

coordinator, or at a stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication.

Sec. 2. RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES. The department of human services shall amend its Title XIX plan to include area education agencies as eligible Title XIX providers and to include as reimbursable medical expenditures physical therapy, occupational therapy, psychological evaluations, psychotherapy, speech therapy, and audiological services provided by an area education agency. It is the intent of the general assembly that the plan amendments be submitted as soon after July 1, 1988, as possible, so that reimbursement for services can be made for the period beginning July 1, 1988 if state plan approval is secured. The department shall adopt rules to be effective immediately upon filing with the administrative rules coordinator, or at a stated date less than thirty-five days after filing, indexing, and publication. The rules also shall provide that the services provided under the Title XIX plan shall be considered separate and distinct from other services provided under Title XIX and shall not limit the rights of Title XIX clients to receive services from other providers as long as those services meet standards of appropriateness and necessity. The area education agencies shall determine their costs incurred in recording and billing the medical assistance program Title XIX for services, and these costs shall be recovered from federal funds recovered from the Title XIX program, not to exceed five percent of the amount recovered.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 4, 1988

CHAPTER 1156

PESTICIDE REGULATION

S.F. 2247

AN ACT relating to the regulation and reporting of certain pesticides.

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

Section 1. Section 206.8, subsection 2, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

A pesticide dealer shall pay the greater of a minimum annual license fee of twenty-five dollars or an annual license fee based on one-tenth of one percent of the gross retail sales of all pesticides sold at retail for use in this state by the pesticide dealer in the previous year. The annual license fee shall be paid to the department of agriculture and land stewardship, beginning July 1, 1988, and July 1 of each year thereafter. The secretary shall provide for a ninety-day grace period for licensure and shall impose a late fee of two percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the period July 2 through July 31, a late fee of four percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the month of August, and a late fee of five percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the month of September. A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987 through June 30, 1988.

Sec. 2. Section 206.12, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Every pesticide which is distributed, sold, or offered for sale for use within this state or delivered for transportation or transported in intrastate commerce between points within the

state through any point outside this state shall be registered with the department of agriculture and land stewardship. All registration of products shall expire on the thirty-first day of December following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; provided that:

Sec. 3. Section 206.12, subsection 3, Code Supplement 1987, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant. The secretary shall adopt by rule exemptions to the minimum fee. Fifty dollars of each fee collected shall be deposited in the treasury to the credit of the pesticide fund to be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

Sec. 4. Section 206.12, subsection 7, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

7. a. Each licensee under section 206.8 shall file an annual report at the time of application for licensure with the secretary of agriculture in a form specified by the secretary of agriculture and which includes the following information:

(1) The gross retail sales of the pesticides sold by the licensee at retail for use in this state.

(2) The individual label name and dollar amount of each pesticide sold at retail for which gross retail sales of the individual pesticide are three thousand dollars or more.

b. A person who is subject to the household hazardous materials permit requirements, and whose gross annual retail sales of pesticides are less than ten thousand dollars for each business location owned or operated by the person, shall report annually, the individual label name of an individual pesticide for which annual gross retail sales are three thousand dollars or more. The information shall be submitted on a form provided to household hazardous materials permittees by the department of natural resources, and the department of natural resources shall remit the forms to the department of agriculture and land stewardship.

c. Notwithstanding the reporting requirements of this section, the secretary of agriculture may, upon recommendation of the advisory committee created pursuant to section 206.23, and if the committee declares a pesticide to be a pesticide of special concern, require the reporting of annual gross retail sales of a pesticide.

d. A person who sells feed which contains a pesticide as an integral part of the feed mixture, shall not be subject to the reporting requirements of this section. However, a person who manufactures feed which contains a pesticide as an integral part of the feed mixture shall be subject to the licensing requirements of section 206.8.

e. The information collected and included in the report required under this section shall remain confidential. Public reporting concerning the information collected shall be performed in a manner which does not identify a specific brand name in the report.

CHAPTER 1157**INCOME TAX WITHHOLDING REGARDING NONRESIDENT AGRICULTURAL SALES**
S.F. 2058

AN ACT exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident, if the payments are from the sale of federal commodity certificates or agricultural commodities or products and the withholding agent submits needed information and providing for retroactive applicability and an effective date.

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

Section 1. Section 422.16, subsection 12, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding this subsection, withholding agents are not required to withhold state income tax from payments subject to taxation made to nonresidents for commodity credit certificates, grain, livestock, domestic fowl, or other agricultural commodities or products sold to the withholding agents by the nonresidents or their representatives, if the withholding agents provide on forms prescribed by the department information relating to the sales required by the department to determine the state income tax liabilities of the nonresidents.

Sec. 2. This Act is retroactive to January 1, 1985, for payments made to nonresidents on or after January 1, 1985.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 4, 1988

CHAPTER 1158**CODE AND REORGANIZATION CORRECTIONS**
S.F. 2238

AN ACT relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, remove ambiguities and providing effective dates.

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

Section 1. Section 15.106, subsection 2, Code 1987, is amended to read as follows:

2. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with the merit system provisions of chapter 19A for nonprofessional employees. Professional staff of the department are exempt from the merit system provisions of chapter 19A.

Sec. 2. Section 17A.6, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The Code editor, with the approval of the administrative rules review committee and the administrative rules coordinator, may delete a rule from the Iowa administrative code if the agency that adopted the rule has ceased to exist, no successor agency has jurisdiction over the rule, and no statutory authority exists supporting the rule.