

CHAPTER 111**UNEMPLOYMENT COMPENSATION — SOCIAL SECURITY
PENSIONS — EMPLOYMENT BY INDIAN TRIBE**

S.F. 418

AN ACT relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe and providing an effective date.

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

Section 1. Section 96.5, subsection 5, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under ~~paragraphs~~ paragraph “a”, “b”, or “c”, were paid on a retroactive basis for the same period, or any part thereof, the department shall recover the excess amount of benefits paid by the department for the period, and no employer’s account shall be charged with benefits so paid. However, compensation for service-connected disabilities or compensation for accrued leave based on military service, by the beneficiary, with the armed forces of the United States, irrespective of the amount of the benefit, does not disqualify any individual, otherwise qualified, from any of the benefits contemplated herein. A deduction shall not be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals’ contributions to the pension program.

Sec. 2. Section 96.7, Code 2001, is amended by adding the following new subsection:
NEW SUBSECTION. 9. INDIAN TRIBES.

a. For purposes of this chapter, employment by an Indian tribe shall be covered in the same manner and terms as provided for governmental entities and the same exclusions that are applicable for governmental entities shall also apply.

b. In financing benefits paid to employees of an Indian tribe under this chapter, a contribution rate shall be determined and contributions shall be assessed and collected from an Indian tribe in the same manner provided in this chapter for contributory employers, except that an Indian tribe shall have the option of electing to become a governmental reimbursable employer. An Indian tribe shall have the option to make a separate election as provided in this paragraph for itself and for each subdivision, subsidiary, or business enterprise wholly owned by the Indian tribe. The reimbursable status of an Indian tribe shall be in the same manner, to the same extent, and on the same terms as are applicable to all governmental reimbursable employers under this chapter.

c. If the department determines that an Indian tribe has failed to make any payment required pursuant to this chapter after providing the Indian tribe with ninety days notice of this failure, the department may issue a determination that ceases coverage of all employment by that Indian tribe until such time as all payments are received by the department.

Sec. 3. Section 96.19, subsection 16, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. An Indian tribe, subject to the requirements of section 96.7, subsection 9.

Sec. 4. Section 96.19, subsection 18, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Except as otherwise provided in this subsection, “employment”

shall include service performed in the employ of an Indian tribe, subject to the requirements of section 96.7, subsection 9.

Sec. 5. Section 96.19, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 25A. "Indian tribe" shall have the meaning given to the term pursuant to section 4(e) of the federal Indian Self-Determination and Education Assistance Act, and shall include any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 2001

CHAPTER 112

DISSOLUTION OF MARRIAGE — FINANCIAL INFORMATION — COURT-APPROVED COURSES

H.F. 180

AN ACT relating to dissolution of marriage including certain financial statement information filed by the parties and participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

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

Section 1. Section 598.13, Code 2001, is amended to read as follows:
598.13 FINANCIAL STATEMENTS FILED.

1. Both parties shall disclose their financial status. A showing of special circumstances shall not be required before the disclosure is ordered. A statement of net worth set forth by affidavit on a form prescribed by the supreme court and furnished without charge by the clerk of the district court shall be filed by each party prior to the dissolution hearing. However, the parties may waive this requirement upon application of both parties and approval by the court.

Failure to comply with the requirements of this ~~section~~ subsection constitutes failure to make discovery as provided in rule of civil procedure 134.

2. The court may, in its discretion, order a trustee to provide, on behalf of a trust, information including but not limited to, trust documents and financial statements relating to any beneficial interest a party to the pending action may have in the trust.

Sec. 2. Section 598.19A, subsections 1 and 3, Code 2001, are amended to read as follows:

1. The court shall order the parties to any action which involves the issues of child custody or visitation to participate in a court-approved course to educate and sensitize the parties to the needs of any child or party during and subsequent to the proceeding within forty-five days of the service of notice and petition for the action or within forty-five days of the service of notice and application for modification of an order. Participation in the course may be waived or delayed by the court for good cause including, but not limited to, a default by any of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent. Participation in the course is not required if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be