

Reprinted 4/78

FEB 16 1978

HOUSE FILE 2175

STATE GOVERNMENT *Amended to
from 5/4 (p. 1024)
Amended from 5/22 to De. pass 4/4 (p. 1326)*

By HARGRAVE

Passed House, Date 4.21.78 (p. 1725) Passed Senate, Date 5/12/78 (P 1485)

Vote: Ayes 7 Nays 13 Vote: Ayes 45 Nays 0

Approved June 22, 1978

A BILL FOR

1 An Act relating to the state military code.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section twenty-nine A point eleven (29A.11),
2 Code 1977, is amended to read as follows:

3 29A.11 ADJUTANT GENERAL--APPOINTMENT, TERM AND REMOVAL.

4 There shall be an adjutant general of the state who shall
5 be appointed and commissioned by the governor ~~upon the~~
6 ~~recommendation of a majority of the advisory council--When~~
7 ~~a majority of the members of the advisory council are in~~
8 ~~federal service in time of war, said appointment shall be~~
9 ~~made by the governor without such recommendation~~ with the
10 approval and confirmation of two-thirds of the senate and
11 who shall serve at the pleasure of the governor. The rank
12 of the adjutant general shall be at least that of brigadier
13 general and he or she shall hold office for a term of four
14 years. At the time of ~~his~~ appointment ~~he~~ the adjutant general
15 shall be a federally recognized commissioned officer ~~of the~~
16 ~~national guard~~ with not less than ten years military service
17 in the armed forces ~~of this state or of the United States,~~
18 at least five of which have been commissioned service, and
19 who shall have reached the grade of a field officer. ~~He shall~~
20 ~~be removed only upon conviction of a felony or upon conviction~~
21 ~~by a court martial or upon termination of his federal~~
22 ~~recognition.~~

23 Sec. 2. Section twenty-nine A point fourteen (29A.14),
24 Code 1977, is amended to read as follows:

25 29A.14 LEASING FACILITIES. The adjutant general shall
26 have authority to operate or lease any of the facilities at
27 Camp Dodge. Any income or revenue derived from such operation
28 or leasing shall be deposited with the state treasurer as
29 ~~a Camp Dodge permanent improvement fund~~ and credited to the
30 general fund of the state.

31 Sec. 3. Section twenty-nine A point sixteen (29A.16),
32 unnumbered paragraph one (1), Code 1977, is amended to read
33 as follows:

34 The governor shall appoint a deputy adjutant general, who
35 shall be a commissioned officer ~~of the army national guard~~

1 ~~or-the-air-national-guard~~, and an assistant adjutant general
2 for the army national guard who shall be a commissioned officer
3 ~~of-the-army-national-guard~~, and an assistant adjutant general
4 for the air national guard who shall be a commissioned of-
5 ficer ~~of-the-air-national-guard~~, upon the recommendation of
6 the adjutant general. They shall have such rank as is
7 consistent with federal law and regulations to and including
8 the rank of brigadier general and at the time of their
9 appointment shall be federally recognized commissioned officers
10 ~~of-the-national-guard~~ with not less than five years' service
11 ~~in-the-national-guard-or-in-the-armed-forces-of-the-of-the~~
12 ~~United-States~~, at least three years of which shall have been
13 commissioned service and they shall have reached the grade
14 of a field officer. They shall be removed upon termination
15 of their federal recognition.

16 Sec. 4. Section twenty-nine A point one (29A.1), subsection
17 eleven (11), Code 1977, is repealed.

18 Sec. 5. This Act is effective January 1, 1979.

19 EXPLANATION

20 This bill provides that the appointment of the adjutant
21 general be subject to senate confirmation with service at
22 the pleasure of the governor. The bill removes certain
23 restrictions thus expanding the field from which the governor
24 can appoint the adjutant general, deputy adjutant general,
25 and assistant adjutant generals.

26 Section 4 of the bill abolishes the advisory council which
27 under present law recommends to the governor a candidate for
28 the position of adjutant general.

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LSB B2
rn/rh/8A

H-6159

1 Amend House File 2175 as follows:

2 1. Page 1, line 25 by inserting after "general"
3 the words "with the approval of the director of gen-
4 eral services".

5 2. Page 1, by striking line 31 through page 2,
6 line 15.

7 3. Page 2, by striking line 18 and inserting in
8 lieu thereof the following:

9 "Sec. ____ . Section two (2) of this Act is
10 effective January 1, 1980."

11 4. By renumbering the sections to conform with
12 this amendment.

H-6159 FILED *Adopted* BY COMMITTEE ON STATE GOVERNMENT
APRIL 20, 1978 *B. Lamb* MONROE of Des Moines, Chair

H-6160

1 Amend House File 2175 as follows:

2 1. Page 2, by inserting before line 16 the
3 following sections:

4 "Sec. ____ . Section twenty-nine A point twenty-
5 eight (29A.28), Code 1977, is amended to read as
6 follows:

7 29A.28 LEAVE OF ABSENCE OF CIVIL EMPLOYEES. All
8 officers and employees of the state, or a subdivision
9 thereof, or a municipality other than employees
10 employed temporarily for six months or less, who are
11 members of the national guard, organized reserves
12 or any component part of the military, naval, or air
13 forces or nurse corps of this state or nation, or
14 who are or may be otherwise inducted into the military
15 service of this state or of the United States, shall,
16 when ordered by proper authority to active state or
17 federal service, be entitled to a leave of absence
18 from such civil employment for the period of such
19 active state or federal service, without loss of
20 status or efficiency rating, and ~~without loss of pay~~
21 during the first thirty days of such leave of absence
22 shall receive any loss of pay resulting from the
23 difference, if any, between the military salary and
24 the civilian occupational salary. The proper
25 appointing authority may make a temporary appointment
26 to fill any vacancy created by such leave of absence."

27 2. By renumbering sections and correcting internal
28 references as necessary.

H-6160 FILED *Adopted* BY JUNKER of Woodbury
APRIL 20, 1978 *(p. 174)*

HOUSE FILE 2175

H-5922

- 1 Amend House File 2175 as follows:
- 2 1. Page 1, by striking line 31 through page 2,
- 3 line 15.
- 4 2. Page 2, by striking line 18 and inserting in
- 5 lieu thereof the following:
- 6 "Sec. ____ Section two (2) of this Act is effec-
- 7 tive January 1, 1980."
- 8 3. By renumbering the sections to conform with
- 9 this amendment.

H-5922 FILED *admitted* BY COMMITTEE ON STATE GOVERNMENT
APRIL 5, 1978 *17/1981* MONROE of Des Moines, Chair

HOUSE FILE 2175

H-6148

- 1 Amend House File 2175 as follows:
- 2 1. Page 2, by striking lines 14 and 15, and inserting
- 3 in lieu thereof the following: "of a field officer. They
- 4 ~~shall be removed upon termination of their federal recognition.~~
- 5 They shall serve at the pleasure of the Governor."

H-6148 FILED *admitted* BY HARGRAVE of Johnson
APRIL 20, 1978 *17/1981*

HOUSE FILE 2175

H-6151

- 1 Amend the amendment, H-5922, to House File 2175
- 2 as follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting in lieu thereof the following:
- 5 "2. Page 1, by striking lines 28 through 30 and
- 6 inserting in lieu thereof the following: "or leasing
- 7 shall be deposited with the state treasurer as a Camp
- 8 Dodge permanent improvement fund.""

H-6151 FILED BY BAKER of Buena Vista
APRIL 20, 1978 HARVEY of Scott
WYCKOFF of Benton

H-6164

- 1 Amend amendment, H-6159 to House File 2175 as
 2 follows:
 3 1. Page 1, by striking lines 7 through 10 and
 4 inserting in lieu thereof the following:
 5 "2. Page 1, by striking lines 28 through 30 and
 6 inserting in lieu thereof the following: "or leasing
 7 shall be deposited with the state treasurer as a Camp
 8 Dodge permanent improvement fund."

H-6164 FILED *Adopted 4/21/78* BY BAKER of Buena Vista
 APRIL 21, 1978

HOUSE FILE 2175

H-6167

- 1 Amend House File 2175 as follows:
 2 1. Page 1, lines 15 and 16, by striking the words
 3 "~~of-the-national-guard~~" and inserting in lieu thereof
 4 the words "of the national guard".
 5 2. Page 1, line 35, by striking the words "~~of-the~~
 6 ~~army-national-guard~~" and inserting in lieu thereof the
 7 words "of the army national guard".
 8 3. Page 2, line 1, by striking the words "~~or-the~~
 9 ~~air-national-guard~~" and inserting in lieu thereof the
 10 words "or the air national guard".
 11 4. Page 2, line 3, by striking the words "~~of-the~~
 12 ~~army-national-guard~~" and inserting in lieu thereof the
 13 words "of the army national guard".
 14 5. Page 2, line 5, by striking the words "~~of-the-air~~
 15 ~~national-guard~~" and inserting in lieu thereof the words
 16 "of the air national guard".
 17 6. Page 2, line 10, by striking the words "~~of-the~~
 18 ~~national-guard~~" and inserting in lieu thereof the words
 19 "of the national guard".

H-6167 FILED *Adopted 4/21/78* BY CRABB of Crawford
 APRIL 21, 1978 *p. 17411* DUNTON of Keokuk

HOUSE FILE 2175

H-6170

- 1 Amend amendment H-6160, to House File 2175, as
 2 follows:
 3 1. Page 1, line 24, by inserting after the word
 4 "salary." the words "However, in the event of a
 5 national emergency, the employee shall be entitled
 6 to full pay the first thirty days of leave."

H-6170 FILED *Adopted 4/21/78* BY JUNKER of Woodbury
 APRIL 21, 1978 *p. 17421*

HOUSE FILE 2175

H-6171

- 1 Amend House File 2175 as follows:
 2 1. Page 1, by striking lines 5 through 11 and
 3 inserting in lieu thereof the following:
 4 "be appointed and commissioned by the governor
 5 upon the recommendation of a majority of the advisory
 6 council. When a majority of the members of the
 7 advisory council are in federal service in time of
 8 war, said appointment shall be made by the governor
 9 without such recommendation. The adjutant general
 10 shall serve at the pleasure of the governor. The rank".
 11 2. Page 2, by striking lines 16 and 17.

H-6171 FILED *Adopted 4/21/78* BY TAUKE of Dubuque
 APRIL 21, 1978 *p. 17421*

Sen. State Govt 4/27 - 5/10

HOUSE FILE 2175

State Government
Carr, Chairperson
Rush
Ashcraft

HOUSE FILE 2175

By HARGRAVE

(As Amended and Passed by the House)

Passed House, Date 4-21-78 (p. 1745) Passed Senate, Date 5-12-78 (p. 1485)

Vote: Ayes 71 Nays 13 Vote: Ayes 45 Nays 0

Approved 6-22-78

A BILL FOR

1 An Act relating to the state military code.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments

1 Section 1. Section twenty-nine A point eleven (29A.11),
2 Code 1977, is amended to read as follows:

3 29A.11 ADJUTANT GENERAL--APPOINTMENT, TERM AND REMOVAL.

4 There shall be an adjutant general of the state who shall
5 be appointed and commissioned by the governor ~~upon the~~
6 ~~recommendation of a majority of the advisory council.~~ ~~When~~
7 ~~a majority of the members of the advisory council are in~~
8 ~~federal service in time of war, said appointment shall be~~
9 ~~made by the governor without such recommendation~~ with the
10 approval and confirmation of two-thirds of the senate and
11 who shall serve at the pleasure of the governor. The rank
12 of the adjutant general shall be at least that of brigadier
13 general and he or she shall hold office for a term of four
14 years. At the time of ~~his~~ appointment he the adjutant general
15 shall be a federally recognized commissioned officer ~~of the~~
16 ~~national guard~~ with not less than ten years military service
17 in the armed forces ~~of this state or of the United States,~~
18 at least five of which have been commissioned service, and
19 who shall have reached the grade of a field officer. He ~~shall~~
20 ~~be removed only upon conviction of a felony or upon conviction~~
21 ~~by a court martial or upon termination of his federal~~
22 ~~recognition.~~

23 Sec. 2. Section twenty-nine A point fourteen (29A.14),
24 Code 1977, is amended to read as follows:

25 29A.14 LEASING FACILITIES. The adjutant general with
26 the approval of the director of general services shall have
27 authority to operate or lease any of the facilities at Camp
28 Dodge. Any income or revenue derived from such operation
29 or leasing shall be deposited with the state treasurer as
30 ~~a Camp Dodge permanent improvement fund~~ and credited to the
31 general fund of the state.

32 Sec. 3. Section twenty-nine A point sixteen (29A.16),
33 unnumbered paragraph one (1), Code 1977, is amended to read
34 as follows:

35 The governor shall appoint a deputy adjutant general, who

1 shall be a commissioned officer ~~of-the-army-national-guard~~
 2 ~~or-the-air-national-guard~~, and an assistant adjutant general
 3 for the army national guard who shall be a commissioned officer
 4 ~~of-the-army-national-guard~~, and an assistant adjutant general
 5 for the air national guard who shall be a commissioned of-
 6 ficer ~~of-the-air-national-guard~~, upon the recommendation of
 7 the adjutant general. They shall have such rank as is
 8 consistent with federal law and regulations to and including
 9 the rank of brigadier general and at the time of their
 10 appointment shall be federally recognized commissioned officers
 11 ~~of-the-national-guard~~ with not less than five years' service
 12 ~~in-the-national-guard-or-in-the-armed-forces-of-the-United~~
 13 ~~States~~, at least three years of which shall have been
 14 commissioned service and they shall have reached the grade
 15 of a field officer. ~~They shall be removed upon termination~~
 16 ~~of their federal recognition.~~ They shall serve at the pleasure
 17 of the Governor.

18 Sec. 4. Section twenty-nine A point one (29A.1), subsection
 19 eleven (11), Code 1977, is repealed.

20 Sec. 5. Section two (2) of this Act is effective January
 21 1, 1980.

EXPLANATION

23 This bill provides that the appointment of the adjutant
 24 general be subject to senate confirmation with service at
 25 the pleasure of the governor. The bill removes certain
 26 restrictions thus expanding the field from which the governor
 27 can appoint the adjutant general, deputy adjutant general,
 28 and assistant adjutant generals.

29 Section 4 of the bill abolishes the advisory council which
 30 under present law recommends to the governor a candidate for
 31 the position of adjutant general.

HOUSE FILE 2175

AN ACT
RELATING TO THE STATE MILITARY CODE.

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

Section 1. Section twenty-nine A point eleven (29A.11), Code 1977, 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 ~~upon the recommendation of a majority of the advisory council--When a majority of the members of the advisory council are in federal service in time of war, said appointment shall be made by the governor without such recommendation with the approval and confirmation of two-thirds of 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 he ~~or she~~ shall hold office for a term of four years. At the time of his appointment he ~~the adjutant general~~ shall be a federally recognized commissioned officer of the national guard with not less than ten years military service in the armed forces ~~of this state or of the United States,~~ at least five of which have been commissioned service, and who shall have reached the grade of a field officer. ~~He shall~~

~~be removed only upon conviction of a felony or upon conviction by a court martial or upon termination of his federal recognition.~~

Sec. 2. Section twenty-nine A point fourteen (29A.14), Code 1977, is amended to read as follows:

29A.14 LEASING FACILITIES. The adjutant general with the approval of the director of general services shall have authority to operate or lease any of the facilities at Camp Dodge. Any income or revenue derived from such operation or leasing shall be deposited with the state treasurer ~~as a Camp Dodge permanent improvement fund and credited to the general fund of the state.~~

Sec. 3. Section twenty-nine A point sixteen (29A.16), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The governor shall appoint a deputy adjutant general, who shall be a commissioned officer ~~of the army national guard or the air national guard~~, and an assistant adjutant general for the army national guard who shall be a commissioned officer ~~of the army national guard~~, and an assistant adjutant general for the air national guard who shall be a commissioned officer ~~of the air national guard~~, upon the recommendation of the adjutant general. They shall have such 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 recognized commissioned officers ~~of the national guard with not less than five years' service in the national guard or in the armed forces of the United States, at least three years of which shall have been commissioned service and they shall have reached the grade of a field officer. They shall be removed upon termination of their federal recognition. They shall serve at the pleasure of the governor.~~

Sec. 4. Section twenty-nine A point one (29A.1), subsection eleven (11), Code 1977, is repealed.

Sec. 5. Section two (2) of this Act is effective January 1, 1980.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2175, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 22, 1978

ROBERT D. RAY
Governor