

MAR 7 2006
APPROPRIATIONS

HOUSE FILE 2691
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 737)

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

A BILL FOR

1 An Act concerning the department of public defense, including the
2 military, civil air patrol, and homeland security and
3 emergency management, and making an appropriation and
4 providing penalties.

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

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HF 2691

1 Section 1. Section 29A.28, subsections 1 and 3, Code 2005,
2 are amended to read as follows:

3 1. All officers and employees of the state, or a
4 subdivision thereof, or a municipality other than employees
5 employed temporarily for six months or less, who are members
6 of the national guard, organized reserves or any component
7 part of the military, naval, or air forces or nurse corps of
8 this state or nation, or who are or may be otherwise inducted
9 into the military service of this state or of the United
10 States, or who are members of the civil air patrol, shall,
11 when ordered by proper authority to state active duty, state
12 military service, or federal service, or when performing a
13 civil air patrol mission pursuant to section 29A.3A, be
14 entitled to a leave of absence from such civil employment for
15 the period of state active duty, state military service, ~~or~~
16 federal service, or civil air patrol duty without loss of
17 status or efficiency rating, and without loss of pay during
18 the first thirty days of such leave of absence. Where state
19 active duty, state military service, ~~or~~ federal service, or
20 civil air patrol duty is for a period of less than thirty
21 days, a leave of absence under this section shall only be
22 required for those days that the civil employee would normally
23 perform services for the state, subdivision of the state, or a
24 municipality.

25 3. Upon returning from a leave of absence under this
26 section, an employee shall be entitled to return to the same
27 position and classification held by the employee at the time
28 of entry into state active duty, state military service, ~~or~~
29 federal service, or civil air patrol duty, or to the position
30 and classification that the employee would have been entitled
31 to if the continuous civil service of the employee had not
32 been interrupted by state active duty, state military service,
33 ~~or~~ federal service, or civil air patrol duty. Under this
34 subsection, "position" includes the geographical location of
35 the position.

1 Sec. 2. Section 29A.40, unnumbered paragraph 2, Code 2005,
2 is amended to read as follows:

3 Any person who, without authority under the laws of the
4 United States or of one of the states, wears the uniform of,
5 or a distinctive part of the uniform of the armed forces of
6 the United States, shall be guilty of a ~~simple~~ serious
7 misdemeanor.

8 Sec. 3. Section 29A.43, subsection 1, Code Supplement
9 2005, is amended to read as follows:

10 1. A person shall not discriminate against any officer or
11 enlisted person of the national guard or organized reserves of
12 the armed forces of the United States or any member of the
13 civil air patrol because of that membership. An employer, or
14 agent of an employer, shall not discharge a person from
15 employment because of being an officer or enlisted person of
16 the military forces of the state or member of the civil air
17 patrol, or hinder or prevent the officer or enlisted person or
18 member of the civil air patrol from performing any military
19 service or civil air patrol duty the person is called upon to
20 perform by proper authority. A member of the national guard
21 or organized reserves of the armed forces of the United States
22 ordered to temporary duty, as defined in section 29A.1,
23 subsection 3, 11, or 12, or a member of the civil air patrol
24 performing duty pursuant to section 29A.3A, for any purpose is
25 entitled to a leave of absence during the period of the duty
26 or service, from the member's private employment, other than
27 employment of a temporary nature, and upon completion of the
28 duty or service the employer shall restore the person to the
29 position held prior to the leave of absence, or employ the
30 person in a similar position. However, the person shall give
31 evidence to the employer of satisfactory completion of the
32 training or duty, and that the person is still qualified to
33 perform the duties of the position. The period of absence
34 shall be construed as an absence with leave, and shall in no
35 way affect the employee's rights to vacation, sick leave,

1 bonus, or other employment benefits relating to the employee's
2 particular employment. A person violating a provision of this
3 section is guilty of a simple misdemeanor.

4 Sec. 4. Section 29A.57, subsection 3, paragraph d, Code
5 2005, is amended to read as follows:

6 d. Grant a temporary or permanent easement with or without
7 monetary consideration for utility, ~~or~~ public highway, or
8 other purposes if granting the easement will not adversely
9 affect use of the real estate for military purposes.

10 Sec. 5. Section 29A.99, Code 2005, is amended by striking
11 the section and inserting in lieu thereof the following:

12 29A.99 MAXIMUM RATE OF INTEREST.

13 1. An obligation or liability bearing interest at a rate
14 in excess of six percent per year that is incurred by a
15 service member either individually or jointly with the service
16 member's spouse before the service member enters military
17 service shall not bear interest at a rate in excess of six
18 percent per year during the service member's period of
19 military service. Interest that would otherwise be incurred
20 but for the prohibition in this section is forgiven. The
21 amount of any periodic payment due from a service member under
22 the terms of the instrument that created an obligation or
23 liability covered by this section shall be reduced by the
24 amount of the interest forgiven under this section that is
25 allocable to the period for which such payment is made.

26 2. In order for an obligation or liability of a service
27 member to be subject to the interest rate limitation in this
28 section, the service member shall provide to the creditor
29 written notice and a copy of the military orders calling the
30 service member to military service and any orders further
31 extending military service, not later than one hundred eighty
32 days after the date of the service member's termination or
33 release from military service. Upon receipt of written notice
34 and a copy of orders calling a service member to military
35 service, the creditor shall treat the debt in accordance with

1 this section, effective as of the date on which the service
2 member is called to military service.

3 3. A court may grant a creditor relief from the
4 limitations of this section if, in the opinion of the court,
5 the ability of the service member to pay interest upon the
6 obligation or liability at a rate in excess of six percent per
7 year is not materially affected by reason of the service
8 member's military service.

9 4. As used in this section, the term "interest" includes
10 service charges, renewal charges, fees, or any other charges,
11 except for bona fide insurance, with respect to an obligation
12 or liability.

13 Sec. 6. Section 29A.101A, Code 2005, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 29A.101A TERMINATION OF LEASE BY SERVICE MEMBER --
17 PENALTY.

18 1. For purposes of this section, unless the context
19 otherwise requires:

20 a. "Premises lease" means a lease of premises occupied, or
21 intended to be occupied, by a service member or a service
22 member's dependents for a residential, professional, business,
23 agricultural, or similar purpose if either of the following
24 applies:

25 (1) The lease is executed by or on behalf of a person who
26 thereafter and during the term of the lease enters military
27 service.

28 (2) The service member, while in military service,
29 executes the lease and thereafter receives military orders for
30 a permanent change of station or to deploy with a military
31 unit, or as an individual in support of a military operation,
32 for a period of not less than ninety days.

33 b. "Vehicle lease" means a lease of a motor vehicle used,
34 or intended to be used, by a service member or a service
35 member's dependents for personal or business transportation if

1 either of the following applies:

2 (1) The lease is executed by or on behalf of a person who
3 thereafter and during the term of the lease enters military
4 service under a call or order specifying a period of service
5 of not less than ninety days, or who enters military service
6 under a call or order specifying a period of ninety days of
7 service or less and who, without a break in service, receives
8 orders extending the period of military service to a period of
9 not less than ninety days.

10 (2) The service member, while in military service,
11 executes the lease and thereafter receives military orders to
12 deploy with a military unit, or as an individual in support of
13 a military operation, for a period of not less than ninety
14 days.

15 2. A service member may terminate a premises lease or
16 vehicle lease pursuant to the requirements of this section.
17 Termination of a premises lease or vehicle lease shall be made
18 as follows:

19 a. By delivery by the lessee of written notice of such
20 termination, and a copy of the service member's military
21 orders, to the lessor or the lessor's grantee, or to the
22 lessor's agent or the agent's grantee. A lessee's termination
23 of a lease pursuant to this subsection shall terminate any
24 obligation a dependent of the lessee may have under the lease.
25 For purposes of this paragraph, written notice may be
26 accomplished by hand delivery, by private business carrier, or
27 by placing the written notice in an envelope with sufficient
28 postage and with return receipt requested, and addressed as
29 designated by the lessor or the lessor's grantee or to the
30 lessor's agent or the agent's grantee, and depositing the
31 written notice in the United States mail.

32 b. In the case of a vehicle lease, by return of the motor
33 vehicle by the lessee to the lessor or the lessor's grantee,
34 or to the lessor's agent or the agent's grantee, not later
35 than fifteen days after the date of the delivery of written

1 notice under paragraph "a". A lessee's termination of a lease
2 pursuant to this subsection shall terminate any obligation a
3 dependent of the lessee may have under the lease.

4 3. In the case of a premises lease that provides for
5 monthly payment of rent, termination of the lease is effective
6 thirty days after the first date on which the next rental
7 payment is due and payable after the date on which the notice
8 is delivered. In the case of any other premises lease,
9 termination of the lease is effective on the last day of the
10 month following the month in which the notice is delivered.

11 4. In the case of a vehicle lease, termination of the
12 lease is effective on the day on which the vehicle is
13 delivered to the lessor or the lessor's grantee.

14 5. Rents or lease amounts unpaid for the period preceding
15 the effective date of the lease termination shall be paid on a
16 prorated basis. In the case of a vehicle lease, the lessor
17 may not impose an early termination charge, but any taxes,
18 summonses, and title and registration fees and any other
19 obligation and liability of the lessee in accordance with the
20 terms of the lease, including reasonable charges to the lessee
21 for excess wear, use, and mileage, that are due and unpaid at
22 the time of termination of the lease shall be paid by the
23 lessee.

24 6. Rents or lease amounts paid in advance for a period
25 after the effective date of the termination of the lease shall
26 be refunded to the lessee by the lessor or the lessor's
27 assignee or the assignee's agent within thirty days of the
28 effective date of the termination of the lease.

29 7. Upon application by the lessor to a court before the
30 termination date provided in the written notice, relief
31 granted by this section to a service member may be modified as
32 justice and equity require.

33 8. a. Any person who knowingly seizes, holds, or detains
34 the personal effects, security deposit, or other property of a
35 service member or a service member's dependent who lawfully

1 terminates a lease covered by this section, or who knowingly
2 interferes with the removal of such property from premises
3 covered by such lease, for the purpose of subjecting or
4 attempting to subject any of such property to a claim for rent
5 accruing subsequent to the date of termination of such lease,
6 or attempts to do so, commits a simple misdemeanor.

7 b. The remedy and rights provided under this section are
8 in addition to and do not preclude any remedy for wrongful
9 conversion otherwise available under law to the person
10 claiming relief under this section.

11 Sec. 7. Section 29A.102, subsection 1, Code 2005, is
12 amended to read as follows:

13 1. The creditor of a service member who, prior to entry
14 into military service, has entered into an installment
15 contract for the purchase or lease of real or personal
16 property, including a motor vehicle, shall not terminate the
17 contract or repossess the property for nonpayment or for any
18 breach occurring during military service without an order from
19 a court of competent jurisdiction.

20 Sec. 8. Section 29C.8, subsection 3, paragraph f, Code
21 Supplement 2005, is amended to read as follows:

22 f. ~~(1)~~ Approve and support the development and ongoing
23 operations of ~~an-urban-search-and-rescue-team~~ homeland
24 security and emergency response teams to be deployed as a
25 resource to supplement and enhance disrupted or overburdened
26 local emergency and disaster operations and deployed as
27 available to provide assistance to other states pursuant to
28 the interstate emergency management assistance compact
29 described in section 29C.21. The following shall apply to
30 homeland security and emergency response teams:

31 ~~(2)~~ (1) A member of ~~an-urban-search-and-rescue~~ a homeland
32 security and emergency response team acting under the
33 authority this section upon the directive of the administrator
34 or pursuant to a governor's disaster proclamation as provided
35 in section 29C.6 shall be considered an employee of the state

1 under for purposes of section 29C.21 and chapter 669 and shall
2 be afforded protection as an employee of the state under
3 section 669.21. Disability, workers' compensation, and death
4 benefits for team members working under the authority of the
5 administrator or pursuant to the provisions of section 29C.6
6 shall be paid by the state in a manner consistent with the
7 provisions of chapter 85, 410, or 411 as appropriate,
8 depending on the status of the member, provided that the
9 member is registered with the homeland security and emergency
10 management division as a member of an approved team and is
11 participating as a team member in a response or recovery
12 operation initiated by the administrator or governor pursuant
13 to this section or in a training or exercise activity approved
14 by the administrator.

15 (2) Each approved homeland security and emergency
16 management response team shall establish standards for team
17 membership, shall provide the division with a listing of all
18 team members, and shall update the list each time a member is
19 removed from or added to the team. Individuals so identified
20 as team members shall be considered to be registered as team
21 members for purposes of subparagraph (1).

22 (3) Upon notification of a compensable loss to a member of
23 a homeland security and emergency management response team,
24 the department of administrative services shall process the
25 claim and seek funding from the executive council for those
26 costs associated with covered benefits.

27 Sec. 9. Section 29C.20, subsection 1, paragraph a,
28 subparagraph (5), Code Supplement 2005, is amended to read as
29 follows:

30 (5) Paying the expenses incurred by and claims of an-urban
31 search-and-rescue a homeland security and emergency response
32 team when acting under the authority of the-administrator-and
33 the-provisions-of section 29C.6 29C.8 and public health
34 response teams when acting under the provisions of section
35 135.143.

1 Sec. 10. Section 29C.20, subsection 1, paragraph b, Code
2 Supplement 2005, is amended to read as follows:

3 b. When a state department or agency requests that moneys
4 from the contingent fund be expended to repair, rebuild, or
5 restore state property injured, destroyed, or lost by fire,
6 storm, theft, or unavoidable cause, or to repair, rebuild, or
7 restore state property that is fiberoptic cable and that is
8 injured or destroyed by a wild animal, or to purchase a police
9 service dog for the department of corrections when such a dog
10 is injured or destroyed, or for payment of the expenses
11 incurred by and claims of ~~an urban search and rescue a~~
12 homeland security and emergency response team when acting
13 under the authority of ~~the administrator and the provisions of~~
14 section 29C.6 29C.8, the executive council shall consider the
15 original source of the funds for acquisition of the property
16 before authorizing the expenditure. If the original source
17 was other than the general fund of the state, the department
18 or agency shall be directed to utilize moneys from the
19 original source if possible. The executive council shall not
20 authorize the repairing, rebuilding, or restoring of the
21 property from the disaster aid contingent fund if it
22 determines that moneys from the original source are available
23 to finance the project.

24 Sec. 11. NEW SECTION. 29C.20A CONTINGENT GRANT FUND --
25 DISASTER AID.

26 1. A contingent grant fund is created in the state
27 treasury for the use of the executive council. Moneys in the
28 fund may be expended following the governor's proclamation of
29 disaster emergency. The executive council may make financial
30 grants to meet disaster-related expenses or serious needs of
31 individuals or families adversely affected by a disaster which
32 cannot otherwise be met by other means of financial
33 assistance. The aggregate total of grants awarded shall not
34 be more than one million dollars during a fiscal year.
35 However, within the same fiscal year, additional funds may be

1 specifically authorized by the executive council to meet
2 additional needs.

3 2. The grant funds shall be administered by the department
4 of human services. The department shall adopt rules to create
5 the Iowa individual assistance grant program. The rules shall
6 specify the eligibility of applicants and eligible items for
7 grant funding. The rules shall be adopted no later than
8 January 1, 2007. The executive council shall use contingent
9 grant funds to reimburse the department of human services for
10 its actual expenses associated with the administration of the
11 grants.

12 3. The amount of a grant shall not exceed twenty-five
13 percent of one hundred thirty percent of the federal poverty
14 level as defined by the most recently revised poverty income
15 guidelines published by the United States department of health
16 and human services. Expenses eligible for grant funding shall
17 be limited to personal property, home repair, and temporary
18 housing assistance. An applicant for a grant shall sign an
19 affidavit committing to refund any part of the grant that is
20 duplicated by any other assistance, such as but not limited to
21 insurance or assistance from community development groups,
22 charities, the small business administration, and the federal
23 emergency management agency.

24 EXPLANATION

25 This bill concerns the public defense department.

26 Code sections 29A.28 and 29A.43 are amended to provide that
27 members of the civil air patrol are treated similarly to
28 members of the national guard and reserves and are granted a
29 leave of absence without penalty from their jobs for civil air
30 patrol duty.

31 Code section 29A.40 is amended to increase the penalty for
32 false wearing of a military uniform from a simple to a serious
33 misdemeanor.

34 Code section 29A.57 is amended to authorize the armory
35 board to grant easements on state military property for

1 purposes other than utility or public highway purposes.

2 The Iowa national guard civil relief provisions of Code
3 chapter 29A are also amended by the bill. Code section
4 29A.99, regarding the maximum rate of interest that may be
5 charged on preservice obligations, is rewritten by the bill.
6 The bill provides that the interest protection provided by the
7 section applies to joint obligations of a service member and
8 the service member's spouse and that any interest over 6
9 percent is forgiven.

10 Code section 29A.101A, regarding termination of preservice
11 leases, is also rewritten by the bill. The rewritten section
12 provides that the lease termination provisions currently
13 applicable to real property leases also apply to motor vehicle
14 leases. The section sets out the notice and termination
15 requirements for each type of lease and provides that for
16 vehicle leases, the vehicle must be returned. The current
17 simple misdemeanor penalty for interference with a service
18 member or dependent in the exercise of rights under the
19 section is retained in the rewritten section.

20 Code section 29C.8 is amended by the bill. The bill
21 changes the reference to urban search and rescue teams to
22 homeland security and emergency response teams and provides
23 that such teams may be deployed to support an interstate
24 assistance request under the emergency management assistance
25 compact described in Code section 29C.21. The section is also
26 amended to provide that a member of such a team will be
27 considered a state employee for purposes of the compact if the
28 member is registered with the homeland security and emergency
29 management division on an approved team. The section also
30 requires approved teams to establish standards for membership
31 and keep updated lists of members. Finally, the amended
32 section provides that the department of administrative
33 services shall process claims for injury or loss by team
34 members and that funding shall be sought from the executive
35 council. Code section 29C.20 is also amended to reflect the

1 change in reference to homeland security and emergency
2 response teams.

3 New Code section 29C.20A creates a contingent grant fund
4 for the use of the executive council. The fund may be used to
5 make financial grants of up to \$1 million in a fiscal year
6 following a governor's disaster declaration to meet the needs
7 of individuals affected by the disaster. The fund will be
8 administered by the department of human services, which shall
9 adopt appropriate rules. In addition, the executive council
10 shall use contingent grant funds to reimburse the department
11 of human services for its expenses in administering the fund.
12 Grants are limited to 25 percent of 130 percent of the federal
13 poverty level and may be used only for replacement of personal
14 property, home repair, and temporary housing assistance.

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Proposed By,
02691

HSB 737

PUBLIC SAFETY

SENATE/HOUSE FILE _____

BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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6 of the national guard, organized reserves or any component
7 part of the military, naval, or air forces or nurse corps of
8 this state or nation, or who are or may be otherwise inducted
9 into the military service of this state or of the United
10 States, or who are members of the civil air patrol, shall,
11 when ordered by proper authority to state active duty, state
12 military service, or federal service, or when performing a
13 civil air patrol mission pursuant to section 29A.3A, be
14 entitled to a leave of absence from such civil employment for
15 the period of state active duty, state military service, ~~or~~
16 federal service, or civil air patrol duty without loss of
17 status or efficiency rating, and without loss of pay during
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21 days, a leave of absence under this section shall only be
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24 municipality.

25 3. Upon returning from a leave of absence under this
26 section, an employee shall be entitled to return to the same
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30 and classification that the employee would have been entitled
31 to if the continuous civil service of the employee had not
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34 subsection, "position" includes the geographical location of
35 the position.

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15 employment because of being an officer or enlisted person of
16 the military forces of the state or member of the civil air
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18 member of the civil air patrol from performing any military
19 service or civil air patrol duty the person is called upon to
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22 ordered to temporary duty, as defined in section 29A.1,
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25 entitled to a leave of absence during the period of the duty
26 or service, from the member's private employment, other than
27 employment of a temporary nature, and upon completion of the
28 duty or service the employer shall restore the person to the
29 position held prior to the leave of absence, or employ the
30 person in a similar position. However, the person shall give
31 evidence to the employer of satisfactory completion of the
32 training or duty, and that the person is still qualified to
33 perform the duties of the position. The period of absence
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14 in excess of six percent per year that is incurred by a
15 service member either individually or jointly with the service
16 member's spouse before the service member enters military
17 service shall not bear interest at a rate in excess of six
18 percent per year during the service member's period of
19 military service. Interest that would otherwise be incurred
20 but for the prohibition in this section is forgiven. The
21 amount of any periodic payment due from a service member under
22 the terms of the instrument that created an obligation or
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24 amount of the interest forgiven under this section that is
25 allocable to the period for which such payment is made.

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4 limitations of this section if, in the opinion of the court,
5 the ability of the service member to pay interest upon the
6 obligation or liability at a rate in excess of six percent per
7 year is not materially affected by reason of the service
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22 member's dependents for a residential, professional, business,
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31 unit, or as an individual in support of a military operation,
32 for a period of not less than ninety days.

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35 member's dependents for personal or business transportation if

1 either of the following applies:

2 (1) The lease is executed by or on behalf of a person who
3 thereafter and during the term of the lease enters military
4 service under a call or order specifying a period of service
5 of not less than ninety days, or who enters military service
6 under a call or order specifying a period of ninety days of
7 service or less and who, without a break in service, receives
8 orders extending the period of military service to a period of
9 not less than ninety days.

10 (2) The service member, while in military service,
11 executes the lease and thereafter receives military orders to
12 deploy with a military unit, or as an individual in support of
13 a military operation, for a period of not less than ninety
14 days.

15 2. A service member may terminate a premises lease or
16 vehicle lease pursuant to the requirements of this section.
17 Termination of a premises lease or vehicle lease shall be made
18 as follows:

19 a. By delivery by the lessee of written notice of such
20 termination, and a copy of the service member's military
21 orders, to the lessor or the lessor's grantee, or to the
22 lessor's agent or the agent's grantee. A lessee's termination
23 of a lease pursuant to this subsection shall terminate any
24 obligation a dependent of the lessee may have under the lease.
25 For purposes of this paragraph, written notice may be
26 accomplished by hand delivery, by private business carrier, or
27 by placing the written notice in an envelope with sufficient
28 postage and with return receipt requested, and addressed as
29 designated by the lessor or the lessor's grantee or to the
30 lessor's agent or the agent's grantee, and depositing the
31 written notice in the United States mail.

32 b. In the case of a vehicle lease, by return of the motor
33 vehicle by the lessee to the lessor or the lessor's grantee,
34 or to the lessor's agent or the agent's grantee, not later
35 than fifteen days after the date of the delivery of written

1 notice under paragraph "a". A lessee's termination of a lease
2 pursuant to this subsection shall terminate any obligation a
3 dependent of the lessee may have under the lease.

4 3. In the case of a premises lease that provides for
5 monthly payment of rent, termination of the lease is effective
6 thirty days after the first date on which the next rental
7 payment is due and payable after the date on which the notice
8 is delivered. In the case of any other premises lease,
9 termination of the lease is effective on the last day of the
10 month following the month in which the notice is delivered.

11 4. In the case of a vehicle lease, termination of the
12 lease is effective on the day on which the vehicle is
13 delivered to the lessor or the lessor's grantee.

14 5. Rents or lease amounts unpaid for the period preceding
15 the effective date of the lease termination shall be paid on a
16 prorated basis. In the case of a vehicle lease, the lessor
17 may not impose an early termination charge, but any taxes,
18 summonses, and title and registration fees and any other
19 obligation and liability of the lessee in accordance with the
20 terms of the lease, including reasonable charges to the lessee
21 for excess wear, use, and mileage, that are due and unpaid at
22 the time of termination of the lease shall be paid by the
23 lessee.

24 6. Rents or lease amounts paid in advance for a period
25 after the effective date of the termination of the lease shall
26 be refunded to the lessee by the lessor or the lessor's
27 assignee or the assignee's agent within thirty days of the
28 effective date of the termination of the lease.

29 7. Upon application by the lessor to a court before the
30 termination date provided in the written notice, relief
31 granted by this section to a service member may be modified as
32 justice and equity require.

33 8. a. Any person who knowingly seizes, holds, or detains
34 the personal effects, security deposit, or other property of a
35 service member or a service member's dependent who lawfully

1 terminates a lease covered by this section, or who knowingly
2 interferes with the removal of such property from premises
3 covered by such lease, for the purpose of subjecting or
4 attempting to subject any of such property to a claim for rent
5 accruing subsequent to the date of termination of such lease,
6 or attempts to do so, commits a simple misdemeanor.

7 b. The remedy and rights provided under this section are
8 in addition to and do not preclude any remedy for wrongful
9 conversion otherwise available under law to the person
10 claiming relief under this section.

11 Sec. 7. Section 29A.102, subsection 1, Code 2005, is
12 amended to read as follows:

13 1. The creditor of a service member who, prior to entry
14 into military service, has entered into an installment
15 contract for the purchase or lease of real or personal
16 property, including a motor vehicle, shall not terminate the
17 contract or repossess the property for nonpayment or for any
18 breach occurring during military service without an order from
19 a court of competent jurisdiction.

20 Sec. 8. Section 29C.8, subsection 3, paragraph f, Code
21 Supplement 2005, is amended to read as follows:

22 f. ~~(1)~~ Approve and support the development and ongoing
23 operations of ~~an-urban-search-and-rescue-team~~ homeland
24 security and emergency response teams to be deployed as a
25 resource to supplement and enhance disrupted or overburdened
26 local emergency and disaster operations and deployed as
27 available to provide assistance to other states pursuant to
28 the interstate emergency management assistance compact
29 described in section 29C.21. The following shall apply to
30 homeland security and emergency response teams:

31 ~~(2)~~ (1) A member of ~~an-urban-search-and-rescue~~ a homeland
32 security and emergency response team acting under the
33 authority this section upon the directive of the administrator
34 or pursuant to a governor's disaster proclamation as provided
35 in section 29C.6 shall be considered an employee of the state

1 under for purposes of section 29C.21 and chapter 669 and shall
2 be afforded protection as an employee of the state under
3 section 669.21. Disability, workers' compensation, and death
4 benefits for team members working under the authority of the
5 administrator or pursuant to the provisions of section 29C.6
6 shall be paid by the state in a manner consistent with the
7 provisions of chapter 85, 410, or 411 as appropriate,
8 depending on the status of the member, provided that the
9 member is registered with the homeland security and emergency
10 management division as a member of an approved team and is
11 participating as a team member in a response or recovery
12 operation initiated by the administrator or governor pursuant
13 to this section or in a training or exercise activity approved
14 by the administrator.

15 (2) Each approved homeland security and emergency
16 management response team shall establish standards for team
17 membership, shall provide the division with a listing of all
18 team members, and shall update the list each time a member is
19 removed from or added to the team. Individuals so identified
20 as team members shall be considered to be registered as team
21 members for purposes of subparagraph (1).

22 (3) Upon notification of a compensable loss to a member of
23 a homeland security and emergency management response team,
24 the department of administrative services shall process the
25 claim and seek funding from the executive council for those
26 costs associated with covered benefits.

27 Sec. 9. Section 29C.20, subsection 1, paragraph a,
28 subparagraph (5), Code Supplement 2005, is amended to read as
29 follows:

30 (5) Paying the expenses incurred by and claims of an-urban
31 search-and-rescue a homeland security and emergency response
32 team when acting under the authority of the-administrator-and
33 the-provisions-of section 29C.6 29C.8 and public health
34 response teams when acting under the provisions of section
35 135.143.

1 Sec. 10. Section 29C.20, subsection 1, paragraph b, Code
2 Supplement 2005, is amended to read as follows:

3 b. When a state department or agency requests that moneys
4 from the contingent fund be expended to repair, rebuild, or
5 restore state property injured, destroyed, or lost by fire,
6 storm, theft, or unavoidable cause, or to repair, rebuild, or
7 restore state property that is fiberoptic cable and that is
8 injured or destroyed by a wild animal, or to purchase a police
9 service dog for the department of corrections when such a dog
10 is injured or destroyed, or for payment of the expenses
11 incurred by and claims of ~~an-urban-search-and-rescue a~~
12 homeland security and emergency response team when acting
13 under the authority of ~~the-administrator-and-the-provisions-of~~
14 section ~~29E-6~~ 29C.8, the executive council shall consider the
15 original source of the funds for acquisition of the property
16 before authorizing the expenditure. If the original source
17 was other than the general fund of the state, the department
18 or agency shall be directed to utilize moneys from the
19 original source if possible. The executive council shall not
20 authorize the repairing, rebuilding, or restoring of the
21 property from the disaster aid contingent fund if it
22 determines that moneys from the original source are available
23 to finance the project.

24 Sec. 11. NEW SECTION. 29C.20A CONTINGENT GRANT FUND --
25 DISASTER AID.

26 1. A contingent grant fund is created in the state
27 treasury for the use of the executive council. Moneys in the
28 fund may be expended following the governor's proclamation of
29 disaster emergency. The executive council may make financial
30 grants to meet disaster-related expenses or serious needs of
31 individuals or families adversely affected by a disaster which
32 cannot otherwise be met by other means of financial
33 assistance. The aggregate total of grants awarded shall not
34 be more than one million dollars during a fiscal year.
35 However, within the same fiscal year, additional funds may be

1 specifically authorized by the executive council to meet
2 additional needs.

3 2. The grant funds shall be administered by the department
4 of human services. The department shall adopt rules to create
5 the Iowa individual assistance grant program. The rules shall
6 specify the eligibility of applicants and eligible items for
7 grant funding. The rules shall be adopted no later than
8 January 1, 2007. The executive council shall use contingent
9 grant funds to reimburse the department of human services for
10 its actual expenses associated with the administration of the
11 grants.

12 3. The amount of a grant shall not exceed twenty-five
13 percent of one hundred thirty percent of the federal poverty
14 level as defined by the most recently revised poverty income
15 guidelines published by the United States department of health
16 and human services. Expenses eligible for grant funding shall
17 be limited to personal property, home repair, and temporary
18 housing assistance. An applicant for a grant shall sign an
19 affidavit committing to refund any part of the grant that is
20 duplicated by any other assistance, such as but not limited to
21 insurance or assistance from community development groups,
22 charities, the small business administration, and the federal
23 emergency management agency.

24

EXPLANATION

25 This bill concerns the public defense department.

26 Code sections 29A.28 and 29A.43 are amended to provide that
27 members of the civil air patrol are treated similarly to
28 members of the national guard and reserves and are granted a
29 leave of absence without penalty from their jobs for civil air
30 patrol duty.

31 Code section 29A.40 is amended to increase the penalty for
32 false wearing of a military uniform from a simple to a serious
33 misdemeanor.

34 Code section 29A.57 is amended to authorize the armory
35 board to grant easements on state military property for

1 purposes other than utility or public highway purposes.

2 The Iowa national guard civil relief provisions of Code
3 chapter 29A are also amended by the bill. Code section
4 29A.99, regarding the maximum rate of interest that may be
5 charged on preservice obligations, is rewritten by the bill.
6 The bill provides that the interest protection provided by the
7 section applies to joint obligations of a service member and
8 the service member's spouse and that any interest over 6
9 percent is forgiven.

10 Code section 29A.101A, regarding termination of preservice
11 leases, is also rewritten by the bill. The rewritten section
12 provides that the lease termination provisions currently
13 applicable to real property leases also apply to motor vehicle
14 leases. The section sets out the notice and termination
15 requirements for each type of lease and provides that for
16 vehicle leases, the vehicle must be returned. The current
17 simple misdemeanor penalty for interference with a service
18 member or dependent in the exercise of rights under the
19 section is retained in the rewritten section.

20 Code section 29C.8 is amended by the bill. The bill
21 changes the reference to urban search and rescue teams to
22 homeland security and emergency response teams and provides
23 that such teams may be deployed to support an interstate
24 assistance request under the emergency management assistance
25 compact described in Code section 29C.21. The section is also
26 amended to provide that a member of such a team will be
27 considered a state employee for purposes of the compact if the
28 member is registered with the homeland security and emergency
29 management division on an approved team. The section also
30 requires approved teams to establish standards for membership
31 and keep updated lists of members. Finally, the amended
32 section provides that the department of administrative
33 services shall process claims for injury or loss by team
34 members and that funding shall be sought from the executive
35 council. Code section 29C.20 is also amended to reflect the

1 change in reference to homeland security and emergency
2 response teams.

3 New Code section 29C.20A creates a contingent grant fund
4 for the use of the executive council. The fund may be used to
5 make financial grants of up to \$1 million in a fiscal year
6 following a governor's disaster declaration to meet the needs
7 of individuals affected by the disaster. The fund will be
8 administered by the department of human services, which shall
9 adopt appropriate rules. In addition, the executive council
10 shall use contingent grant funds to reimburse the department
11 of human services for its expenses in administering the fund.
12 Grants are limited to 25 percent of 130 percent of the federal
13 poverty level and may be used only for replacement of personal
14 property, home repair, and temporary housing assistance.

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