

commissioner, as to form and security, conditioned to secure and pay workers' compensation or damages in accordance with the law; ~~such~~. The bond shall be in ~~such~~ an amount as may be fixed by the industrial commissioner having due regard for the number of employees and considering the industrial experience in ~~such~~ the industry as a class.

Sec. 6. Section 96.4, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The individual participates in reemployment services as directed by the division pursuant to a profiling system, established by the division, which identifies individuals who are likely to exhaust benefits and be in need of reemployment services.

Sec. 7. Section 96.40, subsection 11, Code 1993, is amended by striking the subsection.

Sec. 8. Sections 87.12 and 87.14, Code 1993, are repealed.

Sec. 9. 1992 Iowa Acts, chapter 1056, section 3, is repealed.

Sec. 10. **RELIEF FROM DISASTER-RELATED UNEMPLOYMENT BENEFIT CHARGES TO EMPLOYERS.** Notwithstanding section 96.7, subsection 2, an account of an employer shall not be charged with benefits paid to an individual for unemployment that is directly caused by the presidentially declared disasters, numbered 986 and 996, for benefits paid from April 13, 1993, through January 8, 1994, for the purpose of calculating the employer's contribution rate pursuant to criteria established by the division of job service of the department of employment services. This relief from charges for benefits paid from April 13, 1993, through January 8, 1994, does not apply to employers who are required or who have elected to reimburse the fund in lieu of paying contributions or to employers otherwise ineligible for relief under this section pursuant to criteria established by the division of job service.

Approved April 13, 1994

CHAPTER 1067

UNDERGROUND STORAGE TANK LENDER LIABILITY

H.F. 2118

AN ACT relating to underground storage tank lender liability.

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

Section 1. Section 455B.471, subsection 6, paragraph b, Code Supplement 1993, is amended to read as follows:

b. "**Owner**" To the extent consistent with the federal Resource Conservation and Recovery Act, as amended to January 1, 1994, 42 U.S.C. § 6901 et seq., "owner" does not include a person who holds indicia of ownership in the underground storage tank or the tank site property if all of the following apply:

(1) The person holds indicia of ownership primarily to protect that person's security interest in the underground storage tank or tank site property, where such indicia of ownership was acquired either for the purpose of securing payment of a loan or other indebtedness, or in the course of protecting the security interest. The term "primarily to protect that person's security interest" includes but is not limited to ownership interests acquired as a consequence of that person exercising rights as a security interest holder in the underground storage tank or tank site property, where such exercise is necessary or appropriate to protect the security interest, to preserve the value of the collateral, or to recover a loan or indebtedness secured by such interest. The person holding indicia of ownership in the underground storage tank or tank site property and who acquires title or a right to title to such underground storage

tank or tank site property upon default under the security arrangement, or at, or in lieu of, foreclosure, shall continue to hold such indicia of ownership primarily to protect that person's security interest so long as subsequent actions taken by that person with respect to the underground storage tank or tank site property are intended to protect the collateral secured by the interest, and demonstrate that the person is seeking to sell or liquidate the secured property rather than holding the property for investment purposes.

(2) The person does not exhibit managerial control of, or managerial responsibility for, the daily operation of the underground storage tank or tank site property through the actual, direct, and continual or recurrent exercise of managerial control over the underground storage tank or tank site property in which that person holds a security interest, which managerial control materially divests the borrower, debtor, owner or operator of the underground storage tank or tank site property of such control.

(3) The person has taken no subsequent action with respect to the site which causes or exacerbates a release or threatened release of a hazardous substance.

Approved April 13, 1994

CHAPTER 1068

PUBLIC HEALTH — MISCELLANEOUS PROVISIONS

H.F. 2145

AN ACT relating to public health issues regarding persons with brain injury, substance abuse treatment programs, the health data commission, vital records services, and immunizations.

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

Section 1. Section 125.13, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. A substance abuse treatment program not funded by the department which is accredited or licensed by the joint commission on the accreditation of health care organizations, the commission on the accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the commission. All survey reports from the accrediting or licensing body must be sent to the department.

Sec. 2. Section 125.59, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained before June 10 within sixty days after the end of the same fiscal year in which the money is granted.

Sec. 3. Section 135.22, Code 1993, is amended to read as follows:

135.22 CENTRAL REGISTRY FOR BRAIN INJURIES.

1. As used in this section, ~~section 135.22A, and section 225C.23~~; "brain injury" means clinically evident brain damage or spinal cord injury resulting ~~directly or indirectly~~ from trauma, infection, or anoxia, or vascular lesions not primarily related to degenerative or aging processes, which temporarily or permanently impairs a person's physical or cognitive functions.

2. The director shall establish and maintain a central registry of persons with brain injuries in order to facilitate prevention strategies and the provision of appropriate rehabilitative services to the persons by the department and other state agencies. ~~For a patient who is not admitted to a hospital but is treated in a physician's office, physicians shall report a brain injury to the director within seven days after identification of the person sustaining a brain injury.~~ Hospitals shall report patients who are admitted with a brain injury and their diagnoses to the director no later than forty-five days after the close of a quarter in which the