

CHAPTER 1144
WATER RESOURCE REGULATION
H.F. 2221

AN ACT providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use.

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

Section 1. Section 455B.171, subsections 4 and 8, Code Supplement 1985, are amended to read as follows:

4. "Water pollution" means the contamination or alteration of the physical, chemical, biological, or radiological integrity of any water of the state so as to create a nuisance or render such water unclean, noxious or impure so as to be actually by a source resulting in whole or in part from the activities of humans, which is harmful, detrimental, or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, or recreational use or to livestock, wild animals, birds, fish, or other aquatic life.

8. "Federal Water Pollution Control Act" means the federal Water Pollution Control Act of 1972, Pub. L. No. 92-500, as published in 33 U.S.C. sees. §§ 1251-1376, as amended through December 31, 1981 1985.

Sec. 2. Section 455B.275, subsection 3, Code 1985, is amended to read as follows:

3. If a person desires to erect or make or to permit a structure, dam, obstruction, deposit, or excavation, other than a dam constructed and operated under chapter 469, to be erected, made, used, or maintained in or on any floodway or flood plains, the person shall file a verified written application with the department, setting forth information as required by rule of the commission. The department, after an investigation, shall approve or deny the application imposing conditions and terms as prescribed by the department.

Sec. 3. Section 455B.279, subsection 1, Code 1985, is amended to read as follows:

1. The ~~commission~~ executive director may issue any order necessary to secure compliance with or prevent a violation of this part or the rules adopted pursuant to this part. Within thirty days of issuance, the order may be appealed to the commission by filing a notice of appeal with the executive director. The appeal shall be conducted as a contested case pursuant to chapter 17A and the commission may affirm, modify, or revoke the order. The department may request legal services as required from the attorney general, including any legal proceeding necessary to obtain compliance with this part and rules and orders issued under this part.

Approved April 28, 1986

CHAPTER 1145
CHILD CUSTODY ORDERS
H.F. 2280

AN ACT relating to violations of child custody orders and making penalties applicable.

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

Section 1. Section 710.6, Code Supplement 1985, is amended to read as follows:

710.6 VIOLATING CUSTODIAL ORDER.

A relative of a child who, acting in violation of an order of any court which fixes, permanently or temporarily, the custody or physical care of the child in another, takes and conceals

the child, within or outside the state, from the person having lawful custody or physical care, commits a class "D" felony.

A parent of a child living apart from the other parent who conceals that child or causes that child's whereabouts to be unknown to a parent with visitation rights or parental time in violation of a court order granting visitation rights or parental time and without the other parent's consent, commits a serious misdemeanor.

Approved April 28, 1986

CHAPTER 1146
LABELING KEROSENE
S.F. 2037

AN ACT relating to the labeling of fuel sold as kerosene.

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

Section 1. Section 214A.1, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Motor vehicle fuel" shall mean and include any means a substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and is kept for sale or sold for that purpose. The products commonly known as kerosene and distillate or petroleum products of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with any a motor vehicle fuel, shall be are exempt from the provisions of this chapter except as provided in section 214A.2A.

Sec. 2. **NEW SECTION.** 214A.2A KEROSENE LABELING.

Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" and a designation as either "K1" or "K2", and shall indicate that the kerosene is in compliance with the standard specification adopted by the A.S.T.M. in specification D-3699 (1982).

Approved April 28, 1986

CHAPTER 1147
ADMISSIBILITY OF CRIMINALISTIC LAB REPORTS
S.F. 2044

AN ACT relating to the admissibility of the reports and findings of the criminalistics laboratory in administrative hearings and forfeiture proceedings.

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

Section 1. Section 691.2, Code 1985, is amended to read as follows:

691.2 PRESUMPTION OF QUALIFICATION — ACCEPTANCE IN EVIDENCE.

It shall be presumed that any employee or technician of the criminalistics laboratory is qualified or possesses the required expertise to accomplish any analysis, comparison, or identification done by the employee in the course of the employee's employment in the criminalistics laboratory. Any report, or copy thereof, or the findings of the criminalistics laboratory shall be received in evidence in any court, preliminary hearing, and grand jury proceeding, administrative hearing, and forfeiture proceeding in the same manner and with the