

2. For purposes of obtaining the approval of the beneficiaries of a trust by agreement or by the court, the doctrine of virtual representation shall apply.

3. The court shall approve the amendment unless it determines that the proposed amendment will defeat or substantially impair the accomplishment of the trust purposes.

4. The effective date of an amendment shall be specified by the document, agreement, or order making or approving the amendment and the jurisdiction of the court shall be limited to the amendment proceeding unless the trust is being administered subject to court supervision.

Sec. 13. NEW SECTION. 633.703B AVAILABILITY OF AMENDMENT PROCEDURES.

Amendment procedures in this chapter shall be available to trusts created in any manner, whether by trust agreement, will, deed, or otherwise, and may be used on or after July 1, 1994, for any trust created before or after that date.

Approved May 4, 1994

CHAPTER 1154

HIV-RELATED TESTING OF CERTAIN OFFENDERS

H.F. 2149

AN ACT relating to HIV-related testing of convicted sexual assault offenders.

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

Section 1. Section 80.9, subsection 2, paragraph d, Code 1993, is amended to read as follows:

d. To collect and classify, and keep at all times available, complete information useful for the detection of crime, and the identification and apprehension of criminals. Such information shall be available for all peace officers within the state, under such regulations as the commissioner may prescribe; The provisions of chapter 141 do not apply to the entry of human immunodeficiency virus-related information by criminal justice agencies, as defined in section 692.1, into the Iowa criminal justice information system or the national crime information center system. The provisions of chapter 141 also do not apply to the transmission of the same information from either or both information systems to criminal justice agencies. The provisions of chapter 141 also do not apply to the transmission of the same information from either or both information systems to employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the jurisdiction of the department of human services, and employees of city and county jails, if those employees have direct physical supervision over inmates of those facilities or institutions. Human immunodeficiency virus-related information shall not be transmitted over the police radio broadcasting system under chapter 693 or any other radio-based communications system. An employee of an agency receiving human immunodeficiency virus-related information under this section who communicates the information to another employee who does not have direct physical supervision over inmates, other than to a supervisor of an employee who has direct physical supervision over inmates for the purpose of conveying the information to such an employee, or who communicates the information to any person not employed by the agency or uses the information outside the agency is guilty of a class "D" felony. The commissioner shall adopt rules regarding the transmission of human immunodeficiency virus-related information including provisions for maintaining confidentiality of the information. The rules shall include a requirement that persons receiving information from the Iowa criminal justice information system or the national crime information center system receive training regarding confidentiality standards applicable to the information received from the system. The commissioner shall develop and establish, in cooperation with the department of corrections and

the Iowa department of public health, training programs and program criteria for persons receiving human immunodeficiency virus-related information through the Iowa criminal justice information system or the national crime information center system.

Sec. 2. Section 141.6, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. In addition to the provisions for partner notification provided under this section and notwithstanding any provision to the contrary, a county medical examiner or deputy medical examiner performing official duties pursuant to sections 331.801 through 331.805 or the state medical examiner or deputy medical examiner performing official duties pursuant to chapter 691, who determines through an investigation that a deceased person was infected with the human immunodeficiency virus, may notify the immediate family and any identified partners of the deceased of the finding.

Sec. 3. Section 141.23, subsection 1, Code Supplement 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the department of human services, and employees of city and county jails, if the employees have direct supervision over inmates of those facilities or institutions, in the exercise of the duties prescribed pursuant to section 80.9, subsection 2, paragraph "d".

Sec. 4. Section 709B.1, subsection 2, Code Supplement 1993, is amended to read as follows:

2. "Convicted offender" means a person convicted of a sexual assault or a juvenile who has been adjudicated delinquent for an act of sexual assault.

Sec. 5. Section 709B.2, subsection 1, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

If a person is convicted of sexual assault or adjudicated delinquent for an act of sexual assault, the county attorney, if requested by the petitioner, shall petition the court for an order requiring the ~~person~~ convicted offender to submit to an HIV-related test, provided that all of the following conditions are met:

Sec. 6. Section 709B.2, subsection 1, paragraph a, Code Supplement 1993, is amended to read as follows:

a. The sexual assault for which the offender was convicted or adjudicated delinquent included sufficient contact between the victim and the convicted offender to be deemed a significant exposure pursuant to section 709B.1.

Sec. 7. Section 709B.2, subsection 4, paragraph a, Code Supplement 1993, is amended to read as follows:

a. A hearing under this section shall be conducted in an informal manner consistent with orderly procedure and in accordance with the Iowa rules of evidence. The hearing shall be limited in scope to the review of questions of fact only as to the issue of whether the sexual assault for which the offender was convicted or adjudicated delinquent provided sufficient contact between the victim and the convicted offender to be deemed a significant exposure and to questions of law.

Sec. 8. Section 709B.2, subsection 5, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Following the hearing, the court ~~may~~ shall require a convicted offender to undergo an HIV-related test only if the petitioner proves all of the following by a preponderance of the evidence:

Sec. 9. Section 709B.3, subsection 14, Code Supplement 1993, is amended to read as follows:

14. In addition to persons to whom disclosure of the results of a convicted offender's HIV-related test results is authorized under this chapter, the victim may also disclose the results

to the victim's spouse, persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault, or members of the victim's family within the ~~third~~ fourth degree of consanguinity.

Approved May 4, 1994

CHAPTER 1155

LOCAL GOVERNMENT FLOOD DAMAGE LOAN PROGRAM

H.F. 2435

AN ACT relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date.

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

Section 1. NEW SECTION. 16.181 LEGISLATIVE FINDINGS.

1. Certain Iowa municipalities, counties, and other public bodies within the state have experienced damage to public property due to the severe 1993 summer weather, including floods and high water.

2. The cost of repairing such damage, not reimbursed by insurance, federal assistance, or other means, has placed severe financial burdens upon these municipalities, counties, and other public bodies.

3. There currently exists a shortage of low cost means by which these municipalities, counties, and other public bodies can borrow or otherwise acquire funds to repair the damage.

4. The availability of loan funds from the authority will reduce the financing difficulties faced by these municipalities, counties, and other public bodies and permit them to continue to repair the damage and maintain their operations.

5. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned, or granted.

Sec. 2. NEW SECTION. 16.182 ESTABLISHMENT OF 1993 LOCAL GOVERNMENT FLOOD DAMAGE PROGRAM — DEFINITIONS.

1. The authority shall establish a 1993 local government flood damage program to make loans to municipalities for the purpose of repair of damage to their public property by reason of flood and water damage or for the purpose of constructing new flood control barriers or facilities located only within the incorporated boundaries of a city. The authority may issue its bonds or notes, or series of bonds or notes, for the purpose of funding the loans and may make secured loans to municipalities for the purposes on terms the authority determines.

2. For purposes of section 16.181, this section, and sections 16.183 through 16.186:

a. "Flood loss" means any damage to property of a municipality caused directly or indirectly by reason of the 1993 summer weather, flooding, or water problems.

b. "Municipality" means a public body that has sustained flood damage including, but not limited to, cities, counties, school corporations, entities created under chapter 28E, municipal utility boards, and judicial district departments of correctional services of this state.

c. "Program" means the 1993 local government flood damage program established by the authority pursuant to this section.