

February 21, 1951.
Military and Veterans Affairs.

House File 496
By PALMER.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend the military code of Iowa, Chapter twenty-nine (29), Code 1950.

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

1 Section 1. Section twenty-nine point one (29.1), Code 1950,
2 is hereby amended by striking all following the word "States" in
3 line seven (7) thereof and inserting in lieu thereof a period (.).

1 Sec. 2. Section twenty-nine point two (29.2), Code 1950,
2 is hereby amended as follows:

3 1. By striking all following the question marks in line
4 six (6) of paragraph three (3) thereof.

5 2. By striking the words "a squadron of the air service,"
6 from line four (4) of paragraph four (4) thereof.

7 3. By striking the words "a troop of cavalry," from line
8 five (5) of paragraph four (4) thereof.

9 4. By inserting the words "or regulations" following the
10 word "law" in line seven (7) of paragraph four (4) thereof.

11 5. By striking all following the word "to" in line two (2)
12 of paragraph five (5) thereof, and inserting in lieu thereof
13 the words " 'squadron' of the air service".

14 6. By inserting the word "state" following the word "active"
15 in line one (1) of paragraph six (6) thereof.

16 7. By striking the word "drafted" in line eleven (11) of
17 paragraph six (6) thereof, and inserting in lieu thereof the
18 word "ordered".

19 8. By adding to paragraph six (6) thereof the following:
20 "The term 'federal service' shall be understood and construed
21 to be as prescribed by federal laws and regulations."

22 9. By adding to paragraph seven (7) thereof the following:
23 "The term 'on duty' shall also include the necessary travel of
24 such officer or enlisted man in order to enable him to perform
25 such duties."

26 10. By adding to paragraph nine (9) the following: "The
27 word 'officer' shall include 'warrant officer'."

1 Sec. 3. Section twenty-nine point three (29.3), Code 1950,
2 is hereby amended by striking all following the word "revoke"
3 in line eight (8) thereof, and inserting a period (.) in lieu
4 thereof.

1 Sec. 4. Section twenty-nine point four (29.4), Code 1950,
2 is hereby repealed and the following enacted in lieu thereof:

3 "Any person who, without authority under the laws of
4 the United States or of one of the states, wears the uniform
5 of, or a distinctive part of the uniform of the armed forces
6 of the United States, shall be guilty of a misdemeanor, and
7 shall be punished as provided in this section. No member of
8 the National Guard shall wear the uniform thereof while not on

9 duty without permission from competent authority. No person,
10 firm, or corporation, other than a military organization or
11 the members of veterans of such organizations organizing for
12 the benefit of all its members, shall incorporate under the
13 name of, or adopt any trade name which embodies the name or
14 designation, officially or generally recognized as the name of
15 a military organization now or heretofore in existence, or any
16 distinctive part of such name. Any person found guilty of a
17 violation of any of the provisions of this section shall be
18 punished by a fine of not less than fifty dollars (\$50.00)
19 nor more than one hundred dollars (\$100.00), or by imprisonment
20 in the county jail not to exceed thirty (30) days, or by both
21 such fine and imprisonment.”

1 Sec. 5. Section twenty-nine point five (29.5), Code 1950,
2 is hereby amended as follows:

3 1. By inserting following the word “person” in line two
4 (2) thereof the following: “firm or corporation”.

5 2. By striking that part of the section beginning with
6 the word “no” in line four (4) thereof and ending with the period
7 (.) following the word “belongs” in line eleven (11) thereof.

8 3. By striking the comma (,) following the word “authority”
9 in line eighteen (18) thereof and inserting a period (.) in lieu
10 thereof, and by striking all of line nineteen (19) thereof, and
11 by striking all of line twenty (20) thereof to the word “Any”.

1 Sec. 6. Section twenty-nine point seven (29.7), Code 1950,
2 is hereby amended by striking the word “war” in line four (4)

3 thereof and by inserting in lieu thereof the word "defense".

1 Sec. 7. Section twenty-nine point nine (29.9), Code 1950, is
2 hereby amended by striking from line nine (9) thereof the following:
3 "the regimental commander".

1 Sec. 8. Section twenty-nine point ten (29.10), Code 1950,
2 is amended by striking from line four (4) thereof the words
3 "regimental commander" and by inserting in lieu thereof the words
4 "adjutant general".

1 Sec. 9. Section twenty-nine point eleven (29.11), Code
2 1950, is hereby amended as follows:

3 1. By striking the word "quartermaster" in line five (5)
4 thereof and inserting in lieu thereof the words "property office".

5 2. By striking from lines seventeen (17) and eighteen
6 (18) the words "age of sixty-four years" and inserting in lieu
7 thereof the following: "maximum age of retirement as prescribed
8 by federal laws or regulations pertaining to officers of the
9 armed forces of the United States".

1 Sec. 10. Section twenty-nine point fifteen (29.15), Code
2 1950, is hereby amended by striking the words "army and navy"
3 from line six (6) thereof and inserting in lieu thereof the words
4 "armed forces".

1 Sec. 11. Section twenty-nine point sixteen (29.16), Code
2 1950, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) thereof the
4 word "commissioned".

1 2. By striking from line five (5) thereof the word

2 “commissioned”.

3 3. By striking from line six (6) thereof the word “army”
4 and inserting in lieu thereof the words “armed forces”.

1 Sec. 12. Section twenty-nine point seventeen (29.17), Code
2 1950, is hereby repealed and the following enacted in lieu thereof:

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

17 “Upon the violation of any of the conditions of any bond
18 executed and delivered under the provisions of this section,
19 action thereon shall be brought by the adjutant general on
20 behalf of the state. It shall be the duty of the attorney
21 general of the state to prosecute all actions upon such bonds.”

1 Sec. 13. Section twenty-nine point twenty-one (29.21),
2 Code 1950, is hereby amended as follows:

- 3 1. By striking the word “army” in line four (4) of the
4 first paragraph thereof and inserting in lieu thereof the
5 words “armed forces”.
- 6 2. By inserting after the word “active” in line five (5)
7 of the first paragraph thereof the word “state”.
- 8 3. By striking the words “one dollar” in line nine (9)
9 of the first paragraph thereof, and inserting in lieu thereof,
10 the words “three dollars”.
- 11 4. By striking from line nine (9) of the first paragraph
12 thereof the words “officer or”.
- 13 5. By inserting after the word “active” in line eleven
14 (11) of the first paragraph thereof the word “state”.
- 15 6. By striking all of the first paragraph thereof following
16 the word “receive” in line twelve (12), and by inserting in lieu
17 thereof the words “such additional compensation”.
- 18 7. By inserting after the word “active” in line two (2)
19 of the second paragraph thereof the word “state”.
- 20 8. By inserting after the word “active” in line five (5)
21 of the second paragraph thereof the word “state”.
- 22 9. By inserting after the word “active” in line three (3)
23 of the third paragraph thereof the word “state”.
- 24 10. By striking all of the third paragraph thereof following
25 the word “are” in line six (6) thereof, and inserting in lieu
26 thereof the following: “totally disabled from engaging in any
27 gainful occupation. In the event of partial disability they
28 shall be allowed such partial compensation as may be determined

29 by a board of three officers to be appointed by the governor.
30 At least one member of the board shall be a medical officer.
31 The partial compensation allowed shall be based upon the pay
32 and allowances of the person disabled at the time of his injury
33 or contracting of such disease.”

34 11. By striking paragraph four (4) thereof and by inserting
35 in lieu thereof the following:

36 “Any claim for death, illness, or disease contracted in
37 line of duty while in active state service shall be filed with
38 the adjutant general within six months from the date of death
39 or contraction of the illness or disease of any officer or enlisted
40 man.”

41 12. By adding to said section twenty-nine point twenty-one
42 (29.21), Code 1950, the following:

43 “No payment received by any officer or enlisted man under
44 the provision of this section shall bar the right of such officer
45 or enlisted man, or their heirs or representatives, to recover
46 damages from any partnership, corporation, firm or persons
47 whomsoever who otherwise would be liable, nor shall any such
48 sums received under the provisions of this section reduce the
49 amount of damages recoverable by such officer, enlisted man,
50 or their heirs or representatives, against any partnership, cor-
51 poration, firm or persons whomsoever who otherwise would be liable.”

1 Sec. 14. Section twenty-nine point twenty-five (29.25),
2 Code 1950, is hereby amended by inserting after the word “active”
3 in line ten (10) thereof, the word “state”.

1 Sec. 15. Section twenty-nine point twenty-eight (29.28),
2 Code 1950, is hereby amended by striking from line four (4)
3 thereof the word “the” and by inserting in lieu thereof the word
4 “active”.

1 Sec. 16. Section twenty-nine point thirty-eight (29.38),
2 Code 1950, is hereby amended by striking from line four (4)
3 thereof the words “the proper” and by inserting in lieu thereof
4 the word “a”.

1 Sec. 17. Section twenty-nine point forty (29.40), Code
2 1950, is hereby amended by striking all of line ten (10) thereof
3 to the word “the”, and by inserting in lieu hereof the following:
4 “state, judge advocate, upon the request of the adjutant general,
5 to defend any member of the military forces of the state against
6 whom any such suit or proceeding has been instituted.”

1 Sec. 18. Section twenty-nine point forty-two (29.42),
2 Code 1950, is hereby amended by striking the period (.) following
3 the word “years” in line thirteen (13) thereof, and by inserting
4 in lieu thereof the words “and he shall receive the pay and
5 allowances fixed by law or regulations for officers of the rank
6 of brigadier general in the service of the United States.”

1 Sec. 19. Section twenty-nine point forty-three (29.43),
2 Code 1950, is hereby amended by inserting following the word
3 “regulations” in line six (6) thereof, the following: “and he
4 shall receive the pay and allowances fixed by law or regulations
5 for officers of the rank of colonel in the service of the United
6 States”.

1 Sec. 20. Section twenty-nine point forty-five (29.45), Code
2 1950, is hereby repealed and the following enacted in lieu thereof:

3 “The adjutant general, with the approval of the governor,
4 is authorized to expend from the funds appropriated for the
5 support and maintenance of the national guard, and the permanent
6 Camp Dodge improvement fund, such amounts as he may deem
7 necessary for the purchase of additional land, construction,
8 equipment, and other improvements, on the state military reservation,
9 installations, and firing ranges, owner or leased by the state
10 of Iowa or the United States for the use and benefit of the
11 national guard and for the maintenance of all such facilities.”

1 Sec. 21. Section twenty-nine point forty-six (29.46), Code
2 1950, is hereby repealed and the following enacted in lieu thereof:

3 “The adjutant general shall have authority to operate or
4 lease any of the facilities at Camp Dodge. Any income or revenue
5 derived from such operation or leasing shall be deposited with
6 the state treasurer as a Camp Dodge permanent improvement fund.”

1 Sec. 22. Section twenty-nine point forty-seven (29.47),
2 Code 1950, is hereby amended as follows:

3 1. By striking from line eleven (11) thereof the word
4 “war” and substituting in lieu thereof the word “defense”.

5 2. By striking from line twelve (12) the words “war department”
6 and by inserting in lieu thereof the words “department of defense”.

7 3. By striking from lines fourteen (14) and fifteen (15)
8 the words “by the treasury department”.

9 4. By striking from line twenty (20) thereof the word “war”

10 and by inserting in lieu thereof the word "defense".

1 Sec. 23. Section twenty-nine point fifty-two (29.52),
2 Code 1950, is hereby amended by striking from line eight (8)
3 thereof the word "war" and substituting in lieu thereof the word
4 "defense".

1 Sec. 24. Section twenty-nine point fifty-three (29.53),
2 Code 1950, is hereby amended as follows:

3 1. By inserting after the word "active" in line seven
4 (7) thereof the word "state".

5 2. By striking from line sixteen (16) thereof the word
6 "war" and substituting in lieu thereof the word "defense".

1 Sec. 25. Section twenty-nine point sixty (29.60), Code
2 1950, is hereby amended by striking all of the first paragraph
3 following the word "president" in lines twenty (20) and twenty-
4 one (21), and inserting in lieu thereof a period (.)

1 Sec. 26. Section twenty-nine point sixty-one (29.61), Code
2 1950, is hereby amended as follows:

3 1. By inserting after the word "active" in line three
4 (3) thereof the word "state".

5 2. By inserting after the word "active" in line twelve
6 (12) thereof the word "state".

1 Sec. 27. Chapter twenty-nine (29), Code 1950, is hereby
2 amended by adding thereto the following:

3 "The adjutant general shall have authority to procure
4 insurance against the liability of officers and enlisted men
5 of the Iowa National Guard, Iowa State Guard and employees

6 of the adjutant general by reason of claims for bodily injuries,
 7 death, or property damage, made upon such officers, enlisted men
 8 and employees resulting from their operation of a motor vehicle.
 9 while in the performance of their duties.”

10 “If a resident of Iowa, the commanding general of the division,
 11 of which units of the Iowa National Guard are a part, shall
 12 receive an annual expense allowance in the sum of one thousand
 13 dollars, payable during each calendar year, in such sums and at
 14 such times as requested by the said commanding general.
 15 Provided however, that no payment shall be made during such
 16 time as the said division is in active federal service.”

1 Sec. 28. This act being deemed of immediate importance
 2 shall take effect and be in full force from and after its
 3 passage and publication in the,
 4 a newspaper published at, Iowa, and
 5 the, a newspaper published at
 6, Iowa.

EXPLANATION OF H. F. 496

This bill makes changes in the Military Code of Iowa, as follows:

Changes in titles and organization in the armed forces of the United States require similar changes in the wording in the military code, and this bill corrects such words in order to conform to the present wording of the federal statutes pertaining to the armed forces; it provides for a penalty for any person who wears the uniform of the armed forces of the United States without authority; it provides that officers responsible or accountable for property for military use or funds of the state or of the United States shall post a bond with property surety; in cases where the national guard is called out on “state duty” as distinguished from federal duty, such as was the case in the Rath Packing Company trouble several years ago, the soldiers shall be paid \$3.00 a day instead of \$1.00 a day, as is now the law, and the reason for this is that in most cases soldiers of the national guard on such duty receive less money as national guardsmen than they would in their civilian occupations; it provides for increasing the benefits to members of the national guard in the event of disability incurred while on duty and allows them to recover damages in the event of injuries or death while on duty; it provides that the state judge advocate shall defend any member of the military forces when suit or proceeding has been instituted against him; it provides that the adjutant general of Iowa shall be paid the pay and allowances fixed by law for officers of the rank of brigadier general in the service of the United States and that the assistant adjutant general shall receive the pay and allowances of a colonel in the service of the United States;

it provides that the adjutant general under proper authority may expend money for the purchase of additional land, construction, equipment and improvements on the state military reservation, installations and firing ranges owned or leased by the State of Iowa or the United States for the benefit of the National Guard, and that the adjutant general shall have authority to operate or lease the facilities at Camp Dodge; and finally that the adjutant general shall have authority to procure insurance against the liability of men of the Iowa National Guard, Iowa State Guard and employees of the adjutant general against claims for bodily injuries, death or property damage made against such persons resulting from their operation of motor vehicles while in performance of their duties, and that the commanding general of the division, of which units of the Iowa National Guard are a part, shall receive an expense allowance of \$1,000 per year.

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