

year beginning July 1, 1998, and multiplying that fraction by the total minimum salary supplement paid to that school district or area education agency for the school year beginning July 1, 1998. For purposes of this section, "base year" and "budget year" mean the same as defined in section 257.2.

Sec. 7. Section 294A.16, unnumbered paragraphs 4 and 5, Code 2001, are amended to read as follows:

~~A school district or area education agency, which receives money for a school year for an approved phase III plan, may retain up to fifty percent of the moneys allocated to the district or area education agency for the next succeeding school year, in order to continue the approved plan. Any of the retained phase III moneys remaining in the district or area education agency account after at the second end of the fiscal year of the plan shall revert to the general fund of the state as provided in section 8.33 remain available for expenditure for purposes of this division by the school district or area education agency in succeeding fiscal years.~~

Any moneys allocated ~~or retained~~ for an approved phase III plan, and any interest accrued on the moneys, are miscellaneous income for purposes of chapter 257, shall not be commingled with state aid payments made, under sections 257.16 and 257.35, to a school district or area education agency, and shall be accounted for by the school district or area education agency separately from state aid payment accounts.

Approved April 26, 2002

CHAPTER 1130

REGULATION, PROTECTION, AND DISPOSITION OF ANIMALS

S.F. 2268

AN ACT relating to animals other than livestock, including the taking of such animals, providing for their disposition, providing for the reimbursement of dispositional expenses, providing for the protection of animals from injury or torment, and providing penalties.

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

Section 1. Section 351.37, Code 2001, is amended to read as follows:

351.37 RUNNING AT LARGE — APPREHENSION AND IMPOUNDAGE.

~~Any A dog found shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag and for which no or a rabies vaccination certificate can be produced shall be apprehended and impounded is not presented to the local board of health or law enforcement official.~~

When such dog has been apprehended and impounded, the The local board of health or law enforcement official shall give provide written notice in not less than two days to the owner, if known the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. If The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days of from the date of that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of this section, notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner

may redeem a dog by having it immediately vaccinated and by paying the cost of impoundment.

If the owner of a ~~the impounded dog apprehended or impounded cannot be located~~ fails to redeem the dog within seven days ~~from the date of the delivery of the notice to the dog's owner as provided in this section~~, the animal dog may be ~~humanely destroyed or otherwise disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in section 162.2.~~

Sec. 2. Section 717B.1, Code 2001, is amended by adding the following new subsections:
NEW SUBSECTION. 3A. "Dispositional expenses" means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as provided in section 717B.4, or disposing of the animal as provided in section 717B.4.

NEW SUBSECTION. 7. "Responsible party" means a person who owns or maintains an animal.

NEW SUBSECTION. 8. "Threatened animal" means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.

Sec. 3. Section 717B.4, Code 2001, is amended to read as follows:

717B.4 ~~DISPOSITION OF NEGLECTED ANIMALS~~ DISPOSITIONAL PROCEEDINGS.

1. ~~A~~ Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order the its disposition of an animal neglected as provided in section 717B.3 after a hearing ~~upon application or petition to the court by a local authority or the person owning or caring for the animal.~~

a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.

b. ~~If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under section 717B.5.~~

c. The court may continue the hearing for up to ~~forty~~ thirty days upon petition by the ~~person responsible party.~~ However, ~~the court shall not grant a continuance unless the animal is maintained by the local authority, the person shall~~ The responsible party must post a bond or other security with the local authority in an as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for forty thirty days. The court may grant a subsequent continuance by the person upon petition by the responsible party. The continuance shall be for the same length of time if the person submits not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if the animal ~~has been neglected is a threatened animal~~ for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section ~~717B.3~~ this chapter.

3. ~~A~~ If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:

a. ~~The court may order a person owning the neglected animal responsible party to pay an amount which shall not be more than the dispositional expenses incurred in maintaining the neglected animal rescued pursuant to section 717B.5, and by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action. The remaining amount of a bond or other security posted pursuant to this chapter shall be used to reimburse~~

c.¹⁷ ~~If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the local authority may use the posted amount to offset the local authority's dispositional expenses. If more than one person has a divisible interest in the animal, the amount required to be paid shall be prorated based on the percentage of interest in the animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds owed to the owner or owners of the animal, which are received from the sale of the animal ordered by the court.~~

d. ~~Moneys owed to the local authority If any moneys are realized from the sale disposition of a neglected threatened animal, the moneys shall be paid used to offset the local authority authority's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.~~

e. ~~If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If an owner of the animal responsible party is a landowner, the local authority may submit an the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. The amount shall equal the balance remaining after the sale of the animal. If the threatened animal owner owns a percentage of the animal, the reported amount shall equal the remaining balance owed by all landowners who own a percentage of the animal. That is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.~~

4. ~~Neglected animals A threatened animal that is ordered by a court to be destroyed under this section shall be destroyed only by a humane method, including euthanasia as defined in section 162.2.~~

Sec. 4. Section 717B.5, Code 2001, is amended to read as follows:

717B.5 RESCUE OF NEGLECTED THREATENED ANIMALS.

A local authority may provide for the rescue of an animal as follows:

1. ~~A~~ The rescue must be made by a law enforcement officer, having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169, ~~may~~. The law enforcement officer may rescue an animal neglected as provided in section 717B.3 the animal by entering on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue a neglected¹⁸ the animal, if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

2. ~~If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the neglected animal. The local authority may contract with an animal care~~

¹⁷ According to enrolled Act; paragraph "b" probably intended

¹⁸ The words "a neglected" probably intended

provider for the maintenance of the neglected animal. The local authority shall ~~post~~ provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:

a. Delivering written notice to the responsible party's last known address by the United States postal service or personal service.

b. Posting a notice in a conspicuous place at the location where the animal was rescued.

The notice shall state that the animal has been rescued by the local authority pursuant to this section.

3. Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to section 717B.4.

4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the sale of the disposition of the animal or any reimbursement ordered by a court, pursuant to section 717B.4.

3. The animal shall be subject to disposition as required by a court, pursuant to section 717B.4.

Sec. 5. NEW SECTION. 717D.1 DEFINITIONS.

1. "Animal" means a nonhuman vertebrate.

2. "Contest animal" means a bull, bear, chicken, or dog.

3. "Contest device" means equipment designed to enhance a contest animal's entertainment value during training or a contest event, including a device to improve the contest animal's competitiveness.

4. "Contest event" means a function organized for the entertainment or profit of spectators where a contest animal is injured, tormented, or killed, if the contest animal is a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.

5. "Establishment" means the location where a contest event occurs or is to occur, regardless of whether a contest animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.

6. "Livestock" means the same as defined in section 717.1.

7. "Local authority" means the same as defined in section 717B.1.

8. "Promoter" means a person who charges admission for entry into an establishment or organizes, holds, advertises, or otherwise conducts a contest event.

9. "Spectator" means a person who attends an establishment for purposes of witnessing a contest event.

10. "Trainer" means a person who trains a contest animal for purposes of engaging in a contest event, regardless of where the contest event is located. A trainer includes a person who uses a contest device.

11. "Transporter" means a person who moves a contest animal for delivery to a training location or a contest event location.

Sec. 6. NEW SECTION. 717D.2 PROHIBITIONS — CONTEST EVENTS.

A person shall not do any of the following:

1. Own or operate an establishment located in this state in which a contest event occurs or is to occur.

2. Act as a promoter of a contest event, regardless of whether the contest event occurs in this state or another state. For purposes of this subsection, a person who aids, abets, or assists in the promotion of a contest event shall be deemed to act as a promoter.

3. Act as a trainer of a contest animal engaged or to be engaged in a contest event conducted in this state or another state. For purposes of this subsection, a person who aids, abets, or assists in the training of a contest animal engaged or to be engaged in a contest event shall be deemed to act as a trainer.

4. Act as a transporter moving a contest animal in this state.

5. Act as a spectator of a contest event conducted in this state, regardless of whether the person paid admission to witness the contest event.

Sec. 7. NEW SECTION. 717D.4 EXCEPTIONS.

1. This chapter does not apply to a function other than a contest event. A contest event does not involve any of the following events:

- a. A race, including but not limited to a race regulated under chapter 99D.
 - b. A fair as defined in section 174.1.
 - c. A rodeo or rodeo event.
 - d. A 4-H function.
 - e. A hunting or fishing party.
 - f. A field meet or trial in which the skill of dogs is demonstrated in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal.
 - g. The raising or selling of game or fur-bearing animals as provided in chapter 481A.
2. This chapter shall not apply to any of the following:
- a. An action to carry out an order issued by a court.
 - b. An action by a licensed veterinarian practicing veterinary medicine as provided in chapter 169.
 - c. An action that is consistent with animal husbandry practices.
 - d. An action allowed in order to carry out another provision of law which allows the action.
 - e. The taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
 - f. An action to protect the person's property from a wild animal as defined in section 481A.1.
 - g. An action to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
 - h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
 - i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
 - j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
 - k. An institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 8. NEW SECTION. 717D.5 PENALTIES.

A person who violates a provision of this chapter is guilty of a serious misdemeanor.

Sec. 9. NEW SECTION. 717D.6 CONFISCATION AND DISPOSITION OF ANIMALS.

A local authority may confiscate a contest animal that is trained with a contest device or is part of a contest event. The contest animal may be rescued and disposed of as neglected livestock or other animal pursuant to section 717.5 or 717B.4. If the contest animal is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. In addition, the court shall order the owner of the contest animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the contest animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court costs. If more than one person has a divisible interest in the contest animal, the amount required to be paid shall be prorated based on the percentage of interest in the contest animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the contest animal ordered by the court.

Sec. 10. Section 717B.7, Code 2001, is repealed.

Approved April 26, 2002

CHAPTER 1131

REGISTERED NURSE RECRUITMENT

S.F. 2323

AN ACT relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission.

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

Section 1. NEW SECTION. 261.23 REGISTERED NURSE RECRUITMENT PROGRAM.

1. A registered nurse recruitment program is established to be administered by the college student aid commission. The program shall consist of a forgivable loan program and a tuition scholarship program for students and a loan repayment program for registered nurses. The commission shall regularly adjust the registered nurse service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required. From funds appropriated for purposes of the program by the general assembly, the commission shall pay a fee to schools of nursing, accredited by the board of nursing, for the administration of the program. A portion of the fee shall be based upon the number of registered nurses recruited under subsection 4.

2. A forgivable loan may be awarded to a resident of Iowa who is enrolled at an accredited school of nursing, which is located in this state, on a full-time or part-time basis in a course of study leading to a collegiate or associate degree of nursing, a diploma in nursing, or a graduate or equivalent degree in nursing, if the student agrees to practice in this state for a period of time to be determined by the commission at the time the loan is awarded. Forgivable loans to eligible students shall not become due until after the student completes a licensing examination prescribed by the board of nursing. Interest on the loans shall begin to accrue the day following the student's graduation date. If the student completes the period of practice established by the commission and agreed to by the student, the loan amount shall be forgiven. The loan amount shall not be forgiven if the student fails to complete the required time period of practice in this state or fails to satisfactorily continue in the school of nursing.

3. A student enrolled at an accredited school of nursing, which is located in this state, on a full-time or part-time basis in a course of study leading to a collegiate or associate degree of nursing, a diploma in nursing, or a graduate or equivalent degree in nursing, shall be eligible for a tuition scholarship for the student's study at the school of nursing. The scholarship shall be for an amount not to exceed the resident tuition rate established for institutions of higher learning under the control of the state board of regents. A student who receives a tuition scholarship shall not be eligible for the loan repayment program provided for by this section. A student who receives a tuition scholarship shall agree to practice in a community in this state for a period of time to be determined by the commission at the time the scholarship is awarded. The student shall repay the scholarship to the commission if the student fails to practice in a community in this state for the required period of time.

4. A registered nurse shall be eligible for the registered nurse repayment program if the registered nurse has received from an accredited school of nursing located in this state a collegiate