

Reported Recommending
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Passed House
Failed to Pass House
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Failed to Pass Senate

House File 20

January 13, 1947.
Passed on File.

By GENERAL LEGISLATIVE COMMITTEE.

A BILL FOR

An Act to amend section twenty-nine point forty-nine (29.49),
Code 1946, relating to armory board.

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

1 Section 1. Section twenty-nine point forty-nine (29.49),
2 Code 1946, is hereby amended by striking all of lines one (1)
3 to eighteen (18), inclusive, and by inserting in lieu thereof
4 the following:

5 "The governor shall appoint an armory board which shall
6 consist of the adjutant general, two officers from the active
7 commissioned personnel of the national guard, and two other
8 persons, who are citizens of the state of Iowa, of good moral
9 character, one of whom shall have had at least five years actual
10 experience in the investment banking business, and one of whom
11 shall have had at least five years experience in the building
12 construction trade. The board shall meet at such times and
13 places as are ordered by the governor. The four members, so
14 appointed, shall serve at the pleasure of the governor.

15 "The board shall be empowered to acquire land or real
16 estate by purchase, gift, bequests or condemnation and to
17 acquire, own, contract for the construction of, erect, purchase,

18 maintain, alter, and repair armories when funds for the same
19 are made available by the federal government, the state of Iowa,
20 municipalities, corporations or individuals. The title to such
21 property so acquired shall be taken in the name of the state of
22 Iowa and such real estate may be sold by the executive council,
23 upon recommendation of the board, when no longer needed for the
24 purpose for which it was acquired.

25 "The armory board may lease property to be used for armory
26 purposes; said lease to extend for any period but not to exceed
27 twenty (20) years.

28 "The board shall fix the rental allowance for each unit of
29 the national guard to be paid by the state for other than state
30 owned armories; such rental to be paid from funds appropriated
31 for the support and maintenance of the national guard.

32 "In carrying out the above powers, the armory board may:

33 (1) borrow money.

34 (2) mortgage any real estate acquired and the
35 improvements erected thereon, in order to
36 secure necessary loans.

37 (3) pledge the rents, profits, and income
38 received from any such property for the
39 discharge of obligations executed.

40 "No obligation created hereunder shall ever be or become a
41 charge against the state of Iowa, but all such obligations,
42 including principal and interest, shall be payable solely:

43 (1) from the net rents, profits, and income arising

44 from the property so pledged or mortgaged.

45 (2) from the net rents, profits, and income which
46 have not been pledged for other purposes arising
47 from any other armory or like improvement under
48 the control and management of said board, or,

49 (3) from the income derived from gifts and bequests
50 for armory purposes under the control of the
51 armory board.

52 "All property, real or personal, acquired by, and all bonds,
53 debentures or other written evidences of indebtedness, given as
54 security by said board, shall be exempt from taxation.

55 "When property acquired by the armory board, under the
56 provisions of this law, shall be free and clear of all
57 indebtedness, the title of such property shall pass to the state
58 of Iowa.

59 "All action of the armory board in connection with the
60 acquiring of land or real estate, or the disposal of same, or
61 the creation of any indebtedness, shall be with the approval of
62 the state executive council.

63 "No personal or individual liability shall accrue to any
64 member of the armory board or to any member of the state
65 executive council in any action taken by them under the
66 provisions of this law."

1 Sec. 2. This act being deemed of immediate importance shall
2 be in full force and effect from and after its passage and
3 publication in the, a newspaper published at

4 , Iowa, and in the , a
5 newspaper published at , Iowa.

EXPLANATION OF H. F. 20

The following explanation of this bill is presented herewith:

This bill amends section 29.49 relating to armory board.

The proposed amendment provides for the appointment of an armory board and enlarges the duties and powers of the board.

The problem of acquiring suitable armories for units of the national guard has always been a most difficult one. There never has been any provision in the state law for state owned armories and consequently the state of Iowa has always rented all of its armories. These have been rented from towns and cities, private individuals and corporations. Due to the fact that armories do not lend themselves readily to industrial purposes should the occasion arise when the guard no longer needs the armory, it has been difficult to interest private capital in the construction of armories.

Legislation is to be presented to the Eightieth Congress by the war department supported by the national guard of the United States whereby the federal government will make funds available for the construction of armories on state or federally owned land. This does not mean that the federal government will construct all armories but each state probably will receive an amount for this purpose proportionate to its national guard strength. The proposed legislation provides that any federal funds appropriated for this purpose can be used to construct armories only on state owned or federally owned land. There is therefore a provision in the bill which would empower the armory board to acquire land or real estate by purchase, gift, bequest, or condemnation proceedings, for the construction of armories by the federal government. It is felt that some towns and communities will be willing to donate to the state of Iowa, land upon which federal armories could be constructed if the title of the land rested in the state of Iowa. The bill will also empower the armory board to purchase or accept as a gift, land for the construction of armories by the state of Iowa, municipalities, corporations or individuals. It is believed that if the state armory board were empowered to do this, it could frequently interest municipalities, corporations, or individuals to construct an armory on state owned land and when the indebtedness on the building is retired from armory rent or other income that might be derived, the title on the building would then rest in the state of Iowa.

The bill further provides that the armory board is empowered to maintain, repair, and alter armories when funds are available. In carrying out the powers stated above, this proposed legislation provides that the armory board may borrow money, mortgage real estate acquired and improvements erected thereon in order to secure necessary loans, pledge the rents, profits, and income received from any such property for the discharge of obligations executed.

It provides further that no obligation created hereunder shall ever be or become a charge against the state of Iowa, but that all such obligations including principal and interest, shall be payable solely from the net rents, profits, and income arising from the property so pledged or mortgaged; from the net rents, profits, and income which has not been pledged for other purposes arising from any other armory or like improvement under the control and management of said board, or from the income derived from gifts and bequests for armory purposes under the control of the armory board.

These provisions are in accord with the state law governing state board of education, i. e., section 262.38, 262.39, and 262.41.

This legislation also provides that when any property acquired by the armory board under the provisions of this law shall be free and clear of all indebtedness and encumbrances, the title of such property shall pass to the state of Iowa, and that all action of the armory board in connection with acquiring land or real estate, or disposal of same, or creation of any indebtedness shall be with the approval of the executive council.

It is believed that under the provisions contained in this bill, the state of Iowa can eventually acquire title to many armories without appropriating large sums for the construction of armories and that after such title is in the state of Iowa, the state would have only the obligation of maintenance.