

grain to a licensed grain dealer other than by credit-sale contract within six months of the in-currence date for a claim period as provided in subsection 1A, or if the claimant is a depositor who delivered the grain to a licensed warehouse operator.

Sec. 4. Section 203D.6, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A claim has not been paid for the same loss.

Sec. 5. Section 203D.6, subsection 7, Code 2009, is amended to read as follows:

7. PAYMENT OF CLAIMS. Upon a determination that the claim is eligible for payment, the board shall provide for payment of ninety percent of the loss, as determined under subsection 4, but not more than ~~one~~ three hundred fifty thousand dollars per claimant. If at any time the board determines that there are insufficient funds to make payment of all claims, the board may order that payment be deferred on specified claims. The department, upon the board's instruction, shall hold those claims for payment until the board determines that the fund again contains sufficient assets.

Sec. 6. EFFECTIVE DATE AND RETROACTIVE APPLICATION. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to October 1, 2008.

Approved March 19, 2009

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## CHAPTER 18

### OPEN ENROLLMENT — TRANSPORTATION

*S.F. 177*

**AN ACT** relating to requirements for school districts providing transportation to students participating in open enrollment.

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

Section 1. Section 282.18, subsection 10, Code 2009, is amended to read as follows:

10. a. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of this subsection, "a point on a regular school bus route of the receiving district" includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b. ~~However, a~~ A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless

the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

Approved March 23, 2009

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## CHAPTER 19

### HUMAN TRAFFICKING AND PROTECTION OF MINORS

S.F. 27

**AN ACT** relating to the crime of human trafficking.

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

Section 1. Section 710A.1, subsection 1, Code 2009, is amended to read as follows:

1. “Commercial sexual activity” means any sex act ~~on behalf of or sexually explicit performance for~~ for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs.

Sec. 2. Section 915.35, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, “victim” means a ~~child~~ minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709, ~~710A~~, or 726 or who has been the subject of a forcible felony.

Sec. 3. Section 915.37, Code 2009, is amended to read as follows:

915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.

1. A prosecuting witness who is a child, as defined in section 702.5, in a case involving a violation of chapter 709 ~~or 710A~~, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness’s interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child’s interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court. If a prosecuting witness is fourteen, fifteen, sixteen, or seventeen years of age, and would be entitled to the appointment of a guardian ad litem if the prosecuting witness were a child, the court may appoint a guardian ad litem if the requirements for guardians ad litem in this section are met, and the guardian ad litem agrees to participate without compensation.