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HOUSE FILE 2518

Place On Calendar

By COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 607)

Passed House, Date 3-25-80 (p. 1153) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 87 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the administration of the Iowa national  
2 guard.

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

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2518

1 Section 1. Chapter twenty-nine A (29A), Code 1979, is  
2 amended by adding the following new sections:

3 NEW SECTION. SPECIAL POLICE. The adjutant general may  
4 by order entered of record commission one or more of the  
5 employees of the military department as special police. Such  
6 special police shall on the premises of any state military  
7 reservation or other state military property have and exercise  
8 the powers of regular peace officers.

9 NEW SECTION. BREVET RANK. The commander in chief, on  
10 the recommendation of the adjutant general, may commission  
11 by brevet general and field grade officers of the national  
12 guard whose names appear on the roll of retired military  
13 personnel as defined in section twenty-nine A point twenty-  
14 three (29A.23) of the Code in the next higher grade than that  
15 held at retirement or resignation. Brevet rank is only  
16 honorary and does not confer any privilege, precedence or  
17 command or pay any emoluments. Brevet officers may wear the  
18 uniform of their brevet rank on occasions of ceremonies related  
19 to state functions only.

20 Sec. 2. Section twenty-nine A point one (29A.1),  
21 subsections two (2), three (3), four (4), five (5), six (6)  
22 and seven (7), Code 1979, are amended by striking the  
23 subsections and inserting in lieu thereof the following:

24 2. "National guard" means the Iowa units, detachments  
25 and organizations of the army national guard of the United  
26 States and the air national guard of the United States as  
27 those forces are defined in the National Defense Act and its  
28 amendments, the Iowa army national guard and the Iowa air  
29 national guard.

30 3. "Unit" means a military element of an organization  
31 whose structure is prescribed by competent authority such  
32 as a table of organization, table of distribution, or unit  
33 manning document. For the purposes of this chapter, a unit  
34 shall include one or more companies, flights, troops, batteries  
35 or detachments and the state officer candidate school.

1 4. "Organization" means a command composed of two or more  
2 subordinate units and includes the state headquarters for  
3 both the army and the air national guard, one or more  
4 divisions, wings, brigades, groups, battalions, squadrons  
5 or flights as defined by an appropriate table of organization,  
6 a table of distribution or unit manning document.

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

17 6. "Federal service" means duty authorized and performed  
18 under the provisions of 10 U.S.C. or 32 U.S.C., ss. 502-505  
19 which includes unit training assemblies commonly known as  
20 "drills", annual training, rifle marksmanship, full-time  
21 training for school purposes and recruiting.

22 7. "On duty" means unit training assemblies, all other  
23 training, and service which may be required under state or  
24 federal law, regulations, or orders, and the necessary travel  
25 of an officer or enlisted person to the place of performance  
26 and return home after performance of that duty, but does not  
27 include federal service under 10 U.S.C.

28 Sec. 3. Section twenty-nine A point seven (29A.7), Code  
29 1979, is amended to read as follows:

30 29A.7 COMMANDER IN CHIEF. The governor ~~shall-be~~ is the  
31 commander in chief of the military forces, except ~~so-much~~  
32 ~~thereof-as-may-be~~ when they are in federal service. The  
33 governor may employ the military forces of the state for the  
34 defense or relief of the state, the enforcement of its laws,  
35 the protection of life and property, and emergencies resulting

1 from disasters or public disorders as defined in section  
2 29C.2, and parades and ceremonies of a civic nature.

3 Sec. 4. Section twenty-nine A point nine (29A.9), Code  
4 1979, is amended to read as follows:

5 29A.9 FIELD TRAINING. The governor may order the national  
6 guard into ~~camp-for-field~~ training for such any period ~~ex~~  
7 ~~periods-as-he-may-direct.~~ He ~~The governor may, in his~~  
8 ~~discretion,~~ order such the organizations or personnel of the  
9 national guard, or persons who have retired from the national  
10 guard, ~~both-army-and-air,~~ ~~as-he-may-deem-proper,~~ to active  
11 state service, or duty, or to assemble for purposes of  
12 security, drill, instruction, parade, ceremonies of a civic  
13 nature, guard, and escort duty, and schools of instruction  
14 as a student or instructor, including the Iowa military  
15 academy, and prescribe all regulations and requirements  
16 therefor for those duties.

17 The governor shall also provide for the participation of  
18 the national guard, or any ~~portion thereof~~ part of it, in  
19 ~~field~~ training at such times and places as ~~may-be~~ designated  
20 by the secretary of defense.

21 Sec. 5. Section twenty-nine A point nine (29A.9), Code  
22 1979, is amended by adding the following new unnumbered  
23 paragraphs:

24 NEW UNNUMBERED PARAGRAPH. A state employee shall take  
25 either a full day's leave or eight hours of compensatory time  
26 on any day in which the state employee receives a full day's  
27 pay from federal sources for national guard duty.

28 NEW UNNUMBERED PARAGRAPH. A member of the national guard  
29 shall be considered to be on duty when he or she is called  
30 to testify about an incident which the member observed or  
31 was involved in while that member was on duty.

32 Sec. 6. Section twenty-nine A point ten (29A.10), Code  
33 1979, is amended by adding the following new unnumbered  
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. The governor may appoint an

1 officer of the national guard to serve as special investigator  
2 for a period determined by the governor. Service as special  
3 investigator shall be active state service. The special  
4 investigator shall report to and serve at the pleasure of  
5 the governor. The duty of special investigator shall be  
6 assigned as additional duty. The special investigator shall  
7 not be the person designated as inspector general pursuant  
8 to federal national guard bureau regulation.

9 Sec. 7. Section twenty-nine A point eleven (29A.11), Code  
10 1979, is amended to read as follows:

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

12 There shall be an adjutant general of the state who shall  
13 be appointed and commissioned by the governor with the approval  
14 and confirmation of two-thirds of the senate and who shall  
15 serve at the pleasure of the governor. The rank of the  
16 adjutant general shall be at least that of brigadier general  
17 and ~~he-or-she~~ the adjutant general shall hold office for a  
18 term of four years. At the time of appointment the adjutant  
19 general shall be or have been a federally recognized  
20 commissioned officer ~~with-not-less-than-ten-years-military~~  
21 ~~service~~ in the armed forces, ~~at-least-five-of-which-have-been~~  
22 ~~commissioned-service,~~ and who shall have reached the grade  
23 of a field officer.

24 Sec. 8. Section twenty-nine A point twelve (29A.12), Code  
25 1979, is amended to read as follows:

26 29A.12 POWERS AND DUTIES--~~SPECIAL-POLICE~~. The adjutant  
27 general shall have command and control of the military  
28 department, and perform such duties as pertain to the office  
29 of the adjutant general under law and regulations, pursuant  
30 to the authority vested in the adjutant general by the  
31 governor. ~~He~~ The adjutant general shall superintend the  
32 preparation of all letters and reports required by the United  
33 States from the state, and perform all the duties prescribed  
34 by law. ~~He~~ The adjutant general shall have charge of the  
35 state military reservations, and all other property of the

1 state kept or used for military purposes. ~~The adjutant general~~  
2 ~~may by order entered of record commission one or more of the~~  
3 ~~employees of the military department as special police---~~ Such  
4 ~~special police shall on the premises of any state military~~  
5 ~~reservation or other state military property have and exercise~~  
6 ~~the powers of regular peace officers---~~ It shall be the duty  
7 of the The adjutant general ~~to~~ shall cause an inventory to  
8 be taken at least once each year of all military stores,  
9 property and funds under his or her jurisdiction. In each  
10 year preceding a regular session of the general assembly ~~he~~  
11 the adjutant general shall prepare a detailed report of the  
12 transactions of ~~his~~ that office, ~~the~~ its expenses ~~thereof~~,  
13 and ~~such~~ other matters ~~as shall be~~ required by the governor  
14 for the period since the last preceding report, and the  
15 governor may at any time require a similar report.

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

21 Sec. 9. Section twenty-nine A point thirteen (29A.13),  
22 Code 1979, is amended by striking the section and inserting  
23 in lieu thereof the following:

24 29A.13 APPROPRIATED FUNDS. Operating expenses for the  
25 national guard including the purchase of land, maintenance  
26 or facilities, improvement of state military reservations,  
27 installations, and weapons firing ranges owned or leased by  
28 the state of Iowa or the United States shall be paid from  
29 funds appropriated for the support and maintenance of the  
30 national guard. Claims for payment of such expenses shall  
31 be subject to the approval of the adjutant general. Upon  
32 approval of the adjutant general the claim shall be submitted  
33 to the state comptroller in accordance with the procedures  
34 established by the state comptroller under chapter eight (8)  
35 of the Code.

1 Payment for personnel compensation and authorized benefits  
2 shall be approved by the adjutant general prior to submission  
3 to the state comptroller for payment.

4 Sec. 10. Section twenty-nine A point fifteen (29A.15),  
5 Code 1979, is amended to read as follows:

6 29A.15 ~~MERIT-AND-SERVICE-BADGES~~ STATE AWARDS AND  
7 DECORATIONS. The adjutant general, from the funds appropriated  
8 for the support and maintenance of the national guard, shall  
9 procure and issue to the members of the national guard,  
10 ~~entitled thereto,~~ merit or service badges or other appropriate  
11 awards for ~~such service and periods of service~~ under ~~such~~  
12 regulations and according to the design and pattern ~~thereof,~~  
13 ~~as may be~~ determined by the adjutant general. Members of  
14 the national guard who, by order of the president, ~~have served~~  
15 ~~or shall~~ serve in federal forces during national emergency,  
16 ~~shall be entitled to~~ may count the period of ~~such~~ that federal  
17 service toward the procurement of a service badge.

18 Sec. 11. Section twenty-nine A point sixteen (29A.16),  
19 Code 1979, is amended to read as follows:

20 29A.16 DEPUTY ADJUTANT GENERAL AND ASSISTANTS. The  
21 governor shall appoint a deputy adjutant general, who shall  
22 be or have been a commissioned officer, and an assistant  
23 adjutant general for the army national guard who shall be  
24 a commissioned officer, and an assistant adjutant general  
25 for the air national guard who shall be a commissioned officer,  
26 upon the recommendation of the adjutant general. They shall  
27 have such rank as is consistent with federal law and  
28 regulations to and including the rank of brigadier general  
29 and at the time of their appointment shall be federally  
30 ~~recognized~~ commissioned officers ~~with not less than five~~  
31 ~~years' service, at least three years of which shall have been~~  
32 ~~commissioned service~~ and they shall have reached the grade  
33 of a field officer. They shall serve at the pleasure of the  
34 governor.

35 The deputy adjutant general shall serve in the office of

1 the adjutant general and aid him by performing such duties  
2 as the adjutant general may assign him. In the absence or  
3 disability of the adjutant general he the deputy shall perform  
4 the duties of that office as acting adjutant general. Each  
5 assistant adjutant general shall be responsible for such  
6 duties with the army national guard or the air national guard,  
7 respectively, as ~~may-be~~ prescribed by the adjutant general.

8 The adjutant general may appoint a full-time staff within  
9 prescribed manning authorization. Members of that staff who  
10 are not in state active duty status are authorized salaries  
11 with allowances as provided by the executive council exempt  
12 pay plan.

13 Sec. 12. Section twenty-nine A point seventeen (29A.17),  
14 Code 1979, is amended to read as follows:

15 29A.17 GOVERNOR'S STAFF. The military ~~and-naval~~ staff  
16 of the governor shall consist of the adjutant general, who  
17 shall be the chief of staff; the assistant adjutant general,  
18 who shall be the assistant chief of staff and such aides,  
19 residents of the state, as the governor may appoint, or may  
20 detail from the armed forces of the state.

21 The aides appointed shall be commissioned at a rank not  
22 higher than the military rank of colonel ~~or-the-naval-rank~~  
23 ~~of-captain~~, except ~~in-the-case-of~~ that if a person who holds  
24 or has held a higher rank in the armed forces of the state  
25 or nation ~~in-which-case~~ the commission may issue for such  
26 higher rank.

27 Sec. 13. Section twenty-nine A point eighteen (29A.18),  
28 Code 1979, is amended by striking the section and inserting  
29 in lieu thereof the following:

30 29A.18 UNITED STATES PROPERTY AND FISCAL OFFICER. Sub-  
31 ject to the approval of the secretary of the army and secre-  
32 tary of the air force, the governor shall detail through the  
33 national guard bureau a qualified commissioned officer of  
34 the national guard who is also a commissioned officer of the  
35 army or the air force of the United States to be the United

1 States property and fiscal officer for Iowa. Subject to the  
 2 approval of the governor, the adjutant general shall nominate  
 3 a qualified commissioned officer for the detail to this  
 4 position.

5 The United States property and fiscal officer for Iowa  
 6 shall perform the duties provided by 32 U.S.C. s. 708.

7 The governor may request the removal for cause of the  
 8 United States property and fiscal officer for Iowa through  
 9 the chief of the national guard bureau to the secretary of  
 10 the army or air force.

11 Sec. 14. Section twenty-nine A point nineteen (29A.19),  
 12 Code 1979, is amended to read as follows:

13 29A.19 QUARTERMASTER. ~~There shall be detailed a~~ A present  
 14 or retired commissioned officer of the national guard ~~or one~~  
 15 ~~retired therefrom with not less than~~ who has ten years' service  
 16 in the Iowa national guard or the Iowa air national guard  
 17 and ~~who shall have~~ has attained the grade of a field officer,  
 18 shall be detailed to be the quartermaster and property officer  
 19 of the state, ~~and as such, who~~ shall have charge of and be  
 20 accountable for, under the adjutant general, all state military  
 21 property, ~~and who may be the United States property and fiscal~~  
 22 ~~officer.~~ He The quartermaster shall keep ~~such~~ property returns  
 23 and reports ~~on the same~~ and shall give ~~such~~ bond to the state  
 24 of Iowa as the governor may direct.

25 Sec. 15. Section twenty-nine A point twenty-three (29A.23),  
 26 Code 1979, is amended by striking the section and inserting  
 27 in lieu thereof the following:

28 29A.23 ROLL OF RETIRED OFFICERS AND ENLISTED PERSONNEL.  
 29 An officer or enlisted person of the Iowa national guard who  
 30 has completed twenty years of military service under 10 U.S.C.  
 31 s. 1331(d), as evidenced by a letter of notification of retired  
 32 pay at age sixty, shall upon retirement and his or her written  
 33 request to the adjutant general be placed by order of the  
 34 commander in chief on a roll in the office of the adjutant  
 35 general to be known as the "roll of retired military

1 personnel." A member registered on the roll is entitled to  
2 wear the uniform of the rank last held on state or other  
3 occasions of ceremony, when the wearing of such uniform is  
4 not in conflict with federal law.

5 Sec. 16. Section twenty-nine A point twenty-seven (29A.27),  
6 unnumbered paragraphs three (3), five (5), and six (6), Code  
7 1979, are amended to read as follows:

8 Any officer or enlisted man person who suffers injuries  
9 or contracts a disease causing disability, in line of duty,  
10 while on duty or in active state service, shall receive  
11 hospitalization and medical treatment, and during the period  
12 that he or she is totally disabled from ~~engaging-in-any-gainful~~  
13 ~~occupation~~ returning to military duty he or she shall also  
14 receive the pay and allowances of his or her grade. In the  
15 event of partial disability, ~~he~~ the officer or enlisted person  
16 shall be allowed ~~such~~ partial pay and allowances as ~~may-be~~  
17 determined by a an evaluation board of three officers to be  
18 appointed by the ~~governor~~ adjutant general. At least one  
19 member of the board shall be a medical officer.

20 Where the provisions of this section may be applicable  
21 or at ~~such~~ other times as ~~he-may-consider-it~~ considered  
22 necessary, but at least once a year, the adjutant general  
23 shall appoint a state review board ~~of-officers~~ consisting  
24 of three officers, one of whom shall be a medical officer,  
25 ~~upon-the-occurrence-of-each-instance-of-an-accident-or-incident~~  
26 ~~resulting-in-the-injury,-illness,-disease,-or-death-of-a~~  
27 ~~member-of-the-military-forces-of-the-state--The-board-of~~  
28 ~~officers-shall-be-appointed-for-the-purpose-of-determining~~  
29 ~~eligibility-of-individuals-designated-in-this-section-for~~  
30 ~~benefits-authorized-therein--The-adjutant-general-shall~~  
31 ~~appoint-such-a-board-at-least-once-each-year~~ for the purpose  
32 of determining the continuation of eligibility-of-all  
33 recipients-of-such benefits for individuals who have  
34 established their eligibility under this section. ~~The-boards~~  
35 ~~provided-herein-shall-be-in-addition-to-the-board-authorized~~

1 ~~for-appointment-by-the-governor-for-the-purpose-of-determining~~  
2 ~~entitlement-to-partial-pay-and-allowances-for-partial~~  
3 ~~disability-as-heretofore-provided-~~ Once established, benefits  
4 shall be paid until terminated by the review board and shall  
5 continue for the duration of the disability even though the  
6 individual may no longer be medically qualified for military  
7 service and may have been discharged from the national guard.

8 Judicial review of any decision of the evaluation or state  
9 review board may be sought in accordance with the terms of  
10 the Iowa administrative procedure Act. Notwithstanding the  
11 terms of the Iowa administrative procedure Act, petitions  
12 for judicial review must be filed within a period of thirty  
13 days from date of mailing by the adjutant general by certified  
14 mail of notice of ~~such~~ the board's decision. Within thirty  
15 days after the filing of ~~such~~ a petition for judicial review,  
16 the adjutant general shall make, certify, and file in the  
17 office of the clerk of the district court in which the judicial  
18 review is sought a full and complete transcript of all  
19 documents in the proceeding. The transcript shall include  
20 any depositions and a transcript or certification of the  
21 evidence, if reported. The attorney general of Iowa, upon  
22 the request of the adjutant general, shall represent the board  
23 appointed by the adjutant general against whom any such appeal  
24 has been instituted.

25 Sec. 17. Section twenty-nine A point thirty-three (29A.33),  
26 Code 1979, is amended to read as follows:

27 29A.33 PER CAPITA ALLOWANCE TO ~~COMPANY~~ UNIT. Each ~~company~~  
28 ~~or-similar~~ unit of the national guard showing attendance and  
29 actual drill of those present for such drills as are prescribed  
30 in compliance with the national defense Act or its amendments  
31 ~~thereto,-or-substitutes-therefor,~~ and such regulations as  
32 ~~may-be~~ prescribed ~~from-time-to-time~~ by the secretary of  
33 defense, ~~pursuant-thereto,~~ shall receive an annual allowance  
34 for military purposes, in the sum of ~~five~~ ten dollars per  
35 capita, to be paid in semiannual installments on the basis

1 of ~~two-dollars-and-fifty-cents~~ five dollars per capita. For  
2 the purpose of computing each semiannual installment the per  
3 capita strength shall be the average enlisted strength of  
4 the unit, for that semiannual period, ~~provided~~ however, ~~that~~  
5 ~~in-the-event~~ if the average attendance of any unit during  
6 any semiannual period falls below fifty percent of the average  
7 enlisted strength of such unit in that period, ~~such~~ the  
8 allowance shall not be paid for that period. The semiannual  
9 periods ~~herein-referred-to~~ shall begin January 1 and July  
10 1. ~~Such~~ The allowance shall be paid from the funds  
11 appropriated for the support and maintenance of the national  
12 guard, and the adjutant general shall prescribe regulations  
13 requiring an itemized statement of the allowance and governing  
14 its expenditure. The allowance shall not be used to purchase  
15 an alcoholic beverage or beer.

16 Sec. 18. Section twenty-nine A point thirty-four (29A.34),  
17 Code 1979, is amended to read as follows:

18 29A.34 CLOTHING AND EQUIPMENT. The commanding officer  
19 of a ~~company~~ unit or organization receiving clothing or  
20 equipment for the use of ~~his~~ that command shall distribute  
21 ~~same~~ it to the members of ~~his~~ that command, taking receipts  
22 and requiring the return of each article at such time and  
23 place as ~~he-shall-direct~~ that officer directs.

24 Upon the direction of any ~~company~~ unit or organization  
25 commander ~~it-shall-be-the-duty-of~~ the county attorney ~~to~~ shall  
26 bring action in the name of the state of Iowa against any  
27 person for the recovery of any property issued by ~~said-company~~  
28 a unit or organization commander ~~or-his-predecessor~~, or for  
29 ~~the~~ its value ~~thereof~~ as set forth in the price list  
30 promulgated by the federal government.

31 All sums so collected shall be paid to ~~such-company~~  
32 ~~commander-and-used-for-the-replacement-of-military-property~~  
33 ~~charged-to-the-organization~~ the treasurer of the United States  
34 and forwarded to the United States property and fiscal officer  
35 for Iowa.

1 Sec. 19. Section twenty-nine A point thirty-seven (29A.37),  
 2 unnumbered paragraph one (1), Code 1979, is amended to read  
 3 as follows:

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

20 Sec. 20. Section twenty-nine A point forty-eight (29A.48),  
 21 Code 1979, is amended to read as follows:

22 29A.48 COMMITMENT AND FINES. In default of payment of  
 23 any fine imposed by any military court acting under martial  
 24 law, ~~ex-by-any-courts-martial~~, the offender ~~shall~~ may be  
 25 committed to any county jail designated by any court of this  
 26 state for a period equal to one day for each three dollars  
 27 of fine imposed and unpaid.

28 Sec. 21. Section twenty-nine A point fifty-one (29A.51),  
 29 Code 1979, is amended to read as follows:

30 29A.51 SUIT OR PROCEEDING--DEFENSE. ~~in-the-event-any~~ If  
 31 a suit or proceeding ~~shall-be~~ is commenced in any court by  
 32 any person against ~~any~~ an officer of the military forces for  
 33 ~~any~~ an act done by ~~such~~ that officer in the officer's official  
 34 capacity in the discharge of ~~any~~ a duty under this chapter  
 35 or chapter twenty-nine B (29B) of the Code, or against any

1 an enlisted person acting under the authority or order of  
2 ~~any-such~~ an officer, or by virtue of any a warrant issued  
3 by the officer pursuant to law, ~~it-shall-be-the-duty-of~~ the  
4 attorney general or state judge advocate, upon the request  
5 of the adjutant general, ~~to~~ shall defend any the member of  
6 the military forces of the state against whom ~~any-such~~ the  
7 suit or proceeding has been instituted. The costs of ~~sueh~~  
8 the defense shall be paid out of any funds in the state  
9 treasury not otherwise appropriated. Before any the suit  
10 or proceeding ~~shall-be~~ is filed or maintained against any  
11 the officer or enlisted person ~~as-herein-provided~~, the  
12 plaintiff ~~shall-be-required-to~~ must give security, to be  
13 approved by the court in a sum not less than one hundred  
14 dollars to secure the costs. If the plaintiff fails to recover  
15 judgment, ~~sueh~~ the costs shall be taxed and judgment rendered  
16 ~~therefor~~ against the plaintiff and the plaintiff's sureties.  
17 When troops are called into active state service by the  
18 governor under martial law or as aid to the civil authorities,  
19 in addition to the judge advocate's other duties, any judge  
20 advocate on duty with ~~sueh~~ those troops may be appointed by  
21 the attorney general as an assistant attorney general, without  
22 pay for the judge advocate's services for acting in ~~sueh~~ that  
23 capacity.

24 Sec. 22. Section twenty-nine A point fifty-four (29A.54),  
25 Code 1979, is amended by striking the section and inserting  
26 in lieu thereof the following:

27 29A.54 SENIOR COMMANDER ALLOWANCES. A fund shall be  
28 established from an annual appropriation of funds to be used  
29 by senior commanders as an expense allowance to defer expenses  
30 incurred in conducting command functions or escorting military  
31 guests while acting in their official capacity as commander.  
32 Appropriations to the fund shall be made at the beginning  
33 of each fiscal year in the amount of four hundred fifty dollars  
34 for each federally recognized general officer of the army  
35 national guard and the air national guard. The adjutant

1 general of Iowa shall have custodial and administrative  
2 responsibility for the fund and shall prescribe regulations  
3 requiring an itemized statement of expenditures from the fund.  
4 The fund shall not be used to purchase an alcoholic beverage  
5 or beer.

6 Sec. 23. Section twenty-nine A point fifty-seven (29A.57),  
7 unnumbered paragraphs one (1), eight (8) and nine (9), Code  
8 1979, are amended to read as follows:

9 The governor shall appoint an armory board which shall  
10 consist of the adjutant general serving as chairperson, at  
11 least two officers from the active commissioned personnel  
12 of the national guard, and at least one other person, who  
13 is a citizen of the state of Iowa, of good moral character.  
14 One member of ~~such~~ the board shall have had at least five  
15 years' experience in the building construction trade. The  
16 board shall meet at ~~such~~ times and places as ~~are~~ ordered by  
17 the governor. The members ~~to be appointed~~, shall serve at the  
18 pleasure of the governor. Members of the board shall receive  
19 compensation of thirty dollars and actual expenses for each  
20 day actually employed under the provisions of this chapter.

21 The board shall fix the amount to be paid to commanding  
22 officers of each ~~division, brigade, battle group, battalion,~~  
23 ~~company, or other~~ organization and unit of the national guard  
24 for headquarters expenses and shall provide by regulation  
25 how the ~~same~~ amount shall be disbursed by ~~such~~ the commanding  
26 officers. ~~The actions of the armory board shall be subject~~  
27 ~~to the approval of the governor.~~ The governor may disapprove  
28 the actions of the armory board.

29 The allowances made by the armory board shall ~~when approved~~  
30 ~~by the governor~~, be paid from the funds appropriated for the  
31 support and maintenance of the national guard.

32 Sec. 24. Section twenty-nine A point sixty-one (29A.61),  
33 unnumbered paragraph two (2), Code 1979, is amended by striking  
34 the paragraph and inserting in lieu thereof the following:

35 The proceeds of all fines imposed by a military court or

1 a commander administering nonjudicial punishment shall be  
2 transmitted to the adjutant general. The adjutant general  
3 shall deposit all fines and penalties received with the state  
4 treasurer for credit to the general fund of the state.

5 Sec. 25. Section twenty-nine A point sixty-six (29A.66),  
6 Code 1979, is amended to read as follows:

7 29A.66 APPLICABLE POWERS AND DUTIES. The powers and  
8 duties of the governor, the adjutant general and the ~~assistant~~  
9 deputy adjutant general, with relation to the Iowa state guard  
10 shall be the same as those powers and duties prescribed in  
11 this chapter for such officers with relation to the national  
12 guard.

13 EXPLANATION

14 This bill revises several provisions of chapter 29A relating  
15 to the Iowa national guard.

16 Section 1 adds two new sections. The first section sets  
17 out the provisions on special police as a separate section.  
18 The second section provides that the governor may grant an  
19 honorary promotion of one grade to general and field grade  
20 officers upon resignation or retirement.

21 Section 2 revises several definitions. These revisions  
22 bring some of the terms closer to current military terminology.  
23 Others identify more specifically the activities covered by  
24 the definition.

25 Section 3 distinguishes the governor's command authority  
26 and allows him or her to use the military forces as public  
27 ceremonies.

28 Section 4 changes the description of training and makes  
29 explicit the authority to order to the duty of recruiting  
30 and instruction.

31 Section 5 provides that a state employee takes leave or  
32 compensatory time for those days when paid by the federal  
33 government and that a guard member is on duty when testifying  
34 about an incident occurring while the member was on duty.

35 Section 6 allows the governor to appoint a special

1 investigator.

2 Section 7 removes the requirement of certain years of  
3 service and present service in the qualifications for the  
4 adjutant general.

5 Section 8 removes the provision on special police and  
6 provides that the adjutant general has command authority  
7 pursuant to the authority issued by the governor.

8 Section 9 revises the provision on the expenditure of funds  
9 for support and maintenance of national guard facilities.

10 Section 10 retitles section 29A.15.

11 Section 11 provides additional latitude for selecting  
12 deputy and assistant adjutant generals and provides for the  
13 staff and salaries of the adjutant general's staff.

14 Section 12 removes reference to the naval staff of the  
15 governor.

16 Sections 13 and 14 revise the provisions relating to the  
17 United States property and fiscal officer and the quartermaster  
18 and property officer of the state to comply with national  
19 guard bureau regulations separating those functions.

20 Section 15 includes enlisted personnel in the role of  
21 retired military personnel.

22 Section 16 revises the provisions on disability payments  
23 and clarifies that there are separate boards establishing  
24 initial and continuing eligibility.

25 Section 17 increases the per capita unit allowance, requires  
26 an itemized statement and places a prohibition on its  
27 expenditure.

28 Section 18 changes the section on clothing and equipment  
29 to comply with the definitions and federal regulations.

30 Section 19 provides that the adjutant general rather than  
31 the governor approve the sureties and amounts of the bonds  
32 of the officers.

33 Section 20 gives greater discretion in sentencing by a  
34 martial court.

35 Section 21 provides that the duty to defend of the state

1 regarding members of the guard also applies to actions taken  
2 under the chapter on military justice.

3 Section 22 requires an itemized statement of the expenditure  
4 of the senior commander allowance and places a prohibition  
5 on its expenditure.

6 Section 23 provides that the adjutant general is the  
7 chairperson of the armory board and allows the governor to  
8 disapprove of its actions.

9 Section 24 provides that fines and penalties are deposited  
10 in the general fund of the state.

11 Section 25 corrects a reference.

12 The bill becomes effective July first following its  
13 enactment.

14  
15 FISCAL NOTE  
16 House File 2518  
17 Requested by Representative Crawford  
18 February 26, 1980

19 In compliance with a written request there is hereby submitted  
20 a Fiscal Note for House File 2518 pursuant to Joint Rule 16.

21 LSB 4224H, An Act relating to the administration of the Iowa National Guard.

22 This act increases the per capita allowance from five dollars per capita to  
23 ten dollars per capita.

24 The department feels that the cost associated with this proposed legislation  
25 cannot be absorbed without additional funds. They feel that an additional  
26 appropriation of \$27,500 is necessary. This estimate is based upon an  
27 approximate average enlistment strength of 5,500 people.

	<u>Enlistment Strength</u>	<u>Per Capita Allowance</u>	<u>Cost</u>
Proposed	5,500	\$10.00	\$ 55,000
Current	5,500	5.00	<u>27,500</u>
		Additional funds necessary	\$ <u>27,500</u>

31 Source: Iowa National Guard

32 FILED MARCH 7, 1980

33 BY GERRY D. RANKIN  
34 Legislative Fiscal Bureau

35 LSB 4224H 68

dsb/jw/5.1

HOUSE FILE 2518

H-5418

- 1 Amend House File 2518 as follows:
- 2 1. Page 10, by striking line 25 through page 11,
- 3 line 15.
- 4 2. Page 13, by striking line 24 through page 14,
- 5 line 5.
- 6 3. Page 15, by inserting after line 12 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. Sections twenty-nine A point thirty-
- 9 three (29A.33) and twenty-nine A point fifty-four
- 10 (29A.54), Code 1979, are repealed."
- 11 4. By renumbering the sections to conform with
- 12 this amendment.

H-5418 FILED

BY DIELEMAN of Marion

MARCH 10, 1980

*2/10 3/25 (6.1151)*

HOUSE FILE 2518

H-5487

- 1 Amend House File 2518 as follows:
- 2 1. Page 3, line 8, by striking the word
- 3 "~~discretion~~," and inserting in lieu thereof the word
- 4 "~~discretion~~".
- 5 2. Page 3, line 13, by striking the word "guard,"
- 6 and inserting in lieu thereof the word "guard".
- 7 3. Page 5, line 26, by striking the word "or"
- 8 and inserting in lieu thereof the word "of".

H-5487 FILED

BY CRAWFORD of Story

MARCH 12, 1980

HOFFMANN of Muscatine

*2/10 3/25 (7.1150)*

HOUSE FILE 2518

H-5539

1 Amend House File 2518 as follows:

- 2 1. Page 10, by striking line 34 through page 11,  
3 line 10 and inserting in lieu thereof the following:  
4 "for military purposes, ~~in the sum of five dollars~~  
5 ~~per capita, to be paid in semiannual installments~~  
6 ~~on the basis of two dollars and fifty cents per capita.~~  
7 ~~For the purpose of computing each semiannual~~  
8 ~~installment the per capita strength shall be the~~  
9 ~~average enlisted strength of the unit, for that~~  
10 ~~semiannual period, provided however, that in the event~~  
11 ~~the average attendance of any unit during any~~  
12 ~~semiannual period falls below fifty percent of the~~  
13 ~~average enlisted strength of such unit in that period,~~  
14 ~~such allowance shall not be paid for that period.~~  
15 ~~The semiannual periods herein referred to shall begin~~  
16 ~~January 1 and July 1. -- Such~~ The allowance shall be  
17 paid from the funds".
- 18 2. Page 13, line 28, by striking the words "from  
19 an annual appropriation of funds".
- 20 3. Page 13, by striking lines 32 through 35 and  
21 inserting in lieu thereof the words "The adjutant".

H-5539 FILED

BY DIELEMAN of Marion

MARCH 17, 1980

*Adopted 3/25 (p. 1153)*

HOUSE FILE 2518

H-5598

1 Amend House File 2518 as follows:

- 2 1. Page 3, line 8, by striking the word  
3 "discretion," and inserting in lieu thereof the word  
4 "discretion".
- 5 2. Page 3, line 13, by inserting after the word  
6 "guard," the word "recruiting".
- 7 3. Page 5, line 26, by striking the word "or"  
8 and inserting in lieu thereof the word "of".

H-5598 FILED

BY CRAWFORD of Story

MARCH 19, 1980

HOFFMANN of Muscatine

*Adopted 3/25 (p. 1151)*

See State Book 3/27  
Do Pass 4/2  
(p. 1295)

HOUSE FILE 2518

By COMMITTEE ON STATE  
GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 3/25/80 (p. 1153) Passed Senate, Date 4/11/80 (p. 1327)  
Vote: Ayes 87 Nays 0 Vote: Ayes 45 Nays 0  
Approved May 1, 1980

### A BILL FOR

1 An Act relating to the administration of the Iowa national  
2 guard.

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

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House Amendments \_\_\_\_\_

1 Section 1. Chapter twenty-nine A (29A), Code 1979, is  
2 amended by adding the following new sections:

3 NEW SECTION. SPECIAL POLICE. The adjutant general may  
4 by order entered of record commission one or more of the  
5 employees of the military department as special police. Such  
6 special police shall on the premises of any state military  
7 reservation or other state military property have and exercise  
8 the powers of regular peace officers.

9 NEW SECTION. BREVET RANK. The commander in chief, on  
10 the recommendation of the adjutant general, may commission  
11 by brevet general and field grade officers of the national  
12 guard whose names appear on the roll of retired military  
13 personnel as defined in section twenty-nine A point twenty-  
14 three (29A.23) of the Code in the next higher grade than that  
15 held at retirement or resignation. Brevet rank is only  
16 honorary and does not confer any privilege, precedence or  
17 command or pay any emoluments. Brevet officers may wear the  
18 uniform of their brevet rank on occasions of ceremonies related  
19 to state functions only.

20 Sec. 2. Section twenty-nine A point one (29A.1),  
21 subsections two (2), three (3), four (4), five (5), six (6)  
22 and seven (7), Code 1979, are amended by striking the  
23 subsections and inserting in lieu thereof the following:

24 2. "National guard" means the Iowa units, detachments  
25 and organizations of the army national guard of the United  
26 States and the air national guard of the United States as  
27 those forces are defined in the National Defense Act and its  
28 amendments, the Iowa army national guard and the Iowa air  
29 national guard.

30 3. "Unit" means a military element of an organization  
31 whose structure is prescribed by competent authority such  
32 as a table of organization, table of distribution, or unit  
33 manning document. For the purposes of this chapter, a unit  
34 shall include one or more companies, flights, troops, batteries  
35 or detachments and the state officer candidate school.

1 4. "Organization" means a command composed of two or more  
2 subordinate units and includes the state headquarters for  
3 both the army and the air national guard, one or more  
4 divisions, wings, brigades, groups, battalions, squadrons  
5 or flights as defined by an appropriate table of organization,  
6 a table of distribution or unit manning document.

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

17 6. "Federal service" means duty authorized and performed  
18 under the provisions of 10 U.S.C. or 32 U.S.C., ss. 502-505  
19 which includes unit training assemblies commonly known as  
20 "drills", annual training, rifle marksmanship, full-time  
21 training for school purposes and recruiting.

22 7. "On duty" means unit training assemblies, all other  
23 training, and service which may be required under state or  
24 federal law, regulations, or orders, and the necessary travel  
25 of an officer or enlisted person to the place of performance  
26 and return home after performance of that duty, but does not  
27 include federal service under 10 U.S.C.

28 Sec. 3. Section twenty-nine A point seven (29A.7), Code  
29 1979, is amended to read as follows:

30 29A.7 COMMANDER IN CHIEF. The governor ~~shall-be~~ is the  
31 commander in chief of the military forces, except ~~so-much~~  
32 ~~thereof-as-may-be~~ when they are in federal service. The  
33 governor may employ the military forces of the state for the  
34 defense or relief of the state, the enforcement of its laws,  
35 the protection of life and property, ~~and~~ emergencies resulting

1 from disasters or public disorders as defined in section  
2 29C.2, and parades and ceremonies of a civic nature.

3 Sec. 4. Section twenty-nine A point nine (29A.9), Code  
4 1979, is amended to read as follows:

5 29A.9 ~~FIELD TRAINING.~~ The governor may order the national  
6 guard into ~~camp-for-field~~ training for ~~such~~ any period or  
7 ~~periods-as-he-may-direct.~~ He The governor may, ~~in-his~~  
8 ~~discretion,~~ order ~~such~~ the organizations or personnel of the  
9 national guard, or persons who have retired from the national  
10 guard, ~~both-army-and-air,-as-he-may-deem-proper,~~ to active  
11 state service, or duty, or to assemble for purposes of  
12 security, drill, instruction, parade, ceremonies of a civic  
13 nature, guard, recruiting and escort duty, and schools of  
14 instruction as a student or instructor, including the Iowa  
15 military academy, and prescribe all regulations and  
16 requirements therefor for those duties.

17 The governor shall also provide for the participation of  
18 the national guard, or any ~~portion-thereof~~ part of it, in  
19 ~~field~~ training at such times and places as ~~may-be~~ designated  
20 by the secretary of defense.

21 Sec. 5. Section twenty-nine A point nine (29A.9), Code  
22 1979, is amended by adding the following new unnumbered  
23 paragraphs:

24 NEW UNNUMBERED PARAGRAPH. A state employee shall take  
25 either a full day's leave or eight hours of compensatory time  
26 on any day in which the state employee receives a full day's  
27 pay from federal sources for national guard duty.

28 NEW UNNUMBERED PARAGRAPH. A member of the national guard  
29 shall be considered to be on duty when he or she is called  
30 to testify about an incident which the member observed or  
31 was involved in while that member was on duty.

32 Sec. 6. Section twenty-nine A point ten (29A.10), Code  
33 1979, is amended by adding the following new unnumbered  
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. The governor may appoint an

1 officer of the national guard to serve as special investigator  
2 for a period determined by the governor. Service as special  
3 investigator shall be active state service. The special  
4 investigator shall report to and serve at the pleasure of  
5 the governor. The duty of special investigator shall be  
6 assigned as additional duty. The special investigator shall  
7 not be the person designated as inspector general pursuant  
8 to federal national guard bureau regulation.

9 Sec. 7. Section twenty-nine A point eleven (29A.11), Code  
10 1979, is amended to read as follows:

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

12 There shall be an adjutant general of the state who shall  
13 be appointed and commissioned by the governor with the approval  
14 and confirmation of two-thirds of the senate and who shall  
15 serve at the pleasure of the governor. The rank of the  
16 adjutant general shall be at least that of brigadier general  
17 and ~~he-or-she~~ the adjutant general shall hold office for a  
18 term of four years. At the time of appointment the adjutant  
19 general shall be or have been a federally recognized  
20 commissioned officer ~~with-not-less-than-ten-years-military~~  
21 ~~service~~ in the armed forces, ~~at-least-five-of-which-have-been~~  
22 ~~commissioned-service,~~ and who shall have reached the grade  
23 of a field officer.

24 Sec. 8. Section twenty-nine A point twelve (29A.12), Code  
25 1979, is amended to read as follows:

26 29A.12 POWERS AND DUTIES--~~SPECIAL-POLICE~~. The adjutant  
27 general shall have command and control of the military  
28 department, and perform such duties as pertain to the office  
29 of the adjutant general under law and regulations, pursuant  
30 to the authority vested in the adjutant general by the  
31 governor. He The adjutant general shall superintend the  
32 preparation of all letters and reports required by the United  
33 States from the state, and perform all the duties prescribed  
34 by law. He The adjutant general shall have charge of the  
35 state military reservations, and all other property of the

1 state kept or used for military purposes. ~~The adjutant general~~  
2 ~~may by order entered of record commission one or more of the~~  
3 ~~employees of the military department as special police. Such~~  
4 ~~special police shall on the premises of any state military~~  
5 ~~reservation or other state military property have and exercise~~  
6 ~~the powers of regular peace officers. It shall be the duty~~  
7 ~~of the~~ The adjutant general to shall cause an inventory to  
8 be taken at least once each year of all military stores,  
9 property and funds under his or her jurisdiction. In each  
10 year preceding a regular session of the general assembly he  
11 the adjutant general shall prepare a detailed report of the  
12 transactions of his that office, the its expenses thereof,  
13 and ~~such~~ other matters ~~as shall be~~ required by the governor  
14 for the period since the last preceding report, and the  
15 governor may at any time require a similar report.

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

21 Sec. 9. Section twenty-nine A point thirteen (29A.13),  
22 Code 1979, is amended by striking the section and inserting  
23 in lieu thereof the following:

24 29A.13 APPROPRIATED FUNDS. Operating expenses for the  
25 national guard including the purchase of land, maintenance  
26 of facilities, improvement of state military reservations,  
27 installations, and weapons firing ranges owned or leased by  
28 the state of Iowa or the United States shall be paid from  
29 funds appropriated for the support and maintenance of the  
30 national guard. Claims for payment of such expenses shall  
31 be subject to the approval of the adjutant general. Upon  
32 approval of the adjutant general the claim shall be submitted  
33 to the state comptroller in accordance with the procedures  
34 established by the state comptroller under chapter eight (8)  
35 of the Code.

1 Payment for personnel compensation and authorized benefits  
2 shall be approved by the adjutant general prior to submission  
3 to the state comptroller for payment.

4 Sec. 10. Section twenty-nine A point fifteen (29A.15),  
5 Code 1979, is amended to read as follows:

6 29A.15 ~~MERIT-AND-SERVICE-BADGES~~ STATE AWARDS AND  
7 DECORATIONS. The adjutant general, from the funds appropriated  
8 for the support and maintenance of the national guard, shall  
9 procure and issue to the members of the national guard,  
10 ~~entitled-thereto,~~ merit or service badges or other appropriate  
11 awards for ~~such service and-periods-of-service~~ under such  
12 regulations and according to the design and pattern thereof,  
13 ~~as-may-be~~ determined by the adjutant general. Members of  
14 the national guard who, by order of the president, ~~have-served~~  
15 ~~or-shall~~ serve in federal forces during national emergency,  
16 ~~shall-be-entitled-to~~ may count the period of ~~such~~ that federal  
17 service toward the procurement of a service badge.

18 Sec. 11. Section twenty-nine A point sixteen (29A.16),  
19 Code 1979, is amended to read as follows:

20 29A.16 DEPUTY ADJUTANT GENERAL AND ASSISTANTS. The  
21 governor shall appoint a deputy adjutant general, who shall  
22 be or have been a commissioned officer, and an assistant  
23 adjutant general for the army national guard who shall be  
24 a commissioned officer, and an assistant adjutant general  
25 for the air national guard who shall be a commissioned officer,  
26 upon the recommendation of the adjutant general. They shall  
27 have such rank as is consistent with federal law and  
28 regulations to and including the rank of brigadier general  
29 and at the time of their appointment shall be federally  
30 ~~recognized~~ commissioned officers ~~with-not-less-than-five~~  
31 ~~years'-service,-at-least-three-years-of-which-shall-have-been~~  
32 ~~commissioned-service~~ and they shall have reached the grade  
33 of a field officer. They shall serve at the pleasure of the  
34 governor.

35 The deputy adjutant general shall serve in the office of

1 the adjutant general and aid him by performing such duties  
2 as the adjutant general may assign him. In the absence or  
3 disability of the adjutant general he the deputy shall perform  
4 the duties of that office as acting adjutant general. Each  
5 assistant adjutant general shall be responsible for such  
6 duties with the army national guard or the air national guard,  
7 respectively, as ~~may-be~~ prescribed by the adjutant general.

8 The adjutant general may appoint a full-time staff within  
9 prescribed manning authorization. Members of that staff who  
10 are not in state active duty status are authorized salaries  
11 with allowances as provided by the executive council exempt  
12 pay plan.

13 Sec. 12. Section twenty-nine A point seventeen (29A.17),  
14 Code 1979, is amended to read as follows:

15 29A.17 GOVERNOR'S STAFF. The military ~~and-naval~~ staff  
16 of the governor shall consist of the adjutant general, who  
17 shall be the chief of staff; the assistant adjutant general,  
18 who shall be the assistant chief of staff and such aides,  
19 residents of the state, as the governor may appoint; or may  
20 detail from the armed forces of the state.

21 The aides appointed shall be commissioned at a rank not  
22 higher than the military rank of colonel ~~or-the-naval-rank~~  
23 ~~of-captain~~, except ~~in-the-case-of~~ that if a person who holds  
24 or has held a higher rank in the armed forces of the state  
25 or nation ~~in-which-case~~ the commission may issue for such  
26 higher rank.

27 Sec. 13. Section twenty-nine A point eighteen (29A.18),  
28 Code 1979, is amended by striking the section and inserting  
29 in lieu thereof the following:

30 29A.18 UNITED STATES PROPERTY AND FISCAL OFFICER. Sub-  
31 ject to the approval of the secretary of the army and secre-  
32 tary of the air force, the governor shall detail through the  
33 national guard bureau a qualified commissioned officer of  
34 the national guard who is also a commissioned officer of the  
35 army or the air force of the United States to be the United

1 States property and fiscal officer for Iowa. Subject to the  
2 approval of the governor, the adjutant general shall nominate  
3 a qualified commissioned officer for the detail to this  
4 position.

5 The United States property and fiscal officer for Iowa  
6 shall perform the duties provided by 32 U.S.C. s. 708.

7 The governor may request the removal for cause of the  
8 United States property and fiscal officer for Iowa through  
9 the chief of the national guard bureau to the secretary of  
10 the army or air force.

11 Sec. 14. Section twenty-nine A point nineteen (29A.19),  
12 Code 1979, is amended to read as follows:

13 29A.19 QUARTERMASTER. ~~There shall be detailed a~~ A present  
14 or retired commissioned officer of the national guard ~~or one~~  
15 ~~retired therefrom with not less than~~ who has ten years' service  
16 in the Iowa national guard or the Iowa air national guard  
17 and ~~who shall have~~ has attained the grade of a field officer,  
18 shall be detailed to be the quartermaster and property officer  
19 of the state, ~~and as such,~~ who shall have charge of and be  
20 accountable for, under the adjutant general, all state military  
21 property, ~~and who may be the United States property and fiscal~~  
22 ~~officer.~~ He The quartermaster shall keep ~~such~~ property returns  
23 and reports ~~on the same~~ and ~~shall~~ give ~~such~~ bond to the state  
24 of Iowa as the governor may direct.

25 Sec. 15. Section twenty-nine A point twenty-three (29A.23),  
26 Code 1979, is amended by striking the section and inserting  
27 in lieu thereof the following:

28 29A.23 ROLL OF RETIRED OFFICERS AND ENLISTED PERSONNEL.  
29 An officer or enlisted person of the Iowa national guard who  
30 has completed twenty years of military service under 10 U.S.C.  
31 s. 1331(d), as evidenced by a letter of notification of retired  
32 pay at age sixty, shall upon retirement and his or her written  
33 request to the adjutant general be placed by order of the  
34 commander in chief on a roll in the office of the adjutant  
35 general to be known as the "roll of retired military

1 personnel." A member registered on the roll is entitled to  
2 wear the uniform of the rank last held on state or other  
3 occasions of ceremony, when the wearing of such uniform is  
4 not in conflict with federal law.

5 Sec. 16. Section twenty-nine A point twenty-seven (29A.27),  
6 unnumbered paragraphs three (3), five (5), and six (6), Code  
7 1979, are amended to read as follows:

8 Any officer or enlisted ~~man~~ person who suffers injuries  
9 or contracts a disease causing disability, in line of duty,  
10 while on duty or in active state service, shall receive  
11 hospitalization and medical treatment, and during the period  
12 that he or she is totally disabled from ~~engaging-in-any-gainful~~  
13 ~~occupation~~ returning to military duty he or she shall also  
14 receive the pay and allowances of his or her grade. In the  
15 event of partial disability, ~~he~~ the officer or enlisted person  
16 shall be allowed such partial pay and allowances as ~~may-be~~  
17 determined by a an evaluation board of three officers to be  
18 appointed by the governor adjutant general. At least one  
19 member of the board shall be a medical officer.

20 Where the provisions of this section may be applicable  
21 or at ~~such other times as he-may-consider-it~~ considered  
22 necessary, but at least once a year, the adjutant general  
23 shall appoint a state review board ~~of-officers~~ consisting  
24 of three officers, one of whom shall be a medical officer,  
25 ~~upon-the-occurrence-of-each-instance-of-an-accident-or-incident~~  
26 ~~resulting-in-the-injury,-illness,-disease,-or-death-of-a~~  
27 ~~member-of-the-military-forces-of-the-state.--The-board-of~~  
28 ~~officers-shall-be-appointed-for-the-purpose-of-determining~~  
29 ~~eligibility-of-individuals-designated-in-this-section-for~~  
30 ~~benefits-authorized-therein.--The-adjutant-general-shall~~  
31 ~~appoint-such-a-board-at-least-once-each-year~~ for the purpose  
32 of determining the continuation of ~~eligibility-of-all~~  
33 ~~recipients-of-such~~ benefits for individuals who have  
34 established their eligibility under this section. ~~The-boards~~  
35 ~~provided-herein-shall-be-in-addition-to-the-board-authorized~~

1 ~~for-appointment-by-the-governor-for-the-purpose-of-determining~~  
2 ~~entitlement-to-partial-pay-and-allowances-for-partial~~  
3 ~~disability-as-heretofore-provided.~~ Once established, benefits  
4 shall be paid until terminated by the review board and shall  
5 continue for the duration of the disability even though the  
6 individual may no longer be medically qualified for military  
7 service and may have been discharged from the national guard.

8       Judicial review of any decision of the evaluation or state  
9 review board may be sought in accordance with the terms of  
10 the Iowa administrative procedure Act. Notwithstanding the  
11 terms of the Iowa administrative procedure Act, petitions  
12 for judicial review must be filed within a period of thirty  
13 days from date of mailing by the adjutant general by certified  
14 mail of notice of ~~such~~ the board's decision. Within thirty  
15 days after the filing of ~~such~~ a petition for judicial review,  
16 the adjutant general shall make, certify, and file in the  
17 office of the clerk of the district court in which the judicial  
18 review is sought a full and complete transcript of all  
19 documents in the proceeding. The transcript shall include  
20 any depositions and a transcript or certification of the  
21 evidence, if reported. The attorney general of Iowa, upon  
22 the request of the adjutant general, shall represent the board  
23 appointed by the adjutant general against whom any such appeal  
24 has been instituted.

25       Sec. 17. Section twenty-nine A point thirty-three (29A.33),  
26 Code 1979, is amended to read as follows:

27       29A.33 PER CAPITA ALLOWANCE TO ~~COMPANY~~ UNIT. Each ~~company~~  
28 ~~or-similar~~ unit of the national guard showing attendance and  
29 actual drill of those present for such drills as are prescribed  
30 in compliance with the national defense Act or its amendments  
31 ~~thereto, or-substitutes-therefor,~~ and such regulations as  
32 ~~may-be~~ prescribed ~~from-time-to-time~~ by the secretary of  
33 defense, ~~pursuant-thereto,~~ shall receive an annual allowance  
34 for military purposes, in the sum of five ten dollars per  
35 capita, to be paid in semiannual installments on the basis

1 of ~~two-dollars-and-fifty-cents~~ five dollars per capita. For  
2 the purpose of computing each semiannual installment the per  
3 capita strength shall be the average enlisted strength of  
4 the unit, for that semiannual period, ~~provided~~ however, that  
5 ~~in-the-event~~ if the average attendance of any unit during  
6 any semiannual period falls below fifty percent of the average  
7 enlisted strength of such unit in that period, ~~such~~ the  
8 allowance shall not be paid for that period. The semiannual  
9 periods ~~herein-referred-to~~ shall begin January 1 and July  
10 1. ~~Such~~ The allowance shall be paid from the funds  
11 appropriated for the support and maintenance of the national  
12 guard, and the adjutant general shall prescribe regulations  
13 requiring an itemized statement of the allowance and governing  
14 its expenditure. The allowance shall not be used to purchase  
15 an alcoholic beverage or beer.

16 Sec. 18. Section twenty-nine A point thirty-four (29A.34),  
17 Code 1979, is amended to read as follows:

18 29A.34 CLOTHING AND EQUIPMENT. The commanding officer  
19 of a ~~company~~ unit or organization receiving clothing or  
20 equipment for the use of ~~his~~ that command shall distribute  
21 ~~same~~ it to the members of ~~his~~ that command, taking receipts  
22 and requiring the return of each article at such time and  
23 place as ~~he-shall-direct~~ that officer directs.

24 Upon the direction of any ~~company~~ unit or organization  
25 commander ~~it-shall-be-the-duty-of~~ the county attorney ~~to~~ shall  
26 bring action in the name of the state of Iowa against any  
27 person for the recovery of any property issued by ~~said-company~~  
28 a unit or organization commander ~~or-his-predecessor~~, or for  
29 ~~the~~ its value ~~thereof~~ as set forth in the price list  
30 promulgated by the federal government.

31 All sums so collected shall be paid to ~~such-company~~  
32 ~~commander-and-used-for-the-replacement-of-military-property~~  
33 ~~charged-to-the-organization~~ the treasurer of the United States  
34 and forwarded to the United States property and fiscal officer  
35 for Iowa.

1 Sec. 19. Section twenty-nine A point thirty-seven (29A.37),  
2 unnumbered paragraph one (1), Code 1979, is amended to read  
3 as follows:

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

20 Sec. 20. Section twenty-nine A point forty-eight (29A.48),  
21 Code 1979, is amended to read as follows:

22 29A.48 COMMITMENT AND FINES. In default of payment of  
23 any fine imposed by any military court acting under martial  
24 law, ~~or by any courts martial~~, the offender ~~shall~~ may be  
25 committed to any county jail designated by any court of this  
26 state for a period equal to one day for each three dollars  
27 of fine imposed and unpaid.

28 Sec. 21. Section twenty-nine A point fifty-one (29A.51),  
29 Code 1979, is amended to read as follows:

30 29A.51 SUIT OR PROCEEDING--DEFENSE. ~~In the event any~~ If  
31 a suit or proceeding ~~shall be~~ is commenced in any court by  
32 any person against ~~any~~ an officer of the military forces for  
33 ~~any~~ an act done by ~~such~~ that officer in the officer's official  
34 capacity in the discharge of ~~any~~ a duty under this chapter  
35 or chapter twenty-nine B (29B) of the Code, or against ~~any~~

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

24 Sec. 22. Section twenty-nine A point fifty-four (29A.54),  
25 Code 1979, is amended by striking the section and inserting  
26 in lieu thereof the following:

27 29A.54 SENIOR COMMANDER ALLOWANCES. A fund shall be  
28 established from an annual appropriation of funds to be used  
29 by senior commanders as an expense allowance to defer expenses  
30 incurred in conducting command functions or escorting military  
31 guests while acting in their official capacity as commander.  
32 Appropriations to the fund shall be made at the beginning  
33 of each fiscal year in the amount of four hundred fifty dollars  
34 for each federally recognized general officer of the army  
35 national guard and the air national guard. The adjutant

1 general of Iowa shall have custodial and administrative  
2 responsibility for the fund and shall prescribe regulations  
3 requiring an itemized statement of expenditures from the fund.  
4 The fund shall not be used to purchase an alcoholic beverage  
5 or beer.

6 Sec. 23. Section twenty-nine A point fifty-seven (29A.57),  
7 unnumbered paragraphs one (1), eight (8) and nine (9), Code  
8 1979, are amended to read as follows:

9 The governor shall appoint an armory board which shall  
10 consist of the adjutant general serving as chairperson, at  
11 least two officers from the active commissioned personnel  
12 of the national guard, and at least one other person, who  
13 is a citizen of the state of Iowa, of good moral character.  
14 One member of ~~such~~ the board shall have had at least five  
15 years' experience in the building construction trade. The  
16 board shall meet at ~~such~~ times and places as ~~are~~ ordered by  
17 the governor. The members~~7-so-appointed7~~ shall serve at the  
18 pleasure of the governor. Members of the board shall receive  
19 compensation of thirty dollars and actual expenses for each  
20 day actually employed under the provisions of this chapter.

21 The board shall fix the amount to be paid to commanding  
22 officers of each ~~division7-brigade7-battle-group7-battalion7~~  
23 ~~company7-or-other~~ organization and unit of the national guard  
24 for headquarters expenses and shall provide by regulation  
25 how the ~~same~~ amount shall be disbursed by ~~such~~ the commanding  
26 officers. ~~The-actions-of-the-armory-board-shall-be-subject~~  
27 ~~to-the-approval-of-the-governor7~~ The governor may disapprove  
28 the actions of the armory board.

29 The allowances made by the armory board shall~~7-when-approved~~  
30 ~~by-the-governor7~~ be paid from the funds appropriated for the  
31 support and maintenance of the national guard.

32 Sec. 24. Section twenty-nine A point sixty-one (29A.61),  
33 unnumbered paragraph two (2), Code 1979, is amended by striking  
34 the paragraph and inserting in lieu thereof the following:

35 The proceeds of all fines imposed by a military court or

1 a commander administering nonjudicial punishment shall be  
2 transmitted to the adjutant general. The adjutant general  
3 shall deposit all fines and penalties received with the state  
4 treasurer for credit to the general fund of the state.

5 Sec. 25. Section twenty-nine A point sixty-six (29A.66),  
6 Code 1979, is amended to read as follows:

7 29A.66 APPLICABLE POWERS AND DUTIES. The powers and  
8 duties of the governor, the adjutant general and the ~~assistant~~  
9 deputy adjutant general, with relation to the Iowa state guard  
10 shall be the same as those powers and duties prescribed in  
11 this chapter for such officers with relation to the national  
12 guard.

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States from the state, and perform all the duties prescribed by law. He The adjutant general shall have charge of the state military reservations, and all other property of the state kept or used for military purposes. ~~The adjutant general may by order entered of record commission one or more of the employees of the military department as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers. It shall be the duty of the~~ The adjutant general to shall cause an inventory to be taken at least once each year of all military stores, property and funds under his or her jurisdiction. In each year preceding a regular session of the general assembly ~~he~~ the adjutant general shall prepare a detailed report of the transactions of his that office, the its expenses thereof, and such other matters ~~as shall be~~ required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

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

Sec. 9. Section twenty-nine A point thirteen (29A.13), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.13 APPROPRIATED FUNDS. Operating expenses for the national guard including the purchase of land, maintenance of facilities, improvement of state military reservations, installations, and weapons firing ranges owned or leased by the state of Iowa or the United States shall be paid from funds appropriated for the support and maintenance of the national guard. Claims for payment of such expenses shall be subject to the approval of the adjutant general. Upon approval of the adjutant general the claim shall be submitted to the state comptroller in accordance with the procedures

established by the state comptroller under chapter eight (8) of the Code.

Payment for personnel compensation and authorized benefits shall be approved by the adjutant general prior to submission to the state comptroller for payment.

Sec. 10. Section twenty-nine A point fifteen (29A.15), Code 1979, is amended to read as follows:

29A.15 ~~MERIT-AND-SERVICE-BADGES~~ STATE AWARDS AND DECORATIONS. The adjutant general, from the funds appropriated for the support and maintenance of the national guard, shall procure and issue to the members of the national guard, ~~entitled thereto,~~ merit or service badges or other appropriate awards for ~~such~~ service ~~and periods of service~~ under ~~such~~ regulations and according to the design and pattern ~~thereof,~~ ~~as may be~~ determined by the adjutant general. Members of the national guard who, by order of the president, ~~have served or shall~~ serve in federal forces during national emergency, ~~shall be entitled to~~ may count the period of ~~such~~ that federal service toward the procurement of a service badge.

Sec. 11. Section twenty-nine A point sixteen (29A.16), Code 1979, is amended to read as follows:

29A.16 DEPUTY ADJUTANT GENERAL AND ASSISTANTS. 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. 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 ~~with not less than five years of service, at least three years of which shall have been commissioned service~~ and they shall have reached the grade of a field officer. They shall serve at the pleasure of the governor.

The deputy adjutant general shall serve in the office of the adjutant general and aid him by performing such duties as the adjutant general may assign him. In the absence or disability of the adjutant general he the deputy shall perform the duties of that office as acting adjutant general. Each assistant adjutant general shall be responsible for such duties with the army national guard or the air national guard, respectively, as may be prescribed by the adjutant general.

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

Sec. 12. Section twenty-nine A point seventeen (29A.17), Code 1979, is amended to read as follows:

29A.17 GOVERNOR'S STAFF. The military and naval staff of the governor shall consist of the adjutant general, who shall be the chief of staff; the assistant adjutant general, who shall be the assistant chief of staff and such aides, residents of the state, as the governor may appoint, or may detail from the armed forces of the state.

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

Sec. 13. Section twenty-nine A point eighteen (29A.18), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.18 UNITED STATES PROPERTY AND FISCAL OFFICER. Subject to the approval of the secretary of the army and secretary of the air force, the governor shall detail through the national guard bureau a qualified commissioned officer of the national guard who is also a commissioned officer of the army or the air force of the United States to be the United

States property and fiscal officer for Iowa. Subject to the approval of the governor, the adjutant general shall nominate a qualified commissioned officer for the detail to this position.

The United States property and fiscal officer for Iowa shall perform the duties provided by 32 U.S.C. s. 708.

The governor may request the removal for cause of the United States property and fiscal officer for Iowa through the chief of the national guard bureau to the secretary of the army or air force.

Sec. 14. Section twenty-nine A point nineteen (29A.19), Code 1979, is amended to read as follows:

29A.19 QUARTERMASTER. ~~There shall be detailed a~~ A present or retired commissioned officer of the national guard ~~or one retired therefrom with not less than~~ who has ten years' service in the Iowa national guard or the Iowa air national guard ~~and who shall have~~ has attained the grade of a field officer, shall be detailed to be the quartermaster and property officer of the state, ~~and as such, who~~ shall have charge of and be accountable for, under the adjutant general, all state military property, ~~and who may be the United States property and fiscal officer.~~ He The quartermaster shall keep ~~such~~ property returns and reports ~~on the same~~ and shall give ~~such~~ bond to the state of Iowa as the governor may direct.

Sec. 15. Section twenty-nine A point twenty-three (29A.23), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.23 ROLL OF RETIRED OFFICERS AND ENLISTED PERSONNEL. An officer or enlisted person of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. s. 1331(d), as evidenced by a letter of notification of retired pay at age sixty, shall upon retirement and his or her written request to the adjutant general be placed by order of the commander in chief on a roll in the office of the adjutant general to be known as the "roll of retired military personnel." A member registered on the roll is entitled to

HOUSE FILE 2518

AN ACT

RELATING TO THE ADMINISTRATION OF THE IOWA NATIONAL GUARD.

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

Section 1. Chapter twenty-nine A (29A), Code 1979, is amended by adding the following new sections:

NEW SECTION. SPECIAL POLICE. The adjutant general may by order entered of record commission one or more of the employees of the military department as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.

NEW SECTION. BREVET RANK. The commander in chief, on the recommendation of the adjutant general, may commission by brevet general and field grade officers of the national guard whose names appear on the roll of retired military personnel as defined in section twenty-nine A point twenty-three (29A.23) of the Code in the next higher grade than that held at retirement or resignation. Brevet rank is only honorary and does not confer any privilege, precedence or command or pay any emoluments. Brevet officers may wear the uniform of their brevet rank on occasions of ceremonies related to state functions only.

Sec. 2. Section twenty-nine A point one (29A.1), subsections two (2), three (3), four (4), five (5), six (6) and seven (7), Code 1979, are amended by striking the subsections and inserting in lieu thereof the following:

2. "National guard" means the Iowa units, detachments and organizations of the army national guard of the United States and the air national guard of the United States as those forces are defined in the National Defense Act and its amendments, the Iowa army national guard and the Iowa air national guard.

3. "Unit" means a military element of an organization whose structure is prescribed by competent authority such as a table of organization, table of distribution, or unit manning document. For the purposes of this chapter, a unit shall include one or more companies, flights, troops, batteries or detachments and the state officer candidate school.

4. "Organization" means a command composed of two or more subordinate units and includes the state headquarters for both the army and the air national guard, one or more divisions, wings, brigades, groups, battalions, squadrons or flights as defined by an appropriate table of organization, a table of distribution or unit manning document.

5. "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 adjutant general, deputy adjutant general, state quartermaster and administrative orders officer, but does not include training or duty required or authorized under U.S.C. ss. 502-505, or any other training or duty required or authorized by federal laws and regulations.

6. "Federal service" means duty authorized and performed under the provisions of 10 U.S.C. or 32 U.S.C., ss. 502-505 which includes unit training assemblies commonly known as "drills", annual training, rifle marksmanship, full-time training for school purposes and recruiting.

7. "On duty" means unit training assemblies, all other training, and service which may be required under state or federal law, regulations, or orders, and the necessary travel of an officer or enlisted person to the place of performance and return home after performance of that duty, but does not include federal service under 10 U.S.C.

Sec. 3. Section twenty-nine A point seven (29A.7), Code 1979, is amended to read as follows:

29A.7 COMMANDER IN CHIEF. The governor shall be is the commander in chief of the military forces, except as-much thereof-as-may-be when they are in federal service. The governor may employ the military forces of the state for the defense or relief of the state, the enforcement of its laws, the protection of life and property, and emergencies resulting from disasters or public disorders as defined in section 29C.2, and parades and ceremonies of a civic nature.

Sec. 4. Section twenty-nine A point nine (29A.9), Code 1979, is amended to read as follows:

29A.9 FIEED TRAINING. The governor may order the national guard into camp-for-field training for such any period or periods-as-he-may-direct. He The governor may, in his discretion, order such the organizations or personnel of the national guard, or persons who have retired from the national guard, both-army-and-air, as-he-may-deem-proper, to active state service, or duty, or to assemble for purposes of security, drill, instruction, parade, ceremonies of a civic nature, guard, recruiting and escort duty, and schools of instruction as a student or instructor, including the Iowa military academy, and prescribe all regulations and requirements therefor for those duties.

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

Sec. 5. Section twenty-nine A point nine (29A.9), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A state employee shall take either a full day's leave or eight hours of compensatory time on any day in which the state employee receives a full day's pay from federal sources for national guard duty.

NEW UNNUMBERED PARAGRAPH. A member of the national guard shall be considered to be on duty when he or she is called to testify about an incident which the member observed or was involved in while that member was on duty.

Sec. 6. Section twenty-nine A point ten (29A.10), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The governor may appoint an officer of the national guard to serve as special investigator for a period determined by the governor. Service as special investigator shall be active state service. The special investigator shall report to and serve at the pleasure of the governor. The duty of special investigator shall be assigned as additional duty. The special investigator shall not be the person designated as inspector general pursuant to federal national guard bureau regulation.

Sec. 7. Section twenty-nine A point eleven (29A.11), Code 1979, 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 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 the adjutant general shall hold office for a term of four years. At the time of appointment the adjutant general shall be or have been a federally recognized commissioned officer with-not-less-than-ten-years-military service in the armed forces, at-least-five-of-which-have-been commissioned-service, and who shall have reached the grade of a field officer.

Sec. 8. Section twenty-nine A point twelve (29A.12), Code 1979, is amended to read as follows:

29A.12 POWERS AND DUTIES--6PB67AB-P0116B. The adjutant general shall have command and control of the military department, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in the adjutant general by the governor. He The adjutant general shall superintend the preparation of all letters and reports required by the United

wear the uniform of the rank last held on state or other occasions of ceremony, when the wearing of such uniform is not in conflict with federal law.

Sec. 16. Section twenty-nine A point twenty-seven (29A.27), unnumbered paragraphs three (3), five (5), and six (6), Code 1979, are amended to read as follows:

Any officer or enlisted man ~~person~~ who suffers injuries or contracts a disease causing disability, in line of duty, while on duty or in active state service, shall receive hospitalization and medical treatment, and during the period that he or she is totally disabled from ~~engaging-in-any-gainful occupation~~ returning to military duty he or she shall also receive the pay and allowances of his or her grade. In the event of partial disability, ~~he~~ the officer or enlisted person shall be allowed ~~such~~ partial pay and allowances as ~~may be~~ determined by ~~a~~ an evaluation board of three officers to be appointed by the ~~governor~~ adjutant general. At least one member of the board shall be a medical officer.

Where the provisions of this section may be applicable or at ~~such~~ other times as ~~he may consider it~~ considered necessary, but at least once a year, the adjutant general shall appoint a state review board ~~of officers~~ consisting of three officers, one of whom shall be a medical officer, ~~upon the occurrence of each instance of an accident or incident resulting in the injury, illness, disease, or death of a member of the military forces of the state. The board of officers shall be appointed for the purpose of determining eligibility of individuals designated in this section for benefits authorized therein. The adjutant general shall appoint such a board at least once each year for the purpose of determining the continuation of eligibility of all recipients of such benefits for individuals who have established their eligibility under this section. The boards provided herein shall be in addition to the board authorized for appointment by the governor for the purpose of determining entitlement to partial pay and allowances for partial~~

~~disability as heretofore provided.~~ Once established, benefits shall be paid until terminated by the review board and shall continue for the duration of the disability even though the individual may no longer be medically qualified for military service and may have been discharged from the national guard.

Judicial review of any decision of the evaluation or state review board may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of the Iowa administrative procedure Act, petitions for judicial review must be filed within a period of thirty days from date of mailing by the adjutant general by certified mail of notice of ~~such~~ the board's decision. Within thirty days after the filing of ~~such~~ a petition for judicial review, the adjutant general shall make, certify, and file in the office of the clerk of the district court in which the judicial review is sought a full and complete transcript of all documents in the proceeding. The transcript shall include any depositions and a transcript or certification of the evidence, if reported. The attorney general of Iowa, upon the request of the adjutant general, shall represent the board appointed by the adjutant general against whom any such appeal has been instituted.

Sec. 17. Section twenty-nine A point thirty-three (29A.33), Code 1979, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO COMPANY UNIT. Each ~~company or similar~~ unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the national defense Act or its amendments ~~thereto, or substitutes therefor,~~ and such regulations as ~~may be~~ prescribed ~~from time to time~~ by the secretary of defense, ~~pursuant thereto,~~ shall receive an annual allowance for military purposes, in the sum of ~~five~~ ten dollars per capita, to be paid in semiannual installments on the basis of ~~two dollars and fifty cents~~ five dollars per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of

the unit, for that semiannual period, ~~provided however, that in-the-event~~ if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, ~~such the~~ allowance shall not be paid for that period. The semiannual periods ~~herein-referred-to~~ shall begin January 1 and July 1. ~~Such~~ The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 18. Section twenty-nine A point thirty-four (29A.34), Code 1979, is amended to read as follows:

29A.34 CLOTHING AND EQUIPMENT. The commanding officer of a ~~company unit or organization~~ receiving clothing or equipment for the use of ~~his that~~ that command shall distribute ~~same it to~~ the members of ~~his that~~ that command, taking receipts and requiring the return of each article at such time and place as ~~he shall direct that officer directs.~~

Upon the direction of any ~~company unit or organization~~ commander ~~it shall be the duty of~~ the county attorney ~~to~~ shall bring action in the name of the state of Iowa against any person for the recovery of any property issued by ~~said-company~~ a unit or organization commander ~~or his predecessor,~~ or for the ~~its~~ value thereof as set forth in the price list promulgated by the federal government.

All sums so collected shall be paid to ~~such-company~~ commander and used for the replacement of military property charged to the organization the treasurer of the United States and forwarded to the United States property and fiscal officer for Iowa.

Sec. 19. Section twenty-nine A point thirty-seven (29A.37), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Each officer responsible or accountable for property for military use, or funds of the state or of the United States, shall execute and deliver to the adjutant general a bond ~~therefor,~~ with sureties to be approved by the ~~governor adjutant~~ general, and payable to the state, in such amount as ~~may be~~ fixed by the governor adjutant general, conditioned for the proper care, use, and return in good order, wear, use and unavoidable loss and damage excepted, of all such state and United States property, and the proper care and faithful disbursement and accounting of all ~~such those~~ funds coming into the hands of ~~such that~~ that officer. ~~Provided, however, that~~ However, the adjutant general, with the approval of the governor, may obtain an adequate indemnity bond covering all or part of ~~the those~~ those officers ~~so~~ accountable or responsible, ~~in which case and~~ the officers ~~so~~ covered shall not be required to furnish individual bonds ~~as hereinbefore provided.~~

Sec. 20. Section twenty-nine A point forty-eight (29A.48), Code 1979, is amended to read as follows:

29A.48 COMMITMENT AND FINES. In default of payment of any fine imposed by any military court acting under martial law, ~~or by any courts martial;~~ the offender ~~shall~~ may be committed to any county jail designated by any court of this state for a period equal to one day for each three dollars of fine imposed and unpaid.

Sec. 21. Section twenty-nine A point fifty-one (29A.51), Code 1979, is amended to read as follows:

29A.51 SUIT OR PROCEEDING--DEFENSE. ~~in-the-event-any if~~ a suit or proceeding ~~shall be~~ is commenced in any court by any person against ~~any an~~ an officer of the military forces for ~~any an~~ an act done by ~~such that~~ that officer in the officer's official capacity in the discharge of ~~any a~~ a duty under this chapter ~~or chapter twenty-nine B (29B) of the Code,~~ or against ~~any an~~ an enlisted person acting under the authority or order of ~~any-such an~~ an officer, or by virtue of ~~any a~~ a warrant issued by the officer pursuant to law, ~~it shall be the duty of~~ the attorney general or state judge advocate, upon the request

of the adjutant general, ~~to shall~~ defend any the member of the military forces of the state against whom ~~any-such the~~ suit or proceeding has been instituted. The costs of ~~such the~~ defense shall be paid out of any funds in the state treasury not otherwise appropriated. Before ~~any the~~ suit or proceeding ~~shall-be is~~ filed or maintained against ~~any the~~ officer or enlisted person ~~as-herein-provided~~, the plaintiff ~~shall-be-required-to must~~ give security, to be approved by the court in a sum not less than one hundred dollars to secure the costs. If the plaintiff fails to recover judgment, ~~such the~~ costs shall be taxed and judgment rendered ~~therefor~~ against the plaintiff and the plaintiff's sureties. When troops are called into active state service by the governor under martial law or as aid to the civil authorities, in addition to the judge advocate's other duties, any judge advocate on duty with ~~such those~~ troops may be appointed by the attorney general as an assistant attorney general, without pay for the judge advocate's services for acting in ~~such that~~ capacity.

Sec. 22. Section twenty-nine A point fifty-four (29A.54), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.54 SENIOR COMMANDER ALLOWANCES. A fund shall be established from an annual appropriation of funds to be used by senior commanders as an expense allowance to defer expenses incurred in conducting command functions or escorting military guests while acting in their official capacity as commander. Appropriations to the fund shall be made at the beginning of each fiscal year in the amount of four hundred fifty dollars for each federally recognized general officer of the army national guard and the air national guard. The adjutant general of Iowa shall have custodial and administrative responsibility for the fund and shall prescribe regulations requiring an itemized statement of expenditures from the fund. The fund shall not be used to purchase an alcoholic beverage or beer.

Sec. 23. Section twenty-nine A point fifty-seven (29A.57), unnumbered paragraphs one (1), eight (8) and nine (9), Code 1979, are amended to read as follows:

The governor shall appoint an armory board which shall consist of the adjutant general serving as chairperson, at least two officers from the active commissioned personnel of the national guard, and at least one other person, who is a citizen of the state of Iowa, of good moral character. One member of ~~such the~~ board shall have had at least five years' experience in the building construction trade. The board shall meet at ~~such~~ times and places as ~~are~~ ordered by the governor. The members, ~~so-appointed~~, shall serve at the pleasure of the governor. Members of the board shall receive compensation of thirty dollars and actual expenses for each day actually employed under the provisions of this chapter.

The board shall fix the amount to be paid to commanding officers of each ~~division, brigade, battle-group, battalion, company, or other~~ organization and unit of the national guard for headquarters expenses and shall provide by regulation how the ~~same amount~~ shall be disbursed by ~~such the~~ commanding officers. ~~The actions of the armory board shall be subject to the approval of the governor. The governor may disapprove the actions of the armory board.~~

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

Sec. 24. Section twenty-nine A point sixty-one (29A.61), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

The proceeds of all fines imposed by a military court or a commander administering nonjudicial punishment shall be transmitted to the adjutant general. The adjutant general shall deposit all fines and penalties received with the state treasurer for credit to the general fund of the state.

Sec. 25. Section twenty-nine A point sixty-six (29A.66), Code 1979, is amended to read as follows:

29A.66 APPLICABLE POWERS AND DUTIES. The powers and duties of the governor, the adjutant general and the assistant deputy adjutant general, with relation to the Iowa state guard shall be the same as those powers and duties prescribed in this chapter for such officers with relation to the national guard.

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WILLIAM H. HARBOR  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2518, Sixty-eighth General Assembly.

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BRUCE GRAHAM  
Assistant Chief Clerk of the House

Approved May 1, 1980

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ROBERT D. RAY  
Governor