

2. The notice shall give an opportunity to the present owner of adjacent property and to the person who owned the land at the time it was purchased or condemned for highway purposes to be heard and make offers within sixty days of the date the notice is mailed for the tract, parcel, or piece of land to be sold, and if the offer is equal to. An offer which equals or exceeds in amount any other offer received, it and which equals or exceeds the fair market value of the property shall be given preference by the agency in control of the land. Neglect or failure for any reason, to comply with the notice, does not prevent the giving of a clear title to the purchaser of the tract, parcel, or piece of land. If no offers are received within sixty days or if no offer equals or exceeds the fair market value of the land, the agency shall transfer the land for a public purpose or proceed with the sale of the property.

3. For the purposes of this section, "public purpose" means the transfer to a state agency or a city, county, or other political subdivision for a public purpose.

Sec. 3. APPLICABILITY DATE. Section 2 of this Act applies only to decisions to dispose of unused right-of-way made on or after July 1, 1997.

Approved May 19, 1997

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## CHAPTER 150

### CONSTRUCTION OR EXPANSION OF ANIMAL FEEDING OPERATION STRUCTURES

S.F. 472

**AN ACT** prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure, and providing an effective date.

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

Section 1. **NEW SECTION. 455B.202 CONFINEMENT FEEDING OPERATIONS — PENDING ACTIONS AND HABITUAL VIOLATORS.**

1. As used in this section, "construction" means the same as defined by rules adopted by the department applicable to the construction of animal feeding operation structures as provided in this part.

2. a. A person shall not construct or expand an animal feeding operation structure which is part of a confinement feeding operation, if the person is a party to a pending action for a violation of this chapter concerning a confinement feeding operation in which the person has a controlling interest and the action is commenced in district court by the attorney general.

b. A person shall not construct or expand an animal feeding operation structure which is part of a confinement feeding operation for five years after the date of the last violation committed by a person or confinement feeding operation in which the person holds a controlling interest during which the person or operation was classified as a habitual violator under section 455B.191.

3. This section shall not prohibit a person from completing the construction or expansion of an animal feeding operation structure, if any of the following apply:

a. The person has an unexpired permit for the construction or expansion of the animal feeding operation structure.

b. The person is not required to obtain a permit for the construction or expansion of the animal feeding operation structure.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 19, 1997

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## CHAPTER 151

### CHILD DAY CARE

#### S.F. 541

**AN ACT** relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

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

Section 1. Section 237A.1, subsection 8, paragraph b, Code 1997, is amended to read as follows:

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children as authorized in accordance with section 237A.3, subsection 2, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3, ~~provided each child in excess of six children is attending school in kindergarten or a higher grade level.~~

Sec. 2. Section 237A.3, subsection 2, Code 1997, is amended to read as follows:

2. a. A person shall not operate or establish a group day care home unless the person obtains a certificate of registration under this chapter. ~~In order to be registered, the group day care home shall have at least one responsible individual, age fourteen or older, on duty to assist the group day care home provider when there are more than six children present for more than a two-hour period.~~ Two persons who comply with the individual requirements for registration as a group day care provider may request that the certificate be issued to the two persons jointly and the department shall issue the joint certificate provided the group day care home requirements for registration are met. All other requirements of this chapter for registered family day care homes and the rules adopted under this chapter for registered family day care homes apply to group day care homes. In addition, the department shall adopt rules relating to the provision in group day care homes for a separate area for sick children. In consultation with the state fire marshal, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children.

b. Except as provided in subsection 3, a group day care home shall not provide child day care to more than eleven children at any one time. If there are more than six children present for a period of two hours or more, the group day care home must have at least one responsible individual who is at least fourteen years of age present to assist the group day care provider in accordance with either of the following conditions:

(1) If the responsible individual is a joint holder of the certificate of registration, not more than four of the children present shall be less than twenty-four months of age and not more than ten of the children present shall be twenty-four months of age or older but not attending school in kindergarten or a higher grade level.

(2) If the responsible individual is not a joint holder of the certificate of registration, but is at least fourteen years of age, not more than four of the children shall be less than twenty-four months of age and each child in excess of six children shall be attending school in kindergarten or a higher grade level.