

CHAPTER 1101**ERADICATION OF ANIMALS WITH CONTAGIOUS DISEASES —
OWNER INDEMNIFICATION***H.F. 2514*

AN ACT relating to the indemnification of owners of animals with a contagious disease under a plan of eradication.

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

Section 1. Section 163.15, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Any If an animal killed infected with a contagious disease is destroyed under such a program of eradication as provided in this section, the owner shall be compensated according to one of the following methods:

1. a. A determination of an indemnity amount as agreed to by appraisal. The determination shall be made by appraisers who shall be appraised by three competent and disinterested persons, including one to be who is appointed by the state department of agriculture and land stewardship, one who is appointed by the owner, and the third one who is appointed by agreement of the other two, and it department and the owner. The appraisers shall be their duty to appraise and report their appraisal under oath to the department of agriculture and land stewardship, and they. The appraisers shall receive such compensation and expenses as shall be provided for in by the program.

b. Any A claim for an indemnity filed by the owner of such animal or animals so appraised shall not exceed the amount agreed upon by the majority decision of the appraisers. For an animal other than registered purebred stock the indemnity amount shall be based on current market prices except in the case of. For registered purebred stock, then the indemnity amount payable for indemnity may exceed market prices by not more than fifty percent. The indemnity amount shall be less any indemnity which amount of indemnification that the owner might be allowed for the United States department of agriculture. No An indemnity shall not be allowed for infected animals an animal if it is determined by the department of agriculture and land stewardship determines that such animals have the animal has been fed raw garbage as provided in section 163.26. Claims

c. A claim for an indemnity and those filed by the appraisers owner and a claim for compensation and expenses by the appraisers shall be filed with the secretary of agriculture department and submitted by the secretary of agriculture to the executive council for its approval or disapproval.

d. There Upon approval by the executive council, there is appropriated to the department from any funds moneys in the state treasury general fund of the state not otherwise appropriated moneys sufficient funds to carry out the provisions of this section subsection.

2. A formula established by rule adopted by the department that is effective as determined by the department in accordance with chapter 17A and applicable upon approval of the plan of eradication approved by the executive council. The formula shall be applicable to indemnify owners if the executive council, upon recommendation by the secretary of agriculture, determines that an animal population in this state is threatened with infection from an exceptionally contagious disease.

a. An owner shall be paid an indemnity amount based on the formula, only if the owner elects to be paid under the formula in lieu of the determination by appointed appraisers as otherwise provided in this section.

b. The formula shall provide for the payment of the fair market value of an animal based on market prices paid for similar animals according to categories or criteria established by the department, which may include payment based on the species, breed, type, weight, sex, age, purebred status, and condition of the animal. The department may provide for deductions

based on other compensation received by the owner for the destruction of the animals. The department may exclude a claim, if the person would be ineligible to receive compensation by three appointed appraisers as provided in this section.

If an owner elects to be paid an indemnity amount based on a method that provides either a determination by appointed appraisers or pursuant to a formula, the owner shall not be entitled to revoke the election, unless otherwise provided by the department. An owner's decision to delay or refuse to make an election under this section shall not affect the condemnation and destruction of infected animals under the program of eradication.

Approved April 9, 2002

CHAPTER 1102

CHILD FOSTER CARE AND ADOPTION

H.F. 2518

AN ACT relating to child foster care and adoption requirements involving licensing periods, foster parent training, and annual reports.

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

Section 1. Section 237.3, subsection 2, paragraph f, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Housing, health, safety, and medical care policies for children receiving child foster care. The medical care policies shall include but are not limited to ~~both~~ all of the following:

Sec. 2. Section 237.3, subsection 2, paragraph f, Code Supplement 2001, is amended by adding the following new subparagraph as subparagraph (1) and renumbering the existing subparagraphs:

NEW SUBPARAGRAPH. (1) Provision by the department to the foster care provider at or before the time of a child's placement of the child's health records and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health.

Sec. 3. Section 237.5, subsection 1, Code 2001, is amended to read as follows:

1. An individual or an agency shall apply for a license by completing an application to the administrator upon forms furnished by the administrator. The administrator shall issue or re-issue a license if the administrator determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with this chapter. A license for an individual is valid for one year from the date of issuance. A license for an agency is valid for up to three years from the date of issuance for the period determined by the administrator in accordance with administrative rules providing criteria for making the determination. The license shall state on its face the name of the licensee, the type of facility, the particular premises for which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.