

Substitute for SF 549
11-8-01

11-8-01 Do Pass

REPRINTED

NOV 8 2001
Place On Calendar

HOUSE FILE 762
BY COMMITTEE ON STATE
GOVERNMENT

Ex. Special Session

Passed House ^(H329) Date 11-8-01 Passed Senate ^(S. 2582) Date 11-8-01
Vote: Ayes 97 Nays 0 Vote: Ayes 48 Nays 0
Approved November 14, 2001

A BILL FOR

1 An Act relating to homeland security by authorizing the governor
2 and other state officers to use state resources for, defend
3 against, and manage the consequences of a terrorist attack in
4 this state, and providing a retroactive effective date.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 762

1 Section 1. Section 29A.1, subsection 1, Code 2001, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. "Active state service" means training or operational
5 duty or other service authorized and performed under the
6 provisions of 32 U.S.C. or other federal law or regulation as
7 part of the Iowa army national guard or Iowa air national
8 guard and paid for with federal funds.

9 Sec. 2. Section 29A.1, subsection 3, Code 2001, is amended
10 to read as follows:

11 3. "Federal service" means duty authorized and performed
12 under the provisions of 10 U.S.C. ~~or 32 U.S.C. § 502-505~~
13 ~~which includes unit training assemblies commonly known as~~
14 ~~"drills", annual training, rifle marksmanship, full-time~~
15 ~~training for school purposes and recruiting as part of the~~
16 active military forces of the United States or the army
17 national guard of the United States or the air national guard
18 of the United States.

19 Sec. 3. Section 29A.1, subsection 4, Code 2001, is amended
20 by striking the subsection and inserting in lieu thereof the
21 following:

22 4. "Homeland defense" means the protection of state
23 territory, population, and critical infrastructure against
24 attacks from within or without the state.

25 Sec. 4. Section 29A.1, subsection 7, Code 2001, is amended
26 to read as follows:

27 7. "National guard" means the Iowa units, detachments and
28 organizations of the army national guard of the United States,
29 ~~and the air national guard of the United States,~~ the army
30 national guard, and the air national guard as those forces are
31 defined in ~~the National Defense Act and its amendments, the~~
32 ~~Iowa army national guard and the Iowa air national guard~~ 10
33 U.S.C. § 101.

34 Sec. 5. Section 29A.1, subsection 9, Code 2001, is amended
35 to read as follows:

1 9. "On duty" means training, including unit training
2 assemblies, ~~and~~ and other training, operational duty, and
3 other service which may be required under state or federal
4 law, regulations, or orders, and the necessary travel of an
5 officer or enlisted person to the place of performance and
6 return home after performance of that duty, but does not
7 include active federal service ~~under 10-U.S.C.~~

8 Sec. 6. Section 29A.1, Code 2001, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 10A. "State active duty" means duty
11 authorized and performed under section 29A.8 or 29A.9 and paid
12 for with state funds. "State active duty" also includes
13 serving as the adjutant general, a deputy adjutant general, or
14 the state quartermaster.

15 Sec. 7. Section 29A.4, Code 2001, is amended to read as
16 follows:

17 29A.4 ORGANIZATION -- ARMAMENT -- EQUIPMENT AND
18 DISCIPLINE.

19 The organization, armament, equipment and discipline of the
20 national guard, and the militia when called into ~~active~~ state
21 ~~service~~ active duty, except as hereinafter specifically
22 provided, shall be the same as that which is now or may be
23 hereafter prescribed under the provisions of federal law and
24 regulations as to those requirements which are mandatory
25 therein, but as to those things which are optional therein
26 they shall become effective when an order or regulation to
27 that effect shall have been promulgated by the governor.

28 Sec. 8. Section 29A.6, Code 2001, is amended to read as
29 follows:

30 29A.6 MILITARY FORCES OF STATE.

31 The military forces of the state of Iowa shall consist of
32 the army national guard, the air national guard, and the
33 militia.

34 Sec. 9. Section 29A.7, Code 2001, is amended to read as
35 follows:

1 29A.7 COMMANDER IN CHIEF.

2 The governor is the commander in chief of the military
3 forces, except when they are in federal service. The governor
4 may employ the military forces of the state for the defense or
5 relief of the state, the enforcement of its laws, the
6 protection of life and property, emergencies resulting from
7 disasters or public disorders as defined in section 29C.2,
8 including homeland security and defense duties, and parades
9 and ceremonies of a civic nature.

10 Sec. 10. Section 29A.8, Code 2001, is amended by striking
11 the section and inserting in lieu thereof the following:

12 29A.8 STATE ACTIVE DUTY.

13 1. The governor may order into state active duty the
14 military forces of the state, including retired members of the
15 national guard, both army and air, as the governor deems
16 proper, under command of an officer as the governor may
17 designate under one or more of the following circumstances:

18 a. In case of insurrection or invasion, or imminent danger
19 of insurrection or invasion.

20 b. For the purpose of aiding the civil authorities of any
21 political subdivision of the state in maintaining law and
22 order in the subdivision in cases of breaches of the peace or
23 imminent danger of breaches of the peace, if the law
24 enforcement officers of the subdivision are unable to maintain
25 law and order, and the civil authorities request the
26 assistance.

27 c. For the purposes of performing homeland defense or
28 homeland security duties.

29 2. If circumstances necessitate the establishment of a
30 military district under martial law and the general assembly
31 is not convened, the military district shall be established
32 only after the governor has issued a proclamation convening an
33 extraordinary session of the general assembly.

34 Sec. 11. NEW SECTION. 29A.8A ACTIVE STATE SERVICE.

35 If federal funding and authorization exist for this

1 purpose, the governor may order to active state service the
2 military forces of the Iowa army national guard or Iowa air
3 national guard as the governor may deem appropriate for the
4 purposes of homeland security, homeland defense, or other
5 duty.

6 Sec. 12. Section 29A.9, unnumbered paragraph 1, Code 2001,
7 is amended to read as follows:

8 The governor may order the national guard into training for
9 any period. The governor may order the organizations or
10 personnel of the national guard or persons who have retired
11 from the national guard, to ~~active state service~~or active
12 ~~duty~~or-to-assemble for purposes of security, drill,
13 instruction, parade, ceremonies of a civic nature, guard,
14 recruiting and escort duty, and schools of instruction as a
15 student or instructor, including the Iowa military academy,
16 and prescribe all regulations and requirements for those
17 duties.

18 Sec. 13. Section 29A.10, unnumbered paragraph 3, Code
19 2001, is amended to read as follows:

20 The governor may appoint an officer of the national guard
21 to serve as special investigator for a period determined by
22 the governor. Service as special investigator shall be active
23 state service active duty. The special investigator shall
24 report to and serve at the pleasure of the governor. The duty
25 of special investigator shall be assigned as additional duty.
26 The special investigator shall not be the person designated as
27 inspector general pursuant to federal national guard bureau
28 regulation.

29 Sec. 14. Section 29A.11, Code 2001, is amended to read as
30 follows:

31 29A.11 ADJUTANT GENERAL -- APPOINTMENT AND TERM.

32 There shall be an adjutant general of the state who shall
33 be appointed and commissioned by the governor subject to
34 confirmation by the senate and who shall serve at the pleasure
35 of the governor. The rank of the adjutant general shall be at

1 least that of brigadier general and the adjutant general shall
2 hold office for a term of four years beginning and ending as
3 provided in section 69.19. At the time of appointment the
4 adjutant general shall be a federally recognized commissioned
5 officer in the United States army or air force, the army or
6 air national guard, the army or air national guard of the
7 United States, or the United States army or air force reserve
8 who has reached at least the grade of colonel and who is or is
9 eligible to be federally recognized at the next higher rank.

10 Sec. 15. Section 29A.27, unnumbered paragraphs 1, 2, 3,
11 and 4, Code 2001, are amended to read as follows:

12 Officers and enlisted persons while in **active state service**
13 active duty shall receive the same pay, per diem, and
14 allowances as are paid for the same rank or grade for federal
15 service in-the-armed-forces-of-the-United-States. However, a
16 person shall not be paid at a base rate of pay of less than
17 one hundred dollars per calendar day of **active state service**
18 active duty.

19 In the event any officer or enlisted person shall be killed
20 while on duty or in **active state service** active duty, in line
21 of duty, or shall die as the result of injuries received or as
22 a result of illness or disease contracted while on duty or in
23 **active state service** active duty, in line of duty, dependents,
24 as defined by the workers' compensation law of the state,
25 shall receive the maximum compensation provided by ~~the-said~~
26 such law.

27 Any officer or enlisted person who suffers injuries or
28 contracts a disease causing disability, in line of duty, while
29 on duty or in **active state service** active duty, shall receive
30 hospitalization and medical treatment, and during the period
31 that the officer or enlisted person is totally disabled from
32 returning to military duty the officer or enlisted person
33 shall also receive the pay and allowances of the officer's or
34 enlisted person's grade. In the event of partial disability,
35 the officer or enlisted person shall be allowed partial pay

1 and allowances as determined by an evaluation board of three
2 officers to be appointed by the adjutant general. At least
3 one member of the board shall be a medical officer.

4 Any claim for death, illness, or disease contracted in line
5 of duty while on duty or in active state service active duty,
6 shall be filed with the adjutant general within six months
7 from the date of death or contraction of the illness or
8 disease.

9 Sec. 16. Section 29A.28, Code 2001, is amended to read as
10 follows:

11 29A.28 LEAVE OF ABSENCE OF CIVIL EMPLOYEES.

12 All officers and employees of the state, or a subdivision
13 thereof, or a municipality other than employees employed
14 temporarily for six months or less, who are members of the
15 national guard, organized reserves or any component part of
16 the military, naval, or air forces or nurse corps of this
17 state or nation, or who are or may be otherwise inducted into
18 the military service of this state or of the United States,
19 shall, when ordered by proper authority to state active duty,
20 active state service or federal service, be entitled to a
21 leave of absence from such civil employment for the period of
22 such state active duty, active state service, or federal
23 service, without loss of status or efficiency rating, and
24 without loss of pay during the first thirty days of such leave
25 of absence. The proper appointing authority may make a
26 temporary appointment to fill any vacancy created by such
27 leave of absence.

28 Sec. 17. Section 29A.29, Code 2001, is amended to read as
29 follows:

30 29A.29 PAYMENT FROM TREASURY -- EXCEPTION.

31 When in active state service active duty, the compensation
32 of officers and enlisted persons and expenses of the national
33 guard and claims for death, injury and illness of the members
34 thereof, incurred in line of duty, shall be paid out of any
35 funds in the state treasury not otherwise appropriated.

1 However, if funds for compensation and expenses have been
2 appropriated for compensation and expenses of persons on full-
3 time ~~active state service~~ active duty pursuant to a specific
4 Act of the general assembly, such persons shall be paid from
5 funds appropriated pursuant to such Act.

6 Sec. 18. Section 29A.43, Code 2001, is amended to read as
7 follows:

8 29A.43 DISCRIMINATION PROHIBITED -- LEAVE OF ABSENCE.

9 A person shall not discriminate against any officer or
10 enlisted person of the national guard or organized reserves of
11 the armed forces of the United States because of that
12 membership. An employer, or agent of an employer, shall not
13 discharge a person from employment because of being an officer
14 or enlisted person of the military forces of the state, or
15 hinder or prevent the officer or enlisted person from
16 performing any military service the person is called upon to
17 perform by proper authority. A member of the national guard
18 or organized reserves of the armed forces of the United States
19 ordered to temporary active duty, as defined in section 29A.1,
20 ~~for the any purpose of-military-training-or-ordered-on-active~~
21 ~~state-service~~ is entitled to a leave of absence during the
22 period of the duty or service, from the member's private
23 employment, other than employment of a temporary nature, and
24 upon completion of the duty or service the employer shall
25 restore the person to the position held prior to the leave of
26 absence, or employ the person in a similar position. However,
27 the person shall give evidence to the employer of satisfactory
28 completion of the training or duty, and that the person is
29 still qualified to perform the duties of the position. The
30 period of absence shall be construed as an absence with leave,
31 and shall in no way affect the employee's rights to vacation,
32 sick leave, bonus, or other employment benefits relating to
33 the employee's particular employment. A person violating a
34 provision of this section is guilty of a simple misdemeanor.

35 Sec. 19. Section 29A.71, Code 2001, is amended to read as

1 follows:

2 29A.71 PAY AND ALLOWANCES.

3 Officers and enlisted personnel of the Iowa state guard
4 while in active state service active duty shall receive the
5 same pay, allowances, and compensation as provided by law for
6 members of the Iowa national guard.

7 Sec. 20. Section 29C.2, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. "Disaster" means man-made and natural occurrences, such
10 as fire, flood, drought, earthquake, tornado, windstorm,
11 hazardous substance or nuclear power plant accident or
12 incident, which threaten the public peace, health, and safety
13 of the people or which damage and destroy public or private
14 property. The term includes enemy attack, sabotage, or other
15 hostile action from within or without the state.

16 Sec. 21. Section 29C.2, Code 2001, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 1A. "Homeland security" means the
19 detection, prevention, preemption, deterrence of, and
20 protection from attacks targeted at state territory,
21 population, and infrastructure.

22 Sec. 22. Section 29C.5, Code 2001, is amended to read as
23 follows:

24 29C.5 EMERGENCY MANAGEMENT DIVISION.

25 An emergency management division is created within the
26 department of public defense. The emergency management
27 division shall be responsible for the administration of
28 emergency planning matters, including emergency resource
29 planning in this state, co-operation cooperation with and
30 support of the civil air patrol, homeland security activities,
31 and co-ordination coordination of available services in the
32 event of a disaster.

33 Sec. 23. Section 29C.8, subsection 2, Code 2001, is
34 amended to read as follows:

35 2. The administrator shall be vested with the authority to

1 administer emergency management and homeland security affairs
2 in this state and shall be responsible for preparing and
3 executing the emergency management and homeland security
4 programs of this state subject to the direction of the
5 adjutant general.

6 Sec. 24. Section 29C.8, subsection 3, paragraphs a, b, and
7 c, Code 2001, are amended to read as follows:

8 a. Prepare a comprehensive plan and emergency management
9 program for homeland security, disaster preparedness,
10 response, recovery, mitigation, emergency operation, and
11 emergency resource management of this state. The plan and
12 program shall be integrated into and coordinated with the
13 homeland security and emergency plans of the federal
14 government and of other states to the fullest possible extent
15 and coordinate the preparation of plans and programs for
16 emergency management of the political subdivisions and various
17 state departments of this state. The plans shall be
18 integrated into and coordinated with a comprehensive state
19 homeland security and emergency program for this state as
20 coordinated by the administrator of the emergency management
21 division to the fullest possible extent.

22 b. Make such studies and surveys of the industries,
23 resources and facilities in this state as may be necessary to
24 ascertain the vulnerabilities of critical state infrastructure
25 and assets to attack and the capabilities of the state for
26 disaster recovery, disaster planning and operations, and
27 emergency resource management, and to plan for the most
28 efficient emergency use thereof.

29 c. Provide technical assistance to any local emergency
30 commission or joint commission requiring the assistance in the
31 development of an emergency management or homeland security
32 program.

33 Sec. 25. Section 135.11, Code 2001, as amended by 2001
34 Iowa Acts, chapter 58, section 3, chapter 122, section 1, and
35 chapter 184, section 6, is amended by adding the following new

1 subsection:

2 NEW SUBSECTION. 2A. Conduct and maintain a statewide risk
3 assessment of any present or potential danger to the public
4 health from biological agents. For this purpose, an officer
5 of the department may enter into and examine any premises
6 containing potentially dangerous biological agents if the
7 officer obtains a search warrant issued by a court, or enters
8 into the premises in a manner consistent with the laws of this
9 state and the United States, including Article I, section 8,
10 of the Constitution of the State of Iowa or the fourth
11 amendment to the Constitution of the United States.

12 Sec. 26. Section 669.14, subsection 7, Code 2001, is
13 amended to read as follows:

14 7. A claim based upon damage to or loss or destruction of
15 private property, both real and personal, or personal injury
16 or death, when the damage, loss, destruction, injury or death
17 occurred as an incident to the training, operation, or
18 maintenance of the national guard while not in "active state
19 service active duty" as defined in section 29A.17-~~subsection~~
20 ~~1~~.

21 Sec. 27. RETROACTIVE EFFECTIVE DATE. This Act, being
22 deemed of immediate importance, takes effect upon enactment,
23 is retroactively applicable to September 11, 2001, and is
24 applicable on and after that date.

25 EXPLANATION

26 This bill amends Code chapters 29A and 29C to complement
27 federal legislation relating to homeland security and defense
28 against acts of terrorism.

29 Code chapter 29A, relating to the powers, duties, and
30 organization of the army national guard and air national
31 guard, is amended to define active state service, federal
32 service, national guard, on duty, state active duty, and
33 homeland defense, and to strike the definitions of in service
34 of the United States, and not in service of the United States.
35 Federal service means duty authorized and performed as a part

1 of the air national guard of the United States or the army
2 national guard of the United States pursuant to 10 U.S.C.
3 Active state service means training and duty or other service
4 performed pursuant to 32 U.S.C. or other federal law as part
5 of the Iowa army national guard or Iowa air national guard and
6 paid for with federal funds. State active duty means duty
7 authorized and performed under Code section 29A.8 or 29A.9 and
8 paid for with state funds. On duty means training, duty, or
9 service performed under state or federal law, but not
10 including active federal service. National guard means Iowa
11 units of the army national guard of the United States, the air
12 national guard of the United States, the army national guard,
13 and the air national guard as defined in 10 U.S.C. § 101.
14 Homeland defense is defined to mean the protection of state
15 territory, population, and critical infrastructure against
16 attacks from within or without the state.

17 Code section 29A.7 is amended to include homeland security
18 and defense duties as a duty of the military forces under
19 direction of the governor.

20 The bill contains several coordinating amendments to Code
21 chapter 29A to specify duties relating to state active duty
22 which may be ordered by the governor.

23 Code section 29C.2 is amended to define disaster to include
24 attack, sabotage, or other hostile action from within or
25 without the state and to define homeland security to mean the
26 detection, prevention, preemption, deterrence of, and
27 protection against attacks targeted at state territory,
28 population, and infrastructure.

29 Code sections 29C.5 and 29C.8 are amended to include
30 homeland security activities as a duty of the emergency
31 management division and its administrator.

32 A coordinating amendment relating to state tort claims
33 arising from state active duty is made to Code section 699.14,
34 subsection 7.

35 Code section 135.11 is amended to authorize the Iowa

1 department of public health to conduct and maintain a
2 statewide risk assessment of any present or potential danger
3 to the public health from biological agents. For that
4 purpose, an officer of the department may enter into and
5 examine any premises containing potentially dangerous
6 biological agents if the officer obtains a search warrant or
7 enters the premises in a manner consistent with the laws and
8 constitutions of this state and the United States.

9 The bill is effective upon enactment, is retroactively
10 applicable to September 11, 2001, and is applicable on and
11 after that date.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

1 Amend House File 762 as follows:

2 1. Page 1, line 23, by inserting after the word
3 "infrastructure" the following: "and assets".

4 2. Page 2, line 7, by striking the word "active".

5 3. Page 10, by striking lines 2 through 11 and
6 inserting the following:

7 "NEW SUBSECTION. 2A. Conduct and maintain a
8 statewide risk assessment of any present or potential
9 danger to the public health from biological agents.
10 For this purpose, an employee or agent of the
11 department may enter into and examine any premises
12 containing potentially dangerous biological agents.
13 However, the owner or person in charge of the premises
14 shall be notified. If the owner or person in charge
15 refuses admittance, the department may obtain
16 administrative search warrants under section 808.14.
17 Based upon findings of the risk assessment and
18 examination of the premises, the director may order
19 safeguards or take any other action necessary to
20 protect the public health pursuant to rules adopted to
21 implement this subsection."

22 4. Page 10, by inserting after line 23, the
23 following:

24 "Sec. 100. DEFINITION -- MILITARY SERVICE. For
25 the purposes of sections 100 through 106, "military
26 service" means full-time active state service, as
27 defined in section 29A.1, or full-time state active
28 duty, as defined in section 29A.1, for a period of at
29 least ninety consecutive days.

30 Sec. 101. EVICTION OR DISTRESS DURING MILITARY
31 SERVICE -- STAY -- PENALTY FOR NONCOMPLIANCE --
32 ALLOTMENT OF PAY FOR PAYMENT.

33 1. No eviction or distress shall be made during
34 the period of military service in respect of any
35 premises for which the agreed rent does not exceed one
36 thousand two hundred dollars per month, occupied
37 chiefly for dwelling purposes by the spouse, child, or
38 other dependent of a person in military service,
39 except upon leave of court granted upon application or
40 granted in an action or proceeding affecting the right
41 of possession.

42 2. On any such application as provided in
43 subsection 1, or in any such action as provided in
44 subsection 1, the court may, in its discretion, on its
45 own motion, and shall, on application, unless in the
46 opinion of the court the ability of the tenant to pay
47 the agreed rent is not materially affected by reason
48 of such military service, stay the proceedings for not
49 longer than three months. Where such stay is granted
50 or other order is made by the court, the owner of the

1 premises shall be entitled, upon application, to
2 relief in respect of such premises similar to that
3 granted persons in military service in sections 102
4 and 103 of this Act to such extent and for such period
5 as may appear to the court to be just.

6 Sec. 102. INSTALLMENT CONTRACTS FOR PURCHASE OF
7 PROPERTY.

8 1. No person who has received, or whose assignor
9 has received, under a contract for the purchase of
10 real or personal property, or of lease or bailment
11 with a view to purchase of such property, a deposit or
12 installment of the purchase price, or a deposit or
13 installment under the contract, lease, or bailment,
14 from a person or from the assignor of a person who,
15 after the date of payment of such deposit or
16 installment, has entered military service, shall
17 exercise any right or option under such contract to
18 rescind or terminate the contract or resume possession
19 of the property for nonpayment of any installment due
20 or for any other breach of its terms occurring prior
21 to or during the period of such military service,
22 except by action in a court of competent jurisdiction.

23 2. Upon the hearing of such action as provided in
24 subsection 1, the court may order the repayment of
25 prior installments or deposits or any part, as a
26 condition of terminating the contract and resuming
27 possession of the property, or may, in its discretion,
28 on its own motion, and shall, on application to it by
29 such person in military service or some person on the
30 person's behalf, order a stay of proceedings as the
31 court deems just, unless in the opinion of the court,
32 the ability of the defendant to comply with the terms
33 of the contract is not materially affected by reason
34 of such service; or it may make such other disposition
35 of the case as may be equitable to conserve the
36 interests of all parties.

37 Sec. 103. MORTGAGES, TRUST DEEDS, OR OTHER
38 SECURITY.

39 1. The provisions of this section shall apply only
40 to obligations secured by mortgage, trust deed, or
41 other security in the nature of a mortgage upon real
42 or personal property owned by a person in military
43 service at the commencement of the period of the
44 military service and still so owned by the person
45 which obligations originated prior to the person's
46 period of military service.

47 2. In any proceeding commenced in any court during
48 the period of military service to enforce such
49 obligation as provided in subsection 1 arising out of
50 nonpayment of any sum due or out of any other breach

1 of the terms of the mortgage, trust deed, or other
2 security occurring prior to or during the period of
3 such service the court may, after hearing, in its
4 discretion, on its own motion, and shall, on
5 application to it by such person in military service
6 or some person on the defendant's behalf, unless in
7 the opinion of the court the ability of the defendant
8 to comply with the terms of the obligation is not
9 materially affected by reason of the defendant's
10 military service, do any of the following:

11 a. Stay the proceedings for such period as the
12 court deems just.

13 b. Make such other disposition of the case as may
14 be equitable to conserve the interests of all parties.

15 3. No sale, foreclosure, or seizure of property
16 for nonpayment of any sum due under any such
17 obligation as provided in subsection 1, or for any
18 other breach of the terms thereof, whether under a
19 power of sale, under a judgment entered upon warrant
20 of attorney to confess judgment contained therein, or
21 otherwise, shall be valid if made during the period of
22 military service or within three months thereafter,
23 except pursuant to an agreement between the parties,
24 unless upon an order previously granted by the court
25 and a return thereto made and approved by the court.

26 Sec. 104. TERMINATION OF LEASES BY LESSEES.

27 1. The provisions of this section shall apply to
28 any lease covering premises occupied for dwelling,
29 professional, business, agricultural, or similar
30 purposes in any case in which such lease was executed
31 by or on the behalf of a person who, after the
32 execution of such lease, entered military service.

33 2. Any such lease as provided in subsection 1 may
34 be terminated by notice in writing delivered to the
35 lessor or to the lessor's agent by the lessee at any
36 time following the date of the beginning of the period
37 of military service. Delivery of such notice may be
38 accomplished by placing it in an envelope properly
39 stamped and duly addressed to the lessor or to the
40 lessor's agent and depositing the notice in the United
41 States mail. Termination of any such lease providing
42 for monthly payment of rent shall not be effective
43 until thirty days after the first date on which the
44 next rental payment is due and payable subsequent to
45 the date when such notice is delivered or mailed. In
46 the case of all other leases, termination shall be
47 effected on the last day of the month following the
48 month in which such notice is delivered or mailed and
49 in such case any unpaid rental for a period preceding
50 termination shall be proratably computed and any

1 rental paid in advance for a period succeeding
2 termination shall be refunded by the lessor. Upon
3 application by the lessor to the appropriate court
4 prior to the termination period provided for in the
5 notice, any relief granted in this subsection shall be
6 subject to such modifications or restrictions as in
7 the opinion of the court justice and equity may in the
8 circumstances require.

9 Sec. 105. MAXIMUM RATE OF INTEREST. No obligation
10 or liability bearing interest at a rate in excess of
11 six percent per year incurred by a person in military
12 service before that person's entry into that service
13 shall, during any part of the period of military
14 service, bear interest at a rate in excess of six
15 percent per year unless, in the opinion of the court,
16 upon application thereto by the obligee, the ability
17 of such person in military service to pay interest
18 upon such obligation or liability at a rate in excess
19 of six percent per year is not materially affected by
20 reason of such service, in which case the court may
21 make such order as in its opinion may be just. As
22 used in this section the term "interest" includes
23 service charges, renewal charges, fees, or any other
24 charges, except bona fide insurance, in respect of
25 such obligation or liability.

26 Sec. 106. PROVISIONS APPLY NOTWITHSTANDING
27 CONTRARY CODE PROVISIONS. Sections 100 through 105 of
28 this Act apply notwithstanding any contrary provision
29 of state law, which may include but is not limited to
30 Titles XIII, XIV, and XV.

31 Sec. 107. Sections 100 through 106 of this Act are
32 repealed on January 31, 2002."

33 5. Page 10, line 27, by inserting after the word
34 "date" the following: ", except that sections 100
35 through 106 of this Act shall not be applied
36 retroactively".

37 6. By renumbering as necessary.

38
39
40
41
42
43
44
45
46
47
48
49
50

BRADLEY of Clinton

Adopted
11-8-01

HOUSE FILE 762

H 2064 NOV-83

1 Amend House File 762 as follows:
2 1. Page 10, by inserting after line 20, the
3 following:
4 "Sec. 100. TASK FORCE ON HOMELAND SECURITY AND
5 DEFENSE.
6 1. A task force is created to consider and report
7 on the state's preparedness to respond to emergencies
8 that threaten the state's security. The task force
9 shall study issues relating to the detection,
10 prevention, preemption, and deterrence of, and
11 protection against, attacks targeted at state
12 territory, population, and infrastructure. The task
13 force shall solicit information from local and state
14 government officials, from the Iowa national guard,
15 and from any other person or entity deemed appropriate
16 relating to the state's preparedness to respond to
17 emergencies that threaten the state's security.
18 2. The members of the task force shall be
19 appointed as follows:
20 a. One member appointed by the governor.
21 b. One member appointed by the majority leader of
22 the senate.
23 c. One member appointed by the speaker of the
24 house of representatives.
25 d. One member appointed by the minority leader of
26 the senate.
27 e. One member appointed by the minority leader of
28 the house of representatives.
29 3. The task force shall report to the general
30 assembly and the governor by January 15, 2002."
31 2. By renumbering as necessary.
32
33
34

35

CHIODO of Polk
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

*Adopted
11-8-01*

HOUSE FILE 762
BY COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House November 8, 2001)

Passed House, ^(p. 29) Date 11-8-01 Passed Senate, ^(p. 282) Date 11-8-01
Vote: Ayes 97 Nays 0 Vote: Ayes 48 Nays 0
Approved 11-14-01

A BILL FOR

1 An Act relating to homeland security by authorizing the governor
2 and other state officers to use state resources for, defend
3 against, and manage the consequences of a terrorist attack in
4 this state, and providing a retroactive effective date.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

House Amendments _____
Deleted Language *

1 Section 1. Section 29A.1, subsection 1, Code 2001, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. "Active state service" means training or operational
5 duty or other service authorized and performed under the
6 provisions of 32 U.S.C. or other federal law or regulation as
7 part of the Iowa army national guard or Iowa air national
8 guard and paid for with federal funds.

9 Sec. 2. Section 29A.1, subsection 3, Code 2001, is amended
10 to read as follows:

11 3. "Federal service" means duty authorized and performed
12 under the provisions of 10 U.S.C. ~~or 32-U.S.C.-7-502-505~~
13 ~~which-includes-unit-training-assemblies-commonly-known-as~~
14 ~~"drills"-annual-training,-rifle-marksanship,-full-time~~
15 ~~training-for-school-purposes-and-recruiting~~ as part of the
16 active military forces of the United States or the army
17 national guard of the United States or the air national guard
18 of the United States.

19 Sec. 3. Section 29A.1, subsection 4, Code 2001, is amended
20 by striking the subsection and inserting in lieu thereof the
21 following:

22 4. "Homeland defense" means the protection of state
23 territory, population, and critical infrastructure and assets
24 against attacks from within or without the state.

25 Sec. 4. Section 29A.1, subsection 7, Code 2001, is amended
26 to read as follows:

27 7. "National guard" means the Iowa units, detachments and
28 organizations of the army national guard of the United States,
29 and the air national guard of the United States, the army
30 national guard, and the air national guard as those forces are
31 defined in ~~the-National-Defense-Act-and-its-amendments,-the~~
32 ~~Iowa-army-national-guard-and-the-Iowa-air-national-guard~~ 10
33 U.S.C. § 101.

34 Sec. 5. Section 29A.1, subsection 9, Code 2001, is amended
35 to read as follows:

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

8 Sec. 6. Section 29A.1, Code 2001, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 10A. "State active duty" means duty
11 authorized and performed under section 29A.8 or 29A.9 and paid
12 for with state funds. "State active duty" also includes
13 serving as the adjutant general, a deputy adjutant general, or
14 the state quartermaster.

15 Sec. 7. Section 29A.4, Code 2001, is amended to read as
16 follows:

17 29A.4 ORGANIZATION -- ARMAMENT -- EQUIPMENT AND
18 DISCIPLINE.

19 The organization, armament, equipment and discipline of the
20 national guard, and the militia when called into ~~active~~ state
21 ~~service~~ active duty, except as hereinafter specifically
22 provided, shall be the same as that which is now or may be
23 hereafter prescribed under the provisions of federal law and
24 regulations as to those requirements which are mandatory
25 therein, but as to those things which are optional therein
26 they shall become effective when an order or regulation to
27 that effect shall have been promulgated by the governor.

28 Sec. 8. Section 29A.6, Code 2001, is amended to read as
29 follows:

30 29A.6 MILITARY FORCES OF STATE.

31 The military forces of the state of Iowa shall consist of
32 the army national guard, the air national guard, and the
33 militia.

34 Sec. 9. Section 29A.7, Code 2001, is amended to read as
35 follows:

1 29A.7 COMMANDER IN CHIEF.

2 The governor is the commander in chief of the military
3 forces, except when they are in federal service. The governor
4 may employ the military forces of the state for the defense or
5 relief of the state, the enforcement of its laws, the
6 protection of life and property, emergencies resulting from
7 disasters or public disorders as defined in section 29C.2,
8 including homeland security and defense duties, and parades
9 and ceremonies of a civic nature.

10 Sec. 10. Section 29A.8, Code 2001, is amended by striking
11 the section and inserting in lieu thereof the following:

12 29A.8 STATE ACTIVE DUTY.

13 1. The governor may order into state active duty the
14 military forces of the state, including retired members of the
15 national guard, both army and air, as the governor deems
16 proper, under command of an officer as the governor may
17 designate under one or more of the following circumstances:

18 a. In case of insurrection or invasion, or imminent danger
19 of insurrection or invasion.

20 b. For the purpose of aiding the civil authorities of any
21 political subdivision of the state in maintaining law and
22 order in the subdivision in cases of breaches of the peace or
23 imminent danger of breaches of the peace, if the law
24 enforcement officers of the subdivision are unable to maintain
25 law and order, and the civil authorities request the
26 assistance.

27 c. For the purposes of performing homeland defense or
28 homeland security duties.

29 2. If circumstances necessitate the establishment of a
30 military district under martial law and the general assembly
31 is not convened, the military district shall be established
32 only after the governor has issued a proclamation convening an
33 extraordinary session of the general assembly.

34 Sec. 11. NEW SECTION. 29A.8A ACTIVE STATE SERVICE.

35 If federal funding and authorization exist for this

1 purpose, the governor may order to active state service the
2 military forces of the Iowa army national guard or Iowa air
3 national guard as the governor may deem appropriate for the
4 purposes of homeland security, homeland defense, or other
5 duty.

6 Sec. 12. Section 29A.9, unnumbered paragraph 1, Code 2001,
7 is amended to read as follows:

8 The governor may order the national guard into training for
9 any period. The governor may order the organizations or
10 personnel of the national guard or persons who have retired
11 from the national guard, to ~~active state service~~or active
12 ~~duty~~or-to-assemble for purposes of security, drill,
13 instruction, parade, ceremonies of a civic nature, guard,
14 recruiting and escort duty, and schools of instruction as a
15 student or instructor, including the Iowa military academy,
16 and prescribe all regulations and requirements for those
17 duties.

18 Sec. 13. Section 29A.10, unnumbered paragraph 3, Code
19 2001, is amended to read as follows:

20 The governor may appoint an officer of the national guard
21 to serve as special investigator for a period determined by
22 the governor. Service as special investigator shall be ~~active~~
23 ~~state service~~ active duty. The special investigator shall
24 report to and serve at the pleasure of the governor. The duty
25 of special investigator shall be assigned as additional duty.
26 The special investigator shall not be the person designated as
27 inspector general pursuant to federal national guard bureau
28 regulation.

29 Sec. 14. Section 29A.11, Code 2001, is amended to read as
30 follows:

31 29A.11 ADJUTANT GENERAL -- APPOINTMENT AND TERM.

32 There shall be an adjutant general of the state who shall
33 be appointed and commissioned by the governor subject to
34 confirmation by the senate and who shall serve at the pleasure
35 of the governor. The rank of the adjutant general shall be at

1 least that of brigadier general and the adjutant general shall
2 hold office for a term of four years beginning and ending as
3 provided in section 69.19. At the time of appointment the
4 adjutant general shall be a federally recognized commissioned
5 officer in the United States army or air force, the army or
6 air national guard, the army or air national guard of the
7 United States, or the United States army or air force reserve
8 who has reached at least the grade of colonel and who is or is
9 eligible to be federally recognized at the next higher rank.

10 Sec. 15. Section 29A.27, unnumbered paragraphs 1, 2, 3,
11 and 4, Code 2001, are amended to read as follows:

12 Officers and enlisted persons while in **active state service**
13 active duty shall receive the same pay, per diem, and
14 allowances as are paid for the same rank or grade for federal
15 ~~service in-the-armed-forces-of-the-United-States~~. However, a
16 person shall not be paid at a base rate of pay of less than
17 one hundred dollars per calendar day of **active state service**
18 active duty.

19 In the event any officer or enlisted person shall be killed
20 while on duty or in **active state service** active duty, in line
21 of duty, or shall die as the result of injuries received or as
22 a result of illness or disease contracted while on duty or in
23 **active state service** active duty, in line of duty, dependents,
24 as defined by the workers' compensation law of the state,
25 shall receive the maximum compensation provided by ~~the-said~~
26 such law.

27 Any officer or enlisted person who suffers injuries or
28 contracts a disease causing disability, in line of duty, while
29 on duty or in **active state service** active duty, shall receive
30 hospitalization and medical treatment, and during the period
31 that the officer or enlisted person is totally disabled from
32 returning to military duty the officer or enlisted person
33 shall also receive the pay and allowances of the officer's or
34 enlisted person's grade. In the event of partial disability,
35 the officer or enlisted person shall be allowed partial pay

1 and allowances as determined by an evaluation board of three
2 officers to be appointed by the adjutant general. At least
3 one member of the board shall be a medical officer.

4 Any claim for death, illness, or disease contracted in line
5 of duty while on duty or in active state service active duty,
6 shall be filed with the adjutant general within six months
7 from the date of death or contraction of the illness or
8 disease.

9 Sec. 16. Section 29A.28, Code 2001, is amended to read as
10 follows:

11 29A.28 LEAVE OF ABSENCE OF CIVIL EMPLOYEES.

12 All officers and employees of the state, or a subdivision
13 thereof, or a municipality other than employees employed
14 temporarily for six months or less, who are members of the
15 national guard, organized reserves or any component part of
16 the military, naval, or air forces or nurse corps of this
17 state or nation, or who are or may be otherwise inducted into
18 the military service of this state or of the United States,
19 shall, when ordered by proper authority to state active duty,
20 active state service or federal service, be entitled to a
21 leave of absence from such civil employment for the period of
22 such state active duty, active state service, or federal
23 service, without loss of status or efficiency rating, and
24 without loss of pay during the first thirty days of such leave
25 of absence. The proper appointing authority may make a
26 temporary appointment to fill any vacancy created by such
27 leave of absence.

28 Sec. 17. Section 29A.29, Code 2001, is amended to read as
29 follows:

30 29A.29 PAYMENT FROM TREASURY -- EXCEPTION.

31 When in active state service active duty, the compensation
32 of officers and enlisted persons and expenses of the national
33 guard and claims for death, injury and illness of the members
34 thereof, incurred in line of duty, shall be paid out of any
35 funds in the state treasury not otherwise appropriated.

1 However, if funds for compensation and expenses have been
2 appropriated for compensation and expenses of persons on full-
3 time ~~active state service~~ active duty pursuant to a specific
4 Act of the general assembly, such persons shall be paid from
5 funds appropriated pursuant to such Act.

6 Sec. 18. Section 29A.43, Code 2001, is amended to read as
7 follows:

8 29A.43 DISCRIMINATION PROHIBITED -- LEAVE OF ABSENCE.

9 A person shall not discriminate against any officer or
10 enlisted person of the national guard or organized reserves of
11 the armed forces of the United States because of that
12 membership. An employer, or agent of an employer, shall not
13 discharge a person from employment because of being an officer
14 or enlisted person of the military forces of the state, or
15 hinder or prevent the officer or enlisted person from
16 performing any military service the person is called upon to
17 perform by proper authority. A member of the national guard
18 or organized reserves of the armed forces of the United States
19 ordered to temporary active duty, as defined in section 29A.1,
20 for the any purpose of-military-training-or-ordered-on-active
21 state-service is entitled to a leave of absence during the
22 period of the duty or service, from the member's private
23 employment, other than employment of a temporary nature, and
24 upon completion of the duty or service the employer shall
25 restore the person to the position held prior to the leave of
26 absence, or employ the person in a similar position. However,
27 the person shall give evidence to the employer of satisfactory
28 completion of the training or duty, and that the person is
29 still qualified to perform the duties of the position. The
30 period of absence shall be construed as an absence with leave,
31 and shall in no way affect the employee's rights to vacation,
32 sick leave, bonus, or other employment benefits relating to
33 the employee's particular employment. A person violating a
34 provision of this section is guilty of a simple misdemeanor.
35 Sec. 19. Section 29A.71, Code 2001, is amended to read as

1 follows:

2 29A.71 PAY AND ALLOWANCES.

3 Officers and enlisted personnel of the Iowa state guard
4 while in active state service active duty shall receive the
5 same pay, allowances, and compensation as provided by law for
6 members of the Iowa national guard.

7 Sec. 20. Section 29C.2, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. "Disaster" means man-made and natural occurrences, such
10 as fire, flood, drought, earthquake, tornado, windstorm,
11 hazardous substance or nuclear power plant accident or
12 incident, which threaten the public peace, health, and safety
13 of the people or which damage and destroy public or private
14 property. The term includes enemy attack, sabotage, or other
15 hostile action from within or without the state.

16 Sec. 21. Section 29C.2, Code 2001, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 1A. "Homeland security" means the
19 detection, prevention, preemption, deterrence of, and
20 protection from attacks targeted at state territory,
21 population, and infrastructure.

22 Sec. 22. Section 29C.5, Code 2001, is amended to read as
23 follows:

24 29C.5 EMERGENCY MANAGEMENT DIVISION.

25 An emergency management division is created within the
26 department of public defense. The emergency management
27 division shall be responsible for the administration of
28 emergency planning matters, including emergency resource
29 planning in this state, co-operation cooperation with and
30 support of the civil air patrol, homeland security activities,
31 and co-ordination coordination of available services in the
32 event of a disaster.

33 Sec. 23. Section 29C.8, subsection 2, Code 2001, is
34 amended to read as follows:

35 2. The administrator shall be vested with the authority to

1 administer emergency management and homeland security affairs
2 in this state and shall be responsible for preparing and
3 executing the emergency management and homeland security
4 programs of this state subject to the direction of the
5 adjutant general.

6 Sec. 24. Section 29C.8, subsection 3, paragraphs a, b, and
7 c, Code 2001, are amended to read as follows:

8 a. Prepare a comprehensive plan and emergency management
9 program for homeland security, disaster preparedness,
10 response, recovery, mitigation, emergency operation, and
11 emergency resource management of this state. The plan and
12 program shall be integrated into and coordinated with the
13 homeland security and emergency plans of the federal
14 government and of other states to the fullest possible extent
15 and coordinate the preparation of plans and programs for
16 emergency management of the political subdivisions and various
17 state departments of this state. The plans shall be
18 integrated into and coordinated with a comprehensive state
19 homeland security and emergency program for this state as
20 coordinated by the administrator of the emergency management
21 division to the fullest possible extent.

22 b. Make such studies and surveys of the industries,
23 resources and facilities in this state as may be necessary to
24 ascertain the vulnerabilities of critical state infrastructure
25 and assets to attack and the capabilities of the state for
26 disaster recovery, disaster planning and operations, and
27 emergency resource management, and to plan for the most
28 efficient emergency use thereof.

29 c. Provide technical assistance to any local emergency
30 commission or joint commission requiring the assistance in the
31 development of an emergency management or homeland security
32 program.

33 Sec. 25. Section 135.11, Code 2001, as amended by 2001
34 Iowa Acts, chapter 58, section 3, chapter 122, section 1, and
35 chapter 184, section 6, is amended by adding the following new

1 subsection:

2 NEW SUBSECTION. 2A. Conduct and maintain a statewide risk
3 assessment of any present or potential danger to the public
4 health from biological agents. For this purpose, an employee
5 or agent of the department may enter into and examine any
6 premises containing potentially dangerous biological agents.
7 However, the owner or person in charge of the premises shall
8 be notified. If the owner or person in charge refuses
9 admittance, the department may obtain administrative search
10 warrants under section 808.14. Based upon findings of the
11 risk assessment and examination of the premises, the director
12 may order safeguards or take any other action necessary to
13 protect the public health pursuant to rules adopted to
14 implement this subsection.

15 Sec. 26. Section 669.14, subsection 7, Code 2001, is
16 amended to read as follows:

17 7. A claim based upon damage to or loss or destruction of
18 private property, both real and personal, or personal injury
19 or death, when the damage, loss, destruction, injury or death
20 occurred as an incident to the training, operation, or
21 maintenance of the national guard while not in "active state
22 service active duty" as defined in section 29A.17-subsection
23 1.

24 Sec. 27. TASK FORCE ON HOMELAND SECURITY AND DEFENSE.

25 1. A task force is created to consider and report on the
26 state's preparedness to respond to emergencies that threaten
27 the state's security. The task force shall study issues
28 relating to the detection, prevention, preemption, and
29 deterrence of, and protection against, attacks targeted at
30 state territory, population, and infrastructure. The task
31 force shall solicit information from local and state
32 government officials, from the Iowa national guard, and from
33 any other person or entity deemed appropriate relating to the
34 state's preparedness to respond to emergencies that threaten
35 the state's security.

1 2. The members of the task force shall be appointed as
2 follows:

3 a. One member appointed by the governor.

4 b. One member appointed by the majority leader of the
5 senate.

6 c. One member appointed by the speaker of the house of
7 representatives.

8 d. One member appointed by the minority leader of the
9 senate.

10 e. One member appointed by the minority leader of the
11 house of representatives.

12 3. The task force shall report to the general assembly and
13 the governor by January 15, 2002.

14 Sec. 28. RETROACTIVE EFFECTIVE DATE. This Act, being
15 deemed of immediate importance, takes effect upon enactment,
16 is retroactively applicable to September 11, 2001, and is
17 applicable on and after that date, except that sections 29
18 through 35 of this Act shall not be applied retroactively.

19 Sec. 29. DEFINITION -- MILITARY SERVICE. For the purposes
20 of sections 29 through 35, "military service" means full-time
21 active state service, as defined in section 29A.1, or full-
22 time state active duty, as defined in section 29A.1, for a
23 period of at least ninety consecutive days.

24 Sec. 30. EVICTION OR DISTRESS DURING MILITARY SERVICE --
25 STAY -- PENALTY FOR NONCOMPLIANCE -- ALLOTMENT OF PAY FOR
26 PAYMENT.

27 1. No eviction or distress shall be made during the period
28 of military service in respect of any premises for which the
29 agreed rent does not exceed one thousand two hundred dollars
30 per month, occupied chiefly for dwelling purposes by the
31 spouse, child, or other dependent of a person in military
32 service, except upon leave of court granted upon application
33 or granted in an action or proceeding affecting the right of
34 possession.

35 2. On any such application as provided in subsection 1, or

1 in any such action as provided in subsection 1, the court may,
2 in its discretion, on its own motion, and shall, on
3 application, unless in the opinion of the court the ability of
4 the tenant to pay the agreed rent is not materially affected
5 by reason of such military service, stay the proceedings for
6 not longer than three months. Where such stay is granted or
7 other order is made by the court, the owner of the premises
8 shall be entitled, upon application, to relief in respect of
9 such premises similar to that granted persons in military
10 service in sections 31 and 32 of this Act to such extent and
11 for such period as may appear to the court to be just.

12 Sec. 31. INSTALLMENT CONTRACTS FOR PURCHASE OF PROPERTY.

13 1. No person who has received, or whose assignor has
14 received, under a contract for the purchase of real or
15 personal property, or of lease or bailment with a view to
16 purchase of such property, a deposit or installment of the
17 purchase price, or a deposit or installment under the
18 contract, lease, or bailment, from a person or from the
19 assignor of a person who, after the date of payment of such
20 deposit or installment, has entered military service, shall
21 exercise any right or option under such contract to rescind or
22 terminate the contract or resume possession of the property
23 for nonpayment of any installment due or for any other breach
24 of its terms occurring prior to or during the period of such
25 military service, except by action in a court of competent
26 jurisdiction.

27 2. Upon the hearing of such action as provided in
28 subsection 1, the court may order the repayment of prior
29 installments or deposits or any part, as a condition of
30 terminating the contract and resuming possession of the
31 property, or may, in its discretion, on its own motion, and
32 shall, on application to it by such person in military service
33 or some person on the person's behalf, order a stay of
34 proceedings as the court deems just, unless in the opinion of
35 the court, the ability of the defendant to comply with the

1 terms of the contract is not materially affected by reason of
2 such service; or it may make such other disposition of the
3 case as may be equitable to conserve the interests of all
4 parties.

5 Sec. 32. MORTGAGES, TRUST DEEDS, OR OTHER SECURITY.

6 1. The provisions of this section shall apply only to
7 obligations secured by mortgage, trust deed, or other security
8 in the nature of a mortgage upon real or personal property
9 owned by a person in military service at the commencement of
10 the period of the military service and still so owned by the
11 person which obligations originated prior to the person's
12 period of military service.

13 2. In any proceeding commenced in any court during the
14 period of military service to enforce such obligation as
15 provided in subsection 1 arising out of nonpayment of any sum
16 due or out of any other breach of the terms of the mortgage,
17 trust deed, or other security occurring prior to or during the
18 period of such service the court may, after hearing, in its
19 discretion, on its own motion, and shall, on application to it
20 by such person in military service or some person on the
21 defendant's behalf, unless in the opinion of the court the
22 ability of the defendant to comply with the terms of the
23 obligation is not materially affected by reason of the
24 defendant's military service, do any of the following:

25 a. Stay the proceedings for such period as the court deems
26 just.

27 b. Make such other disposition of the case as may be
28 equitable to conserve the interests of all parties.

29 3. No sale, foreclosure, or seizure of property for
30 nonpayment of any sum due under any such obligation as
31 provided in subsection 1, or for any other breach of the terms
32 thereof, whether under a power of sale, under a judgment
33 entered upon warrant of attorney to confess judgment contained
34 therein, or otherwise, shall be valid if made during the
35 period of military service or within three months thereafter,

1 except pursuant to an agreement between the parties, unless
2 upon an order previously granted by the court and a return
3 thereto made and approved by the court.

4 Sec. 33. TERMINATION OF LEASES BY LESSEES.

5 1. The provisions of this section shall apply to any lease
6 covering premises occupied for dwelling, professional,
7 business, agricultural, or similar purposes in any case in
8 which such lease was executed by or on the behalf of a person
9 who, after the execution of such lease, entered military
10 service.

11 2. Any such lease as provided in subsection 1 may be
12 terminated by notice in writing delivered to the lessor or to
13 the lessor's agent by the lessee at any time following the
14 date of the beginning of the period of military service.
15 Delivery of such notice may be accomplished by placing it in
16 an envelope properly stamped and duly addressed to the lessor
17 or to the lessor's agent and depositing the notice in the
18 United States mail. Termination of any such lease providing
19 for monthly payment of rent shall not be effective until
20 thirty days after the first date on which the next rental
21 payment is due and payable subsequent to the date when such
22 notice is delivered or mailed. In the case of all other
23 leases, termination shall be effected on the last day of the
24 month following the month in which such notice is delivered or
25 mailed and in such case any unpaid rental for a period
26 preceding termination shall be proratably computed and any
27 rental paid in advance for a period succeeding termination
28 shall be refunded by the lessor. Upon application by the
29 lessor to the appropriate court prior to the termination
30 period provided for in the notice, any relief granted in this
31 subsection shall be subject to such modifications or
32 restrictions as in the opinion of the court justice and equity
33 may in the circumstances require.

34 Sec. 34. MAXIMUM RATE OF INTEREST. No obligation or
35 liability bearing interest at a rate in excess of six percent

1 per year incurred by a person in military service before that
2 person's entry into that service shall, during any part of the
3 period of military service, bear interest at a rate in excess
4 of six percent per year unless, in the opinion of the court,
5 upon application thereto by the obligee, the ability of such
6 person in military service to pay interest upon such
7 obligation or liability at a rate in excess of six percent per
8 year is not materially affected by reason of such service, in
9 which case the court may make such order as in its opinion may
10 be just. As used in this section the term "interest" includes
11 service charges, renewal charges, fees, or any other charges,
12 except bona fide insurance, in respect of such obligation or
13 liability.

14 Sec. 35. PROVISIONS APPLY NOTWITHSTANDING CONTRARY CODE
15 PROVISIONS. Sections 29 through 34 of this Act apply
16 notwithstanding any contrary provision of state law, which may
17 include but is not limited to Titles XIII, XIV, and XV.

18 Sec. 36. Sections 29 through 35 of this Act are repealed
19 on January 31, 2002.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 762

AN ACT

RELATING TO HOMELAND SECURITY BY AUTHORIZING THE GOVERNOR AND OTHER STATE OFFICERS TO USE STATE RESOURCES FOR, DEFEND AGAINST, AND MANAGE THE CONSEQUENCES OF A TERRORIST ATTACK IN THIS STATE, AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

Section 1. Section 29A.1, subsection 1, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Active state service" means training or operational duty or other service authorized and performed under the provisions of 32 U.S.C. or other federal law or regulation as part of the Iowa army national guard or Iowa air national guard and paid for with federal funds.

Sec. 2. Section 29A.1, subsection 3, Code 2001, is amended to read as follows:

3. "Federal service" means duty authorized and performed under the provisions of 10 U.S.C. ~~or 32-U.S.C.-§-502-505 which includes unit training assemblies commonly known as "drills", annual training, rifle marksmanship, full-time training for school purposes and recruiting as part of the active military forces of the United States or the army national guard of the United States or the air national guard of the United States.~~

Sec. 3. Section 29A.1, subsection 4, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Homeland defense" means the protection of state territory, population, and critical infrastructure and assets against attacks from within or without the state.

Sec. 4. Section 29A.1, subsection 7, Code 2001, is amended

to read as follows:

7. "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, the army national guard, and the air national guard as those forces are defined in ~~the National Defense Act and its amendments, the Iowa army national guard and the Iowa air national guard~~ 10 U.S.C. § 101.

Sec. 5. Section 29A.1, subsection 9, Code 2001, is amended to read as follows:

9. "On duty" means training, including unit training assemblies, ~~all~~ and other training, operational duty, and other 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. 6. Section 29A.1, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "State active duty" means duty authorized and performed under section 29A.8 or 29A.9 and paid for with state funds. "State active duty" also includes serving as the adjutant general, a deputy adjutant general, or the state quartermaster.

Sec. 7. Section 29A.4, Code 2001, is amended to read as follows:

29A.4 ORGANIZATION -- ARMAMENT -- EQUIPMENT AND DISCIPLINE.

The organization, armament, equipment and discipline of the national guard, and the militia when called into active state service active duty, except as hereinafter specifically provided, shall be the same as that which is now or may be hereafter prescribed under the provisions of federal law and regulations as to those requirements which are mandatory therein, but as to those things which are optional therein they shall become effective when an order or regulation to that effect shall have been promulgated by the governor.

Sec. 8. Section 29A.6, Code 2001, is amended to read as follows:

29A.6 MILITARY FORCES OF STATE.

The military forces of the state of Iowa shall consist of the army national guard, the air national guard, and the militia.

Sec. 9. Section 29A.7, Code 2001, is amended to read as follows:

29A.7 COMMANDER IN CHIEF.

The governor is the commander in chief of the military forces, except 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, emergencies resulting from disasters or public disorders as defined in section 29C.2, including homeland security and defense duties, and parades and ceremonies of a civic nature.

Sec. 10. Section 29A.8, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

29A.8 STATE ACTIVE DUTY.

1. The governor may order into state active duty the military forces of the state, including retired members of the national guard, both army and air, as the governor deems proper, under command of an officer as the governor may designate under one or more of the following circumstances:

a. In case of insurrection or invasion, or imminent danger of insurrection or invasion.

b. For the purpose of aiding the civil authorities of any political subdivision of the state in maintaining law and order in the subdivision in cases of breaches of the peace or imminent danger of breaches of the peace, if the law enforcement officers of the subdivision are unable to maintain law and order, and the civil authorities request the assistance.

c. For the purposes of performing homeland defense or homeland security duties.

2. If circumstances necessitate the establishment of a

military district under martial law and the general assembly is not convened, the military district shall be established only after the governor has issued a proclamation convening an extraordinary session of the general assembly.

Sec. 11. NEW SECTION. 29A.8A ACTIVE STATE SERVICE.

If federal funding and authorization exist for this purpose, the governor may order to active state service the military forces of the Iowa army national guard or Iowa air national guard as the governor may deem appropriate for the purposes of homeland security, homeland defense, or other duty.

Sec. 12. Section 29A.9, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The governor may order the national guard into training for any period. The governor may order the organizations or personnel of the national guard or persons who have retired from the national guard, to active state service; or active 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 for those duties.

Sec. 13. Section 29A.10, unnumbered paragraph 3, Code 2001, is amended to read as follows:

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 active duty. 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. 14. Section 29A.11, Code 2001, is amended to read as follows:

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

There shall be an adjutant general of the state who shall be appointed and commissioned by the governor subject to confirmation by 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 the adjutant general shall hold office for a term of four years beginning and ending as provided in section 69.19. At the time of appointment the adjutant general shall be a federally recognized commissioned officer in the United States army or air force, the army or air national guard, the army or air national guard of the United States, or the United States army or air force reserve who has reached at least the grade of colonel and who is or is eligible to be federally recognized at the next higher rank.

Sec. 15. Section 29A.27, unnumbered paragraphs 1, 2, 3, and 4, Code 2001, are amended to read as follows:

Officers and enlisted persons while in active state service active duty shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for federal service in-the-armed-forces-of-the-United-States. However, a person shall not be paid at a base rate of pay of less than one hundred dollars per calendar day of active state service active duty.

In the event any officer or enlisted person shall be killed while on duty or in active state service active duty, in line of duty, or shall die as the result of injuries received or as a result of illness or disease contracted while on duty or in active state service active duty, in line of duty, dependents, as defined by the workers' compensation law of the state, shall receive the maximum compensation provided by the-said such law.

Any officer or enlisted person who suffers injuries or contracts a disease causing disability, in line of duty, while on duty or in active state service active duty, shall receive hospitalization and medical treatment, and during the period that the officer or enlisted person is totally disabled from returning to military duty the officer or enlisted person shall also receive the pay and allowances of the officer's or

enlisted person's grade. In the event of partial disability, the officer or enlisted person shall be allowed partial pay and allowances as determined by an evaluation board of three officers to be appointed by the adjutant general. At least one member of the board shall be a medical officer.

Any claim for death, illness, or disease contracted in line of duty while on duty or in active state service active duty, shall be filed with the adjutant general within six months from the date of death or contraction of the illness or disease.

Sec. 16. Section 29A.28, Code 2001, is amended to read as follows:

29A.28 LEAVE OF ABSENCE OF CIVIL EMPLOYEES.

All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, shall, when ordered by proper authority to state active duty, active state service or federal service, be entitled to a leave of absence from such civil employment for the period of such state active duty, active state service, or federal service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. The proper appointing authority may make a temporary appointment to fill any vacancy created by such leave of absence.

Sec. 17. Section 29A.29, Code 2001, is amended to read as follows:

29A.29 PAYMENT FROM TREASURY -- EXCEPTION.

When in active state service active duty, the compensation of officers and enlisted persons and expenses of the national guard and claims for death, injury and illness of the members thereof, incurred in line of duty, shall be paid out of any funds in the state treasury not otherwise appropriated.

However, if funds for compensation and expenses have been appropriated for compensation and expenses of persons on full-time active state service active duty pursuant to a specific Act of the general assembly, such persons shall be paid from funds appropriated pursuant to such Act.

Sec. 18. Section 29A.43, Code 2001, is amended to read as follows:

29A.43 DISCRIMINATION PROHIBITED -- LEAVE OF ABSENCE.

A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state, or hinder or prevent the officer or enlisted person from performing any military service the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary active duty, as defined in section 29A.1, for the any purpose of-military-training-or-ordered-on-active state-service is entitled to a leave of absence during the period of the duty or service, from the member's private employment, other than employment of a temporary nature, and upon completion of the duty or service the employer shall restore the person to the position held prior to the leave of absence, or employ the person in a similar position. However, the person shall give evidence to the employer of satisfactory completion of the training or duty, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment. A person violating a provision of this section is guilty of a simple misdemeanor.

Sec. 19. Section 29A.71, Code 2001, is amended to read as follows:

29A.71 PAY AND ALLOWANCES.

Officers and enlisted personnel of the Iowa state guard while in active state service active duty shall receive the same pay, allowances, and compensation as provided by law for members of the Iowa national guard.

Sec. 20. Section 29C.2, subsection 1, Code 2001, is amended to read as follows:

1. "Disaster" means man-made and natural occurrences, such as fire, flood, drought, earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from within or without the state.

Sec. 21. Section 29C.2, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Homeland security" means the detection, prevention, preemption, deterrence of, and protection from attacks targeted at state territory, population, and infrastructure.

Sec. 22. Section 29C.5, Code 2001, is amended to read as follows:

29C.5 EMERGENCY MANAGEMENT DIVISION.

An emergency management division is created within the department of public defense. The emergency management division shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, co-operation cooperation with and support of the civil air patrol, homeland security activities, and co-ordination coordination of available services in the event of a disaster.

Sec. 23. Section 29C.8, subsection 2, Code 2001, is amended to read as follows:

2. The administrator shall be vested with the authority to administer emergency management and homeland security affairs in this state and shall be responsible for preparing and executing the emergency management and homeland security programs of this state subject to the direction of the

adjutant general.

Sec. 24. Section 29C.8, subsection 3, paragraphs a, b, and c, Code 2001, are amended to read as follows:

a. Prepare a comprehensive plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent and coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the administrator of the emergency management division to the fullest possible extent.

b. Make such studies and surveys of the industries, resources and facilities in this state as may be necessary to ascertain the vulnerabilities of critical state infrastructure and assets to attack and the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof.

c. Provide technical assistance to any local emergency commission or joint commission requiring the assistance in the development of an emergency management or homeland security program.

Sec. 25. Section 135.11, Code 2001, as amended by 2001 Iowa Acts, chapter 58, section 3, chapter 122, section 1, and chapter 184, section 6, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Conduct and maintain a statewide risk assessment of any present or potential danger to the public health from biological agents. For this purpose, an employee or agent of the department may enter into and examine any premises containing potentially dangerous biological agents.

However, the owner or person in charge of the premises shall be notified. If the owner or person in charge refuses admittance, the department may obtain administrative search warrants under section 808.14. Based upon findings of the risk assessment and examination of the premises, the director may order safeguards or take any other action necessary to protect the public health pursuant to rules adopted to implement this subsection.

Sec. 26. Section 669.14, subsection 7, Code 2001, is amended to read as follows:

7. 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 active duty" as defined in section 29A.17-subsection 1.

Sec. 27. TASK FORCE ON HOMELAND SECURITY AND DEFENSE.

1. A task force is created to consider and report on the state's preparedness to respond to emergencies that threaten the state's security. The task force shall study issues relating to the detection, prevention, preemption, and deterrence of, and protection against, attacks targeted at state territory, population, and infrastructure. The task force shall solicit information from local and state government officials, from the Iowa national guard, and from any other person or entity deemed appropriate relating to the state's preparedness to respond to emergencies that threaten the state's security.

2. The members of the task force shall be appointed as follows:

- a. One member appointed by the governor.
- b. One member appointed by the majority leader of the senate.
- c. One member appointed by the speaker of the house of representatives.
- d. One member appointed by the minority leader of the

senate.

e. One member appointed by the minority leader of the house of representatives.

3. The task force shall report to the general assembly and the governor by January 15, 2002.

Sec. 28. RETROACTIVE EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to September 11, 2001, and is applicable on and after that date, except that sections 29 through 35 of this Act shall not be applied retroactively.

Sec. 29. DEFINITION -- MILITARY SERVICE. For the purposes of sections 29 through 35, "military service" means full-time active state service, as defined in section 29A.1, or full-time state active duty, as defined in section 29A.1, for a period of at least ninety consecutive days.

Sec. 30. EVICTION OR DISTRESS DURING MILITARY SERVICE -- STAY -- PENALTY FOR NONCOMPLIANCE -- ALLOTMENT OF PAY FOR PAYMENT.

1. No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed one thousand two hundred dollars per month, occupied chiefly for dwelling purposes by the spouse, child, or other dependent of a person in military service, except upon leave of court granted upon application or granted in an action or proceeding affecting the right of possession.

2. On any such application as provided in subsection 1, or in any such action as provided in subsection 1, the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months. Where such stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application, to relief in respect of such premises similar to that granted persons in military service in sections 31 and 32 of this Act to such extent and

for such period as may appear to the court to be just.

Sec. 31. INSTALLMENT CONTRACTS FOR PURCHASE OF PROPERTY.

1. No person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price, or a deposit or installment under the contract, lease, or bailment, from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment due or for any other breach of its terms occurring prior to or during the period of such military service, except by action in a court of competent jurisdiction.

2. Upon the hearing of such action as provided in subsection 1, the court may order the repayment of prior installments or deposits or any part, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on the person's behalf, order a stay of proceedings as the court deems just, unless in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

Sec. 32. MORTGAGES, TRUST DEEDS, OR OTHER SECURITY.

1. The provisions of this section shall apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by the person which obligations originated prior to the person's period of military service.

2. In any proceeding commenced in any court during the period of military service to enforce such obligation as provided in subsection 1 arising out of nonpayment of any sum due or out of any other breach of the terms of the mortgage, trust deed, or other security occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on the defendant's behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of the defendant's military service, do any of the following:

a. Stay the proceedings for such period as the court deems just.

b. Make such other disposition of the case as may be equitable to conserve the interests of all parties.

3. No sale, foreclosure, or seizure of property for nonpayment of any sum due under any such obligation as provided in subsection 1, or for any other breach of the terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made during the period of military service or within three months thereafter, except pursuant to an agreement between the parties, unless upon an order previously granted by the court and a return thereto made and approved by the court.

Sec. 33. TERMINATION OF LEASES BY LESSEES.

1. The provisions of this section shall apply to any lease covering premises occupied for dwelling, professional, business, agricultural, or similar purposes in any case in which such lease was executed by or on the behalf of a person who, after the execution of such lease, entered military service.

2. Any such lease as provided in subsection 1 may be terminated by notice in writing delivered to the lessor or to the lessor's agent by the lessee at any time following the date of the beginning of the period of military service.

Delivery of such notice may be accomplished by placing it in an envelope properly stamped and duly addressed to the lessor or to the lessor's agent and depositing the notice in the United States mail. Termination of any such lease providing for monthly payment of rent shall not be effective until thirty days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered or mailed. In the case of all other leases, termination shall be effected on the last day of the month following the month in which such notice is delivered or mailed and in such case any unpaid rental for a period preceding termination shall be proratably computed and any rental paid in advance for a period succeeding termination shall be refunded by the lessor. Upon application by the lessor to the appropriate court prior to the termination period provided for in the notice, any relief granted in this subsection shall be subject to such modifications or restrictions as in the opinion of the court justice and equity may in the circumstances require.

Sec. 34. MAXIMUM RATE OF INTEREST. No obligation or liability bearing interest at a rate in excess of six percent per year incurred by a person in military service before that person's entry into that service shall, during any part of the period of military service, bear interest at a rate in excess of six percent per year unless, in the opinion of the court, upon application thereto by the obligee, the ability of such person in military service to pay interest upon such obligation or liability at a rate in excess of six percent per year is not materially affected by reason of such service, in which case the court may make such order as in its opinion may be just. As used in this section the term "interest" includes service charges, renewal charges, fees, or any other charges, except bona fide insurance, in respect of such obligation or liability.

Sec. 35. PROVISIONS APPLY NOTWITHSTANDING CONTRARY CODE PROVISIONS. Sections 29 through 34 of this Act apply notwithstanding any contrary provision of state law, which may

include but is not limited to Titles XIII, XIV, and XV.

Sec. 36. Sections 29 through 35 of this Act are repealed on January 31, 2002.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 762, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved Nov. 15, 2001

THOMAS J. VILSACK
Governor