

Kibbie  
Drake  
Sexton

SSB 3051  
State Government  
Succeeded By  
S/HF 2266

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
PUBLIC DEFENSE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the department of public defense by changing  
2 the number and qualifications of general officers in the Iowa  
3 national guard and increasing the membership of the emergency  
4 response commission and providing an effective date.

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

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

10 February 1999

1 \_\_\_\_\_  
2 DIVISION I  
3 PUBLIC DEFENSE

4 Section 1. Section 29A.1, subsection 1, Code 1999, is  
5 amended to read as follows:

6 1. "Active state service" means service on behalf of the  
7 state when public disaster, riot, tumult, breach of the peace  
8 or resistance of process occurs or threatens to occur, when  
9 called upon in aid of civil authorities or when under martial  
10 law or at encampments ordered by state authority. Active  
11 state service also includes serving as the adjutant general, a  
12 deputy adjutant general, or the state quartermaster and  
13 administrative-orders-officer, but does not include training  
14 or duty required or authorized under 32 U.S.C. § 502-505, or  
15 any other training or duty required or authorized by federal  
16 laws and regulations.

17 Sec. 2. Section 29A.11, Code 1999, is amended to read as  
18 follows:

19 29A.11 ADJUTANT GENERAL -- APPOINTMENT, TERM, AND REMOVAL.

20 There shall be an adjutant general of the state who shall  
21 be appointed and commissioned by the governor subject to  
22 confirmation by the senate and who shall serve at the pleasure  
23 of the governor. The rank of the adjutant general shall be at  
24 least that of brigadier general and the adjutant general shall  
25 hold office for a term of four years beginning and ending as  
26 provided in section 69.19. At the time of appointment the  
27 adjutant general shall be ~~or-have-been~~ a federally recognized  
28 commissioned officer in the armed-forces United States army or  
29 air force, the army or air national guard of the United  
30 States, or the United States army or air force reserve who has  
31 reached at least the grade of a-field-officer colonel and who  
32 is or is eligible to be federally recognized at the next  
33 higher rank.

34 Sec. 3. Section 29A.16, Code 1999, is amended to read as  
35 follows:

36 29A.16 DEPUTY ADJUTANT ADJUTANTS GENERAL AND-ASSISTANTS.

1 1. The governor shall appoint a deputy adjutant general,  
 2 ~~who shall be or have been a commissioned officer, and an~~  
 3 ~~assistant adjutant general for the army national guard who~~  
 4 ~~shall be a commissioned officer, and an assistant adjutant~~  
 5 ~~general for the air national guard who shall be a commissioned~~  
 6 ~~officer, upon the recommendation of the adjutant general~~ for  
 7 the army national guard and a deputy adjutant general for the  
 8 air national guard upon recommendation of the adjutant  
 9 general. At the time of appointment, the deputy adjutants  
 10 general shall be federally recognized officers in the national  
 11 guard who have attained at least the rank of colonel and who  
 12 are eligible for federal recognition at the next higher rank.

13 2. They The deputy adjutants general shall have such the  
 14 rank as is consistent with federal law and regulations to and  
 15 including the rank of brigadier general ~~and at the time of~~  
 16 ~~their appointment shall be federally commissioned officers and~~  
 17 ~~they shall have reached the grade of a field officer.~~ They  
 18 The deputy adjutants general shall serve at the pleasure of  
 19 the governor.

20 3. The deputy adjutant adjutants general shall serve in  
 21 the office of the adjutant general and aid by performing such  
 22 duties as the adjutant general may assign. In the absence or  
 23 disability of the adjutant general the senior deputy present  
 24 for duty, based upon date of appointment under this section,  
 25 shall perform the duties of that office as acting adjutant  
 26 general. ~~Each assistant adjutant general shall be responsible~~  
 27 ~~for duties with the army national guard or the air national~~  
 28 ~~guard, respectively, as prescribed by the adjutant general.~~

29 4. The adjutant general may appoint a full-time staff  
 30 within prescribed personnel authorization. Members of that  
 31 the staff who are not in state active duty status are  
 32 authorized salaries with allowances as provided by the  
 33 ~~executive council exempt pay plan~~ law.

34 Sec. 4. Section 29A.17, unnumbered paragraph 1, Code 1999,  
 35 is amended to read as follows:

1 The military staff of the governor shall consist of the  
2 adjutant general, who shall be the chief of staff; the  
3 ~~assistant-adjutant~~ deputy adjutants general, who shall be the  
4 assistant ~~chief~~ chiefs of staff and ~~such~~ the aides, residents  
5 of the state, as the governor may appoint or detail from the  
6 armed forces of the state.

7 Sec. 5. Section 29A.66, Code 1999, is amended to read as  
8 follows:

9 29A.66 APPLICABLE POWERS AND DUTIES.

10 The powers and duties of the governor, the adjutant general  
11 and the deputy ~~adjutant~~ adjutants general, with relation to  
12 the Iowa state guard shall be the same as those powers and  
13 duties prescribed in this chapter for ~~such~~ the officers with  
14 relation to the national guard.

15 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION II

18 IOWA EMERGENCY RESPONSE COMMISSION

19 Sec. 7. Section 30.2, subsection 2, Code 1999, is amended  
20 to read as follows:

21 2. a. The commission is composed of ~~twelve~~ fifteen  
22 members appointed by the governor. One member shall be  
23 appointed to represent the department of agriculture and land  
24 stewardship, one to represent the department of workforce  
25 development, one to represent the department of justice, one  
26 to represent the department of natural resources, one to  
27 represent the department of public defense, one to represent  
28 the Iowa department of public health, one to represent the  
29 department of public safety, one to represent the state  
30 department of transportation, one to represent the fire  
31 service institute of the Iowa state university of science and  
32 technology, one to represent a local emergency planning  
33 committee, one to represent the Iowa hazardous materials task  
34 force, and one to represent the office of the governor. ~~Two~~  
35 Three representatives from private industry shall also be

1 appointed by the governor, subject to confirmation by the  
2 senate.

3 b. The commission members representing departments of  
4 workforce development, natural resources, public defense,  
5 public safety, and transportation, and one private industry  
6 representative designated by the commission shall be voting  
7 members of the commission. The remaining members of the  
8 commission shall serve as nonvoting, advisory members.

9 EXPLANATION

10 Division I amends Code chapter 29A as follows:

11 1. The state active duty position of administrative orders  
12 officer is eliminated and replaced by an additional deputy  
13 adjutant general position.

14 2. The requirements for appointment as adjutant general  
15 are changed as follows:

16 a. The appointee must be a member of the United States  
17 army or air national guard, the army or air force reserve, or  
18 the active United States army or air force.

19 b. The appointee must have attained at least the rank of  
20 colonel.

21 c. The appointee must be eligible for federal recognition  
22 as a brigadier general, if not a federally recognized  
23 brigadier general at the time of appointment.

24 Currently, the adjutant general need only have obtained the  
25 rank of a major, need not be currently serving in the armed  
26 forces, and need not be federally recognizable as a general  
27 officer.

28 3. The positions of deputy adjutant general for the army  
29 national guard and deputy adjutant general for the air  
30 national guard are created. Currently, there is only one  
31 deputy adjutant general. The requirements for appointment as  
32 a deputy adjutant general are as follows:

33 a. The appointee must be a member of the Iowa army or air  
34 national guard.

35 b. The appointee must have obtained at least the rank of

1 colonel and be eligible for federal recognition at the next  
2 higher rank.

3 4. The bill provides that in the absence of the adjutant  
4 general, the senior deputy adjutant general present for duty,  
5 based upon the date of the state appointment, shall perform  
6 the duties of the adjutant general.

7 Division I takes effect upon enactment.

8 Division II expands the membership of the Iowa emergency  
9 response commission from 12 to 15 members. The new members  
10 shall be a representative from a local emergency planning  
11 committee, a representative from the Iowa hazardous materials  
12 task force, and an additional private industry representative.  
13 The representatives of the departments of workforce  
14 development, natural resources, public defense, public safety,  
15 and transportation, which are responsible under federal and  
16 state law for staffing and support of the commission, and one  
17 private industry representative are designated as voting  
18 members of the commission. The remaining are designated as  
19 nonvoting, advisory members.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

BACKGROUND STATEMENT  
DEPARTMENT OF PUBLIC DEFENSE

Division I of LSB 5313DP changes the number of state general officer positions in the Iowa National Guard by adding a deputy adjutant general position and eliminating two assistant adjutant general positions. Division I also changes the qualifications necessary for appointment to the positions of Adjutant General or Deputy Adjutant General.

Providing a Deputy Adjutant General for the Army National Guard and one for the Air National Guard reflects the changing nature of the missions and units assigned to the Iowa Army and Air National Guard. To provide a state active duty position for the additional Deputy Adjutant General, the position of Administrative Orders Officer is being eliminated.

The Assistant Adjutant General for Army and Assistant Adjutant General for Air positions are being eliminated because they are no longer necessary following the addition of the additional Deputy Adjutant General position.

The qualifications for appointment to Adjutant General or Deputy Adjutant General are being changed to provide that the officers holding those positions are capable of being federally recognized as general officers.

Division II of LSB 5313DP expands membership of the Iowa Emergency Response Commission from 12 to 15 and designates voting and non-voting members. Expansion of membership provides an opportunity for previously unrepresented stake-holders to participate on the Commission. Designating voting and non-voting, advisory members reduces the number of members necessary for a quorum, which will increase Commission effectiveness by allowing business meetings to occur on a more regular basis.

H. 2/29/00 State Good  
H. 3/8/00 Do Pass

FILED FEB 22 2000

SENATE FILE 2266  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3051)

Passed Senate, Date <sup>(P.414)</sup> 2/28/00 Passed House, Date <sup>(P.968)</sup> 3/23/00  
Vote: Ayes 45 Nays 0 Vote: Ayes 100 Nays 0  
Approved March 30, 2000

A BILL FOR

1 An Act relating to the department of public defense by changing  
2 the number and qualifications of general officers in the Iowa  
3 national guard and increasing the membership of the emergency  
4 response commission and providing an effective date.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 2266

## DIVISION I

## PUBLIC DEFENSE

1  
2  
3 Section 1. Section 29A.1, subsection 1, Code 1999, is  
4 amended to read as follows:

5 1. "Active state service" means service on behalf of the  
6 state when public disaster, riot, tumult, breach of the peace  
7 or resistance of process occurs or threatens to occur, when  
8 called upon in aid of civil authorities or when under martial  
9 law or at encampments ordered by state authority. Active  
10 state service also includes serving as the adjutant general, a  
11 deputy adjutant general, or the state quartermaster and  
12 ~~administrative-orders-officer~~, but does not include training  
13 or duty required or authorized under 32 U.S.C. § 502-505, or  
14 any other training or duty required or authorized by federal  
15 laws and regulations.

16 Sec. 2. Section 29A.11, Code 1999, is amended to read as  
17 follows:

18 29A.11 ADJUTANT GENERAL -- APPOINTMENT, TERM, AND REMOVAL.

19 There shall be an adjutant general of the state who shall  
20 be appointed and commissioned by the governor subject to  
21 confirmation by the senate and who shall serve at the pleasure  
22 of the governor. The rank of the adjutant general shall be at  
23 least that of brigadier general and the adjutant general shall  
24 hold office for a term of four years beginning and ending as  
25 provided in section 69.19. At the time of appointment the  
26 adjutant general shall be ~~or-have-been~~ a federally recognized  
27 commissioned officer in the ~~armed-forces~~ United States army or  
28 air force, the army or air national guard of the United  
29 States, or the United States army or air force reserve who has  
30 reached at least the grade of a-field-officer colonel and who  
31 is or is eligible to be federally recognized at the next  
32 higher rank.

33 Sec. 3. Section 29A.16, Code 1999, is amended to read as  
34 follows:

35 29A.16 DEPUTY ADJUTANT ADJUTANTS GENERAL AND-ASSISTANTS.

1     1. The governor shall appoint a deputy adjutant general  
2 ~~who shall be or have been a commissioned officer, and an~~  
3 ~~assistant adjutant general for the army national guard who~~  
4 ~~shall be a commissioned officer, and an assistant adjutant~~  
5 ~~general for the air national guard who shall be a commissioned~~  
6 ~~officer, upon the recommendation of the adjutant general for~~  
7 the army national guard and a deputy adjutant general for the  
8 air national guard upon recommendation of the adjutant  
9 general. At the time of appointment, the deputy adjutants  
10 general shall be federally recognized officers in the national  
11 guard who have attained at least the rank of colonel and who  
12 are eligible for federal recognition at the next higher rank.

13     2. ~~They~~ The deputy adjutants general shall have ~~such the~~  
14 rank as is consistent with federal law and regulations to and  
15 including the rank of brigadier general ~~and at the time of~~  
16 ~~their appointment shall be federally commissioned officers and~~  
17 ~~they shall have reached the grade of a field officer.~~ ~~They~~  
18 The deputy adjutants general shall serve at the pleasure of  
19 the governor.

20     3. The deputy adjutant ~~adjutants~~ general shall serve in  
21 the office of the adjutant general and aid by performing such  
22 duties as the adjutant general may assign. In the absence or  
23 disability of the adjutant general the senior deputy present  
24 for duty, based upon date of appointment under this section,  
25 shall perform the duties of that office as acting adjutant  
26 general. ~~Each assistant adjutant general shall be responsible~~  
27 ~~for duties with the army national guard or the air national~~  
28 ~~guard, respectively, as prescribed by the adjutant general.~~

29     4. The adjutant general may appoint a full-time staff  
30 within prescribed personnel authorization. Members of ~~that~~  
31 the staff who are not in state active duty status are  
32 authorized salaries with allowances as provided by the  
33 ~~executive council exempt pay plan~~ law.

34     Sec. 4. Section 29A.17, unnumbered paragraph 1, Code 1999,  
35 is amended to read as follows:

1 The military staff of the governor shall consist of the  
2 adjutant general, who shall be the chief of staff; the  
3 ~~assistant-adjutant~~ deputy adjutants general, who shall be the  
4 assistant chief chiefs of staff and ~~such~~ the aides, residents  
5 of the state, as the governor may appoint or detail from the  
6 armed forces of the state.

7 Sec. 5. Section 29A.66, Code 1999, is amended to read as  
8 follows:

9 29A.66 APPLICABLE POWERS AND DUTIES.

10 The powers and duties of the governor, the adjutant general  
11 and the deputy adjutant adjutants general, with relation to  
12 the Iowa state guard shall be the same as those powers and  
13 duties prescribed in this chapter for ~~such~~ the officers with  
14 relation to the national guard.

15 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION II

18 IOWA EMERGENCY RESPONSE COMMISSION

19 Sec. 7. Section 30.2, subsection 2, Code 1999, is amended  
20 to read as follows:

21 2. a. The commission is composed of ~~twelve~~ fifteen  
22 members appointed by the governor. One member shall be  
23 appointed to represent the department of agriculture and land  
24 stewardship, one to represent the department of workforce  
25 development, one to represent the department of justice, one  
26 to represent the department of natural resources, one to  
27 represent the department of public defense, one to represent  
28 the Iowa department of public health, one to represent the  
29 department of public safety, one to represent the state  
30 department of transportation, one to represent the fire  
31 service institute of the Iowa state university of science and  
32 technology, one to represent a local emergency planning  
33 committee, one to represent the Iowa hazardous materials task  
34 force, and one to represent the office of the governor. ~~Two~~  
35 Three representatives from private industry shall also be

1 appointed by the governor, subject to confirmation by the  
2 senate.

3 b. The commission members representing the departments of  
4 workforce development, natural resources, public defense,  
5 public safety, and transportation, and one private industry  
6 representative designated by the commission shall be voting  
7 members of the commission. The remaining members of the  
8 commission shall serve as nonvoting, advisory members.

9 EXPLANATION

10 Division I amends Code chapter 29A as follows:

11 1. The state active duty position of administrative orders  
12 officer is eliminated and replaced by an additional deputy  
13 adjutant general position.

14 2. The requirements for appointment as adjutant general  
15 are changed as follows:

16 a. The appointee must be a member of the United States  
17 army or air national guard, the army or air force reserve, or  
18 the active United States army or air force.

19 b. The appointee must have attained at least the rank of  
20 colonel.

21 c. The appointee must be eligible for federal recognition  
22 as a brigadier general, if not a federally recognized  
23 brigadier general at the time of appointment.

24 Currently, the adjutant general need only have obtained the  
25 rank of a major, need not be currently serving in the armed  
26 forces, and need not be federally recognizable as a general  
27 officer.

28 3. The positions of deputy adjutant general for the army  
29 national guard and deputy adjutant general for the air  
30 national guard are created. Currently, there is only one  
31 deputy adjutant general. The requirements for appointment as  
32 a deputy adjutant general are as follows:

33 a. The appointee must be a member of the Iowa army or air  
34 national guard.

35 b. The appointee must have obtained at least the rank of

1 colonel and be eligible for federal recognition at the next  
2 higher rank.

3 4. The bill provides that in the absence of the adjutant  
4 general, the senior deputy adjutant general present for duty,  
5 based upon the date of the state appointment, shall perform  
6 the duties of the adjutant general.

7 Division I takes effect upon enactment.

8 Division II expands the membership of the Iowa emergency  
9 response commission from 12 to 15 members. The new members  
10 shall be a representative from a local emergency planning  
11 committee, a representative from the Iowa hazardous materials  
12 task force, and an additional private industry representative.  
13 The representatives of the departments of workforce  
14 development, natural resources, public defense, public safety,  
15 and transportation, which are responsible under federal and  
16 state law for staffing and support of the commission, and one  
17 private industry representative are designated as voting  
18 members of the commission. The remaining are designated as  
19 nonvoting, advisory members.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

## SENATE FILE 2266

## AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC DEFENSE BY CHANGING THE NUMBER AND QUALIFICATIONS OF GENERAL OFFICERS IN THE IOWA NATIONAL GUARD AND INCREASING THE MEMBERSHIP OF THE EMERGENCY RESPONSE COMMISSION AND PROVIDING AN EFFECTIVE DATE.

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

DIVISION I  
PUBLIC DEFENSE

Section 1. Section 29A.1, subsection 1, Code 1999, is amended to read as follows:

1. "Active state service" means service on behalf of the state when public disaster, riot, tumult, breach of the peace or resistance of process occurs or threatens to occur, when called upon in aid of civil authorities or when under martial law or at encampments ordered by state authority. Active state service also includes serving as the adjutant general, a deputy adjutant general, or the state quartermaster and administrative-orders-officer, but does not include training or duty required or authorized under 32 U.S.C. § 502-505, or any other training or duty required or authorized by federal laws and regulations.

Sec. 2. Section 29A.11, Code 1999, is amended to read as follows:

29A.11 ADJUTANT GENERAL -- APPOINTMENT, TERM, AND REMOVAL.

There shall be an adjutant general of the state who shall be appointed and commissioned by the governor subject to confirmation by the senate and who shall serve at the pleasure of the governor. The rank of the adjutant general shall be at least that of brigadier general and the adjutant general shall hold office for a term of four years beginning and ending as provided in section 69.19. At the time of appointment the adjutant general shall be ~~or have been~~ a federally recognized

~~commissioned officer in the armed-forces United States army or air force, the army or air national guard of the United States, or the United States army or air force reserve who has reached at least the grade of a field-officer colonel and who is or is eligible to be federally recognized at the next higher rank.~~

Sec. 3. Section 29A.16, Code 1999, is amended to read as follows:

29A.16 DEPUTY ADJUTANT ADJUTANTS GENERAL AND ASSISTANTS.

1. ~~The governor shall appoint a deputy adjutant general who shall be or have been a commissioned officer, and an assistant adjutant general for the army national guard who shall be a commissioned officer, and an assistant adjutant general for the air national guard who shall be a commissioned officer, upon the recommendation of the adjutant general for the army national guard and a deputy adjutant general for the air national guard upon recommendation of the adjutant general. At the time of appointment, the deputy adjutants general shall be federally recognized officers in the national guard who have attained at least the rank of colonel and who are eligible for federal recognition at the next higher rank.~~

2. ~~They~~ The deputy adjutants general shall have such the rank as is consistent with federal law and regulations to and including the rank of brigadier general ~~and at the time of their appointment shall be federally commissioned officers and they shall have reached the grade of a field-officer.~~ They The deputy adjutants general shall serve at the pleasure of the governor.

3. The deputy adjutant adjutants general shall serve in the office of the adjutant general and aid by performing such duties as the adjutant general may assign. In the absence or disability of the adjutant general the senior deputy present for duty, based upon date of appointment under this section, shall perform the duties of that office as acting adjutant general. ~~Each assistant adjutant general shall be responsible for duties with the army national guard or the air national guard, respectively, as prescribed by the adjutant general.~~

4. The adjutant general may appoint a full-time staff within prescribed personnel authorization. Members of ~~that~~ the staff who are not in state active duty status are authorized salaries with allowances as provided by the ~~executive-cessant-exempt-pay-plan~~ law.

Sec. 4. Section 29A.17, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The military staff of the governor shall consist of the adjutant general, who shall be the chief of staff; the ~~assistant-adjutant~~ deputy adjutants general, who shall be the assistant chief chiefs of staff and ~~such~~ the aides, residents of the state, as the governor may appoint or detail from the armed forces of the state.

Sec. 5. Section 29A.66, Code 1999, is amended to read as follows:

29A.66 APPLICABLE POWERS AND DUTIES.

The powers and duties of the governor, the adjutant general and the deputy adjutant ~~adjutants~~ general, with relation to the Iowa state guard shall be the same as those powers and duties prescribed in this chapter for ~~such~~ the officers with relation to the national guard.

Sec. 6. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

IOWA EMERGENCY RESPONSE COMMISSION

Sec. 7. Section 30.2, subsection 2, Code 1999, is amended to read as follows:

2. a. The commission is composed of ~~twelve~~ fifteen members appointed by the governor. One member shall be appointed to represent the department of agriculture and land stewardship, one to represent the department of workforce development, one to represent the department of justice, one to represent the department of natural resources, one to represent the department of public defense, one to represent the Iowa department of public health, one to represent the department of public safety, one to represent the state department of transportation, one to represent the fire

service institute of the Iowa state university of science and technology, one to represent a local emergency planning committee, one to represent the Iowa hazardous materials task force, and one to represent the office of the governor. ~~Two~~ Three representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

b. The commission members representing the departments of workforce development, natural resources, public defense, public safety, and transportation, and one private industry representative designated by the commission shall be voting members of the commission. The remaining members of the commission shall serve as nonvoting, advisory members.

\_\_\_\_\_  
MARY E. KRAMER  
President of the Senate

\_\_\_\_\_  
BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2266, Seventy-eighth General Assembly.

\_\_\_\_\_  
MICHAEL E. MARSHALL  
Secretary of the Senate

Approved March 30, 2000

\_\_\_\_\_  
THOMAS J. VILSACK  
Governor