

Sec. 13. Section 455G.13, subsection 12, Code 1997, is amended to read as follows:

12. RECOVERY OR SUBROGATION — INSTALLERS AND INSPECTORS. Notwithstanding any other provision contained in this chapter, the board or a person insured under the insurance ~~account~~ fund has no right of recovery or right of subrogation against an installer or an inspector insured by the fund for the tank giving rise to the liability other than for recovery of any deductibles paid.

Sec. 14. Section 455G.14, Code 1997, is amended to read as follows:

455G.14 FUND NOT SUBJECT TO REGULATION.

The fund, including but not limited to insurance coverage offered by the insurance ~~account~~ fund, is not subject to regulation under chapter 502 or title XIII, subtitle 1.

Approved April 9, 1998

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## CHAPTER 1069

### MEDICAL ASSISTANCE REIMBURSEMENT FOR CERTAIN PROVIDERS

*H.F. 2523*

**AN ACT** relating to the reimbursement of certain providers of services under the medical assistance program.

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

Section 1. NEW SECTION. 249A.18 COST-BASED REIMBURSEMENT — RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CLINICS.

Rural health clinics and federally qualified health clinics shall receive cost-based reimbursement for the provision of services to recipients of medical assistance, subject to limitations and exclusions based on federal law and regulations as determined by the director.

Approved April 9, 1998

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## CHAPTER 1070

### CHILD CUSTODY AND VISITATION — MISCELLANEOUS PROVISIONS

*H.F. 677*

**AN ACT** relating to child custody and visitation including the consideration of parent's criminal history in the awarding of visitation rights and including an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

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

Section 1. Section 598.19A, subsection 1, Code 1997, is amended to read as follows:

1. The court shall order the parties to any action which involves the issues of child custody or visitation ~~shall~~ 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 granted or a final order shall not be entered until the parties have complied with this section.

Sec. 2. NEW SECTION. 598.41A VISITATION — HISTORY OF CRIMINAL OFFENSES AGAINST A MINOR.

Notwithstanding section 598.41, the court shall consider in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor. As used in this section, “criminal offense against a minor”, “sexually violent offense”, and “sexual exploitation” mean as defined in section 692A.1.

Approved April 10, 1998

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## CHAPTER 1071

### DRUG ABUSE RESISTANCE EDUCATION SURCHARGE

H.F. 2337

**AN ACT** concerning the method for imposition of the drug abuse resistance education surcharge.

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

Section 1. Section 602.8102, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 135A. Assess the drug abuse resistance education surcharge as provided by section 911.2.

Sec. 2. Section 911.2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to thirty percent of the fine or forfeiture imposed. An additional drug abuse resistance education surcharge of five dollars shall be assessed by the clerk of the district court if the violation arose out of a violation of an offense provided for in chapter 321J or chapter 124, division IV. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

Approved April 10, 1998