

Sec. 18. SEVERABILITY. If any section of this Act, or any portion of any section of this Act, is found unconstitutional or otherwise unenforceable by a court, the remaining sections and portions of sections shall be given effect to the fullest extent possible.

Approved May 18, 1999

CHAPTER 137

CITY AND CITY UTILITY PUBLIC IMPROVEMENT CONTRACTS — EARLY COMPLETION INCENTIVES

H.F. 115

AN ACT relating to the award of a contract for a public improvement by a city or the governing body of a city utility.

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

Section 1. Section 384.99, Code 1999, is amended to read as follows:
384.99 AWARD OF CONTRACT.

The contract for the public improvement must be awarded to the lowest responsible bidder, provided, however, that contracts relating to public utilities or extensions or improvements thereof, as described in division V of this chapter, may be awarded by the governing body as it deems to be in the best interests of the city. This section shall not be construed to prohibit a city in the award of a contract for a public improvement or a governing body of a city utility from providing in the award of a contract for a public improvement, an enhancement of payments upon early completion of the public improvement if the availability of the enhancement payments is included in the notice to bidders, the enhancement payments are competitively neutral to potential bidders, the enhancement payments are considered as a separate item in the public hearing on the award of contract, and the total value of the enhancement payments does not exceed ten percent of the value of the contract.

Approved May 18, 1999

CHAPTER 138

ADOPTION PROCEDURES

H.F. 172

AN ACT relating to adoption procedural requirements including those related to investigations, reports, and counseling.

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

Section 1. Section 600.8, subsection 1, paragraph c, Code 1999, is amended by striking the paragraph and inserting in lieu thereof the following:

c. A background information investigation and a report of the investigation shall be made by the agency, the person making an independent placement, or an investigator.

The background information investigation and report shall not disclose the identity of the biological parents of the minor person to be adopted. The report shall be completed and filed with the court prior to the holding of the adoption hearing prescribed in section 600.12. The report shall be in substantial conformance with the prescribed medical and social history forms designed by the department pursuant to section 600A.4, subsection 2, paragraph "f". A copy of the background information investigation report shall be furnished to the adoption petitioners within thirty days after the filing of the adoption petition. Any person, including a juvenile court, who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of a background information investigation by disclosing any relevant background information, whether contained in sealed records or not.

Sec. 2. Section 600.8, subsections 4, 5, and 6, Code 1999, are amended to read as follows:

4. ~~A postplacement investigation and a background information investigation and the reports of these investigations~~ report of the investigation shall be completed and ~~the reports~~ filed with the court prior to the holding of the adoption hearing prescribed in section 600.12. Upon the filing of an adoption petition pursuant to section 600.5, the court shall immediately appoint the department, an agency, or an investigator to conduct and complete the postplacement ~~and background information investigations and reports~~ report. ~~In addition to filing the background information report with the court prior to the holding of the adoption hearing, the department, agency, or investigator appointed to conduct the background information investigation shall complete the background information investigation and report and furnish a copy to the adoption petitioner within thirty days after the filing of the adoption petition.~~ Any person, including a juvenile court, who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully co-operate with the conducting of the background information postplacement investigation and report by disclosing any relevant background information requested, whether contained in sealed records or not.

5. Any person conducting an investigation under ~~subsections~~ subsection 1, paragraph "c", subsection 3, and or subsection 4 may, in the investigation or subsequent report, include, utilize, or rely upon any reports, studies, or examinations to the extent they are relevant.

6. Any person conducting an investigation under ~~subsections~~ subsection 1, paragraph "c", subsection 3, and or subsection 4 may charge a fee which does not exceed the reasonable cost of the services rendered and which is based on a sliding scale schedule relating to the investigated person's ability to pay.

Sec. 3. Section 600.9, subsection 2, paragraph e, Code 1999, is amended to read as follows:

e. ~~Costs of the counseling provided to the biological parents prior to the birth of the child, in accordance with section 600A.4, subsection 2, to the biological parents prior to the release of custody, and any counseling provided to the biological parents for not more than sixty days after the birth of the child.~~

Sec. 4. Section 600.15, subsection 1, paragraph c, Code 1999, is amended by striking the paragraph and inserting in lieu thereof the following:

c. Documentation demonstrating that a child has been legally released or approved for adoption by the child's country of origin shall be accepted as evidence that termination of parental rights has been completed in that country and shall be recognized in this state.

Sec. 5. Section 600.16, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Any information compiled under section 600.8, subsection 1, paragraph "c", ~~subparagraphs (1) and (2)~~, relating to medical and developmental histories shall be made available at any time by the clerk of court, the department, or any agency which made the placement to:

Sec. 6. Section 600A.4, subsection 2, paragraph d, Code 1999, is amended to read as follows:

d. ~~Shall be preceded by the offering of~~ contain written acknowledgment of the biological parents that after the birth of the child, three hours of counseling ~~has been offered~~ to the biological parents ~~by the agency, the person making an independent placement, an investigator as defined in section 600.2, or other qualified counselor~~ regarding the decision to release custody and the alternatives available to the biological parents ~~in disposition of the child~~. The release of custody shall also contain written acknowledgment of the ~~offering of counseling to the biological parent and~~ of acceptance or refusal of the counseling. If accepted, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody or the filing of a petition for termination of parental rights as applicable. Counseling shall be provided only by a person who is qualified under rules adopted by the department of human services which shall include a requirement that the person complete a minimum number of hours of training in the area of adoption-related counseling approved by the department ~~or, in the alternative, that the person has a minimum level of experience, as determined by rule of the department, in the provision of adoption-related counseling~~. ~~The~~ If counseling is accepted, the counselor shall provide an affidavit, which shall be attached to the release of custody, when practicable, certifying that the counselor has provided the biological parent with the requested counseling ~~or that the biological parent has refused counseling prior to the signing of the release of custody~~ and documentation that the person is qualified to provide the requested counseling as prescribed by this paragraph. The requirements of this paragraph do not apply to a release of custody which is executed for the purposes of a stepparent adoption.

Approved May 18, 1999

CHAPTER 139

PROPERTY TAX RENT REIMBURSEMENT — CLAIMANT INFORMATION

H.F. 417

AN ACT relating to release of certain information on claimants of the property tax rent reimbursement to the department of inspections and appeals.

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

Section 1. Section 425.28, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of revenue and finance may release information pertaining to a person's eligibility or claim for or receipt of rent reimbursement to an employee of the department of inspections and appeals in the employee's official conduct of an audit or investigation.

Approved May 18, 1999