

practice in interstate commerce under the federal seed Act and other rules or regulations necessary for the efficient enforcement of this chapter.

Sec. 2. Section 199.11, subsection 2, paragraphs a and b, Code 1993, are amended to read as follows:

a. Enter upon public or private premises during regular business hours in order to have access to commercial seed ~~other than lawn seed~~, subject to this chapter and departmental rules.

b. Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural seed ~~other than lawn seed~~ which the department believes is in violation of this chapter or departmental rules. The order shall prohibit further sale of the seed until the department has evidence of compliance. However, the owner or custodian of the seed shall be permitted to remove the seed from a salesroom open to the public. Judicial review of the order may be sought in accordance with chapter 17A. However, notwithstanding chapter 17A, petitions for judicial review may be filed in the district court. This subsection does not limit the right of the department to proceed as authorized by other sections of this chapter.

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

Approved April 26, 1993

CHAPTER 41

PRACTICES OF DENTISTRY AND NURSING

H.F. 561

AN ACT relating to the practices of nursing and dentistry, including the establishment of penalties.

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

Section 1. NEW SECTION. 152.11 INVESTIGATORS FOR NURSES.

The board of nursing may appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provision of law related to those licensed to practice nursing. The amount of compensation for the investigators shall be determined pursuant to chapter 19A. Investigators authorized by the board of nursing have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 2. Section 153.33, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. To appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene. The amount of compensation for the investigators shall be determined pursuant to chapter 19A. Investigators authorized by the board of dental examiners have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 3. Section 153.34, unnumbered paragraph 1, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

The board may issue an order to discipline a licensed dentist or dental hygienist for any of the grounds set forth in this chapter, chapter 272C, or title IV. Notwithstanding section 272C.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars. Pursuant to this section, the board may discipline a licensee for any of the following reasons:

Sec. 4. Section 153.37, Code 1993, is amended to read as follows:

153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY PERMITS.
The state board of dental examiners may issue to members of the faculty of the college of dentistry a faculty permit entitling the holder to practice dentistry or dental hygiene within the college of dentistry or a dental hygiene program and its affiliated teaching facilities as an adjunct to the faculty members' teaching positions, associated responsibilities, and functions. The dean of the college of dentistry or chairperson of a dental hygiene program shall certify to the state board of dental examiners those bona fide members of the college's or a dental hygiene program's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty member so certified shall, prior to commencing the member's duties in the college of dentistry or a dental hygiene program, make written application to the state board of dental examiners for a permit. The permit shall expire on the first day of July next following the date of issuance and may at the discretion of the state board of dental examiners, be renewed on a yearly basis. A fee of fifteen dollars shall be paid by the applicant for issuance and renewal of the faculty permit. The fee for the faculty permit and the renewal shall be set by the state board of dental examiners based upon the administrative cost of issuance of the permit. The fee shall be deposited in the same manner as fees provided for in section 147.82. The faculty permit shall be valid during the time the holder remains a member of the faculty of the college of dentistry and shall subject the holder to all provisions of this chapter.

Approved April 26, 1993

CHAPTER 42

LIABILITY FOR ENVIRONMENTAL CONTAMINATION

H.F. 645

AN ACT relating to exemptions from liability for environmental contamination and providing for a state lien on the property and providing an effective date.

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

Section 1. Section 455B.171, subsection 11, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purpose of imposing liability for violation of a section of this part, or a rule or regulation adopted by the department of natural resources under this part, "person" does not include a person who holds indicia of ownership in contaminated property from which prohibited discharges, deposits, or releases of pollutants into any water of the state have been or are evidenced, if the person has satisfied the requirements of section 455B.381, subsection 7, unnumbered paragraph 2, with respect to the contaminated property, regardless of whether the department has determined that the contaminated property constitutes a hazardous condition site.

Sec. 2. Section 455B.381, subsection 7, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Person having control over a hazardous substance" does not include a person who holds indicia of ownership in a hazardous condition site, if the person satisfies all of the following:

a. Holds indicia of ownership primarily to protect that person's security interest in the hazardous condition site, where the indicia of ownership was acquired either for the purpose of securing payment of a loan or other indebtedness, or in the course of protecting the security interest. The term "primarily to protect that person's security interest" includes, but is not limited to, ownership interests acquired as a consequence of that person exercising rights as