

a rule allowing any veteran who is a landowner or who lives within the governmental subdivision to purchase an interment space and to be interred within the cemetery. For the purposes of this section, "veteran" means the same as defined in section 35.1 ~~or a resident of this state who served in the armed forces of the United States, completed a minimum aggregate of ninety days of active federal service, and was discharged under honorable conditions.~~

Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Sec. 7. EFFECTIVE DATE. This Act takes effect July 1, 2010.

Approved May 26, 2009

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## CHAPTER 165

### PUBLIC SAFETY — COMMUNICATIONS AND EMERGENCY SERVICES

*H.F. 671*

**AN ACT** relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions.

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

Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, as amended by 2009 Iowa Acts, Senate File 108,<sup>1</sup> section 1, is amended to read as follows:

~~The following members, to be appointed by the governor from nominees submitted by volunteer and professional organizations associated with the following~~ The governor shall solicit and consider recommendations from professional or volunteer organizations in appointing the following members:

Sec. 2. NEW SECTION. 100B.14 VOLUNTEER JOB PROTECTION.

1. This section shall be known as the "Volunteer Emergency Services Providers Job Protection Act".

2. For the purposes of this section, "volunteer emergency services provider" means a volunteer fire fighter as defined in section 85.61, a reserve peace officer as defined in section 80D.1A, an emergency medical care provider as defined in section 147A.1, or other personnel having voluntary emergency service duties and who are not paid full-time by the entity for which the services are performed in the local service area, in a mutual aid agreement area, or in a governor-declared state of disaster emergency area.

3. A public or private employer shall not terminate the employment of an employee for joining a volunteer emergency services unit or organization, including but not limited to any municipal, rural, or subscription fire department.

4. If an employee has provided the employee's public or private employer with written notification that the employee is a volunteer emergency services provider, the employer shall not terminate the employment of a volunteer emergency services provider who, because the em-

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<sup>1</sup> Chapter 14 herein

ployee was fulfilling the employee's duties as a volunteer emergency services provider, is absent from or late to work.

5. An employer may deduct from an employee's regular pay an amount of regular pay for the time that an employee who is a volunteer emergency services provider is absent from work while performing duties as a volunteer emergency services provider.

6. An employer may request that an employee who is a volunteer emergency services provider and who is absent from or late to work while responding to an emergency provide the employer with a written statement from the supervisor or acting supervisor of the volunteer emergency services unit or organization stating that the employee responded to an emergency and stating the date and time of the emergency.

7. An employee who is a volunteer emergency services provider and who may be absent from or late to work while performing duties as a volunteer emergency services provider shall notify the employer as soon as possible that the employee may be absent or late.

8. An employer shall determine whether an employee may leave work to respond to an emergency as part of the employee's volunteer emergency services provider duties.

9. An employee whose employment is terminated in violation of this section may bring a civil action against the employer. The employee may seek reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and, where seniority rights are granted, reinstatement of seniority rights. If the employee prevails in such an action, the employee shall be entitled to an award of reasonable attorney fees and the costs of the action. An employee must commence such an action within one year after the date of termination of the employee's employment.

Sec. 3. Section 357J.4, Code 2009, is amended to read as follows:

357J.4 DISTRICT — BOUNDARY CHANGES.

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

a. The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

(1) The commission.

(2) The board of township trustees of the area proposed to be included or excluded from the district.

(3) The district fire chief.

(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.

b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request.

Sec. 4. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this Act amending section 80.28, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 19, 2009. The section of this Act amending section 357J.4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

Approved May 26, 2009

**CHAPTER 166****MORTGAGE FORECLOSURE AND  
INSTALLMENT CONTRACT PROTECTIONS  
FOR NATIONAL GUARD AND ARMED FORCES MEMBERS***H.F. 706*

**AN ACT** relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

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

Section 1. Section 29A.102, subsection 3, Code 2009, is amended to read as follows:

3. A person who knowingly repossesses property which is the subject of this section, other than as provided in subsection 1, commits a ~~simple~~ serious misdemeanor.

Sec. 2. Section 29A.103, subsection 4, Code 2009, is amended to read as follows:

4. A person who knowingly forecloses on property that is the subject of this section, other than as provided in subsection 1, commits a ~~simple~~ serious misdemeanor.

Sec. 3. NEW SECTION. 654.17B MILITARY FORECLOSURE PROTECTION — NOTICE.

1. Except as provided under chapter 29A, or the federal Servicemembers Civil Relief Act of 2003, 50 U.S.C. app. 532 and 533, a creditor shall not initiate a proceeding to enforce an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, against a borrower, or a borrower's dependents, who is a member of the national guard or a member of the reserve or regular component of the armed forces of the United States in active duty service. Enforcement of an obligation shall not be permitted under the following circumstances:

a. The borrower is a member of the national guard and has been afforded protection under the Iowa national guard civil relief provisions contained in chapter 29A, subchapter VI. A creditor who enforces an obligation in violation of chapter 29A, subchapter VI, is subject to applicable penalty provisions contained in sections 29A.102 and 29A.103.

b. The borrower is a member of the reserve or regular component of the armed forces of the United States in active duty service and has been afforded protection under the federal Servicemembers Civil Relief Act of 2003, 50 U.S.C. app 532 and 533. A creditor who enforces an obligation in violation of the federal Act is subject to applicable penalty provisions contained in the federal Act.

2. The department of veterans affairs and the department of commerce shall coordinate to develop a procedure to inform or notify members of the national guard, reserve, or regular component of the armed forces of the United States, and financial institutions as defined in section 12C.1, of the protections referenced in subsection 1. The notification procedure shall include, at a minimum, posting the information on an official internet site maintained by each department.

Approved May 26, 2009