

member for such service shall be equal to the amount of contributions withdrawn, plus interest computed based upon the investment interest rate assumption established by the board of trustees as of the time the contributions are repaid. However, the member must make the contributions within two years of the date of the member's return to service. The period of membership service for which contributions are repaid shall be treated as though the contributions were never withdrawn.

Sec. 20. Section 411.36, subsection 5, Code 1993, is amended to read as follows:

5. a. Members of the board shall be paid their actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the fire and police retirement fund created in section 411.8.

b. A participating city shall allow an employee who is a member of the board to attend all meetings of the board. In their capacity as members of the board, which is an instrumentality of political subdivisions of the state, members of the board shall be deemed to be jointly serving the members of the system and the participating cities. The members of the board shall perform their duties in the best interest of the system. Board members who are employees of participating cities shall be allowed to attend board meetings without being required to use paid leave. Costs incurred by a board member which are associated with having a replacement perform the member's other duties for the participating city while serving in the capacity of a member of the board may be considered a necessary expense of the system.

c. Per diem and expenses of the legislative members shall be paid from the funds appropriated under section 2.12. However, legislative members shall not be paid pursuant to this section when the general assembly is actually in session at the seat of government.

Sec. 21. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The sections of this Act which amend sections 97A.16; 411.5, subsection 2; 411.23; and 411.36, subsection 5, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 1992. The sections of this Act which amend sections 97B.41, subsection 20, paragraph "b", subparagraph (11), by enacting a new unnumbered paragraph; 97B.49, subsection 5, paragraph "b", by enacting two new unnumbered paragraphs; and 97B.49, subsection 16, paragraph "a", subparagraph (3), being deemed of immediate importance, take effect upon enactment.

Approved April 26, 1993

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**CHAPTER 45**  
**MOTOR VEHICLE DEALERS**  
*S.F. 363*

**AN ACT** relating to motor vehicle dealers by permitting the sale of classic cars and defining adjacent lots for purposes of license fees.

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

Section 1. Section 322.5, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** For the purposes of this subsection, parcels of property shall be deemed to be adjacent if the parcels are only separated by an alley, street, or highway that is not a controlled-access facility.

\*Sec. 2. Section 322.5, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** A motor vehicle dealer may also, upon receipt of a temporary permit approved by the department, display and sell classic cars only at county fairs, as defined in chapter 174, vehicle shows, and vehicle exhibitions which have been approved by the department for purposes of classic car display and sale and the provisions of section 322.3, subsection 9, shall not be applicable. Application for a temporary permit shall be made on forms provided by the department and shall be accompanied by a ten dollar permit fee. A permit shall be issued for a single period of not to exceed five days. Not more than three permits may be issued to a motor vehicle dealer in any one calendar year. For purposes of this subsection, "classic car" means a motor vehicle fifteen years old or older but less than twenty years old which is primarily of value as a collector's item and not as transportation.

Approved April 26, 1993

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## CHAPTER 46

### DEPARTMENT OF CORRECTIONS — MISCELLANEOUS PROVISIONS *S.F. 392*

**AN ACT** relating to duties and procedures of the department of corrections, providing for agreements for private employment of inmates, application of witness fees earned by an inmate toward payment of restitution or crime victim compensation, removing language relating to transfers of certain inmates, providing for temporary supervision and placement of inmates in violator facilities, making changes in provisions relating to escape from work release, and changing times of payment of certain funds to inmates.

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

Section 1. Section 85.59, unnumbered paragraphs 1 and 4, Code 1993, are amended to read as follows:

For the purposes of this section, the term "inmate" includes a person confined in a reformatory, state penitentiary, release center, or other state penal or correctional institution while that person works in connection with the maintenance of the institution, ~~or in an industry maintained therein in the institution, or in an industry referred to in section 904.809,~~ or while on detail to perform services on a public works project.

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution, ~~or in an industry maintained in the institution, or in an industry referred to in section 904.809,~~ while on detail to perform services on a public works project, or while performing services authorized pursuant to section 904.809, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of employment services under section 96.19, subsection 36, and in effect at the time of the injury.

Sec. 2. Section 599.1, Code 1993, is amended by adding the following new unnumbered paragraph: