

Sen. State Book 3/20  
Do Pass 4/6 (p. 1132)

MAR 23 1979

Place On Calendar

HOUSE FILE 706

By COMMITTEE ON STATE  
GOVERNMENT

(Formerly Study Bill 161)

Passed House, Date 3-29-78 (p. 1223) Passed Senate, Date 4-18-79 (p. 1251)

Vote: Ayes 83 Nays 1 Vote: Ayes 50 Nays 0

Approved June 4, 1979

## A BILL FOR

1 An Act relating to the liability of the state of Iowa for  
2 actions occurring while the national guard is not in  
3 state service.

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

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*Conference Committee Appointed 5/2*  
*Senators Kudant, chair; Schwengel, Nystrom; Rodgers; Rusk (p. 1504)*  
*Representatives Hoffman, Dickman, Jasse, Lura, Smalley 5/3 (p. 2033)*

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Passed per Conference Committee Report

House 5-9-79 (p. 2209) Senate 5-10-79 (p. 1636)  
93 - 0 48 - 0

706

1 Section 1. Section twenty-five A point fourteen (25A.14),  
2 Code 1979, is amended by adding the following new subsection:

3 NEW SUBSECTION. A claim based upon damage to or loss or  
4 destruction of private property, both real and personal, or  
5 personal injury or death, when the damage, loss, destruc-  
6 tion, injury or death occurred as an incident to the train-  
7 ing, operation, or maintenance of the national guard while  
8 not in "active state service" as defined in section twenty-  
9 nine A point one (29A.1), subsection five (5) of the Code.

10 Sec. 2. This Act shall take effect and be retroactive  
11 to July 1, 1978 after its publication in The Thompson Courier,  
12 Inc., a newspaper published in Thompson, Iowa, and in the  
13 Marshalltown Times-Republican, a newspaper published in  
14 Marshalltown, Iowa.

15 EXPLANATION

16 This bill reestablishes an exemption to the coverage of  
17 the liability of the state under the state tort claims law.  
18 Claims based on incidents when the national guard is not in  
19 active state service, i.e., federal service are exempt from  
20 the coverage of the tort claims law. This exemption was  
21 stricken in the second session of the Sixty-seventh General  
22 Assembly in House File 2033. The bill is in effect upon  
23 publication and is retroactive.

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FISCAL NOTE (REVISED)  
HOUSE FILE 706  
Requested by Representative Crawford  
March 22, 1979

In compliance with a written request, there is hereby submitted a Fiscal Note for House File 706 pursuant to Joint Rule 16.

House File 706, An Act relating to the liability of the state of Iowa for actions occurring while the national guard is not in state service.

This bill reestablishes an exemption to the coverage of the liability of the state under the state tort claims law. Claims based on incidents when the national guard is not in active state service, i.e., federal service are exempt from the coverage of the tort claims law. This exemption was stricken in the second session of the Sixty-seventh General Assembly in House File 2033.

There is no known fiscal effect.

FILED APRIL 3, 1979

GERRY D. RANKIN  
Legislative Fiscal Bureau

HOUSE FILE 706

S-3518

- 1 Amend House File 706 as passed by the House
- 2 as follows:
- 3 1. Page 1, by striking lines 10 through 14.

S-3518 FILED & ADOPTED (p. 1251) BY BOB RUSH  
APRIL 18, 1979

SENATE AMENDMENT TO  
HOUSE FILE 706

H-4032

- 1 Amend House File 706 as passed by the House
- 2 as follows:
- 3 1. Page 1, by striking lines 10 through 14.

H-4032 FILED  
APRIL 20, 1979

RECEIVED FROM THE SENATE

*House refused to concur 4/26 (p. 1843)  
Senate insisted 5/1 (p. 1470)*

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 706

To the President of the Senate and the Speaker of the House  
of Representatives:

We, the undersigned members of the conference committee  
appointed to consider the differences between the Senate and  
the House of Representatives on House File 706, a bill for  
an Act relating to the liability of the state of Iowa for  
actions occurring while the national guard is not in state  
service, respectfully make the following report:

1. That the Senate recede from its amendment H-4032.

2. That House File 706 be amended as follows:

1. Page 1, lines 10 and 11, by striking the words "and  
be retroactive to July 1, 1978" and inserting in lieu thereof  
the words "from and".

ON THE PART OF THE HOUSE:

BETTY A. HOFFMANN, Chair  
WILLIAM W. DIELEMAN  
NORMAN G. JESSE  
MICK LURA  
DOUGLAS R. SMALLEY

ON THE PART OF THE SENATE:

A. R. BUD KUDART, Chair  
FORREST V. SCHWENGELS  
JOHN N. NYSTROM  
NORMAN RODGERS  
BOB RUSH

FILED MAY 8, 1979

*House adopted 5/9 (p. 2208)*  
*Senate adopted 5/10 (p. 1635)*

published in Thompson, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa.

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FLOYD H. MILLEN  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

HOUSE FILE 706

AN ACT

RELATING TO THE LIABILITY OF THE STATE OF IOWA FOR ACTIONS OCCURRING WHILE THE NATIONAL GUARD IS NOT IN STATE SERVICE.

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

Section 1. Section twenty-five A point fourteen (25A.14), Code 1979, is amended by adding the following new subsection:

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

Sec. 2. This Act shall take effect from and after its publication in The Thompson Courier, Inc., a newspaper

I hereby certify that this bill originated in the House and is known as House File 706, Sixty-eighth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved June 4, 1979

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ROBERT D. RAY  
Governor