

March 21, 1969

HOUSE FILE 615

Placed On Calendar

*State Govt. Pass 2-2
See Judiciary 2-16, Pass 2-27*

By COMMITTEE ON STATE GOVERNMENT

Passed House, Date *2-11-70* Passed Senate, Date *3-9-70*

Vote: Ayes *101* Nays *0* Vote: Ayes *54* Nays *0*

Approved *3-16-70*

A BILL FOR

- 1 An Act relating to liability of the state for claims incident
- 2 to training, operation, or maintenance of the national guard
- 3 while not in "active state service".

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

- 5 Section 1. Section twenty-five A point fourteen (25A.14),
- 6 Code 1966, is hereby amended by adding the following new sub-
- 7 section:

- 8 "Any claim based upon damage to or loss or destruction of
- 9 private property, both real and personal, or personal injury
- 10 or death, when such damage, loss, destruction, injury or death
- 11 occurred as an incident to the training, operation, or maintenance
- 12 of the national guard while not in "active state service" as
- 13 defined in section twenty-nine A point one (29A.1), subsection
- 14 five (5), of the Code."

EXPLANATION OF HOUSE FILE 615

This bill will preclude action against the state, under the Iowa Tort Claims Act, for property damage, injury, or death incident to the training, operation, or maintenance of the Iowa national guard performed pursuant to federal law and regulations, including drill and annual field training. Section 715, Title 32, U.S. Code (PL 86-740), provides authority for settlement and payment, by the service secretary concerned, of claims, not in excess of \$5,000.00, arising from the activities of the national guard while engaged in training or duty under Sections 316, 502-505 of Title 32, U.S. Code, or any other provision of law pertaining entitlement to pay under Section 206, Title 37, U.S. Code. In the event the secretary concerned considers claims in excess of \$5,000.00 to be meritorious, he may report the excess to Congress for consideration.