

## CHAPTER 1085

### SALE OF INTEREST IN CORPORATION UNDER IOWA BUSINESS DEVELOPMENT FINANCE ACT

H.F. 2168

**AN ACT** relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

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

Section 1. Section 15E.134, subsection 8, Code 1997, is amended to read as follows:

8. To do all acts and things necessary or convenient to carry out the powers expressly granted in this division and such other powers not in conflict with this division granted under chapter 490, including the power and authority to sell any and all of the stock or ownership interest of any corporation formed pursuant to this division notwithstanding any contrary provisions or restrictions of this division. Any proceeds of the sale of stock or ownership interest shall be deposited in the strategic investment fund created in section 15.313 to be allocated by the Iowa economic development board to programs for which the assets of the fund may be used.

Approved April 13, 1998

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## CHAPTER 1086

### LIABILITY FOR INMATE, PRISONER, AND ESCAPEE EXPENSES — STATE TORT CLAIMS

H.F. 2211

**AN ACT** relating to the liability for and payment of certain costs and other expenses relating to certain inmates, prisoners, and escapees.

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

Section 1. Section 669.2, subsection 4, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

“Employee of the state” includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation, but does not include a contractor doing business with the state. Professional personnel, including physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists, dentists, nurses, physician assistants, and other medical personnel, who render services to patients or inmates of state institutions under the jurisdiction of the department of human services or the Iowa department of corrections, and employees of the commission of veterans affairs, are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to

section 904.703, and persons supervising those inmates under and according to the terms of the chapter 28E agreement, are to be considered employees of the state.

Sec. 2. Section 669.21, Code 1997, is amended to read as follows:

669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

The state shall defend any employee, and shall indemnify and hold harmless an employee against any claim as defined in section 669.2, subsection 3, paragraph "b", including claims arising under the Constitution, statutes, or rules of the United States or of any state. The duty to indemnify and hold harmless shall not apply and the state shall be entitled to restitution from an employee if the employee fails to cooperate in the investigation or defense of the claim, as defined in this section, or, if, in an action commenced by the state against the employee, it is determined that the conduct of the employee upon which a tort claim or demand was based constituted a willful and wanton act or omission or malfeasance in office.

Sec. 3. Section 669.22, Code 1997, is amended to read as follows:

669.22 ACTIONS IN FEDERAL COURT.

The state shall defend any employee, and shall indemnify and hold harmless an employee of the state in any action commenced in federal court under section 1983, Title 42, United States Code, against the employee for acts of the employee while acting in the scope of employment. The duty to indemnify and hold harmless shall not apply and the state shall be entitled to restitution from an employee if the employee fails to cooperate in the investigation or defense of the claim or demand, or if, in an action commenced by the state against the employee, it is determined that the conduct of the employee upon which the claim or demand was based constituted a willful and wanton act or omission or malfeasance in office.

Sec. 4. Section 804.28, Code 1997, is amended to read as follows:

804.28 DEPARTMENT OF PUBLIC SAFETY PRISONERS.

The sheriff of any county shall accept for custody in the county jail of the sheriff's respective county any person handed over to the sheriff for safekeeping and lodging by any member of the department of public safety. The county shall not be liable for medical treatment for injuries incurred by a person before the person is transferred to the custody of the sheriff. Any expenses payable by the state pursuant to this section shall be paid out of any moneys in the state treasury not otherwise appropriated. The expenses shall be paid on claims filed with the department of revenue and finance.

Sec. 5. NEW SECTION. 904.507A LIABILITY FOR ESCAPEE EXPENSES.

If a person escapes from a state correctional institution including but not limited to those institutions listed in section 904.102, all necessary and legal expenses incurred by that person while absent from the state institution shall be paid out of any moneys in the state treasury not otherwise appropriated. The expenses shall be paid on claims filed with the department of revenue and finance.

Sec. 6. Section 904.703, unnumbered paragraph 3, Code 1997, is amended to read as follows:

The director may enter into a chapter 28E agreement with a county board of supervisors or county conservation board to provide inmate services for environmental maintenance including but not limited to brush and weed cutting, tree planting, and erosion control. ~~The board of supervisors or conservation board shall reimburse the department of corrections for the allowance paid the inmates by the director. The supervision, security, and transportation of inmates used pursuant to the chapter 28E agreement shall be provided by the department of corrections.~~