

CHAPTER 1138

CONDUCT OF CONTROLLED BURNS OF DEMOLISHED BUILDINGS BY CITIES

H.F. 2392

AN ACT relating to controlled burns of demolished buildings conducted by certain cities.

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

Section 1. Section 455B.133, subsection 10, Code 2003, is amended to read as follows:

10. Adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the ~~same restrictions as requirements that~~ requirements that are in effect for ~~fire fighting training fires the proper removal of all asbestos containing materials prior to demolition and burning.~~ The rules shall include ~~a provision~~ provisions that a city may undertake ~~no more than three controlled burns in every overlapping six-tenths-of-a-mile-radius circle every three years burn site have controlled access, that a burn site be supervised by representatives of the city at all times, and that the burning be conducted only when weather conditions are favorable with respect to surrounding property.~~ For a burn site located outside of a city, the rules shall include a provision that a city may undertake not more than one such controlled burn per day and that a burn site be limited to an area located at least six-tenths of a mile from any inhabited building. For burn sites located within a city, the rules shall include a provision that a city may undertake not more than one such controlled burn in every six-tenths-of-a-mile-radius circle in each calendar year. The rules shall prohibit a controlled burn of a demolished building in Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City, or any other area where area-specific state implementation plans require the control of particulate matter.

Approved May 6, 2004

CHAPTER 1139

ISSUANCE OF DRIVER'S LICENSES AND NONOPERATOR CARDS — FEES RETAINED BY COUNTIES

H.F. 2433

AN ACT relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards.

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

Section 1. Section 321M.9, subsection 1, Code Supplement 2003, is amended to read as follows:

1. FEES TO COUNTIES. Notwithstanding any other provision in the Code to the contrary, the county treasurer of any county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund ~~five seven~~ seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The county treasurer shall remit the balance of fees to the department.

Sec. 2. Section 321M.9, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. PERIODIC FEE ADJUSTMENT. The auditor of state, in consultation with the state department of transportation and the Iowa county treasurers association, shall conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the general assembly prior to January 1, 2006, and repeat the study and reporting every four years thereafter. The auditor of state's costs for conducting the study shall be paid by the department. The study shall include a comparison of the cumulative costs to issue driver's licenses and nonoperator's identification cards under both the state department of transportation program and the county issuance program. The study shall be based on those issuance activities that are common to both programs. Prior to the study period, the auditor of state shall meet with the department and the county treasurers association to determine the study methodology to ensure appropriate accounting for time and cost during the study. The findings and recommendations submitted by the auditor of state shall be considered by the general assembly in adjusting the amount of the fees retained by the county treasurers for issuance of driver's licenses and nonoperator's identification cards.

Sec. 3. 2003 Iowa Acts, chapter 8, section 27, is repealed.

Approved May 6, 2004

CHAPTER 1140
SCHOOL DISTRICT ENROLLMENT
OF PERSONS REQUIRED TO REGISTER AS A SEX OFFENDER
H.F. 2460

AN ACT relating to school district enrollment of students listed on the sex offender registry.

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

Section 1. **NEW SECTION.** 282.9 ENROLLMENT OF PERSON LISTED ON REGISTRY.

1. Notwithstanding sections 275.55A, 256F.4, and 282.18, or any other provision to the contrary, prior to knowingly enrolling an individual who is required to register as a sex offender under chapter 692A, but who is otherwise eligible to enroll in a public school, the board of directors of a school district shall determine the educational placement of the individual. Upon receipt of notice that a student who is enrolled in the district is required to register as a sex offender under chapter 692A, the board shall determine the educational placement of the student. The tentative agenda for the meeting of the board of directors at which the board will consider such enrollment or educational placement shall specifically state that the board is considering the enrollment or educational placement of an individual who is required to register as a sex offender under chapter 692A. If the individual is denied enrollment in a school district under this section, the school district of residence shall provide the individual with educational services in an alternative setting.

2. Notwithstanding section 692A.13, or any other provision of law to the contrary, the county sheriff shall provide to the boards of directors of the school districts located within the county the name of any individual under the age of twenty-one who is required to register as a sex offender under chapter 692A.

Approved May 6, 2004