

Sec. 51. 1990 Iowa Acts, chapter 1234, section 76, as amended by 1991 Iowa Acts, chapter 213, section 35, is amended to read as follows:

SEC. 76. Sections 515A.1 through 515A.19, Code 1989, are repealed effective July 1, ~~1993~~ 1994.

Sec. 52. Section 508.9, as amended by this Act, does not affect a life insurance company authorized to transact business in Iowa on or before July 1, 1990.

Approved April 28, 1992

## CHAPTER 1163

### NONSUBSTANTIVE CODE CORRECTIONS

*H.F. 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. ~~4. 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 bound 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 Tucson Tucson drive, then proceeding north along Tucson 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 south-~~  
~~westerly~~ 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 Highwood 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~~ 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~~ 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~~ the stamps at a price equal to the amount paid for ~~such the~~ 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~~ the refund. In making ~~such the~~ the refund, the department shall prepare a voucher showing the amount of refund due and to whom payable and ~~the comptroller shall then~~ the director shall then issue a warrant upon order of the director to pay ~~such the~~ 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

televisе 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 televisе 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 televisе 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 99D.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~~ 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 3, 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 7, 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 190.1, subsections 6 and 38 to 57, 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 ~~1~~ 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 ~~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 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 vacations 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 pilot project under this section are the deadlines specified in section 256.18 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 279.43, 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~~ 257.16.

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~~ 280.4, 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 ~~442.26~~ 257.16 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 ~~test~~ 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~~ 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~~ 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 BLENDERS 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 330B.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 331.602, 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 ~~409.31,~~ 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 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 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 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 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~~ 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 516D.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 523D.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 523D.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, ~~534.408~~, 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 ~~oral or other~~ 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 ~~disrimination~~ 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 ~~14.12, 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 ~~14.12, 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 657.2, 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.