

public office or public employment during membership on the committee. A person who holds public office as a county supervisor and serves on the board of directors under section 905.3 shall not be a member of a project advisory committee under this section. The terms of the initial members of the project advisory committee shall be staggered to permit the terms of just over half of the members to expire in two years and those of the remaining members to expire in one year. Subsequent appointments to the project advisory committee shall be by vote of a majority of the whole project advisory committee for two-year terms.

Approved May 6, 1991

CHAPTER 100

PRACTICE OF NURSING — DEFINITIONS

S.F. 114

AN ACT relating to the definition of a physician for the purpose of the practice of nursing.

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

Section 1. Section 152.1, subsection 6, Code 1991, is amended to read as follows:

6. "Physician" means a person licensed in this state to practice medicine and surgery, osteopathy and surgery, or osteopathy, or a person licensed in this state to practice dentistry or podiatry when acting within the scope of the license. A physician licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy in a state bordering this state shall be considered a physician for purposes of this chapter unless previously determined to be ineligible for such consideration by the Iowa board of medical examiners.

Approved May 6, 1991

CHAPTER 101

FIREWORKS IN STATE PARKS AND PRESERVES

S.F. 134

AN ACT relating to the use of fireworks in state parks and preserves and providing a penalty.

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

Section 1. Section 111.42, Code 1991, is amended to read as follows:

111.42 USE OF FIREARMS, EXPLOSIVES, FIREWORKS, PROHIBITED — EXCEPTIONS.

1. The use by the public of firearms, fireworks, explosives, and weapons of all kinds is prohibited in all state parks and preserves, except preserves or portions of preserves designated as hunting areas by the state advisory board on preserves upon the request of the commission. However, any person may use a bow and arrow with attached bow fishing reel and ninety-pound minimum line attached to the arrow to take rough fish under rules and regulations prescribed by the commission.

2. The use of fireworks, as defined in section 727.2, in state parks and preserves is prohibited except as authorized by a permit issued by the department. The commission shall establish,

by rule adopted pursuant to chapter 17A, a fireworks permit system which authorizes the issuance of a limited number of permits to qualified persons to use or display fireworks in selected state parks and preserves. A person violating this subsection is guilty of a serious misdemeanor. The court may order restitution for damages caused by the violation which may include, but is not limited to community service. The court may also require that the violator provides proof of restitution.

Approved May 6, 1991

CHAPTER 102

CONSUMER FRAUDS AGAINST OLDER PERSONS

S.F. 211

AN ACT relating to consumer frauds against the elderly, providing a civil penalty, and creating a special fund.

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

Section 1. **NEW SECTION. 668B.1 CIVIL PENALTY AND CAUSE OF ACTION FOR CONSUMER FRAUDS COMMITTED AGAINST ELDERLY — FUND ESTABLISHED.**

1. If a person violates section 714.16, and the violation is committed against an older person, in addition to any other civil penalty, the court may impose an additional civil penalty not to exceed five thousand dollars for each such violation.

A civil penalty imposed pursuant to this section shall be paid to the treasurer of state, who shall deposit the money in the elderly victim fund, a separate fund created in the state treasury and administered by the attorney general for the investigation and prosecution of frauds against the elderly. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. An award of restitution pursuant to section 714.16 has priority over a civil penalty imposed by the court pursuant to this subsection.

2. In determining whether to impose a civil penalty under subsection 1, and the amount of any such penalty, the court shall consider the following:

- a. Whether the defendant's conduct was in willful disregard of the rights of the older person.
- b. Whether the defendant knew or should have known that the defendant's conduct was directed to an older person.
- c. Whether the older person was substantially more vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability, than other persons.

d. Any other factors the court deems appropriate.

3. As used in this section, "older person" means a person who is sixty-five years of age or older.

Approved May 6, 1991