

Reprinted

HB 2172

HOUSE FILE 2172

Public Defender

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 571)

Passed House, Date 2/12/92 (p. 202) Passed Senate, Date _____
Vote: Ayes 96 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2172

1 Section 1. Section 7E.5, subsection 1, paragraph t, Code
2 1991, is amended to read as follows:

3 t. The department of human rights, created in section
4 601K.1, which has primary responsibility for services relating
5 to Latino persons, ~~children, youth, and families,~~ women,
6 persons with disabilities, community action agencies, criminal
7 and juvenile justice planning, the status of ~~blacks~~ African-
8 Americans, and deaf persons.

9 Sec. 2. Section 9B.1, subsection 5, Code Supplement 1991,
10 is amended to read as follows:

11 5. The secretary of state shall require that a waste tire
12 hauler have on file with the secretary of state before the
13 issuance or renewal of a registration certificate, a surety
14 bond executed by a surety company authorized to do business in
15 this state in the sum of a minimum of ten thousand dollars,
16 which bond shall be continuous in nature until canceled by the
17 surety. A surety shall provide at least thirty days' notice
18 in writing to the waste tire hauler and to the secretary of
19 state indicating the surety's intent to cancel the bond and
20 the effective date of the cancellation. The surety bond shall
21 be for the benefit of the citizens of this state and shall be
22 conditioned upon the waste tire hauler's willingness to comply
23 with this section. The surety's liability under this
24 subsection is limited to the amount of the bond or the amount
25 of the damages or moneys due, whichever is less. However,
26 this subsection does not limit the amount of damages
27 recoverable from a waste tire hauler to the amount of the
28 surety bond. ~~This subsection shall not limit the recovery of~~
29 ~~damages to the amount of the surety bond.~~ The bond shall be
30 made in a form prescribed by the commissioner of insurance and
31 written by a company authorized by the commissioner of
32 insurance to do business in this state.

33 Sec. 3. Section 13B.2A, unnumbered paragraph 1, Code
34 Supplement 1991, is amended to read as follows:

35 a. A citizens defense advisory commission is established

1 within the department to advise and make recommendations to
2 the state public defender regarding the establishment and
3 implementation of cost-effective methods to provide indigent
4 defense. The advisory commission shall consist of nine
5 members: four members to be appointed by the governor,
6 subject to senate confirmation, including two members from
7 nominees nominations made by the Iowa state bar association,
8 and two members from nominees nominations made by the Iowa
9 judges association; two members appointed by the governor,
10 subject to senate confirmation; one member to be appointed by
11 the governor, subject to senate confirmation, from nominees
12 nominations made by the Iowa county attorneys association; and
13 two members, one from each chamber of the general assembly, to
14 be appointed by the legislative council with no more than one
15 of the members from any one political party. Each member
16 shall serve a three-year term, with initial terms to be
17 staggered. The members should represent a balance of
18 attorneys and nonattorneys.

19 Sec. 4. Section 17.21, Code 1991, is amended to read as
20 follows:

21 17.21 LEGAL PUBLICATIONS.

22 The Iowa Code, Iowa Code Supplement, or other supplements
23 thereto, Iowa administrative code, rules of civil procedure,
24 rules of appellate procedure, and supreme court rules, session
25 laws, annotations, tables of corresponding sections and
26 reports of the supreme court, unless otherwise specifically
27 provided by law, shall be printed, and paid for in the same
28 manner as other public printing.

29 Sec. 5. Section 17.22, Code 1991, is amended to read as
30 follows:

31 17.22 PRICE.

32 The publications listed in this section shall be sold at a
33 price to be established by the legislative council. In
34 determining these prices, the legislative council shall
35 consider the costs of printing, binding, distribution, paper

1 stock, and compilation and editing labor costs. The
2 legislative council shall also consider the number of volumes
3 to be printed, sold, and distributed in the determination of
4 these prices.

5 1. The Iowa Code, Iowa Code Supplement, or its other
6 supplements, the Iowa administrative code or its supplements,
7 and the Iowa administrative bulletin.

8 2. Session laws.

9 3. Daily journals and bills.

10 ~~4.--Book-of-annotations-to-the-Code-~~

11 ~~5.--Supplements-to-the-book-of-annotations-~~

12 ~~6.--Tables-of-corresponding-sections-to-the-Code-~~

13 7 4. Iowa court rules.

14 The Iowa administrative code, its supplements, or the Iowa
15 administrative bulletin ~~or the Code~~ may be distributed with
16 the Iowa Code or separately. There shall be established
17 separate prices for the Iowa administrative code, for its
18 supplements, for the Iowa administrative bulletin, and for the
19 Iowa Code, the Iowa Code Supplement, and other supplements.

20 When the Iowa Code is published in more than one volume the
21 superintendent of printing may distribute each volume on
22 order, after payment of the estimated purchase price for the
23 set, when the volume becomes available.

24 Sec. 6. Section 17.25, Code 1991, is amended to read as
25 follows:

26 17.25 NEW EDITIONS.

27 New editions of the Iowa Code, Iowa Code Supplement, or
28 other supplements thereto, ~~book-of-annotations,~~ reports of the
29 supreme court, and reports of the court of appeals may be
30 published by the superintendent of printing when the supply on
31 hand of the last edition becomes exhausted and when a new
32 edition is necessary in order to meet the demand.

33 Sec. 7. Section 17.26, Code 1991, is amended to read as
34 follows:

35 17.26 NUMBER PRINTED.

1 The number of each edition of the Iowa Code, Iowa Code
2 Supplement, or other supplements thereto, tables-of
3 corresponding-sections and session laws shall be determined by
4 the superintendent of printing and the Iowa Code editor unless
5 expressly determined by presiding officers of the general
6 assembly.

7 Sec. 8. Section 18.9, subsection 2, Code 1991, is amended
8 to read as follows:

9 2. Statements rendered to the various state agencies shall
10 be paid by the state agencies in the manner determined by the
11 department of management revenue and finance. When the
12 statements are paid the sums shall be credited to the general
13 service revolving fund. If any funds accrued to the revolving
14 fund in excess of two hundred twenty-five thousand dollars and
15 there is no anticipated need or use for such funds, the
16 governor shall order the excess funds credited to the general
17 fund of the state.

18 Sec. 9. Section 28C.5, subsection 1, Code Supplement 1991,
19 is amended to read as follows:

20 1. The commission and committees established by the
21 commission may accept technical and operational assistance
22 from the staff of the legislative service bureau and the
23 legislative fiscal bureau, other state or federal agencies,
24 units of local governments, or any other public or private
25 source. The directors of the legislative service bureau and
26 the legislative fiscal bureau may assign professional,
27 technical, legal, clerical, or other staff, as necessary and
28 authorized by the legislative council for continued operation
29 of the commission. However, the technical and operational
30 assistance shall be provided within existing appropriations
31 made to or with existing resources of the ~~state-or-local~~
32 agencies legislative service bureau and legislative fiscal
33 bureau to carry out ~~its~~ their powers and duties.

34 Sec. 10. Section 41.1, subsection 23, paragraph b, Code
35 Supplement 1991, is amended to read as follows:

1 b. That portion of the city of Cedar Falls ~~bound~~ bounded
2 by a line commencing at the point East Ridgeway avenue
3 intersects the east corporate limit of the city of Cedar
4 Falls, then proceeding west along East Ridgeway avenue until
5 it intersects South Main street, then proceeding north along
6 South Main street until it intersects Oregon road, then
7 proceeding easterly along Oregon road until it intersects
8 Dallas drive, then proceeding north along Dallas drive until
9 it intersects Utah road, then proceeding east along Utah road
10 until it intersects ~~Paseon~~ Tucson drive, then proceeding north
11 along ~~Paseon~~ Tucson drive until it intersects Idaho road, then
12 proceeding east along Idaho road until it intersects Boulder
13 drive, then proceeding south along Boulder drive until it
14 intersects Lilac lane, then proceeding east along Lilac lane
15 until it intersects Woodridge drive, then proceeding south
16 along Woodridge drive until it intersects Orchard drive, then
17 proceeding east along Orchard drive until it intersects
18 Carlton drive, then proceeding southeasterly along Carlton
19 drive until its second intersection with Maryhill drive, then
20 proceeding northerly along Maryhill drive until it intersects
21 Primrose drive, then proceeding east along Primrose drive
22 until it intersects Rownd street, then proceeding north along
23 Rownd street until it intersects Orchard drive, then
24 proceeding west along Orchard drive until it intersects
25 McClain drive, then proceeding north along McClain drive until
26 it intersects University avenue, then proceeding northwesterly
27 along University avenue until it intersects Waterloo road,
28 then proceeding northwesterly along Waterloo road until it
29 intersects Elmwood avenue, then proceeding north along Elmwood
30 avenue until it intersects Rainbow drive, then proceeding west
31 along Rainoow drive until it intersects Schreiber street, then
32 proceeding north along Schreiber street until it intersects
33 Newman avenue, then proceeding east along Newman avenue until
34 it intersects Birch street, then proceeding north along Birch
35 street until it intersects Grand boulevard, then proceeding

1 southeasterly along Grand boulevard until it intersects Belle
2 avenue, then proceeding north along Belle avenue (and its
3 extension) until it intersects the Iowa Northern Railway
4 Company railroad track, then proceeding northwesterly along
5 the Iowa Northern Railway Company railroad track until it
6 intersects Dry run, then proceeding northeasterly along Dry
7 run until it intersects the middle of the main channel of the
8 Cedar river, then proceeding first north and then
9 northwesterly along the middle of the main channel of the
10 Cedar river until it intersects Center street, then proceeding
11 northerly along Center street until it intersects West Lone
12 Tree road, then proceeding easterly along West Lone Tree road
13 until it intersects East Lone Tree road, then proceeding
14 easterly along East Lone Tree road until it intersects Big
15 Woods road, then proceeding south along Big Woods road until
16 it intersects East Lake street, then proceeding east along
17 East Lake street until it intersects the east corporate limit
18 of the city of Cedar Falls, then proceeding first north and
19 then in a counterclockwise manner along the corporate limits
20 of the city of Cedar Falls to the point of origin.

21 Sec. 11. Section 41.1, subsection 54, Code Supplement
22 1991, is amended to read as follows:

23 54. The fifty-fourth representative district in Linn
24 county shall consist of those portions of the city of Cedar
25 Rapids and Fairfax and Clinton townships bounded by a line
26 commencing at the point "J" street southwest intersects
27 Twenty-seventh avenue southwest, then proceeding west along
28 Twenty-seventh avenue southwest until it intersects Sixth
29 street southwest, then proceeding southerly along Sixth street
30 southwest until it intersects the Chicago and Northwestern
31 Transportation Company railroad track, then proceeding
32 southwestern southwesterly along the Chicago and Northwestern
33 Transportation Company railroad track until it intersects the
34 west corporate limit of the city of Cedar Rapids, then
35 proceeding first north and then in a clockwise manner along

1 the corporate limits of the city of Cedar Rapids until it
2 intersects Rogers road northwest, then proceeding westerly
3 along Rogers road northwest until it intersects the southerly
4 extension of the west corporate limit of the city of Cedar
5 Rapids to the west of Morris avenue, then proceeding north
6 along the west corporate limit (and its southern extension),
7 and then west along the corporate limit, then south along the
8 corporate limit and its extension until it intersects Rogers
9 road northwest, then proceeding westerly along Rogers road
10 northwest until it again intersects the southern extension of
11 the west corporate limit of the city of Cedar Rapids, then
12 proceeding north along the west corporate limit of the city of
13 Cedar Rapids until it intersects the west corporate limit of
14 the city of Cedar Rapids, then proceeding first north and then
15 in a clockwise manner along the corporate limits of the city
16 of Cedar Rapids until it intersects the middle of the main
17 channel of the Red Cedar river, then proceeding northeasterly
18 along the middle of the main channel of the Red Cedar river
19 until it intersects Edgewood road northwest, then proceeding
20 southerly along Edgewood road northwest until it intersects
21 "O" avenue northwest, then proceeding east along "O" avenue
22 northwest until it intersects Hillside drive northwest, then
23 proceeding north along Hillside drive northwest until it
24 intersects Elaine drive northwest, then proceeding east along
25 Elaine drive northwest until it intersects Thirtieth street
26 northwest, then proceeding south along Thirtieth street
27 northwest until it intersects "O" avenue northwest, then
28 proceeding east along "O" avenue northwest until it intersects
29 Highwood drive northwest, then proceeding first southwesterly
30 and then in a counterclockwise manner along the boundary of
31 the fifty-third representative district to the point of
32 origin.

33 Sec. 12. Section 43.42, Code Supplement 1991, is amended
34 by adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Each change or declaration of a

1 qualified elector's party affiliation so received shall be
2 reported by the precinct election officials to the county
3 commissioner of registration who shall enter a notation of the
4 change on the registration records.

5 Sec. 13. Section 53.23, subsections 1 and 3, Code 1991,
6 are amended to read as follows:

7 1. The election board of the absentee ballot and special
8 voters precinct shall be appointed by the commissioner in the
9 manner prescribed by sections 49.12 and 49.13, except that the
10 number of precinct election officials appointed to the board
11 shall be sufficient to complete the counting of absentee
12 ballots by ten o'clock p.m. on election day.

13 3. The commissioner shall set the convening time for the
14 board, allowing a reasonable amount of time to complete
15 counting all absentee ballots by ten o'clock p.m. on election
16 day. The commissioner may direct the board to meet on the day
17 prior to the election solely for the purpose of reviewing the
18 absentee voters' affidavits appearing on the sealed ballot
19 envelopes if in the commissioner's judgment this procedure is
20 necessary due to the number of absentee ballots received, but
21 under no circumstances shall a sealed ballot envelope be
22 opened before the board convenes on election day.

23 Sec. 14. Section 56.10, subsection 6, paragraph c, Code
24 Supplement 1991, is amended to read as follows:

25 c. Distribute the necessary forms to each county
26 commissioner to be furnished to persons required to file
27 reports and statements.

28 Sec. 15. Section 56.10, subsection 7, Code Supplement
29 1991, is amended to read as follows:

30 7. The county commissioners shall furnish the necessary
31 forms to persons required to file reports and statements in
32 their office.

33 Sec. 16. Section 56.10, subsection 8, unnumbered paragraph
34 1, Code Supplement 1991, is amended to read as follows:

35 The commission and the commissioner county commissioners

1 shall:

2 Sec. 17. Section 56.10, subsection 9, Code Supplement
3 1991, is amended to read as follows:

4 9. The commission and the county commissioners shall
5 provide proper forms to each committee which is required to
6 file a report with them. A form packet shall be mailed to
7 each active committee on or about April 25 of each year.

8 Sec. 18. Section 87.11A, Code Supplement 1991, is amended
9 to read as follows:

10 87.11A EXAMINATION REQUIRED.

11 The commissioner of insurance may at any time examine or
12 inquire into the affairs of any self-insured employer. A
13 domestic self-insured employer, or a self-insured employer not
14 subject to periodic examination in its state of origin, shall
15 be examined at least once during each three-year period.

16 Sec. 19. Section 87.11B, Code Supplement 1991, is amended
17 to read as follows:

18 87.11B OBLIGATION TO ASSIST AN EXAMINATION -- OATHS.

19 If a self-insured employer is being examined, the officers,
20 employees, or agents of the employer, shall produce for
21 inspection all books, documents, papers, and other information
22 concerning the affairs of the employer and shall otherwise
23 assist in ~~such~~ the examination to the extent possible. The
24 commissioner of insurance, or the commissioner's legally
25 authorized representative in charge of the examination, may
26 administer oaths and take testimony bearing upon the affairs
27 of any an employer under examination.

28 Sec. 20. Section 88B.3, subsection 3, Code 1991, is
29 amended to read as follows:

30 3. The commissioner shall prescribe fees for the issuance
31 and renewal of licenses and ~~certificates~~ permits. The fees
32 shall be based on the costs of licensing, ~~certification~~ and
33 permitting and other costs of administering this chapter.

34 Sec. 21. Section 93.16, unnumbered paragraph 2, Code
35 Supplement 1991, is amended to read as follows:

1 Notwithstanding the provisions of this section directing
2 that funds accepted be deposited into the energy research and
3 development fund, for the fiscal period beginning on July 1,
4 1991, and ending June 30, 1993, all funds accepted shall be
5 deposited into the general fund of the state and shall be
6 appropriated ~~for purposes of~~ as provided in section 93-14
7 93.11, subsection 1, paragraph "f".

8 Sec. 22. Section 98.8, subsection 3, unnumbered paragraph
9 1, Code 1991, is amended to read as follows:

10 The department may make refunds on unused stamps to the
11 person who purchased ~~said~~ the stamps at a price equal to the
12 amount paid for ~~such~~ the stamps when proof satisfactory to the
13 department is furnished that any stamps upon which a refund is
14 requested were properly purchased from the department and paid
15 for by the person requesting ~~such~~ the refund. In making ~~such~~
16 the refund, the department shall prepare a voucher showing the
17 amount of refund due and to whom payable and ~~the comptroller~~
18 ~~shall then~~ issue a warrant upon order of the director to pay
19 ~~such~~ the refund out of any funds in the state treasury not
20 otherwise appropriated.

21 Sec. 23. Section 99D.11, subsection 6, paragraph b, Code
22 Supplement 1991, is amended to read as follows:

23 o. The commission may authorize the licensee to
24 simultaneously telecast within the racetrack enclosure, for
25 the purpose of pari-mutuel wagering, a horse or dog race
26 licensed by the racing authority of another state. It is the
27 responsibility of each licensee to obtain the consent of
28 appropriate racing officials in other states as required by
29 the federal Interstate Horseracing Act of 1978, 15 U.S.C. §
30 3001-3007, to televise races for the purpose of conducting
31 pari-mutuel wagering. A licensee may also obtain the
32 permission of a person licensed by the commission to conduct
33 horse or dog races in this state to televise races conducted
34 by that person for the purpose of conducting pari-mutuel
35 racing. However, arrangements made by a licensee to televise

1 any race for the purpose of conducting pari-mutuel wagering
2 are subject to the approval of the commission, and the
3 commission shall select the races to be televised. The races
4 selected by the commission shall be the same for all licensees
5 approved by the commission to televise races for the purpose
6 of conducting pari-mutuel wagering. The commission shall not
7 authorize the simultaneous telecast or televising of and a
8 licensee shall not simultaneously telecast or televise any
9 horse or dog race for the purpose of conducting pari-mutuel
10 wagering unless the simultaneous telecast or televising is
11 done at the racetrack of a licensee that schedules no less
12 than one hundred five performances of eight live races each
13 day of the season. For purposes of the taxes imposed under
14 this chapter, races televised by a licensee for purposes of
15 pari-mutuel wagering shall be treated as if the races were
16 held at the racetrack of the licensee.

17 Sec. 24. Section 99D.17, unnumbered paragraph 1, Code
18 Supplement 1991, is amended to read as follows:

19 Funds received pursuant to sections 99D.14 and 99D.15 shall
20 be deposited in the pari-mutuel regulation fund created in the
21 racing and gaming commission. These funds shall first be used
22 to the extent appropriated by the general assembly ~~and as~~
23 ~~provided in section 99D.18~~. The remainder shall be
24 transferred to the treasurer of state to be deposited in the
25 general fund of the state. The commission is subject to the
26 budget requirements of chapter 8 and the applicable auditing
27 requirements and procedures of chapter 11.

28 Sec. 25. Section 100.1, subsection 4, paragraph b, Code
29 1991, is amended to read as follows:

30 b. The storage, transportation, handling, and use of
31 ~~inflammable~~ flammable liquids, combustibles, and explosives;

32 Sec. 26. Section 106.9, subsection 10, Code 1991, is
33 amended to read as follows:

34 10. Every motorboat, except open boats, using any liquid
35 of a volatile nature as fuel, shall be provided with such the

1 means ~~as may be~~ prescribed by the rules and regulations of the
2 commission for properly and efficiently ventilating the oilges
3 of the engines and fuel tank compartments so as to remove any
4 explosive or ~~inflammable~~ flammable gases.

5 Sec. 27. Section 106.35, Code Supplement 1991, is amended
6 to read as follows:

7 106.35 SPECIAL CERTIFICATE FOR MANUFACTURER OR DEALER.

8 A manufacturer or dealer owning, storing, repairing, or
9 altering any a vessel required to be registered under the
10 ~~provisions of~~ this chapter may operate the same vessel for
11 purposes of transporting, testing, demonstrating, or selling
12 the same vessel without registering each such vessel, provided
13 that any such vessel displays thereon a special certificate
14 issued to ~~such owner~~ the manufacturer or dealer as provided in
15 this chapter. This special certificate ~~may~~ shall not be used
16 for any vessel offered for hire or for any work or service
17 vessels owned by a manufacturer or dealer.

18 Sec. 28. Section 111.79, subsection 4, Code Supplement
19 1991, is amended to read as follows:

20 4. Notwithstanding any other provision of law, for the
21 fiscal period beginning on July 1, 1991, and ending June 30,
22 1993, ~~funds that direct that~~ moneys to be credited to or
23 deposited in the public outdoor recreation and resources fund
24 shall be credited to or deposited to the general fund of the
25 state and appropriations made for purposes of this section
26 shall not be deposited into the public outdoor recreation and
27 resources fund but shall be allocated as provided in this
28 section.

29 Sec. 29. Section 116.5, unnumbered paragraph 3, Code 1991,
30 is amended by striking the paragraph.

31 Sec. 30. Section 116.6, subsection 1, paragraph a, Code
32 Supplement 1991, is amended to read as follows:

33 a. "Applicant" means an entity holding a permit to
34 practice as a corporation or partnership of certified public
35 accountants issued pursuant to section 116.20, subsection 3,

1 or a person certified as a certified public accountant
2 pursuant to section 116.5 who practices as a sole
3 proprietorship.

4 Sec. 31. Section 116.6, subsection 5, paragraph a, Code
5 Supplement 1991, is amended to read as follows:

6 a. Peer review records are privileged and confidential,
7 and are not subject to discovery, subpoena, or other means of
8 legal compulsion. Peer review records are not admissible in
9 evidence in a judicial, arbitration, or administrative
10 proceeding. Information or documents discoverable from
11 sources other than a peer review team do not become
12 nondiscoverable from other sources because they are made
13 available to or are in the possession of a peer review team.
14 Information or documents publicly available from the American
15 institute of certified public accountants relating to quality
16 or peer review are not privileged or confidential under this
17 subsection.

18 Sec. 32. Section 116.8, Code Supplement 1991, is amended
19 to read as follows:

20 116.8 EXAMINATION REQUIRED.

21 An applicant not qualified under section 116.7 shall be
22 granted a license if the applicant passes a written
23 examination prescribed by the board, and meets one of the
24 following requirements:

25 1. If the applicant has had two or more years actual
26 experience in practice as an accounting practitioner as an
27 employee of a certified public accountant or an accounting
28 practitioner~~7-or~~.

29 2. If the applicant was employed for at least twenty-four
30 months prior to July 1, 1975 by the United States government,
31 by this state, or by a political subdivision of this state in
32 an accounting or auditing position for which an examination in
33 accounting knowledge or qualifying education or experience in
34 practice as an accounting practitioner was required. The
35 applicant shall submit to the board an official copy of the

1 job description and educational or experience qualifications
2 required, or an affidavit of the immediate superior of the
3 applicant attesting to the applicant's accounting or auditing
4 duties. Any evidence which indicates that the applicant has
5 performed only clerical or bookkeeping work shall not be
6 deemed sufficient for the purposes of this subsection~~7-er~~.

7 3. If the applicant submits evidence satisfactory to the
8 board that the applicant is a graduate of a four-year college
9 or university accredited by the north central accreditation
10 association or other regional accreditation association having
11 equivalent standards, with a major in accounting, or that the
12 applicant is a graduate in accountancy from a business or
13 correspondence school accredited by the accrediting commission
14 for business schools or the accrediting commission of the
15 national home study council.

16 4. If the applicant submits evidence of at least five
17 years of continuous experience engaged in performing any of
18 the services delineated in section 116.2 on a full-time basis.

19 Sec. 33. Section 125.14A, subsection 1, Code Supplement
20 1991, is amended to read as follows:

21 1. If a person is being considered for licensure under
22 this chapter, or for employment involving direct
23 responsibility for a child or with access to a child when the
24 child is alone, by a program admitting juveniles subject to
25 licensure under this chapter, or if a person will reside in a
26 facility utilized by such a program, and if the person has
27 been convicted of a crime or has a record of founded child
28 abuse, the department of human services and the program, for
29 an employee of the program, shall perform an evaluation to
30 determine whether the crime or founded child abuse warrants
31 prohibition of licensure, employment, or residence in the
32 facility. The department of human services shall conduct
33 criminal and child abuse record checks in this state and may
34 conduct these checks in other states. The evaluation shall be
35 performed in accordance with procedures adopted for this

1 purpose by the department of human services.

2 Sec. 34. Section 135.11A, unnumbered paragraph 2, Code
3 Supplement 1991, is amended to read as follows:

4 The professional licensure division and the licensing
5 boards may expend ~~additional~~ funds in addition to amounts
6 budgeted, if those additional expenditures are directly the
7 cause result of actual examination and exceed funds budgeted
8 for examinations. Before the division or a licensing board
9 expends or encumbers an amount in excess of the funds budgeted
10 for examinations, the director of the department of management
11 shall approve the expenditure or encumbrance. Before approval
12 is given, the department of management shall determine that
13 the examination expenses exceed the funds budgeted by the
14 general assembly to the division or board and the division or
15 board does not have other funds from which examination
16 expenses can be paid. Upon approval of the department of
17 management, the division or licensing board may expend and
18 encumber funds for excess examination expenses. The amounts
19 necessary to fund the excess examination expenses shall be
20 collected as fees from additional examination applicants and
21 shall be treated as repayment receipts as defined in section
22 8.2.

23 Sec. 35. Section 135H.7, subsection 2, paragraph a, Code
24 Supplement 1991, is amended to read as follows:

25 a. If a person is being considered for licensure under
26 this chapter, or for employment involving direct
27 responsibility for a child or with access to a child when the
28 child is alone, by a licensed psychiatric institution, or if a
29 person will reside in a facility utilized by a licensee, and
30 if the person has been convicted of a crime or has a record of
31 founded child abuse, the department of human services and the
32 licensee, for an employee of the licensee, shall perform an
33 evaluation to determine whether the crime or founded child
34 abuse warrants prohibition of licensure, employment, or
35 residence in the facility. The department of human services

1 shall conduct criminal and child abuse record checks in this
2 state and may conduct these checks in other states. The
3 evaluation shall be performed in accordance with procedures
4 adopted for this purpose by the department of human services.

5 Sec. 36. Section 136C.3, subsection 2, unnumbered
6 paragraph 1, Code 1991, is amended to read as follows:

7 Establish minimum training standards including continuing
8 education requirements, and administer examinations and
9 disciplinary procedures for operators of radiation machines
10 and users of radioactive materials. A state of Iowa license
11 to practice medicine, osteopathy, chiropractic, podiatry,
12 dentistry, dental hygiene, or veterinary medicine, or
13 licensure as a physician assistant pursuant to chapter 148C,
14 or certification by the board of dental examiners in dental
15 radiography, or by the board of podiatry examiners in
16 podiatric ~~radiology~~ radiography, or enrollment in a program or
17 course of study approved by the Iowa department of public
18 health which includes the application of radiation to humans
19 satisfies the minimum training standards for operation of
20 radiation machines only.

21 Sec. 37. Section 147.107, subsection 5, Code Supplement
22 1991, is amended to read as follows:

23 5. Notwithstanding subsection 1 and any other provision of
24 this section to the contrary, a physician may delegate the
25 function of prescribing drugs, controlled substances, and
26 medical devices to a physician assistant licensed pursuant to
27 chapter 148C. When delegated prescribing occurs, the
28 supervising physician's name shall be used, recorded, or
29 otherwise indicated in connection with each individual
30 prescription so that the individual who dispenses or
31 administers the prescription knows under whose delegated
32 authority the physician assistant is prescribing. Rules
33 relating to the authority of physician assistants to prescribe
34 drugs, controlled substances, and medical devices pursuant to
35 this subsection shall be adopted by the board of physician

1 assistant examiners, after consultation with the board of
2 medical examiners and the board of pharmacy examiners, as soon
3 as possible after July 1, 1991. The rules shall be reviewed
4 and approved by the physician assistant rules review group
5 created under subsection 7 and shall be adopted in final form
6 by January 1, 1993. However, the rules shall prohibit the
7 prescribing of schedule II controlled substances which are
8 listed as stimulants or depressants pursuant to chapter 204.
9 If rules are not reviewed and approved by the physician
10 assistant rules review group created under subsection 7 and
11 adopted in final form by January 1, 1993, a physician
12 assistant may prescribe drugs as a delegated act of a
13 supervising physician under rules adopted by the board of
14 physician assistant ~~board of~~ examiners and subject to the
15 rules review process established in section 148C.7. The board
16 of physician assistant examiners shall be the only board to
17 regulate the practice of physician assistants relating to
18 prescribing and supplying prescription drugs, controlled
19 substances and medical devices, notwithstanding section
20 148C.6A.

21 Sec. 38. Section 159.1, subsections 2 and 3, Code
22 Supplement 1991, are amended by striking the subsections.

23 Sec. 39. Section 159.20, unnumbered paragraph 3, Code
24 Supplement 1991, is amended to read as follows:

25 As used in this subchapter, "agricultural commodity" means
26 any unprocessed agricultural product, including animals,
27 agricultural crops, and forestry products grown, raised,
28 produced, or fed in Iowa for sale in commercial channels.

29 "Commercial channels" means the processes of sale of ~~a-farm an~~
30 agricultural commodity or unprocessed product from the ~~farm~~
31 agricultural commodity to any person, public or private, who
32 resells the ~~farm~~ agricultural commodity for breeding,
33 processing, slaughter, or distribution.

34 Sec. 40. Section 159A.5, subsection 4, Code Supplement
35 1991, is amended to read as follows:

1 4. The committee shall review the annual report to the
2 secretary regarding ~~ethanol~~ renewable fuel activities, as
3 provided in section 159A.3. The committee may make written
4 comments concerning the contents of the report. Upon request
5 of the committee, the coordinator shall include the comments
6 as part of the report.

7 Sec. 41. Section 159A.6, unnumbered paragraph 2, Code
8 Supplement 1991, is amended to read as follows:

9 The committee shall develop standards for decals required
10 pursuant to section 214A.16, which shall be designed to
11 promote the advantages of using renewable fuel. The standards
12 may be incorporated within a model decal adopted by the board
13 committee and approved by the office.

14 Sec 42. Section 166D.2, subsection 7, Code 1991, is
15 amended by adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The department may combine an
17 official health certificate or a veterinarian inspection cer-
18 tificate as required under chapter 163 with a certificate of
19 inspection.

20 Sec. 43. Section 166D.16, unnumbered paragraph 2, Code
21 Supplement 1991, is amended by striking the unnumbered para-
22 graph.

23 Sec. 44. Section 189.1, Code 1991, is amended by striking
24 the section and inserting in lieu thereof the following:

25 189.1 DEFINITIONS CONTROLLING TITLE.

26 For the purpose of this title:

27 1. "Article" includes food, commercial feed, agricultural
28 seed, commercial fertilizer, drug, insecticide, fungicide,
29 paint, linseed oil, turpentine, and illuminating oil, in the
30 sense in which they are defined in the various provisions of
31 this title.

32 2. "Department" means the department of agriculture and
33 land stewardship, and if the department is required or
34 authorized to do an act, the act may be performed by a regular
35 assistant or a duly authorized agent of the department.

1 3. "Official laboratory" means a biological, chemical, or
2 physical laboratory which performs testing or analysis
3 pursuant to scientific procedures, to the extent the
4 laboratory is recognized by the department as a reliable
5 indicator of scientific results.

6 4. "Package" or "container", unless otherwise defined,
7 includes wrapper, box, carton, case, basket, hamper, can,
8 bottle, jar, tube, cask, vessel, tub, firkin, keg, jug,
9 barrel, tank, tank car, and other receptacles of a like
10 nature; and the expression "offered or exposed for sale or
11 sold in package or wrapped form" means the offering or
12 exposing for sale, or selling of an article which is contained
13 in a package or container as defined in this section.

14 5. "Pasteurization" or "pasteurized" means the procedure
15 of processing milk or a milk product, in order to ensure its
16 safety from contaminants, if the procedure of pasteurization
17 is consistent with standards adopted by the department
18 pursuant to section 192.102.

19 6. "Person" includes a corporation, company, firm,
20 society, or association; and the act, omission, or conduct of
21 any officer, agent, or other person acting in a representative
22 capacity shall be imputed to the organization or person
23 represented, and the person acting in that capacity shall also
24 be liable for violations of this title.

25 7. "Rules" includes regulations and orders by the
26 department.

27 8. "Secretary" means the secretary of agriculture.

28 9. "United States Pharmacopoeia" or "National Formulary"
29 means the latest revision of these publications official at
30 the time of a transaction which is in question.

31 Sec. 45. Section 191.2, subsection 5, unnumbered paragraph
32 1. Code Supplement 1991, is amended to read as follows:

33 All bottles, containers, and packages enclosing milk or
34 milk products ~~as defined in section 190.17, subsections 6 and~~
35 ~~38 to 57~~, shall be conspicuously labeled or marked with:

1 Sec. 46. Section 192.111, subsection 2, Code Supplement
2 1991, is amended to read as follows:

3 2. A purchaser of milk from a grade "A" milk producer
4 shall pay an inspection fee not greater than one point five
5 cents per hundredweight. The fee shall be payable monthly to
6 the secretary in a manner prescribed by the secretary. A-fee
7 ~~imposed-under-this-subsection-shall-not-be-paid-on-milk~~
8 ~~subject-to-inspection-by-a-municipal-corporation-pursuant-to~~
9 ~~section-192-103.~~

10 Sec. 47. Section 194.20, Code Supplement 1991, is amended
11 to read as follows:

12 194.20 INSPECTION FEES -- GRADE "B" MILK.

13 A purchaser of milk from a grade "B" milk producer shall
14 pay an inspection fee not greater than one-half cent per
15 hundredweight. The fee is payable monthly to the department
16 at a time prescribed by the department. A fee imposed by this
17 section shall not be paid on milk inspected by a person
18 administering the inspection pursuant to an inspection
19 contract as provided in section 192.108. Fees collected under
20 this section shall be deposited in the milk fund established
21 in section 192.111.

22 Sec. 48. Section 214A.10, Code 1991, is amended to read as
23 follows:

24 214A.10 TRANSFER PIPES.

25 A wholesale dealer, retail dealer, or other person shall
26 not, within this state, use the same pipeline, for
27 transferring motor vehicle fuel, including gasoline, or
28 oxygenate octane enhancer from one container to another, if
29 the pipeline is used for transferring kerosene or other
30 ~~inflammable~~ flammable product used for open flame illuminating
31 or heating purposes.

32 Sec. 49. Section 217.9A, subsection 1, unnumbered
33 paragraph 2, Code Supplement 1991, is amended to read as
34 follows:

35 The commission shall examine ~~the-following~~ issues related

1 to the cycle of dependency which some families have on
2 services, including, but not limited to, child care, chemical
3 dependency, child welfare, youth employment, parent education,
4 health, and education.

5 Sec. 50. Section 235B.6, subsection 2, paragraph e,
6 subparagraph (3), Code Supplement 1991, is amended to read as
7 follows:

8 (3) The department of ~~public-safety~~ justice for the sole
9 purpose of the filing of a claim for reparation pursuant to
10 section 910A.5 and section 912.4, subsections 3 through 5.

11 Sec. 51. Section 235B.16, subsection 1, paragraph b, Code
12 Supplement 1991, is amended to read as follows:

13 b. Providing ~~care-givers~~ caretakers with information
14 regarding services to alleviate the emotional, psychological,
15 physical, or financial stress associated with the ~~care-giver~~
16 caretaker and dependent adult relationship.

17 Sec. 52. Section 236.14, subsection 2, unnumbered
18 paragraph 3, Code Supplement 1991, is amended to read as
19 follows:

20 The clerk of the court or other person designated by the
21 court shall provide a copy of this order to the victim
22 pursuant to chapter 910A. The order has force and effect
23 until it is modified or terminated by subsequent court action
24 in the contempt proceeding or the criminal or juvenile court
25 action and is reviewable in the manner prescribed in section
26 811.2. The clerk of the district court shall also provide
27 ~~oral-or-other~~ notice and copies of the no-contact order to the
28 applicable law enforcement agencies and the twenty-four hour
29 dispatcher for the law enforcement agencies, in the manner
30 provided for protective orders under section 236.5. The clerk
31 shall provide ~~oral-or-other~~ notice and copies of modifications
32 or vacations of these orders in the same manner.

33 Sec. 53. Section 237A.2, unnumbered paragraph 6, Code
34 Supplement 1991, is amended by striking the unnumbered
35 paragraph.

1 Sec. 54. Section 237A.3, subsection 5, Code Supplement
2 1991, is amended by striking the subsection.

3 Sec. 55. Section 246.104, Code 1991, is amended to read as
4 follows:

5 246.104 BOARD CREATED.

6 A board of corrections is created within the department.
7 The board shall consist of seven members appointed by the
8 governor subject to confirmation by the senate. Not more than
9 four of the members shall be from the same political party.
10 Members shall be electors of this state. ~~Six~~ Five of the
11 seven members shall each be a resident of a different
12 congressional district. Members of the board shall serve
13 four-year staggered terms.

14 Sec. 56. Section 246.513, subsection 1, paragraph a, Code
15 Supplement 1991, is amended to read as follows:

16 a. The department of corrections in cooperation with
17 judicial district departments of correctional services shall
18 establish in each judicial district a continuum of
19 programming, including residential facilities and
20 institutions, for the supervision and treatment of offenders
21 convicted of violating chapter 321J who are sentenced to the
22 custody of the director. The department of corrections shall
23 develop standardized assessment criteria for the assignment of
24 offenders to a facility established pursuant to this chapter.
25 The facilities established shall meet all the following
26 requirements:

27 (1) ~~is-a-treatment-facility-meeting-the-licensure~~
28 Licensure standards of the division of substance abuse of the
29 department of public health.

30 (2) ~~is-a-facility-meeting-applicable~~ Applicable standards
31 of the American corrections association.

32 (3) ~~is-a-facility-which-meets-any~~ Any other rule or
33 requirement adopted by the department pursuant to chapter 17A.

34 Sec. 57. Section 256.11, subsection 10, unnumbered
35 paragraphs 1 and 2, Code Supplement 1991, are amended to read

1 as follows:

2 The state board shall establish an accreditation process
3 for school districts and nonpublic schools seeking
4 accreditation pursuant to this subsection and subsections 11
5 and 12. ~~As required in section 256.17, by~~ By July 1, 1989,
6 all school districts shall meet standards for accreditation.
7 For the school year commencing July 1, 1989 and school years
8 thereafter, the department of education shall use a two-phase
9 process for the continued accreditation of schools and school
10 districts.

11 Phase I consists of annual monitoring by the department of
12 education of all accredited schools and school districts for
13 compliance with accreditation standards adopted by the state
14 board of education ~~as provided by section 256.17~~. The phase I
15 monitoring requires that accredited school districts and
16 schools annually complete accreditation compliance forms
17 adopted by the state board and file them with the department
18 of education. In addition, employees of the department of
19 education shall complete at least biennial on-site visits to
20 each accredited school and school district to review the
21 educational programs and the information included in the
22 compliance forms.

23 Sec. 58. Section 256.20, unnumbered paragraph 1, Code
24 1991, is amended to read as follows:

25 Pursuant to section 279.10, subsection 1, relating to the
26 maintenance of school during an entire year, the board of
27 directors of a school district may request approval from the
28 state board of education for a pilot project for a year around
29 three semester school year. ~~The deadlines for approval of a
30 pilot project under this section are the deadlines specified
31 in section 256.18 for approval of a modified block scheduling
32 pilot project.~~

33 Sec. 59. Section 257.28, Code 1991, is amended to read as
34 follows:

35 257.28 ENRICHMENT LEVY.

1 If a school district has approved the use of the instruc-
2 tional support program for a budget year, the district shall
3 not also collect moneys under the additional enrichment amount
4 approved by the voters under chapter 442, as it appeared in
5 Code 1991, for that the budget year.

6 Sec. 60. Section 257.33, Code 1991, is amended to read as
7 follows:

8 257.33 PRIOR ENRICHMENT APPROVAL.

9 If the electors of a school district approved the use of
10 the additional enrichment amount prior to July 1, 1991, under
11 chapter 442, or section 279.43, as they appeared in Code 1991,
12 the approval for use of the enrichment amount shall continue
13 in effect until the expiration of the period for which it was
14 approved and districts may use the additional enrichment
15 amount during that period. However, section 257.28 applies to
16 the use of the additional enrichment amount.

17 Sec. 61. Section 275.31, unnumbered paragraph 2, Code
18 1991, is amended to read as follows:

19 For the school year beginning July 1, 1987 and succeeding
20 school years, there is appropriated from the general fund of
21 the state to the department of management an amount sufficient
22 to pay the debt service aid under this section. Debt service
23 aid shall be paid in the manner provided in section ~~442-26~~
24 257.16.

25 Sec. 62. Section 281.2, subsection 3, unnumbered paragraph
26 3, Code 1991, is amended to read as follows:

27 Every child requiring special education shall, if
28 reasonably possible, receive a level of education commensurate
29 with the level provided each child who does not require
30 special education. The cost of providing such an education
31 shall be paid as provided in section 273.9, this chapter and
32 chapter ~~442~~ 257. It shall be the primary responsibility of
33 each school district to provide special education to children
34 who reside in that district if the children requiring special
35 education are properly identified, the educational program or

1 service has been approved, the teacher or instructor has been
2 licensed, the number of children requiring special education
3 needing that educational program or service is sufficient to
4 make offering the program or service feasible, and the program
5 or service cannot more economically and equably be obtained
6 from the area education agency, another school district,
7 another group of school districts, a qualified private agency,
8 or in co-operation with one or more other districts.

9 Sec. 63. Section 282.18, subsection 8, Code Supplement
10 1991, is amended to read as follows:

11 8. A pupil participating in open enrollment shall be
12 counted, for state school foundation aid purposes, in the
13 pupil's district of residence. A pupil's residence, for
14 purposes of this section means a residence under section
15 282.1. The board of directors of the district of residence
16 shall pay to the receiving district the lower district cost
17 per pupil of the two districts, plus any moneys received for
18 the pupil as a result of non-English speaking weighting under
19 section ~~442-4~~ 280.4, subsection 6 4, for each school year.
20 The district of residence shall also transmit the phase III
21 moneys allocated to the district for the full-time equivalent
22 attendance of the pupil, who is the subject of the request, to
23 the receiving district specified in the request for transfer.

24 Sec. 64. Section 282.28, Code 1991, is amended to read as
25 follows:

26 282.28 CHILDREN AT ELDORA AND TOLEDO.

27 Annually, the area education agency in which the state
28 training school and the Iowa juvenile home are located and the
29 department of human services on behalf of the training school
30 and juvenile home shall submit an annual joint application by
31 January 1 for the next succeeding school year to the
32 department of education describing the proposed special
33 education instructional and support programs and service
34 improvements for the training school and juvenile home. The
35 department of education shall review and approve or modify the

1 program and proposed budget by February 1 and shall notify the
2 department of revenue and finance, the area education agency,
3 and the department of human services of the approved budget
4 amount. The moneys for the approved budget shall supplement
5 and not supplant moneys equal to the moneys expended for
6 education for the fiscal year beginning July 1, 1986 by the
7 department of human services. The moneys for the approved
8 budget shall be used to ensure that the training school and
9 juvenile home comply with appropriate administrative rules
10 relating to special education adopted by the department of
11 education. Beginning with the fiscal year commencing July 1,
12 1990, and ending June 30, 1991, and in succeeding years, the
13 department of revenue and finance shall pay the approved
14 budget amount for an area education agency in monthly
15 installments beginning on September 15 and ending on June 15
16 of the next succeeding school year. The installments shall be
17 as nearly equal as possible as determined by the department of
18 management, taking into consideration the relative budget and
19 cash position of the state's resources. The department of
20 revenue and finance shall transfer the approved budget amount
21 for an area education agency from the moneys appropriated
22 under ~~section-442-26~~ or section 257.16 and make the payment to
23 the area education agency.

24 The area education agency shall submit an accounting to the
25 department of education by August 1 following the school year
26 for the actual costs of the special education programs and
27 services provided at the training school and juvenile home.
28 The department shall review and approve or modify the
29 accounting by September 1 and shall notify the department of
30 revenue and finance of the approved accounting amount. The
31 department of revenue and finance shall adjust the September
32 payment to the area education agency for the next fiscal year
33 by the difference between the amount of the proposed budget
34 paid to the area education agency and the amount of the actual
35 costs as reflected in the area education agency's accounting.

1 Any amount paid by the department of revenue and finance shall
2 be deducted monthly from the state foundation aid paid under
3 ~~section-442-26-or~~ section 257.16 during that fiscal year to
4 all school districts in the state. The portion of the total
5 amount of the approved accounting amount that shall be
6 deducted from the state aid of a school district shall be the
7 same as the ratio that the budget enrollment for the budget
8 year of the school district bears to the total budget
9 enrollment in the state for that budget year.

10 Sec. 65. Section 282.31, subsections 1 and 3, Code 1991,
11 are amended to read as follows:

12 1. a. A child who lives in a facility pursuant to section
13 282.30, subsection 1, paragraph "a", and who is not enrolled
14 in the educational program of the district of residence of the
15 child, shall receive appropriate educational services. The
16 area education agency shall submit a proposed program and
17 budget to the department of education by January 1 for the
18 next succeeding school year. The department of education
19 shall review and approve or modify the program and proposed
20 budget and shall notify the department of revenue and finance
21 and the area education agency of its action by February 1.
22 Beginning with the fiscal year commencing July 1, 1990, and
23 ending June 30, 1991, and in succeeding years, the department
24 of revenue and finance shall pay the approved budget amount
25 for an area education agency in monthly installments beginning
26 September 15 and ending June 15 of the next succeeding school
27 year. The installments shall be as nearly equal as possible
28 as determined by the department of management, taking into
29 consideration the relative budget and cash position of the
30 state's resources. The department of revenue and finance
31 shall transfer the approved budget amount for an area
32 education agency from the moneys appropriated under ~~section~~
33 ~~442-26-or~~ section 257.16 and make the payment to the area
34 education agency. The area education agency shall submit an
35 accounting for the actual cost of the program to the

1 department of education by August 1 of the following school
2 year. The department shall review and approve or modify all
3 expenditures incurred in compliance with the guidelines
4 pursuant to section 256.7, subsection 12, and shall notify the
5 department of revenue and finance of the approved accounting
6 amount. The approved accounting amount shall be compared with
7 any amounts paid by the department of revenue and finance to
8 the area education agency and any differences added to or
9 subtracted from the October payment made under this paragraph
10 for the next school year. Any amount paid by the department
11 of revenue and finance shall be deducted monthly from the
12 state foundation aid paid under section-442-26-or section
13 257.16 during the remainder of that fiscal year to all school
14 districts in the state. The portion of the total amount of
15 the approved budget that shall be deducted from the state aid
16 of a school district shall be the same as the ratio that the
17 budget enrollment for the budget year of the school district
18 bears to the total budget enrollment in the state for that
19 budget year.

20 b. A child who lives in a facility or home pursuant to
21 section 282.19, and who does not require special education and
22 who is not enrolled in the educational program of the district
23 of residence of the child, shall be included in the basic
24 enrollment of the school district in which the facility or
25 home is located.

26 However, on June 30 of a school year, if the board of
27 directors of a school district determines that the number of
28 children under this paragraph who were counted in the basic
29 enrollment of the school district on the third Friday of
30 September of that school year is fewer than the sum of the
31 number of months all children were enrolled in the school
32 district under this paragraph during the school year divided
33 by nine, the secretary of the school district may submit a
34 claim to the department of education by August 1 following the
35 school year for an amount equal to the district cost per pupil

1 of the district for the previous school year multiplied by the
2 difference between the number of children counted and the
3 number of children calculated by the number of months of
4 enrollment. The amount of the claim shall be paid by the
5 department of revenue and finance to the school district by
6 October 1. The department of revenue and finance shall
7 transfer the total amount of the approved claim of a school
8 district from the moneys appropriated under ~~section-442-26-or~~
9 ~~under~~ section 257.16 and the amount paid shall be deducted
10 monthly from the state foundation aid paid during the
11 remainder of that fiscal year to all school districts in the
12 state in the manner provided in paragraph "a".

13 3. The actual special education instructional costs,
14 including transportation, for a child who requires special
15 education shall be paid by the department of revenue and
16 finance to the school district in which the facility or home
17 is located, only when a district of residence cannot be
18 determined, and the child was not included in the weighted
19 enrollment of any district pursuant to section 281.9, and the
20 payment pursuant to subsection 2, paragraph "a" was not made
21 by any district. The district shall submit a proposed program
22 and budget to the department of education by January 1 for the
23 next succeeding school year. The department of education
24 shall review and approve or modify the program and proposed
25 budget and shall notify the district by February 1. The
26 district shall submit a claim by August 1 following the school
27 year for the actual cost of the program. The department shall
28 review and approve or modify the claim and shall notify the
29 department of revenue and finance of the approved claim amount
30 by September 1. The total amount of the approved claim shall
31 be paid by the department of revenue and finance to the school
32 district by October 1. The total amount paid by the
33 department of revenue and finance shall be deducted monthly
34 from the state foundation aid paid under section ~~442-26~~ 257.16
35 during the remainder of that fiscal year to all school

1 districts in the state. The portion of the total amount of
2 the approved claims that shall be deducted from the state aid
3 of a school district shall be the same as the ratio that the
4 budget enrollment for the budget year of the school district
5 bears to the total budget enrollment in the state for the
6 budget year. The department of revenue and finance shall
7 transfer the total amount of the approved claims from moneys
8 appropriated under section 442-26 257.16 for payment to the
9 school district.

10 Sec. 66. Section 294A.16, unnumbered paragraph 5, Code
11 1991, is amended to read as follows:

12 Any moneys allocated or retained for an approved phase III
13 plan, and any interest accrued on the moneys, shall not be
14 commingled with state aid payments made, under sections 442-25
15 ~~and-442-26~~ 257.16 and 257.35, to a school district or area
16 education agency and shall be accounted for by the school
17 district or area education agency separately from state aid
18 payment accounts.

19 Sec. 67. Section 299A.4, Code Supplement 1991, is amended
20 to read as follows:

21 299A.4 ANNUAL ACHIEVEMENT TESTS EVALUATIONS --
22 REQUIREMENTS AND PROCEDURE.

23 1. Each child of compulsory attendance age who is
24 receiving competent private instruction shall either be
25 evaluated annually by May 1, using a nationally recognized
26 standardized achievement test evaluation or other assessment
27 tool developed or recognized by the department of education
28 and chosen by the child's parent, guardian, or legal custodian
29 from a list of approved tests evaluations or assessment tools
30 provided by the department of education or be evaluated
31 annually in the manner provided in subsection 7. The
32 department shall provide information on the cost of and the
33 administration time required for each of the approved tests
34 evaluations. The department shall provide, as part of
35 approval procedures for tests evaluations to be used under

1 this section, a mechanism which permits the introduction and
2 approval of new or alternate methods of educational assessment
3 which meet the requirements of this chapter.

4 2. A child, who is seven years of age and is receiving
5 competent private instruction or who is placed under competent
6 private instruction for the first time, shall be administered
7 a-test an evaluation for purposes of obtaining educational
8 baseline data.

9 3. The director of the department of education, or the
10 director's designee, which may include a school district or an
11 area education agency, shall conduct the evaluations required
12 under subsections 1 and 2 for children under competent private
13 instruction. Evaluation shall occur at a time and a place to
14 be determined by the person responsible for conducting the
15 evaluation. Persons conducting the evaluations shall make
16 every reasonable effort to conduct the evaluations at times
17 and places which are convenient for the parent, guardian, or
18 legal custodian.

19 4. The parent, guardian, or legal custodian of a child
20 receiving competent private instruction may be present when
21 the child is evaluated, but only if both the parent, guardian,
22 or legal custodian and the child are under the supervision of
23 the test evaluation administrator.

24 5. The conducting of evaluations shall include, but is not
25 limited to, purchasing of evaluation materials, giving the
26 evaluations, scoring and interpreting the evaluations, and
27 reporting the evaluation results.

28 6. Except when a child has been enrolled in a public
29 school district under section 299A.8, the parent, guardian, or
30 legal custodian of the child being evaluated shall reimburse
31 the entity conducting the evaluation for no more than the
32 actual cost of evaluation required by this chapter. However,
33 the parent, guardian, or legal custodian is not required to
34 reimburse the evaluating entity for costs incurred as a result
35 of evaluation under section 299A.9.

1 7. In lieu of annual achievement tests evaluations, a
2 parent, guardian, or legal custodian of a child may submit, as
3 evidence of adequate academic progress, all of the following:

4 a. A book of lesson plans, a diary, or other written
5 record indicating the subjects taught and activities in which
6 the child has been engaged.

7 b. A portfolio of the child's work, including but not
8 limited to, an outline of the curriculum used by the child,
9 copies of homework completed in conjunction with the
10 curriculum and instruction, and copies of tests evaluations
11 completed by the child which have been produced by the parent,
12 guardian, or legal custodian.

13 c. Completed assessment tests evaluations, other than the
14 annual achievement test evaluation, if assessment tests
15 evaluations are administered to a pupil as part of the
16 competent private instruction by the parent, guardian, or
17 legal custodian.

18 If a parent, guardian, or legal custodian submits evidence
19 under this section, the information shall be reviewed by a
20 qualified, licensed, Iowa practitioner selected as the
21 evaluator by the parent, guardian, or legal custodian and
22 approved by the superintendent of the local school district or
23 the superintendent's designee. The evaluator shall prepare a
24 report based on a review of the child's work submitted, which
25 shall include an assessment of the child's achievement or
26 academic progress levels, and submit a copy of the report to
27 the child's parent, guardian, or legal custodian, the school
28 district of residence of the child, and the department of
29 education. If the evidence demonstrates, in the evaluator's
30 opinion, that the child is achieving adequate progress, the
31 report shall create a presumption that the child is making
32 adequate progress.

33 Sec. 68. Section 299A.5, Code Supplement 1991, is amended
34 to read as follows:

35 299A.5 REPORTING OF TEST EVALUATION RESULTS.

1 The results of tests evaluations administered to children
2 of compulsory attendance age who are under competent private
3 instruction shall be reported by the test evaluation
4 administrator to the child's parent, guardian, or legal
5 custodian, the school district of residence of the child, and
6 the department of education. Personally identifiable
7 information relating to or contained in the test evaluation
8 scores is confidential and shall not be released without the
9 prior consent of the child's parent, guardian, or custodian
10 except as otherwise permitted by law.

11 Sec. 69. Section 299A.8, Code Supplement 1991, is amended
12 to read as follows:

13 299A.8 DUAL ENROLLMENT.

14 If a parent, guardian, or legal custodian of a child who is
15 receiving competent private instruction under this chapter
16 submits a request, the child shall also be registered in a
17 public school for dual enrollment purposes. If the child is
18 enrolled in a public school district for dual enrollment
19 purposes, the child shall be permitted to participate in any
20 academic activities in the district and shall also be
21 permitted to participate on the same basis as public school
22 children in any extracurricular activities available to
23 children in the child's grade or group, and the parent,
24 guardian, or legal custodian shall not be required to pay the
25 costs of any annual testing evaluation under this chapter. If
26 the child is enrolled for dual enrollment purposes, the child
27 shall be included in the public school's basic enrollment
28 under ~~sections-442-4-and~~ section 257.6 and shall be counted as
29 one pupil.

30 Sec. 70. Section 306.22, subsection 7, unnumbered
31 paragraph 1, Code 1991, is amended to read as follows:

32 Any tract of land sold on contract shall be listed on the
33 tax rolls by and taxed to the contract purchaser, as provided
34 in chapters 428 and 443; assessed and valued as provided in
35 chapter 441; taxes levied as provided in chapter 444;

1 collected as provided in chapter 445; and subject to tax sale,
2 redemption, and apportionment of taxes as provided in chapters
3 446 to ~~448~~ 449. ~~It shall be the duty of the~~ The contract
4 purchaser to shall discharge and pay all taxes.

5 Sec. 71. Section 306.25, Code 1991, is amended to read as
6 follows:

7 306.25 EXECUTION OF CONVEYANCE.

8 ~~Where~~ If a sale of land in connection with ~~any~~ a primary
9 road, ~~or state park road,~~ or institutional road has been
10 authorized as ~~herein~~ provided in this chapter, written
11 conveyances containing the conditions as prescribed by the
12 ~~executive council~~ controlling state agency shall be made in
13 the name of the state and signed by the governor and secretary
14 of state, ~~and with~~ the great seal of the state of Iowa
15 attached thereto. ~~Where~~ If a sale of land in connection with
16 ~~any~~ a secondary road has been authorized by the board of
17 supervisors as ~~herein~~ provided in this chapter, written
18 conveyances containing the provisions prescribed by the board
19 of supervisors shall be made in the name of the county and
20 signed by the chairperson of the board of supervisors and the
21 county auditor.

22 Sec. 72. Section 306.40, Code 1991, is amended to read as
23 follows:

24 306.40 EASEMENTS CONVEYED.

25 ~~Where-such~~ If an easement authorized under section 306.39
26 is conveyed in connection with ~~any~~ a primary road, ~~or state~~
27 park road, or institutional road, written conveyances
28 containing the conditions as prescribed by the ~~executive~~
29 ~~council~~ controlling state agency shall be made in the name of
30 the state and signed by the governor and secretary of state,
31 ~~and with~~ the seal of the state of Iowa attached thereto.
32 ~~Where-such~~ If the easement is conveyed in connection with ~~any~~
33 a secondary road, written conveyances containing the
34 provisions prescribed by the board of supervisors shall be
35 made in the name of the county and signed by the chairperson

1 of the board and the county auditor.

2 Sec. 73. Section 313.4, subsection 3, Code 1991, is
3 amended to read as follows:

4 ~~3. It is further provided that there~~ There is appropriated
5 from funds appropriated to the department which would
6 otherwise revert to the primary road fund pursuant to the
7 provisions of the Act appropriating the funds or chapter 8, an
8 amount sufficient to pay the increase in salaries, which
9 increase is not otherwise provided for by the general assembly
10 in an appropriation bill, resulting from the annual review of
11 the merit pay plan as provided in subsection 2 of section
12 19A.9. The appropriation herein provided shall be in effect
13 from the effective date of ~~approval by the executive council~~
14 the revised pay plan to the end of the fiscal biennium in
15 which it becomes effective.

16 Sec. 74. Section 321.178, subsection 2, paragraph a, Code
17 Supplement 1991, is amended to read as follows:

18 a. Any ~~A~~ person between sixteen and eighteen years of age
19 who is not in attendance at school or who is in attendance in
20 a public or private school where an approved driver's
21 education course is not offered or available, may be issued a
22 restricted license only for travel to and from work or to
23 transport dependents to and from temporary care facilities, if
24 necessary for the person to maintain the person's present
25 employment, without having completed an approved driver's
26 education course. The restricted license shall be issued by
27 the department only upon confirmation of the person's
28 employment and need for a restricted license to travel to and
29 from work or to transport dependents ~~of~~ to and from temporary
30 care facilities if necessary to maintain the person's
31 employment and upon receipt of a written statement from the
32 public or private school that an approved course in driver's
33 education was not offered or available to the person, if
34 applicable. The employer shall notify the department if the
35 employment of the person is terminated before the person

1 attains the age of eighteen. The person shall not have a
2 restricted license revoked or suspended upon ~~re-entering~~
3 reentering school prior to age eighteen provided if the
4 student enrolls in and completes the classroom portion of an
5 approved driver's education course as soon as a course is
6 available.

7 Sec. 75. Section 321.376, subsection 1, Code Supplement
8 1991, is amended to read as follows:

9 1. The driver of a school bus shall hold a school bus
10 driver's permit issued annually by the department of education
11 and a driver's license issued by the department of
12 transportation valid for the operation of the school bus. The
13 department of education shall charge a fee for the issuance of
14 a school bus driver's permit in the amount of five dollars,
15 which shall be deposited in the general fund of the state. A
16 person holding a temporary restricted license issued under
17 chapter 321J shall be prohibited from operating a school bus.
18 The department of education shall revoke or refuse to issue a
19 permit to any person who, after notice and opportunity for
20 hearing, is determined to have committed any of the acts
21 proscribed under section 321.375, subsection 2. The
22 department of education shall recommend, and the state board
23 of education shall adopt under chapter 17A, rules and
24 procedures for the revocation and issuance of permits to
25 persons. Rules and procedures adopted shall include, but are
26 not limited to, provisions for the revocation of, or refusal
27 to issue, permits to persons who are determined to have
28 committed any of the acts proscribed under section 321.375,
29 subsection 2.

30 Sec. 76. Section 321I.1, subsection 4, Code 1991, is
31 amended by striking the subsection.

32 Sec. 77. Section 321I.10, Code 1991, is amended to read as
33 follows:

34 321I.10 MISREPRESENTATIONS OF STATE APPROVAL.

35 It is unlawful for any a motor vehicle service contract

1 provider to represent or imply in any manner that the provider
2 has been sponsored, recommended, or approved or that the
3 provider's abilities or qualifications have in any respect
4 been passed upon by the securities department bureau, the
5 insurance division, or the state of Iowa.

6 Sec. 78. Section 324.6, Code 1991, is amended to read as
7 follows:

8 324.6 ~~GASOLINE-BLENDERS~~ ETHANOL BLENDED GASOLINE BLENDER'S
9 LICENSE.

10 Any A person other than a distributor licensed under this
11 division, who blends motor fuel containing at least ten
12 percent alcohol distilled from agricultural products, shall
13 obtain a blender's license. The license shall be obtained by
14 following the procedure as set forth in section 324.4 and the
15 license ~~shall be~~ is subject to the same restrictions as
16 contained ~~therein~~ in that section. Each blender shall
17 maintain records as required by section 324.10 as to motor
18 fuel, alcohol, and ~~gasoline~~ ethanol blended gasoline.

19 Sec. 79. Section 327F.39, subsection 2, paragraph c, Code
20 1991, is amended to read as follows:

21 c. Be operated in compliance with all state and federal
22 regulations pertaining to driving, loading, carrying freight
23 and employees, road warning devices, and the transportation of
24 flammable ~~and-inflammable~~ material.

25 Sec. 80. Section 330B.7, subsection 4, Code Supplement
26 1991, is amended to read as follows:

27 4. The membership of the board of commissioners shall be
28 gender balanced if possible. The appointing authorities shall
29 comply with the requirements of section 69.16A or ~~to~~ similar
30 laws of the state of Illinois as determined by the appointing
31 authorities. The appointing authorities shall also provide
32 representation for racial groups residing in the metropolitan
33 area based on the ratio of the racial population to the
34 population as a whole.

35 Sec. 81. Section 330B.9, subsection 3, Code Supplement

1 1991, is amended to read as follows:

2 3. Each commissioner shall comply with restrictions
3 relating to conflicts of interests or acceptance of gifts as
4 provided in chapter 68B or to similar laws of the state of
5 Illinois as determined by the board.

6 Sec. 82. Section 331.602, subsection 1, unnumbered
7 paragraph 1, Code Supplement 1991, is amended to read as
8 follows:

9 Record all instruments presented to the recorder's office
10 for recordation upon payment of the proper fees and compliance
11 with other recording requirements as provided by law. The
12 instruments presented for filing or recordation shall be
13 legible and reproducible, and shall have typed or legibly
14 printed on them the names of all signatories including the
15 names of acknowledging officers and witnesses beneath the
16 original signatures. The instruments shall be no larger than
17 eight and one-half inches by fourteen inches except as
18 otherwise provided in section ~~409.317~~-~~subsection-2~~ 409A.18, or
19 except as otherwise authorized by the recorder.

20 Sec. 83. Section 364.16, Code 1991, is amended to read as
21 follows:

22 364.16 MUNICIPAL FIRE PROTECTION.

23 Each city shall provide for the protection of life and
24 property against fire and may establish, nouse, equip, staff,
25 uniform and maintain a fire department. A city may establish
26 fire limits and may, consistent with code standards
27 promulgated by nationally recognized fire prevention agencies,
28 regulate the storage, handling, use, and transportation of all
29 ~~inflammables~~ flammables, combustibles, and explosives within
30 the corporate limits and inspect for and abate fire hazards.
31 A city may provide conditions upon which the fire department
32 will answer calls outside the corporate limits or the
33 territorial jurisdiction and boundary limits of this state. A
34 city ~~shall-have~~ has the same governmental immunity outside its
35 corporate limits when providing fire protection as when

1 operating within the corporate limits. Fire fighters
2 operating equipment on calls outside the corporate limits
3 ~~shall-be~~ are entitled to the benefits of chapter 410 or 411
4 when otherwise qualified.

5 Sec. 84. Section 445.1, subsections 2 and 7, Code
6 Supplement 1991, are amended to read as follows:

7 2. "Compromise" means to enter into a contractual
8 agreement for the payment of taxes, ~~interests~~ interest, fees,
9 and costs in amounts different from those specified by law.

10 7. "Total amount due" means the aggregate total of all
11 taxes, penalties, ~~interests~~ interest, costs, and fees due on a
12 parcel.

13 Sec. 85. Section 446.19, Code Supplement 1991, is amended
14 to read as follows:

15 446.19 COUNTY OR CITY AS PURCHASER.

16 When a parcel is offered at a tax sale under section
17 446.18, and no bid is received, or if the bid received is less
18 than the total amount due, the county in which the parcel is
19 located, through its board of supervisors, shall bid for the
20 parcel a sum equal to the total amount due. Money shall not
21 be paid by the county or other tax-levying ~~and~~ or tax-
22 certifying body for the purchase, but each of the tax-levying
23 and tax-certifying bodies having any interest in the taxes
24 shall be charged with the total amount due the ~~levying-and~~
25 tax-levying or tax-certifying body as its just share of the
26 purchase price.

27 This section does not prohibit a governmental agency or
28 political subdivision from bidding at the sale for a parcel to
29 protect its interests. When a bid is received by ~~from~~ a city
30 in which the parcel is located, money shall not be paid by the
31 city, but each of the tax-levying and tax-certifying bodies
32 having any interest in the taxes shall be charged with the
33 total amount due the ~~levying-and~~ tax-levying or tax-certifying
34 ~~bodies~~ body as its just share of the purchase price.

35 Sec. 86. Section 455B.133, subsection 2, Code Supplement

1 1991, is amended to read as follows:

2 2. Adopt, amend, or repeal rules pertaining to the
3 evaluation, abatement, control, and prevention of air
4 pollution. The rules may include those that are necessary to
5 obtain approval of the state implementation plan under section
6 110 of the federal Clean Air Act as amended through January 1,
7 ~~1979~~ 1991.

8 Sec. 87. Section 455B.133, subsection 4, unnumbered
9 paragraph 1, and paragraph a, subparagraph (1), Code
10 Supplement 1991, are amended to read as follows:

11 Adopt, amend, or repeal emission limitations or standards
12 relating to the maximum quantities of air contaminants that
13 may be emitted from any air contaminant source. The standards
14 or limitations adopted under this section shall not exceed the
15 standards or limitations promulgated by the administrator of
16 the United States environmental protection agency or the
17 requirements of the federal Clean Air Act as amended ~~to~~
18 through January 1, ~~1990~~ 1991. This does not prohibit the
19 commission from adopting a standard for a source or class of
20 sources for which the United States environmental protection
21 agency has not promulgated a standard. This also does not
22 prohibit the commission from adopting an emission standard or
23 limitation for infectious medical waste treatment or disposal
24 facilities which exceeds the standards or limitations
25 promulgated by the administrator of the United States
26 environmental protection agency or the requirements of the
27 federal Clean Air Act as amended ~~to~~ through January 1, 1991.
28 The commission shall not adopt an emission standard or
29 limitation for infectious medical waste treatment or disposal
30 facilities prior to January 1, 1995, which exceeds the
31 standards or limitations promulgated by the administrator of
32 the United States environmental protection agency or the
33 requirements of the federal Clean Air Act, as amended ~~to~~
34 through January 1, 1991, for a hospital, or a group of
35 hospitals, licensed under chapter 135B which has been

1 operating an infectious medical waste treatment or disposal
2 facility prior to January 1, 1991.

3 (1) The commission shall establish standards of
4 performance unless in the judgment of the commission it is not
5 feasible to adopt or enforce a standard of performance. If it
6 is not feasible to adopt or enforce a standard of performance,
7 the commission may adopt a design, equipment, material, work
8 practice or operational standard, or combination of those
9 standards in order to establish reasonably available control
10 technology or the lowest achievable emission rate in
11 nonattainment areas, or in order to establish best available
12 control technology in areas subject to prevention of
13 significant deterioration review, or in order to adopt the
14 emission limitations promulgated by the administrator of the
15 United States environmental protection agency under section
16 111 or 112 of the federal Clean Air Act as amended to through
17 January 1, ~~1979~~ 1991.

18 Sec. 88. Section 455B.133, subsection 8, Code Supplement
19 1991, is amended to read as follows:

20 8. Adopt rules consistent with the federal Clean Air Act
21 ~~of 1990, Pub. L. No. 101-549~~ as amended through January 1,
22 1991, which require the owner or operator of an air
23 contaminant source to obtain an operating permit prior to
24 operation of the source. The rules shall specify the
25 information required to be submitted with the application for
26 a permit and the conditions under which a permit may be
27 granted, modified, suspended, terminated, revoked, reissued,
28 or denied. The commission may impose fees, including fees
29 upon regulated pollutants emitted from an air contaminant
30 source, in an amount sufficient to cover all reasonable costs,
31 direct and indirect, required to develop and administer the
32 permit program in conformance with the federal Clean Air Act
33 ~~of 1990, Pub. L. No. 101-549~~ as amended through January 1,
34 1991. In the case of affected sources and affected units
35 regulated under Title IV of the federal Clean Air Act of 1990,

1 Pub. L. No. 101-549, such fees shall be collected only as
2 provided in and upon submission of an application pursuant to
3 section 408 of the federal Act. The fees collected pursuant
4 to this subsection shall be deposited in the air contaminant
5 source fund created pursuant to section 455B.133B, and shall
6 be utilized solely to cover all reasonable costs required to
7 develop and administer the programs required by Title V of the
8 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
9 including the permit program pursuant to section 502 of the
10 federal Act and the small business stationary source technical
11 and environmental assistance program pursuant to section 507
12 of the federal Act.

13 Sec. 89. Section 455B.390, subsection 3, Code 1991, is
14 amended to read as follows:

15 3. The storage, transportation, handling, or use of
16 ~~inflammable~~ flammable liquids, combustibles, and explosives,
17 control over which is exercised by the state fire marshal
18 under chapter 100.

19 Sec. 90. Section 455B.474, subsection 1, paragraph h, Code
20 Supplement 1991, is amended to read as follows:

21 h. Issuance of a monitoring certificate for sites
22 classified as low risk pursuant to paragraph "f". A
23 monitoring certificate ~~shall be~~ is valid until the site is
24 reclassified as a no action required site. A site which has
25 been issued a monitoring certificate ~~shall~~ is not be eligible
26 to receive a clean site certificate under section 455B.304,
27 subsection 15, until the site is reclassified as a no risk
28 action required site.

29 Sec. 91. Section 468.27, Code Supplement 1991, is amended
30 to read as follows:

31 468.27 DISMISSAL OR ESTABLISHMENT -- PERMANENT EASEMENT.

32 The board shall at ~~said~~ the meeting, or at an adjourned
33 session ~~thereof~~ of the meeting, consider the costs of
34 construction of ~~said~~ the improvement as shown by the reports
35 of the engineer and the amount of damages and compensation

1 awarded to all claimants, and if, in its opinion, such the
2 costs of construction and amount of damages awarded create a
3 greater burden than should justly be borne by the lands
4 benefited by the improvement, it shall then dismiss the
5 petition and assess the costs and expenses to the petitioners
6 and their sureties, but if it finds that such the cost and
7 expense is not a greater burden than should be justly borne by
8 the land benefited by the improvement, it shall finally and
9 permanently locate and establish said the district and
10 improvement.

11 Following its establishment, the drainage district is
12 deemed to have acquired by permanent easement all right-of-way
13 for drainage district ditches, tile lines, settling basins and
14 other improvements, unless they are acquired by fee simple, in
15 the dimensions shown on the survey and report made in
16 compliance with sections 468.11 and 468.12 or as shown on the
17 permanent survey, plat and profile, if one is made. The
18 filing-of Upon the establishment of the district, the
19 petitioners shall file with the county auditor the survey and
20 report or permanent survey, plat, and profile, as set forth in
21 sections 468.172 and 468.173; shall constitute. This filing
22 constitutes constructive notice to all persons of the rights
23 conferred by this section. The permanent easement includes
24 the right of ingress and egress across adjoining land and the
25 right of access for maintenance, repair, improvement, and
26 inspection. The owner or lessee shall be reimbursed for any
27 crop damages incurred in the maintenance, repair, improvement,
28 and inspection except within the right-of-way of the drainage
29 district.

30 ~~Upon the establishment of the drainage district, the~~
31 ~~petitioners shall file with the county auditor the survey and~~
32 ~~report or the permanent survey, plat, and profile, if one was~~
33 ~~made, and this filing shall be constructive notice of a~~
34 ~~permanent right-of-way easement.~~

35 Sec. 92. Section 476.44, subsection 2, Code 1991, is

1 amended to read as follows:

2 2. An electric utility shall not be required to purchase,
3 at any one time, more than fifteen megawatts of power from
4 alternate energy production and small hydro facilities.

5 Sec. 93. Section 477.9A, Code 1991, is amended to read as
6 follows:

7 477.9A DEREGULATED SERVICES.

8 A telegraph or telephone company whose services are
9 deregulated by the board under section ~~476.7~~ 476.1D may use
10 public notice as a means of conveying terms and conditions to
11 customers where identification of those customers is
12 infeasible or impractical. Public notice may also be used to
13 convey changes in terms and conditions, other than price
14 increases or limitations of liability, to all other customers,
15 but only if those customers were put on notice that this means
16 would be used to convey subsequent changes. Notwithstanding
17 section 477.7, when services are deregulated by the board
18 under section ~~476.7~~ 476.1D, a telegraph or telephone company,
19 in any contract, agreement, or by means of public notice, may
20 reasonably limit its liability under section 477.7 in the
21 course of providing the deregulated communications services to
22 its customers, except for acts of willful misconduct.
23 However, this section ~~shall~~ does not ~~be construed to~~ allow a
24 greater limitation on liability than exists in any contract or
25 approved tariff as of the effective date of the deregulation
26 of the services.

27 Sec. 94. Section 477C.7, subsection 2, Code Supplement
28 1991, is amended to read as follows:

29 2. The assessment shall be levied upon revenues from all
30 intrastate regulated, deregulated ~~services~~, and exempt
31 telephone services under ~~section~~ sections 476.1 and 476.1D.

32 Sec. 95. Section 515.150, subsection 4, unnumbered
33 paragraph 1, Code Supplement 1991, is amended to read as
34 follows:

35 A reserve for demolition costs is no longer required if as

1 ~~a-result-of~~ either of the following is true:

2 Sec. 96. Section 516D.3, subsection 7, unnumbered
3 paragraph 1, Code Supplement 1991, is amended to read as
4 follows:

5 "Material restriction" means a restriction, limitation, or
6 other requirement which significantly affects the price of,
7 normal anticipated use of, or a consumer's customer's
8 financial responsibility for, a rental vehicle. Restrictions
9 against any or all of the following activities in connection
10 with the acquisition or use of a rental vehicle are not
11 material restrictions:

12 Sec. 97. Section 523D.6, subsection 1, paragraph o, Code
13 Supplement 1991, is amended to read as follows:

14 o. A statement that a prospective resident or resident
15 shall be given the opportunity to appoint a personal
16 representative in the prospective resident's or resident's
17 contract. The personal representative shall receive copies of
18 the contract and all notices, disclosures, or forms required
19 by this chapter to be delivered to a prospective resident or
20 resident. A personal representative appointed under this
21 section has no legal authority to make any decision for the
22 prospective resident or resident appointing the person to be a
23 personal representative. The personal representative may
24 advise the prospective resident or resident as to the
25 materials provided. A personal representative shall not be
26 affiliated or associated with a provider or any person
27 identified in section 523D.3, subsection 1, paragraph "b" or
28 "c", and shall not be a prospective resident or resident.

29 Sec. 98. Section 534.103, subsection 3, Code Supplement
30 1991, is amended to read as follows:

31 3. LOCK BOXES. Any association may own, and rent to its
32 members, lock boxes for storage or safekeeping of securities
33 and valuables.

34 Sec. 99. Section 534.408, subsection 1, unnumbered
35 paragraph 2, Code Supplement 1991, is amended by striking the

1 unnumbered paragraph.

2 Sec. 100. Section 546.7, Code Supplement 1991, is amended
3 to read as follows:

4 546.7 UTILITIES DIVISION.

5 The utilities division shall regulate and supervise public
6 utilities operating in the state. The division shall enforce
7 and implement chapters 476, 476A, 477C, 478, 479, and 479A and
8 shall perform other duties assigned to it by law. The
9 division is headed by the administrator of public utilities
10 who shall be appointed by the governor pursuant to section
11 474.1.

12 Sec. 101. Section 546.11, unnumbered paragraph 2, Code
13 Supplement 1991, is amended to read as follows:

14 Notwithstanding this section and sections 476.10, 524.207,
15 533.67, ~~534.408~~, 546.9, and 546.10 directing the utilities
16 division, banking division, credit union division, ~~savings-and~~
17 ~~loan-division~~, alcoholic beverages division, and the
18 professional licensing division to transfer from appropriated
19 trust funds to the administrative services trust fund the
20 division's share of administrative services and directing that
21 costs for administrative services provided by the department
22 to the divisions be paid from the administrative services
23 trust fund, for the fiscal period beginning on July 1, 1991,
24 and ending June 30, 1993, all expenses for administrative
25 services shall be paid from appropriations made from the
26 general fund of the state for these expenses.

27 Sec. 102. Section 598.42, Code Supplement 1991, is amended
28 to read as follows:

29 598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

30 The clerk of the district court shall provide ~~oral-or-other~~
31 notice and copies of temporary or permanent protective orders
32 and orders to vacate the homestead entered pursuant to this
33 chapter to the applicable law enforcement agencies and the
34 twenty-four hour dispatcher for the law enforcement agencies,
35 in the manner provided for protective orders under section

1 236.5. The clerk shall provide ~~oral or other~~ notice and
2 copies of modifications or vacations of these orders in the
3 same manner.

4 Sec. 103. Section 601A.15A, subsection 2, paragraph d,
5 Code Supplement 1991, is amended to read as follows:

6 d. A mediation agreement shall be made public unless the
7 complainant and respondent agree otherwise, and the commission
8 determines that disclosure is not necessary to further the
9 purposes of this chapter relating to unfair or ~~discrimination~~
10 discriminatory practices in housing or real estate.

11 Sec. 104. Section 602.1206, subsection 2, Code 1991, is
12 amended to read as follows:

13 2. Supreme court rules shall be published as provided in
14 section ~~14:127-subsection-7~~ 14.5.

15 Sec. 105. Section 602.4201, subsection 2, Code 1991, is
16 amended to read as follows:

17 2. Rules of appellate procedure relating to appeals to and
18 review by the supreme court, discretionary review by the
19 courts of small claims actions, review by the supreme court by
20 writ of certiorari to inferior courts, appeal to or review by
21 the court of appeals of a matter transferred to that court by
22 the supreme court, and further review by the supreme court of
23 decisions of the court of appeals, shall be known as "Rules of
24 Appellate Procedure", and shall be published as provided in
25 section ~~14:127-subsection-7~~ 14.5.

26 Sec. 106. Section 602.8102, subsection 79, Code Supplement
27 1991, is amended to read as follows:

28 79. Collect on behalf of, and pay to, the auditor
29 treasurer the fee for the transfer of real estate as provided
30 in section 558.66.

31 Sec. 107. Section 602.8102, subsection 152, Code
32 Supplement 1991, is amended to read as follows:

33 152. Maintain a ready-calendar trial certificate list as
34 provided in R.C.P. 181.1, Ia. Ct. Rules, 3d ed.

35 Sec. 108. Section 602.8102, subsection 153, Code

1 Supplement 1991, is amended by striking the subsection.

2 Sec. 109. Section 602.8102, subsection 156, Code

3 Supplement 1991, is amended to read as follows:

4 156. Mail ~~a-copy~~ notice of the filing of the referee's,
5 auditor's, or examiner's report to the attorneys of record as
6 provided in R.C.P. 214, Ia. Ct. Rules, 3d ed.

7 Sec. 110. Section 614.14, subsection 2, unnumbered
8 paragraph 2, Code Supplement 1991, is amended to read as
9 follows:

10 However, this ~~section~~ subsection shall not apply if the
11 legal action is commenced by filing a petition ~~of~~ and service
12 of notice within ten years of the recording of the conveyance.

13 Sec. 111. Section 657.2, subsection 10, Code 1991, is
14 amended to read as follows:

15 10. The depositing or storing of ~~inflammable~~ flammable
16 junk, such as old rags, rope, cordage, rubber, bones, and
17 paper, by dealers in such articles within the fire limits of
18 ~~any a~~ a city, unless ~~it-be~~ in a building of fireproof
19 construction, is a public nuisance.

20 Sec. 112. Section 702.11, Code Supplement 1991, is amended
21 to read as follows:

22 702.11 FORCIBLE FELONY.

23 A "forcible felony" is any felonious child endangerment,
24 assault, murder, sexual abuse, kidnapping, robbery, arson in
25 the first degree, or burglary in the first degree. However,
26 sexual abuse in the third degree committed between spouses,
27 sexual abuse in violation of section 709.4, subsection 2,
28 paragraph "c", subparagraph (4), or sexual ~~exploitation~~ abuse
29 by a counselor or therapist in violation of section 709.15, is
30 not a "forcible felony".

31 Sec. 113. Section 708.2A, subsection 5, Code Supplement
32 1991, is amended to read as follows:

33 5. The clerk of the district court shall provide ~~oral~~-or
34 ~~other~~ notice and copies of a judgment entered under this
35 section to the applicable law enforcement agencies and the

1 twenty-four hour dispatcher for the law enforcement agencies,
2 in the manner provided for protective orders under section
3 236.5. The clerk shall provide ~~oral-or-other~~ notice and
4 copies of modifications of the judgment in the same manner.

5 Sec. 114. Section 709.15, subsection 1, paragraph f,
6 unnumbered paragraph 1, Code Supplement 1991, is amended to
7 read as follows:

8 "Sexual abuse by a counselor or therapist" occurs when
9 ~~either one~~ or ~~both more~~ of the following are found:

10 Sec. 115. Section 727.2, Code 1991, is amended to read as
11 follows:

12 727.2 FIREWORKS.

13 The term "fireworks" ~~shall-mean-and-include~~ includes any
14 explosive composition, or combination of explosive substances,
15 or article prepared for the purpose of producing a visible or
16 audible effect by combustion, explosion, deflagration, or
17 detonation, and ~~shall-include~~ includes blank cartridges,
18 firecrackers, torpedoes, skyrockets, roman candles, or other
19 fireworks of like construction and any fireworks containing
20 any explosive or ~~inflammable~~ flammable compound, or other
21 device containing any explosive substance. The term
22 "fireworks" ~~shall~~ does not include goldstar-producing
23 sparklers on wires which contain no magnesium or chlorate or
24 perchlorate, ~~no~~ flitter sparklers in paper tubes that do not
25 exceed one-eighth of an inch in diameter, ~~nor~~ toy snakes which
26 contain no mercury, ~~nor~~ or caps used in cap pistols.

27 PARAGRAPH DIVIDED. ~~Except-as-hereinafter-provided,-any A~~
28 person, firm, copartnership, or corporation who offers for
29 sale, exposes for sale, sells at retail, or uses or explodes
30 any fireworks, commits a serious misdemeanor; ~~-provided.~~
31 However, the council of any a city or the a county board of
32 supervisors may, upon application in writing, grant a permit
33 for the display of fireworks by municipalities, fair
34 associations, amusement parks, and other organizations or
35 groups of individuals approved by ~~such~~ the city or ~~such~~ the

1 county board of supervisors when such the fireworks display
 2 will be handled by a competent operator, but no such permit
 3 shall be required for such the display of fireworks at the
 4 Iowa state fairgrounds by the Iowa state fair board, nor-of at
 5 incorporated county fairs, nor-of or at district fairs
 6 receiving state aid. Sales of fireworks for such display may
 7 be made for that purpose only; ~~provided-further-that-nothing~~
 8 ~~in-this-section-shall-be-construed-to.~~

9 PARAGRAPH DIVIDED. This section does not prohibit any the
 10 sale by a resident, dealer, manufacturer, or jobber from
 11 setting of such fireworks as are not herein prohibited; by
 12 this section, or the sale of any kind of fireworks provided
 13 the-same if they are to be shipped out of the state, or the
 14 sale or use of blank cartridges for a show or the theater, or
 15 for signal purposes in athletic sports or by railroads or
 16 trucks, for signal purposes, or by a recognized military
 17 organization; ~~and-provided-further-that-nothing-in-this~~
 18 ~~section-shall.~~

19 PARAGRAPH DIVIDED. This section does not apply to any
 20 substance or composition prepared and sold for medicinal or
 21 fumigation purposes.

22 Sec. 116. Section 910A.11, subsection 5, Code Supplement
 23 1991, is amended to read as follows:

24 5. The clerk of the district court shall provide ~~oral-or~~
 25 ~~other~~ notice and copies of restraining orders issued pursuant
 26 to this section in a criminal case involving an alleged
 27 violation of section 708.2A to the applicable law enforcement
 28 agencies and the twenty-four hour dispatcher for the law
 29 enforcement agencies, in the manner provided for protective
 30 orders under section 236.5. The clerk shall provide ~~oral-or~~
 31 ~~other~~ notice and copies of modifications or vacations of these
 32 orders in the same manner.

33 Sec. 117. Section 18.98, Code 1991, is repealed.

34 EXPLANATION

35 7E.5(1)(t): Deletes "children, youth, and families" from

1 the description of the department of human rights and changes
2 "status of blacks" to "status of African-Americans". These
3 changes are made to conform with legislative action taken in
4 1991.

5 9B.1(5): Strikes a duplicative sentence in language
6 relating to surety bonds for waste tire haulers.

7 13B.2A, unnumbered para. 1: Corrects grammatical usage in
8 provision governing nominations for appointment to the
9 indigent defense advisory commission.

10 17.21, 17.22, 17.25, and 17.26: Give the proper name of
11 the Iowa Code Supplement in addition to generic references to
12 "supplements". Also delete references to separate books
13 containing annotations to the Code, which are no longer
14 published by the state, and tables of corresponding sections,
15 which are now included as part of the Code and Code Supplement
16 rather than published separately. In section 17.26, the Iowa
17 Code editor is added as jointly determining, with the
18 superintendent of printing, the number of each edition to be
19 printed.

20 18.9(2): In provision relating to state agency payments
21 for services provided by the general services department,
22 substitutes the department of revenue and finance for the
23 department of management as the department to determine the
24 manner of payment. This change was requested by the depart-
25 ment of management.

26 28C.5(1): Makes a grammatical correction and provides that
27 the legislative service bureau and the legislative fiscal
28 bureau must use existing resources in providing assistance to
29 the interstate cooperation commission.

30 41.1(23)(b) and (54): Correct grammatical usage and
31 spelling in legislative districting law relating to
32 representative districts in Linn county and the city of Cedar
33 Falls.

34 43.42: Adds a new unnumbered paragraph to the provision
35 allowing change or declaration of political party affiliation

1 at the polls, to restore an express requirement relating to
2 reporting and recording such changes. The paragraph was
3 inadvertently stricken when the section was amended in 1991.

4 53.23(1), (3): In section on special precinct election
5 board, eliminate redundancy of "o'clock p.m." by striking
6 "o'clock". Similar changes could be made editorially
7 elsewhere in the Code if this is approved.

8 56.10(6)(c), (7), (8), un. para. 1, and (9): In
9 provisions relating to the duties of the campaign finance
10 disclosure commission, add the word "county" before
11 "commissioner" where the county commissioners of elections
12 (county auditors) are intended, to avoid confusion with the
13 state campaign finance disclosure commission and its members.

14 87.11A and 87.11B: Amend workers' compensation provisions
15 providing for the examination of self-insured employers to
16 clarify that such examinations are the responsibility of the
17 commissioner of insurance, not the industrial commissioner.

18 88B.3(3): Changes the word "certificate" to "permit" in
19 provision relating to the labor commissioner's duties in
20 regulating asbestos removal. Since 1989, the term "license"
21 has been used for individuals and "permit" has been used for
22 business entities in this chapter, according to the labor
23 division.

24 93.16, un. para. 2: In a provision relating to moneys for
25 energy research and development, substitutes a reference to
26 section 93.11(1)(f) for a reference to repealed section 93.14.
27 [NOTE: If the "sunset" provision in 86 Acts, chapter 1249,
28 section 7 (repealing section 93.11 effective 7/1/92) is
29 retained, a different approach will be needed.]

30 98.8(3), un. para. 1: In provision relating to refunds on
31 unused cigarette stamps, deletes a reference to the
32 comptroller as issuer of the warrant. This change was
33 requested by the department of management.

34 99D.11(6)(b): Amends a sentence in the pari-mutuel racing
35 simulcasting law by adding punctuation and the word "the" for

1 readability.

2 99D.17, unn. para. 1: Deletes from the pari-mutuel
3 wagering law a reference to repealed section 99D.18 (which
4 related to moneys for research on the treatment of horse and
5 dog injuries and diseases).

6 100.1(4)(b), 106.9(10), 214A.10, 327F.39(2)(c), 364.16,
7 455B.390(3), 657.2(10), 727.2: Substitute the word
8 "flammable" for "inflammable". This change was requested by
9 the department of public safety for consistency. The meaning
10 is the same, but "flammable" is the preferred term and is
11 already used in a number of Code sections.

12 106.35: Amends the boat registration law to reflect that
13 special manufacturers' or dealers' certificates may be used
14 for vessels held by manufacturers or dealers for purposes of
15 storage, repairs, or alterations as well as for vessels they
16 own.

17 111.79(4): Strikes excess verbiage to improve readability
18 of provision relating to moneys for outdoor recreation and
19 resources.

20 116.5, unn. para. 3: Deletes from the accountancy law an
21 out-of-date temporary provision relating to candidates
22 fulfilling certain education and experience requirements
23 within four years after July 1, 1975.

24 116.6(1)(a) and (5)(a): In the accountancy law, add the
25 word "certified" to reflect more clearly that "certified
26 public accountant", not "public accountant", is intended.
27 Also insert the word "and" for clarity.

28 116.8: Section relating to accountants' examinations is
29 rewritten to eliminate the need for the word "or" at the end
30 of each listed item.

31 125.14A(1) and 135H.7(2)(a): Amend provisions relating to
32 record checks of personnel in substance abuse treatment
33 programs and psychiatric institutions for children to reflect
34 that it is the department of human services that conducts the
35 record checks.

1 135.11A, unn. para. 2: Amends a provision relating to
2 expenditures by licensing boards in the department of public
3 health by specifying that "additional" means "in addition to
4 amounts budgeted" and by substituting the word "result" for
5 "cause".

6 136C.3(2), unn. para. 1: In provision relating to
7 radiation control by the department of public health,
8 substitutes the term "podiatric radiography" for "podiatric
9 radiology". The change was requested by the department.

10 147.107(5): In section on drug dispensing, supplying, and
11 prescribing, corrects a reference to the board of physician
12 assistant examiners.

13 159.1(2),(3) and 189.1: Move the definition of "official
14 laboratory" and "pasteurization" from Title IX to Title X to
15 correct an inadvertent drafting error. Title X relates to the
16 regulation and inspection of foods, drugs, and other articles
17 and includes provisions relating to milk and milk products.
18 Also, the subsections in section 189.1 are alphabetized.

19 159.20, unn. para. 3: Substitutes "agricultural commodity"
20 for "farm commodity" in provision relating to agricultural
21 marketing. "Agricultural commodity" is the defined term.

22 159A.5(4): Substitutes "renewable fuel activities" for
23 "ethanol fuel activities" in provision relating to the
24 renewable fuel advisory committee. "Renewable" is the term
25 used in section 159A.3(2)(h).

26 159A.6, unn. para. 2: Substitutes "committee" for "board"
27 in provision relating to the renewable fuel advisory
28 committee.

29 166D.2(7) and 166D.16, unn. para. 2: Provide a different
30 placement for provision allowing department of agriculture and
31 land stewardship to combine certain certificates relating to
32 swine herds. The provision, currently part of a section on
33 enforcement in the chapter on pseudorabies control, is moved
34 to become part of the chapter's definition of "certificate of
35 inspection".

1 191.2(5), unn. para. 1: Deletes references to definitions
2 which formerly appeared in section 190.1.

3 192.111(2): Strikes a sentence which refers to fee
4 exemptions for "milk subject to inspection by a municipal
5 corporation pursuant to section 192.103" because there is no
6 longer a provision in section 192.103 relating specifically to
7 inspections by municipal corporations.

8 194.20: Adds the word "inspected" for clarity in sentence
9 providing fee exemptions for milk inspected pursuant to an
10 inspection contract.

11 217.9A(1), unn. para. 2: In provision relating to duties
12 of the commission on children, youth, and families, deletes
13 the words "the following" for improved grammatical
14 construction.

15 235B.6(2)(e)(3): In provision relating to authorized
16 access to information on dependent adult abuse, substitutes
17 the department of justice for the department of public safety
18 as the agency dealing with claims for victim reparations.
19 This corrects a 1991 drafting error. The amendment was
20 requested by the department of justice.

21 235B.16(1)(b): Substitutes "caretaker" for "care giver" in
22 provision relating to dependent adult abuse. "Caretaker" is
23 defined in section 235B.2.

24 236.14(2), unn. para. 3, 598.42, 708.2A(5) and 910A.11(5):
25 In provisions relating to restraining or protective orders in
26 domestic abuse cases, strike references to "oral" notice from
27 the clerk of court to the county sheriff and other law
28 enforcement agencies. This is necessary to conform with a
29 1991 amendment striking a provision allowing telephone notice.

30 237A.2, unn. para. 6, and 237A.3(5): Strike temporary
31 exceptions to requirements for child care and day care
32 licensing. The exceptions were effective only until December
33 31, 1991.

34 246.104: In statute governing membership on the board of
35 corrections, changes the reference to congressional districts

1 from "six" to "five".

2 246.513(1)(a): Rewrites the language of a list to improve
3 readability. The provision relates to facilities for
4 offenders convicted of violating chapter 321J who are
5 sentenced to the custody of the director of corrections.

6 256.11(10), un. paras. 1, 2: In provisions on school
7 accreditation, delete references to repealed section 256.17.
8 Section 256.17 was last printed in Code 1989.

9 256.20, un. para. 1: In provision on pilot projects for
10 year-round school, strikes a sentence incorporating the
11 deadlines established in repealed section 256.18 (modified
12 block scheduling). Section 279.10 contains deadlines which
13 would apply to year-round school pilot projects.

14 257.28, 257.33, 275.31, un. para. 2, 281.2(3), un. para.
15 3, 282.18(8), 282.28, 282.31(1) and (3), 294A.16, un. para.
16 5: In school finance provisions, correct references to
17 chapter 442 and its sections by adding a citation to Code 1991
18 or substituting other section references as appropriate.
19 Chapter 442 has been repealed. In section 257.33, also adds a
20 citation to Code 1991 in reference to repealed section 279.43.

21 299A.4, 299A.5, and 299A.8: In provisions relating to
22 annual achievement evaluations for children receiving
23 competent private instruction, substitute the word
24 "evaluation" for "test" to be consistent with the terminology
25 adopted in other sections. Also, delete a reference in
26 section 299A.8 to repealed section 442.4.

27 306.22(7), un. para. 1: In provision relating to the sale
28 on contract of unused right-of-way, a list of applicable
29 taxation chapters is extended to include chapter 449
30 (apportionment of taxes). The subject matter of that chapter
31 is already mentioned; this amendment adds the chapter number.

32 306.25 and 306.40: In provisions relating to conveyances
33 in connection with primary roads, state park roads, and
34 institutional roads, delete references to the executive
35 council prescribing conditions. The requirement for executive

1 council approval was stricken in 1986, so any conditions would
2 be prescribed by the controlling state agency.

3 313.4(3): In provision relating to appropriations from the
4 primary road fund, deletes an obsolete reference to executive
5 council approval of salary increases under the merit pay plan.
6 The executive council no longer approves the plan.

7 321.178(2)(a): In provision relating to restricted
8 licenses for persons between the ages of 16 and 18, changes a
9 reference to transporting dependents "of" temporary care
10 facilities to transporting dependents "to and from" temporary
11 care facilities. This parallels an earlier provision.

12 321.376(1): In provision on school bus driver's permits,
13 clarifies that actions on such permits are the responsibility
14 of the department of education rather than the department of
15 transportation.

16 321I.1(4): Strikes provision defining "department" as the
17 "department of insurance" in chapter relating to motor vehicle
18 service contracts. References to the "insurance division"
19 throughout the chapter require no definition.

20 321I.10: Substitutes "securities bureau" for "securities
21 department" in provision on misrepresentations by motor
22 vehicle service contract providers.

23 324.6: Changes the word "gasohol" to "ethanol blended
24 gasoline" in provision relating to blender's licenses.

25 330B.7(4) and 330B.9(3): Make a grammatical correction in
26 provisions relating to the quad cities interstate metropolitan
27 authority.

28 331.602(1), unen. para. 1: In list of county recorder's
29 duties, substitutes a reference to section 409A.18 for
30 reference to repealed section 409.31(2) in provision relating
31 to the recording of plats.

32 445.1(2) and (7): Substitute "interest" for "interests" in
33 definitions of "compromise" and "total amount due" in relation
34 to ad valorem taxes and special assessments, rates and
35 charges.

1 from "six" to "five".

2 246.513(1)(a): Rewrites the language of a list to improve
3 readability. The provision relates to facilities for
4 offenders convicted of violating chapter 321J who are
5 sentenced to the custody of the director of corrections.

6 256.11(10), un. paras. 1, 2: In provisions on school
7 accreditation, delete references to repealed section 256.17.
8 Section 256.17 was last printed in Code 1989.

9 256.20, un. para. 1: In provision on pilot projects for
10 year-round school, strikes a sentence incorporating the
11 deadlines established in repealed section 256.18 (modified
12 block scheduling). Section 279.10 contains deadlines which
13 would apply to year-round school pilot projects.

14 257.28, 257.33, 275.31, un. para. 2, 281.2(3), un. para.
15 3, 282.18(8), 282.28, 282.31(1) and (3), 294A.16, un. para.
16 5: In school finance provisions, correct references to
17 chapter 442 and its sections by adding a citation to Code 1991
18 or substituting other section references as appropriate.

19 Chapter 442 has been repealed. In section 257.33, also adds a
20 citation to Code 1991 in reference to repealed section 279.43.

21 299A.4, 299A.5, and 299A.8: In provisions relating to
22 annual achievement evaluations for children receiving
23 competent private instruction, substitute the word
24 "evaluation" for "test" to be consistent with the terminology
25 adopted in other sections. Also, delete a reference in
26 section 299A.8 to repealed section 442.4.

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28 on contract of unused right-of-way, a list of applicable
29 taxation chapters is extended to include chapter 449
30 (apportionment of taxes). The subject matter of that chapter
31 is already mentioned; this amendment adds the chapter number.

32 306.25 and 306.40: In provisions relating to conveyances
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34 institutional roads, delete references to the executive
35 council prescribing conditions. The requirement for executive

1 council approval was stricken in 1986, so any conditions would
2 be prescribed by the controlling state agency.

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4 primary road fund, deletes an obsolete reference to executive
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6 The executive council no longer approves the plan.

7 321.178(2)(a): In provision relating to restricted
8 licenses for persons between the ages of 16 and 18, changes a
9 reference to transporting dependents "of" temporary care
10 facilities to transporting dependents "to and from" temporary
11 care facilities. This parallels an earlier provision.

12 321.376(1): In provision on school bus driver's permits,
13 clarifies that actions on such permits are the responsibility
14 of the department of education rather than the department of
15 transportation.

16 321I.1(4): Strikes provision defining "department" as the
17 "department of insurance" in chapter relating to motor vehicle
18 service contracts. References to the "insurance division"
19 throughout the chapter require no definition.

20 321I.10: Substitutes "securities bureau" for "securities
21 department" in provision on misrepresentations by motor
22 vehicle service contract providers.

23 324.6: Changes the word "gasohol" to "ethanol blended
24 gasoline" in provision relating to blender's licenses.

25 330B.7(4) and 330B.9(3): Make a grammatical correction in
26 provisions relating to the quad cities interstate metropolitan
27 authority.

28 331.602(1), unn. para. 1: In list of county recorder's
29 duties, substitutes a reference to section 409A.18 for
30 reference to repealed section 409.31(2) in provision relating
31 to the recording of plats.

32 445.1(2) and (7): Substitute "interest" for "interests" in
33 definitions of "compromise" and "total amount due" in relation
34 to ad valorem taxes and special assessments, rates and
35 charges.

1 446.19: In language relating to tax sales, specifies "tax-
2 levying" body as well as "tax-certifying" body and substitutes
3 "from" for "by" in provision relating to procedures when the
4 city in which the parcel is located submits a bid.

5 455B.133(2), (4), un. para.1, and paragraph a,
6 subparagraph (1), and (8): In provisions setting forth the
7 air pollution duties of the environmental protection
8 commission, bring up to date several references to the federal
9 Clean Air Act by consistently including amendments through
10 January 1, 1991, and correcting specific references to the
11 Clean Air Act Amendments of 1990.

12 455B.305A(8): In provision on local siting of sanitary
13 landfill and infectious waste incinerator projects, strikes a
14 reference to a repealed section.

15 455B.474(1)(h): In provisions listing duties of the
16 environmental protection commission with respect to
17 underground storage tanks, substitutes a reference to a "no
18 action required" site for reference to a "no risk" site to
19 correct a drafting error.

20 468.27: Amends provisions relating to the establishment of
21 drainage districts to eliminate certain redundancies which
22 occurred because of separate amendments enacted in 1991.

23 476.44(2): In statute relating to the use of alternate
24 energy production facilities, includes "small hydro
25 facilities" in provision stating that an electric utility
26 shall not be required to purchase more than 15 megawatts of
27 power from such facilities. This was requested by the
28 utilities division to reflect what was apparently the intent
29 at the time of the 1990 amendment.

30 477.9A: In provision relating to deregulated telegraph or
31 telephone services, changes references from section 476.i to
32 section 476.1D to reflect the action in 1991 moving the
33 deregulation provisions to a new section. These changes were
34 requested by the utilities division.

35 477C.7(2): In provision relating to an annual assessment

1 upon telephone utilities to fund telecommunications for the
2 deaf, strikes the word "services" after "deregulated" to make
3 the entire series relate to telephone services and adds a
4 reference to section 476.1D, which relates to jurisdiction and
5 deregulation. This amendment was requested by the utilities
6 division.

7 515.150(4): In provision requiring insurers to maintain a
8 demolition cost reserve on fire and casualty claims on
9 property, deletes the words "as a result of", which appear to
10 be inappropriate in the context.

11 516D.3(7), un. para. 1: In a definition in the car rental
12 and collision damage waiver chapter, changes the word
13 "consumer's" to "customer's". "Customer" is the defined term
14 for purposes of this chapter.

15 523D.6(1)(o): In provision relating to contracts for
16 retirement facilities, inserts "or resident" after
17 "prospective resident". This corrects an inadvertent omission
18 which occurred when the section was stricken and rewritten in
19 1991.

20 534.103(3): In provision giving savings and loan
21 associations the power to own and rent lock boxes to their
22 members, inserts the word "and" for clarity.

23 534.408(1), un. para. 2: In chapter on savings and loan
24 associations, strikes paragraph which refers to the savings
25 and loan revolving fund. Statutes establishing this revolving
26 fund were stricken in 1991.

27 546.7: In the list of duties of the utilities division,
28 adds a reference to new chapter 477C, which governs regulation
29 of telecommunications facilities for the deaf (statewide dual
30 party relay system). This was requested by the utilities
31 division.

32 546.11, un. para. 2: In paragraph relating to the
33 commerce department's administrative services trust fund,
34 deletes reference to section 534.408 and the savings and loan
35 division as a participant in the fund. The portion of section

1 534.408 which formerly provided for allocations from a
2 revolving fund to the administrative services trust fund was
3 stricken in 1991.

4 601A.15A(2)(d): Amends provision on mediation in housing
5 disputes to improve grammatical usage.

6 602.1206(2) and 602.4201(2): In provisions relating to
7 court rules, correct references to the section which governs
8 publication of the rules in loose-leaf form. These changes
9 are necessitated by a 1991 revision of chapter 14.

10 602.8102(79): In list of duties of the clerk of the
11 district court, specifies that fees for the transfer of real
12 estate are to be paid by the clerk to the county treasurer
13 rather than the auditor.

14 602.8102(152), (153), and (156): In list of duties of clerk
15 of the district court, update terminology with respect to the
16 trial certificate list to reflect changes in R.C.P. 181.1,
17 strike subsection referring to a former provision of R.C.P.
18 182 relating to assessment of certain costs in connection with
19 a motion for continuance, and change the description of R.C.P.
20 214 to reflect that notice of filing, not a copy of the re-
21 port, must be mailed.

22 614.14(2), unen. para. 2: In section relating to the
23 statute of limitations for recovery by the beneficiary of a
24 trust, substitutes the word "and" for "of" to correct a
25 clerical error and substitutes the word "subsection" for
26 "section" where it appears that the reference to the entire
27 section is inappropriate. Subsection 2 was newly enacted in
28 1991.

29 702.11: In the definition of "forcible felony",
30 substitutes "sexual abuse by a counselor or therapist" for
31 "sexual exploitation by a counselor or therapist" to conform
32 to the terminology in section 709.15.

33 709.15(1)(f), unen. para. 1: In statute establishing the
34 crime of sexual abuse by a counselor or therapist, substitutes
35 "one or more" for "either or both" where the list which

1 follows contains three items.

2 18.98: Repeals an obsolete section relating to the free
3 distribution of separate books containing annotations to the
4 Iowa Code and tables of corresponding sections. The state no
5 longer publishes the annotations, and the tables of
6 corresponding sections are included as part of the Code and
7 Code Supplement.

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HOUSE FILE 2172

H-5022

1 Amend House File 2172 as follows:

2 1. Page 21, by inserting after line 16 the
3 following:

4 "Sec. ____ Section 236.12, subsection 2, Code
5 Supplement 1991, is amended to read as follows:

6 2. a. A peace officer may, with or without a
7 warrant, arrest a person under section 708-2 708.2A,
8 subsection 4 2, paragraph "a", if, upon investigation,
9 including a reasonable inquiry of the alleged victim
10 and other witnesses, if any, the officer has probable
11 cause to believe that a domestic abuse assault has
12 been committed which did not result in any injury to
13 the alleged victim.

14 b. Except as otherwise provided in subsection 3, a
15 peace officer shall, with or without a warrant, arrest
16 a person under section 708-2 708.2A, subsection 2,
17 paragraph "b", if, upon investigation, including a
18 reasonable inquiry of the alleged victim and other
19 witnesses, if any, the officer has probable cause to
20 believe that a domestic abuse assault has been
21 committed which resulted in the alleged victim's
22 suffering a bodily injury.

23 c. Except as otherwise provided in subsection 3, a
24 peace officer shall, with or without a warrant, arrest
25 a person under section 708-2 708.2A, subsection 1 2,
26 paragraph "c", if, upon investigation, including a
27 reasonable inquiry of the alleged victim and other
28 witnesses, if any, the officer has probable cause to
29 believe that a domestic abuse assault has been
30 committed with the intent to inflict a serious injury.

31 d. Except as otherwise provided in subsection 3, a
32 peace officer shall, with or without a warrant, arrest
33 a person under section 708-2 708.2A, subsection 3 2,
34 paragraph "c", if, upon investigation, including a
35 reasonable inquiry of the alleged victim and other
36 witnesses, if any, the officer has probable cause to
37 believe that a domestic abuse assault has been
38 committed and that the alleged abuser used or
39 displayed a dangerous weapon in connection with the
40 assault."

41 2. Page 41, by striking lines 21 and 22 and
42 inserting the following: "Amendments of 1990, Pub. L.
43 No. 101-549, which require the owner or operator of an
44 air".

45 3. Page 41, by striking lines 33 and 34 and
46 inserting the following: "Amendments of 1990, Pub. L.
47 No. 101-549. In the case of affected sources and
48 affected units".

49 4. Page 41, line 35, by inserting after the word
50 "Act" the following: "Amendments".

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Page 2

1 5. Page 42, by inserting after line 12 the
2 following:

3 "Sec. _____. Section 455B.133A, subsection 1, Code
4 Supplement 1991, is amended to read as follows:

5 1. Beginning July 1, 1991, and thereafter until
6 such time as the operating permit fee is established
7 by rule of the commission, and approved by the United
8 States environmental protection agency under section
9 502(b) of the federal Clean Air Act Amendments of
10 1990, an annual fee of twenty-five dollars per ton of
11 the hazardous air pollutants included in Title III of
12 the federal Clean Air Act Amendments of 1990 shall be
13 paid by the affected sources. The fee paid shall be
14 based upon the air emissions of such pollutants as
15 reported or estimated by the source in the previous
16 calendar year.

17 A source required to report hazardous air pollutant
18 emissions under section 313 of EPCRA shall pay a fee
19 based upon the most recently reported emissions. A
20 person shall pay the established fee for hazardous air
21 pollutants which are not included in section 313 of
22 EPCRA, but which are included in Title III of the
23 federal Clean Air Act Amendments of 1990, based upon
24 the facility's estimates of emissions as required by
25 section 313 of EPCRA including threshold
26 determinations and de minimus exclusions.

27 Sec. _____. Section 455B.133B, subsection 1, Code
28 Supplement 1991, is amended to read as follows:

29 1. An air contaminant source fund is created in
30 the office of the treasurer of state under the control
31 of the department. Moneys received from the fees
32 assessed pursuant to sections 455B.133A and 455B.133,
33 subsection 8, shall be deposited in the fund. Moneys
34 collected pursuant to section 455B.133, subsection 8,
35 shall be used solely to defray the costs related to
36 the permit, monitoring, and inspection program,
37 including the small business stationary source
38 technical and environmental compliance assistance
39 program required pursuant to the federal Clean Air Act
40 Amendments of 1990, sections 502 and 507, Pub. L. No.
41 101-549. Notwithstanding section 8.33, any unexpended
42 balance in the fund at the end of each fiscal year
43 shall be retained in the fund. Notwithstanding
44 section 453.7, any interest and earnings on
45 investments from money in the fund shall be credited
46 to the fund.

47 Sec. _____. Section 455B.133B, subsection 2,
48 paragraph a, Code Supplement 1991, is amended to read
49 as follows:

50 a. To prepare, submit, and obtain approval of the

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1 permit program plan required by section 502(d) of the
2 Federal Clean Air Act Amendments of 1990.

3 Sec. ____ . Section 455B.149, Code 1991, is amended
4 to read as follows:

5 455B.149 ENERGY OR ECONOMIC EMERGENCY.

6 1. Upon application by the owner or operator of a
7 fuel-burning stationary source, and after notice and
8 opportunity for public hearing, the commission may
9 petition the president, under section 110, subsection
10 "f," paragraph 1 of the federal Clean Air Act as
11 amended to through January 1, ~~1979~~ 1991, for a
12 determination that a national or regional energy
13 emergency exists. If the president determines an
14 emergency exists, the commission may suspend any
15 requirement of this division or a rule or permit
16 issued under this division. A temporary emergency
17 suspension under this subsection shall be issued only
18 if there exists in the vicinity of the source a
19 temporary emergency involving high levels of
20 unemployment or loss of necessary energy supplies for
21 residential buildings and if the unemployment or loss
22 can be totally or partially alleviated by the
23 suspension. Only one suspension may be issued for a
24 source on the basis of the same set of circumstances
25 or on the basis of the same emergency. A suspension
26 shall remain in effect for a maximum of four months.
27 The commission may include in a suspension a provision
28 directing the director to delay for a period identical
29 to the period of the suspension a compliance schedule
30 or increment of progress to which the source is
31 subject under section 455B.138, if the source is
32 unable to comply with the schedule or increment solely
33 because of the conditions on the basis of which the
34 suspension was issued.

35 2. If a plan revision has been submitted to the
36 administrator of the United States environmental
37 protection agency under section 110 of the federal
38 Clean Air Act as amended to through January 1, ~~1979~~
39 1991, and if the commission determines that the
40 revision meets the requirements of that section and
41 the revision is necessary to prevent the closing of an
42 air contaminant source for one year or more and to
43 prevent substantial increases in unemployment which
44 would result from the closing, and if the
45 administrator has not approved or disapproved within
46 the required four-month period, the commission may
47 issue a temporary emergency suspension of the part of
48 the applicable implementation plan which is proposed
49 to be revised with respect to the source. The
50 determination under this subsection shall not be made

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1 with respect to a source which would close without
2 regard to whether or not the proposed plan revision is
3 approved. A temporary emergency suspension issued
4 under this subsection shall remain in effect for a
5 maximum of four months. A temporary emergency
6 suspension under this subsection may include a
7 provision directing the director to delay for a period
8 identical to the period of the suspension a compliance
9 schedule or increment of progress to which the source
10 is subject under section 119 of the federal Clean Air
11 Act as in effect prior to August 7, 1977, or section
12 113, subsection "d" of the federal Clean Air Act as
13 amended ~~to~~ through January 1, 1979 1991, upon a
14 finding that the source is unable to comply with the
15 schedule or increment solely because of the conditions
16 on the basis of which a suspension was issued under
17 this subsection."

18 6. Page 50, by inserting after line 21 the
19 following:

20 "Sec. ____ . Section 902.9, unnumbered paragraph 2,
21 Code 1991, is amended to read as follows:

22 The criminal penalty surcharge required by section
23 911.2 shall be added to a fine imposed on a class "C"
24 or class "D" felon, as provided by that section, and
25 is not a part of or subject to the maximums set in
26 this section."

27 7. By renumbering and correcting internal
28 references as necessary.

By BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT
JAY of Appanoose, Chairperson

H-5022 FILED FEBRUARY 5, 1992

Adopted 2/12 (p. 20-)

See Judiciary 214, No Pass 3/26

HOUSE FILE 2172
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 571)

(As Amended and Passed by the House February 12, 1992)

Passed House, Date 2/12/92 (p. 202) Passed Senate, Date 3/31/92 (p. 1116)

Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0

Approved April 28, 1992 (p. 1899)

Motion to reconsider (p. 1126) w/d 4/7

A BILL FOR

1 An Act relating to nonsubstantive Code corrections.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 7E.5, subsection 1, paragraph t, Code
2 1991, is amended to read as follows:

3 t. The department of human rights, created in section
4 601K.1, which has primary responsibility for services relating
5 to Latino persons, ~~children, youth, and families~~, women,
6 persons with disabilities, community action agencies, criminal
7 and juvenile justice planning, the status of ~~blacks~~ African-
8 Americans, and deaf persons.

9 Sec. 2. Section 9B.1, subsection 5, Code Supplement 1991,
10 is amended to read as follows:

11 5. The secretary of state shall require that a waste tire
12 hauler have on file with the secretary of state before the
13 issuance or renewal of a registration certificate, a surety
14 bond executed by a surety company authorized to do business in
15 this state in the sum of a minimum of ten thousand dollars,
16 which bond shall be continuous in nature until canceled by the
17 surety. A surety shall provide at least thirty days' notice
18 in writing to the waste tire hauler and to the secretary of
19 state indicating the surety's intent to cancel the bond and
20 the effective date of the cancellation. The surety bond shall
21 be for the benefit of the citizens of this state and shall be
22 conditioned upon the waste tire hauler's willingness to comply
23 with this section. The surety's liability under this
24 subsection is limited to the amount of the bond or the amount
25 of the damages or moneys due, whichever is less. However,
26 this subsection does not limit the amount of damages
27 recoverable from a waste tire hauler to the amount of the
28 surety bond. ~~This subsection shall not limit the recovery of~~
29 ~~damages to the amount of the surety bond.~~ The bond shall be
30 made in a form prescribed by the commissioner of insurance and
31 written by a company authorized by the commissioner of
32 insurance to do business in this state.

33 Sec. 3. Section 13B.2A, unnumbered paragraph 1, Code
34 Supplement 1991, is amended to read as follows:

35 An indigent defense advisory commission is established

1 within the department to advise and make recommendations to
2 the state public defender regarding the establishment and
3 implementation of cost-effective methods to provide indigent
4 defense. The advisory commission shall consist of nine
5 members: four members to be appointed by the governor,
6 subject to senate confirmation, including two members from
7 nominees nominations made by the Iowa state bar association,
8 and two members from nominees nominations made by the Iowa
9 judges association; two members appointed by the governor,
10 subject to senate confirmation; one member to be appointed by
11 the governor, subject to senate confirmation, from nominees
12 nominations made by the Iowa county attorneys association; and
13 two members, one from each chamber of the general assembly, to
14 be appointed by the legislative council with no more than one
15 of the members from any one political party. Each member
16 shall serve a three-year term, with initial terms to be
17 staggered. The members should represent a balance of
18 attorneys and nonattorneys.

19 Sec. 4. Section 17.21, Code 1991, is amended to read as
20 follows:

21 17.21 LEGAL PUBLICATIONS.

22 The Iowa Code, Iowa Code Supplement, or other supplements
23 thereto, Iowa administrative code, rules of civil procedure,
24 rules of appellate procedure, and supreme court rules, session
25 laws, annotations, tables of corresponding sections and
26 reports of the supreme court, unless otherwise specifically
27 provided by law, shall be printed, and paid for in the same
28 manner as other public printing.

29 Sec. 5. Section 17.22, Code 1991, is amended to read as
30 follows:

31 17.22 PRICE.

32 The publications listed in this section shall be sold at a
33 price to be established by the legislative council. In
34 determining these prices, the legislative council shall
35 consider the costs of printing, binding, distribution, paper

1 stock, and compilation and editing labor costs. The
2 legislative council shall also consider the number of volumes
3 to be printed, sold, and distributed in the determination of
4 these prices.

5 1. The Iowa Code, Iowa Code Supplement, or its other
6 supplements, the Iowa administrative code or its supplements,
7 and the Iowa administrative bulletin.

8 2. Session laws.

9 3. Daily journals and bills.

10 ~~4.--Book-of-annotations-to-the-Code-~~

11 ~~5.--Supplements-to-the-book-of-annotations-~~

12 ~~6.--Tables-of-corresponding-sections-to-the-Code-~~

13 7 4. Iowa court rules.

14 The Iowa administrative code, its supplements, or the Iowa
15 administrative bulletin ~~or-the-Code~~ may be distributed with
16 the Iowa Code or separately. There shall be established
17 separate prices for the Iowa administrative code, for its
18 supplements, for the Iowa administrative bulletin, and for the
19 Iowa Code, the Iowa Code Supplement, and other supplements.

20 When the Iowa Code is published in more than one volume the
21 superintendent of printing may distribute each volume on
22 order, after payment of the estimated purchase price for the
23 set, when the volume becomes available.

24 Sec. 6. Section 17.25, Code 1991, is amended to read as
25 follows:

26 17.25 NEW EDITIONS.

27 New editions of the Iowa Code, Iowa Code Supplement, or
28 other supplements thereto, book-of-annotations, reports of the
29 supreme court, and reports of the court of appeals may be
30 published by the superintendent of printing when the supply on
31 hand of the last edition becomes exhausted and when a new
32 edition is necessary in order to meet the demand.

33 Sec. 7. Section 17.26, Code 1991, is amended to read as
34 follows:

35 17.26 NUMBER PRINTED.

1 The number of each edition of the Iowa Code, Iowa Code
2 Supplement, or other supplements thereto, tables-of
3 corresponding-sections and session laws shall be determined by
4 the superintendent of printing and the Iowa Code editor unless
5 expressly determined by presiding officers of the general
6 assembly.

7 Sec. 8. Section 18.9, subsection 2, Code 1991, is amended
8 to read as follows:

9 2. Statements rendered to the various state agencies shall
10 be paid by the state agencies in the manner determined by the
11 department of management revenue and finance. When the
12 statements are paid the sums shall be credited to the general
13 service revolving fund. If any funds accrued to the revolving
14 fund in excess of two hundred twenty-five thousand dollars and
15 there is no anticipated need or use for such funds, the
16 governor shall order the excess funds credited to the general
17 fund of the state.

18 Sec. 9. Section 28C.5, subsection 1, Code Supplement 1991,
19 is amended to read as follows:

20 1. The commission and committees established by the
21 commission may accept technical and operational assistance
22 from the staff of the legislative service bureau and the
23 legislative fiscal bureau, other state or federal agencies,
24 units of local governments, or any other public or private
25 source. The directors of the legislative service bureau and
26 the legislative fiscal bureau may assign professional,
27 technical, legal, clerical, or other staff, as necessary and
28 authorized by the legislative council for continued operation
29 of the commission. However, the technical and operational
30 assistance shall be provided within existing appropriations
31 made to or with existing resources of the ~~state-or-local~~
32 ~~agencies~~ legislative service bureau and legislative fiscal
33 bureau to carry out ~~its~~ their powers and duties.

34 Sec. 10. Section 41.1, subsection 23, paragraph b, Code
35 Supplement 1991, is amended to read as follows:

1 b. That portion of the city of Cedar Falls bound bounded
2 by a line commencing at the point East Ridgeway avenue
3 intersects the east corporate limit of the city of Cedar
4 Falls, then proceeding west along East Ridgeway avenue until
5 it intersects South Main street, then proceeding north along
6 South Main street until it intersects Oregon road, then
7 proceeding easterly along Oregon road until it intersects
8 Dallas drive, then proceeding north along Dallas drive until
9 it intersects Utah road, then proceeding east along Utah road
10 until it intersects ~~Fuseon~~ Tucson drive, then proceeding north
11 along ~~Fuseon~~ Tucson drive until it intersects Idaho road, then
12 proceeding east along Idaho road until it intersects Boulder
13 drive, then proceeding south along Boulder drive until it
14 intersects Lilac lane, then proceeding east along Lilac lane
15 until it intersects Woodridge drive, then proceeding south
16 along Woodridge drive until it intersects Orchard drive, then
17 proceeding east along Orchard drive until it intersects
18 Carlton drive, then proceeding southeasterly along Carlton
19 drive until its second intersection with Maryhill drive, then
20 proceeding northerly along Maryhill drive until it intersects
21 Primrose drive, then proceeding east along Primrose drive
22 until it intersects Rownd street, then proceeding north along
23 Rownd street until it intersects Orchard drive, then
24 proceeding west along Orchard drive until it intersects
25 McClain drive, then proceeding north along McClain drive until
26 it intersects University avenue, then proceeding northwesterly
27 along University avenue until it intersects Waterloo road,
28 then proceeding northwesterly along Waterloo road until it
29 intersects Elmwood avenue, then proceeding north along Elmwood
30 avenue until it intersects Rainbow drive, then proceeding west
31 along Rainbow drive until it intersects Schreiber street, then
32 proceeding north along Schreiber street until it intersects
33 Newman avenue, then proceeding east along Newman avenue until
34 it intersects Birch street, then proceeding north along Birch
35 street until it intersects Grand boulevard, then proceeding

1 southeasterly along Grand boulevard until it intersects Belle
2 avenue, then proceeding north along Belle avenue (and its
3 extension) until it intersects the Iowa Northern Railway
4 Company railroad track, then proceeding northwesterly along
5 the Iowa Northern Railway Company railroad track until it
6 intersects Dry run, then proceeding northeasterly along Dry
7 run until it intersects the middle of the main channel of the
8 Cedar river, then proceeding first north and then
9 northwesterly along the middle of the main channel of the
10 Cedar river until it intersects Center street, then proceeding
11 northerly along Center street until it intersects West Lone
12 Tree road, then proceeding easterly along West Lone Tree road
13 until it intersects East Lone Tree road, then proceeding
14 easterly along East Lone Tree road until it intersects Big
15 Woods road, then proceeding south along Big Woods road until
16 it intersects East Lake street, then proceeding east along
17 East Lake street until it intersects the east corporate limit
18 of the city of Cedar Falls, then proceeding first north and
19 then in a counterclockwise manner along the corporate limits
20 of the city of Cedar Falls to the point of origin.

21 Sec. 11. Section 41.1, subsection 54, Code Supplement
22 1991, is amended to read as follows:

23 54. The fifty-fourth representative district in Linn
24 county shall consist of those portions of the city of Cedar
25 Rapids and Fairfax and Clinton townships bounded by a line
26 commencing at the point "J" street southwest intersects
27 Twenty-seventh avenue southwest, then proceeding west along
28 Twenty-seventh avenue southwest until it intersects Sixth
29 street southwest, then proceeding southerly along Sixth street
30 southwest until it intersects the Chicago and Northwestern
31 Transportation Company railroad track, then proceeding
32 southwestern southwesterly along the Chicago and Northwestern
33 Transportation Company railroad track until it intersects the
34 west corporate limit of the city of Cedar Rapids, then
35 proceeding first north and then in a clockwise manner along

1 the corporate limits of the city of Cedar Rapids until it
2 intersects Rogers road northwest, then proceeding westerly
3 along Rogers road northwest until it intersects the southerly
4 extension of the west corporate limit of the city of Cedar
5 Rapids to the west of Morris avenue, then proceeding north
6 along the west corporate limit (and its southern extension),
7 and then west along the corporate limit, then south along the
8 corporate limit and its extension until it intersects Rogers
9 road northwest, then proceeding westerly along Rogers road
10 northwest until it again intersects the southern extension of
11 the west corporate limit of the city of Cedar Rapids, then
12 proceeding north along the west corporate limit of the city of
13 Cedar Rapids until it intersects the west corporate limit of
14 the city of Cedar Rapids, then proceeding first north and then
15 in a clockwise manner along the corporate limits of the city
16 of Cedar Rapids until it intersects the middle of the main
17 channel of the Red Cedar river, then proceeding northeasterly
18 along the middle of the main channel of the Red Cedar river
19 until it intersects Edgewood road northwest, then proceeding
20 southerly along Edgewood road northwest until it intersects
21 "O" avenue northwest, then proceeding east along "O" avenue
22 northwest until it intersects Hillside drive northwest, then
23 proceeding north along Hillside drive northwest until it
24 intersects Elaine drive northwest, then proceeding east along
25 Elaine drive northwest until it intersects Thirtieth street
26 northwest, then proceeding south along Thirtieth street
27 northwest until it intersects "O" avenue northwest, then
28 proceeding east along "O" avenue northwest until it intersects
29 Highwood drive northwest, then proceeding first southwesterly
30 and then in a counterclockwise manner along the boundary of
31 the fifty-third representative district to the point of
32 origin.

33 Sec. 12. Section 43.42, Code Supplement 1991, is amended
34 by adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Each change or declaration of a

1 qualified elector's party affiliation so received shall be
2 reported by the precinct election officials to the county
3 commissioner of registration who shall enter a notation of the
4 change on the registration records.

5 Sec. 13. Section 53.23, subsections 1 and 3, Code 1991,
6 are amended to read as follows:

7 1. The election board of the absentee ballot and special
8 voters precinct shall be appointed by the commissioner in the
9 manner prescribed by sections 49.12 and 49.13, except that the
10 number of precinct election officials appointed to the board
11 shall be sufficient to complete the counting of absentee
12 ballots by ten o'clock p.m. on election day.

13 3. The commissioner shall set the convening time for the
14 board, allowing a reasonable amount of time to complete
15 counting all absentee ballots by ten o'clock p.m. on election
16 day. The commissioner may direct the board to meet on the day
17 prior to the election solely for the purpose of reviewing the
18 absentee voters' affidavits appearing on the sealed ballot
19 envelopes if in the commissioner's judgment this procedure is
20 necessary due to the number of absentee ballots received, but
21 under no circumstances shall a sealed ballot envelope be
22 opened before the board convenes on election day.

23 Sec. 14. Section 56.10, subsection 6, paragraph c, Code
24 Supplement 1991, is amended to read as follows:

25 c. Distribute the necessary forms to each county
26 commissioner to be furnished to persons required to file
27 reports and statements.

28 Sec. 15. Section 56.10, subsection 7, Code Supplement
29 1991, is amended to read as follows:

30 7. The county commissioners shall furnish the necessary
31 forms to persons required to file reports and statements in
32 their office.

33 Sec. 16. Section 56.10, subsection 8, unnumbered paragraph
34 1, Code Supplement 1991, is amended to read as follows:

35 The commission and the ~~commissioner~~ county commissioners

1 shall:

2 Sec. 17. Section 56.10, subsection 9, Code Supplement
3 1991, is amended to read as follows:

4 9. The commission and the county commissioners shall
5 provide proper forms to each committee which is required to
6 file a report with them. A form packet shall be mailed to
7 each active committee on or about April 25 of each year.

8 Sec. 18. Section 87.11A, Code Supplement 1991, is amended
9 to read as follows:

10 87.11A EXAMINATION REQUIRED.

11 The commissioner of insurance may at any time examine or
12 inquire into the affairs of any self-insured employer. A
13 domestic self-insured employer, or a self-insured employer not
14 subject to periodic examination in its state of origin, shall
15 be examined at least once during each three-year period.

16 Sec. 19. Section 87.11B, Code Supplement 1991, is amended
17 to read as follows:

18 87.11B OBLIGATION TO ASSIST AN EXAMINATION -- OATHS.

19 If a self-insured employer is being examined, the officers,
20 employees, or agents of the employer, shall produce for
21 inspection all books, documents, papers, and other information
22 concerning the affairs of the employer and shall otherwise
23 assist in ~~such~~ the examination to the extent possible. The
24 commissioner of insurance, or the commissioner's legally
25 authorized representative in charge of the examination, may
26 administer oaths and take testimony bearing upon the affairs
27 of ~~any~~ an employer under examination.

28 Sec. 20. Section 88B.3, subsection 3, Code 1991, is
29 amended to read as follows:

30 3. The commissioner shall prescribe fees for the issuance
31 and renewal of licenses and ~~certificates~~ permits. The fees
32 shall be based on the costs of ~~licensing~~ certification and
33 permitting and other costs of administering this chapter.

34 Sec. 21. Section 93.16, unnumbered paragraph 2, Code
35 Supplement 1991, is amended to read as follows:

1 Notwithstanding the provisions of this section directing
2 that funds accepted be deposited into the energy research and
3 development fund, for the fiscal period beginning on July 1,
4 1991, and ending June 30, 1993, all funds accepted shall be
5 deposited into the general fund of the state and shall be
6 appropriated ~~for purposes of~~ as provided in section 93-14
7 93.11, subsection 1, paragraph "f".

8 Sec. 22. Section 98.8, subsection 3, unnumbered paragraph
9 1, Code 1991, is amended to read as follows:

10 The department may make refunds on unused stamps to the
11 person who purchased ~~said~~ the stamps at a price equal to the
12 amount paid for ~~such~~ the stamps when proof satisfactory to the
13 department is furnished that any stamps upon which a refund is
14 requested were properly purchased from the department and paid
15 for by the person requesting ~~such~~ the refund. In making ~~such~~
16 the refund, the department shall prepare a voucher showing the
17 amount of refund due and to whom payable and ~~the comptroller~~
18 ~~shall then~~ issue a warrant upon order of the director to pay
19 ~~such~~ the refund out of any funds in the state treasury not
20 otherwise appropriated.

21 Sec. 23. Section 99D.11, subsection 6, paragraph b, Code
22 Supplement 1991, is amended to read as follows:

23 b. The commission may authorize the licensee to
24 simultaneously telecast within the racetrack enclosure, for
25 the purpose of pari-mutuel wagering, a horse or dog race
26 licensed by the racing authority of another state. It is the
27 responsibility of each licensee to obtain the consent of
28 appropriate racing officials in other states as required by
29 the federal Interstate Horseracing Act of 1978, 15 U.S.C. §
30 3001-3007, to televise races for the purpose of conducting
31 pari-mutuel wagering. A licensee may also obtain the
32 permission of a person licensed by the commission to conduct
33 horse or dog races in this state to televise races conducted
34 by that person for the purpose of conducting pari-mutuel
35 racing. However, arrangements made by a licensee to televise

1 any race for the purpose of conducting pari-mutuel wagering
2 are subject to the approval of the commission, and the
3 commission shall select the races to be televised. The races
4 selected by the commission shall be the same for all licensees
5 approved by the commission to televise races for the purpose
6 of conducting pari-mutuel wagering. The commission shall not
7 authorize the simultaneous telecast or televising of and a
8 licensee shall not simultaneously telecast or televise any
9 horse or dog race for the purpose of conducting pari-mutuel
10 wagering unless the simultaneous telecast or televising is
11 done at the racetrack of a licensee that schedules no less
12 than one hundred five performances of eight live races each
13 day of the season. For purposes of the taxes imposed under
14 this chapter, races televised by a licensee for purposes of
15 pari-mutuel wagering shall be treated as if the races were
16 held at the racetrack of the licensee.

17 Sec. 24. Section 99D.17, unnumbered paragraph i, Code
18 Supplement 1991, is amended to read as follows:

19 Funds received pursuant to sections 99D.14 and 99D.15 shall
20 be deposited in the pari-mutuel regulation fund created in the
21 racing and gaming commission. These funds shall first be used
22 to the extent appropriated by the general assembly ~~and as~~
23 ~~provided in section 99D.18~~. The remainder shall be
24 transferred to the treasurer of state to be deposited in the
25 general fund of the state. The commission is subject to the
26 budget requirements of chapter 8 and the applicable auditing
27 requirements and procedures of chapter 11.

28 Sec. 25. Section 100.1, subsection 4, paragraph b, Code
29 1991, is amended to read as follows:

30 b. The storage, transportation, handling, and use of
31 ~~inflammable~~ flammable liquids, combustibles, and explosives;

32 Sec. 26. Section 106.9, subsection 10, Code 1991, is
33 amended to read as follows:

34 10. Every motorboat, except open boats, using any liquid
35 of a volatile nature as fuel, shall be provided with such the

1 means ~~as may be~~ prescribed by the rules and regulations of the
2 commission for properly and efficiently ventilating the bilges
3 of the engines and fuel tank compartments so as to remove any
4 explosive or ~~inflammable~~ flammable gases.

5 Sec. 27. Section 106.35, Code Supplement 1991, is amended
6 to read as follows:

7 106.35 SPECIAL CERTIFICATE FOR MANUFACTURER OR DEALER.

8 A manufacturer or dealer owning, storing, repairing, or
9 altering any a vessel required to be registered under the
10 ~~provisions of~~ this chapter may operate the same vessel for
11 purposes of transporting, testing, demonstrating, or selling
12 the same vessel without registering each such vessel, provided
13 that any such vessel displays thereon a special certificate
14 issued to ~~such owner~~ the manufacturer or dealer as provided in
15 this chapter. This special certificate ~~may~~ shall not be used
16 for any vessel offered for hire or for any work or service
17 vessels owned by a manufacturer or dealer.

18 Sec. 28. Section 111.79, subsection 4, Code Supplement
19 1991, is amended to read as follows:

20 4. Notwithstanding any other provision of law, for the
21 fiscal period beginning on July 1, 1991, and ending June 30,
22 1993, ~~funds that direct that~~ moneys to be credited to or
23 deposited in the public outdoor recreation and resources fund
24 shall be credited to or deposited to the general fund of the
25 state and appropriations made for purposes of this section
26 shall not be deposited into the public outdoor recreation and
27 resources fund but shall be allocated as provided in this
28 section.

29 Sec. 29. Section 116.5, unnumbered paragraph 3, Code 1991,
30 is amended by striking the paragraph.

31 Sec. 30. Section 116.6, subsection 1, paragraph a, Code
32 Supplement 1991, is amended to read as follows:

33 a. "Applicant" means an entity holding a permit to
34 practice as a corporation or partnership of certified public
35 accountants issued pursuant to section 116.20, subsection 3,

1 or a person certified as a certified public accountant
2 pursuant to section 116.5 who practices as a sole
3 proprietorship.

4 Sec. 31. Section 116.6, subsection 5, paragraph a, Code
5 Supplement 1991, is amended to read as follows:

6 a. Peer review records are privileged and confidential,
7 and are not subject to discovery, subpoena, or other means of
8 legal compulsion. Peer review records are not admissible in
9 evidence in a judicial, arbitration, or administrative
10 proceeding. Information or documents discoverable from
11 sources other than a peer review team do not become
12 nondiscoverable from other sources because they are made
13 available to or are in the possession of a peer review team.
14 Information or documents publicly available from the American
15 institute of certified public accountants relating to quality
16 or peer review are not privileged or confidential under this
17 subsection.

18 Sec. 32. Section 116.8, Code Supplement 1991, is amended
19 to read as follows:

20 116.8 EXAMINATION REQUIRED.

21 An applicant not qualified under section 116.7 shall be
22 granted a license if the applicant passes a written
23 examination prescribed by the board, and meets one of the
24 following requirements:

25 1. If the applicant has had two or more years actual
26 experience in practice as an accounting practitioner as an
27 employee of a certified public accountant or an accounting
28 practitioner~~7-or~~.

29 2. If the applicant was employed for at least twenty-four
30 months prior to July 1, 1975 by the United States government,
31 by this state, or by a political subdivision of this state in
32 an accounting or auditing position for which an examination in
33 accounting knowledge or qualifying education or experience in
34 practice as an accounting practitioner was required. The
35 applicant shall submit to the board an official copy of the

1 job description and educational or experience qualifications
2 required, or an affidavit of the immediate superior of the
3 applicant attesting to the applicant's accounting or auditing
4 duties. Any evidence which indicates that the applicant has
5 performed only clerical or bookkeeping work shall not be
6 deemed sufficient for the purposes of this subsection, ~~or.~~

7 3. If the applicant submits evidence satisfactory to the
8 board that the applicant is a graduate of a four-year college
9 or university accredited by the north central accreditation
10 association or other regional accreditation association having
11 equivalent standards, with a major in accounting, or that the
12 applicant is a graduate in accountancy from a business or
13 correspondence school accredited by the accrediting commission
14 for business schools or the accrediting commission of the
15 national home study council.

16 4. If the applicant submits evidence of at least five
17 years of continuous experience engaged in performing any of
18 the services delineated in section 116.2 on a full-time basis.

19 Sec. 33. Section 125.14A, subsection 1, Code Supplement
20 1991, is amended to read as follows:

21 1. If a person is being considered for licensure under
22 this chapter, or for employment involving direct
23 responsibility for a child or with access to a child when the
24 child is alone, by a program admitting juveniles subject to
25 licensure under this chapter, or if a person will reside in a
26 facility utilized by such a program, and if the person has
27 been convicted of a crime or has a record of founded child
28 abuse, the department of human services and the program, for
29 an employee of the program, shall perform an evaluation to
30 determine whether the crime or founded child abuse warrants
31 prohibition of licensure, employment, or residence in the
32 facility. The department of human services shall conduct
33 criminal and child abuse record checks in this state and may
34 conduct these checks in other states. The evaluation shall be
35 performed in accordance with procedures adopted for this

1 purpose by the department of human services.

2 Sec. 34. Section 135.11A, unnumbered paragraph 2, Code
3 Supplement 1991, is amended to read as follows:

4 The professional licensure division and the licensing
5 boards may expend ~~additional~~ funds in addition to amounts
6 budgeted, if those additional expenditures are directly the
7 cause result of actual examination and exceed funds budgeted
8 for examinations. Before the division or a licensing board
9 expends or encumbers an amount in excess of the funds budgeted
10 for examinations, the director of the department of management
11 shall approve the expenditure or encumbrance. Before approval
12 is given, the department of management shall determine that
13 the examination expenses exceed the funds budgeted by the
14 general assembly to the division or board and the division or
15 board does not have other funds from which examination
16 expenses can be paid. Upon approval of the department of
17 management, the division or licensing board may expend and
18 encumber funds for excess examination expenses. The amounts
19 necessary to fund the excess examination expenses shall be
20 collected as fees from additional examination applicants and
21 shall be treated as repayment receipts as defined in section
22 8.2.

23 Sec. 35. Section 135H.7, subsection 2, paragraph a, Code
24 Supplement 1991, is amended to read as follows:

25 a. If a person is being considered for licensure under
26 this chapter, or for employment involving direct
27 responsibility for a child or with access to a child when the
28 child is alone, by a licensed psychiatric institution, or if a
29 person will reside in a facility utilized by a licensee, and
30 if the person has been convicted of a crime or has a record of
31 founded child abuse, the department of human services and the
32 licensee, for an employee of the licensee, shall perform an
33 evaluation to determine whether the crime or founded child
34 abuse warrants prohibition of licensure, employment, or
35 residence in the facility. The department of human services

1 shall conduct criminal and child abuse record checks in this
2 state and may conduct these checks in other states. The
3 evaluation shall be performed in accordance with procedures
4 adopted for this purpose by the department of human services.

5 Sec. 36. Section 136C.3, subsection 2, unnumbered
6 paragraph 1, Code 1991, is amended to read as follows:

7 Establish minimum training standards including continuing
8 education requirements, and administer examinations and
9 disciplinary procedures for operators of radiation machines
10 and users of radioactive materials. A state of Iowa license
11 to practice medicine, osteopathy, chiropractic, podiatry,
12 dentistry, dental hygiene, or veterinary medicine, or
13 licensure as a physician assistant pursuant to chapter 148C,
14 or certification by the board of dental examiners in dental
15 radiography, or by the board of podiatry examiners in
16 podiatric ~~radiology~~ radiography, or enrollment in a program or
17 course of study approved by the Iowa department of public
18 health which includes the application of radiation to humans
19 satisfies the minimum training standards for operation of
20 radiation machines only.

21 Sec. 37. Section 147.107, subsection 5, Code Supplement
22 1991, is amended to read as follows:

23 5. Notwithstanding subsection 1 and any other provision of
24 this section to the contrary, a physician may delegate the
25 function of prescribing drugs, controlled substances, and
26 medical devices to a physician assistant licensed pursuant to
27 chapter 148C. When delegated prescribing occurs, the
28 supervising physician's name shall be used, recorded, or
29 otherwise indicated in connection with each individual
30 prescription so that the individual who dispenses or
31 administers the prescription knows under whose delegated
32 authority the physician assistant is prescribing. Rules
33 relating to the authority of physician assistants to prescribe
34 drugs, controlled substances, and medical devices pursuant to
35 this subsection shall be adopted by the board of physician

1 assistant examiners, after consultation with the board of
2 medical examiners and the board of pharmacy examiners, as soon
3 as possible after July 1, 1991. The rules shall be reviewed
4 and approved by the physician assistant rules review group
5 created under subsection 7 and shall be adopted in final form
6 by January 1, 1993. However, the rules shall prohibit the
7 prescribing of schedule II controlled substances which are
8 listed as stimulants or depressants pursuant to chapter 204.
9 If rules are not reviewed and approved by the physician
10 assistant rules review group created under subsection 7 and
11 adopted in final form by January 1, 1993, a physician
12 assistant may prescribe drugs as a delegated act of a
13 supervising physician under rules adopted by the board of
14 physician assistant ~~board-of~~ examiners and subject to the
15 rules review process established in section 148C.7. The board
16 of physician assistant examiners shall be the only board to
17 regulate the practice of physician assistants relating to
18 prescribing and supplying prescription drugs, controlled
19 substances and medical devices, notwithstanding section
20 148C.6A.

21 Sec. 38. Section 159.1, subsections 2 and 3, Code
22 Supplement 1991, are amended by striking the subsections.

23 Sec. 39. Section 159.20, unnumbered paragraph 3, Code
24 Supplement 1991, is amended to read as follows:

25 As used in this subchapter, "agricultural commodity" means
26 any unprocessed agricultural product, including animals,
27 agricultural crops, and forestry products grown, raised,
28 produced, or fed in Iowa for sale in commercial channels.

29 "Commercial channels" means the processes of sale of a-farm an
30 agricultural commodity or unprocessed product from the farm
31 agricultural commodity to any person, public or private, who
32 resells the farm agricultural commodity for breeding,
33 processing, slaughter, or distribution.

34 Sec. 40. Section 159A.5, subsection 4, Code Supplement
35 1991, is amended to read as follows:

1 4. The committee shall review the annual report to the
2 secretary regarding ~~ethanol~~ renewable fuel activities, as
3 provided in section 159A.3. The committee may make written
4 comments concerning the contents of the report. Upon request
5 of the committee, the coordinator shall include the comments
6 as part of the report.

7 Sec. 41. Section 159A.6, unnumbered paragraph 2, Code
8 Supplement 1991, is amended to read as follows:

9 The committee shall develop standards for decals required
10 pursuant to section 214A.16, which shall be designed to
11 promote the advantages of using renewable fuel. The standards
12 may be incorporated within a model decal adopted by the board
13 committee and approved by the office.

14 Sec. 42. Section 166D.2, subsection 7, Code 1991, is
15 amended by adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The department may combine an
17 official health certificate or a veterinarian inspection cer-
18 tificate as required under chapter 163 with a certificate of
19 inspection.

20 Sec. 43. Section 166D.16, unnumbered paragraph 2, Code
21 Supplement 1991, is amended by striking the unnumbered para-
22 graph.

23 Sec. 44. Section 189.1, Code 1991, is amended by striking
24 the section and inserting in lieu thereof the following:

25 189.1 DEFINITIONS CONTROLLING TITLE.

26 For the purpose of this title:

27 1. "Article" includes food, commercial feed, agricultural
28 seed, commercial fertilizer, drug, insecticide, fungicide,
29 paint, linseed oil, turpentine, and illuminating oil, in the
30 sense in which they are defined in the various provisions of
31 this title.

32 2. "Department" means the department of agriculture and
33 land stewardship, and if the department is required or
34 authorized to do an act, the act may be performed by a regular
35 assistant or a duly authorized agent of the department.

1 3. "Official laboratory" means a biological, chemical, or
2 physical laboratory which performs testing or analysis
3 pursuant to scientific procedures, to the extent the
4 laboratory is recognized by the department as a reliable
5 indicator of scientific results.

6 4. "Package" or "container", unless otherwise defined,
7 includes wrapper, box, carton, case, basket, hamper, can,
8 bottle, jar, tube, cask, vessel, tub, firkin, keg, jug,
9 barrel, tank, tank car, and other receptacles of a like
10 nature; and the expression "offered or exposed for sale or
11 sold in package or wrapped form" means the offering or
12 exposing for sale, or selling of an article which is contained
13 in a package or container as defined in this section.

14 5. "Pasteurization" or "pasteurized" means the procedure
15 of processing milk or a milk product, in order to ensure its
16 safety from contaminants, if the procedure of pasteurization
17 is consistent with standards adopted by the department
18 pursuant to section 192.102.

19 6. "Person" includes a corporation, company, firm,
20 society, or association; and the act, omission, or conduct of
21 any officer, agent, or other person acting in a representative
22 capacity shall be imputed to the organization or person
23 represented, and the person acting in that capacity shall also
24 be liable for violations of this title.

25 7. "Rules" includes regulations and orders by the
26 department.

27 8. "Secretary" means the secretary of agriculture.

28 9. "United States Pharmacopoeia" or "National Formulary"
29 means the latest revision of these publications official at
30 the time of a transaction which is in question.

31 Sec. 45. Section 191.2, subsection 5, unnumbered paragraph
32 1, Code Supplement 1991, is amended to read as follows:

33 All bottles, containers, and packages enclosing milk or
34 milk products as defined in section 190-17-subsections 6 and
35 38-to-57, shall be conspicuously labeled or marked with:

1 Sec. 46. Section 192.111, subsection 2, Code Supplement
2 1991, is amended to read as follows:

3 2. A purchaser of milk from a grade "A" milk producer
4 shall pay an inspection fee not greater than one point five
5 cents per hundredweight. The fee shall be payable monthly to
6 the secretary in a manner prescribed by the secretary. A-fee
7 ~~imposed-under-this-subsection-shall-not-be-paid-on-milk~~
8 ~~subject-to-inspection-by-a-municipal-corporation-pursuant-to~~
9 ~~section-192:103.~~

10 Sec. 47. Section 194.20, Code Supplement 1991, is amended
11 to read as follows:

12 194.20 INSPECTION FEES -- GRADE "B" MILK.

13 A purchaser of milk from a grade "B" milk producer shall
14 pay an inspection fee not greater than one-half cent per
15 hundredweight. The fee is payable monthly to the department
16 at a time prescribed by the department. A fee imposed by this
17 section shall not be paid on milk inspected by a person
18 administering the inspection pursuant to an inspection
19 contract as provided in section 192.108. Fees collected under
20 this section shall be deposited in the milk fund established
21 in section 192.111.

22 Sec. 48. Section 214A.10, Code 1991, is amended to read as
23 follows:

24 214A.10 TRANSFER PIPES.

25 A wholesale dealer, retail dealer, or other person shall
26 not, within this state, use the same pipeline for
27 transferring motor vehicle fuel, including gasoline, or
28 oxygenate octane enhancer from one container to another, if
29 the pipeline is used for transferring kerosene or other
30 ~~inflammable~~ flammable product used for open flame illuminating
31 or heating purposes.

32 Sec. 49. Section 217.9A, subsection 1, unnumbered
33 paragraph 2, Code Supplement 1991, is amended to read as
34 follows:

35 The commission shall examine ~~the-following~~ issues related

1 to the cycle of dependency which some families have on
2 services, including, but not limited to, child care, chemical
3 dependency, child welfare, youth employment, parent education,
4 health, and education.

5 Sec. 50. Section 235B.6, subsection 2, paragraph e,
6 subparagraph (3), Code Supplement 1991, is amended to read as
7 follows:

8 (3) The department of public-safety justice for the sole
9 purpose of the filing of a claim for reparation pursuant to
10 section 910A.5 and section 912.4, subsections 3 through 5.

11 Sec. 51. Section 235B.16, subsection 1, paragraph b, Code
12 Supplement 1991, is amended to read as follows:

13 b. Providing ~~care-givers~~ caretakers with information
14 regarding services to alleviate the emotional, psychological,
15 physical, or financial stress associated with the ~~care-giver~~
16 caretaker and dependent adult relationship.

17 Sec. 52. Section 236.12, subsection 2, Code Supplement
18 1991, is amended to read as follows:

19 2. a. A peace officer may, with or without a warrant,
20 arrest a person under section 708-2 708.2A, subsection 4 2,
21 paragraph "a", if, upon investigation, including a reasonable
22 inquiry of the alleged victim and other witnesses, if any, the
23 officer has probable cause to believe that a domestic abuse
24 assault has been committed which did not result in any injury
25 to the alleged victim.

26 b. Except as otherwise provided in subsection 3, a peace
27 officer shall, with or without a warrant, arrest a person
28 under section 708-2 708.2A, subsection 2, paragraph "b", if,
29 upon investigation, including a reasonable inquiry of the
30 alleged victim and other witnesses, if any, the officer has
31 probable cause to believe that a domestic abuse assault has
32 been committed which resulted in the alleged victim's
33 suffering a bodily injury.

34 c. Except as otherwise provided in subsection 3, a peace
35 officer shall, with or without a warrant, arrest a person

1 under section 708-2 708.2A, subsection 2, paragraph "c", if,
2 upon investigation, including a reasonable inquiry of the
3 alleged victim and other witnesses, if any, the officer has
4 probable cause to believe that a domestic abuse assault has
5 been committed with the intent to inflict a serious injury.

6 d. Except as otherwise provided in subsection 3, a peace
7 officer shall, with or without a warrant, arrest a person
8 under section 708-2 708.2A, subsection 2, paragraph "c", if,
9 upon investigation, including a reasonable inquiry of the
10 alleged victim and other witnesses, if any, the officer has
11 probable cause to believe that a domestic abuse assault has
12 been committed and that the alleged abuser used or displayed a
13 dangerous weapon in connection with the assault.

14 Sec. 53. Section 236.14, subsection 2, unnumbered
15 paragraph 3, Code Supplement 1991, is amended to read as
16 follows:

17 The clerk of the court or other person designated by the
18 court shall provide a copy of this order to the victim
19 pursuant to chapter 910A. The order has force and effect
20 until it is modified or terminated by subsequent court action
21 in the contempt proceeding or the criminal or juvenile court
22 action and is reviewable in the manner prescribed in section
23 811.2. The clerk of the district court shall also provide
24 ~~oral-or-other~~ notice and copies of the no-contact order to the
25 applicable law enforcement agencies and the twenty-four hour
26 dispatcher for the law enforcement agencies, in the manner
27 provided for protective orders under section 236.5. The clerk
28 shall provide ~~oral-or-other~~ notice and copies of modifications
29 or vacations of these orders in the same manner.

30 Sec. 54. Section 237A.2, unnumbered paragraph 6, Code
31 Supplement 1991, is amended by striking the unnumbered
32 paragraph.

33 Sec. 55. Section 237A.3, subsection 5, Code Supplement
34 1991, is amended by striking the subsection.

35 Sec. 56. Section 246.104, Code 1991, is amended to read as

1 follows:

2 246.104 BOARD CREATED.

3 A board of corrections is created within the department.
4 The board shall consist of seven members appointed by the
5 governor subject to confirmation by the senate. Not more than
6 four of the members shall be from the same political party.
7 Members shall be electors of this state. ~~Six~~ Five of the
8 seven members shall each be a resident of a different
9 congressional district. Members of the board shall serve
10 four-year staggered terms.

11 Sec. 57. Section 246.513, subsection 1, paragraph a, Code
12 Supplement 1991, is amended to read as follows:

13 a. The department of corrections in cooperation with
14 judicial district departments of correctional services shall
15 establish in each judicial district a continuum of
16 programming, including residential facilities and
17 institutions, for the supervision and treatment of offenders
18 convicted of violating chapter 321J who are sentenced to the
19 custody of the director. The department of corrections shall
20 develop standardized assessment criteria for the assignment of
21 offenders to a facility established pursuant to this chapter.
22 The facilities established shall meet all the following
23 requirements:

24 (1) ~~is-a-treatment-facility-meeting-the-licensure~~
25 Licensure standards of the division of substance abuse of the
26 department of public health.

27 (2) ~~is-a-facility-meeting-applicable~~ Applicable standards
28 of the American corrections association.

29 (3) ~~is-a-facility-which-meets-any~~ Any other rule or
30 requirement adopted by the department pursuant to chapter 17A.

31 Sec. 58. Section 256.11, subsection 10, unnumbered
32 paragraphs 1 and 2, Code Supplement 1991, are amended to read
33 as follows:

34 The state board shall establish an accreditation process
35 for school districts and nonpublic schools seeking

1 accreditation pursuant to this subsection and subsections 11
2 and 12. ~~As required in section 256.177 by~~ By July 1, 1989,
3 all school districts shall meet standards for accreditation.
4 For the school year commencing July 1, 1989 and school years
5 thereafter, the department of education shall use a two-phase
6 process for the continued accreditation of schools and school
7 districts.

8 Phase I consists of annual monitoring by the department of
9 education of all accredited schools and school districts for
10 compliance with accreditation standards adopted by the state
11 board of education ~~as provided by section 256.17~~. The phase I
12 monitoring requires that accredited school districts and
13 schools annually complete accreditation compliance forms
14 adopted by the state board and file them with the department
15 of education. In addition, employees of the department of
16 education shall complete at least biennial on-site visits to
17 each accredited school and school district to review the
18 educational programs and the information included in the
19 compliance forms.

20 Sec. 59. Section 256.20, unnumbered paragraph 1, Code
21 1991, is amended to read as follows:

22 Pursuant to section 279.10, subsection 1, relating to the
23 maintenance of school during an entire year, the board of
24 directors of a school district may request approval from the
25 state board of education for a pilot project for a year around
26 three semester school year. ~~The deadlines for approval of a~~
27 ~~pilot project under this section are the deadlines specified~~
28 ~~in section 256.18 for approval of a modified block scheduling~~
29 ~~pilot project.~~

30 Sec. 60. Section 257.28, Code 1991, is amended to read as
31 follows:

32 257.28 ENRICHMENT LEVY.

33 If a school district has approved the use of the instruc-
34 tional support program for a budget year, the district shall
35 not also collect moneys under the additional enrichment amount

1 approved by the voters under chapter 442, as it appeared in
2 Code 1991, for ~~that~~ the budget year.

3 Sec. 61. Section 257.33, Code 1991, is amended to read as
4 follows:

5 257.33 PRIOR ENRICHMENT APPROVAL.

6 If the electors of a school district approved the use of
7 the additional enrichment amount prior to July 1, 1991, under
8 chapter 442, or section 279.43, as they appeared in Code 1991,
9 the approval for use of the enrichment amount shall continue
10 in effect until the expiration of the period for which it was
11 approved and districts may use the additional enrichment
12 amount during that period. However, section 257.28 applies to
13 the use of the additional enrichment amount.

14 Sec. 62. Section 275.31, unnumbered paragraph 2, Code
15 1991, is amended to read as follows:

16 For the school year beginning July 1, 1987 and succeeding
17 school years, there is appropriated from the general fund of
18 the state to the department of management an amount sufficient
19 to pay the debt service aid under this section. Debt service
20 aid shall be paid in the manner provided in section ~~442-26~~
21 257.16.

22 Sec. 63. Section 281.2, subsection 3, unnumbered paragraph
23 3, Code 1991, is amended to read as follows:

24 Every child requiring special education shall, if
25 reasonably possible, receive a level of education commensurate
26 with the level provided each child who does not require
27 special education. The cost of providing such an education
28 shall be paid as provided in section 273.9, this chapter and
29 chapter ~~442~~ 257. It shall be the primary responsibility of
30 each school district to provide special education to children
31 who reside in that district if the children requiring special
32 education are properly identified, the educational program or
33 service has been approved, the teacher or instructor has been
34 licensed, the number of children requiring special education
35 needing that educational program or service is sufficient to

1 make offering the program or service feasible, and the program
2 or service cannot more economically and equably be obtained
3 from the area education agency, another school district,
4 another group of school districts, a qualified private agency,
5 or in co-operation with one or more other districts.

6 Sec. 64. Section 282.18, subsection 8, Code Supplement
7 1991, is amended to read as follows:

8 8. A pupil participating in open enrollment shall be
9 counted, for state school foundation aid purposes, in the
10 pupil's district of residence. A pupil's residence, for
11 purposes of this section means a residence under section
12 282.1. The board of directors of the district of residence
13 shall pay to the receiving district the lower district cost
14 per pupil of the two districts, plus any moneys received for
15 the pupil as a result of non-English speaking weighting under
16 section ~~442-4~~ 280.4, subsection 6 4, for each school year.

17 The district of residence shall also transmit the phase III
18 moneys allocated to the district for the full-time equivalent
19 attendance of the pupil, who is the subject of the request, to
20 the receiving district specified in the request for transfer.

21 Sec. 65. Section 282.28, Code 1991, is amended to read as
22 follows:

23 282.28 CHILDREN AT ELDORA AND TOLEDO.

24 Annually, the area education agency in which the state
25 training school and the Iowa juvenile home are located and the
26 department of human services on behalf of the training school
27 and juvenile home shall submit an annual joint application by
28 January 1 for the next succeeding school year to the
29 department of education describing the proposed special
30 education instructional and support programs and service
31 improvements for the training school and juvenile home. The
32 department of education shall review and approve or modify the
33 program and proposed budget by February 1 and shall notify the
34 department of revenue and finance, the area education agency,
35 and the department of human services of the approved budget

1 amount. The moneys for the approved budget shall supplement
2 and not supplant moneys equal to the moneys expended for
3 education for the fiscal year beginning July 1, 1986 by the
4 department of human services. The moneys for the approved
5 budget shall be used to ensure that the training school and
6 juvenile home comply with appropriate administrative rules
7 relating to special education adopted by the department of
8 education. Beginning with the fiscal year commencing July 1,
9 1990, and ending June 30, 1991, and in succeeding years, the
10 department of revenue and finance shall pay the approved
11 budget amount for an area education agency in monthly
12 installments beginning on September 15 and ending on June 15
13 of the next succeeding school year. The installments shall be
14 as nearly equal as possible as determined by the department of
15 management, taking into consideration the relative budget and
16 cash position of the state's resources. The department of
17 revenue and finance shall transfer the approved budget amount
18 for an area education agency from the moneys appropriated
19 under ~~section-442-26-or~~ section 257.16 and make the payment to
20 the area education agency.

21 The area education agency shall submit an accounting to the
22 department of education by August 1 following the school year
23 for the actual costs of the special education programs and
24 services provided at the training school and juvenile home.
25 The department shall review and approve or modify the
26 accounting by September 1 and shall notify the department of
27 revenue and finance of the approved accounting amount. The
28 department of revenue and finance shall adjust the September
29 payment to the area education agency for the next fiscal year
30 by the difference between the amount of the proposed budget
31 paid to the area education agency and the amount of the actual
32 costs as reflected in the area education agency's accounting.
33 Any amount paid by the department of revenue and finance shall
34 be deducted monthly from the state foundation aid paid under
35 ~~section-442-26-or~~ section 257.16 during that fiscal year to

1 all school districts in the state. The portion of the total
2 amount of the approved accounting amount that shall be
3 deducted from the state aid of a school district shall be the
4 same as the ratio that the budget enrollment for the budget
5 year of the school district bears to the total budget
6 enrollment in the state for that budget year.

7 Sec. 66. Section 282.31, subsections 1 and 3, Code 1991,
8 are amended to read as follows:

9 1. a. A child who lives in a facility pursuant to section
10 282.30, subsection 1, paragraph "a", and who is not enrolled
11 in the educational program of the district of residence of the
12 child, shall receive appropriate educational services. The
13 area education agency shall submit a proposed program and
14 budget to the department of education by January 1 for the
15 next succeeding school year. The department of education
16 shall review and approve or modify the program and proposed
17 budget and shall notify the department of revenue and finance
18 and the area education agency of its action by February 1.
19 Beginning with the fiscal year commencing July 1, 1990, and
20 ending June 30, 1991, and in succeeding years, the department
21 of revenue and finance shall pay the approved budget amount
22 for an area education agency in monthly installments beginning
23 September 15 and ending June 15 of the next succeeding school
24 year. The installments shall be as nearly equal as possible
25 as determined by the department of management, taking into
26 consideration the relative budget and cash position of the
27 state's resources. The department of revenue and finance
28 shall transfer the approved budget amount for an area
29 education agency from the moneys appropriated under section
30 ~~442-26~~ or section 257.16 and make the payment to the area
31 education agency. The area education agency shall submit an
32 accounting for the actual cost of the program to the
33 department of education by August 1 of the following school
34 year. The department shall review and approve or modify all
35 expenditures incurred in compliance with the guidelines

1 pursuant to section 256.7, subsection 12, and shall notify the
2 department of revenue and finance of the approved accounting
3 amount. The approved accounting amount shall be compared with
4 any amounts paid by the department of revenue and finance to
5 the area education agency and any differences added to or
6 subtracted from the October payment made under this paragraph
7 for the next school year. Any amount paid by the department
8 of revenue and finance shall be deducted monthly from the
9 state foundation aid paid under ~~section-442-26-or~~ section
10 257.16 during the remainder of that fiscal year to all school
11 districts in the state. The portion of the total amount of
12 the approved budget that shall be deducted from the state aid
13 of a school district shall be the same as the ratio that the
14 budget enrollment for the budget year of the school district
15 bears to the total budget enrollment in the state for that
16 budget year.

17 b. A child who lives in a facility or home pursuant to
18 section 282.19, and who does not require special education and
19 who is not enrolled in the educational program of the district
20 of residence of the child, shall be included in the basic
21 enrollment of the school district in which the facility or
22 home is located.

23 However, on June 30 of a school year, if the board of
24 directors of a school district determines that the number of
25 children under this paragraph who were counted in the basic
26 enrollment of the school district on the third Friday of
27 September of that school year is fewer than the sum of the
28 number of months all children were enrolled in the school
29 district under this paragraph during the school year divided
30 by nine, the secretary of the school district may submit a
31 claim to the department of education by August 1 following the
32 school year for an amount equal to the district cost per pupil
33 of the district for the previous school year multiplied by the
34 difference between the number of children counted and the
35 number of children calculated by the number of months of

1 enrollment. The amount of the claim shall be paid by the
2 department of revenue and finance to the school district by
3 October 1. The department of revenue and finance shall
4 transfer the total amount of the approved claim of a school
5 district from the moneys appropriated under ~~section-442-26-or~~
6 ~~under~~ section 257.16 and the amount paid shall be deducted
7 monthly from the state foundation aid paid during the
8 remainder of that fiscal year to all school districts in the
9 state in the manner provided in paragraph "a".

10 3. The actual special education instructional costs,
11 including transportation, for a child who requires special
12 education shall be paid by the department of revenue and
13 finance to the school district in which the facility or home
14 is located, only when a district of residence cannot be
15 determined, and the child was not included in the weighted
16 enrollment of any district pursuant to section 281.9, and the
17 payment pursuant to subsection 2, paragraph "a" was not made
18 by any district. The district shall submit a proposed program
19 and budget to the department of education by January 1 for the
20 next succeeding school year. The department of education
21 shall review and approve or modify the program and proposed
22 budget and shall notify the district by February 1. The
23 district shall submit a claim by August 1 following the school
24 year for the actual cost of the program. The department shall
25 review and approve or modify the claim and shall notify the
26 department of revenue and finance of the approved claim amount
27 by September 1. The total amount of the approved claim shall
28 be paid by the department of revenue and finance to the school
29 district by October 1. The total amount paid by the
30 department of revenue and finance shall be deducted monthly
31 from the state foundation aid paid under ~~section 442-26~~ 257.16
32 during the remainder of that fiscal year to all school
33 districts in the state. The portion of the total amount of
34 the approved claims that shall be deducted from the state aid
35 of a school district shall be the same as the ratio that the

1 budget enrollment for the budget year of the school district
2 bears to the total budget enrollment in the state for the
3 budget year. The department of revenue and finance shall
4 transfer the total amount of the approved claims from moneys
5 appropriated under section ~~442-26~~ 257.16 for payment to the
6 school district.

7 Sec. 67. Section 294A.16, unnumbered paragraph 5, Code
8 1991, is amended to read as follows:

9 Any moneys allocated or retained for an approved phase III
10 plan, and any interest accrued on the moneys, shall not be
11 commingled with state aid payments made, under sections ~~442-25~~
12 ~~and-442-26~~ 257.16 and 257.35, to a school district or area
13 education agency and shall be accounted for by the school
14 district or area education agency separately from state aid
15 payment accounts.

16 Sec. 68. Section 299A.4, Code Supplement 1991, is amended
17 to read as follows:

18 299A.4 ANNUAL ACHIEVEMENT TESTS EVALUATIONS --REQUIREMENTS
19 AND PROCEDURE.

20 1. Each child of compulsory attendance age who is
21 receiving competent private instruction shall either be
22 evaluated annually by May 1, using a nationally recognized
23 standardized achievement test evaluation or other assessment
24 tool developed or recognized by the department of education
25 and chosen by the child's parent, guardian, or legal custodian
26 from a list of approved tests evaluations or assessment tools
27 provided by the department of education or be evaluated
28 annually in the manner provided in subsection 7. The
29 department shall provide information on the cost of and the
30 administration time required for each of the approved tests
31 evaluations. The department shall provide, as part of
32 approval procedures for tests evaluations to be used under
33 this section, a mechanism which permits the introduction and
34 approval of new or alternate methods of educational assessment
35 which meet the requirements of this chapter.

1 2. A child, who is seven years of age and is receiving
2 competent private instruction or who is placed under competent
3 private instruction for the first time, shall be administered
4 ~~a~~-test an evaluation for purposes of obtaining educational
5 baseline data.

6 3. The director of the department of education, or the
7 director's designee, which may include a school district or an
8 area education agency, shall conduct the evaluations required
9 under subsections 1 and 2 for children under competent private
10 instruction. Evaluation shall occur at a time and a place to
11 be determined by the person responsible for conducting the
12 evaluation. Persons conducting the evaluations shall make
13 every reasonable effort to conduct the evaluations at times
14 and places which are convenient for the parent, guardian, or
15 legal custodian.

16 4. The parent, guardian, or legal custodian of a child
17 receiving competent private instruction may be present when
18 the child is evaluated, but only if both the parent, guardian,
19 or legal custodian and the child are under the supervision of
20 the ~~test~~ evaluation administrator.

21 5. The conducting of evaluations shall include, but is not
22 limited to, purchasing of evaluation materials, giving the
23 evaluations, scoring and interpreting the evaluations, and
24 reporting the evaluation results.

25 6. Except when a child has been enrolled in a public
26 school district under section 299A.8, the parent, guardian, or
27 legal custodian of the child being evaluated shall reimburse
28 the entity conducting the evaluation for no more than the
29 actual cost of evaluation required by this chapter. However,
30 the parent, guardian, or legal custodian is not required to
31 reimburse the evaluating entity for costs incurred as a result
32 of evaluation under section 299A.9.

33 7. In lieu of annual achievement ~~tests~~ evaluations, a
34 parent, guardian, or legal custodian of a child may submit, as
35 evidence of adequate academic progress, all of the following:

1 a. A book of lesson plans, a diary, or other written
2 record indicating the subjects taught and activities in which
3 the child has been engaged.

4 b. A portfolio of the child's work, including but not
5 limited to, an outline of the curriculum used by the child,
6 copies of homework completed in conjunction with the
7 curriculum and instruction, and copies of tests evaluations
8 completed by the child which have been produced by the parent,
9 guardian, or legal custodian.

10 c. Completed assessment tests evaluations, other than the
11 annual achievement test evaluation, if assessment tests
12 evaluations are administered to a pupil as part of the
13 competent private instruction by the parent, guardian, or
14 legal custodian.

15 If a parent, guardian, or legal custodian submits evidence
16 under this section, the information shall be reviewed by a
17 qualified, licensed, Iowa practitioner selected as the
18 evaluator by the parent, guardian, or legal custodian and
19 approved by the superintendent of the local school district or
20 the superintendent's designee. The evaluator shall prepare a
21 report based on a review of the child's work submitted, which
22 shall include an assessment of the child's achievement or
23 academic progress levels, and submit a copy of the report to
24 the child's parent, guardian, or legal custodian, the school
25 district of residence of the child, and the department of
26 education. If the evidence demonstrates, in the evaluator's
27 opinion, that the child is achieving adequate progress, the
28 report shall create a presumption that the child is making
29 adequate progress.

30 Sec. 69. Section 299A.5, Code Supplement 1991, is amended
31 to read as follows:

32 299A.5 REPORTING OF TEST EVALUATION RESULTS.

33 The results of tests evaluations administered to children
34 of compulsory attendance age who are under competent private
35 instruction shall be reported by the test evaluation

1 administrator to the child's parent, guardian, or legal
2 custodian, the school district of residence of the child, and
3 the department of education. Personally identifiable
4 information relating to or contained in the test evaluation
5 scores is confidential and shall not be released without the
6 prior consent of the child's parent, guardian, or custodian
7 except as otherwise permitted by law.

8 Sec. 70. Section 299A.8, Code Supplement 1991, is amended
9 to read as follows:

10 299A.8 DUAL ENROLLMENT.

11 If a parent, guardian, or legal custodian of a child who is
12 receiving competent private instruction under this chapter
13 submits a request, the child shall also be registered in a
14 public school for dual enrollment purposes. If the child is
15 enrolled in a public school district for dual enrollment
16 purposes, the child shall be permitted to participate in any
17 academic activities in the district and shall also be
18 permitted to participate on the same basis as public school
19 children in any extracurricular activities available to
20 children in the child's grade or group, and the parent,
21 guardian, or legal custodian shall not be required to pay the
22 costs of any annual testing evaluation under this chapter. If
23 the child is enrolled for dual enrollment purposes, the child
24 shall be included in the public school's basic enrollment
25 under ~~sections-442-4-and~~ section 257.6 and shall be counted as
26 one pupil.

27 Sec. 71. Section 306.22, subsection 7, unnumbered
28 paragraph 1, Code 1991, is amended to read as follows:

29 Any tract of land sold on contract shall be listed on the
30 tax rolls by and taxed to the contract purchaser, as provided
31 in chapters 428 and 443; assessed and valued as provided in
32 chapter 441; taxes levied as provided in chapter 444;
33 collected as provided in chapter 445; and subject to tax sale,
34 redemption, and apportionment of taxes as provided in chapters
35 446 to 448 449. ~~It shall be the duty of the~~ The contract

1 purchaser to ~~shall~~ discharge and pay all taxes.

2 Sec. 72. Section 306.25, Code 1991, is amended to read as
3 follows:

4 306.25 EXECUTION OF CONVEYANCE.

5 Where if a sale of land in connection with ~~any a~~ primary
6 road, ~~or~~ state park road, or institutional road has been
7 authorized as ~~herein~~ provided in this chapter, written
8 conveyances containing the conditions as prescribed by the
9 ~~executive-council~~ controlling state agency shall be made in
10 the name of the state and signed by the governor and secretary
11 of state, and with the great seal of the state of Iowa
12 attached ~~thereto~~. Where if a sale of land in connection with
13 ~~any a~~ secondary road has been authorized by the board of
14 supervisors as ~~herein~~ provided in this chapter, written
15 conveyances containing the provisions prescribed by the board
16 of supervisors shall be made in the name of the county and
17 signed by the chairperson of the board of supervisors and the
18 county auditor.

19 Sec. 73. Section 306.40, Code 1991, is amended to read as
20 follows:

21 306.40 EASEMENTS CONVEYED.

22 Where-~~such~~ if an easement authorized under section 306.39
23 is conveyed in connection with ~~any a~~ primary road, ~~or~~ state
24 park road, or institutional road, written conveyances
25 containing the conditions as prescribed by the ~~executive~~
26 ~~council~~ controlling state agency shall be made in the name of
27 the state and signed by the governor and secretary of state,
28 and with the seal of the state of Iowa attached ~~thereto~~.
29 Where-~~such~~ if the easement is conveyed in connection with ~~any~~
30 a secondary road, written conveyances containing the
31 provisions prescribed by the board of supervisors shall be
32 made in the name of the county and signed by the chairperson
33 of the board and the county auditor.

34 Sec. 74. Section 313.4, subsection 3, Code 1991, is
35 amended to read as follows:

1 3. ~~it-is-further-provided-that-these~~ There is appropriated
2 from funds appropriated to the department which would
3 otherwise revert to the primary road fund pursuant to the
4 provisions of the Act appropriating the funds or chapter 8, an
5 amount sufficient to pay the increase in salaries, which
6 increase is not otherwise provided for by the general assembly
7 in an appropriation bill, resulting from the annual review of
8 the merit pay plan as provided in subsection 2 of section
9 19A.9. The appropriation herein provided shall be in effect
10 from the effective date of ~~approval-by-the-executive-council~~
11 the revised pay plan to the end of the fiscal biennium in
12 which it becomes effective.

13 Sec. 75. Section 321.178, subsection 2, paragraph a, Code
14 Supplement 1991, is amended to read as follows:

15 a. Any A person between sixteen and eighteen years of age
16 who is not in attendance at school or who is in attendance in
17 a public or private school where an approved driver's
18 education course is not offered or available, may be issued a
19 restricted license only for travel to and from work or to
20 transport dependents to and from temporary care facilities, if
21 necessary for the person to maintain the person's present
22 employment, without having completed an approved driver's
23 education course. The restricted license shall be issued by
24 the department only upon confirmation of the person's
25 employment and need for a restricted license to travel to and
26 from work or to transport dependents ~~of~~ to and from temporary
27 care facilities if necessary to maintain the person's
28 employment and upon receipt of a written statement from the
29 public or private school that an approved course in driver's
30 education was not offered or available to the person, if
31 applicable. The employer shall notify the department if the
32 employment of the person is terminated before the person
33 attains the age of eighteen. The person shall not have a
34 restricted license revoked or suspended upon ~~re-entering~~
35 reentering school prior to age eighteen provided if the

1 student enrolls in and completes the classroom portion of an
2 approved driver's education course as soon as a course is
3 available.

4 Sec. 76. Section 321.376, subsection 1, Code Supplement
5 1991, is amended to read as follows:

6 1. The driver of a school bus shall hold a school bus
7 driver's permit issued annually by the department of education
8 and a driver's license issued by the department of
9 transportation valid for the operation of the school bus. The
10 department of education shall charge a fee for the issuance of
11 a school bus driver's permit in the amount of five dollars,
12 which shall be deposited in the general fund of the state. A
13 person holding a temporary restricted license issued under
14 chapter 321J shall be prohibited from operating a school bus.
15 The department of education shall revoke or refuse to issue a
16 permit to any person who, after notice and opportunity for
17 hearing, is determined to have committed any of the acts
18 proscribed under section 321.375, subsection 2. The
19 department of education shall recommend, and the state board
20 of education shall adopt under chapter 17A, rules and
21 procedures for the revocation and issuance of permits to
22 persons. Rules and procedures adopted shall include, but are
23 not limited to, provisions for the revocation of, or refusal
24 to issue, permits to persons who are determined to have
25 committed any of the acts proscribed under section 321.375,
26 subsection 2.

27 Sec. 77. Section 321I.1, subsection 4, Code 1991, is
28 amended by striking the subsection.

29 Sec. 78. Section 321I.10, Code 1991, is amended to read as
30 follows:

31 321I.10 MISREPRESENTATIONS OF STATE APPROVAL.

32 It is unlawful for any a motor vehicle service contract
33 provider to represent or imply in any manner that the provider
34 has been sponsored, recommended, or approved or that the
35 provider's abilities or qualifications have in any respect

1 been passed upon by the securities department bureau, the
2 insurance division, or the state of Iowa.

3 Sec. 79. Section 324.6, Code 1991, is amended to read as
4 follows:

5 324.6 ~~GASOHOL-BLENDERS~~ ETHANOL BLENDED GASOLINE BLENDER'S
6 LICENSE.

7 Any A person other than a distributor licensed under this
8 division, who blends motor fuel containing at least ten
9 percent alcohol distilled from agricultural products, shall
10 obtain a blender's license. The license shall be obtained by
11 following the procedure as set forth in section 324.4 and the
12 license ~~shall be~~ is subject to the same restrictions as
13 contained ~~therein~~ in that section. Each blender shall
14 maintain records as required by section 324.10 as to motor
15 fuel, alcohol, and ~~gasohol~~ ethanol blended gasoline.

16 Sec. 80. Section 327F.39, subsection 2, paragraph c, Code
17 1991, is amended to read as follows:

18 c. Be operated in compliance with all state and federal
19 regulations pertaining to driving, loading, carrying freight
20 and employees, road warning devices, and the transportation of
21 flammable ~~and-inflammable~~ material.

22 Sec. 81. Section 330B.7, subsection 4, Code Supplement
23 1991, is amended to read as follows:

24 4. The membership of the board of commissioners shall be
25 gender balanced if possible. The appointing authorities shall
26 comply with the requirements of section 69.16A or to similar
27 laws of the state of Illinois as determined by the appointing
28 authorities. The appointing authorities shall also provide
29 representation for racial groups residing in the metropolitan
30 area based on the ratio of the racial population to the
31 population as a whole.

32 Sec. 82. Section 330B.9, subsection 3, Code Supplement
33 1991, is amended to read as follows:

34 3. Each commissioner shall comply with restrictions
35 relating to conflicts of interests or acceptance of gifts as

1 provided in chapter 68B or to similar laws of the state of
2 Illinois as determined by the board.

3 Sec. 83. Section 331.602, subsection 1, unnumbered
4 paragraph 1, Code Supplement 1991, is amended to read as
5 follows:

6 Record all instruments presented to the recorder's office
7 for recordation upon payment of the proper fees and compliance
8 with other recording requirements as provided by law. The
9 instruments presented for filing or recordation shall be
10 legible and reproducible, and shall have typed or legibly
11 printed on them the names of all signatories including the
12 names of acknowledging officers and witnesses beneath the
13 original signatures. The instruments shall be no larger than
14 eight and one-half inches by fourteen inches except as
15 otherwise provided in section ~~409.317, subsection 2~~ 409A.18, or
16 except as otherwise authorized by the recorder.

17 Sec. 84. Section 364.16, Code 1991, is amended to read as
18 follows:

19 364.16 MUNICIPAL FIRE PROTECTION.

20 Each city shall provide for the protection of life and
21 property against fire and may establish, house, equip, staff,
22 uniform and maintain a fire department. A city may establish
23 fire limits and may, consistent with code standards
24 promulgated by nationally recognized fire prevention agencies,
25 regulate the storage, handling, use, and transportation of all
26 ~~inflammables~~ flammables, combustibles, and explosives within
27 the corporate limits and inspect for and abate fire hazards.
28 A city may provide conditions upon which the fire department
29 will answer calls outside the corporate limits or the
30 territorial jurisdiction and boundary limits of this state. A
31 city ~~shall have~~ has the same governmental immunity outside its
32 corporate limits when providing fire protection as when
33 operating within the corporate limits. Fire fighters
34 operating equipment on calls outside the corporate limits
35 ~~shall be~~ are entitled to the benefits of chapter 410 or 411

1 when otherwise qualified.

2 Sec. 85. Section 445.1, subsections 2 and 7, Code
3 Supplement 1991, are amended to read as follows:

4 2. "Compromise" means to enter into a contractual
5 agreement for the payment of taxes, ~~interests~~ interest, fees,
6 and costs in amounts different from those specified by law.

7 7. "Total amount due" means the aggregate total of all
8 taxes, penalties, ~~interests~~ interest, costs, and fees due on a
9 parcel.

10 Sec. 86. Section 446.19, Code Supplement 1991, is amended
11 to read as follows:

12 446.19 COUNTY OR CITY AS PURCHASER.

13 When a parcel is offered at a tax sale under section
14 446.18, and no bid is received, or if the bid received is less
15 than the total amount due, the county in which the parcel is
16 located, through its board of supervisors, shall bid for the
17 parcel a sum equal to the total amount due. Money shall not
18 be paid by the county or other tax-levying ~~and~~ or tax-
19 certifying body for the purchase, but each of the tax-levying
20 and tax-certifying bodies having any interest in the taxes
21 shall be charged with the total amount due the ~~levying-and~~
22 tax-levying or tax-certifying body as its just share of the
23 purchase price.

24 This section does not prohibit a governmental agency or
25 political subdivision from bidding at the sale for a parcel to
26 protect its interests. When a bid is received ~~by~~ from a city
27 in which the parcel is located, money shall not be paid by the
28 city, but each of the tax-levying and tax-certifying bodies
29 having any interest in the taxes shall be charged with the
30 total amount due the ~~levying-and~~ tax-levying or tax-certifying
31 ~~bodies~~ body as its just share of the purchase price.

32 Sec. 87. Section 455B.133, subsection 2, Code Supplement
33 1991, is amended to read as follows:

34 2. Adopt, amend, or repeal rules pertaining to the
35 evaluation, abatement, control, and prevention of air

1 pollution. The rules may include those that are necessary to
2 obtain approval of the state implementation plan under section
3 110 of the federal Clean Air Act as amended through January 1,
4 ~~1979~~ 1991.

5 Sec. 88. Section 455B.133, subsection 4, unnumbered
6 paragraph 1, and paragraph a, subparagraph (i), Code
7 Supplement 1991, are amended to read as follows:

8 Adopt, amend, or repeal emission limitations or standards
9 relating to the maximum quantities of air contaminants that
10 may be emitted from any air contaminant source. The standards
11 or limitations adopted under this section shall not exceed the
12 standards or limitations promulgated by the administrator of
13 the United States environmental protection agency or the
14 requirements of the federal Clean Air Act as amended ~~to~~
15 through January 1, ~~1990~~ 1991. This does not prohibit the
16 commission from adopting a standard for a source or class of
17 sources for which the United States environmental protection
18 agency has not promulgated a standard. This also does not
19 prohibit the commission from adopting an emission standard or
20 limitation for infectious medical waste treatment or disposal
21 facilities which exceeds the standards or limitations
22 promulgated by the administrator of the United States
23 environmental protection agency or the requirements of the
24 federal Clean Air Act as amended ~~to~~ through January 1, 1991.
25 The commission shall not adopt an emission standard or
26 limitation for infectious medical waste treatment or disposal
27 facilities prior to January 1, 1995, which exceeds the
28 standards or limitations promulgated by the administrator of
29 the United States environmental protection agency or the
30 requirements of the federal Clean Air Act, as amended ~~to~~
31 through January 1, 1991, for a hospital, or a group of
32 hospitals, licensed under chapter 135B which has been
33 operating an infectious medical waste treatment or disposal
34 facility prior to January 1, 1991.

35 (1) The commission shall establish standards of

1 performance unless in the judgment of the commission it is not
2 feasible to adopt or enforce a standard of performance. If it
3 is not feasible to adopt or enforce a standard of performance,
4 the commission may adopt a design, equipment, material, work
5 practice or operational standard, or combination of those
6 standards in order to establish reasonably available control
7 technology or the lowest achievable emission rate in
8 nonattainment areas, or in order to establish best available
9 control technology in areas subject to prevention of
10 significant deterioration review, or in order to adopt the
11 emission limitations promulgated by the administrator of the
12 United States environmental protection agency under section
13 111 or 112 of the federal Clean Air Act as amended to through
14 January 1, ~~1979~~ 1991.

15 Sec. 89. Section 455B.133, subsection 8, Code Supplement
16 1991, is amended to read as follows:

17 8. Adopt rules consistent with the federal Clean Air Act
18 Amendments of 1990, Pub. L. No. 101-549, which require the
19 owner or operator of an air contaminant source to obtain an
20 operating permit prior to operation of the source. The rules
21 shall specify the information required to be submitted with
22 the application for a permit and the conditions under which a
23 permit may be granted, modified, suspended, terminated,
24 revoked, reissued, or denied. The commission may impose fees,
25 including fees upon regulated pollutants emitted from an air
26 contaminant source, in an amount sufficient to cover all
27 reasonable costs, direct and indirect, required to develop and
28 administer the permit program in conformance with the federal
29 Clean Air Act Amendments of 1990, Pub. L. No. 101-549. In the
30 case of affected sources and affected units regulated under
31 Title IV of the federal Clean Air Act Amendments of 1990, Pub.
32 L. No. 101-549, such fees shall be collected only as provided
33 in and upon submission of an application pursuant to section
34 408 of the federal Act. The fees collected pursuant to this
35 subsection shall be deposited in the air contaminant source

1 fund created pursuant to section 455B.133B, and shall be
2 utilized solely to cover all reasonable costs required to
3 develop and administer the programs required by
4 Title V of the federal Clean Air Act Amendments of 1990, Pub.
5 L. No. 101-549, including the permit program pursuant to
6 section 502 of the federal Act and the small business
7 stationary source technical and environmental assistance
8 program pursuant to section 507 of the federal Act.

9 Sec. 90. Section 455B.133A, subsection 1, Code Supplement
10 1991, is amended to read as follows:

11 1. Beginning July 1, 1991, and thereafter until such time
12 as the operating permit fee is established by rule of the
13 commission, and approved by the United States environmental
14 protection agency under section 502(p) of the federal Clean
15 Air Act Amendments of 1990, an annual fee of twenty-five
16 dollars per ton of the hazardous air pollutants included in
17 Title III of the federal Clean Air Act Amendments of 1990
18 shall be paid by the affected sources. The fee paid shall be
19 based upon the air emissions of such pollutants as reported or
20 estimated by the source in the previous calendar year.

21 A source required to report hazardous air pollutant
22 emissions under section 313 of EPCRA shall pay a fee based
23 upon the most recently reported emissions. A person shall pay
24 the established fee for hazardous air pollutants which are not
25 included in section 313 of EPCRA, but which are included in
26 Title III of the federal Clean Air Act Amendments of 1990,
27 based upon the facility's estimates of emissions as required
28 by section 313 of EPCRA including threshold determinations and
29 de minimus exclusions.

30 Sec. 91. Section 455B.133B, subsection 1, Code Supplement
31 1991, is amended to read as follows:

32 1. An air contaminant source fund is created in the office
33 of the treasurer of state under the control of the department.
34 Moneys received from the fees assessed pursuant to sections
35 455B.133A and 455B.133, subsection 8, shall be deposited in

1 the fund. Moneys collected pursuant to section 455B.133,
2 subsection 8, shall be used solely to defray the costs related
3 to the permit, monitoring, and inspection program, including
4 the small business stationary source technical and
5 environmental compliance assistance program required pursuant
6 to the federal Clean Air Act Amendments of 1990, sections 502
7 and 507, Pub. L. No. 101-549. Notwithstanding section 8.33,
8 any unexpended balance in the fund at the end of each fiscal
9 year shall be retained in the fund. Notwithstanding section
10 453.7, any interest and earnings on investments from money in
11 the fund shall be credited to the fund.

12 Sec. 92. Section 455B.133B, subsection 2, paragraph a,
13 Code Supplement 1991, is amended to read as follows:

14 a. To prepare, submit, and obtain approval of the permit
15 program plan required by section 502(d) of the federal Clean
16 Air Act Amendments of 1990.

17 Sec. 93. Section 455B.149, Code 1991, is amended to read
18 as follows:

19 455B.149 ENERGY OR ECONOMIC EMERGENCY.

20 1. Upon application by the owner or operator of a fuel-
21 burning stationary source, and after notice and opportunity
22 for public hearing, the commission may petition the president,
23 under section 110, subsection "f," paragraph 1 of the federal
24 Clean Air Act as amended to through January 1, 1979 1991, for
25 a determination that a national or regional energy emergency
26 exists. If the president determines an emergency exists, the
27 commission may suspend any requirement of this division or a
28 rule or permit issued under this division. A temporary
29 emergency suspension under this subsection shall be issued
30 only if there exists in the vicinity of the source a temporary
31 emergency involving high levels of unemployment or loss of
32 necessary energy supplies for residential buildings and if the
33 unemployment or loss can be totally or partially alleviated by
34 the suspension. Only one suspension may be issued for a
35 source on the basis of the same set of circumstances or on the

1 basis of the same emergency. A suspension shall remain in
2 effect for a maximum of four months. The commission may
3 include in a suspension a provision directing the director to
4 delay for a period identical to the period of the suspension a
5 compliance schedule or increment of progress to which the
6 source is subject under section 455B.138, if the source is
7 unable to comply with the schedule or increment solely because
8 of the conditions on the basis of which the suspension was
9 issued.

10 2. If a plan revision has been submitted to the
11 administrator of the United States environmental protection
12 agency under section 110 of the federal Clean Air Act as
13 amended to through January 1, 1979 1991, and if the commission
14 determines that the revision meets the requirements of that
15 section and the revision is necessary to prevent the closing
16 of an air contaminant source for one year or more and to
17 prevent substantial increases in unemployment which would
18 result from the closing, and if the administrator has not
19 approved or disapproved within the required four-month period,
20 the commission may issue a temporary emergency suspension of
21 the part of the applicable implementation plan which is
22 proposed to be revised with respect to the source. The
23 determination under this subsection shall not be made with
24 respect to a source which would close without regard to
25 whether or not the proposed plan revision is approved. A
26 temporary emergency suspension issued under this subsection
27 shall remain in effect for a maximum of four months. A
28 temporary emergency suspension under this subsection may
29 include a provision directing the director to delay for a
30 period identical to the period of the suspension a compliance
31 schedule or increment of progress to which the source is
32 subject under section 119 of the federal Clean Air Act as in
33 effect prior to August 7, 1977, or section 113, subsection "d"
34 of the federal Clean Air Act as amended to through January 1,
35 1979 1991, upon a finding that the source is unable to comply

1 with the schedule or increment solely because of the
2 conditions on the basis of which a suspension was issued under
3 this subsection.

4 Sec. 94. Section 455B.390, subsection 3, Code 1991, is
5 amended to read as follows:

6 3. The storage, transportation, handling, or use of
7 ~~inflammable~~ flammable liquids, combustibles, and explosives,
8 control over which is exercised by the state fire marshal
9 under chapter 100.

10 Sec. 95. Section 455B.474, subsection 1, paragraph h, Code
11 Supplement 1991, is amended to read as follows:

12 h. Issuance of a monitoring certificate for sites
13 classified as low risk pursuant to paragraph "f". A
14 monitoring certificate ~~shall be~~ is valid until the site is
15 reclassified as a no action required site. A site which has
16 been issued a monitoring certificate ~~shall~~ is not be eligible
17 to receive a clean site certificate under section 455B.304,
18 subsection 15, until the site is reclassified as a no ~~risk~~
19 action required site.

20 Sec. 96. Section 468.27, Code Supplement 1991, is amended
21 to read as follows:

22 468.27 DISMISSAL OR ESTABLISHMENT -- PERMANENT EASEMENT.

23 The board shall at ~~said~~ the meeting, or at an adjourned
24 session ~~thereof~~ of the meeting, consider the costs of
25 construction of ~~said~~ the improvement as shown by the reports
26 of the engineer and the amount of damages and compensation
27 awarded to all claimants, and if, in its opinion, ~~such~~ the
28 costs of construction and amount of damages awarded create a
29 greater burden than should justly be borne by the lands
30 benefited by the improvement, it shall then dismiss the
31 petition and assess the costs and expenses to the petitioners
32 and their sureties, but if it finds that ~~such~~ the cost and
33 expense is not a greater burden than should be justly borne by
34 the land benefited by the improvement, it shall finally and
35 permanently locate and establish ~~said~~ the district and

1 improvement.

2 Following its establishment, the drainage district is
3 deemed to have acquired by permanent easement all right-of-way
4 for drainage district ditches, tile lines, settling basins and
5 other improvements, unless they are acquired by fee simple, in
6 the dimensions shown on the survey and report made in
7 compliance with sections 468.11 and 468.12 or as shown on the
8 permanent survey, plat and profile, if one is made. ~~The~~
9 ~~filing-of~~ Upon the establishment of the district, the
10 petitioners shall file with the county auditor the survey and
11 report or permanent survey, plat, and profile, as set forth in
12 sections 468.172 and 468.173, shall constitute. This filing
13 constitutes constructive notice to all persons of the rights
14 conferred by this section. The permanent easement includes
15 the right of ingress and egress across adjoining land and the
16 right of access for maintenance, repair, improvement, and
17 inspection. The owner or lessee shall be reimbursed for any
18 crop damages incurred in the maintenance, repair, improvement,
19 and inspection except within the right-of-way of the drainage
20 district.

21 ~~Upon the establishment of the drainage district, the~~
22 ~~petitioners shall file with the county auditor the survey and~~
23 ~~report or the permanent survey, plat, and profile, if one was~~
24 ~~made, and this filing shall be constructive notice of a~~
25 ~~permanent right-of-way easement.~~

26 Sec. 97. Section 476.44, subsection 2, Code 1991, is
27 amended to read as follows:

28 2. An electric utility shall not be required to purchase,
29 at any one time, more than fifteen megawatts of power from
30 alternate energy production and small hydro facilities.

31 Sec. 98. Section 477.9A, Code 1991, is amended to read as
32 follows:

33 477.9A DEREGULATED SERVICES.

34 A telegraph or telephone company whose services are
35 deregulated by the board under section ~~476.1~~ 476.1D may use

1 public notice as a means of conveying terms and conditions to
2 customers where identification of those customers is
3 infeasible or impractical. Public notice may also be used to
4 convey changes in terms and conditions, other than price
5 increases or limitations of liability, to all other customers,
6 but only if those customers were put on notice that this means
7 would be used to convey subsequent changes. Notwithstanding
8 section 477.7, when services are deregulated by the board
9 under section ~~476.1~~ 476.1D, a telegraph or telephone company,
10 in any contract, agreement, or by means of public notice, may
11 reasonably limit its liability under section 477.7 in the
12 course of providing the deregulated communications services to
13 its customers, except for acts of willful misconduct.
14 However, this section ~~shall~~ does not ~~be construed to~~ allow a
15 greater limitation on liability than exists in any contract or
16 approved tariff as of the effective date of the deregulation
17 of the services.

18 Sec. 99. Section 477C.7, subsection 2, Code Supplement
19 1991, is amended to read as follows:

20 2. The assessment shall be levied upon revenues from all
21 intrastate regulated, deregulated ~~services~~, and exempt
22 telephone services under ~~section~~ sections 476.1 and 476.1D.

23 Sec. 100. Section 515.150, subsection 4, unnumbered
24 paragraph 1, Code Supplement 1991, is amended to read as
25 follows:

26 A reserve for demolition costs is no longer required if ~~as~~
27 ~~a result of~~ either of the following is true:

28 Sec. 101. Section 516D.3, subsection 7, unnumbered
29 paragraph 1, Code Supplement 1991, is amended to read as
30 follows:

31 "Material restriction" means a restriction, limitation, or
32 other requirement which significantly affects the price of,
33 normal anticipated use of, or a ~~consumer's~~ customer's
34 financial responsibility for, a rental vehicle. Restrictions
35 against any or all of the following activities in connection

1 with the acquisition or use of a rental vehicle are not
2 material restrictions:

3 Sec. 102. Section 523D.6, subsection 1, paragraph o, Code
4 Supplement 1991, is amended to read as follows:

5 o. A statement that a prospective resident or resident
6 shall be given the opportunity to appoint a personal
7 representative in the prospective resident's or resident's
8 contract. The personal representative shall receive copies of
9 the contract and all notices, disclosures, or forms required
10 by this chapter to be delivered to a prospective resident or
11 resident. A personal representative appointed under this
12 section has no legal authority to make any decision for the
13 prospective resident or resident appointing the person to be a
14 personal representative. The personal representative may
15 advise the prospective resident or resident as to the
16 materials provided. A personal representative shall not be
17 affiliated or associated with a provider or any person
18 identified in section 523D.3, subsection 1, paragraph "b" or
19 "c", and shall not be a prospective resident or resident.

20 Sec. 103. Section 534.103, subsection 3, Code Supplement
21 1991, is amended to read as follows:

22 3. LOCK BOXES. Any association may own, and rent to its
23 members, lock boxes for storage or safekeeping of securities
24 and valuables.

25 Sec. 104. Section 534.408, subsection 1, unnumbered
26 paragraph 2, Code Supplement 1991, is amended by striking the
27 unnumbered paragraph.

28 Sec. 105. Section 546.7, Code Supplement 1991, is amended
29 to read as follows:

30 546.7 UTILITIES DIVISION.

31 The utilities division shall regulate and supervise public
32 utilities operating in the state. The division shall enforce
33 and implement chapters 476, 476A, 477C, 478, 479, and 479A and
34 shall perform other duties assigned to it by law. The
35 division is headed by the administrator of public utilities

1 who shall be appointed by the governor pursuant to section
2 474.1.

3 Sec. 106. Section 546.11, unnumbered paragraph 2, Code
4 Supplement 1991, is amended to read as follows:

5 Notwithstanding this section and sections 476.10, 524.207,
6 533.67, ~~534.408~~, 546.9, and 546.10 directing the utilities
7 division, banking division, credit union division, ~~savings-and~~
8 ~~loan-division~~, alcoholic beverages division, and the
9 professional licensing division to transfer from appropriated
10 trust funds to the administrative services trust fund the
11 division's share of administrative services and directing that
12 costs for administrative services provided by the department
13 to the divisions be paid from the administrative services
14 trust fund, for the fiscal period beginning on July 1, 1991,
15 and ending June 30, 1993, all expenses for administrative
16 services shall be paid from appropriations made from the
17 general fund of the state for these expenses.

18 Sec. 107. Section 598.42, Code Supplement 1991, is amended
19 to read as follows:

20 598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

21 The clerk of the district court shall provide ~~oral-or-other~~
22 notice and copies of temporary or permanent protective orders
23 and orders to vacate the homestead entered pursuant to this
24 chapter to the applicable law enforcement agencies and the
25 twenty-four hour dispatcher for the law enforcement agencies,
26 in the manner provided for protective orders under section
27 236.5. The clerk shall provide ~~oral-or-other~~ notice and
28 copies of modifications or vacations of these orders in the
29 same manner.

30 Sec. 108. Section 601A.15A, subsection 2, paragraph d,
31 Code Supplement 1991, is amended to read as follows:

32 d. A mediation agreement shall be made public unless the
33 complainant and respondent agree otherwise, and the commission
34 determines that disclosure is not necessary to further the
35 purposes of this chapter relating to unfair or discrimination

1 discriminatory practices in housing or real estate.

2 Sec. 109. Section 602.1206, subsection 2, Code 1991, is
3 amended to read as follows:

4 2. Supreme court rules shall be published as provided in
5 section ~~14:12~~, ~~subsection-7~~ 14.5.

6 Sec. 110. Section 602.4201, subsection 2, Code 1991, is
7 amended to read as follows:

8 2. Rules of appellate procedure relating to appeals to and
9 review by the supreme court, discretionary review by the
10 courts of small claims actions, review by the supreme court by
11 writ of certiorari to inferior courts, appeal to or review by
12 the court of appeals of a matter transferred to that court by
13 the supreme court, and further review by the supreme court of
14 decisions of the court of appeals, shall be known as "Rules of
15 Appellate Procedure", and shall be published as provided in
16 section ~~14:12~~, ~~subsection-7~~ 14.5.

17 Sec. 111. Section 602.8102, subsection 79, Code Supplement
18 1991, is amended to read as follows:

19 79. Collect on behalf of, and pay to, the auditor
20 treasurer the fee for the transfer of real estate as provided
21 in section 558.66.

22 Sec. 112. Section 602.8102, subsection 152, Code
23 Supplement 1991, is amended to read as follows:

24 152. Maintain a ~~ready-calendar~~ trial certificate list as
25 provided in R.C.P. 181.1, Ia. Ct. Rules, 3d ed.

26 Sec. 113. Section 602.8102, subsection 153, Code
27 Supplement 1991, is amended by striking the subsection.

28 Sec. 114. Section 602.8102, subsection 156, Code
29 Supplement 1991, is amended to read as follows:

30 156. Mail ~~a-copy~~ notice of the filing of the referee's,
31 auditor's, or examiner's report to the attorneys of record as
32 provided in R.C.P. 214, Ia. Ct. Rules, 3d ed.

33 Sec. 115. Section 614.14, subsection 2, unnumbered
34 paragraph 2, Code Supplement 1991, is amended to read as
35 follows:

1 However, this ~~section~~ subsection shall not apply if the
2 legal action is commenced by filing a petition ~~of~~ and service
3 of notice within ten years of the recording of the conveyance.

4 Sec. 116. Section 657.2, subsection 10, Code 1991, is
5 amended to read as follows:

6 10. The depositing or storing of ~~inflammable~~ flammable
7 junk, such as old rags, rope, cordage, rubber, bones, and
8 paper, by dealers in such articles within the fire limits of
9 any a city, unless ~~it-be~~ in a building of fireproof
10 construction, is a public nuisance.

11 Sec. 117. Section 702.11, Code Supplement 1991, is amended
12 to read as follows:

13 702.11 FORCIBLE FELONY.

14 A "forcible felony" is any felonious child endangerment,
15 assault, murder, sexual abuse, kidnapping, robbery, arson in
16 the first degree, or burglary in the first degree. However,
17 sexual abuse in the third degree committed between spouses,
18 sexual abuse in violation of section 709.4, subsection 2,
19 paragraph "c", subparagraph (4), or sexual ~~exploitation~~ abuse
20 by a counselor or therapist in violation of section 709.15, is
21 not a "forcible felony".

22 Sec. 118. Section 708.2A, subsection 5, Code Supplement
23 1991, is amended to read as follows:

24 5. The clerk of the district court shall provide ~~orai-or~~
25 ~~other~~ notice and copies of a judgment entered under this
26 section to the applicable law enforcement agencies and the
27 twenty-four hour dispatcher for the law enforcement agencies,
28 in the manner provided for protective orders under section
29 236.5. The clerk shall provide ~~orai-or-other~~ notice and
30 copies of modifications of the judgment in the same manner.

31 Sec. 119. Section 709.15, subsection 1, paragraph f,
32 unnumbered paragraph 1, Code Supplement 1991, is amended to
33 read as follows:

34 "Sexual abuse by a counselor or therapist" occurs when
35 ~~either~~ one or ~~both~~ more of the following are found:

1 Sec. 120. Section 727.2, Code 1991, is amended to read as
2 follows:

3 727.2 FIREWORKS.

4 The term "fireworks" ~~shall-mean-and-include~~ includes any
5 explosive composition, or combination of explosive substances,
6 or article prepared for the purpose of producing a visible or
7 audible effect by combustion, explosion, deflagration, or
8 detonation, and ~~shall-include~~ includes blank cartridges,
9 firecrackers, torpedoes, skyrockets, roman candles, or other
10 fireworks of like construction and any fireworks containing
11 any explosive or ~~inflammable~~ flammable compound, or other
12 device containing any explosive substance. The term
13 "fireworks" ~~shall~~ does not include goldstar-producing
14 sparklers on wires which contain no magnesium or chlorate or
15 perchlorate, ~~no~~ flitter sparklers in paper tubes that do not
16 exceed one-eighth of an inch in diameter, nor toy snakes which
17 contain no mercury, nor or caps used in cap pistols.

18 PARAGRAPH DIVIDED. ~~Except-as-hereinafter-provided,-any~~ A
19 person, firm, copartnership, or corporation who offers for
20 sale, exposes for sale, sells at retail, or uses or explodes
21 any fireworks, commits a serious misdemeanor, ~~-provided.~~
22 However, the council of any a city or the a county board of
23 supervisors may, upon application in writing, grant a permit
24 for the display of fireworks by municipalities, fair
25 associations, amusement parks, and other organizations or
26 groups of individuals approved by such the city or such the
27 county board of supervisors when such the fireworks display
28 will be handled by a competent operator, but no such permit
29 shall be required for such the display of fireworks at the
30 Iowa state fairgrounds by the Iowa state fair board, ~~nor-of~~ at
31 incorporated county fairs, ~~nor-of~~ or at district fairs
32 receiving state aid. Sales of fireworks for such display may
33 be made for that purpose only, ~~-provided-further,-that-nothing~~
34 ~~in-this-section-shall-be-construed-to.~~

35 PARAGRAPH DIVIDED. This section does not prohibit any the

1 sale by a resident, dealer, manufacturer, or jobber from
2 selling of such fireworks as are not ~~herein~~ prohibited; by
3 this section, or the sale of any kind of fireworks provided
4 the same if they are to be shipped out of the state, or the
5 sale or use of blank cartridges for a show or the theater, or
6 for signal purposes in athletic sports or by railroads or
7 trucks, for signal purposes, or by a recognized military
8 organization; ~~and provided further that nothing in this~~
9 ~~section shall.~~

10 PARAGRAPH DIVIDED. This section does not apply to any
11 substance or composition prepared and sold for medicinal or
12 fumigation purposes.

13 Sec. 121. Section 902.9, unnumbered paragraph 2, Code
14 1991, is amended to read as follows:

15 The criminal penalty surcharge required by section 911.2
16 shall be added to a fine imposed on a class "C" or class "D"
17 felon, as provided by that section, and is not a part of or
18 subject to the maximums set in this section.

19 Sec. 122. Section 910A.11, subsection 5, Code Supplement
20 1991, is amended to read as follows:

21 5. The clerk of the district court shall provide ~~ora~~-or
22 ~~other~~ notice and copies of restraining orders issued pursuant
23 to this section in a criminal case involving an alleged
24 violation of section 708.2A to the applicable law enforcement
25 agencies and the twenty-four hour dispatcher for the law
26 enforcement agencies, in the manner provided for protective
27 orders under section 236.5. The clerk shall provide ~~ora~~-or
28 ~~other~~ notice and copies of modifications or vacations of these
29 orders in the same manner.

30 Sec. 123. Section 18.98, Code 1991, is repealed.

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Chair: Jay, Hibbard, McKean

MWB

NSB 571
Judiciary & Law Enforcement

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW EN-
FORCEMENT BILL BY
CHAIRPERSON JAY)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS

CHAIR: Jay
COMMITTEE: Judiciary
3/3/92

1 Section 1. Section 7E.5, subsection 1, paragraph t, Code
2 1991, is amended to read as follows:

3 t. The department of human rights, created in section
4 601K.1, which has primary responsibility for services relating
5 to Latino persons, children, youth, and families, women,
6 persons with disabilities, community action agencies, criminal
7 and juvenile justice planning, the status of blacks African-
8 Americans, and deaf persons.

9 Sec. 2. Section 9B.1, subsection 5, Code Supplement 1991,
10 is amended to read as follows:

11 5. The secretary of state shall require that a waste tire
12 hauler have on file with the secretary of state before the
13 issuance or renewal of a registration certificate, a surety
14 bond executed by a surety company authorized to do business in
15 this state in the sum of a minimum of ten thousand dollars,
16 which bond shall be continuous in nature until canceled by the
17 surety. A surety shall provide at least thirty days' notice
18 in writing to the waste tire hauler and to the secretary of
19 state indicating the surety's intent to cancel the bond and
20 the effective date of the cancellation. The surety bond shall
21 be for the benefit of the citizens of this state and shall be
22 conditioned upon the waste tire hauler's willingness to comply
23 with this section. The surety's liability under this
24 subsection is limited to the amount of the bond or the amount
25 of the damages or moneys due, whichever is less. However,
26 this subsection does not limit the amount of damages
27 recoverable from a waste tire hauler to the amount of the
28 surety bond. ~~This subsection shall not limit the recovery of~~
29 ~~damages to the amount of the surety bond.~~ The bond shall be
30 made in a form prescribed by the commissioner of insurance and
31 written by a company authorized by the commissioner of
32 insurance to do business in this state.

33 Sec. 3. Section 13B.2A, unnumbered paragraph 1, Code
34 Supplement 1991, is amended to read as follows:

35 An indigent defense advisory commission is established

1 within the department to advise and make recommendations to
 2 the state public defender regarding the establishment and
 3 implementation of cost-effective methods to provide indigent
 4 defense. The advisory commission shall consist of nine
 5 members: four members to be appointed by the governor,
 6 subject to senate confirmation, including two members from
 7 nominees nominations made by the Iowa state bar association,
 8 and two members from nominees nominations made by the Iowa
 9 judges association; two members appointed by the governor,
 10 subject to senate confirmation; one member to be appointed by
 11 the governor, subject to senate confirmation, from nominees
 12 nominations made by the Iowa county attorneys association; and
 13 two members, one from each chamber of the general assembly, to
 14 be appointed by the legislative council with no more than one
 15 of the members from any one political party. Each member
 16 shall serve a three-year term, with initial terms to be
 17 staggered. The members should represent a balance of
 18 attorneys and nonattorneys.

19 Sec. 4. Section 17.21, Code 1991, is amended to read as
 20 follows:

21 17.21 LEGAL PUBLICATIONS.

22 The Iowa Code, Iowa Code Supplement, or other supplements
 23 thereto, Iowa administrative code, rules of civil procedure,
 24 rules of appellate procedure, and supreme court rules, session
 25 laws, annotations, tables of corresponding sections and
 26 reports of the supreme court, unless otherwise specifically
 27 provided by law, shall be printed, and paid for in the same
 28 manner as other public printing.

29 Sec. 5. Section 17.22, Code 1991, is amended to read as
 30 follows:

31 17.22 PRICE.

32 The publications listed in this section shall be sold at a
 33 price to be established by the legislative council. In
 34 determining these prices, the legislative council shall
 35 consider the costs of printing, binding, distribution, paper

1 stock, and compilation and editing labor costs. The
2 legislative council shall also consider the number of volumes
3 to be printed, sold, and distributed in the determination of
4 these prices.

5 1. The Iowa Code, Iowa Code Supplement, or its other
6 supplements, the Iowa administrative code or its supplements,
7 and the Iowa administrative bulletin.

8 2. Session laws.

9 3. Daily journals and bills.

10 ~~4--Book-of-annotations-to-the-Code-~~

11 ~~5--Supplements-to-the-book-of-annotations-~~

12 ~~6--Tables-of-corresponding-sections-to-the-Code-~~

13 7 4. Iowa court rules.

14 The Iowa administrative code, its supplements, or the Iowa
15 administrative bulletin ~~or-the-Code~~ may be distributed with
16 the Iowa Code or separately. There shall be established
17 separate prices for the Iowa administrative code, for its
18 supplements, for the Iowa administrative bulletin, and for the
19 Iowa Code, the Iowa Code Supplement, and other supplements.

20 When the Iowa Code is published in more than one volume the
21 superintendent of printing may distribute each volume on
22 order, after payment of the estimated purchase price for the
23 set, when the volume becomes available.

24 Sec. 6. Section 17.25, Code 1991, is amended to read as
25 follows:

26 17.25 NEW EDITIONS.

27 New editions of the Iowa Code, Iowa Code Supplement, or
28 other supplements thereto, book-of-annotations, reports of the
29 supreme court, and reports of the court of appeals may be
30 published by the superintendent of printing when the supply on
31 hand of the last edition becomes exhausted and when a new
32 edition is necessary in order to meet the demand.

33 Sec. 7. Section 17.26, Code 1991, is amended to read as
34 follows:

35 17.26 NUMBER PRINTED.

1 The number of each edition of the Iowa Code, Iowa Code
 2 Supplement, or other supplements thereto, tables-of
 3 corresponding-sections and session laws shall be determined by
 4 the superintendent of printing and the Iowa Code editor unless
 5 expressly determined by presiding officers of the general
 6 assembly.

7 Sec. 8. Section 18.9, subsection 2, Code 1991, is amended
 8 to read as follows:

9 2. Statements rendered to the various state agencies shall
 10 be paid by the state agencies in the manner determined by the
 11 department of management revenue and finance. When the
 12 statements are paid the sums shall be credited to the general
 13 service revolving fund. If any funds accrued to the revolving
 14 fund in excess of two hundred twenty-five thousand dollars and
 15 there is no anticipated need or use for such funds, the
 16 governor shall order the excess funds credited to the general
 17 fund of the state.

18 Sec. 9. Section 28C.5, subsection 1, Code Supplement 1991,
 19 is amended to read as follows:

20 1. The commission and committees established by the
 21 commission may accept technical and operational assistance
 22 from the staff of the legislative service bureau and the
 23 legislative fiscal bureau, other state or federal agencies,
 24 units of local governments, or any other public or private
 25 source. The directors of the legislative service bureau and
 26 the legislative fiscal bureau may assign professional,
 27 technical, legal, clerical, or other staff, as necessary and
 28 authorized by the legislative council for continued operation
 29 of the commission. However, the technical and operational
 30 assistance shall be provided within existing appropriations
 31 made to or with existing resources of the ~~state-or-local~~
 32 agencies legislative service bureau and legislative fiscal
 33 bureau to carry out ~~its~~ their powers and duties.

34 Sec. 10. Section 41.1, subsection 23, paragraph b, Code
 35 Supplement 1991, is amended to read as follows:

1 b. That portion of the city of Cedar Falls bound bounded
2 by a line commencing at the point East Ridgeway avenue
3 intersects the east corporate limit of the city of Cedar
4 Falls, then proceeding west along East Ridgeway avenue until
5 it intersects South Main street, then proceeding north along
6 South Main street until it intersects Oregon road, then
7 proceeding easterly along Oregon road until it intersects
8 Dallas drive, then proceeding north along Dallas drive until
9 it intersects Utah road, then proceeding east along Utah road
10 until it intersects ~~Paseon~~ Tucson drive, then proceeding north
11 along ~~Paseon~~ Tucson drive until it intersects Idaho road, then
12 proceeding east along Idaho road until it intersects Boulder
13 drive, then proceeding south along Boulder drive until it
14 intersects Lilac lane, then proceeding east along Lilac lane
15 until it intersects Woodridge drive, then proceeding south
16 along Woodridge drive until it intersects Orchard drive, then
17 proceeding east along Orchard drive until it intersects
18 Carlton drive, then proceeding southeasterly along Carlton
19 drive until its second intersection with Maryhill drive, then
20 proceeding northerly along Maryhill drive until it intersects
21 Primrose drive, then proceeding east along Primrose drive
22 until it intersects Rownd street, then proceeding north along
23 Rownd street until it intersects Orchard drive, then
24 proceeding west along Orchard drive until it intersects
25 McClain drive, then proceeding north along McClain drive until
26 it intersects University avenue, then proceeding northwesterly
27 along University avenue until it intersects Waterloo road,
28 then proceeding northwesterly along Waterloo road until it
29 intersects Elmwood avenue, then proceeding north along Elmwood
30 avenue until it intersects Rainbow drive, then proceeding west
31 along Rainbow drive until it intersects Schreiber street, then
32 proceeding north along Schreiber street until it intersects
33 Newman avenue, then proceeding east along Newman avenue until
34 it intersects Birch street, then proceeding north along Birch
35 street until it intersects Grand boulevard, then proceeding

1 southeasterly along Grand boulevard until it intersects Belle
 2 avenue, then proceeding north along Belle avenue (and its
 3 extension) until it intersects the Iowa Northern Railway
 4 Company railroad track, then proceeding northwesterly along
 5 the Iowa Northern Railway Company railroad track until it
 6 intersects Dry run, then proceeding northeasterly along Dry
 7 run until it intersects the middle of the main channel of the
 8 Cedar river, then proceeding first north and then
 9 northwesterly along the middle of the main channel of the
 10 Cedar river until it intersects Center street, then proceeding
 11 northerly along Center street until it intersects West Lone
 12 Tree road, then proceeding easterly along West Lone Tree road
 13 until it intersects East Lone Tree road, then proceeding
 14 easterly along East Lone Tree road until it intersects Big
 15 Woods road, then proceeding south along Big Woods road until
 16 it intersects East Lake street, then proceeding east along
 17 East Lake street until it intersects the east corporate limit
 18 of the city of Cedar Falls, then proceeding first north and
 19 then in a counterclockwise manner along the corporate limits
 20 of the city of Cedar Falls to the point of origin.

21 Sec. 11. Section 41.1, subsection 54, Code Supplement
 22 1991, is amended to read as follows:

23 54. The fifty-fourth representative district in Linn
 24 county shall consist of those portions of the city of Cedar
 25 Rapids and Fairfax and Clinton townships bounded by a line
 26 commencing at the point "J" street southwest intersects
 27 Twenty-seventh avenue southwest, then proceeding west along
 28 Twenty-seventh avenue southwest until it intersects Sixth
 29 street southwest, then proceeding southerly along Sixth street
 30 southwest until it intersects the Chicago and Northwestern
 31 Transportation Company railroad track, then proceeding
 32 southwestern southwesterly along the Chicago and Northwestern
 33 Transportation Company railroad track until it intersects the
 34 west corporate limit of the city of Cedar Rapids, then
 35 proceeding first north and then in a clockwise manner along

1 the corporate limits of the city of Cedar Rapids until it
2 intersects Rogers road northwest, then proceeding westerly
3 along Rogers road northwest until it intersects the southerly
4 extension of the west corporate limit of the city of Cedar
5 Rapids to the west of Morris avenue, then proceeding north
6 along the west corporate limit (and its southern extension),
7 and then west along the corporate limit, then south along the
8 corporate limit and its extension until it intersects Rogers
9 road northwest, then proceeding westerly along Rogers road
10 northwest until it again intersects the southern extension of
11 the west corporate limit of the city of Cedar Rapids, then
12 proceeding north along the west corporate limit of the city of
13 Cedar Rapids until it intersects the west corporate limit of
14 the city of Cedar Rapids, then proceeding first north and then
15 in a clockwise manner along the corporate limits of the city
16 of Cedar Rapids until it intersects the middle of the main
17 channel of the Red Cedar river, then proceeding northeasterly
18 along the middle of the main channel of the Red Cedar river
19 until it intersects Edgewood road northwest, then proceeding
20 southerly along Edgewood road northwest until it intersects
21 "O" avenue northwest, then proceeding east along "O" avenue
22 northwest until it intersects Hillside drive northwest, then
23 proceeding north along Hillside drive northwest until it
24 intersects Elaine drive northwest, then proceeding east along
25 Elaine drive northwest until it intersects Thirtieth street
26 northwest, then proceeding south along Thirtieth street
27 northwest until it intersects "O" avenue northwest, then
28 proceeding east along "O" avenue northwest until it intersects
29 Highwood drive northwest, then proceeding first southwesterly
30 and then in a counterclockwise manner along the boundary of
31 the fifty-third representative district to the point of
32 origin.

33 Sec. 12. Section 43.42, Code Supplement 1991, is amended
34 by adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Each change or declaration of a

1 qualified elector's party affiliation so received shall be
2 reported by the precinct election officials to the county
3 commissioner of registration who shall enter a notation of the
4 change on the registration records.

5 Sec. 13. Section 53.23, subsections 1 and 3, Code 1991,
6 are amended to read as follows:

7 1. The election board of the absentee ballot and special
8 voters precinct shall be appointed by the commissioner in the
9 manner prescribed by sections 49.12 and 49.13, except that the
10 number of precinct election officials appointed to the board
11 shall be sufficient to complete the counting of absentee
12 ballots by ten o'clock p.m. on election day.

13 3. The commissioner shall set the convening time for the
14 board, allowing a reasonable amount of time to complete
15 counting all absentee ballots by ten o'clock p.m. on election
16 day. The commissioner may direct the board to meet on the day
17 prior to the election solely for the purpose of reviewing the
18 absentee voters' affidavits appearing on the sealed ballot
19 envelopes if in the commissioner's judgment this procedure is
20 necessary due to the number of absentee ballots received, but
21 under no circumstances shall a sealed ballot envelope be
22 opened before the board convenes on election day.

23 Sec. 14. Section 56.10, subsection 6, paragraph c, Code
24 Supplement 1991, is amended to read as follows:

25 c. Distribute the necessary forms to each county
26 commissioner to be furnished to persons required to file
27 reports and statements.

28 Sec. 15. Section 56.10, subsection 7, Code Supplement
29 1991, is amended to read as follows:

30 7. The county commissioners shall furnish the necessary
31 forms to persons required to file reports and statements in
32 their office.

33 Sec. 16. Section 56.10, subsection 8, unnumbered paragraph
34 1, Code Supplement 1991, is amended to read as follows:

35 The commission and the ~~commissioner~~ county commissioners

1 shall:

2 Sec. 17. Section 56.10, subsection 9, Code Supplement
3 1991, is amended to read as follows:

4 9. The commission and the county commissioners shall
5 provide proper forms to each committee which is required to
6 file a report with them. A form packet shall be mailed to
7 each active committee on or about April 25 of each year.

8 Sec. 18. Section 87.11A, Code Supplement 1991, is amended
9 to read as follows:

10 87.11A EXAMINATION REQUIRED.

11 The commissioner of insurance may at any time examine or
12 inquire into the affairs of any self-insured employer. A
13 domestic self-insured employer, or a self-insured employer not
14 subject to periodic examination in its state of origin, shall
15 be examined at least once during each three-year period.

16 Sec. 19. Section 87.11B, Code Supplement 1991, is amended
17 to read as follows:

18 87.11B OBLIGATION TO ASSIST AN EXAMINATION -- OATHS.

19 If a self-insured employer is being examined, the officers,
20 employees, or agents of the employer, shall produce for
21 inspection all books, documents, papers, and other information
22 concerning the affairs of the employer and shall otherwise
23 assist in ~~such~~ the examination to the extent possible. The
24 commissioner of insurance, or the commissioner's legally
25 authorized representative in charge of the examination, may
26 administer oaths and take testimony bearing upon the affairs
27 of ~~any an~~ an employer under examination.

28 Sec. 20. Section 88B.3, subsection 3, Code 1991, is
29 amended to read as follows:

30 3. The commissioner shall prescribe fees for the issuance
31 and renewal of licenses and ~~certificates~~ permits. The fees
32 shall be based on the costs of licensing, ~~certification~~ and
33 permitting and other costs of administering this chapter.

34 Sec. 21. Section 93.16, unnumbered paragraph 2, Code
35 Supplement 1991, is amended to read as follows:

1 Notwithstanding the provisions of this section directing
 2 that funds accepted be deposited into the energy research and
 3 development fund, for the fiscal period beginning on July 1,
 4 1991, and ending June 30, 1993, all funds accepted shall be
 5 deposited into the general fund of the state and shall be
 6 appropriated ~~for purposes of~~ as provided in section 93:14
 7 93.11, subsection 1, paragraph "f".

8 Sec. 22. Section 98.8, subsection 3, unnumbered paragraph
 9 1, Code 1991, is amended to read as follows:

10 The department may make refunds on unused stamps to the
 11 person who purchased ~~said~~ the stamps at a price equal to the
 12 amount paid for ~~such~~ the stamps when proof satisfactory to the
 13 department is furnished that any stamps upon which a refund is
 14 requested were properly purchased from the department and paid
 15 for by the person requesting ~~such~~ the refund. In making ~~such~~
 16 the refund, the department shall prepare a voucher showing the
 17 amount of refund due and to whom payable and ~~the comptroller~~
 18 ~~shall then~~ issue a warrant upon order of the director to pay
 19 ~~such~~ the refund out of any funds in the state treasury not
 20 otherwise appropriated.

21 Sec. 23. Section 99D.11, subsection 6, paragraph b, Code
 22 Supplement 1991, is amended to read as follows:

23 b. The commission may authorize the licensee to
 24 simultaneously telecast within the racetrack enclosure, for
 25 the purpose of pari-mutuel wagering, a horse or dog race
 26 licensed by the racing authority of another state. It is the
 27 responsibility of each licensee to obtain the consent of
 28 appropriate racing officials in other states as required by
 29 the federal Interstate Horseracing Act of 1978, 15 U.S.C. §
 30 3001-3007, to televise races for the purpose of conducting
 31 pari-mutuel wagering. A licensee may also obtain the
 32 permission of a person licensed by the commission to conduct
 33 horse or dog races in this state to televise races conducted
 34 by that person for the purpose of conducting pari-mutuel
 35 racing. However, arrangements made by a licensee to televise

1 any race for the purpose of conducting pari-mutuel wagering
2 are subject to the approval of the commission, and the
3 commission shall select the races to be televised. The races
4 selected by the commission shall be the same for all licensees
5 approved by the commission to televise races for the purpose
6 of conducting pari-mutuel wagering. The commission shall not
7 authorize the simultaneous telecast or televising of and a
8 licensee shall not simultaneously telecast or televise any
9 horse or dog race for the purpose of conducting pari-mutuel
10 wagering unless the simultaneous telecast or televising is
11 done at the racetrack of a licensee that schedules no less
12 than one hundred five performances of eight live races each
13 day of the season. For purposes of the taxes imposed under
14 this chapter, races televised by a licensee for purposes of
15 pari-mutuel wagering shall be treated as if the races were
16 held at the racetrack of the licensee.

17 Sec. 24. Section 99D.17, unnumbered paragraph 1, Code
18 Supplement 1991, is amended to read as follows:

19 Funds received pursuant to sections 99D.14 and 99D.15 shall
20 be deposited in the pari-mutuel regulation fund created in the
21 racing and gaming commission. These funds shall first be used
22 to the extent appropriated by the general assembly ~~and as~~
23 ~~provided in section 99B-18~~. The remainder shall be
24 transferred to the treasurer of state to be deposited in the
25 general fund of the state. The commission is subject to the
26 budget requirements of chapter 8 and the applicable auditing
27 requirements and procedures of chapter 11.

28 Sec. 25. Section 100.1, subsection 4, paragraph b, Code
29 1991, is amended to read as follows:

30 b. The storage, transportation, handling, and use of
31 ~~inflammable~~ flammable liquids, combustibles, and explosives;

32 Sec. 26. Section 106.9, subsection 10, Code 1991, is
33 amended to read as follows:

34 10. Every motorboat, except open boats, using any liquid
35 of a volatile nature as fuel, shall be provided with ~~such~~ the

1 means ~~as may be~~ prescribed by the rules and regulations of the
2 commission for properly and efficiently ventilating the bilges
3 of the engines and fuel tank compartments so as to remove any
4 explosive or ~~inflammable~~ flammable gases.

5 Sec. 27. Section 106.35, Code Supplement 1991, is amended
6 to read as follows:

7 106.35 SPECIAL CERTIFICATE FOR MANUFACTURER OR DEALER.

8 A manufacturer or dealer owning, storing, repairing, or
9 altering any a vessel required to be registered under the
10 ~~provisions of~~ this chapter may operate the same vessel for
11 purposes of transporting, testing, demonstrating, or selling
12 the same vessel without registering each such vessel, provided
13 that any such vessel displays thereon a special certificate
14 issued to ~~such owner~~ the manufacturer or dealer as provided in
15 this chapter. This special certificate ~~may~~ shall not be used
16 for any vessel offered for hire or for any work or service
17 vessels owned by a manufacturer or dealer.

18 Sec. 28. Section 111.79, subsection 4, Code Supplement
19 1991, is amended to read as follows:

20 4. Notwithstanding any other provision of law, for the
21 fiscal period beginning on July 1, 1991, and ending June 30,
22 1993, ~~funds that direct that~~ moneys to be credited to or
23 deposited in the public outdoor recreation and resources fund
24 shall be credited to or deposited to the general fund of the
25 state and appropriations made for purposes of this section
26 shall not be deposited into the public outdoor recreation and
27 resources fund but shall be allocated as provided in this
28 section.

29 Sec. 29. Section 116.5, unnumbered paragraph 3, Code 1991,
30 is amended by striking the paragraph.

31 Sec. 30. Section 116.6, subsection 1, paragraph a, Code
32 Supplement 1991, is amended to read as follows:

33 a. "Applicant" means an entity holding a permit to
34 practice as a corporation or partnership of certified public
35 accountants issued pursuant to section 116.20, subsection 3,

1 or a person certified as a certified public accountant
2 pursuant to section 116.5 who practices as a sole
3 proprietorship.

4 Sec. 31. Section 116.6, subsection 5, paragraph a, Code
5 Supplement 1991, is amended to read as follows:

6 a. Peer review records are privileged and confidential,
7 and are not subject to discovery, subpoena, or other means of
8 legal compulsion. Peer review records are not admissible in
9 evidence in a judicial, arbitration, or administrative
10 proceeding. Information or documents discoverable from
11 sources other than a peer review team do not become
12 nondiscoverable from other sources because they are made
13 available to or are in the possession of a peer review team.
14 Information or documents publicly available from the American
15 institute of certified public accountants relating to quality
16 or peer review are not privileged or confidential under this
17 subsection.

18 Sec. 32. Section 116.8, Code Supplement 1991, is amended
19 to read as follows:

20 116.8 EXAMINATION REQUIRED.

21 An applicant not qualified under section 116.7 shall be
22 granted a license if the applicant passes a written
23 examination prescribed by the board, and meets one of the
24 following requirements:

25 1. If the applicant has had two or more years actual
26 experience in practice as an accounting practitioner as an
27 employee of a certified public accountant or an accounting
28 practitioner ~~or~~.

29 2. If the applicant was employed for at least twenty-four
30 months prior to July 1, 1975 by the United States government,
31 by this state, or by a political subdivision of this state in
32 an accounting or auditing position for which an examination in
33 accounting knowledge or qualifying education or experience in
34 practice as an accounting practitioner was required. The
35 applicant shall submit to the board an official copy of the

1 job description and educational or experience qualifications
2 required, or an affidavit of the immediate superior of the
3 applicant attesting to the applicant's accounting or auditing
4 duties. Any evidence which indicates that the applicant has
5 performed only clerical or bookkeeping work shall not be
6 deemed sufficient for the purposes of this subsection~~7-or.~~

7 3. If the applicant submits evidence satisfactory to the
8 board that applicant is a graduate of a four-year college or
9 university accredited by the north central accreditation
10 association or other regional accreditation association having
11 equivalent standards, with a major in accounting, or that the
12 applicant is a graduate in accountancy from a business or
13 correspondence school accredited by the accrediting commission
14 for business schools or the accrediting commission of the
15 national home study council.

16 4. If the applicant submits evidence of at least five
17 years of continuous experience engaged in performing any of
18 the services delineated in section 116.2 on a full-time basis.

19 Sec. 33. Section 125.14A, subsection 1, Code Supplement
20 1991, is amended to read as follows:

21 1. If a person is being considered for licensure under
22 this chapter, or for employment involving direct
23 responsibility for a child or with access to a child when the
24 child is alone, by a program admitting juveniles subject to
25 licensure under this chapter, or if a person will reside in a
26 facility utilized by such a program, and if the person has
27 been convicted of a crime or has a record of founded child
28 abuse, the department of human services and the program, for
29 an employee of the program, shall perform an evaluation to
30 determine whether the crime or founded child abuse warrants
31 prohibition of licensure, employment, or residence in the
32 facility. The department of human services shall conduct
33 criminal and child abuse record checks in this state and may
34 conduct these checks in other states. The evaluation shall be
35 performed in accordance with procedures adopted for this

1 purpose by the department of human services.

2 Sec. 34. Section 135.11A, unnumbered paragraph 2, Code
3 Supplement 1991, is amended to read as follows:

4 The professional licensure division and the licensing
5 boards may expend ~~additional~~ funds in addition to amounts
6 budgeted, if those additional expenditures are directly the
7 cause result of actual examination and exceed funds budgeted
8 for examinations. Before the division or a licensing board
9 expends or encumbers an amount in excess of the funds budgeted
10 for examinations, the director of the department of management
11 shall approve the expenditure or encumbrance. Before approval
12 is given, the department of management shall determine that
13 the examination expenses exceed the funds budgeted by the
14 general assembly to the division or board and the division or
15 board does not have other funds from which examination
16 expenses can be paid. Upon approval of the department of
17 management, the division or licensing board may expend and
18 encumber funds for excess examination expenses. The amounts
19 necessary to fund the excess examination expenses shall be
20 collected as fees from additional examination applicants and
21 shall be treated as repayment receipts as defined in section
22 8.2.

23 Sec. 35. Section 135H.7, subsection 2, paragraph a, Code
24 Supplement 1991, is amended to read as follows:

25 a. If a person is being considered for licensure under
26 this chapter, or for employment involving direct
27 responsibility for a child or with access to a child when the
28 child is alone, by a licensed psychiatric institution, or if a
29 person will reside in a facility utilized by a licensee, and
30 if the person has been convicted of a crime or has a record of
31 founded child abuse, the department of human services and the
32 licensee, for an employee of the licensee, shall perform an
33 evaluation to determine whether the crime or founded child
34 abuse warrants prohibition of licensure, employment, or
35 residence in the facility. The department of human services

1 shall conduct criminal and child abuse record checks in this
2 state and may conduct these checks in other states. The
3 evaluation shall be performed in accordance with procedures
4 adopted for this purpose by the department of human services.

5 Sec. 36. Section 136C.3, subsection 2, unnumbered
6 paragraph 1, Code 1991, is amended to read as follows:

7 Establish minimum training standards including continuing
8 education requirements, and administer examinations and
9 disciplinary procedures for operators of radiation machines
10 and users of radioactive materials. A state of Iowa license
11 to practice medicine, osteopathy, chiropractic, podiatry,
12 dentistry, dental hygiene, or veterinary medicine, or
13 licensure as a physician assistant pursuant to chapter 148C,
14 or certification by the board of dental examiners in dental
15 radiography, or by the board of podiatry examiners in
16 podiatric radiology radiography, or enrollment in a program or
17 course of study approved by the Iowa department of public
18 health which includes the application of radiation to humans
19 satisfies the minimum training standards for operation of
20 radiation machines only.

21 Sec. 37. Section 147.107, subsection 5, Code Supplement
22 1991, is amended to read as follows:

23 5. Notwithstanding subsection 1 and any other provision of
24 this section to the contrary, a physician may delegate the
25 function of prescribing drugs, controlled substances, and
26 medical devices to a physician assistant licensed pursuant to
27 chapter 148C. When delegated prescribing occurs, the
28 supervising physician's name shall be used, recorded, or
29 otherwise indicated in connection with each individual
30 prescription so that the individual who dispenses or
31 administers the prescription knows under whose delegated
32 authority the physician assistant is prescribing. Rules
33 relating to the authority of physician assistants to prescribe
34 drugs, controlled substances, and medical devices pursuant to
35 this subsection shall be adopted by the board of physician

1 assistant examiners, after consultation with the board of
2 medical examiners and the board of pharmacy examiners, as soon
3 as possible after July 1, 1991. The rules shall be reviewed
4 and approved by the physician assistant rules review group
5 created under subsection 7 and shall be adopted in final form
6 by January 1, 1993. However, the rules shall prohibit the
7 prescribing of schedule II controlled substances which are
8 listed as stimulants or depressants pursuant to chapter 204.
9 If rules are not reviewed and approved by the physician
10 assistant rules review group created under subsection 7 and
11 adopted in final form by January 1, 1993, a physician
12 assistant may prescribe drugs as a delegated act of a
13 supervising physician under rules adopted by the board of
14 physician assistant ~~board-of~~ examiners and subject to the
15 rules review process established in section 148C.7. The board
16 of physician assistant examiners shall be the only board to
17 regulate the practice of physician assistants relating to
18 prescribing and supplying prescription drugs, controlled
19 substances and medical devices, notwithstanding section
20 148C.6A.

21 Sec. 38. Section 159.1, subsections 2 and 3, Code
22 Supplement 1991, are amended by striking the subsections.

23 Sec. 39. Section 159.20, unnumbered paragraph 3, Code
24 Supplement 1991, is amended to read as follows:

25 As used in this subchapter, "agricultural commodity" means
26 any unprocessed agricultural product, including animals,
27 agricultural crops, and forestry products grown, raised,
28 produced, or fed in Iowa for sale in commercial channels.

29 "Commercial channels" means the processes of sale of a ~~farm~~ an
30 agricultural commodity or unprocessed product from the farm
31 agricultural commodity to any person, public or private, who
32 resells the ~~farm~~ farm agricultural commodity for breeding,
33 processing, slaughter, or distribution.

34 Sec. 40. Section 159A.5, subsection 4, Code Supplement
35 1991, is amended to read as follows:

1 4. The committee shall review the annual report to the
2 secretary regarding ethanol renewable fuel activities, as
3 provided in section 159A.3. The committee may make written
4 comments concerning the contents of the report. Upon request
5 of the committee, the coordinator shall include the comments
6 as part of the report.

7 Sec. 41. Section 159A.6, unnumbered paragraph 2, Code
8 Supplement 1991, is amended to read as follows:

9 The committee shall develop standards for decals required
10 pursuant to section 214A.16, which shall be designed to
11 promote the advantages of using renewable fuel. The standards
12 may be incorporated within a model decal adopted by the board
13 committee and approved by the office.

14 Sec. 42. Section 166D.2, subsection 7, Code Supplement
15 1991, is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. The department may combine an
18 official health certificate or a veterinarian inspection cer-
19 tificate as required under chapter 163 with a certificate of
20 inspection.

21 Sec. 43. Section 166D.16, unnumbered paragraph 2, Code
22 Supplement 1991, is amended by striking the unnumbered para-
23 graph.

24 Sec. 44. Section 189.1, Code 1991, is amended by striking
25 the section and inserting in lieu thereof the following:

26 189.1 DEFINITIONS CONTROLLING TITLE.

27 For the purpose of this title:

28 1. "Article" includes food, commercial feed, agricultural
29 seed, commercial fertilizer, drug, insecticide, fungicide,
30 paint, linseed oil, turpentine, and illuminating oil, in the
31 sense in which they are defined in the various provisions of
32 this title.

33 2. "Department" means the department of agriculture and
34 land stewardship, and if the department is required or
35 authorized to do an act, the act may be performed by a regular

1 assistant or a duly authorized agent of the department.

2 3. "Official laboratory" means a biological, chemical, or
3 physical laboratory which performs testing or analysis
4 pursuant to scientific procedures, to the extent the
5 laboratory is recognized by the department as a reliable
6 indicator of scientific results.

7 4. "Package" or "container", unless otherwise defined,
8 includes wrapper, box, carton, case, basket, hamper, can,
9 bottle, jar, tube, cask, vessel, tub, firkin, keg, jug,
10 barrel, tank, tank car, and other receptacles of a like
11 nature; and the expression "offered or exposed for sale or
12 sold in package or wrapped form" means the offering or
13 exposing for sale, or selling of an article which is contained
14 in a package or container as defined in this section.

15 5. "Pasteurization" or "pasteurized" means the procedure
16 of processing milk or a milk product, in order to ensure its
17 safety from contaminants, if the procedure of pasteurization
18 is consistent with standards adopted by the department
19 pursuant to section 192.102.

20 6. "Person" includes a corporation, company, firm,
21 society, or association; and the act, omission, or conduct of
22 any officer, agent, or other person acting in a representative
23 capacity shall be imputed to the organization or person
24 represented, and the person acting in that capacity shall also
25 be liable for violations of this title.

26 7. "Rules" includes regulations and orders by the
27 department.

28 8. "Secretary" means the secretary of agriculture.

29 9. "United States Pharmacopoeia" or "National Formulary"
30 means the latest revision of these publications official at
31 the time of a transaction which is in question.

32 Sec. 45. Section 191.2, subsection 5, unnumbered paragraph
33 1, Code Supplement 1991, is amended to read as follows:

34 All bottles, containers, and packages enclosing milk or
35 milk products as-defined-in-section-190-17-subsections-6-and

1 38-to-57, shall be conspicuously labeled or marked with:

2 Sec. 46. Section 192.111, subsection 2, Code Supplement
3 1991, is amended to read as follows:

4 2. A purchaser of milk from a grade "A" milk producer
5 shall pay an inspection fee not greater than one point five
6 cents per hundredweight. The fee shall be payable monthly to
7 the secretary in a manner prescribed by the secretary. A-fee
8 ~~imposed-under-this-subsection-shall-not-be-paid-on-milk~~
9 ~~subject-to-inspection-by-a-municipal-corporation-pursuant-to~~
10 ~~section-192-103.~~

11 Sec. 47. Section 194.20, Code Supplement 1991, is amended
12 to read as follows:

13 194.20 INSPECTION FEES -- GRADE "B" MILK.

14 A purchaser of milk from a grade "B" milk producer shall
15 pay an inspection fee not greater than one-half cent per
16 hundredweight. The fee is payable monthly to the department
17 at a time prescribed by the department. A fee imposed by this
18 section shall not be paid on milk inspected by a person
19 administering the inspection pursuant to an inspection
20 contract as provided in section 192.108. Fees collected under
21 this section shall be deposited in the milk fund established
22 in section 192.111.

23 Sec. 48. Section 214A.10, Code 1991, is amended to read as
24 follows:

25 214A.10 TRANSFER PIPES.

26 A wholesale dealer, retail dealer, or other person shall
27 not, within this state, use the same pipeline, for
28 transferring motor vehicle fuel, including gasoline, or
29 oxygenate octane enhancer from one container to another, if
30 the pipeline is used for transferring kerosene or other
31 ~~inflammable~~ flammable product used for open flame illuminating
32 or heating purposes.

33 Sec. 49. Section 217.9A, subsection 1, unnumbered
34 paragraph 2, Code Supplement 1991, is amended to read as
35 follows:

1 The commission shall examine ~~the-following~~ issues related
2 to the cycle of dependency which some families have on
3 services, including, but not limited to, child care, chemical
4 dependency, child welfare, youth employment, parent education,
5 health, and education.

6 Sec. 50. Section 235B.6, subsection 2, paragraph e,
7 subparagraph (3), Code Supplement 1991, is amended to read as
8 follows:

9 (3) The department of ~~public-safety~~ justice for the sole
10 purpose of the filing of a claim for reparation pursuant to
11 section 910A.5 and section 912.4, subsections 3 through 5.

12 Sec. 51. Section 235B.16, subsection 1, paragraph b, Code
13 Supplement 1991, is amended to read as follows:

14 b. Providing ~~care-givers~~ caretakers with information
15 regarding services to alleviate the emotional, psychological,
16 physical, or financial stress associated with the ~~care-giver~~
17 caretaker and dependent adult relationship.

18 Sec. 52. Section 236.14, subsection 2, unnumbered
19 paragraph 3, Code Supplement 1991, is amended to read as
20 follows:

21 The clerk of the court or other person designated by the
22 court shall provide a copy of this order to the victim
23 pursuant to chapter 910A. The order has force and effect
24 until it is modified or terminated by subsequent court action
25 in the contempt proceeding or the criminal or juvenile court
26 action and is reviewable in the manner prescribed in section
27 811.2. The clerk of the district court shall also provide
28 ~~oral-or-other~~ notice and copies of the no-contact order to the
29 applicable law enforcement agencies and the twenty-four hour
30 dispatcher for the law enforcement agencies, in the manner
31 provided for protective orders under section 236.5. The clerk
32 shall provide ~~oral-or-other~~ notice and copies of modifications
33 or vacations of these orders in the same manner.

34 Sec. 53. Section 237A.2, unnumbered paragraph 6, Code
35 Supplement 1991, is amended by striking the unnumbered

1 paragraph.

2 Sec. 54. Section 237A.3, subsection 5, Code Supplement
3 1991, is amended by striking the subsection.

4 Sec. 55. Section 246.104, Code 1991, is amended to read as
5 follows:

6 246.104 BOARD CREATED.

7 A board of corrections is created within the department.
8 The board shall consist of seven members appointed by the
9 governor subject to confirmation by the senate. Not more than
10 four of the members shall be from the same political party.
11 Members shall be electors of this state. ~~Six~~ Five of the
12 seven members shall each be a resident of a different
13 congressional district. Members of the board shall serve
14 four-year staggered terms.

15 Sec. 56. Section 246.513, subsection 1, paragraph a, Code
16 Supplement 1991, is amended to read as follows:

17 a. The department of corrections in cooperation with
18 judicial district departments of correctional services shall
19 establish in each judicial district a continuum of
20 programming, including residential facilities and
21 institutions, for the supervision and treatment of offenders
22 convicted of violating chapter 321J who are sentenced to the
23 custody of the director. The department of corrections shall
24 develop standardized assessment criteria for the assignment of
25 offenders to a facility established pursuant to this chapter.
26 The facilities established shall meet all the following
27 requirements:

28 (1) ~~is-a-treatment-facility-meeting-the-licensure~~
29 Licensure standards of the division of substance abuse of the
30 department of public health.

31 (2) ~~is-a-facility-meeting-applicable~~ Applicable standards
32 of the American corrections association.

33 (3) ~~is-a-facility-which-meets-any~~ Any other rule or
34 requirement adopted by the department pursuant to chapter 17A.

35 Sec. 57. Section 256.11, subsection 10, unnumbered

1 paragraphs 1 and 2, Code Supplement 1991, are amended to read
2 as follows:

3 The state board shall establish an accreditation process
4 for school districts and nonpublic schools seeking
5 accreditation pursuant to this subsection and subsections 11
6 and 12. ~~As required in section 256.17, by~~ By July 1, 1989,
7 all school districts shall meet standards for accreditation.
8 For the school year commencing July 1, 1989 and school years
9 thereafter, the department of education shall use a two-phase
10 process for the continued accreditation of schools and school
11 districts.

12 Phase I consists of annual monitoring by the department of
13 education of all accredited schools and school districts for
14 compliance with accreditation standards adopted by the state
15 board of education ~~as provided by section 256.17~~. The phase I
16 monitoring requires that accredited school districts and
17 schools annually complete accreditation compliance forms
18 adopted by the state board and file them with the department
19 of education. In addition, employees of the department of
20 education shall complete at least biennial on-site visits to
21 each accredited school and school district to review the
22 educational programs and the information included in the
23 compliance forms.

24 Sec. 58. Section 256.20, unnumbered paragraph 1, Code
25 1991, is amended to read as follows:

26 Pursuant to section 279.10, subsection 1, relating to the
27 maintenance of school during an entire year, the board of
28 directors of a school district may request approval from the
29 state board of education for a pilot project for a year around
30 three semester school year. ~~The deadlines for approval of a
31 pilot project under this section are the deadlines specified
32 in section 256.18 for approval of a modified block scheduling
33 pilot project.~~

34 Sec. 59. Section 257.28, Code 1991, is amended to read as
35 follows:

1 257.28 ENRICHMENT LEVY.

2 If a school district has approved the use of the instruc-
3 tional support program for a budget year, the district shall
4 not also collect moneys under the additional enrichment amount
5 approved by the voters under chapter 442, as it appeared in
6 Code 1991, for that the budget year.

7 Sec. 60. Section 257.33, Code 1991, is amended to read as
8 follows:

9 257.33 PRIOR ENRICHMENT APPROVAL.

10 If the electors of a school district approved the use of
11 the additional enrichment amount prior to July 1, 1991, under
12 chapter 442, or section 279.43, as they appeared in Code 1991,
13 the approval for use of the enrichment amount shall continue
14 in effect until the expiration of the period for which it was
15 approved and districts may use the additional enrichment
16 amount during that period. However, section 257.28 applies to
17 the use of the additional enrichment amount.

18 Sec. 61. Section 275.31, unnumbered paragraph 2, Code
19 1991, is amended to read as follows:

20 For the school year beginning July 1, 1987 and succeeding
21 school years, there is appropriated from the general fund of
22 the state to the department of management an amount sufficient
23 to pay the debt service aid under this section. Debt service
24 aid shall be paid in the manner provided in section ~~442-26~~
25 257.16.

26 Sec. 62. Section 281.2, subsection 3, unnumbered paragraph
27 3, Code 1991, is amended to read as follows:

28 Every child requiring special education shall, if
29 reasonably possible, receive a level of education commensurate
30 with the level provided each child who does not require
31 special education. The cost of providing such an education
32 shall be paid as provided in section 273.9, this chapter and
33 chapter ~~442~~ 257. It shall be the primary responsibility of
34 each school district to provide special education to children
35 who reside in that district if the children requiring special

1 education are properly identified, the educational program or
2 service has been approved, the teacher or instructor has been
3 licensed, the number of children requiring special education
4 needing that educational program or service is sufficient to
5 make offering the program or service feasible, and the program
6 or service cannot more economically and equably be obtained
7 from the area education agency, another school district,
8 another group of school districts, a qualified private agency,
9 or in co-operation with one or more other districts.

10 Sec. 63. Section 282.18, subsection 8, Code Supplement
11 1991, is amended to read as follows:

12 8. A pupil participating in open enrollment shall be
13 counted, for state school foundation aid purposes, in the
14 pupil's district of residence. A pupil's residence, for
15 purposes of this section means a residence under section
16 282.1. The board of directors of the district of residence
17 shall pay to the receiving district the lower district cost
18 per pupil of the two districts, plus any moneys received for
19 the pupil as a result of non-English speaking weighting under
20 section ~~442.4~~ 280.4, subsection 6 4, for each school year.
21 The district of residence shall also transmit the phase III
22 moneys allocated to the district for the full-time equivalent
23 attendance of the pupil, who is the subject of the request, to
24 the receiving district specified in the request for transfer.

25 Sec. 64. Section 282.28, Code 1991, is amended to read as
26 follows:

27 282.28 CHILDREN AT ELDORA AND TOLEDO.

28 Annually, the area education agency in which the state
29 training school and the Iowa juvenile home are located and the
30 department of human services on behalf of the training school
31 and juvenile home shall submit an annual joint application by
32 January 1 for the next succeeding school year to the
33 department of education describing the proposed special
34 education instructional and support programs and service
35 improvements for the training school and juvenile home. The

1 department of education shall review and approve or modify the
 2 program and proposed budget by February 1 and shall notify the
 3 department of revenue and finance, the area education agency,
 4 and the department of human services of the approved budget
 5 amount. The moneys for the approved budget shall supplement
 6 and not supplant moneys equal to the moneys expended for
 7 education for the fiscal year beginning July 1, 1986 by the
 8 department of human services. The moneys for the approved
 9 budget shall be used to ensure that the training school and
 10 juvenile home comply with appropriate administrative rules
 11 relating to special education adopted by the department of
 12 education. Beginning with the fiscal year commencing July 1,
 13 1990, and ending June 30, 1991, and in succeeding years, the
 14 department of revenue and finance shall pay the approved
 15 budget amount for an area education agency in monthly
 16 installments beginning on September 15 and ending on June 15
 17 of the next succeeding school year. The installments shall be
 18 as nearly equal as possible as determined by the department of
 19 management, taking into consideration the relative budget and
 20 cash position of the state's resources. The department of
 21 revenue and finance shall transfer the approved budget amount
 22 for an area education agency from the moneys appropriated
 23 under ~~section-442-26-or~~ section 257.16 and make the payment to
 24 the area education agency.

25 The area education agency shall submit an accounting to the
 26 department of education by August 1 following the school year
 27 for the actual costs of the special education programs and
 28 services provided at the training school and juvenile home.
 29 The department shall review and approve or modify the
 30 accounting by September 1 and shall notify the department of
 31 revenue and finance of the approved accounting amount. The
 32 department of revenue and finance shall adjust the September
 33 payment to the area education agency for the next fiscal year
 34 by the difference between the amount of the proposed budget
 35 paid to the area education agency and the amount of the actual

1 costs as reflected in the area education agency's accounting.
2 Any amount paid by the department of revenue and finance shall
3 be deducted monthly from the state foundation aid paid under
4 ~~section-442-26-or~~ section 257.16 during that fiscal year to
5 all school districts in the state. The portion of the total
6 amount of the approved accounting amount that shall be
7 deducted from the state aid of a school district shall be the
8 same as the ratio that the budget enrollment for the budget
9 year of the school district bears to the total budget
10 enrollment in the state for that budget year.

11 Sec. 65. Section 282.31, subsections 1 and 3, Code 1991,
12 are amended to read as follows:

13 1. a. A child who lives in a facility pursuant to section
14 282.30, subsection 1, paragraph "a", and who is not enrolled
15 in the educational program of the district of residence of the
16 child, shall receive appropriate educational services. The
17 area education agency shall submit a proposed program and
18 budget to the department of education by January 1 for the
19 next succeeding school year. The department of education
20 shall review and approve or modify the program and proposed
21 budget and shall notify the department of revenue and finance
22 and the area education agency of its action by February 1.
23 Beginning with the fiscal year commencing July 1, 1990, and
24 ending June 30, 1991, and in succeeding years, the department
25 of revenue and finance shall pay the approved budget amount
26 for an area education agency in monthly installments beginning
27 September 15 and ending June 15 of the next succeeding school
28 year. The installments shall be as nearly equal as possible
29 as determined by the department of management, taking into
30 consideration the relative budget and cash position of the
31 state's resources. The department of revenue and finance
32 shall transfer the approved budget amount for an area
33 education agency from the moneys appropriated under ~~section~~
34 ~~442-26-or~~ section 257.16 and make the payment to the area
35 education agency. The area education agency shall submit an

1 accounting for the actual cost of the program to the
 2 department of education by August 1 of the following school
 3 year. The department shall review and approve or modify all
 4 expenditures incurred in compliance with the guidelines
 5 pursuant to section 256.7, subsection 12, and shall notify the
 6 department of revenue and finance of the approved accounting
 7 amount. The approved accounting amount shall be compared with
 8 any amounts paid by the department of revenue and finance to
 9 the area education agency and any differences added to or
 10 subtracted from the October payment made under this paragraph
 11 for the next school year. Any amount paid by the department
 12 of revenue and finance shall be deducted monthly from the
 13 state foundation aid paid under ~~section-442-26~~ or section
 14 257.16 during the remainder of that fiscal year to all school
 15 districts in the state. The portion of the total amount of
 16 the approved budget that shall be deducted from the state aid
 17 of a school district shall be the same as the ratio that the
 18 budget enrollment for the budget year of the school district
 19 bears to the total budget enrollment in the state for that
 20 budget year.

21 b. A child who lives in a facility or home pursuant to
 22 section 282.19, and who does not require special education and
 23 who is not enrolled in the educational program of the district
 24 of residence of the child, shall be included in the basic
 25 enrollment of the school district in which the facility or
 26 home is located.

27 However, on June 30 of a school year, if the board of
 28 directors of a school district determines that the number of
 29 children under this paragraph who were counted in the basic
 30 enrollment of the school district on the third Friday of
 31 September of that school year is fewer than the sum of the
 32 number of months all children were enrolled in the school
 33 district under this paragraph during the school year divided
 34 by nine, the secretary of the school district may submit a
 35 claim to the department of education by August 1 following the

1 school year for an amount equal to the district cost per pupil
2 of the district for the previous school year multiplied by the
3 difference between the number of children counted and the
4 number of children calculated by the number of months of
5 enrollment. The amount of the claim shall be paid by the
6 department of revenue and finance to the school district by
7 October 1. The department of revenue and finance shall
8 transfer the total amount of the approved claim of a school
9 district from the moneys appropriated under ~~section-442-26-or~~
10 ~~under~~ section 257.16 and the amount paid shall be deducted
11 monthly from the state foundation aid paid during the
12 remainder of that fiscal year to all school districts in the
13 state in the manner provided in paragraph "a".

14 3. The actual special education instructional costs,
15 including transportation, for a child who requires special
16 education shall be paid by the department of revenue and
17 finance to the school district in which the facility or home
18 is located, only when a district of residence cannot be
19 determined, and the child was not included in the weighted
20 enrollment of any district pursuant to section 281.9, and the
21 payment pursuant to subsection 2, paragraph "a" was not made
22 by any district. The district shall submit a proposed program
23 and budget to the department of education by January 1 for the
24 next succeeding school year. The department of education
25 shall review and approve or modify the program and proposed
26 budget and shall notify the district by February 1. The
27 district shall submit a claim by August 1 following the school
28 year for the actual cost of the program. The department shall
29 review and approve or modify the claim and shall notify the
30 department of revenue and finance of the approved claim amount
31 by September 1. The total amount of the approved claim shall
32 be paid by the department of revenue and finance to the school
33 district by October 1. The total amount paid by the
34 department of revenue and finance shall be deducted monthly
35 from the state foundation aid paid under section ~~442-26~~ 257.16

1 during the remainder of that fiscal year to all school
 2 districts in the state. The portion of the total amount of
 3 the approved claims that shall be deducted from the state aid
 4 of a school district shall be the same as the ratio that the
 5 budget enrollment for the budget year of the school district
 6 bears to the total budget enrollment in the state for the
 7 budget year. The department of revenue and finance shall
 8 transfer the total amount of the approved claims from moneys
 9 appropriated under section ~~442-26~~ 257.16 for payment to the
 10 school district.

11 Sec. 66. Section 294A.16, unnumbered paragraph 5, Code
 12 1991, is amended to read as follows:

13 Any moneys allocated or retained for an approved phase III
 14 plan, and any interest accrued on the moneys, shall not be
 15 commingled with state aid payments made, under sections ~~442-25~~
 16 ~~and-442-26~~ 257.16 and 257.35, to a school district or area
 17 education agency and shall be accounted for by the school
 18 district or area education agency separately from state aid
 19 payment accounts.

20 Sec. 67. Section 299A.4, Code Supplement 1991, is amended
 21 to read as follows:

22 299A.4 ANNUAL ACHIEVEMENT TESTS EVALUATIONS --
 23 REQUIREMENTS AND PROCEDURE.

24 1. Each child of compulsory attendance age who is
 25 receiving competent private instruction shall either be
 26 evaluated annually by May 1, using a nationally recognized
 27 standardized achievement test evaluation or other assessment
 28 tool developed or recognized by the department of education
 29 and chosen by the child's parent, guardian, or legal custodian
 30 from a list of approved tests evaluations or assessment tools
 31 provided by the department of education or be evaluated
 32 annually in the manner provided in subsection 7. The
 33 department shall provide information on the cost of and the
 34 administration time required for each of the approved tests
 35 evaluations. The department shall provide, as part of

1 approval procedures for tests evaluations to be used under
2 this section, a mechanism which permits the introduction and
3 approval of new or alternate methods of educational assessment
4 which meet the requirements of this chapter.

5 2. A child, who is seven years of age and is receiving
6 competent private instruction or who is placed under competent
7 private instruction for the first time, shall be administered
8 a-test an evaluation for purposes of obtaining educational
9 baseline data.

10 3. The director of the department of education, or the
11 director's designee, which may include a school district or an
12 area education agency, shall conduct the evaluations required
13 under subsections 1 and 2 for children under competent private
14 instruction. Evaluation shall occur at a time and a place to
15 be determined by the person responsible for conducting the
16 evaluation. Persons conducting the evaluations shall make
17 every reasonable effort to conduct the evaluations at times
18 and places which are convenient for the parent, guardian, or
19 legal custodian.

20 4. The parent, guardian, or legal custodian of a child
21 receiving competent private instruction may be present when
22 the child is evaluated, but only if both the parent, guardian,
23 or legal custodian and the child are under the supervision of
24 the test evaluation administrator.

25 5. The conducting of evaluations shall include, but is not
26 limited to, purchasing of evaluation materials, giving the
27 evaluations, scoring and interpreting the evaluations, and
28 reporting the evaluation results.

29 6. Except when a child has been enrolled in a public
30 school district under section 299A.8, the parent, guardian, or
31 legal custodian of the child being evaluated shall reimburse
32 the entity conducting the evaluation for no more than the
33 actual cost of evaluation required by this chapter. However,
34 the parent, guardian, or legal custodian is not required to
35 reimburse the evaluating entity for costs incurred as a result

1 of evaluation under section 299A.9.

2 7. In lieu of annual achievement ~~tests~~ evaluations, a
3 parent, guardian, or legal custodian of a child may submit, as
4 evidence of adequate academic progress, all of the following:

5 a. A book of lesson plans, a diary, or other written
6 record indicating the subjects taught and activities in which
7 the child has been engaged.

8 b. A portfolio of the child's work, including but not
9 limited to, an outline of the curriculum used by the child,
10 copies of homework completed in conjunction with the
11 curriculum and instruction, and copies of tests evaluations
12 completed by the child which have been produced by the parent,
13 guardian, or legal custodian.

14 c. Completed assessment tests evaluations, other than the
15 annual achievement test evaluation, if assessment tests
16 evaluations are administered to a pupil as part of the
17 competent private instruction by the parent, guardian, or
18 legal custodian.

19 If a parent, guardian, or legal custodian submits evidence
20 under this section, the information shall be reviewed by a
21 qualified, licensed, Iowa practitioner selected as the
22 evaluator by the parent, guardian, or legal custodian and
23 approved by the superintendent of the local school district or
24 the superintendent's designee. The evaluator shall prepare a
25 report based on a review of the child's work submitted, which
26 shall include an assessment of the child's achievement or
27 academic progress levels, and submit a copy of the report to
28 the child's parent, guardian, or legal custodian, the school
29 district of residence of the child, and the department of
30 education. If the evidence demonstrates, in the evaluator's
31 opinion, that the child is achieving adequate progress, the
32 report shall create a presumption that the child is making
33 adequate progress.

34 Sec. 68. Section 299A.5, Code Supplement 1991, is amended
35 to read as follows:

1 299A.5 REPORTING OF ~~TEST~~ EVALUATION RESULTS.

2 The results of ~~tests~~ evaluations administered to children
3 of compulsory attendance age who are under competent private
4 instruction shall be reported by the test evaluation
5 administrator to the child's parent, guardian, or legal
6 custodian, the school district of residence of the child, and
7 the department of education. Personally identifiable
8 information relating to or contained in the test evaluation
9 scores is confidential and shall not be released without the
10 prior consent of the child's parent, guardian, or custodian
11 except as otherwise permitted by law.

12 Sec. 69. Section 299A.8, Code Supplement 1991, is amended
13 to read as follows:

14 299A.8 DUAL ENROLLMENT.

15 If a parent, guardian, or legal custodian of a child who is
16 receiving competent private instruction under this chapter
17 submits a request, the child shall also be registered in a
18 public school for dual enrollment purposes. If the child is
19 enrolled in a public school district for dual enrollment
20 purposes, the child shall be permitted to participate in any
21 academic activities in the district and shall also be
22 permitted to participate on the same basis as public school
23 children in any extracurricular activities available to
24 children in the child's grade or group, and the parent,
25 guardian, or legal custodian shall not be required to pay the
26 costs of any annual testing evaluation under this chapter. If
27 the child is enrolled for dual enrollment purposes, the child
28 shall be included in the public school's basic enrollment
29 under ~~sections-442-4-and~~ section 257.6 and shall be counted as
30 one pupil.

31 Sec. 70. Section 306.22, subsection 7, unnumbered
32 paragraph 1, Code 1991, is amended to read as follows:

33 Any tract of land sold on contract shall be listed on the
34 tax rolls by and taxed to the contract purchaser, as provided
35 in chapters 428 and 443; assessed and valued as provided in

1 chapter 441; taxes levied as provided in chapter 444;
2 collected as provided in chapter 445; and subject to tax sale,
3 redemption, and apportionment of taxes as provided in chapters
4 446 to 448 ~~449~~. ~~It shall be the duty of the~~ The contract
5 purchaser to shall discharge and pay all taxes.

6 Sec. 71. Section 306.25, Code 1991, is amended to read as
7 follows:

8 306.25 EXECUTION OF CONVEYANCE.

9 Where If a sale of land in connection with any a primary
10 road, or state park road, or institutional road has been
11 authorized as herein provided in this chapter, written
12 conveyances containing the conditions as prescribed by the
13 ~~executive-council~~ controlling state agency shall be made in
14 the name of the state and signed by the governor and secretary
15 of state, and with the great seal of the state of Iowa
16 attached thereto. Where If a sale of land in connection with
17 any a secondary road has been authorized by the board of
18 supervisors as herein provided in this chapter, written
19 conveyances containing the provisions prescribed by the board
20 of supervisors shall be made in the name of the county and
21 signed by the chairperson of the board of supervisors and the
22 county auditor.

23 Sec. 72. Section 306.40, Code 1991, is amended to read as
24 follows:

25 306.40 EASEMENTS CONVEYED.

26 ~~Where-such~~ If an easement authorized under section 306.39
27 is conveyed in connection with any a primary road, or state
28 park road, or institutional road, written conveyances
29 containing the conditions as prescribed by the ~~executive~~
30 ~~council~~ controlling state agency shall be made in the name of
31 the state and signed by the governor and secretary of state,
32 and with the seal of the state of Iowa attached thereto.
33 ~~Where-such~~ If the easement is conveyed in connection with any
34 a secondary road, written conveyances containing the
35 provisions prescribed by the board of supervisors shall be

1 made in the name of the county and signed by the chairperson
2 of the board and the county auditor.

3 Sec. 73. Section 313.4, subsection 3, Code 1991, is
4 amended to read as follows:

5 ~~3. It is further provided that there~~ There is appropriated
6 from funds appropriated to the department which would
7 otherwise revert to the primary road fund pursuant to the
8 provisions of the Act appropriating the funds or chapter 8, an
9 amount sufficient to pay the increase in salaries, which
10 increase is not otherwise provided for by the general assembly
11 in an appropriation bill, resulting from the annual review of
12 the merit pay plan as provided in subsection 2 of section
13 19A.9. The appropriation herein provided shall be in effect
14 from the effective date of ~~approval by the executive council~~
15 the revised pay plan to the end of the fiscal biennium in
16 which it becomes effective.

17 Sec. 74. Section 321.178, subsection 2, paragraph a, Code
18 Supplement 1991, is amended to read as follows:

19 a. Any ~~A~~ person between sixteen and eighteen years of age
20 who is not in attendance at school or who is in attendance in
21 a public or private school where an approved driver's
22 education course is not offered or available, may be issued a
23 restricted license only for travel to and from work or to
24 transport dependents to and from temporary care facilities, if
25 necessary for the person to maintain the person's present
26 employment, without having completed an approved driver's
27 education course. The restricted license shall be issued by
28 the department only upon confirmation of the person's
29 employment and need for a restricted license to travel to and
30 from work or to transport dependents ~~of~~ to and from temporary
31 care facilities if necessary to maintain the person's
32 employment and upon receipt of a written statement from the
33 public or private school that an approved course in driver's
34 education was not offered or available to the person, if
35 applicable. The employer shall notify the department if the

1 employment of the person is terminated before the person
2 attains the age of eighteen. The person shall not have a
3 restricted license revoked or suspended upon re-entering
4 reentering school prior to age eighteen provided if the
5 student enrolls in and completes the classroom portion of an
6 approved driver's education course as soon as a course is
7 available.

8 Sec. 75. Section 321.376, subsection 1, Code Supplement
9 1991, is amended to read as follows:

10 1. The driver of a school bus shall hold a school bus
11 driver's permit issued annually by the department of education
12 and a driver's license issued by the department of
13 transportation valid for the operation of the school bus. The
14 department of education shall charge a fee for the issuance of
15 a school bus driver's permit in the amount of five dollars,
16 which shall be deposited in the general fund of the state. A
17 person holding a temporary restricted license issued under
18 chapter 321J shall be prohibited from operating a school bus.
19 The department of education shall revoke or refuse to issue a
20 permit to any person who, after notice and opportunity for
21 hearing, is determined to have committed any of the acts
22 proscribed under section 321.375, subsection 2. The
23 department of education shall recommend, and the state board
24 of education shall adopt under chapter 17A, rules and
25 procedures for the revocation and issuance of permits to
26 persons. Rules and procedures adopted shall include, but are
27 not limited to, provisions for the revocation of, or refusal
28 to issue, permits to persons who are determined to have
29 committed any of the acts proscribed under section 321.375,
30 subsection 2.

31 Sec. 76. Section 321I.1, subsection 4, Code 1991, is
32 amended by striking the subsection.

33 Sec. 77. Section 321I.10, Code 1991, is amended to read as
34 follows:

35 321I.10 MISREPRESENTATIONS OF STATE APPROVAL.

1 It is unlawful for any a motor vehicle service contract
2 provider to represent or imply in any manner that the provider
3 has been sponsored, recommended, or approved or that the
4 provider's abilities or qualifications have in any respect
5 been passed upon by the securities department bureau, the
6 insurance division, or the state of Iowa.

7 Sec. 78. Section 324.6, Code 1991, is amended to read as
8 follows:

9 324.6 ~~GASOHOL-BLENDER~~ ETHANOL BLENDED GASOLINE BLENDER'S
10 LICENSE.

11 Any A person other than a distributor licensed under this
12 division, who blends motor fuel containing at least ten
13 percent alcohol distilled from agricultural products, shall
14 obtain a blender's license. The license shall be obtained by
15 following the procedure as set forth in section 324.4 and the
16 license ~~shall be~~ is subject to the same restrictions as
17 contained ~~therein~~ in that section. Each blender shall
18 maintain records as required by section 324.10 as to motor
19 fuel, alcohol, and ~~gasohol~~ ethanol blended gasoline.

20 Sec. 79. Section 327F.39, subsection 2, paragraph c, Code
21 1991, is amended to read as follows:

22 c. Be operated in compliance with all state and federal
23 regulations pertaining to driving, loading, carrying freight
24 and employees, road warning devices, and the transportation of
25 flammable ~~and-inflammable~~ material.

26 Sec. 80. Section 330B.7, subsection 4, Code Supplement
27 1991, is amended to read as follows:

28 4. The membership of the board of commissioners shall be
29 gender balanced if possible. The appointing authorities shall
30 comply with the requirements of section 69.16A or ~~to~~ similar
31 laws of the state of Illinois as determined by the appointing
32 authorities. The appointing authorities shall also provide
33 representation for racial groups residing in the metropolitan
34 area based on the ratio of the racial population to the
35 population as a whole.

1 Sec. 81. Section 330B.9, subsection 3, Code Supplement
2 1991, is amended to read as follows:

3 3. Each commissioner shall comply with restrictions
4 relating to conflicts of interests or acceptance of gifts as
5 provided in chapter 68B or to similar laws of the state of
6 Illinois as determined by the board.

7 Sec. 82. Section 331.602, subsection 1, unnumbered
8 paragraph 1, Code Supplement 1991, is amended to read as
9 follows:

10 Record all instruments presented to the recorder's office
11 for recordation upon payment of the proper fees and compliance
12 with other recording requirements as provided by law. The
13 instruments presented for filing or recordation shall be
14 legible and reproducible, and shall have typed or legibly
15 printed on them the names of all signatories including the
16 names of acknowledging officers and witnesses beneath the
17 original signatures. The instruments shall be no larger than
18 eight and one-half inches by fourteen inches except as
19 otherwise provided in section ~~409.317-subsection-2~~ 409A.18, or
20 except as otherwise authorized by the recorder.

21 Sec. 83. Section 364.16, Code 1991, is amended to read as
22 follows:

23 364.16 MUNICIPAL FIRE PROTECTION.

24 Each city shall provide for the protection of life and
25 property against fire and may establish, house, equip, staff,
26 uniform and maintain a fire department. A city may establish
27 fire limits and may, consistent with code standards
28 promulgated by nationally recognized fire prevention agencies,
29 regulate the storage, handling, use, and transportation of all
30 ~~inflammables~~ flammables, combustibles, and explosives within
31 the corporate limits and inspect for and abate fire hazards.
32 A city may provide conditions upon which the fire department
33 will answer calls outside the corporate limits or the
34 territorial jurisdiction and boundary limits of this state. A
35 city ~~shall-have~~ has the same governmental immunity outside its

1 corporate limits when providing fire protection as when
2 operating within the corporate limits. Fire fighters
3 operating equipment on calls outside the corporate limits
4 ~~shall-be~~ are entitled to the benefits of chapter 410 or 411
5 when otherwise qualified.

6 Sec. 84. Section 445.1, subsections 2 and 7, Code
7 Supplement 1991, are amended to read as follows:

8 2. "Compromise" means to enter into a contractual
9 agreement for the payment of taxes, ~~interests~~ interest, fees,
10 and costs in amounts different from those specified by law.

11 7. "Total amount due" means the aggregate total of all
12 taxes, penalties, ~~interests~~ interest, costs, and fees due on a
13 parcel.

14 Sec. 85. Section 446.19, Code Supplement 1991, is amended
15 to read as follows:

16 446.19 COUNTY OR CITY AS PURCHASER.

17 When a parcel is offered at a tax sale under section
18 446.18, and no bid is received, or if the bid received is less
19 than the total amount due, the county in which the parcel is
20 located, through its board of supervisors, shall bid for the
21 parcel a sum equal to the total amount due. Money shall not
22 be paid by the county or other tax-levying and or tax-
23 certifying body for the purchase, but each of the tax-levying
24 and tax-certifying bodies having any interest in the taxes
25 shall be charged with the total amount due the ~~levying-and~~
26 tax-levying or tax-certifying body as its just share of the
27 purchase price.

28 This section does not prohibit a governmental agency or
29 political subdivision from bidding at the sale for a parcel to
30 protect its interests. When a bid is received by from a city
31 in which the parcel is located, money shall not be paid by the
32 city, but each of the tax-levying and tax-certifying bodies
33 having any interest in the taxes shall be charged with the
34 total amount due the ~~levying-and~~ tax-levying or tax-certifying
35 ~~bodies~~ body as its just share of the purchase price.

1 Sec. 86. Section 455B.133, subsection 2, Code Supplement
2 1991, is amended to read as follows:

3 2. Adopt, amend, or repeal rules pertaining to the
4 evaluation, abatement, control, and prevention of air
5 pollution. The rules may include those that are necessary to
6 obtain approval of the state implementation plan under section
7 110 of the federal Clean Air Act as amended through January 1,
8 ~~1979~~ 1991.

9 Sec. 87. Section 455B.133, subsection 4, unnumbered
10 paragraph 1, and paragraph a, subparagraph (1), Code
11 Supplement 1991, are amended to read as follows:

12 Adopt, amend, or repeal emission limitations or standards
13 relating to the maximum quantities of air contaminants that
14 may be emitted from any air contaminant source. The standards
15 or limitations adopted under this section shall not exceed the
16 standards or limitations promulgated by the administrator of
17 the United States environmental protection agency or the
18 requirements of the federal Clean Air Act as amended to
19 through January 1, ~~1990~~ 1991. This does not prohibit the
20 commission from adopting a standard for a source or class of
21 sources for which the United States environmental protection
22 agency has not promulgated a standard. This also does not
23 prohibit the commission from adopting an emission standard or
24 limitation for infectious medical waste treatment or disposal
25 facilities which exceeds the standards or limitations
26 promulgated by the administrator of the United States
27 environmental protection agency or the requirements of the
28 federal Clean Air Act as amended to through January 1, 1991.
29 The commission shall not adopt an emission standard or
30 limitation for infectious medical waste treatment or disposal
31 facilities prior to January 1, 1995, which exceeds the
32 standards or limitations promulgated by the administrator of
33 the United States environmental protection agency or the
34 requirements of the federal Clean Air Act, as amended to
35 through January 1, 1991, for a hospital, or a group of

1 hospitals, licensed under chapter 135B which has been
2 operating an infectious medical waste treatment or disposal
3 facility prior to January 1, 1991.

4 (1) The commission shall establish standards of
5 performance unless in the judgment of the commission it is not
6 feasible to adopt or enforce a standard of performance. If it
7 is not feasible to adopt or enforce a standard of performance,
8 the commission may adopt a design, equipment, material, work
9 practice or operational standard, or combination of those
10 standards in order to establish reasonably available control
11 technology or the lowest achievable emission rate in
12 nonattainment areas, or in order to establish best available
13 control technology in areas subject to prevention of
14 significant deterioration review, or in order to adopt the
15 emission limitations promulgated by the administrator of the
16 United States environmental protection agency under section
17 111 or 112 of the federal Clean Air Act as amended to through
18 January 1, ~~1979~~ 1991.

19 Sec. 88. Section 455B.133, subsection 8, Code Supplement
20 1991, is amended to read as follows:

21 8. Adopt rules consistent with the federal Clean Air Act
22 ~~of 1990, Pub. L. No. 101-549~~ as amended through January 1,
23 1991, which require the owner or operator of an air
24 contaminant source to obtain an operating permit prior to
25 operation of the source. The rules shall specify the
26 information required to be submitted with the application for
27 a permit and the conditions under which a permit may be
28 granted, modified, suspended, terminated, revoked, reissued,
29 or denied. The commission may impose fees, including fees
30 upon regulated pollutants emitted from an air contaminant
31 source, in an amount sufficient to cover all reasonable costs,
32 direct and indirect, required to develop and administer the
33 permit program in conformance with the federal Clean Air Act
34 ~~of 1990, Pub. L. No. 101-549~~ as amended through January 1,
35 1991. In the case of affected sources and affected units

1 regulated under Title IV of the federal Clean Air Act of 1990,
 2 Pub. L. No. 101-549, such fees shall be collected only as
 3 provided in and upon submission of an application pursuant to
 4 section 408 of the federal Act. The fees collected pursuant
 5 to this subsection shall be deposited in the air contaminant
 6 source fund created pursuant to section 455B.133B, and shall
 7 be utilized solely to cover all reasonable costs required to
 8 develop and administer the programs required by Title V of the
 9 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
 10 including the permit program pursuant to section 502 of the
 11 federal Act and the small business stationary source technical
 12 and environmental assistance program pursuant to section 507
 13 of the federal Act.

14 Sec. 89. Section 455B.390, subsection 3, Code 1991, is
 15 amended to read as follows:

16 3. The storage, transportation, handling, or use of
 17 ~~inflammable~~ flammable liquids, combustibles, and explosives,
 18 control over which is exercised by the state fire marshal
 19 under chapter 100.

20 Sec. 90. Section 455B.474, subsection 1, paragraph h, Code
 21 Supplement 1991, is amended to read as follows:

22 h. Issuance of a monitoring certificate for sites
 23 classified as low risk pursuant to paragraph "f". A
 24 monitoring certificate ~~shall be~~ is valid until the site is
 25 reclassified as a no action required site. A site which has
 26 been issued a monitoring certificate ~~shall~~ is not be eligible
 27 to receive a clean site certificate under section 455B.304,
 28 subsection 15, until the site is reclassified as a no ~~risk~~
 29 action required site.

30 Sec. 91. Section 468.27, Code Supplement 1991, is amended
 31 to read as follows:

32 468.27 DISMISSAL OR ESTABLISHMENT -- PERMANENT EASEMENT.

33 The board shall at ~~said~~ the meeting, or at an adjourned
 34 session ~~thereof~~ of the meeting, consider the costs of
 35 construction of ~~said~~ the improvement as shown by the reports

1 of the engineer and the amount of damages and compensation
2 awarded to all claimants, and if, in its opinion, such the
3 costs of construction and amount of damages awarded create a
4 greater burden than should justly be borne by the lands
5 benefited by the improvement, it shall then dismiss the
6 petition and assess the costs and expenses to the petitioners
7 and their sureties, but if it finds that such the cost and
8 expense is not a greater burden than should be justly borne by
9 the land benefited by the improvement, it shall finally and
10 permanently locate and establish ~~said~~ the district and
11 improvement.

12 Following its establishment, the drainage district is
13 deemed to have acquired by permanent easement all right-of-way
14 for drainage district ditches, tile lines, settling basins and
15 other improvements, unless they are acquired by fee simple, in
16 the dimensions shown on the survey and report made in
17 compliance with sections 468.11 and 468.12 or as shown on the
18 permanent survey, plat and profile, if one is made. ~~The~~
19 ~~filing-of~~ Upon the establishment of the district, the
20 petitioners shall file with the county auditor the survey and
21 report or permanent survey, plat, and profile, as set forth in
22 sections 468.172 and 468.173-shall-constitute. This filing
23 constitutes constructive notice to all persons of the rights
24 conferred by this section. The permanent easement includes
25 the right of ingress and egress across adjoining land and the
26 right of access for maintenance, repair, improvement, and
27 inspection. The owner or lessee shall be reimbursed for any
28 crop damages incurred in the maintenance, repair, improvement,
29 and inspection except within the right-of-way of the drainage
30 district.

31 ~~Upon the establishment of the drainage district, the~~
32 ~~petitioners shall file with the county auditor the survey and~~
33 ~~report or the permanent survey, plat, and profile, if one was~~
34 ~~made, and this filing shall be constructive notice of a~~
35 ~~permanent right-of-way easement.~~

1 Sec. 92. Section 476.44, subsection 2, Code 1991, is
2 amended to read as follows:

3 2. An electric utility shall not be required to purchase,
4 at any one time, more than fifteen megawatts of power from
5 alternate energy production and small hydro facilities.

6 Sec. 93. Section 477.9A, Code 1991, is amended to read as
7 follows:

8 477.9A DEREGULATED SERVICES.

9 A telegraph or telephone company whose services are
10 deregulated by the board under section ~~476.1~~ 476.1D may use
11 public notice as a means of conveying terms and conditions to
12 customers where identification of those customers is
13 infeasible or impractical. Public notice may also be used to
14 convey changes in terms and conditions, other than price
15 increases or limitations of liability, to all other customers,
16 but only if those customers were put on notice that this means
17 would be used to convey subsequent changes. Notwithstanding
18 section 477.7, when services are deregulated by the board
19 under section ~~476.1~~ 476.1D, a telegraph or telephone company,
20 in any contract, agreement, or by means of public notice, may
21 reasonably limit its liability under section 477.7 in the
22 course of providing the deregulated communications services to
23 its customers, except for acts of willful misconduct.
24 However, this section ~~shall~~ does not be construed to allow a
25 greater limitation on liability than exists in any contract or
26 approved tariff as of the effective date of the deregulation
27 of the services.

28 Sec. 94. Section 477C.7, subsection 2, Code Supplement
29 1991, is amended to read as follows:

30 2. The assessment shall be levied upon revenues from all
31 intrastate regulated, deregulated ~~services~~, and exempt
32 telephone services under ~~section~~ sections 476.1 and 476.1D.

33 Sec. 95. Section 515.150, subsection 4, unnumbered
34 paragraph 1, Code Supplement 1991, is amended to read as
35 follows:

1 A reserve for demolition costs is no longer required if as
2 ~~a-result-of~~ either of the following is true:

3 Sec. 96. Section 516D.3, subsection 7, unnumbered
4 paragraph 1, Code Supplement 1991, is amended to read as
5 follows:

6 "Material restriction" means a restriction, limitation, or
7 other requirement which significantly affects the price of,
8 normal anticipated use of, or a ~~consumer's~~ customer's
9 financial responsibility for, a rental vehicle. Restrictions
10 against any or all of the following activities in connection
11 with the acquisition or use of a rental vehicle are not
12 material restrictions:

13 Sec. 97. Section 523D.6, subsection 1, paragraph o, Code
14 Supplement 1991, is amended to read as follows:

15 o. A statement that a prospective resident or resident
16 shall be given the opportunity to appoint a personal
17 representative in the prospective resident's or resident's
18 contract. The personal representative shall receive copies of
19 the contract and all notices, disclosures, or forms required
20 by this chapter to be delivered to a prospective resident or
21 resident. A personal representative appointed under this
22 section has no legal authority to make any decision for the
23 prospective resident or resident appointing the person to be a
24 personal representative. The personal representative may
25 advise the prospective resident or resident as to the
26 materials provided. A personal representative shall not be
27 affiliated or associated with a provider or any person
28 identified in section 523D.3, subsection 1, paragraph "b" or
29 "c", and shall not be a prospective resident or resident.

30 Sec. 98. Section 534.103, subsection 3, Code Supplement
31 1991, is amended to read as follows:

32 3. LOCK BOXES. Any association may own, and rent to its
33 members, lock boxes for storage or safekeeping of securities
34 and valuables.

35 Sec. 99. Section 534.408, subsection 1, unnumbered

1 paragraph 2, Code Supplement 1991, is amended by striking the
2 unnumbered paragraph.

3 Sec. 100. Section 546.7, Code Supplement 1991, is amended
4 to read as follows:

5 546.7 UTILITIES DIVISION.

6 The utilities division shall regulate and supervise public
7 utilities operating in the state. The division shall enforce
8 and implement chapters 476, 476A, 477C, 478, 479, and 479A and
9 shall perform other duties assigned to it by law. The
10 division is headed by the administrator of public utilities
11 who shall be appointed by the governor pursuant to section
12 474.1.

13 Sec. 101. Section 546.11, unnumbered paragraph 2, Code
14 Supplement 1991, is amended to read as follows:

15 Notwithstanding this section and sections 476.10, 524.207,
16 533.67, ~~534.408~~, 546.9, and 546.10 directing the utilities
17 division, banking division, credit union division, ~~savings-and~~
18 ~~loan-division~~, alcoholic beverages division, and the
19 professional licensing division to transfer from appropriated
20 trust funds to the administrative services trust fund the
21 division's share of administrative services and directing that
22 costs for administrative services provided by the department
23 to the divisions be paid from the administrative services
24 trust fund, for the fiscal period beginning on July 1, 1991,
25 and ending June 30, 1993, all expenses for administrative
26 services shall be paid from appropriations made from the
27 general fund of the state for these expenses.

28 Sec. 102. Section 598.42, Code Supplement 1991, is amended
29 to read as follows:

30 598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

31 The clerk of the district court shall provide ~~oral-or-other~~
32 notice and copies of temporary or permanent protective orders
33 and orders to vacate the homestead entered pursuant to this
34 chapter to the applicable law enforcement agencies and the
35 twenty-four hour dispatcher for the law enforcement agencies,

1 in the manner provided for protective orders under section
2 236.5. The clerk shall provide ~~oral-or-ether~~ notice and
3 copies of modifications or vacations of these orders in the
4 same manner.

5 Sec. 103. Section 601A.15A, subsection 2, paragraph d,
6 Code Supplement 1991, is amended to read as follows:

7 d. A mediation agreement shall be made public unless the
8 complainant and respondent agree otherwise, and the commission
9 determines that disclosure is not necessary to further the
10 purposes of this chapter relating to unfair or ~~discrimination~~
11 discriminatory practices in housing or real estate.

12 Sec. 104. Section 602.1206, subsection 2, Code 1991, is
13 amended to read as follows:

14 2. Supreme court rules shall be published as provided in
15 section ~~14-127-subsection-7~~ 14.5.

16 Sec. 105. Section 602.4201, subsection 2, Code 1991, is
17 amended to read as follows:

18 2. Rules of appellate procedure relating to appeals to and
19 review by the supreme court, discretionary review by the
20 courts of small claims actions, review by the supreme court by
21 writ of certiorari to inferior courts, appeal to or review by
22 the court of appeals of a matter transferred to that court by
23 the supreme court, and further review by the supreme court of
24 decisions of the court of appeals, shall be known as "Rules of
25 Appellate Procedure", and shall be published as provided in
26 section ~~14-127-subsection-7~~ 14.5.

27 Sec. 106. Section 602.8102, subsection 79, Code Supplement
28 1991, is amended to read as follows:

29 79. Collect on behalf of, and pay to, the auditor
30 treasurer the fee for the transfer of real estate as provided
31 in section 558.66.

32 Sec. 107. Section 602.8102, subsection 152, Code
33 Supplement 1991, is amended to read as follows:

34 152. Maintain a ready-calendar trial certificate list as
35 provided in R.C.P. 181.1, Ia. Ct. Rules, 3d ed.

1 Sec. 108. Section 602.8102, subsection 153, Code
2 Supplement 1991, is amended by striking the subsection.

3 Sec. 109. Section 602.8102, subsection 156, Code
4 Supplement 1991, is amended to read as follows:

5 156. Mail ~~a-copy~~ notice of the filing of the referee's,
6 auditor's, or examiner's report to the attorneys of record as
7 provided in R.C.P. 214, Ia. Ct. Rules, 3d ed.

8 Sec. 110. Section 614.14, subsection 2, unnumbered
9 paragraph 2, Code Supplement 1991, is amended to read as
10 follows:

11 However, this ~~section~~ subsection shall not apply if the
12 legal action is commenced by filing a petition ~~of~~ and service
13 of notice within ten years of the recording of the conveyance.

14 Sec. 111. Section 657.2, subsection 10, Code 1991, is
15 amended to read as follows:

16 10. The depositing or storing of ~~inflammable~~ flammable
17 junk, such as old rags, rope, cordage, rubber, bones, and
18 paper, by dealers in such articles within the fire limits of
19 ~~any a~~ a city, unless ~~it-be~~ in a building of fireproof
20 construction, is a public nuisance.

21 Sec. 112. Section 702.11, Code Supplement 1991, is amended
22 to read as follows:

23 702.11 FORCIBLE FELONY.

24 A "forcible felony" is any felonious child endangerment,
25 assault, murder, sexual abuse, kidnapping, robbery, arson in
26 the first degree, or burglary in the first degree. However,
27 sexual abuse in the third degree committed between spouses,
28 sexual abuse in violation of section 709.4, subsection 2,
29 paragraph "c", subparagraph (4), or sexual ~~exploitation~~ abuse
30 by a counselor or therapist in violation of section 709.15, is
31 not a "forcible felony".

32 Sec. 113. Section 708.2A, subsection 5, Code Supplement
33 1991, is amended to read as follows:

34 5. The clerk of the district court shall provide ~~oral~~ or
35 ~~other~~ notice and copies of a judgment entered under this

1 section to the applicable law enforcement agencies and the
2 twenty-four hour dispatcher for the law enforcement agencies,
3 in the manner provided for protective orders under section
4 236.5. The clerk shall provide ~~ora-er-ether~~ notice and
5 copies of modifications of the judgment in the same manner.

6 Sec. 114. Section 709.15, subsection 1, paragraph f,
7 unnumbered paragraph 1, Code Supplement 1991, is amended to
8 read as follows:

9 "Sexual abuse by a counselor or therapist" occurs when
10 either one or both more of the following are found:

11 Sec. 115. Section 727.2, Code 1991, is amended to read as
12 follows:

13 727.2 FIREWORKS.

14 The term "fireworks" ~~shall-mean-and-include~~ includes any
15 explosive composition, or combination of explosive substances,
16 or article prepared for the purpose of producing a visible or
17 audible effect by combustion, explosion, deflagration, or
18 detonation, and ~~shall-include~~ includes blank cartridges,
19 firecrackers, torpedoes, skyrockets, roman candles, or other
20 fireworks of like construction and any fireworks containing
21 any explosive or ~~inflammable~~ flammable compound, or other
22 device containing any explosive substance. The term
23 "fireworks" ~~shall~~ does not include goldstar-producing
24 sparklers on wires which contain no magnesium or chlorate or
25 perchlorate, no flitter sparklers in paper tubes that do not
26 exceed one-eighth of an inch in diameter, ~~nor~~ toy snakes which
27 contain no mercury, ~~nor~~ or caps used in cap pistols.

28 PARAGRAPH DIVIDED. ~~Except-as-hereinafter-provided,-any A~~
29 person, firm, copartnership, or corporation who offers for
30 sale, exposes for sale, sells at retail, or uses or explodes
31 any fireworks, commits a serious misdemeanor; ~~-provided.~~
32 However, the council of any a city or the a county board of
33 supervisors may, upon application in writing, grant a permit
34 for the display of fireworks by municipalities, fair
35 associations, amusement parks, and other organizations or

1 groups of individuals approved by such the city or such the
2 county board of supervisors when such the fireworks display
3 will be handled by a competent operator, but no such permit
4 shall be required for such the display of fireworks at the
5 Iowa state fairgrounds by the Iowa state fair board, nor-of at
6 incorporated county fairs, nor-of or at district fairs
7 receiving state aid. Sales of fireworks for such display may
8 be made for that purpose only; ~~provided-further-that-nothing~~
9 ~~in-this-section-shall-be-construed-to.~~

10 PARAGRAPH DIVIDED. This section does not prohibit any the
11 sale by a resident, dealer, manufacturer, or jobber from
12 selling of such fireworks as are not herein prohibited; by
13 this section, or the sale of any kind of fireworks provided
14 the-same if they are to be shipped out of the state, or the
15 sale or use of blank cartridges for a show or the theater, or
16 for signal purposes in athletic sports or by railroads or
17 trucks, for signal purposes, or by a recognized military
18 organization; ~~and-provided-further-that-nothing-in-this~~
19 ~~section-shall.~~

20 PARAGRAPH DIVIDED. This section does not apply to any
21 substance or composition prepared and sold for medicinal or
22 fumigation purposes.

23 Sec. 116. Section 910A.11, subsection 5, Code Supplement
24 1991, is amended to read as follows:

25 5. The clerk of the district court shall provide ~~ora-~~
26 ~~er~~ notice and copies of restraining orders issued pursuant
27 to this section in a criminal case involving an alleged
28 violation of section 708.2A to the applicable law enforcement
29 agencies and the twenty-four hour dispatcher for the law
30 enforcement agencies, in the manner provided for protective
31 orders under section 236.5. The clerk shall provide ~~ora-~~
32 ~~er~~ notice and copies of modifications or vacations of these
33 orders in the same manner.

34 Sec. 117. Section 18.98, Code 1991, is repealed.

35

EXPLANATION

1 7E.5(1)(t): Deletes "children, youth, and families" from
2 the description of the department of human rights and changes
3 "status of blacks" to "status of African-Americans". These
4 changes are made to conform with legislative action taken in
5 1991.

6 9B.1(5): Strikes a duplicative sentence in language
7 relating to surety bonds for waste tire haulers.

8 13B.2A, unn. para. 1: Corrects grammatical usage in
9 provision governing nominations for appointment to the
10 indigent defense advisory commission.

11 17.21, 17.22, 17.25, and 17.26: Give the proper name of
12 the Iowa Code Supplement in addition to generic references to
13 "supplements". Also delete references to separate books
14 containing annotations to the Code, which are no longer
15 published by the state, and tables of corresponding sections,
16 which are now included as part of the Code and Code Supplement
17 rather than published separately. In section 17.26, the Iowa
18 Code editor is added as jointly determining, with the
19 superintendent of printing, the number of each edition to be
20 printed.

21 18.9(2): In provision relating to state agency payments
22 for services provided by the general services department,
23 substitutes the department of revenue and finance for the
24 department of management as the department to determine the
25 manner of payment. This change was requested by the depart-
26 ment of management.

27 28C.5(1): Makes a grammatical correction and provides that
28 the legislative service bureau and the legislative fiscal
29 bureau must use existing resources in providing assistance to
30 the interstate cooperation commission.

31 41.1(23)(b) and (54): Correct grammatical usage and
32 spelling in legislative districting law relating to
33 representative districts in Linn county and the city of Cedar
34 Falls.

35 43.42: Adds a new unnumbered paragraph to the provision

1 allowing change or declaration of political party affiliation
2 at the polls, to restore an express requirement relating to
3 reporting and recording such changes. The paragraph was
4 inadvertently stricken when the section was amended in 1991.

5 53.23(1), (3): In section on special precinct election
6 board, eliminate redundancy of "o'clock p.m." by striking
7 "o'clock". Similar changes could be made editorially
8 elsewhere in the Code if this is approved.

9 56.10(6)(c), (7), (8), unnn. para. 1, and (9): In
10 provisions relating to the duties of the campaign finance
11 disclosure commission, add the word "county" before
12 "commissioner" where the county commissioners of elections
13 (county auditors) are intended, to avoid confusion with the
14 state campaign finance disclosure commission and its members.

15 87.11A and 87.11B: Amend workers' compensation provisions
16 providing for the examination of self-insured employers to
17 clarify that such examinations are the responsibility of the
18 commissioner of insurance, not the industrial commissioner.

19 88B.3(3): Changes the word "certificate" to "permit" in
20 provision relating to the labor commissioner's duties in
21 regulating asbestos removal. Since 1989, the term "license"
22 has been used for individuals and "permit" has been used for
23 business entities in this chapter, according to the labor
24 division.

25 93.16, unnn. para. 2: In a provision relating to moneys for
26 energy research and development, substitutes a reference to
27 section 93.11(1)(f) for a reference to repealed section 93.14.
28 [NOTE: If the "sunset" provision in 86 Acts, chapter 1249,
29 section 7 (repealing section 93.11 effective 7/1/92) is
30 retained, a different approach will be needed.]

31 98.8(3), unnn. para. 1: In provision relating to refunds on
32 unused cigarette stamps, deletes a reference to the
33 comptroller as issuer of the warrant. This change was
34 requested by the department of management.

35 99D.11(6)(b): Amends a sentence in the pari-mutuel racing

1 simulcasting law by adding punctuation and the word "the" for
2 readability.

3 99D.17, unn. para. 1: Deletes from the pari-mutuel
4 wagering law a reference to repealed section 99D.18 (which
5 related to moneys for research on the treatment of horse and
6 dog injuries and diseases).

7 100.1(4)(b), 106.9(10), 214A.10, 327F.39(2)(c), 364.16,
8 455B.390(3), 657.2(10), 727.2: Substitute the word
9 "flammable" for "inflammable". This change was requested by
10 the department of public safety for consistency. The meaning
11 is the same, but "flammable" is the preferred term and is
12 already used in a number of Code sections.

13 106.35: Amends the boat registration law to reflect that
14 special manufacturers' or dealers' certificates may be used
15 for vessels held by manufacturers or dealers for purposes of
16 storage, repairs, or alterations as well as for vessels they
17 own.

18 111.79(4): Strikes excess verbiage to improve readability
19 of provision relating to moneys for outdoor recreation and
20 resources.

21 116.5, unn. para. 3: Deletes from the accountancy law an
22 out-of-date temporary provision relating to candidates
23 fulfilling certain education and experience requirements
24 within four years after July 1, 1975.

25 116.6(1)(a) and (5)(a): In the accountancy law, add the
26 word "certified" to reflect more clearly that "certified
27 public accountant", not "public accountant", is intended.
28 Also insert the word "and" for clarity.

29 116.8: Section relating to accountants' examinations is
30 rewritten to eliminate the need for the word "or" at the end
31 of each listed item.

32 125.14A(1) and 135H.7(2)(a): Amend provisions relating to
33 record checks of personnel in substance abuse treatment
34 programs and psychiatric institutions for children to reflect
35 that it is the department of human services that conducts the

1 record checks.

2 135.11A, unn. para. 2: Amends a provision relating to
3 expenditures by licensing boards in the department of public
4 health by specifying that "additional" means "in addition to
5 amounts budgeted" and by substituting the word "result" for
6 "cause".

7 136C.3(2), unn. para. 1: In provision relating to
8 radiation control by the department of public health,
9 substitutes the term "podiatric radiography" for "podiatric
10 radiology". The change was requested by the department.

11 147.107(5): In section on drug dispensing, supplying, and
12 prescribing, corrects a reference to the board of physician
13 assistant examiners.

14 159.1(2), (3) and 189.1: Move the definition of "official
15 laboratory" and "pasteurization" from Title IX to Title X to
16 correct an inadvertent drafting error. Title X relates to the
17 regulation and inspection of foods, drugs, and other articles
18 and includes provisions relating to milk and milk products.
19 Also, the subsections in section 189.1 are alphabetized.

20 159.20, unn. para. 3: Substitutes "agricultural commodity"
21 for "farm commodity" in provision relating to agricultural
22 marketing. "Agricultural commodity" is the defined term.

23 159A.5(4): Substitutes "renewable fuel activities" for
24 "ethanol fuel activities" in provision relating to the
25 renewable fuel advisory committee. "Renewable" is the term
26 used in section 159A.3(2)(h).

27 159A.6, unn. para. 2: Substitutes "committee" for "board"
28 in provision relating to the renewable fuel advisory
29 committee.

30 166D.2(7) and 166D.16, unn. para. 2: Provide a different
31 placement for provision allowing department of agriculture and
32 land stewardship to combine certain certificates relating to
33 swine herds. The provision, currently part of a section on
34 enforcement in the chapter on pseudorabies control, is moved
35 to become part of the chapter's definition of "certificate of

1 inspection".

2 191.2(5), un. para. 1: Deletes references to definitions
3 which formerly appeared in section 190.1.

4 192.111(2): Strikes a sentence which refers to fee
5 exemptions for "milk subject to inspection by a municipal
6 corporation pursuant to section 192.103" because there is no
7 longer a provision in section 192.103 relating specifically to
8 inspections by municipal corporations.

9 194.20: Adds the word "inspected" for clarity in sentence
10 providing fee exemptions for milk inspected pursuant to an
11 inspection contract.

12 217.9A(1), un. para. 2: In provision relating to duties
13 of the commission on children, youth, and families, deletes
14 the words "the following" for improved grammatical
15 construction.

16 235B.6(2)(e)(3): In provision relating to authorized
17 access to information on dependent adult abuse, substitutes
18 the department of justice for the department of public safety
19 as the agency dealing with claims for victim reparations.
20 This corrects a 1991 drafting error. The amendment was
21 requested by the department of justice.

22 235B.16(1)(b): Substitutes "caretaker" for "care giver" in
23 provision relating to dependent adult abuse. "Caretaker" is
24 defined in section 235B.2.

25 236.14(2), un. para. 3, 598.42, 708.2A(5) and 910A.11(5):
26 In provisions relating to restraining or protective orders in
27 domestic abuse cases, strike references to "oral" notice from
28 the clerk of court to the county sheriff and other law
29 enforcement agencies. This is necessary to conform with a
30 1991 amendment striking a provision allowing telephone notice.

31 237A.2, un. para. 6, and 237A.3(5): Strike temporary
32 exceptions to requirements for child care and day care
33 licensing. The exceptions were effective only until December
34 31, 1991.

35 246.104: In statute governing membership on the board of

1 corrections, changes the reference to congressional districts
2 from "six" to "five".

3 246.513(1)(a): Rewrites the language of a list to improve
4 readability. The provision relates to facilities for
5 offenders convicted of violating chapter 321J who are
6 sentenced to the custody of the director of corrections.

7 256.11(10), un. paras. 1, 2: In provisions on school
8 accreditation, delete references to repealed section 256.17.
9 Section 256.17 was last printed in Code 1989.

10 256.20, un. para. 1: In provision on pilot projects for
11 year-round school, strikes a sentence incorporating the
12 deadlines established in repealed section 256.18 (modified
13 block scheduling). Section 279.10 contains deadlines which
14 would apply to year-round school pilot projects.

15 257.28, 257.33, 275.31, un. para. 2, 281.2(3), un. para.
16 3, 282.18(8), 282.28, 282.31(1) and (3), 294A.16, un. para.
17 5: In school finance provisions, correct references to
18 chapter 442 and its sections by adding a citation to Code 1991
19 or substituting other section references as appropriate.
20 Chapter 442 has been repealed. In section 257.33, also adds a
21 citation to Code 1991 in reference to repealed section 279.43.

22 299A.4, 299A.5, and 299A.8: In provisions relating to
23 annual achievement evaluations for children receiving
24 competent private instruction, substitute the word
25 "evaluation" for "test" to be consistent with the terminology
26 adopted in other sections. Also, delete a reference in
27 section 299A.8 to repealed section 442.4.

28 306.22(7), un. para. 1: In provision relating to the sale
29 on contract of unused right-of-way, a list of applicable
30 taxation chapters is extended to include chapter 449
31 (apportionment of taxes). The subject matter of that chapter
32 is already mentioned; this amendment adds the chapter number.

33 306.25 and 306.40: In provisions relating to conveyances
34 in connection with primary roads, state park roads, and
35 institutional roads, delete references to the executive

1 council prescribing conditions. The requirement for executive
2 council approval was stricken in 1986, so any conditions would
3 be prescribed by the controlling state agency.

4 313.4(3): In provision relating to appropriations from the
5 primary road fund, deletes an obsolete reference to executive
6 council approval of salary increases under the merit pay plan.
7 The executive council no longer approves the plan.

8 321.178(2)(a): In provision relating to restricted
9 licenses for persons between the ages of 16 and 18, changes a
10 reference to transporting dependents "of" temporary care
11 facilities to transporting dependents "to and from" temporary
12 care facilities. This parallels an earlier provision.

13 321.376(1): In provision on school bus driver's permits,
14 clarifies that actions on such permits are the responsibility
15 of the department of education rather than the department of
16 transportation.

17 321I.1(4): Strikes provision defining "department" as the
18 "department of insurance" in chapter relating to motor vehicle
19 service contracts. References to the "insurance division"
20 throughout the chapter require no definition.

21 321I.10: Substitutes "securities bureau" for "securities
22 department" in provision on misrepresentations by motor
23 vehicle service contract providers.

24 324.6: Changes the word "gasohol" to "ethanol blended
25 gasoline" in provision relating to blender's licenses.

26 330B.7(4) and 330B.9(3): Make a grammatical correction in
27 provisions relating to the quad cities interstate metropolitan
28 authority.

29 331.602(1), unn. para. 1: In list of county recorder's
30 duties, substitutes a reference to section 409A.18 for
31 reference to repealed section 409.31(2) in provision relating
32 to the recording of plats.

33 445.1(2) and (7): Substitute "interest" for "interests" in
34 definitions of "compromise" and "total amount due" in relation
35 to ad valorem taxes and special assessments, rates and

1 charges.

2 446.19: In language relating to tax sales, specifies "tax-
3 levying" body as well as "tax-certifying" body and substitutes
4 "from" for "by" in provision relating to procedures when the
5 city in which the parcel is located submits a bid.

6 455B.133(2), (4), un. para.1, and paragraph a,
7 subparagraph (1), and (8): In provisions setting forth the
8 air pollution duties of the environmental protection
9 commission, bring up to date several references to the federal
10 Clean Air Act by consistently including amendments through
11 January 1, 1991, and correcting specific references to the
12 Clean Air Act Amendments of 1990.

13 455B.305A(8): In provision on local siting of sanitary
14 landfill and infectious waste incinerator projects, strikes a
15 reference to a repealed section.

16 455B.474(1)(h): In provisions listing duties of the
17 environmental protection commission with respect to
18 underground storage tanks, substitutes a reference to a "no
19 action required" site for reference to a "no risk" site to
20 correct a drafting error.

21 468.27: Amends provisions relating to the establishment of
22 drainage districts to eliminate certain redundancies which
23 occurred because of separate amendments enacted in 1991.

24 476.44(2): In statute relating to the use of alternate
25 energy production facilities, includes "small hydro
26 facilities" in provision stating that an electric utility
27 shall not be required to purchase more than 15 megawatts of
28 power from such facilities. This was requested by the
29 utilities division to reflect what was apparently the intent
30 at the time of the 1990 amendment.

31 477.9A: In provision relating to deregulated telegraph or
32 telephone services, changes references from section 476.1 to
33 section 476.1D to reflect the action in 1991 moving the
34 deregulation provisions to a new section. These changes were
35 requested by the utilities division.

1 477C.7(2): In provision relating to an annual assessment
2 upon telephone utilities to fund telecommunications for the
3 deaf, strikes the word "services" after "deregulated" to make
4 the entire series relate to telephone services and adds a
5 reference to section 476.1D, which relates to jurisdiction and
6 deregulation. This amendment was requested by the utilities
7 division.

8 515.150(4): In provision requiring insurers to maintain a
9 demolition cost reserve on fire and casualty claims on
10 property, deletes the words "as a result of", which appear to
11 be inappropriate in the context.

12 516D.3(7), un. para. 1: In a definition in the car rental
13 and collision damage waiver chapter, changes the word
14 "consumer's" to "customer's". "Customer" is the defined term
15 for purposes of this chapter.

16 523D.6(1)(o): In provision relating to contracts for
17 retirement facilities, inserts "or resident" after
18 "prospective resident". This corrects an inadvertent omission
19 which occurred when the section was stricken and rewritten in
20 1991.

21 534.103(3): In provision giving savings and loan
22 associations the power to own and rent lock boxes to their
23 members, inserts the word "and" for clarity.

24 534.408(1), un. para. 2: In chapter on savings and loan
25 associations, strikes paragraph which refers to the savings
26 and loan revolving fund. Statutes establishing this revolving
27 fund were stricken in 1991.

28 546.7: In the list of duties of the utilities division,
29 adds a reference to new chapter 477C, which governs regulation
30 of telecommunications facilities for the deaf (statewide dual
31 party relay system). This was requested by the utilities
32 division.

33 546.11, un. para. 2: In paragraph relating to the
34 commerce department's administrative services trust fund,
35 deletes reference to section 534.408 and the savings and loan

1 division as a participant in the fund. The portion of section
2 534.408 which formerly provided for allocations from a
3 revolving fund to the administrative services trust fund was
4 stricken in 1991.

5 601A.15A(2)(d): Amends provision on mediation in housing
6 disputes to improve grammatical usage.

7 602.1206(2) and 602.4201(2): In provisions relating to
8 court rules, correct references to the section which governs
9 publication of the rules in loose-leaf form. These changes
10 are necessitated by a 1991 revision of chapter 14.

11 602.8102(79): In list of duties of the clerk of the
12 district court, specifies that fees for the transfer of real
13 estate are to be paid by the clerk to the county treasurer
14 rather than the auditor.

15 602.8102(152), (153), and (156): In list of duties of clerk
16 of the district court, update terminology with respect to the
17 trial certificate list to reflect changes in R.C.P. 181.1,
18 strike subsection referring to a former provision of R.C.P.
19 182 relating to assessment of certain costs in connection with
20 a motion for continuance, and change the description of R.C.P.
21 214 to reflect that notice of filing, not a copy of the re-
22 port, must be mailed.

23 614.14(2), unn. para. 2: In section relating to the
24 statute of limitations for recovery by the beneficiary of a
25 trust, substitutes the word "and" for "of" to correct a
26 clerical error and substitutes the word "subsection" for
27 "section" where it appears that the reference to the entire
28 section is inappropriate. Subsection 2 was newly enacted in
29 1991.

30 702.11: In the definition of "forcible felony",
31 substitutes "sexual abuse by a counselor or therapist" for
32 "sexual exploitation by a counselor or therapist" to conform
33 to the terminology in section 709.15.

34 709.15(1)(f), unn. para. 1: In statute establishing the
35 crime of sexual abuse by a counselor or therapist, substitutes

1 "one or more" for "either or both" where the list which
2 follows contains three items.

3 18.98: Repeals an obsolete section relating to the free
4 distribution of separate books containing annotations to the
5 Iowa Code and tables of corresponding sections. The state no
6 longer publishes the annotations, and the tables of
7 corresponding sections are included as part of the Code and
8 Code Supplement.

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HOUSE FILE 2172

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 7E.5, subsection 1, paragraph t, Code 1991, is amended to read as follows:

t. The department of human rights, created in section 601K.1, which has primary responsibility for services relating to Latino persons, ~~children, youth, and families~~, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, the status of ~~blacks~~ African-Americans, and deaf persons.

Sec. 2. Section 9B.1, subsection 5, Code Supplement 1991, is amended to read as follows:

5. The secretary of state shall require that a waste tire hauler have on file with the secretary of state before the issuance or renewal of a registration certificate, a surety bond executed by a surety company authorized to do business in this state in the sum of a minimum of ten thousand dollars, which bond shall be continuous in nature until canceled by the surety. A surety shall provide at least thirty days' notice in writing to the waste tire hauler and to the secretary of state indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon the waste tire hauler's willingness to comply with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from a waste tire hauler to the amount of the surety bond. ~~This subsection shall not limit the recovery of~~

~~damages to the amount of the surety bond.~~ The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state.

Sec. 3. Section 13B.2A, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An indigent defense advisory commission is established within the department to advise and make recommendations to the state public defender regarding the establishment and implementation of cost-effective methods to provide indigent defense. The advisory commission shall consist of nine members: four members to be appointed by the governor, subject to senate confirmation, including two members from ~~nominees~~ nominations made by the Iowa state bar association, and two members from ~~nominees~~ nominations made by the Iowa judges association; two members appointed by the governor, subject to senate confirmation; one member to be appointed by the governor, subject to senate confirmation, from ~~nominees~~ nominations made by the Iowa county attorneys association; and two members, one from each chamber of the general assembly, to be appointed by the legislative council with no more than one of the members from any one political party. Each member shall serve a three-year term, with initial terms to be staggered. The members should represent a balance of attorneys and nonattorneys.

Sec. 4. Section 17.21, Code 1991, is amended to read as follows:

17.21 LEGAL PUBLICATIONS.

The Iowa Code, Iowa Code Supplement, or other supplements thereto, Iowa administrative code, rules of civil procedure, rules of appellate procedure, and supreme court rules, session laws, annotations, tables of corresponding sections and reports of the supreme court, unless otherwise specifically provided by law, shall be printed, and paid for in the same manner as other public printing.

Sec. 5. Section 17.22, Code 1991, is amended to read as follows:

17.22 PRICE.

The publications listed in this section shall be sold at a price to be established by the legislative council. In determining these prices, the legislative council shall consider the costs of printing, binding, distribution, paper stock, and compilation and editing labor costs. The legislative council shall also consider the number of volumes to be printed, sold, and distributed in the determination of these prices.

1. The Iowa Code, Iowa Code Supplement, or its other supplements, the Iowa administrative code or its supplements, and the Iowa administrative bulletin.

2. Session laws.

3. Daily journals and bills.

4. ~~Book of annotations to the Code.~~

5. ~~Supplements to the book of annotations.~~

6. ~~Tables of corresponding sections to the Code.~~

7. Iowa court rules.

The Iowa administrative code, its supplements, ~~or the Iowa administrative bulletin or the Code~~ may be distributed with the Iowa Code or separately. There shall be established separate prices for the Iowa administrative code, for its supplements, for the Iowa administrative bulletin, and for the Iowa Code, the Iowa Code Supplement, and other supplements.

When the Iowa Code is published in more than one volume the superintendent of printing may distribute each volume on order, after payment of the estimated purchase price for the set, when the volume becomes available.

Sec. 6. Section 17.25, Code 1991, is amended to read as follows:

17.25 NEW EDITIONS.

New editions of the Iowa Code, Iowa Code Supplement, or other supplements thereto, book-of-annotations, reports of the

supreme court, and reports of the court of appeals may be published by the superintendent of printing when the supply on hand of the last edition becomes exhausted and when a new edition is necessary in order to meet the demand.

Sec. 7. Section 17.26, Code 1991, is amended to read as follows:

17.26 NUMBER PRINTED.

The number of each edition of the Iowa Code, Iowa Code Supplement, or other supplements thereto, tables-of-corresponding-sections and session laws shall be determined by the superintendent of printing and the Iowa Code editor unless expressly determined by presiding officers of the general assembly.

Sec. 8. Section 18.9, subsection 2, Code 1991, is amended to read as follows:

2. Statements rendered to the various state agencies shall be paid by the state agencies in the manner determined by the department of management revenue and finance. When the statements are paid the sums shall be credited to the general service revolving fund. If any funds accrued to the revolving fund in excess of two hundred twenty-five thousand dollars and there is no anticipated need or use for such funds, the governor shall order the excess funds credited to the general fund of the state.

Sec. 9. Section 28C.5, subsection 1, Code Supplement 1991, is amended to read as follows:

1. The commission and committees established by the commission may accept technical and operational assistance from the staff of the legislative service bureau and the legislative fiscal bureau, other state or federal agencies, units of local governments, or any other public or private source. The directors of the legislative service bureau and the legislative fiscal bureau may assign professional, technical, legal, clerical, or other staff, as necessary and authorized by the legislative council for continued operation

of the commission. However, the technical and operational assistance shall be provided within existing appropriations made to or with existing resources of the state or local agencies legislative service bureau and legislative fiscal bureau to carry out its their powers and duties.

Sec. 10. Section 41.1, subsection 23, paragraph b, Code Supplement 1991, is amended to read as follows:

b. That portion of the city of Cedar Falls ~~is~~ bounded by a line commencing at the point East Ridgeway avenue intersects the east corporate limit of the city of Cedar Falls, then proceeding west along East Ridgeway avenue until it intersects South Main street, then proceeding north along South Main street until it intersects Oregon road, then proceeding easterly along Oregon road until it intersects Dallas drive, then proceeding north along Dallas drive until it intersects Utah road, then proceeding east along Utah road until it intersects ~~Paseon Tucson~~ Paseon Tucson drive, then proceeding north along ~~Paseon Tucson~~ Paseon Tucson drive until it intersects Idaho road, then proceeding east along Idaho road until it intersects Boulder drive, then proceeding south along Boulder drive until it intersects Lilac lane, then proceeding east along Lilac lane until it intersects Woodridge drive, then proceeding south along Woodridge drive until it intersects Orchard drive, then proceeding east along Orchard drive until it intersects Carlton drive, then proceeding southeasterly along Carlton drive until its second intersection with Maryhill drive, then proceeding northerly along Maryhill drive until it intersects Primrose drive, then proceeding east along Primrose drive until it intersects Rownd street, then proceeding north along Rownd street until it intersects Orchard drive, then proceeding west along Orchard drive until it intersects McClain drive, then proceeding north along McClain drive until it intersects University avenue, then proceeding northwesterly along University avenue until it intersects Waterloo road, then proceeding northwesterly along Waterloo road until it

intersects Elmwood avenue, then proceeding north along Elmwood avenue until it intersects Rainbow drive, then proceeding west along Rainbow drive until it intersects Schreiber street, then proceeding north along Schreiber street until it intersects Newman avenue, then proceeding east along Newman avenue until it intersects Birch street, then proceeding north along Birch street until it intersects Grand boulevard, then proceeding southeasterly along Grand boulevard until it intersects Belle avenue, then proceeding north along Belle avenue (and its extension) until it intersects the Iowa Northern Railway Company railroad track, then proceeding northwesterly along the Iowa Northern Railway Company railroad track until it intersects Dry run, then proceeding northeasterly along Dry run until it intersects the middle of the main channel of the Cedar river, then proceeding first north and then northwesterly along the middle of the main channel of the Cedar river until it intersects Center street, then proceeding northerly along Center street until it intersects West Lone Tree road, then proceeding easterly along West Lone Tree road until it intersects East Lone Tree road, then proceeding easterly along East Lone Tree road until it intersects Big Woods road, then proceeding south along Big Woods road until it intersects East Lake street, then proceeding east along East Lake street until it intersects the east corporate limit of the city of Cedar Falls, then proceeding first north and then in a counterclockwise manner along the corporate limits of the city of Cedar Falls to the point of origin.

Sec. 11. Section 41.1, subsection 54, Code Supplement 1991, is amended to read as follows:

54. The fifty-fourth representative district in Linn county shall consist of those portions of the city of Cedar Rapids and Fairfax and Clinton townships bounded by a line commencing at the point "J" street southwest intersects Twenty-seventh avenue southwest, then proceeding west along Twenty-seventh avenue southwest until it intersects Sixth

street southwest, then proceeding southerly along Sixth street southwest until it intersects the Chicago and Northwestern Transportation Company railroad track, then proceeding ~~southwestern~~ southwesterly along the Chicago and Northwestern Transportation Company railroad track until it intersects the west corporate limit of the city of Cedar Rapids, then proceeding first north and then in a clockwise manner along the corporate limits of the city of Cedar Rapids until it intersects Rogers road northwest, then proceeding westerly along Rogers road northwest until it intersects the southerly extension of the west corporate limit of the city of Cedar Rapids to the west of Morris avenue, then proceeding north along the west corporate limit (and its southern extension), and then west along the corporate limit, then south along the corporate limit and its extension until it intersects Rogers road northwest, then proceeding westerly along Rogers road northwest until it again intersects the southern extension of the west corporate limit of the city of Cedar Rapids, then proceeding north along the west corporate limit of the city of Cedar Rapids until it intersects the west corporate limit of the city of Cedar Rapids, then proceeding first north and then in a clockwise manner along the corporate limits of the city of Cedar Rapids until it intersects the middle of the main channel of the Red Cedar river, then proceeding northeasterly along the middle of the main channel of the Red Cedar river until it intersects Edgewood road northwest, then proceeding southerly along Edgewood road northwest until it intersects "O" avenue northwest, then proceeding east along "O" avenue northwest until it intersects Hillside drive northwest, then proceeding north along Hillside drive northwest until it intersects Elaine drive northwest, then proceeding east along Elaine drive northwest until it intersects Thirtieth street northwest, then proceeding south along Thirtieth street northwest until it intersects "O" avenue northwest, then proceeding east along "O" avenue northwest until it intersects

Higwood drive northwest, then proceeding first southwesterly and then in a counterclockwise manner along the boundary of the fifty-third representative district to the point of origin.

Sec. 12. Section 43.42, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Each change or declaration of a qualified elector's party affiliation so received shall be reported by the precinct election officials to the county commissioner of registration who shall enter a notation of the change on the registration records.

Sec. 13. Section 53.23, subsections 1 and 3, Code 1991, are amended to read as follows:

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections 49.12 and 49.13, except that the number of precinct election officials appointed to the board shall be sufficient to complete the counting of absentee ballots by ten o'clock p.m. on election day.

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten o'clock p.m. on election day. The commissioner may direct the board to meet on the day prior to the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes if in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, but under no circumstances shall a sealed ballot envelope be opened before the board convenes on election day.

Sec. 14. Section 56.10, subsection 6, paragraph c, Code Supplement 1991, is amended to read as follows.

c. Distribute the necessary forms to each county commissioner to be furnished to persons required to file reports and statements.

Sec. 15. Section 56.10, subsection 7, Code Supplement 1991, is amended to read as follows:

7. The county commissioners shall furnish the necessary forms to persons required to file reports and statements in their office.

Sec. 16. Section 56.10, subsection 8, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The commission and the commissioner county commissioners shall:

Sec. 17. Section 56.10, subsection 9, Code Supplement 1991, is amended to read as follows:

9. The commission and the county commissioners shall provide proper forms to each committee which is required to file a report with them. A form packet shall be mailed to each active committee on or about April 25 of each year.

Sec. 18. Section 87.11A, Code Supplement 1991, is amended to read as follows:

87.11A EXAMINATION REQUIRED.

The commissioner of insurance may at any time examine or inquire into the affairs of any self-insured employer. A domestic self-insured employer, or a self-insured employer not subject to periodic examination in its state of origin, shall be examined at least once during each three-year period.

Sec. 19. Section 87.11B, Code Supplement 1991, is amended to read as follows:

87.11B OBLIGATION TO ASSIST AN EXAMINATION -- OATHS.

If a self-insured employer is being examined, the officers, employees, or agents of the employer, shall produce for inspection all books, documents, papers, and other information concerning the affairs of the employer and shall otherwise assist in such the examination to the extent possible. The commissioner of insurance, or the commissioner's legally authorized representative in charge of the examination, may administer oaths and take testimony bearing upon the affairs of any an employer under examination.

Sec. 20. Section 88B.3, subsection 3, Code 1991, is amended to read as follows:

3. The commissioner shall prescribe fees for the issuance and renewal of licenses and certificates permits. The fees shall be based on the costs of licensing-certification and permitting and other costs of administering this chapter.

Sec. 21. Section 93.16, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Notwithstanding the provisions of this section directing that funds accepted be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds accepted shall be deposited into the general fund of the state and shall be appropriated ~~for purposes of~~ as provided in section ~~93:14~~ 93.11, subsection 1, paragraph "f".

Sec. 22. Section 98.8, subsection 3, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department may make refunds on unused stamps to the person who purchased said the stamps at a price equal to the amount paid for such the stamps when proof satisfactory to the department is furnished that any stamps upon which a refund is requested were properly purchased from the department and paid for by the person requesting such the refund. In making such the refund, the department shall prepare a voucher showing the amount of refund due and to whom payable and ~~the comptroller shall then~~ issue a warrant upon order of the director to pay such the refund out of any funds in the state treasury not otherwise appropriated.

Sec. 23. Section 99D.11, subsection 6, paragraph b, Code Supplement 1991, is amended to read as follows:

b. The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure, for the purpose of pari-mutuel wagering, a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of

appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to televise races for the purpose of conducting pari-mutuel wagering. A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall select the races to be televised. The races selected by the commission shall be the same for all licensees approved by the commission to televise races for the purpose of conducting pari-mutuel wagering. The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of a licensee that schedules no less than one hundred five performances of eight live races each day of the season. For purposes of the taxes imposed under this chapter, races televised by a licensee for purposes of pari-mutuel wagering shall be treated as if the races were held at the racetrack of the licensee.

Sec. 24. Section 99D.17, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

Funds received pursuant to sections 99D.14 and 99D.15 shall be deposited in the pari-mutuel regulation fund created in the racing and gaming commission. These funds shall first be used to the extent appropriated by the general assembly and as provided in section 99B.18. The remainder shall be transferred to the treasurer of state to be deposited in the general fund of the state. The commission is subject to the budget requirements of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

Sec. 25. Section 100.1, subsection 4, paragraph b, Code 1991, is amended to read as follows:

b. The storage, transportation, handling, and use of ~~inflammable~~ flammable liquids, combustibles, and explosives:

Sec. 26. Section 106.9, subsection 10, Code 1991, is amended to read as follows:

10. Every motorboat, except open boats, using any liquid of a volatile nature as fuel, shall be provided with such ~~the~~ means ~~as may be~~ prescribed by the rules and regulations of the commission for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or ~~inflammable~~ flammable gases.

Sec. 27. Section 106.35, Code Supplement 1991, is amended to read as follows:

106.35 SPECIAL CERTIFICATE FOR MANUFACTURER OR DEALER.

A manufacturer or dealer owning, storing, repairing, or altering any ~~a~~ vessel required to be registered under the ~~provisions of~~ this chapter may operate the same vessel for purposes of transporting, testing, demonstrating, or selling the same vessel without registering each such vessel, provided that any such vessel displays thereon a special certificate issued to such owner the manufacturer or dealer as provided in this chapter. This special certificate ~~may~~ shall not be used for any vessel offered for hire or for any work or service vessels owned by a manufacturer or dealer.

Sec. 28. Section 111.79, subsection 4, Code Supplement 1991, is amended to read as follows:

4. Notwithstanding any other provision of law, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, ~~funds that direct that~~ moneys to be credited to or deposited in the public outdoor recreation and resources fund shall be credited to or deposited to the general fund of the state and appropriations made for purposes of this section shall not be deposited into the public outdoor recreation and resources fund but shall be allocated as provided in this section.

Sec. 29. Section 116.5, unnumbered paragraph J, Code 1991, is amended by striking the paragraph.

Sec. 30. Section 116.6, subsection 1, paragraph a, Code Supplement 1991, is amended to read as follows:

a. "Applicant" means an entity holding a permit to practice as a corporation or partnership of certified public accountants issued pursuant to section 116.20, subsection 3, or a person certified as a certified public accountant pursuant to section 116.5 who practices as a sole proprietorship.

Sec. 31. Section 116.6, subsection 5, paragraph a, Code Supplement 1991, is amended to read as follows:

a. Peer review records are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion. Peer review records are not admissible in evidence in a judicial, arbitration, or administrative proceeding. Information or documents discoverable from sources other than a peer review team do not become nondiscoverable from other sources because they are made available to or are in the possession of a peer review team. Information or documents publicly available from the American institute of certified public accountants relating to quality or peer review are not privileged or confidential under this subsection.

Sec. 32. Section 116.8, Code Supplement 1991, is amended to read as follows:

116.8 EXAMINATION REQUIRED.

An applicant not qualified under section 116.7 shall be granted a license if the applicant passes a written examination prescribed by the board, and meets one of the following requirements:

1. If the applicant has had two or more years actual experience in practice as an accounting practitioner as an employee of a certified public accountant or an accounting practitioner; or,

2. If the applicant was employed for at least twenty-four months prior to July 1, 1975 by the United States government, by this state, or by a political subdivision of this state in an accounting or auditing position for which an examination in accounting knowledge or qualifying education or experience in practice as an accounting practitioner was required. The applicant shall submit to the board an official copy of the job description and educational or experience qualifications required, or an affidavit of the immediate superior of the applicant attesting to the applicant's accounting or auditing duties. Any evidence which indicates that the applicant has performed only clerical or bookkeeping work shall not be deemed sufficient for the purposes of this subsection; or,

3. If the applicant submits evidence satisfactory to the board that the applicant is a graduate of a four-year college or university accredited by the north central accreditation association or other regional accreditation association having equivalent standards, with a major in accounting, or that the applicant is a graduate in accountancy from a business or correspondence school accredited by the accrediting commission for business schools or the accrediting commission of the national home study council.

4. If the applicant submits evidence of at least five years of continuous experience engaged in performing any of the services delineated in section 116.2 on a full-time basis.

Sec. 33. Section 125.14A, subsection 1, Code Supplement 1991, is amended to read as follows:

1. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a program admitting juveniles subject to licensure under this chapter, or if a person will reside in a facility utilized by such a program, and if the person has been convicted of a crime or has a record of founded child abuse, the department of human services and the program, for

an employee of the program, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department of human services shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of human services.

Sec. 34. Section 135.11A, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

The professional licensure division and the licensing boards may expend ~~additional~~ funds in addition to amounts budgeted, if those additional expenditures are directly the ~~cause result~~ of actual examination and exceed funds budgeted for examinations. Before the division or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division or board and the division or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management, the division or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2.

Sec. 35. Section 135H.7, subsection 2, paragraph a, Code Supplement 1991, is amended to read as follows:

a. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a licensed psychiatric institution, or if a

person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the department of human services and the licensee, for an employee of the licensee, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department of human services shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of human services.

Sec. 36. Section 136C.3, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the board of dental examiners in dental radiography, or by the board of podiatry examiners in podiatric ~~radiology~~ radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 37. Section 147.107, subsection 5, Code Supplement 1991, is amended to read as follows:

5. Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician may delegate the function of prescribing drugs, controlled substances, and medical devices to a physician assistant licensed pursuant to chapter 148C. When delegated prescribing occurs, the supervising physician's name shall be used, recorded, or

otherwise indicated in connection with each individual prescription so that the individual who dispenses or administers the prescription knows under whose delegated authority the physician assistant is prescribing. Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of physician assistant examiners, after consultation with the board of medical examiners and the board of pharmacy examiners, as soon as possible after July 1, 1991. The rules shall be reviewed and approved by the physician assistant rules review group created under subsection 7 and shall be adopted in final form by January 1, 1993. However, the rules shall prohibit the prescribing of schedule II controlled substances which are listed as stimulants or depressants pursuant to chapter 204. If rules are not reviewed and approved by the physician assistant rules review group created under subsection 7 and adopted in final form by January 1, 1993, a physician assistant may prescribe drugs as a delegated act of a supervising physician under rules adopted by the board of physician assistant board-of examiners and subject to the rules review process established in section 148C.7. The board of physician assistant examiners shall be the only board to regulate the practice of physician assistants relating to prescribing and supplying prescription drugs, controlled substances and medical devices, notwithstanding section 148C.6A.

Sec. 38. Section 159.1, subsections 2 and 3, Code Supplement 1991, are amended by striking the subsections.

Sec. 39. Section 159.20, unnumbered paragraph 3, Code Supplement 1991, is amended to read as follows:

As used in this subchapter, "agricultural commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels.

"Commercial channels" means the processes of sale of a farm an agricultural commodity or unprocessed product from the farm agricultural commodity to any person, public or private, who resells the farm agricultural commodity for breeding, processing, slaughter, or distribution.

Sec. 40. Section 159A.5, subsection 4, Code Supplement 1991, is amended to read as follows:

4. The committee shall review the annual report to the secretary regarding ethanol renewable fuel activities, as provided in section 159A.3. The committee may make written comments concerning the contents of the report. Upon request of the committee, the coordinator shall include the comments as part of the report.

Sec. 41. Section 159A.6, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

The committee shall develop standards for decals required pursuant to section 214A.16, which shall be designed to promote the advantages of using renewable fuel. The standards may be incorporated within a model decal adopted by the board committee and approved by the office.

Sec. 42. Section 166D.2, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may combine an official health certificate or a veterinarian inspection certificate as required under chapter 163 with a certificate of inspection.

Sec. 43. Section 166D.16, unnumbered paragraph 2, Code Supplement 1991, is amended by striking the unnumbered paragraph.

Sec. 44. Section 189.1, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

189.1 DEFINITIONS CONTROLLING TITLE.

For the purpose of this title:

1. "Article" includes food, commercial feed, agricultural seed, commercial fertilizer, drug, insecticide, fungicide,

paint, linseed oil, turpentine, and illuminating oil, in the sense in which they are defined in the various provisions of this title.

2. "Department" means the department of agriculture and land stewardship, and if the department is required or authorized to do an act, the act may be performed by a regular assistant or a duly authorized agent of the department.

3. "Official laboratory" means a biological, chemical, or physical laboratory which performs testing or analysis pursuant to scientific procedures, to the extent the laboratory is recognized by the department as a reliable indicator of scientific results.

4. "Package" or "container", unless otherwise defined, includes wrapper, box, carton, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, tank, tank car, and other receptacles of a like nature; and the expression "offered or exposed for sale or sold in package or wrapped form" means the offering or exposing for sale, or selling of an article which is contained in a package or container as defined in this section.

5. "Pasteurization" or "pasteurized" means the procedure of processing milk or a milk product, in order to ensure its safety from contaminants, if the procedure of pasteurization is consistent with standards adopted by the department pursuant to section 192.102.

6. "Person" includes a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in that capacity shall also be liable for violations of this title.

7. "Rules" includes regulations and orders by the department.

8. "Secretary" means the secretary of agriculture.

9. "United States Pharmacopoeia" or "National Formulary" means the latest revision of these publications official at the time of a transaction which is in question.

Sec. 45. Section 191.2, subsection 5, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

All bottles, containers, and packages enclosing milk or milk products ~~as defined in section 190.17, subsections 6 and 7 to 577~~ shall be conspicuously labeled or marked with:

Sec. 46. Section 192.111, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A purchaser of milk from a grade "A" milk producer shall pay an inspection fee not greater than one point five cents per hundredweight. The fee shall be payable monthly to the secretary in a manner prescribed by the secretary. ~~A fee imposed under this subsection shall not be paid on milk subject to inspection by a municipal corporation pursuant to section 192.103.~~

Sec. 47. Section 194.20, Code Supplement 1991, is amended to read as follows:

194.20 INSPECTION FEES -- GRADE "B" MILK.

A purchaser of milk from a grade "B" milk producer shall pay an inspection fee not greater than one-half cent per hundredweight. The fee is payable monthly to the department at a time prescribed by the department. A fee imposed by this section shall not be paid on milk inspected by a person administering the inspection pursuant to an inspection contract as provided in section 192.108. Fees collected under this section shall be deposited in the milk fund established in section 192.111.

Sec. 48. Section 214A.10, Code 1991, is amended to read as follows:

214A.10 TRANSFER PIPES.

A wholesale dealer, retail dealer, or other person shall not, within this state, use the same pipeline, for transferring motor vehicle fuel, including gasoline, or

oxygenate octane enhancer from one container to another, if the pipeline is used for transferring kerosene or other inflammable flammable product used for open flame illuminating or heating purposes.

Sec. 49. Section 217.9A, subsection 1, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

The commission shall examine the following issues related to the cycle of dependency which some families have on services, including, but not limited to, child care, chemical dependency, child welfare, youth employment, parent education, health, and education.

Sec. 50. Section 235B.6, subsection 2, paragraph e, subparagraph (3), Code Supplement 1991, is amended to read as follows:

(3) The department of public-safety justice for the sole purpose of the filing of a claim for reparation pursuant to section 910A.5 and section 912.4, subsections 3 through 5.

Sec. 51. Section 235B.16, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. Providing care-givers caretakers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the care-giver caretaker and dependent adult relationship.

Sec. 52. Section 236.12, subsection 2, Code Supplement 1991, is amended to read as follows:

2. a. A peace officer may, with or without a warrant, arrest a person under section ~~708:2~~ 708.2A, subsection 4 2, paragraph "a", if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which did not result in any injury to the alleged victim.

b. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person

under section ~~708:2~~ 708.2A, subsection 2, paragraph "b", if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which resulted in the alleged victim's suffering a bodily injury.

c. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section ~~708:2~~ 708.2A, subsection 3 2, paragraph "c", if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed with the intent to inflict a serious injury.

d. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section ~~708:2~~ 708.2A, subsection 4 2, paragraph "c", if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed and that the alleged abuser used or displayed a dangerous weapon in connection with the assault.

Sec. 53. Section 236.14, subsection 2, unnumbered paragraph 3, Code Supplement 1991, is amended to read as follows:

The clerk of the court or other person designated by the court shall provide a copy of this order to the victim pursuant to chapter 910A. The order has force and effect until it is modified or terminated by subsequent court action in the contempt proceeding or the criminal or juvenile court action and is reviewable in the manner prescribed in section 811.2. The clerk of the district court shall also provide oral or other notice and copies of the no-contact order to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk

shall provide oral or other notice and copies of modifications or variations of these orders in the same manner.

Sec. 54. Section 237A.2, unnumbered paragraph 6, Code Supplement 1991, is amended by striking the unnumbered paragraph.

Sec. 55. Section 237A.3, subsection 5, Code Supplement 1991, is amended by striking the subsection.

Sec. 56. Section 246.104, Code 1991, is amended to read as follows:

246.104 BOARD CREATED.

A board of corrections is created within the department. The board shall consist of seven members appointed by the governor subject to confirmation by the senate. Not more than four of the members shall be from the same political party. Members shall be electors of this state. ~~Six~~ Five of the seven members shall each be a resident of a different congressional district. Members of the board shall serve four-year staggered terms.

Sec. 57. Section 246.513, subsection 1, paragraph a, Code Supplement 1991, is amended to read as follows:

a. The department of corrections in cooperation with judicial district departments of correctional services shall establish in each judicial district a continuum of programming, including residential facilities and institutions, for the supervision and treatment of offenders convicted of violating chapter 321J who are sentenced to the custody of the director. The department of corrections shall develop standardized assessment criteria for the assignment of offenders to a facility established pursuant to this chapter. The facilities established shall meet all the following requirements:

(1) ~~is-a-treatment-facility-meeting-the-licensure~~ Licensure standards of the division of substance abuse of the department of public health.

(2) ~~is-a-facility-meeting-applicable~~ Applicable standards of the American corrections association.

(3) ~~is-a-facility-which-meets-any~~ Any other rule or requirement adopted by the department pursuant to chapter 17A.

Sec. 58. Section 256.11, subsection 10, unnumbered paragraphs 1 and 2, Code Supplement 1991, are amended to read as follows:

The state board shall establish an accreditation process for school districts and nonpublic schools seeking accreditation pursuant to this subsection and subsections 11 and 12. ~~As required in section 256.17, by~~ By July 1, 1989, all school districts shall meet standards for accreditation. For the school year commencing July 1, 1989 and school years thereafter, the department of education shall use a two-phase process for the continued accreditation of schools and school districts.

Phase I consists of annual monitoring by the department of education of all accredited schools and school districts for compliance with accreditation standards adopted by the state board of education ~~as provided by section 256.17~~. The phase I monitoring requires that accredited school districts and schools annually complete accreditation compliance forms adopted by the state board and file them with the department of education. In addition, employees of the department of education shall complete at least biennial on-site visits to each accredited school and school district to review the educational programs and the information included in the compliance forms.

Sec. 59. Section 256.20, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Pursuant to section 279.10, subsection 1, relating to the maintenance of school during an entire year, the board of directors of a school district may request approval from the state board of education for a pilot project for a year around three semester school year. ~~The deadlines for approval of a~~

~~prior project under this section are the deadlines specified in section 256.38 for approval of a modified block scheduling pilot project:~~

Sec. 60. Section 257.28, Code 1991, is amended to read as follows:

257.28 ENRICHMENT LEVY.

If a school district has approved the use of the instructional support program for a budget year, the district shall not also collect moneys under the additional enrichment amount approved by the voters under chapter 442, as it appeared in Code 1991, for that the budget year.

Sec. 61. Section 257.33, Code 1991, is amended to read as follows:

257.33 PRIOR ENRICHMENT APPROVAL.

If the electors of a school district approved the use of the additional enrichment amount prior to July 1, 1991, under chapter 442; or section 279.41, as they appeared in Code 1991, the approval for use of the enrichment amount shall continue in effect until the expiration of the period for which it was approved and districts may use the additional enrichment amount during that period. However, section 257.28 applies to the use of the additional enrichment amount.

Sec. 62. Section 275.31, unnumbered paragraph 2, Code 1991, is amended to read as follows:

For the school year beginning July 1, 1987 and succeeding school years, there is appropriated from the general fund of the state to the department of management an amount sufficient to pay the debt service aid under this section. Debt service aid shall be paid in the manner provided in section ~~442:26~~ 277.16.

Sec. 63. Section 281.2, subsection 3, unnumbered paragraph 3, Code 1991, is amended to read as follows:

Every child requiring special education shall, if reasonably possible, receive a level of education commensurate with the level provided each child who does not require

special education. The cost of providing such an education shall be paid as provided in section 273.9, this chapter and chapter ~~442~~ 257. It shall be the primary responsibility of each school district to provide special education to children who reside in that district if the children requiring special education are properly identified, the educational program or service has been approved, the teacher or instructor has been licensed, the number of children requiring special education needing that educational program or service is sufficient to make offering the program or service feasible, and the program or service cannot more economically and equably be obtained from the area education agency, another school district, another group of school districts, a qualified private agency, or in co-operation with one or more other districts.

Sec. 64. Section 282.18, subsection 8, Code Supplement 1991, is amended to read as follows:

8. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the lower district cost per pupil of the two districts, plus any moneys received for the pupil as a result of non-English speaking weighting under section ~~442:4 280.3~~, subsection 6 4, for each school year. The district of residence shall also transmit the phase III moneys allocated to the district for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer.

Sec. 65. Section 282.28, Code 1991, is amended to read as follows:

282.28 CHILDREN AT ELDORA AND TOLEDO.

Annually, the area education agency in which the state training school and the Iowa juvenile home are located and the department of human services on behalf of the training school

and juvenile home shall submit an annual joint application by January 1 for the next succeeding school year to the department of education describing the proposed special education instructional and support programs and service improvements for the training school and juvenile home. The department of education shall review and approve or modify the program and proposed budget by February 1 and shall notify the department of revenue and finance, the area education agency, and the department of human services of the approved budget amount. The moneys for the approved budget shall supplement and not supplant moneys equal to the moneys expended for education for the fiscal year beginning July 1, 1986 by the department of human services. The moneys for the approved budget shall be used to ensure that the training school and juvenile home comply with appropriate administrative rules relating to special education adopted by the department of education. Beginning with the fiscal year commencing July 1, 1990, and ending June 30, 1991, and in succeeding years, the department of revenue and finance shall pay the approved budget amount for an area education agency in monthly installments beginning on September 15 and ending on June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state's resources. The department of revenue and finance shall transfer the approved budget amount for an area education agency from the moneys appropriated under ~~section-442-26-or~~ section 257.16 and make the payment to the area education agency.

The area education agency shall submit an accounting to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided at the training school and juvenile home. The department shall review and approve or modify the accounting by September 1 and shall notify the department of

revenue and finance of the approved accounting amount. The department of revenue and finance shall adjust the September payment to the area education agency for the next fiscal year by the difference between the amount of the proposed budget paid to the area education agency and the amount of the actual costs as reflected in the area education agency's accounting. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under ~~section-442-26-or~~ section 257.16 during that fiscal year to all school districts in the state. The portion of the total amount of the approved accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.

Sec. 66. Section 282.31, subsections 1 and 3, Code 1991, are amended to read as follows:

1. a. A child who lives in a facility pursuant to section 282.30, subsection 1, paragraph "a", and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The area education agency shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the department of revenue and finance and the area education agency of its action by February 1. Beginning with the fiscal year commencing July 1, 1990, and ending June 30, 1991, and in succeeding years, the department of revenue and finance shall pay the approved budget amount for an area education agency in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the

state's resources. The department of revenue and finance shall transfer the approved budget amount for an area education agency from the moneys appropriated under ~~section 442.26~~ or section 257.16 and make the payment to the area education agency. The area education agency shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines pursuant to section 256.7, subsection 12, and shall notify the department of revenue and finance of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of revenue and finance to the area education agency and any differences added to or subtracted from the October payment made under this paragraph for the next school year. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under ~~section 442.26~~ or section 257.16 during the remainder of that fiscal year to all school districts in the state. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.

b. A child who lives in a facility or home pursuant to section 282.19, and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or home is located.

However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district on the third Friday of

September of that school year is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of revenue and finance to the school district by October 1. The department of revenue and finance shall transfer the total amount of the approved claim of a school district from the moneys appropriated under ~~section 442.26~~ or under section 257.16 and the amount paid shall be deducted monthly from the state foundation aid paid during the remainder of that fiscal year to all school districts in the state in the manner provided in paragraph "a".

3. The actual special education instructional costs, including transportation, for a child who requires special education shall be paid by the department of revenue and finance to the school district in which the facility or home is located, only when a district of residence cannot be determined, and the child was not included in the weighted enrollment of any district pursuant to section 281.9, and the payment pursuant to subsection 2, paragraph "a" was not made by any district. The district shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the district by February 1. The district shall submit a claim by August 1 following the school year for the actual cost of the program. The department shall review and approve or modify the claim and shall notify the department of revenue and finance of the approved claim amount.

by September 1. The total amount of the approved claim shall be paid by the department of revenue and finance to the school district by October 1. The total amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 442:26 257.16 during the remainder of that fiscal year to all school districts in the state. The portion of the total amount of the approved claims that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for the budget year. The department of revenue and finance shall transfer the total amount of the approved claims from moneys appropriated under section 442:26 257.16 for payment to the school district.

Sec. 67. Section 294A.16, unnumbered paragraph 5, Code 1991, is amended to read as follows:

Any moneys allocated or retained for an approved phase III plan, and any interest accrued on the moneys, shall not be commingled with state aid payments made, under sections 442:25 and 442:26 257.16 and 257.35, to a school district or area education agency and shall be accounted for by the school district or area education agency separately from state aid payment accounts.

Sec. 68. Section 299A.4, Code Supplement 1991, is amended to read as follows:

299A.4 ANNUAL ACHIEVEMENT TESTS EVALUATIONS -- REQUIREMENTS AND PROCEDURE.

1. Each child of compulsory attendance age who is receiving competent private instruction shall either be evaluated annually by May 1, using a nationally recognized standardized achievement test evaluation or other assessment tool developed or recognized by the department of education and chosen by the child's parent, guardian, or legal custodian from a list of approved tests evaluations or assessment tools

provided by the department of education or be evaluated annually in the manner provided in subsection 7. The department shall provide information on the cost of and the administration time required for each of the approved tests evaluations. The department shall provide, as part of approval procedures for tests evaluations to be used under this section, a mechanism which permits the introduction and approval of new or alternate methods of educational assessment which meet the requirements of this chapter.

2. A child, who is seven years of age and is receiving competent private instruction or who is placed under competent private instruction for the first time, shall be administered a test an evaluation for purposes of obtaining educational baseline data.

3. The director of the department of education, or the director's designee, which may include a school district or an area education agency, shall conduct the evaluations required under subsections 1 and 2 for children under competent private instruction. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian.

4. The parent, guardian, or legal custodian of a child receiving competent private instruction may be present when the child is evaluated, but only if both the parent, guardian, or legal custodian and the child are under the supervision of the test evaluation administrator.

5. The conducting of evaluations shall include, but is not limited to, purchasing of evaluation materials, giving the evaluations, scoring and interpreting the evaluations, and reporting the evaluation results.

6. Except when a child has been enrolled in a public school district under section 299A.8, the parent, guardian, or

legal custodian of the child being evaluated shall reimburse the entity conducting the evaluation for no more than the actual cost of evaluation required by this chapter. However, the parent, guardian, or legal custodian is not required to reimburse the evaluating entity for costs incurred as a result of evaluation under section 299A.9.

7. In lieu of annual achievement tests evaluations, a parent, guardian, or legal custodian of a child may submit, as evidence of adequate academic progress, all of the following:

- a. A book of lesson plans, a diary, or other written record indicating the subjects taught and activities in which the child has been engaged.
- b. A portfolio of the child's work, including but not limited to, an outline of the curriculum used by the child, copies of homework completed in conjunction with the curriculum and instruction, and copies of tests evaluations completed by the child which have been produced by the parent, guardian, or legal custodian.
- c. Completed assessment tests evaluations, other than the annual achievement test evaluation, if assessment tests evaluations are administered to a pupil as part of the competent private instruction by the parent, guardian, or legal custodian.

If a parent, guardian, or legal custodian submits evidence under this section, the information shall be reviewed by a qualified, licensed, Iowa practitioner selected as the evaluator by the parent, guardian, or legal custodian and approved by the superintendent of the local school district or the superintendent's designee. The evaluator shall prepare a report based on a review of the child's work submitted, which shall include an assessment of the child's achievement or academic progress levels, and submit a copy of the report to the child's parent, guardian, or legal custodian, the school district of residence of the child, and the department of education. If the evidence demonstrates, in the evaluator's

opinion, that the child is achieving adequate progress, the report shall create a presumption that the child is making adequate progress.

Sec. 69. Section 299A.5, Code Supplement 1991, is amended to read as follows:

299A.5 REPORTING OF TEST EVALUATION RESULTS.

The results of tests evaluations administered to children of compulsory attendance age who are under competent private instruction shall be reported by the test evaluation administrator to the child's parent, guardian, or legal custodian, the school district of residence of the child, and the department of education. Personally identifiable information relating to or contained in the test evaluation scores is confidential and shall not be released without the prior consent of the child's parent, guardian, or custodian except as otherwise permitted by law.

Sec. 70. Section 299A.8, Code Supplement 1991, is amended to read as follows:

299A.8 DUAL ENROLLMENT.

If a parent, guardian, or legal custodian of a child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual testing evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under ~~sections 442.4 and~~ section 257.6 and shall be counted as one pupil.

Sec. 71. Section 306.22, subsection 7, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Any tract of land sold on contract shall be listed on the tax rolls by and taxed to the contract purchaser, as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes levied as provided in chapter 444; collected as provided in chapter 445; and subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446 to 448 ~~449~~. ~~It shall be the duty of the~~ The contract purchaser ~~to shall~~ discharge and pay all taxes.

Sec. 72. Section 306.25, Code 1991, is amended to read as follows:

306.25 EXECUTION OF CONVEYANCE.

~~Where~~ If a sale of land in connection with any a primary road, or state park road, or institutional road has been authorized as herein provided in this chapter, written conveyances containing the conditions as prescribed by the ~~executive council controlling state agency~~ shall be made in the name of the state and signed by the governor and secretary of state, and with the great seal of the state of Iowa attached thereto. ~~Where~~ If a sale of land in connection with any a secondary road has been authorized by the board of supervisors as herein provided in this chapter, written conveyances containing the provisions prescribed by the board of supervisors shall be made in the name of the county and signed by the chairperson of the board of supervisors and the county auditor.

Sec. 73. Section 306.40, Code 1991, is amended to read as follows:

306.40 EASEMENTS CONVEYED.

~~Where such~~ If an easement authorized under section 306.39 is conveyed in connection with any a primary road, or state park road, or institutional road, written conveyances containing the conditions as prescribed by the ~~executive council controlling state agency~~ shall be made in the name of

the state and signed by the governor and secretary of state, and with the seal of the state of Iowa attached thereto. ~~Where such~~ If the easement is conveyed in connection with any a secondary road, written conveyances containing the provisions prescribed by the board of supervisors shall be made in the name of the county and signed by the chairperson of the board and the county auditor.

Sec. 74. Section 313.4, subsection 3, Code 1991, is amended to read as follows:

3. ~~It is further provided that there~~ There is appropriated from funds appropriated to the department which would otherwise revert to the primary road fund pursuant to the provisions of the Act appropriating the funds or chapter 8, an amount sufficient to pay the increase in salaries, which increase is not otherwise provided for by the general assembly in an appropriation bill, resulting from the annual review of the merit pay plan as provided in subsection 2 of section 19A.9. The appropriation herein provided shall be in effect from the effective date of ~~approval by the executive council~~ the revised pay plan to the end of the fiscal biennium in which it becomes effective.

Sec. 75. Section 321.178, subsection 2, paragraph a, Code Supplement 1991, is amended to read as follows:

a. Any A person between sixteen and eighteen years of age who is not in attendance at school or who is in attendance in a public or private school where an approved driver's education course is not offered or available, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment, without having completed an approved driver's education course. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents ~~of to and from~~ temporary

care facilities if necessary to maintain the person's employment and upon receipt of a written statement from the public or private school that an approved course in driver's education was not offered or available to the person, if applicable. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen. The person shall not have a restricted license revoked or suspended upon re-entering reentering school prior to age eighteen provided if the student enrolls in and completes the classroom portion of an approved driver's education course as soon as a course is available.

Sec. 76. Section 321.376, subsection 1, Code Supplement 1991, is amended to read as follows:

1. The driver of a school bus shall hold a school bus driver's permit issued annually by the department of education and a driver's license issued by the department of transportation valid for the operation of the school bus. The department of education shall charge a fee for the issuance of a school bus driver's permit in the amount of five dollars, which shall be deposited in the general fund of the state. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department of education shall revoke or refuse to issue a permit to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for the revocation and issuance of permits to persons. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation of, or refusal to issue, permits to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

Sec. 77. Section 321I.1, subsection 4, Code 1991, is amended by striking the subsection.

Sec. 78. Section 321I.10, Code 1991, is amended to read as follows:

321I.10 MISREPRESENTATIONS OF STATE APPROVAL.

It is unlawful for any a motor vehicle service contract provider to represent or imply in any manner that the provider has been sponsored, recommended, or approved or that the provider's abilities or qualifications have in any respect been passed upon by the securities department bureau, the insurance division, or the state of Iowa.

Sec. 79. Section 324.6, Code 1991, is amended to read as follows:

324.6 GASOLINE-BLENDBERS ETHANOL BLENDED GASOLINE BLENDER'S LICENSE.

Any A person other than a distributor licensed under this division, who blends motor fuel containing at least ten percent alcohol distilled from agricultural products, shall obtain a blender's license. The license shall be obtained by following the procedure as set forth in section 324.4 and the license ~~shall be~~ is subject to the same restrictions as contained ~~therein~~ in that section. Each blender shall maintain records as required by section 324.10 as to motor fuel, alcohol, and ~~gasohol~~ ethanol blended gasoline.

Sec. 80. Section 327F.39, subsection 2, paragraph c. Code 1991, is amended to read as follows.

c. Be operated in compliance with all state and federal regulations pertaining to driving, loading, carrying freight and employees, road warning devices, and the transportation of flammable and ~~inflammable~~ material.

Sec. 81. Section 330B.7, subsection 4, Code Supplement 1991, is amended to read as follows:

4. The membership of the board of commissioners shall be gender balanced if possible. The appointing authorities shall comply with the requirements of section 69.16A or to similar

laws of the state of Illinois as determined by the appointing authorities. The appointing authorities shall also provide representation for racial groups residing in the metropolitan area based on the ratio of the racial population to the population as a whole.

Sec. 82. Section 130B.9, subsection 3, Code Supplement 1991, is amended to read as follows:

3. Each commissioner shall comply with restrictions relating to conflicts of interests or acceptance of gifts as provided in chapter 68B or to similar laws of the state of Illinois as determined by the board.

Sec. 83. Section 311.602, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall be legible and reproducible, and shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures. The instruments shall be no larger than eight and one-half inches by fourteen inches except as otherwise provided in section 409.317-subsection-2 409A.18, or except as otherwise authorized by the recorder.

Sec. 84. Section 364.16, Code 1991, is amended to read as follows:

364.16 MUNICIPAL FIRE PROTECTION.

Each city shall provide for the protection of life and property against fire and may establish, house, equip, staff, uniform and maintain a fire department. A city may establish fire limits and may, consistent with code standards promulgated by nationally recognized fire prevention agencies, regulate the storage, handling, use, and transportation of all inflammables flammables, combustibles, and explosives within

the corporate limits and inspect for and abate fire hazards. A city may provide conditions upon which the fire department will answer calls outside the corporate limits or the territorial jurisdiction and boundary limits of this state. A city ~~shall have~~ has the same governmental immunity outside its corporate limits when providing fire protection as when operating within the corporate limits. Fire fighters operating equipment on calls outside the corporate limits ~~shall be~~ are entitled to the benefits of chapter 410 or 411 when otherwise qualified.

Sec. 85. Section 445.1, subsections 2 and 7, Code Supplement 1991, are amended to read as follows:

2. "Compromise" means to enter into a contractual agreement for the payment of taxes, ~~interests~~ interest, fees, and costs in amounts different from those specified by law.

7. "Total amount due" means the aggregate total of all taxes, penalties, ~~interests~~ interest, costs, and fees due on a parcel.

Sec. 86. Section 446.19, Code Supplement 1991, is amended to read as follows:

446.19 COUNTY OR CITY AS PURCHASER.

When a parcel is offered at a tax sale under section 446.18, and no bid is received, or if the bid received is less than the total amount due, the county in which the parcel is located, through its board of supervisors, shall bid for the parcel a sum equal to the total amount due. Money shall not be paid by the county or other tax-levying ~~and or~~ tax-certifying body for the purchase, but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the ~~levying-and~~ tax-levying or tax-certifying body as its just share of the purchase price.

This section does not prohibit a governmental agency or political subdivision from bidding at the sale for a parcel to protect its interests. When a bid is received by from a city

in which the parcel is located, money shall not be paid by the city, but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the ~~levying and tax-levying or tax-certifying bodies~~ body as its just share of the purchase price.

Sec. 87. Section 455B.133, subsection 2, Code Supplement 1991, is amended to read as follows:

2. Adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution. The rules may include those that are necessary to obtain approval of the state implementation plan under section 110 of the federal Clean Air Act as amended through January 1, ~~1979~~ 1991.

Sec. 88. Section 455B.133, subsection 4, unnumbered paragraph 1, and paragraph a, subparagraph (1), Code Supplement 1991, are amended to read as follows:

Adopt, amend, or repeal emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to ~~through~~ through January 1, ~~1990~~ 1991. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has not promulgated a standard. This also does not prohibit the commission from adopting an emission standard or limitation for infectious medical waste treatment or disposal facilities which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to ~~through~~ through January 1, 1991. The commission shall not adopt an emission standard or limitation for infectious medical waste treatment or disposal

facilities prior to January 1, 1995, which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act, as amended to ~~through~~ through January 1, 1991, for a hospital, or a group of hospitals, licensed under chapter 135B which has been operating an infectious medical waste treatment or disposal facility prior to January 1, 1991.

(1) The commission shall establish standards of performance unless in the judgment of the commission it is not feasible to adopt or enforce a standard of performance. If it is not feasible to adopt or enforce a standard of performance, the commission may adopt a design, equipment, material, work practice or operational standard, or combination of those standards in order to establish reasonably available control technology or the lowest achievable emission rate in nonattainment areas, or in order to establish best available control technology in areas subject to prevention of significant deterioration review, or in order to adopt the emission limitations promulgated by the administrator of the United States environmental protection agency under section 111 or 112 of the federal Clean Air Act as amended to ~~through~~ through January 1, ~~1979~~ 1991.

Sec. 89. Section 455B.133, subsection 8, Code Supplement 1991, is amended to read as follows:

8. Adopt rules consistent with the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, which require the owner or operator of an air contaminant source to obtain an operating permit prior to operation of the source. The rules shall specify the information required to be submitted with the application for a permit and the conditions under which a permit may be granted, modified, suspended, terminated, revoked, reissued, or denied. The commission may impose fees, including fees upon regulated pollutants emitted from an air contaminant source, in an amount sufficient to cover all

reasonable costs, direct and indirect, required to develop and administer the permit program in conformance with the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549. In the case of affected sources and affected units regulated under Title IV of the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, such fees shall be collected only as provided in and upon submission of an application pursuant to section 408 of the federal Act. The fees collected pursuant to this subsection shall be deposited in the air contaminant source fund created pursuant to section 455B.133B, and shall be utilized solely to cover all reasonable costs required to develop and administer the programs required by Title V of the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, including the permit program pursuant to section 502 of the federal Act and the small business stationary source technical and environmental assistance program pursuant to section 507 of the federal Act.

Sec. 90. Section 455B.133A, subsection 1, Code Supplement 1991, is amended to read as follows:

1. Beginning July 1, 1991, and thereafter until such time as the operating permit fee is established by rule of the commission, and approved by the United States environmental protection agency under section 502(b) of the federal Clean Air Act Amendments of 1990, an annual fee of twenty-five dollars per ton of the hazardous air pollutants included in Title III of the federal Clean Air Act Amendments of 1990 shall be paid by the affected sources. The fee paid shall be based upon the air emissions of such pollutants as reported or estimated by the source in the previous calendar year.

A source required to report hazardous air pollutant emissions under section 313 of EPCRA shall pay a fee based upon the most recently reported emissions. A person shall pay the established fee for hazardous air pollutants which are not included in section 313 of EPCRA, but which are included in Title III of the federal Clean Air Act Amendments of 1990,

based upon the facility's estimates of emissions as required by section 313 of EPCRA including threshold determinations and de minimus exclusions.

Sec. 91. Section 455B.133B, subsection 1, Code Supplement 1991, is amended to read as follows:

1. An air contaminant source fund is created in the office of the treasurer of state under the control of the department. Moneys received from the fees assessed pursuant to sections 455B.133A and 455B.133, subsection 8, shall be deposited in the fund. Moneys collected pursuant to section 455B.133, subsection 8, shall be used solely to defray the costs related to the permit, monitoring, and inspection program, including the small business stationary source technical and environmental compliance assistance program required pursuant to the federal Clean Air Act Amendments of 1990, sections 502 and 507, Pub. L. No. 101-549. Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Notwithstanding section 453.7, any interest and earnings on investments from money in the fund shall be credited to the fund.

Sec. 92. Section 455B.133B, subsection 2, paragraph a, Code Supplement 1991, is amended to read as follows:

a. To prepare, submit, and obtain approval of the permit program plan required by section 502(d) of the federal Clean Air Act Amendments of 1990.

Sec. 93. Section 455B.149, Code 1991, is amended to read as follows:

455B.149 ENERGY OR ECONOMIC EMERGENCY.

1. Upon application by the owner or operator of a fuel-burning stationary source, and after notice and opportunity for public hearing, the commission may petition the president, under section 110, subsection "f," paragraph 1 of the federal Clean Air Act as amended ~~to~~ through January 1, 1979 ~~1991~~, for a determination that a national or regional energy emergency exists. If the president determines an emergency exists, the

commission may suspend any requirement of this division or a rule or permit issued under this division. A temporary emergency suspension under this subsection shall be issued only if there exists in the vicinity of the source a temporary emergency involving high levels of unemployment or loss of necessary energy supplies for residential buildings and if the unemployment or loss can be totally or partially alleviated by the suspension. Only one suspension may be issued for a source on the basis of the same set of circumstances or on the basis of the same emergency. A suspension shall remain in effect for a maximum of four months. The commission may include in a suspension a provision directing the director to delay for a period identical to the period of the suspension a compliance schedule or increment of progress to which the source is subject under section 455B.138, if the source is unable to comply with the schedule or increment solely because of the conditions on the basis of which the suspension was issued.

2. If a plan revision has been submitted to the administrator of the United States environmental protection agency under section 110 of the federal Clean Air Act as amended to through January 1, ~~1979~~ 1991, and if the commission determines that the revision meets the requirements of that section and the revision is necessary to prevent the closing of an air contaminant source for one year or more and to prevent substantial increases in unemployment which would result from the closing, and if the administrator has not approved or disapproved within the required four-month period, the commission may issue a temporary emergency suspension of the part of the applicable implementation plan which is proposed to be revised with respect to the source. The determination under this subsection shall not be made with respect to a source which would close without regard to whether or not the proposed plan revision is approved. A temporary emergency suspension issued under this subsection

shall remain in effect for a maximum of four months. A temporary emergency suspension under this subsection may include a provision directing the director to delay for a period identical to the period of the suspension a compliance schedule or increment of progress to which the source is subject under section 119 of the federal Clean Air Act as in effect prior to August 7, 1977, or section 113, subsection "d" of the federal Clean Air Act as amended to through January 1, ~~1979~~ 1991, upon a finding that the source is unable to comply with the schedule or increment solely because of the conditions on the basis of which a suspension was issued under this subsection.

Sec. 94. Section 455B.390, subsection 3, Code 1991, is amended to read as follows:

3. The storage, transportation, handling, or use of ~~inflammable~~ flammable liquids, combustibles, and explosives, control over which is exercised by the state fire marshal under chapter 100.

Sec. 95. Section 455B.474, subsection 1, paragraph h, Code Supplement 1991, is amended to read as follows:

h. Issuance of a monitoring certificate for sites classified as low risk pursuant to paragraph "f". A monitoring certificate ~~shall be~~ is valid until the site is reclassified as a no action required site. A site which has been issued a monitoring certificate ~~shall be~~ is not be eligible to receive a clean site certificate under section 455B.304, subsection 15, until the site is reclassified as a no risk action required site.

Sec. 96. Section 468.27, Code Supplement 1991, is amended to read as follows:

468.27 DISMISSAL OR ESTABLISHMENT -- PERMANENT EASEMENT.

The board shall at ~~said~~ the meeting, or at an adjourned session thereof of the meeting, consider the costs of construction of ~~said~~ the improvement as shown by the reports of the engineer and the amount of damages and compensation

awarded to all claimants, and if, in its opinion, such the costs of construction and amount of damages awarded create a greater burden than should justly be borne by the lands benefited by the improvement, it shall then dismiss the petition and assess the costs and expenses to the petitioners and their sureties, but if it finds that such the cost and expense is not a greater burden than should be justly borne by the land benefited by the improvement, it shall finally and permanently locate and establish said the district and improvement.

Following its establishment, the drainage district is deemed to have acquired by permanent easement all right-of-way for drainage district ditches, tile lines, settling basins and other improvements, unless they are acquired by fee simple, in the dimensions shown on the survey and report made in compliance with sections 468.11 and 468.12 or as shown on the permanent survey, plat and profile, if one is made. The filing of Upon the establishment of the district, the petitioners shall file with the county auditor the survey and report or permanent survey, plat, and profile, as set forth in sections 468.172 and 468.173; shall constitute. This filing constitutes constructive notice to all persons of the rights conferred by this section. The permanent easement includes the right of ingress and egress across adjoining land and the right of access for maintenance, repair, improvement, and inspection. The owner or lessee shall be reimbursed for any crop damages incurred in the maintenance, repair, improvement, and inspection except within the right-of-way of the drainage district.

~~Upon the establishment of the drainage district, the petitioners shall file with the county auditor the survey and report or the permanent survey, plat, and profile, if one was made, and this filing shall be constructive notice of a permanent right-of-way easement.~~

Sec. 97. Section 476.44, subsection 2, Code 1991, is amended to read as follows:

2. An electric utility shall not be required to purchase, at any one time, more than fifteen megawatts of power from alternate energy production and small hydro facilities.

Sec. 98. Section 477.9A, Code 1991, is amended to read as follows:

477.9A DEREGULATED SERVICES.

A telegraph or telephone company whose services are deregulated by the board under section 476:1 476.1D may use public notice as a means of conveying terms and conditions to customers where identification of those customers is infeasible or impractical. Public notice may also be used to convey changes in terms and conditions, other than price increases or limitations of liability, to all other customers, but only if those customers were put on notice that this means would be used to convey subsequent changes. Notwithstanding section 477.7, when services are deregulated by the board under section 476:1 476.1D, a telegraph or telephone company, in any contract, agreement, or by means of public notice, may reasonably limit its liability under section 477.7 in the course of providing the deregulated communications services to its customers, except for acts of willful misconduct. However, this section shall does not be construed to allow a greater limitation on liability than exists in any contract or approved tariff as of the effective date of the deregulation of the services.

Sec. 99. Section 477C.7, subsection 2, Code Supplement 1991, is amended to read as follows:

2. The assessment shall be levied upon revenues from all intrastate regulated, deregulated services, and exempt telephone services under section ~~sections~~ 476.1 and 476.1D.

Sec. 100. Section 515.150, subsection 4, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

A reserve for demolition costs is no longer required if as a result of either of the following is true:

Sec. 101. Section 5160.3, subsection 7, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

"Material restriction" means a restriction, limitation, or other requirement which significantly affects the price of, normal anticipated use of, or a consumer's customer's financial responsibility for, a rental vehicle. Restrictions against any or all of the following activities in connection with the acquisition or use of a rental vehicle are not material restrictions:

Sec. 102. Section 5230.6, subsection 1, paragraph o, Code Supplement 1991, is amended to read as follows:

o. A statement that a prospective resident or resident shall be given the opportunity to appoint a personal representative in the prospective resident's or resident's contract. The personal representative shall receive copies of the contract and all notices, disclosures, or forms required by this chapter to be delivered to a prospective resident or resident. A personal representative appointed under this section has no legal authority to make any decision for the prospective resident or resident appointing the person to be a personal representative. The personal representative may advise the prospective resident or resident as to the materials provided. A personal representative shall not be affiliated or associated with a provider or any person identified in section 5230.3, subsection 1, paragraph "b" or "c", and shall not be a prospective resident or resident.

Sec. 103. Section 534.103, subsection 3, Code Supplement 1991, is amended to read as follows:

3. LOCK BOXES. Any association may own and rent to its members; lock boxes for storage or safekeeping of securities and valuables.

Sec. 104. Section 534.408, subsection 1, unnumbered paragraph 2, Code Supplement 1991, is amended by striking the unnumbered paragraph.

Sec. 105. Section 546.7, Code Supplement 1991, is amended to read as follows:

546.7 UTILITIES DIVISION.

The utilities division shall regulate and supervise public utilities operating in the state. The division shall enforce and implement chapters 476, 476A, 477C, 478, 479, and 479A and shall perform other duties assigned to it by law. The division is headed by the administrator of public utilities who shall be appointed by the governor pursuant to section 474.1.

Sec. 106. Section 546.11, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Notwithstanding this section and sections 476.10, 524.207, 533.67, ~~534.400~~, 546.9, and 546.10 directing the utilities division, banking division, credit union division, ~~savings and loan division~~, alcoholic beverages division, and the professional licensing division to transfer from appropriated trust funds to the administrative services trust fund the division's share of administrative services and directing that costs for administrative services provided by the department to the divisions be paid from the administrative services trust fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all expenses for administrative services shall be paid from appropriations made from the general fund of the state for these expenses.

Sec. 107. Section 598.42, Code Supplement 1991, is amended to read as follows:

598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

The clerk of the district court shall provide ~~or~~ notice and copies of temporary or permanent protective orders and orders to vacate the homestead entered pursuant to this chapter to the applicable law enforcement agencies and the

twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide oral or other notice and copies of modifications or vacations of these orders in the same manner.

Sec. 108. Section 601A.15A, subsection 2, paragraph d, Code Supplement 1991, is amended to read as follows:

d. A mediation agreement shall be made public unless the complainant and respondent agree otherwise, and the commission determines that disclosure is not necessary to further the purposes of this chapter relating to unfair or discrimination discriminatory practices in housing or real estate.

Sec. 109. Section 602.1206, subsection 2, Code 1991, is amended to read as follows:

2. Supreme court rules shall be published as provided in section ~~14:127-subsection-7~~ 14.5.

Sec. 110. Section 602.4201, subsection 2, Code 1991, is amended to read as follows:

2. Rules of appellate procedure relating to appeals to and review by the supreme court, discretionary review by the courts of small claims actions, review by the supreme court by writ of certiorari to inferior courts, appeal to or review by the court of appeals of a matter transferred to that court by the supreme court, and further review by the supreme court of decisions of the court of appeals, shall be known as "Rules of Appellate Procedure", and shall be published as provided in section ~~14:127-subsection-7~~ 14.5.

Sec. 111. Section 602.8102, subsection 79, Code Supplement 1991, is amended to read as follows:

79. Collect on behalf of, and pay to, the auditor treasurer the fee for the transfer of real estate as provided in section 558.66.

Sec. 112. Section 602.8102, subsection 152, Code Supplement 1991, is amended to read as follows:

152. Maintain a ready calendar trial certificate list as provided in R.C.P. 181.1, Ia. Ct. Rules, 3d ed.

Sec. 113. Section 602.8102, subsection 153, Code Supplement 1991, is amended by striking the subsection.

Sec. 114. Section 602.8102, subsection 156, Code Supplement 1991, is amended to read as follows:

156. Mail a copy notice of the filing of the referee's, auditor's, or examiner's report to the attorneys of record as provided in R.C.P. 214, Ia. Ct. Rules, 3d ed.

Sec. 115. Section 614.14, subsection 2, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

However, this ~~section~~ subsection shall not apply if the legal action is commenced by filing a petition of and service of notice within ten years of the recording of the conveyance.

Sec. 116. Section 607.2, subsection 10, Code 1991, is amended to read as follows:

10. The depositing or storing of inflammable flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of any a city, unless ~~it~~ be in a building of fireproof construction, is a public nuisance.

Sec. 117. Section 702.11, Code Supplement 1991, is amended to read as follows:

702.11 FORCIBLE FELONY.

A "forcible felony" is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, or burglary in the first degree. However, sexual abuse in the third degree committed between spouses, sexual abuse in violation of section 709.4, subsection 2, paragraph "c", subparagraph (4), or sexual exploitation abuse by a counselor or therapist in violation of section 709.15, is not a "forcible felony".

Sec. 118. Section 708.2A, subsection 5, Code Supplement 1991, is amended to read as follows:

5. The clerk of the district court shall provide ~~oral~~ or other notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide ~~oral~~ or other notice and copies of modifications of the judgment in the same manner.

Sec. 119. Section 709.15, subsection 1, paragraph f, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

"Sexual abuse by a counselor or therapist" occurs when either one or both more of the following are found:

Sec. 120. Section 727.2, Code 1991, is amended to read as follows:

727.2 FIREWORKS.

The term "fireworks" ~~shall mean and include~~ includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and ~~shall include~~ includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and ~~any~~ fireworks containing any explosive or ~~inflammable~~ flammable compound, or other device containing any explosive substance. The term "fireworks" ~~shall~~ does not include goldstar-producing sparklers on wires which contain no magnesium or chlorate or perchlorate, no flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, nor toy snakes which contain no mercury, ~~nor~~ or caps used in cap pistols.

~~PARAGRAPH DIVIDED. Except as hereinafter provided, any~~ A person, firm, copartnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any fireworks, commits a serious misdemeanor; ~~provided,~~ However, the council of any a city or the a county board of supervisors may, upon application in writing, grant a permit

for the display of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by such the city or such the county board of supervisors when such the fireworks display will be handled by a competent operator, but no such permit shall be required for such the display of fireworks at the Iowa state fairgrounds by the Iowa state fair board, ~~nor of at~~ incorporated county fairs, ~~nor of or at~~ district fairs receiving state aid. Sales of fireworks for such display may be made for that purpose only; ~~provided further, that nothing in this section shall be construed to.~~

~~PARAGRAPH DIVIDED. This section does not prohibit any~~ the sale by a resident, dealer, manufacturer, or jobber from ~~selling of~~ such fireworks as are not herein prohibited; by this section, or the sale of any kind of fireworks provided the same if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization; ~~and provided further that nothing in this section shall.~~

~~PARAGRAPH DIVIDED. This section does not apply to any~~ substance or composition prepared and sold for medicinal or fumigation purposes.

Sec. 121. Section 902.9, unnumbered paragraph 2, Code 1991, is amended to read as follows:

The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by that section, and is not a part of or subject to the maximums set in this section.

Sec. 122. Section 910A.11, subsection 5, Code Supplement 1991, is amended to read as follows:

5. The clerk of the district court shall provide oral or other notice and copies of restraining orders issued pursuant to this section in a criminal case involving an alleged

violation of section 708.2A to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide oral or other notice and copies of modifications or vacations of these orders in the same manner.

Sec. 123. Section 18.98, Code 1991, is repealed.

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2172, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 28, 1992

TERRY E. BRANSTAD
Governor