may order such inspections of the different
2 organizations, units, and personnel of the national guard as he may
3 deem proper and necessary.

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

1 SEC. 11. There shall be an adjutant general of the state who shall
2 be appointed and commissioned by the governor upon the recommen-
3 dation of a majority of the advisory council. When a majority of the
4 members of the advisory council are in federal service in time of war,
5 said appointment shall be made by the governor without such recom-
6 mendation. The rank of the adjutant general shall be at least that of
7 brigadier general and he shall hold office for a term of four years. At
8 the time of his appointment he shall be a federally recognized commis-
9 sioned officer of the national guard with not less than ten years mili-
10 tary service in the armed forces of this state or of the United States,
11 at least five of which have been commissioned service, and who shall
12 have reached the grade of a field officer. He shall be removed only
13 upon conviction of a felony or upon conviction by a court-martial.

1 SEC. 12. The adjutant general shall have control of the military
2 department, and perform such duties as pertain to the office of the
3 adjutant general under law and regulations. He shall superintend
4 the preparation of all letters and reports required by the United States
5 from the state, and perform all the duties prescribed by law. He shall
6 have charge of the state military reservations, and all other property
7 of the state kept or used for military purposes. It shall be the duty of
8 the adjutant general to cause an inventory to be taken at least once
9 each year of all military stores, property and funds under his jurisdic-
10 tion. In each year preceding a regular session of the general as-
11 sembly he shall prepare a detailed report of the transactions of his
12 office, the expenses thereof, and such other matters as shall be required
13 by the governor for the period since the last preceding report, and the
14 governor may at any time require a similar report.

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

19 The adjutant general is authorized to enter into an agreement with
20 the secretary of defense to operate the water plant at Camp Dodge
21 for the use and benefit of the United States, and the state of Iowa
22 upon such terms and conditions as shall be approved by the governor.

1 SEC. 13. The adjutant general, with the approval of the governor,
2 is authorized to expend from the funds appropriated for the support
3 and maintenance of the national guard, and the permanent Camp
4 Dodge improvement fund, such amounts as he may deem necessary

5 for the purchase of additional land, constructing, equipping, and im-
6 proving state military reservations, installations, and firing ranges,
7 owned or leased by the state of Iowa or the United States for the use
8 and benefit of the national guard and for the maintenance of all such
9 facilities.

1 SEC. 14. The adjutant general shall have authority to operate or
2 lease any of the facilities at Camp Dodge. Any income or revenue
3 derived from such operation or leasing shall be deposited with the
4 state treasurer as a Camp Dodge permanent improvement fund.

1 SEC. 15. The adjutant general, from the funds appropriated for the
2 support and maintenance of the national guard, shall procure and
3 issue to the members of the national guard, entitled thereto, merit or
4 service badges for such service and periods of service under such regu-
5 lations and according to the design and pattern thereof, as may be
6 determined by the adjutant general. Members of the national guard
7 who, by order of the president, have served or shall serve in federal
8 forces during national emergency, shall be entitled to count the period
9 of such federal service toward the procurement of a service badge.

1 SEC. 16. There shall be an assistant adjutant general of the state
2 who shall be appointed by the governor, upon the recommendation of
3 the adjutant general. He shall have such rank as is consistent with
4 federal law and regulations and at the time of his appointment shall
5 be a federally recognized commissioned officer of the national guard
6 with not less than five years service in the national guard or in the
7 armed forces of the United States, at least three years of which shall
8 have been commissioned service and he shall have reached the grade
9 of captain.

10 The assistant adjutant general shall serve in the office of the adju-
11 tant general and aid him by performing such duties as the adjutant
12 general may assign him. In the absence or disability of the adjutant
13 general he shall perform the duties of that office as acting adjutant
14 general.

1 SEC. 17. The military and naval staff of the governor shall consist
2 of the adjutant general, who shall be the chief of staff; the assistant
3 adjutant general, who shall be the assistant chief of staff and such
4 aides, residents of the state, as the governor may appoint, or may
5 detail from the armed forces of the state.

6 The aides appointed shall be commissioned at a rank not higher
7 than the military rank of colonel or the naval rank of captain, except
8 in the case of a person who holds or has held a higher rank in the
9 armed forces of the state or nation in which case the commission may
10 issue for such higher rank.

1 SEC. 18. The governor, pursuant to federal authority, shall detail,
2 upon recommendation of the adjutant general, a federally recognized
3 commissioned officer of the national guard who shall be property and
4 disbursing officer of the United States for the state of Iowa. Such
5 officer may be removed upon the recommendation of the adjutant
6 general.

7 The property and disbursing officer shall receipt and account for
8 all funds and property belonging to the United States in possession

9 of the national guard, and shall make such returns and reports con-
10 cerning the same as may be required by the secretary of defense. He
11 shall render, through the department of defense, such accounts of
12 federal funds intrusted to him for disbursement as may be required.
13 Before entering upon the performance of his duties as property and
14 disbursing officer he shall be required to give good and sufficient bond
15 to the United States, the amount thereof to be determined by the
16 secretary of defense, for the faithful performance of his duties and
17 for the safe-keeping and proper disposition of the federal property
18 and funds intrusted to his care. The said property and disbursing
19 officer may also be the quartermaster and property officer of the state.

1 SEC. 19. There shall be detailed a federally recognized commis-
2 sioned officer of the national guard to be the quartermaster and prop-
3 erty officer of the state, and as such, shall have charge of and be
4 accountable for, under the adjutant general, all state military prop-
5 erty, and who may be the United States property and disbursing offi-
6 cer. He shall keep such property returns and reports on the same
7 and shall give such bond to the state of Iowa as the governor may
8 direct.

1 SEC. 20. Officers of the national guard, shall be selected from the
2 classes of persons having the qualifications prescribed by federal law
3 and regulations. They shall be appointed by the governor upon the
4 recommendation of their superiors in the chain of command, pro-
5 vided that they shall have successfully passed such tests as to physical,
6 moral, and professional fitness, as shall be prescribed by law and regu-
7 lations. Each officer shall take an oath of office and shall hold office
8 until he shall have attained the maximum age of retirement that is
9 prescribed by federal law or regulations pertaining to officers of the
10 armed forces of the United States, unless his commission or warrant
11 is sooner vacated by resignation, death or as hereinafter provided.
12 In case the officer has no immediate superiors, within the state, in the
13 chain of command, he shall be appointed, as above provided, upon
14 the recommendation of the adjutant general. A commission shall
15 designate the arm or branch of service in which the officer is com-
16 missioned.

1 SEC. 21. In addition to the powers and duties prescribed in this
2 Act, all officers of the national guard shall have the same powers and
3 perform like military duties as officers of similar rank and position
4 in the armed forces of the United States insofar as may be authorized
5 by law. Officers are authorized to administer oaths in all matters
6 connected with the service.

1 SEC. 22. The moral character, capacity and general fitness for the
2 service of any national guard officer may be determined at any time
3 by an efficiency board as provided by federal law and regulations.
4 Commissions or warrants of officers of the national guard may be
5 vacated upon resignation, absence without leave for three months,
6 upon the recommendation of an efficiency board, or pursuant to sen-
7 tence of a court-martial. Any officer permanently removing from the
8 state shall resign his commission or warrant upon request of the
9 adjutant general or make application to be placed upon the inactive
10 list, and upon failure to do so, his commission or warrant 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 law
13 and regulations. Subject to the approval of their superior command-
14 ers and the adjutant general officers may, upon their own application,
15 be placed on the inactive list, as such list may be authorized by law
16 and regulations.

1 SEC. 23. Any officer of the national guard who shall have served
2 as such officer for a period of not less than ten years in the national
3 guard, or who shall have served, for a period of not less than ninety
4 days, in the armed forces of the United States during any war, and
5 who is honorably discharged therefrom, and who shall have served
6 as such officer in the national guard for a period of not less than five
7 years, who resigns or is retired, or who is now or may hereafter be-
8 come disabled and retired, may, upon his request in writing to the
9 adjutant general, stating his grounds therefor, be placed, by order
10 of the commander-in-chief, on a roll in the office of the adjutant gen-
11 eral to be known as the "roll of retired officers". Any officer regis-
12 tered on the roll of retired officers is entitled to wear the uniform of
13 the rank last held by him on state or other occasions of ceremony,
14 when the wearing of such uniform is not in conflict with federal law.
15 The adjutant general shall have the power, on good cause shown,
16 to retire any officer, as herein provided, in the next higher grade than
17 that held by said officer during his military service.

1 SEC. 24. There shall be maintained in the office of the adjutant
2 general a list to be known as the unassigned list, to which officers
3 may be transferred, pending their resignation or removal from the
4 service. Any officer may be transferred by the adjutant general to
5 such unassigned list upon the recommendation of his commanding
6 officer, either immediate or remote. Before such transfer is made the
7 adjutant general shall notify the officer, either in person or by regis-
8 tered letter mailed to his last known address of the intended transfer.
9 The officer shall have ten days from the date of mailing of said notice
10 in which to apply to the adjutant general for an efficiency board.
11 Should the officer fail to apply for an efficiency board, the transfer
12 shall be made upon the expiration of the ten-day period. If the officer
13 requests an efficiency board, the adjutant general will be governed by
14 the finding of such board. All officers transferred to such unassigned
15 list shall remain subject to military discipline and to courts-martial
16 for military offenses to the same extent and in like manner as if upon
17 the active list.

1 SEC. 25. All enlistments in the national guard shall be as prescribed
2 by federal law and regulations.

1 SEC. 26. The number and grade of officers and enlisted men in the
2 state headquarters and headquarters detachment shall be as prescribed
3 by federal law and regulations, but in case of war, invasion, in-
4 surrection, riot or imminent danger thereof, the governor may tem-
5 porarily increase such force to meet such emergency.

6 All officers appointed to the state headquarters and headquarters
7 detachment shall have had previous military experience and shall hold
8 their positions until they shall have reached the age of retirement
9 herein provided, unless retired prior to that time by reason of resigna-

10 tion, disability, or for cause to be determined by an efficiency board or a
 11 court-martial, as the exigencies of the case may warrant, legally con-
 12 vened for that purpose, and vacancies among said officers shall be
 13 filled by appointment from the officers of the national guard.

1 SEC. 27. Officers and enlisted men while in active state service
 2 shall receive the same pay and allowances as are paid for the same
 3 rank or grade for service in the armed forces of the United States.
 4 When in active state service, except when such service is for the pur-
 5 pose of training, enlisted men shall receive additional pay in the sum
 6 of three dollars per day; provided, however, that no employee of the
 7 state who receives pay from the state as such employee during said
 8 active state service shall receive the additional pay herein provided
 9 for enlisted men.

10 In the event any officer or enlisted man shall be killed while on duty
 11 or in active state service, in line of duty, or shall die as the result of
 12 injuries received or as a result of illness or disease contracted while
 13 on duty or in active state service, in line of duty, his dependents, as
 14 defined by the workmen's compensation law of the state, shall receive
 15 the maximum compensation provided by the said law.

16 Any officer or enlisted man who suffers injuries or contracts dis-
 17 ease, in line of duty, while on duty or in active state service, shall
 18 receive hospitalization and medical treatment, and during the period
 19 that he is totally disabled from engaging in any gainful occupation he
 20 shall also receive the pay and allowances of his grade. In the event of
 21 partial disability, he shall be allowed such partial pay and allowances
 22 as may be determined by a board of three officers to be appointed by
 23 the governor. At least one member of the board shall be a medical
 24 officer.

25 Any claim for death, illness, or disease contracted in line of duty
 26 while on duty or in active state service, shall be filed with the adjutant
 27 general within six months from the date of death or contraction of
 28 the illness or disease.

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

32 In the event benefits for death, injuries, or illness are paid in part
 33 by the federal government, the state shall pay only the balance neces-
 34 sary to constitute the above designated amounts.

35 No payment received by any officer or enlisted man under the pro-
 36 visions of this section shall bar the right of such officer or enlisted
 37 man, or their heirs or representatives, to recover damages from any
 38 partnership, corporation, firm or persons whomsoever who otherwise
 39 would be liable, nor shall any such sums received under the provisions
 40 of this section reduce the amount of damages recoverable by such
 41 officer, enlisted man, or their heirs or representatives, against any
 42 partnership, corporation, firm or persons whomsoever who other-
 43 wise would be liable.

1 SEC. 28. All officers and employees of the state, or a subdivision
 2 thereof, or a municipality therein, who are members of the national
 3 guard, organized reserves or any component part of the military,
 4 naval, or air forces or nurse corps of this state or nation, or who are
 5 or may be otherwise inducted into the military service of this state

6 or of the United States, shall, when ordered by proper authority to
7 active state or federal service, be entitled to a leave of absence from
8 such civil employment for the period of such active state or federal
9 service, without loss of status or efficiency rating, and without loss
10 of pay during the first thirty (30) days of such leave of absence.
11 The proper appointing authority may make a temporary appoint-
12 ment to fill any vacancy created by such leave of absence.

1 SEC. 29. When in active state service, the compensation of officers
2 and enlisted men and expenses of the national guard and claims for
3 death, injury and illness of the members thereof, incurred in line of
4 duty, shall be paid out of any funds in the state treasury not otherwise
5 appropriated.

1 SEC. 30. An inactive national guard may be organized and main-
2 tained in such manner as may be prescribed or authorized by law and
3 regulations.

1 SEC. 31. It shall be unlawful for any body of men, other than the
2 national guard and the troops of the United States, to associate them-
3 selves together as a military organization within the limits of this
4 state without the written permission of the governor, which he may
5 at any time revoke, but this provision shall not prevent civic, social,
6 or benevolent organizations from wearing uniforms and swords not
7 in conflict with the other provisions of this Act.

1 SEC. 32. The sum of three hundred dollars annually or so much
2 thereof as is necessary, is hereby allowed to each company or other
3 unit of the national guard for the procurement, construction, and
4 maintenance of a rifle or pistol range. The payments herein pro-
5 vided shall be made from the funds appropriated for the support and
6 maintenance of the national guard.

1 SEC. 33. Each company or similar unit of the national guard show-
2 ing attendance and actual drill of those present for such drills as are
3 prescribed in compliance with the national defense act or amendments
4 thereto, or substitutes therefor, and such regulations as may be pre-
5 scribed from time to time by the secretary of defense, pursuant
6 thereto, shall receive an annual allowance for military purposes, in
7 the sum of five dollars per capita, to be paid in semiannual install-
8 ments on the basis of two dollars and fifty cents per capita. For the
9 purpose of computing each semiannual installment the per capita
10 strength shall be the average enlisted strength of the unit, for that
11 semiannual period, provided however, that in the event the average
12 attendance of any unit during any semiannual period falls below fifty
13 per cent of the average enlisted strength of such unit in that period,
14 such allowance shall not be paid for that period. The semiannual
15 periods herein referred to shall begin January 1 and July 1. Such
16 allowance shall be paid from the funds appropriated for the support
17 and maintenance of the national guard, and the adjutant general shall
18 prescribe regulations governing its expenditure.

1 SEC. 34. The commanding officer of a company receiving clothing
2 or equipment for the use of his command shall distribute same to the
3 members of his command, taking receipts and requiring the return
4 of each article at such time and place as he shall direct.

5 Upon the direction of any company commander it shall be the duty
 6 of the county attorney, to bring action in the name of the state of
 7 Iowa against any person for the recovery of any property issued by
 8 said company commander or his predecessor, or for the value thereof
 9 as set forth in the price list promulgated by the federal government.
 10 All sums so collected shall be paid to such company commander and
 11 used for the replacement of military property charged to the organi-
 12 zation.

1 SEC. 35. All arms, clothing, equipment, and other military prop-
 2 erty furnished or issued by the federal government or the state or for
 3 which an allowance has been made, shall be used for military purposes
 4 only, and each officer and enlisted man upon being separated from the
 5 military forces of the state, or upon demand of his commanding offi-
 6 cer, shall forthwith surrender such military property in his possession
 7 to said commanding officer. Any member of the national guard who
 8 shall neglect to return to the armory of the unit, or place in charge
 9 of the commanding officer of the organization to which he belongs, any
 10 arms, clothing, equipment, or other military property or portion
 11 thereof, belonging to the federal government or the state, upon being
 12 notified by said commanding officer to do so, shall be guilty of a mis-
 13 demeanor.

1 SEC. 36. Every person who shall willfully or wantonly injure or
 2 destroy any articles of arms, clothing, equipment, or other military
 3 property furnished or issued by the federal government or the state,
 4 and refuses to make good such injury or loss; or who shall sell, dis-
 5 pose of, secrets* or remove the same with intent to sell or dispose of it,
 6 shall be punished by a fine of not less than one hundred dollars nor
 7 more than five hundred dollars, or be imprisoned in the county jail
 8 for not more than four months, or by both such fine and imprisonment.

1 SEC. 37. Each officer responsible or accountable for property for
 2 military use, or funds of the state or of the United States, shall exe-
 3 cute and deliver to the adjutant general a bond therefor, with sureties
 4 to be approved by the governor, and payable to the state, in such
 5 amount as may be fixed by the governor, conditioned for the proper
 6 care, use, and return in good order, wear, use and unavoidable loss
 7 and damage excepted, of all such state and United States property,
 8 and the proper care and faithful disbursement and accounting of all
 9 such funds coming into the hands of such officer. Provided, however,
 10 that the adjutant general, with the approval of the governor, may
 11 obtain an adequate indemnity bond covering all or part of the officers
 12 so accountable or responsible, in which case the officers so covered
 13 shall not be required to furnish individual bonds as hereinbefore pro-
 14 vided.

15 Upon the violation of any of the conditions of any bond executed
 16 and delivered under the provisions of this section, action thereon shall
 17 be brought by the adjutant general on behalf of the state. It shall
 18 be the duty of the attorney general of the state to prosecute all actions
 19 upon such bonds. No further payments shall be made under any pro-
 20 vision of this Act to the accountable officer of any organization or unit

*According to enrolled Act.

21 who does not fully and satisfactorily account to the adjutant general
22 for all moneys theretofore paid to him under any provision of this Act.

1 SEC. 38. Any officer or enlisted man of the national guard who
2 knowingly makes any false certificate of muster or false return of
3 federal or state property or funds in his possession shall be guilty of
4 a misdemeanor.

1 SEC. 39. Any officer or enlisted man of the national guard who
2 willfully neglects or refuses to apply all money, in his possession drawn
3 from the state treasury, to the purpose for which such money was
4 appropriated or who fails or refuses to account for or return any state
5 or federal property or funds in his possession shall be guilty of the
6 crime of embezzlement by bailee and punished accordingly.

1 SEC. 40. No member of the national guard shall wear the uniform
2 thereof while not on duty without permission from competent author-
3 ity. No person, firm, or corporation, other than a military organiza-
4 tion or the members of veterans of such organizations organizing for
5 the benefit of all its members, shall incorporate under the name of, or
6 adopt any trade name which embodies the name or designation, offi-
7 cially or generally recognized as the name of a military organization
8 now or heretofore in existence, or any distinctive part of such name.
9 Any person found guilty of a violation of any of the provisions of this
10 section shall be punished by a fine of not less than fifty dollars nor
11 more than one hundred dollars, or by imprisonment in the county jail
12 not to exceed thirty days.

13 Any person who, without authority under the laws of the United
14 States or of one of the states, wears the uniform of, or a distinctive
15 part of the uniform of the uniform of *the armed forces of the United
16 States, shall be guilty of a misdemeanor, and shall be punished as pro-
17 vided in this section.

1 SEC. 41. Every officer and enlisted man of the national guard shall
2 be exempt from jury duty. No member of the national guard shall
3 be arrested, or served with any summons, order, warrant, or other
4 civil process after having been ordered to any duty, or while going to,
5 attending, or returning from, any place to which he is required to
6 go for military duty. Nothing herein shall prevent his arrest by order
7 of a military officer or for a felony or breach of the peace committed
8 while not in the actual performance of his duty. The articles of
9 equipment personally owned by such members shall be exempt from
10 seizure or sale for debt. Every member of the national guard who
11 has faithfully served the full term of his commission, warrant or en-
12 listment, shall, upon application, be entitled to an honorable discharge,
13 exempting him from military duty except in time of war or public
14 danger.

1 SEC. 42. Any person who shall trespass upon any military reserva-
2 tion, camp, or armory, in violation of the orders of the commander
3 thereof, or officer charged with the responsibility therefor, or shall
4 molest, or interfere with any member of the national guard, in the
5 discharge of his duty, shall be guilty of a misdemeanor. The com-

*According to enrolled Act.

6 manding officer of such force may order the arrest of such person and
7 cause him to be delivered to a peace officer or magistrate.

1 SEC. 43. No person, firm, or corporation, shall discriminate against
2 any officer or enlisted man of the national guard because of his mem-
3 bership therein. No employer, or agent of any employer, shall dis-
4 charge any person from employment because of being an officer or
5 enlisted man of the military forces of the state, or hinder or prevent
6 him from performing any military service he may be called upon to
7 perform by proper authority. Any person violating any of the pro-
8 visions of this section shall be punished by a fine of not to exceed one
9 hundred dollars, or by imprisonment in the county jail for a period
10 of not to exceed thirty days.

1 SEC. 44. Whenever the national guard is called into service under
2 proclamation of the governor for the performance of any duties con-
3 templated in this Act any person who willfully assaults, or fires at, or
4 throws any dangerous missiles at, against, or upon any member or
5 body of the national guard so engaged, or civil officer or other persons
6 lawfully aiding or assisting them in the discharge of their duties, shall
7 be deemed guilty of a felony and upon conviction shall be imprisoned
8 in the state penitentiary for not more than two years.

1 SEC. 45. When a military district is established under martial law,
2 the chief justice or an associate justice of the supreme court may,
3 upon written agreement of the parties or their attorneys, on good
4 cause being shown, order any civil or criminal case on file in the office
5 of the clerk of any court of record within the military district trans-
6 ferred to any court of record outside of the military district. The said
7 cause shall be docketed without fee and proceed in all respects with
8 the same force and effect as though transferred on a change of venue.
9 When the said military district is dissolved, the cause and all pro-
10 ceedings in connection therewith may be retransferred by the supreme
11 court to the original court, where it shall be redocketed without fee.

1 SEC. 46. The governor may establish within such military district
2 a military court or commission to take jurisdiction and cognizance of
3 all public offenses against the peace and dignity of the state, and the
4 violation of ordinances and military rules and regulations which are
5 now, or may hereafter be, promulgated or enacted for the preservation
6 of law and order and the public safety.

7 The military court or commission may make such orders, judg-
8 ments, and decrees in civil cases as may be agreed upon by the litigants
9 or their attorneys, or as may be necessary because of an emergency
10 or to prevent waste, with the same force and effect as though made
11 and entered by a judge of the district court in regular term time.
12 The said court or commission shall have full power and authority to
13 issue all necessary process for the conduct of its proceedings, and like
14 power to compel the attendance of witnesses therein as are exercised
15 by civil courts of the state.

1 SEC. 47. Troops occupying a military district established under
2 martial law, may, if necessary, pursue, arrest and subpoena persons
3 wanted in said military district, anywhere within the state of Iowa.
4 All peace officers of the state shall serve process and execute the

5 orders of a military court in the same way and to the same extent
6 as corresponding instruments of civil courts.

1 SEC. 48. In default of payment of any fine imposed by any military
2 court acting under martial law, or by any courts-martial, the offender
3 shall be committed to any county jail designated by any court of this
4 state for a period equal to one day for each three dollars of fine im-
5 posed and unpaid.

1 SEC. 49. The keepers and wardens of all county jails or state in-
2 stitutions are required to receive and confine all military offenders or
3 other persons when delivered to them, under a certificate of commit-
4 ment of a military court or commanding officer, for and during the
5 term of sentence or confinement as set forth in said commitment.

1 SEC. 50. The commanding officer and members of any of the mili-
2 tary forces engaged in the suppression of an insurrection, the disper-
3 sion of a mob, or the enforcement of the laws, shall have the same
4 immunity as peace officers.

1 SEC. 51. In the event any suit or proceeding shall be commenced
2 in any court by any person against any officer of the military forces
3 for any act done by such officer in his official capacity in the discharge
4 of any duty under this Act, or against any enlisted man acting under
5 the authority or order of any such officer, or by virtue of any warrant
6 issued by him pursuant to law, it shall be the duty of the attorney
7 general or state judge advocate, upon the request of the adjutant
8 general, to defend any member of the military forces of the state
9 against whom any such suit or proceeding has been instituted. The
10 costs of such defense shall be paid out of any funds in the state treas-
11 ury not otherwise appropriated. Before any suit or proceeding shall
12 be filed or maintained against any officer or enlisted man as herein
13 provided, the plaintiff shall be required to give security, to be ap-
14 proved by the court in a sum not less than one hundred dollars to
15 secure the costs. If the plaintiff fails to recover judgment, such costs
16 shall be taxed and judgment rendered therefor against him and his
17 sureties. When troops are called into active state service by the gov-
18 ernor under martial law or as aid to the civil authorities, in addition
19 to his other duties, any judge advocate on duty with such troops may
20 be appointed by the attorney general as an assistant attorney general,
21 without pay for his services for acting in such capacity.

1 SEC. 52. No action or proceeding shall be maintained against any
2 officer appointing a military court or against any member of a mili-
3 tary court or commission, officer or agent acting under its authority,
4 or reviewing its proceedings, on account of the imposition of a fine
5 or penalty or for the execution of a sentence of any person, unless it
6 be shown that such officer, member or agent has acted from motives
7 of malice.

1 SEC. 53. Whenever the United States is invaded or in danger of
2 invasion from any foreign nation, or of rebellion against the authority
3 of the government of the United States, or the president is unable,
4 with the regular forces at his command, to execute the laws of the
5 union, it shall be lawful for the president to call forth such number

6 of the national guard as he may deem necessary to assist in repelling
7 such invasion, suppressing such rebellion, or to assist in enabling him
8 to execute such laws, and to issue his orders for that purpose, through
9 the governor to such officers of the national guard as he may think
10 proper; and the president may specify, in his call, the period for
11 which such service is required, and the guard so called forth shall
12 continue to serve during the term so specified, either within or without
13 the territory of the United States, unless sooner relieved by order of
14 the president.

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

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

1 SEC. 54. The senior line commander of troops of the Iowa national
2 guard shall receive an annual expense allowance in the sum of one
3 thousand eight hundred dollars, payable during each calendar year,
4 in such sums and at such times as requested by the said commander,
5 provided however, that no payment shall be made during such time
6 as the Iowa national guard is in federal service.

1 SEC. 55. The adjutant general is hereby authorized to procure in-
2 surance against the liability of officers and enlisted men of the national
3 guard, and employees of the adjutant general by reason of claims for
4 bodily injuries, death, or property damage, made upon such officers,
5 enlisted men and employees resulting from their operation of a motor
6 vehicle while in the performance of their duties.

1 SEC. 56. The adjutant general is hereby authorized to appoint a
2 claims board or boards each composed of not less than three nor more
3 than five officers of the national guard, to consider, investigate and
4 settle claims to be paid out of funds not otherwise appropriated, on
5 account of damage to or loss or destruction of private property, both
6 real and personal, or personal injury or death, when such damage,
7 loss, destruction, injury or death is caused as an incident to the train-
8 ing, practice, operation or maintenance of the national guard where
9 the amount of such claim does not exceed one thousand dollars; pro-
10 vided, that no claim shall be considered unless presented within one
11 year after the occurrence of the accident or incident out of which
12 such claim arises; provided further, that any such settlements made
13 by such boards shall be subject to approval (1) by the adjutant gen-
14 eral and (2) by the executive council; provided further, that any such
15 settlements made by such boards, approved by the adjutant general
16 and approved by the executive council shall be final and conclusive
17 for all purposes, notwithstanding any other provision of law to the
18 contrary; provided further, that no claim shall be allowed hereunder
19 arising from accident or incident occurring while the unit, detach-

20 ment, or organization of the Iowa national guard involved is in fed-
21 eral service.

1 **SEC. 57.** The governor shall appoint an armory board which shall
2 consist of the adjutant general, at least two officers from the active
3 commissioned personnel of the national guard, and at least one other
4 person, who is a citizen of the state of Iowa, of good moral character.
5 One member of such board shall have had at least five years experi-
6 ence in the building construction trade. The board shall meet at
7 such times and places as are ordered by the governor. The members,
8 so appointed, shall serve at the pleasure of the governor. Civilian
9 members of the board shall receive compensation of ten dollars and
10 actual expenses for each day actually employed under the provisions
11 of this Act.

12 The board shall be empowered to acquire land or real estate by pur-
13 chase, contract for purchase, gift, bequests or condemnation and to
14 acquire, own, contract for the construction of, erect, purchase, main-
15 tain, alter, operate, and repair armories when funds for the same
16 are made available by the federal government, the state of Iowa,
17 municipalities, corporations or individuals. The title to such property
18 so acquired shall be taken in the name of the state of Iowa and such
19 real estate may be sold by the executive council, upon recommendation
20 of the board, when no longer needed for the purpose for which it was
21 acquired.

22 In carrying out the provisions of this section, the armory board may :

23 1. borrow money.

24 2. mortgage any real estate acquired and the improvements erected
25 thereon when purchasing or improving the same, in order to secure
26 necessary loans.

27 3. pledge the rents, profits, and income received from any such
28 property for the discharge of obligations executed.

29 No obligation created hereunder shall ever be or become a charge
30 against the state of Iowa, but all such obligations, including principal
31 and interest, shall be payable solely :

32 1. from the net rents, profits, and income arising from the property
33 so pledged or mortgaged.

34 2. from the net rents, profits, and income which have not been
35 pledged for other purposes arising from any other armory or like
36 improvement under the control and management of said board, or,

37 3. from the income derived from gifts and bequests for armory
38 purposes under the control of the armory board.

39 All property, real or personal, acquired by, and all bonds, de-
40 bentsures or other written evidences of indebtedness, given as security
41 by said board, shall be exempt from taxation.

42 When property acquired by the armory board, under the provisions
43 of this law, shall be free and clear of all indebtedness, the title of such
44 property shall pass to the state of Iowa.

45 There shall be no liability to the state of Iowa under the provisions
46 of this section. No member of the armory board and no member of
47 the state executive council shall be held to any personal or individual
48 liability for any action taken by them under the provisions of this Act.

49 The board shall fix the amount to be paid to commanding officers
50 of each division, brigade, regiment, battalion, company, or other unit

51 of the national guard for headquarters expenses and shall provide by
52 regulation how the same shall be disbursed by such commanding offi-
53 cers. The actions of the army board shall be subject to the approval
54 of the governor.

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

1 SEC. 58. The armory board as lessee, may lease property to be
2 used for armory purposes. Leases may be made for any term not
3 to exceed twenty years. Rents under such leases shall be paid from
4 funds appropriated for the support and maintenance of the national
5 guard.

6 Leases made under the provisions of this section may provide for
7 an option to purchase the leased property and may make provision
8 for the application upon the purchase price of rental payments made
9 under the lease.

1 SEC. 59. All action of the armory board in connection with the
2 acquiring of land or real estate, or improvements thereon, or the dis-
3 posal of same, or the creation of any indebtedness, shall be with the
4 approval of the state executive council.

1 SEC. 60. All personal and real property held and used for armory
2 or military purposes shall be exempt from taxation; and it shall be
3 lawful for any county or city or town which owns public utilities
4 to grant to any organization or unit of the national guard, which is
5 stationed in such place, the free use of such public utilities.

1 SEC. 61. The system of discipline of the national guard shall con-
2 form generally to that of the armed forces of the United States and
3 all personnel on duty or in active state service shall be subject to the
4 punitive and disciplinary provisions of this Act. Trial and punish-
5 ment by civil authorities shall not bar trial and punishment or dis-
6 missal from the service by court-martial for any military offense in-
7 volved.

1 SEC. 62. Under such regulations as the adjutant general may pre-
2 scribe, the commanding officer of any detachment, company, or higher
3 command may, for minor offenses, impose disciplinary punishment
4 upon officers and enlisted men of his command without intervention of
5 a court-martial, unless the accused demands trial by court-martial.

6 The disciplinary punishment for officers authorized by this section
7 may include admonition, reprimand, withholding privileges, restric-
8 tions to certain specified limits for not to exceed one week and if
9 imposed by a general officer, forfeiture of not to exceed one-half of
10 the officer's pay for a period not to exceed two weeks.

11 For enlisted personnel the disciplinary punishment authorized by
12 this section may include admonition, reprimand, withholding of priv-
13 ileges not exceeding one week and when in field training may in addi-
14 tion include extra fatigue for not to exceed one week and restrictions
15 within certain specified limits for not to exceed one week, but shall
16 not include forfeiture of pay or confinement under guard.

1 SEC. 63. The following delinquencies, as defined by the Uniform
2 Code of Military Justice of the United States, are hereby declared to

- 3 be military offenses for which an offender will be punished according
 4 to law as a court-martial may direct, within the limitations set forth
 5 by the Table of Maximum Punishments of the Uniform Code of Military
 6 Justice.
- 7 1. Fraudulent enlistment. (Art. 83)
 - 8 2. False official statement. (Art. 107)
 - 9 3. Absence without leave. (Art. 86)
 - 10 4. Disrespect toward or insulting national or state officials. (Art.
 11 88)
 - 12 5. Disrespect toward a superior officer in the execution of his office.
 13 (Art. 89)
 - 14 6. Assaulting or disobeying a superior officer in the execution of
 15 his office. (Art. 90)
 - 16 7. Insubordinate conduct toward a non-commissioned officer in the
 17 execution of his office. (Art. 91)
 - 18 8. Mutiny or sedition. (Art. 94)
 - 19 9. Releasing a prisoner without proper authority. (Art. 96)
 - 20 10. Drunkenness on duty. (Art. 112)
 - 21 11. Conduct unbecoming an officer and a gentleman. (Art. 133)
 - 22 12. Conduct to the prejudice of good order and military discipline.
 23 (Art. 134)
 - 24 13. Frauds against the Government. (Art. 132)

1 SEC. 64. Any member of the national guard may prefer charges
 2 against any other person subject to the provisions of this Act.

1 SEC. 65. Apprehension is the taking into custody of a person. Any
 2 person authorized under regulations governing the national guard to
 3 apprehend persons subject to this Act or to trial thereunder may do
 4 so upon reasonable belief that an offense has been committed and that
 5 the person apprehended committed it.

1 SEC. 66. Arrest is the restraint of a person by an order not im-
 2 posed as a punishment for an offense directing him to remain within
 3 certain specified limits. Confinement is the physical restraint of a
 4 person.

5 An enlisted man may be ordered into arrest or confinement by any
 6 commissioned officer by an order, oral or written, delivered in person
 7 or through other members of the national guard. A commanding offi-
 8 cer may authorize warrant officers, or non-commissioned officers to
 9 order enlisted men of his command or subject to his authority into
 10 arrest or confinement.

11 An officer subject to this Act or to trial thereunder may be ordered
 12 into arrest or confinement only by a commanding officer to whose
 13 authority he is subject, by an order, oral or written, delivered in per-
 14 son or by another officer. The authority to order officers into arrest
 15 or confinement may not be delegated.

16 No person shall be ordered into arrest or confinement except for
 17 probable cause.

18 Nothing in this section shall be construed to limit the authority of
 19 persons authorized to apprehend offenders to secure the custody of an
 20 alleged offender until proper authority may be notified.

1 SEC. 67. Any person subject to this Act charged with an offense
 2 under this Act shall be ordered into arrest or confinement, as cir-

3 cumstances may require; but when charged only with an offense nor-
 4 mally tried by a summary court-martial, such person shall not ordi-
 5 narily be placed in confinement. When any person subject to this
 6 Act is placed in arrest or confinement prior to trial, immediate steps
 7 shall be taken to inform him of the specific wrong of which he is ac-
 8 cused and to try him or to dismiss the charges and release him.

1 SEC. 68. No provost marshal, commander of a guard, or master at
 2 arms, shall refuse to receive or keep any prisoner committed to his
 3 charge by an officer of the military forces of this state, when the com-
 4 mitting officer furnishes a statement, signed by him, of the offense
 5 charged against the prisoner.

6 Every commander of a guard or master at arms to whose charge a
 7 prisoner is committed shall, within twenty-four hours after such com-
 8 mitment or as soon as he is relieved from guard, report to the com-
 9 manding officer the name of such prisoner, the offense charged against
 10 him, and the name of the person who ordered or authorized the com-
 11 mitment.

1 SEC. 69. The military courts of this state for the national guard
 2 shall be:

- 3 1. Courts of inquiry
- 4 2. General courts-martial
- 5 3. Special courts-martial
- 6 4. Summary courts-martial

7 They shall be constituted like, and have cognizance of the same sub-
 8 jects, and possess like powers, except as to punishments, as similar
 9 courts provided for by the laws and regulations governing the armed
 10 forces of the United States, and the proceedings of courts-martial of
 11 the national guard shall follow the forms and modes of procedure pre-
 12 scribed for said similar courts. The jurisdiction of the courts herein
 13 provided is not limited to the geographical area of Iowa.

1 SEC. 70. Courts of inquiry, to consist of one or more officers, may,
 2 and on the request of any officer involved shall, be instituted by the
 3 governor for the purpose of investigating the conduct of any officer,
 4 or any accusation or imputation against him, or any actions made
 5 the subject of military complaint. Such court of inquiry shall, with-
 6 out delay, report a statement of facts and, when required, the evidence
 7 adduced and an opinion with recommendations thereon to the gover-
 8 nor, who may, in his discretion, thereupon order court-martial for the
 9 trial of the officer whose conduct has been inquired into.

1 SEC. 71. General courts-martial may be convened by order of the
 2 governor or any general officer and such courts shall have the power
 3 to impose punishment for the commission of a misdemeanor or felony
 4 in accordance with the statutory provisions of the criminal code of
 5 Iowa relating to the misdemeanor or felony involved; to sentence to
 6 forfeiture of pay and allowances; to reprimand; to dismissal or dis-
 7 honorable discharge from the service; to reduction of non-commis-
 8 sioned officers to the ranks. Any two or more of such punishments
 9 may be combined in the sentences imposed by such courts.

1 SEC. 72. The commanding officer of each garrison, fort, post, camp,
2 or station, brigade, regiment, detached battalion or other detached
3 command, may appoint special courts-martial; but such special courts-
4 martial may in any case be appointed by superior authority when
5 such authority deems it desirable. Special courts-martial shall have
6 power to try any person subject to military law, except an officer, for
7 any crime or offense made punishable by this Act. Special courts-
8 martial shall have jurisdiction only of misdemeanors and minor mili-
9 tary offenses and punishment imposed by such courts for misdemea-
10 nors shall be in accordance with the statutory provisions of the criminal
11 code of Iowa relating to the misdemeanors involved.

1 SEC. 73. The commanding officer of each garrison, fort, post, camp,
2 or station, regiment, detached battalion, company, or other detach-
3 ment of the national guard may appoint for such place or command a
4 summary court to consist of one officer, who shall have power to ad-
5 minister oaths and to try the enlisted men of such place or command
6 for breaches of discipline and violation of laws governing such organ-
7 izations; and said court, when satisfied of the guilt of such enlisted
8 man may impose fines not exceeding twenty-five dollars for any single
9 offense; may sentence non-commissioned officers to reduction to the
10 ranks; may impose a forfeiture not to exceed two-thirds of his pay for
11 thirty days. The proceedings of such courts shall be informal and the
12 minutes thereof shall be the same as prescribed for summary courts
13 of the armed forces of the United States.

1 SEC. 74. All courts-martial, including summary courts, shall have
2 power to sentence to confinement in lieu of fines authorized to be im-
3 posed; provided, that such sentences of confinement shall not exceed
4 one day for each three dollars of fine authorized.

1 SEC. 75. No sentence imposed by a general courts-martial shall be
2 ordered into execution until approved by the governor.

3 No sentence imposed by a special courts-martial shall be ordered
4 into execution until approved by the authority appointing the court.

1 SEC. 76. Presidents of courts-martial and summary-court officers
2 shall have power to issue warrants to arrest accused persons and to
3 bring them before the courts for trial whenever such persons shall
4 have disobeyed an order in writing from the convening authority
5 to appear before such court, a copy of the charge or charges having
6 been delivered to the accused with such order, and to issue subpoenas
7 and subpoenas duces tecum and to enforce by attachment attendance
8 of witnesses and the production of books and papers and to sentence
9 for a refusal to be sworn or to answer as provided in actions before
10 civil courts.

11 Military personnel executing the provisions of this section shall have
12 all the powers and immunities of peace officers.

1 SEC. 77. Military courts are empowered to issue all process, in-
2 cluding writs and warrants necessary and proper to carry into
3 full effect the powers vested in said courts. Such process may be di-
4 rected to appropriate military personnel, the sheriff of any county or
5 any other peace officer of the state and shall be in such form as may,
6 from time to time, be prescribed by the adjutant general. It shall be

7 the duty of all persons herein provided to whom such process may be
8 so directed to execute the same and make return of their acts there-
9 under according to the requirements of the same.

10 The keepers and wardens of all city or county jails and of all other
11 jails, penitentiaries or prisons, designated by the governor or the
12 adjutant general of the state, shall receive the bodies of persons com-
13 mitted by the process of a military court and confine them in the man-
14 ner provided by law for civilian offenders.

15 No public officer shall demand or be entitled to receive any fees or
16 charges for receiving, executing, returning, or rendering any services
17 in connection with any process of a military court, or for receiving or
18 confining a person in jail or custody under such process.

1 SEC. 78. Fines may be paid to a court or to an officer executing
2 its process. The amount of any fine imposed may be noted upon any
3 state roll or account for pay of the delinquent and deducted from any
4 pay or allowance due or thereafter to become due him, until said fine
5 is liquidated. Any sum so deducted from any state pay or allowance
6 shall be turned into the court which imposed the fine and shall be paid
7 over by the officer receiving the same in like manner as provided for
8 other fines and moneys collected.

9 The proceeds of all fines in summary, general, and special courts-
10 martial cases shall be paid to the adjutant general and paid into the
11 maintenance fund of the national guard, and all costs of prosecution
12 shall be paid out of the same fund.

1 SEC. 79. The president of a general or a special court-martial, or
2 a summary court officer may each appoint by warrant, and at any
3 time remove, one or more marshals, each of whom shall, before enter-
4 ing upon his duties, execute a bond to the state in the penal sum of
5 one thousand dollars, with sufficient sureties, to be approved by the
6 president of the court or officer appointing him, for the faithful per-
7 formance of his duties and the prompt payment of all moneys col-
8 lected by him. Each marshal shall perform the usual duties of such
9 marshals and shall execute any process, or order issued by such presi-
10 dent or court or officer, and perform all acts and duties by this section
11 imposed on or authorized to be performed by any sheriff, marshal,
12 or constable. A bond given as herein provided may be prosecuted for
13 breach of the conditions thereof, in the name of the state, by a judge
14 advocate of the national guard, and all moneys recovered shall be paid
15 to the maintenance fund of the national guard.

1 SEC. 80. No action or proceeding shall be prosecuted or maintained
2 against a member of a military court or officer or person acting under
3 its authority or reviewing its proceeding on account of the approval
4 or imposition or execution of any sentence or the imposition or col-
5 lection of a fine or penalty, or the execution of any warrant, writ,
6 execution, or process, of a military court.

1 SEC. 81. The jurisdiction of the courts and boards established by
2 this Act shall be presumed.

1 SEC. 82. All matters relating to the organization, discipline, and
2 government of the military forces not otherwise provided for in this

3 Act, shall be decided by the custom, regulations, and usage of the
4 armed forces of the United States.

IOWA STATE GUARD

1 SEC. 83. Whenever any part of the national guard is in federal
2 service the governor may activate such part of the unorganized mi-
3 litia, to be designated the "Iowa State Guard", as he may deem neces-
4 sary, subject to provisions of federal law and regulations relating to
5 such military organizations.

1 SEC. 84. The powers and duties of the governor, the adjutant gen-
2 eral and the assistant adjutant general, with relation to the Iowa
3 State Guard shall be the same as those powers and duties prescribed
4 in this Act for such officers with relation to the national guard.

1 SEC. 85. In the event the state headquarters of the national guard
2 is inducted into federal service, the governor shall appoint a chief of
3 staff for the Iowa State Guard.

1 SEC. 86. The provisions of this Act pertaining to the administra-
2 tion and employment of the national guard shall be applicable to the
3 Iowa State Guard. The rules and regulations relating to, appoint-
4 ment of officers, enlistments, term and conditions of service in, and
5 discharge from, the Iowa State Guard shall be such as are directed by
6 the governor.

1 SEC. 87. The powers and duties of officers and enlisted men of the
2 Iowa State Guard shall be the same as those prescribed in this Act for
3 officers and enlisted men of the national guard and the punitive and
4 disciplinary provisions of this Act relating to the national guard shall
5 be applicable to the Iowa State Guard.

1 SEC. 88. The provisions of this Act relating to immunity from suit
2 and exemption from personal liability of members of the national
3 guard shall apply to members of the Iowa State Guard.

1 SEC. 89. Officers and enlisted men of the Iowa State Guard while
2 in active state service shall receive the same pay, allowances, and com-
3 pensation as provided by law for members of the Iowa national guard.

1 SEC. 90. Any expense necessary for organizing, equipping, and
2 maintaining the Iowa State Guard shall be paid on approval of the
3 governor by warrant drawn on any state funds not otherwise appro-
4 priated, or funds now or hereafter appropriated for the maintenance
5 of the national guard.

1 SEC. 91. The Iowa State Guard shall not be called, ordered or in
2 any manner drafted as such into the military service of the United
3 States. However, no person shall by reason of his membership in the
4 Iowa State Guard be exempt from federal military service under fed-
5 eral law.

POWERS OF ATTORNEY EXECUTED BY SERVICE PERSONNEL

1 SEC. 92. Except as otherwise provided in this Act no agency cre-
2 ated by a power of attorney in writing given by a principal who is at

3 the time of execution, or who after executing such power of attorney
 4 becomes, either a member of the armed forces of the United States, or
 5 a person serving as a merchant seaman outside the limits of the United
 6 States included within the 48 states and the District of Columbia, or
 7 a person outside said limits by permission, assignment or direction
 8 of any department, in connection with any activity pertaining to or
 9 connected with the prosecution of any war in which the United States
 10 is then engaged, shall be revoked or terminated by the death of the
 11 principal, as to the agent or other person who, without actual knowl-
 12 edge or actual notice of the death of the principal, shall have acted
 13 or shall act, in good faith, under or in reliance upon such power of
 14 attorney or agency, and any action so taken, unless otherwise invalid
 15 or unenforceable, shall be binding on the heirs, devisees, legatees, or
 16 personal representatives of the principal.

17 Except as otherwise provided in this Act no report or listing either
 18 official or otherwise, of "missing" or "missing in action" shall con-
 19 stitute or be interpreted as constituting actual knowledge or actual
 20 notice of the death of such principal or notice of any facts indicating
 21 the same, or shall operate to revoke the agency.

1 SEC. 93. An affidavit, executed by an attorney in fact or agent,
 2 setting forth that he has not or had not, at the time of doing any act
 3 pursuant to the power of attorney, received actual knowledge or ac-
 4 tual notice of the revocation or termination of the power of attorney,
 5 by death or otherwise, or notice of any facts indicating the same, shall,
 6 in the absence of fraud, be conclusive proof of the nonrevocation or
 7 non-termination of the power at such time. If the exercise of the
 8 power requires execution and delivery of any instrument which is re-
 9 cordable under the laws of this state, such affidavit (when authenti-
 10 cated for record in the manner prescribed by law) shall likewise be
 11 recordable.

1 SEC. 94. Sections 92 to 93, inclusive, of this Act, shall not operate
 2 to alter, invalidate, or in any manner affect any express provision for
 3 revocation or termination contained in any power of attorney.

1 SEC. 95. Chapter twenty-nine (29), Code of Iowa, 1950, as
 2 amended is hereby repealed.

Approved April 2, 1953.

CHAPTER 55

WORLD WAR COMPENSATION BOARD

H. F. 471

AN ACT terminating the World War II service compensation board and to transfer all meetings, records and business pertaining to the said board to the office of the state auditor beginning July 5, 1953 and to amend certain sections of the Code 1950 relating thereto.

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

1 SECTION 1. The World War II Service Compensation Board is
 2 hereby abolished. On the date of July 5, 1953, all records, property,