

February 6, 1963.

Senate File 147

Passed on File.

By MILITARY AFFAIRS.

appropriation 2-11 Pass as amended 2/26

Passed Senate, Date *2-26-63*

Passed House, Date *4-22-63*

Vote: Ayes *46* Nays *0*

Vote: Ayes *100* Nays *0*

Approved *4-26-63*

*Military & Veterans Affairs
Passed 3/27 428*

A BILL FOR

An Act relating to the state military forces.

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

1 Section 1. Section twenty-nine point one (29.1), Code 1962,

2 is hereby amended by striking all of subsection eleven (11) and

3 inserting in lieu thereof the following:

4 "11. 'Advisory Council' shall mean a board of officers

5 composed of the eleven (11) senior commanding officers of the

6 Iowa national guard of whom eight (8) shall be officers of the

7 Iowa army national guard and three (3) shall be officers of

8 the Iowa air national guard."

1 Sec. 2. Section twenty-nine point two (29.2), Code 1962,

2 is hereby amended as follows:

3 1. By striking lines one (1) and two (2) and inserting in

4 lieu thereof the following:

5 "There is hereby created the Iowa national guard to consist

6 of the Iowa army national guard and the Iowa air national guard."

7 2. By inserting in line three (3) after the word "Iowa"

8 the word "army".

1 Sec. 3. Section twenty-nine point eleven (29.11), Code 1962,

2 is amended by inserting in line twenty (20) following the word

3 "court-martial" the following:

4 "or upon termination of his federal recognition".

1 Sec. 4. Amend chapter twenty-nine (29), Code 1962, by

2 striking section twenty-nine point fifty-four (29.54) and
3 inserting in lieu thereof the following:

4 "Each federally recognized general officer of the Iowa
5 army national guard and the Iowa air national guard shall receive
6 an annual expense allowance in the sum of five hundred dollars
7 (\$500.00), payable during each calendar year, in such sums and
8 at such times as requested by the said general officers, provided
9 however, that no payment shall be made during such time as such
10 general officers are in federal service. The adjutant general
11 of Iowa shall have custodial and administrative responsibility
12 of such funds."

1 Sec. 5. Section twenty-nine point twelve (29.12), Code 1962,
2 is hereby amended by inserting in line eleven (11) after the
3 word "purposes." the following:

4 "The adjutant general may by order entered of record com-
5 mission one (1) or more of the employees of the military depart-
6 ment as special police. Such special police shall on the
7 premises of any state military reservation or other state
8 military property have and exercise the powers of regular peace
9 officers."

1 Sec. 6. Section twenty-nine point sixteen (29.16), Code 1962,
2 is hereby amended by inserting in line fifteen (15) after the
3 word "captain." the following:

4 "He shall be removed upon termination of his federal recog-
5 nition."

1 Sec. 7. Section twenty-nine point twenty-seven (29.27), Code
2 1962, is hereby amended by adding after line forty-one (41) the
3 following paragraphs:

4 "Where the provisions of this section may be applicable or at
5 such other times as he may consider it necessary, the adjutant
6 general shall appoint a board of officers, one of whom shall be
7 a medical officer, upon the occurrence of each instance of an
8 accident or incident resulting in the injury, illness, disease,
9 or death of a member of the military forces of the state. The
10 board of officers shall be appointed for the purpose of deter-
11 mining eligibility of individuals designated in this section for
12 benefits authorized therein. The adjutant general shall appoint
13 such a board at least once each year for the purpose of determin-
14 ing the continuation of eligibility of all recipients of such
15 benefits. The boards provided herein shall be in addition to
16 the board authorized for appointment by the governor for the
17 purpose of determining entitlement to partial pay and allowances
18 for partial disability as heretofore provided.

19 Any party aggrieved by any decision of a board provided in this
20 section shall have the right of appeal to the district court of
21 the state of Iowa in and for the county of his legal residence
22 within a period of thirty (30) days from date of mailing by the
23 adjutant general by certified mail of notice of such decision.
24 The appeal shall be perfected by filing in the office of the
25 adjutant general a written notice of appeal setting forth the
26 order or finding from which appealed and the grounds of the
27 appeal. Within thirty (30) days after the filing of such notice
28 of appeal, the adjutant general shall make, certify, and file in
29 the office of the clerk of the district court to which the appeal
30 is taken a full and complete transcript of all documents in the
31 proceeding. The transcript shall include the notice of appeal,

32 any depositions, and a transcript or certification of the
33 evidence, if reported. The clerk shall forthwith docket such
34 appeal. The appeal shall be heard in such district court as in
35 equity de novo. Appeal may be taken to the supreme court from
36 any final order or judgment or decree of the district court. The
37 attorney general of Iowa, upon the request of the adjutant
38 general, shall represent the board appointed by the adjutant
39 general against whom any such appeal has been instituted.

40 The provisions herein provided shall apply to all individuals
41 receiving benefits under this section or who subsequently may
42 become entitled to such benefits.

1 Sec. 8. Section twenty-nine point fifty-eight (29.58), Code
2 1962, is hereby amended by inserting in line three (3) after the
3 word "purposes" the following:

4 "and other training of the national guard".

1 Sec. 9. This Act being deemed of immediate importance shall
2 take effect and be in force from and after its publication in
3 The Winterset Madisonian, a newspaper published in the city
4 of Winterset, Iowa, and in The Earlham Echo, a newspaper printed
5 in Earlham, Iowa.

(Committee Amendment)
1 Amend Senate File 147, section 4, by striking from lines 6 and 7
2 the words and figures "five hundred dollars (\$500.00)" and inserting
3 in lieu thereof "four hundred and fifty dollars (\$450.00)".

Filed
February 26, 1963.

By COMMITTEE ON APPROPRIATIONS,
JOHN D. SHOEMAN, *Chairman*.

2/26