

Substituted for by HF 762
11-8-01

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WITHDRAWN BY COMMITTEE ON APPROPRIATIONS
11-8-01 .SENATE FILE **549**

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

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:

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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, ~~at~~ 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-E.

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

28 EXPLANATION

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

32 Code chapter 29A, relating to the powers, duties, and
33 organization of the army national guard and air national
34 guard, is amended to define active state service, federal
35 service, national guard, on duty, state active duty, and

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

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

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

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

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

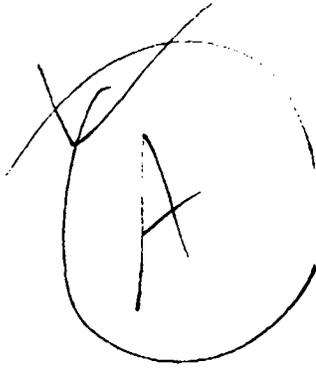
35 A coordinating amendment relating to state tort claims

1 arising from state active duty is made to Code section 699.14,
2 subsection 7.

3 Code section 135.11 is amended to authorize the Iowa
4 department of public health to conduct and maintain a
5 statewide risk assessment of any present or potential danger
6 to the public health from biological agents. For that
7 purpose, an officer of the department may enter into and
8 examine any premises containing potentially dangerous
9 biological agents if the officer obtains a search warrant or
10 enters the premises in a manner consistent with the laws and
11 constitutions of this state and the United States.

12 The bill is effective upon enactment, is retroactively
13 applicable to September 11, 2001, and is applicable on and
14 after that date.

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1 Amend Senate File 549 as follows:

2 1. Page 10, by inserting after line 23, the
3 following:

4 "Sec. 100. DEFINITION -- MILITARY SERVICE. For
5 the purposes of sections 100 through 106, "military
6 service" means full-time active state service, as
7 defined in section 29A.1, or full-time state active
8 duty, as defined in section 29A.1, for a period of at
9 least ninety consecutive days.

10 Sec. 101. EVICTION OR DISTRESS DURING MILITARY
11 SERVICE -- STAY -- PENALTY FOR NONCOMPLIANCE --
12 ALLOTMENT OF PAY FOR PAYMENT.

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

22 2. On any such application as provided in
23 subsection 1, or in any such action as provided in
24 subsection 1, the court may, in its discretion, on its
25 own motion, and shall, on application, unless in the
26 opinion of the court the ability of the tenant to pay
27 the agreed rent is not materially affected by reason
28 of such military service, stay the proceedings for not
29 longer than three months. Where such stay is granted
30 or other order is made by the court, the owner of the
31 premises shall be entitled, upon application, to
32 relief in respect of such premises similar to that
33 granted persons in military service in sections 102
34 and 103 of this Act to such extent and for such period
35 as may appear to the court to be just.

36 Sec. 102. INSTALLMENT CONTRACTS FOR PURCHASE OF
37 PROPERTY.

38 1. No person who has received, or whose assignor
39 has received, under a contract for the purchase of
40 real or personal property, or of lease or bailment
41 with a view to purchase of such property, a deposit or
42 installment of the purchase price, or a deposit or
43 installment under the contract, lease, or bailment,
44 from a person or from the assignor of a person who,
45 after the date of payment of such deposit or
46 installment, has entered military service, shall
47 exercise any right or option under such contract to
48 rescind or terminate the contract or resume possession
49 of the property for nonpayment of any installment due
50 or for any other breach of its terms occurring prior

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

17 Sec. 103. MORTGAGES, TRUST DEEDS, OR OTHER
18 SECURITY.

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

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

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

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

45 3. No sale, foreclosure, or seizure of property
46 for nonpayment of any sum due under any such
47 obligation as provided in subsection 1, or for any
48 other breach of the terms thereof, whether under a
49 power of sale, under a judgment entered upon warrant
50 of attorney to confess judgment contained therein, or

1 otherwise, shall be valid if made during the period of
2 military service or within three months thereafter,
3 except pursuant to an agreement between the parties,
4 unless upon an order previously granted by the court
5 and a return thereto made and approved by the court.

6 Sec. 104. TERMINATION OF LEASES BY LESSEES.

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

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

39 Sec. 105. MAXIMUM RATE OF INTEREST. No obligation
40 or liability bearing interest at a rate in excess of
41 six percent per year incurred by a person in military
42 service before that person's entry into that service
43 shall, during any part of the period of military
44 service, bear interest at a rate in excess of six
45 percent per year unless, in the opinion of the court,
46 upon application thereto by the obligee, the ability
47 of such person in military service to pay interest
48 upon such obligation or liability at a rate in excess
49 of six percent per year is not materially affected by
50 reason of such service, in which case the court may

1 make such order as in its opinion may be just. As
2 used in this section the term "interest" includes
3 service charges, renewal charges, fees, or any other
4 charges, except bona fide insurance, in respect of
5 such obligation or liability.

6 Sec. 106. PROVISIONS APPLY NOTWITHSTANDING
7 CONTRARY CODE PROVISIONS. Sections 100 through 105 of
8 this Act apply notwithstanding any contrary provision
9 of state law, which may include but is not limited to
10 Titles XIII, XIV, and XV.

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

13 2. Page 10, line 27, by inserting after the word
14 "date" the following: ", except that sections 100
15 through 106 of this Act shall not be applied
16 retroactively".

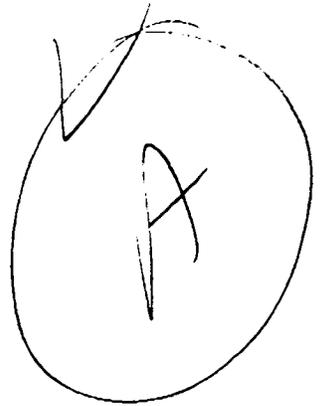
17 3. By renumbering as necessary.

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*Adopted
11-8-01*



1 Amend Senate File 549 as follows:
2 1. Page 1, line 23, by inserting after the word
3 "infrastructure" the following: "and assets".

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7 JEFF ANGELO

adopted
11-8-01

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Approved for Introduction
SENATE LEGAL COUNSEL

SENATE FILE 549

1 Amend Senate File 549 as follows:

2 1. Page 10, by inserting after line 23, 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.

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Jeff Angelo

JEFF ANGELLO

*adopted
11-8-01*