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SENATE FILE 300

BY WARNSTADT

STATE GOVERNMENT

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to civil protections for military service members
2 and dependents of military service members.

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

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SC 300
STATE GOVERNMENT

1 Section 1. Section 29A.101A, subsection 1, paragraph a,
2 Code 2005, is amended to read as follows:

3 a. The lease or rental agreement was executed by or on
4 behalf of a service member who, after the execution of the
5 lease or rental agreement, entered military service,
6 regardless of whether the lease or rental agreement was
7 entered into jointly with a dependent of the service member.

8 Sec. 2. Section 29A.101A, subsection 2, paragraph a, Code
9 2005, is amended to read as follows:

10 a. A service member or a service member's dependent may
11 terminate a lease or rental agreement by providing written
12 notice to the lessor or the lessor's agent at any time
13 following the date of the beginning of the service member's
14 period of military service. The notice may be delivered by
15 placing it in an envelope properly stamped and addressed to
16 the lessor or the lessor's agent and depositing the notice in
17 the United States mail.

18 Sec. 3. NEW SECTION. 29A.102A TERMINATION OF CONSUMER
19 LEASES.

20 1. A service member or a service member's dependent may
21 terminate a consumer lease without penalty by providing
22 written notice to the lessor or the lessor's agent at any time
23 following the date of the beginning of the service member's
24 period of military service regardless of whether or not the
25 lease agreement contains a provision for an early termination
26 fee or similar penalty. The notice may be delivered by
27 placing it in an envelope properly stamped and addressed to
28 the lessor or the lessor's agent and depositing the notice in
29 the United States mail.

30 2. Termination of a consumer lease shall be effective on
31 the last day of the month following the month in which the
32 notice is delivered or mailed. Any unpaid lease payments for
33 the period preceding the termination shall be computed on a
34 pro rata basis and any rent paid in advance after termination
35 shall be refunded by the lessor or the lessor's agent.

1 3. For the purposes of this section, "consumer lease"
2 means the same as defined in section 537.1301 and includes an
3 agreement for wireless communications service as defined in
4 section 34A.7A.

5 Sec. 4. NEW SECTION. 29A.102B DISCONNECTION OF
6 UTILITIES.

7 Notwithstanding section 476.20, a public utility furnishing
8 gas or electricity shall not disconnect service to a residence
9 of a service member who has been deployed outside of the
10 United States during such deployment and for sixty days after
11 the service member's deployment ends. This section shall
12 apply to service members who have provided notice to the
13 public utility of the service member's deployment. The notice
14 may be delivered personally to the public utility or its
15 agent, or by placing the notice in an envelope properly
16 stamped and addressed to the billing address of the public
17 utility and depositing the notice in the United States mail.

18 Sec. 5. NEW SECTION. 602.10111A MILITARY ATTORNEYS.

19 1. An attorney admitted to the practice of law in another
20 state, the District of Columbia, or a territory of the United
21 States, who is a full-time active duty military officer
22 serving in the office of a staff judge advocate of the United
23 States army, air force, navy, marines, or coast guard, or a
24 naval legal service office or a trial service office, may,
25 upon application and approval, appear as an attorney and
26 practice law before the courts of this state in any matter,
27 litigation, or administrative proceeding, subject to the
28 conditions and limitations set forth in this section. The
29 applicant must be of good moral character and shall apply by
30 performing all of the following:

31 a. Filing an application in the form and manner that may
32 be prescribed by the board of law examiners.

33 b. Presenting satisfactory proof of admission to the
34 practice of law and current good standing as a member of the
35 bar in any state, the District of Columbia, or a territory of

1 the United States.

2 c. Furnishing whatever additional information or proof
3 that may be required in the course of processing the
4 application.

5 2. Military attorneys admitted to practice pursuant to
6 this section are not, and shall not represent themselves to
7 be, members of the bar of this state.

8 3. The applicant's right to practice under this section
9 may be terminated by the supreme court at any time with or
10 without cause, and shall be terminated when the military
11 attorney ends active duty military service. An attorney
12 admitted under this section and the attorney's supervisory
13 staff judge advocate and commanding officer are responsible
14 for advising the supreme court of any change in status of the
15 attorney that may affect the attorney's right to practice law
16 under this section.

17 4. Military attorneys admitted pursuant to this section
18 may represent active duty military personnel in enlisted
19 grades E-I through E-4 and their dependents in noncriminal
20 matters to the extent such representation is permitted by the
21 attorney's supervisory staff judge advocate or commanding
22 officer. Other active duty military personnel and their
23 dependants may be represented if approved by the service judge
24 advocate general.

25 5. Military attorneys admitted pursuant to this section
26 may not demand or receive any compensation from clients in
27 addition to the military pay to which they are already
28 entitled.

29 6. The practice of an attorney admitted under this section
30 shall be subject to the Iowa code of professional
31 responsibility and all other rules adopted by the supreme
32 court governing attorneys admitted to the bar of this state as
33 determined by the supreme court. Jurisdiction of the supreme
34 court over the attorney shall continue whether or not the
35 attorney retains the right to practice in this state and

1 irrespective of the residence of the attorney.

2 EXPLANATION

3 This bill relates to civil protections to military service
4 members and dependents of military service members. The bill
5 clarifies that a service member may terminate a lease or
6 rental agreement of a premises occupied for dwelling,
7 professional, business, or agricultural purposes even if the
8 lease or rental agreement was entered into jointly with a
9 dependent of the service member. The bill also clarifies that
10 either a service member or a dependent of a service member may
11 terminate a lease or rental agreement after proper notice.

12 The bill provides that a service member or dependent of the
13 service member may terminate a consumer lease without
14 suffering a penalty or fee for early termination upon proper
15 notice to the lessor. The termination of a consumer lease by
16 a service member is effective on the last day of the month
17 following the month in which the notice to terminate is
18 delivered or mailed.

19 The bill provides that a public utility furnishing gas or
20 electricity shall not disconnect service to a residence of a
21 service member who has been deployed outside of the United
22 States and for an additional 60 days after the service member
23 returns from deployment. The service member must provide
24 proper notice of the service member's deployment to avoid
25 disconnection.

26 The bill provides for active duty military attorneys to
27 practice law in this state. The attorney must file an
28 application with the board of law examiners and show proof of
29 admission to practice law in another state or territory of the
30 United States. The supreme court may terminate the military
31 attorney's right to practice in this state at any time with or
32 without cause. A military attorney may represent certain
33 military service members and their dependents in noncriminal
34 matters to the extent allowed by the attorney's supervisory
35 staff judge advocate or commanding officer and may not demand

1 or receive compensation other than the attorney's military
2 pay. Military attorneys must adhere to the Iowa code of
3 professional responsibility and all other rules adopted by the
4 supreme court governing attorneys admitted in this state.

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