

House File 782

Bill Text

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1 2 HOUSE FILE 782
1 3
1 4 AN ACT
1 5 RELATING TO PUBLIC EXPENDITURE AND REGULATORY MATTERS,
1 6 MAKING APPROPRIATIONS, AND PROVIDING EFFECTIVE DATES.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 DIVISION I
1 11 MH/MR/DD ALLOWED GROWTH
1 12 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 13 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT
1 14 AND ALLOCATIONS. There is appropriated from the general fund
1 15 of the state to the department of human services for the
1 16 fiscal year beginning July 1, 2000, and ending June 30, 2001,
1 17 the following amount, or so much thereof as is necessary, to
1 18 be used for the purpose designated:
1 19 For distribution to counties of the county mental health,
1 20 mental retardation, and developmental disabilities allowed
1 21 growth factor adjustment, in accordance with section 331.438,
1 22 subsection 2, and section 331.439, subsection 3, and chapter
1 23 426B:
1 24 \$ 21,773,602
1 25 The funding appropriated in this section is the allowed
1 26 growth factor adjustment of 1.57 percent for fiscal year 2000-
1 27 2001, and is allocated as follows:
1 28 1. For distribution to counties for fiscal year 2000-2001
1 29 in accordance with the formula in section 331.438, subsection
1 30 2, paragraph "b":
1 31 \$ 12,000,000
1 32 2. For deposit in the per capita expenditure target pool
1 33 created in the property tax relief fund pursuant to section
1 34 426B.5, subsection 1:
1 35 \$ 5,773,602
2 1 3. For deposit in the incentive and efficiency pool
2 2 created in the property tax relief fund pursuant to section
2 3 426B.5, subsection 2:
2 4 \$ 2,000,000
2 5 4. For deposit in the risk pool created in the property
2 6 tax relief fund pursuant to section 426B.5, subsection 3:
2 7 \$ 2,000,000
2 8 DIVISION II
2 9 LOTTERY PROCEEDS
2 10 Sec. 2. Section [99E.10](#), subsection 1, unnumbered paragraph
2 11 3, Code 1999, is amended to read as follows:
2 12

~~The committing the lottery to environment, agriculture, and~~

2 13

~~natural resources fund, also to be known as the CLEAN fund, is~~

2 14

~~created in the office of the treasurer of state.~~

- Lottery

2 15 revenue remaining after expenses are determined shall be

2 16 transferred to the

~~CLEAN~~

- general fund of the state on a

2 17 monthly basis.

~~Revenues generated during the last month of~~

- 2 18

~~the fiscal year which are transferred to the CLEAN fund during~~

- 2 19

~~the following fiscal year shall be considered revenues~~

- 2 20

~~transferred during the previous fiscal year for purposes of~~

- 2 21

~~the allotments made to and appropriations made from the~~

- 2 22

~~separate accounts in the CLEAN fund for that previous fiscal~~

- 2 23

~~year.~~

- However, upon the request of the director and subject

2 24 to approval by the treasurer of state, an amount sufficient to

2 25 cover the foreseeable administrative expenses of the lottery

2 26 for a period of twenty-one days may be retained from the

2 27 lottery revenue. Prior to the monthly transfer to the

~~CLEAN~~

- 2 28 general fund of the state, the director may direct that

2 29 lottery revenue shall be deposited in the lottery fund and in

2 30 interest-bearing accounts designated by the treasurer of state

2 31 in the financial institutions of this state or invested in the

2 32 manner provided in section 12B.10. Interest or earnings paid

2 33 on the deposits or investments is considered lottery revenue

2 34 and shall be transferred to the

~~CLEAN~~

- general fund of the

2 35 state in the same manner as other lottery revenue.

~~Money in~~

- 3 1

~~the CLEAN fund shall be deposited in interest bearing accounts~~

- 3 2

~~in financial institutions in this state or invested in the~~

- 3 3

~~manner provided in section 12B.10. The interest or earnings~~

3 4

~~on the deposits or investments shall be considered part of the~~

3 5

~~CLEAN fund and shall be retained in the fund unless~~

3 6

~~appropriated by the general assembly.~~

3 7 Sec. 3. Section [99E.10](#), subsection 2, Code 1999, is
3 8 amended to read as follows:

3 9 2. The director of management shall not include lottery
3 10 revenues in the director's fiscal year revenue estimates.
3 11

~~Moneys in the CLEAN fund shall not be considered a part of the~~

3 12

~~Iowa economic emergency fund.~~

3 13 Sec. 4. Section [99E.20](#), subsection 2, Code 1999, is
3 14 amended to read as follows:

3 15 2. A lottery fund is created in the office of the
3 16 treasurer of state. The fund consists of all revenues
3 17 received from the sale of lottery tickets or shares and all
3 18 other moneys lawfully credited or transferred to the fund.
3 19 The commissioner shall certify monthly that portion of the
3 20 fund that is transferred to the

~~CLEAN~~

~~general fund of the~~

3 21 ~~state~~ under section 99E.10 and shall cause that portion to be
3 22 transferred to the

~~CLEAN~~

~~general~~ fund of the state. The

3 23 commissioner shall certify before the twentieth of each month
3 24 that portion of the ~~lottery~~ fund resulting from the previous
3 25 month's sales to be transferred to the

~~CLEAN~~

~~general~~ fund of
3 26 ~~the state.~~

3 27 Sec. 5. Section [99E.34](#), Code 1999, is repealed.

3 28 DIVISION III
3 29 STATE MEDICAL EXAMINER

3 30 Sec. 6. Section [691.5](#), Code 1999, is amended to read as
3 31 follows:

3 32 691.5 STATE MEDICAL EXAMINER.

3 33 The ~~office and~~ position of state medical examiner is
3 34

~~created under the control, direction, and supervision of the~~

3 35

~~commissioner of public safety. The commissioner of public~~

4 1

~~safety may assign the office of the state medical examiner to~~

~~a division or bureau within the public safety department~~

~~4 3 established for administrative purposes within the Iowa
4 4 department of public health. Other state agencies shall
4 5 cooperate with the state medical examiner in the use of state-
4 6 owned facilities when appropriate for the performance of
4 7 nonadministrative duties of the state medical examiner. The
4 8 state medical examiner shall be a physician and surgeon or
4 9 osteopathic physician and surgeon, be licensed to practice
4 10 medicine in the state of Iowa, and~~

~~possess special knowledge~~

~~4 11~~

~~in~~

~~be board certified or eligible to be board certified in
4 12 anatomic and forensic pathology by the American board of
4 13 pathology. The state medical examiner shall be appointed by
4 14 and serve at the pleasure of the~~

~~commissioner of public safety~~

~~4 15 director of public health upon the advice of and in
4 16 consultation with the director of public safety and the
4 17 governor. The state medical examiner, in consultation with
4 18 the director of public health, shall be responsible for
4 19 developing and administering the medical examiner's budget and
4 20 for employment of medical examiner staff and assistants. The
4 21 state medical examiner may be a faculty member of the college
4 22 of medicine or the college of law at the University of Iowa,
4 23 and any of the examiner's assistants or staff may be members
4 24 of the faculty or staff of the college of medicine or the
4 25 college of law at the University of Iowa.~~

~~4 26 Sec. 7. Section [691.6](#), subsection 3, Code 1999, is amended
4 27 to read as follows:~~

~~4 28 3. To adopt rules pursuant to chapter 17A, and subject to
4 29 the approval of the~~

~~commissioner of public safety~~

~~director of
4 30 public health, with the advice and approval of the state
4 31 medical examiner advisory council~~

~~, regarding the manner and~~

~~4 32~~

~~techniques to be employed while conducting autopsies; the~~

~~4 33~~

~~nature, character, and extent of investigations to be made in~~

~~4 34~~

~~cases of homicide or suspected homicide necessary to allow a~~

~~4 35~~

~~medical examiner to render a full and complete analysis and~~

~~5 1~~

~~report; the format and matters to be contained in all reports~~

5 2

~~rendered by medical examiners; and all other things necessary~~

5 3

~~to carry out this section~~

~~All county medical examiners and~~

5 4

~~peace officers are subject to the rules.~~

5 5 Sec. 8. NEW SECTION. 691.6A DEPUTY STATE MEDICAL
5 6 EXAMINER CREATION AND DUTIES.

5 7 The position of deputy state medical examiner is created
5 8 within the office of the state medical examiner. The deputy
5 9 state medical examiner shall report to and be responsible to
5 10 the state medical examiner. The deputy state medical examiner
5 11 shall meet the qualification criteria established in section
5 12 691.5 for the state medical examiner and shall be subject to
5 13 rules adopted by the state medical examiner as provided in
5 14 section 691.6, subsection 3. The state medical examiner and
5 15 the deputy state medical examiner shall function as a team,
5 16 providing peer review as necessary, fulfilling each other's
5 17 job responsibilities during times of absence, and working
5 18 jointly to provide services and education to county medical
5 19 examiners, law enforcement officials, hospital pathologists,
5 20 and other individuals and entities. The deputy medical
5 21 examiner may be, but is not required to be, a full-time
5 22 salaried faculty member of the department of pathology of the
5 23 college of medicine at the university of Iowa. If the medical
5 24 examiner is a full-time salaried faculty member of the
5 25 department of pathology of the college of medicine at the
5 26 university of Iowa, the Iowa department of public health and
5 27 the state board of regents shall enter into a chapter 28E
5 28 agreement to define the activities and functions of the deputy
5 29 medical examiner, and to allocate deputy medical examiner
5 30 costs, consistent with the requirements of this section.

5 31 Sec. 9. NEW SECTION. 691.6B INTERAGENCY COORDINATING
5 32 COUNCIL.

5 33 An interagency coordinating council is created to advise
5 34 the state medical examiner concerning the assurance of
5 35 effective coordination of the functions and operations of the
6 1 office of the state medical examiner with the needs and
6 2 interests of the departments of public safety and public
6 3 health. Members of the interagency coordinating council shall
6 4 include the state medical examiner, or when the state medical
6 5 examiner is not available, the deputy state medical examiner;
6 6 the commissioner of public safety or the commissioner's
6 7 designee; the director of public health or the director's
6 8 designee; and the governor or the governor's designee. The
6 9 interagency coordinating council shall meet on a regular
6 10 basis.

6 11 Sec. 10. NEW SECTION. 691.6C STATE MEDICAL EXAMINER
6 12 ADVISORY COUNCIL.

6 13 A state medical examiner advisory council is established to
6 14 advise and consult with the state medical examiner on a range
6 15 of issues affecting the organization and functions of the
6 16 office of the state medical examiner and the effectiveness of
6 17 the medical examiner system in the state. Membership of the
6 18 state medical examiner advisory council shall be determined by
6 19 the state medical examiner, in consultation with the director
6 20 of public health, and shall include, but not necessarily be

6 21 limited to, representatives from the office of the attorney
6 22 general, the Iowa county attorneys association, the Iowa
6 23 medical society, the Iowa association of pathologists, the
6 24 Iowa association of county medical examiners, the departments
6 25 of public safety and public health, the statewide emergency
6 26 medical system, and the Iowa funeral directors association.
6 27 The advisory council shall meet on a quarterly or more
6 28 frequent basis, and shall be organized and function as
6 29 established by the state medical examiner by rule.

6 30 Sec. 11. Section [691.7](#), Code 1999, is amended to read as
6 31 follows:

6 32 691.7 COMMISSIONER TO ACCEPT FEDERAL OR PRIVATE GRANTS.

6 33 The commissioner of public safety may accept federal or
6 34 private funds or grants to aid in the establishment or
6 35 operation of the state criminalistics laboratory, and the

7 1

~~commissioner of public safety~~
~~director of public health~~ or the

7 2 state board of regents may accept federal or private funds or
7 3 grants to aid in the establishment or operation of the
7 4 position of state medical examiner.

7 5 Sec. 12. STATE MEDICAL EXAMINER SYSTEM STUDY AND REPORT.

7 6 The state medical examiner, in consultation with the state
7 7 medical examiner advisory council, shall conduct a study
7 8 regarding the organization, needs, and operations of a
7 9 statewide medical examiners system. The study shall consider
7 10 the findings and recommendations of the 1998 consultants'
7 11 report of the national association of medical examiners
7 12 submitted to the commissioner of public safety, and shall
7 13 gather and analyze such additional information as the state
7 14 medical examiner and the advisory council determine necessary.
7 15 The state medical examiner shall make a report of the study's
7 16 recommendations to the governor and the general assembly by
7 17 January 1, 2000. The report shall take into account the
7 18 public health, criminalistic, educational, and advisory
7 19 purposes of the office of the state medical examiner; the
7 20 relationship of the office to and effective utilization by the
7 21 office of existing state, county, and community resources;
7 22 future facility needs for performing autopsies; support for
7 23 forensic activities throughout the state; transportation costs
7 24 to conduct autopsies and to perform other forensic pathology
7 25 activities; and any other factors identified by the state
7 26 medical examiner and the advisory council impacting a quality
7 27 statewide medical examiners system.

7 28 Sec. 13. APPROPRIATIONS FOR STATE MEDICAL EXAMINER. Funds
7 29 appropriated by the general assembly to the department of
7 30 public safety for the position of state medical examiner, and
7 31 for the state medical examiner's office, for the fiscal year
7 32 beginning July 1, 1998, and ending June 30, 1999, which remain
7 33 unobligated shall be transferred to the Iowa department of
7 34 public health on the effective date of this division of this
7 35 Act. Funds appropriated by the general assembly for the
8 1 position of state medical examiner, and for the state medical
8 2 examiner's office, for the fiscal year beginning July 1, 1999,
8 3 and ending June 30, 2000, are appropriated to the Iowa
8 4 department of public health in lieu of the original entity
8 5 designated in the appropriation.

8 6 Sec. 14. EFFECTIVE DATE. This division of this Act, being
8 7 deemed of immediate importance, takes effect upon enactment.

8 8 DIVISION IV
8 9 FISCAL YEAR 1999-2000

8 10 APPROPRIATIONS AND RELATED PROVISIONS

8 11 Sec. 15. Section [8.8](#), Code 1999, is amended to read as
8 12 follows:

8 13 8.8 SPECIAL OLYMPICS FUND APPROPRIATION.

8 14 A special olympics fund is created in the office of the

8 15 treasurer of state under the control of the department of
8 16 management. There is appropriated annually from the general
8 17 fund of the state to the special olympics fund

~~twenty~~
~~thirty~~

8 18 thousand dollars for distribution to one or more organizations
8 19 which administer special olympics programs benefiting the
8 20 citizens of Iowa with disabilities.

8 21 Sec. 16. Section 8.63, subsection 4, Code 1999, is amended
8 22 to read as follows:

8 23 4. a. In order for the innovations fund to be self-
8 24 supporting, the innovations fund committee shall establish
8 25 repayment schedules for each innovation fund loan awarded.
8 26 Agencies shall repay the funds over a period not to exceed
8 27 five years with interest, at a rate to be determined by the
8 28 innovations fund committee.

8 29 b. If the department of management and the department of
8 30 revenue and finance certify that the savings from a proposed
8 31 innovations fund project will result in a net increase in the
8 32 balance of the general fund of the state without a
8 33 corresponding cost savings to the requesting agency, and if
8 34 the requesting agency meets all other eligibility
8 35 requirements, the innovations fund committee may approve the
9 1 loan for the project and not require repayment by the
9 2 requesting agency. There is appropriated from the general
9 3 fund of the state to the department of revenue and finance an
9 4 amount sufficient to repay the loan amount.

9 5 Sec. 17. Section 437A.23, Code 1999, is amended to read as
9 6 follows:

9 7 437A.23 DEPOSIT OF TAX PROCEEDS.

9 8 All revenues received from imposition of the statewide
9 9 property tax shall be deposited in the general fund of the
9 10 state. Fifty percent of the revenues shall be available, as
9 11 appropriated by the general assembly, to the department of
9 12 management for salaries, support, services, and equipment to
9 13 administer the replacement tax. The balance of the revenues
9 14 shall be available, as appropriated by the general assembly,
9 15 to the department of revenue and finance for salaries,
9 16 support, services, and equipment to administer and enforce the
9 17 replacement tax and the statewide property tax.

9 18 Sec. 18. STATEWIDE PROPERTY TAX ADMINISTRATION. There is
9 19 appropriated from the general fund of the state from revenues
9 20 received from the imposition of the statewide property tax
9 21 pursuant to chapter 437A to the following departments for the
9 22 fiscal year beginning July 1, 1999, and ending June 30, 2000,
9 23 the following amounts, or so much thereof as is necessary, to
9 24 be used for the following designated purposes:

9 25 1. To the department of management for salaries, support,
9 26 services, and equipment to administer the replacement tax
9 27 pursuant to chapter 437A and for not more than the following
9 28 full-time equivalent position:

9 29 \$ 75,000
9 30 FTEs 1.00

9 31 2. To the department of revenue and finance for salaries,
9 32 support, services, and equipment to administer and enforce the
9 33 replacement tax and the statewide property tax pursuant to
9 34 chapter 437A:

9 35 \$ 75,000

10 1 Sec. 19. INSTITUTE FOR DECISION MAKING FULL-TIME
10 2 EQUIVALENT POSITIONS. The number of full-time equivalent
10 3 positions authorized for the institute for decision making at
10 4 the university of northern Iowa for the fiscal year beginning
10 5 July 1, 1999, in 1999 House File 745, if enacted, is increased
10 6 by 1 FTE.

10 7 Sec. 20. IOWA LAW ENFORCEMENT ACADEMY. There is
10 8 appropriated from the general fund of the state to the Iowa

10 9 law enforcement academy for the fiscal year beginning July 1,
10 10 1999, and ending June 30, 2000, the following amount, or so
10 11 much thereof as is necessary, to be used for the purposes
10 12 designated:

10 13 For salaries, support, maintenance, and miscellaneous
10 14 purposes to provide statewide coordination of the drug abuse
10 15 resistance education (D.A.R.E.) program:
10 16 \$ 80,000

10 17 DIVISION V
10 18 FISCAL YEAR 1998-1999
10 19 APPROPRIATIONS

10 20 Sec. 21. INTERNATIONAL TRADE OPERATIONS. Notwithstanding
10 21 section 8.33 and section 8.57, subsection 5, paragraph "c",
10 22 unencumbered or unobligated moneys remaining on June 30, 1999,
10 23 from the appropriation made in 1997 Acts, chapter 215, section
10 24 7, subsection 1, paragraph "c", are appropriated to the
10 25 department of economic development for the fiscal year
10 26 beginning July 1, 1999, and ending June 30, 2000, for
10 27 international trade operations, including but not limited to
10 28 travel expenses for designated state officials.

10 29 Sec. 22. REENGINEERING PROJECTS. Notwithstanding section
10 30 8.33, moneys appropriated in 1997 Iowa Acts, chapter 210,
10 31 section 8, subsection 2, that remain unencumbered or
10 32 unobligated at the close of the fiscal year shall not revert
10 33 but shall remain available for expenditure as determined by
10 34 the department of management for the purposes designated until
10 35 the close of the succeeding fiscal year.

11 1 Sec. 23. EXTENDED SCHOOL YEAR GRANT REALLOCATION FOR A
11 2 SCHOOL VIOLENCE CRISIS INTERVENTION TASK FORCE.
11 3 Notwithstanding section 8.33 and section 256.22, subsection 4,
11 4 and in addition to the provisions of 1999 Iowa Acts, Senate
11 5 File 464, section 10, if enacted, from the funds appropriated
11 6 in 1998 Iowa Acts, chapter 1216, section 1, subsection 1, to
11 7 the department of education for extended school year grants,
11 8 which remain unencumbered or unobligated on June 30, 1999, the
11 9 following amounts shall not revert to the general fund of the
11 10 state and shall not be available for expenditure for the
11 11 following fiscal year for purposes of extended school year
11 12 grants, but shall be reallocated by the department of
11 13 education as follows:

11 14 1. For purposes of the school violence crisis intervention
11 15 task force established pursuant to this subsection:
11 16 \$ 50,000

11 17 The director of education shall collaborate with the
11 18 commissioner of public safety and the attorney general to
11 19 appoint members to and organize a school violence crisis
11 20 intervention task force to review the preparedness of public
11 21 school districts to react to or prevent violent crisis
11 22 situations. The director, in consultation with the
11 23 commissioner and the attorney general, shall invite
11 24 participation on the task force from other appropriate
11 25 agencies, associations, and law enforcement officials. The
11 26 task force shall develop guidelines that can be utilized by
11 27 school districts to raise their level of awareness and
11 28 preparedness to respond to violent crisis situations. The
11 29 task force shall provide its recommendations in a report to
11 30 the general assembly by December 1, 1999.

11 31 2. For a contract to purchase internet connectivity from
11 32 an internet service provider which provides internet filter
11 33 services for school districts who wish to receive such
11 34 services:

11 35 \$ 50,000

12 1 The department of education shall work with the boards of
12 2 directors of school districts and area education agencies in
12 3 establishing service requirements and selecting an internet
12 4 service provider to provide internet filter services through
12 5 servers located at the area education agencies. The goal of

12 6 providing a filtering service to a school district is to
12 7 protect students from inappropriate internet websites and to
12 8 promote the use of the internet for educational purposes.
12 9 School districts that wish to receive filtering services shall
12 10 assume the ongoing costs of the services.

12 11 Sec. 24. DEPARTMENT OF EDUCATION GEOGRAPHY ALLIANCE.
12 12 There is appropriated from the general fund of the state to
12 13 the department of education for the fiscal year beginning July
12 14 1, 1998, and ending June 30, 1999, the following amount, or so
12 15 much thereof as is necessary, to be used for the purpose
12 16 designated:

12 17 For the geography alliance:
12 18 \$ 25,000
12 19 Notwithstanding section 8.33, moneys appropriated in this
12 20 section that remain unencumbered or unobligated at the close
12 21 of the fiscal year shall not revert but shall remain available
12 22 for expenditure for the purposes designated until the close of
12 23 the succeeding fiscal year.

12 24 Sec. 25. REGENTS WASTE REDUCTION CENTER. There is
12 25 appropriated from the general fund of the state to the state
12 26 board of regents for the fiscal year beginning July 1, 1998,
12 27 and ending June 30, 1999, the following amount, or so much
12 28 thereof as is necessary, to be used for the purpose
12 29 designated:

12 30 To the university of northern Iowa, Iowa waste reduction
12 31 center for the safe and economic management of solid waste and
12 32 hazardous substances established in section 268.4, for costs
12 33 of establishing and implementing the environmental auditor
12 34 training program in accordance with 1998 Iowa Acts, chapter
12 35 1109, section 10, as codified in section 455K.10:

13 1 \$ 220,000
13 2 Notwithstanding section 8.33, moneys appropriated in this
13 3 section that remain unencumbered or unobligated at the close
13 4 of the fiscal year shall not revert but shall remain available
13 5 for expenditure for the purpose designated until the close of
13 6 the succeeding fiscal year.

13 7 Sec. 26. RUNAWAY TREATMENT. There is appropriated from
13 8 the general fund of the state to the department of human
13 9 services for the fiscal year beginning July 1, 1998, and
13 10 ending June 30, 1999, the following amount, or so much thereof
13 11 as is necessary, to be used for the purpose designated:

13 12 For a grant to a county with a population between 168,000
13 13 and 175,000 for implementation of the county's runaway
13 14 treatment plan under section 232.195:
13 15 \$ 80,000

13 16 The grant shall be administered by the county's board of
13 17 supervisors in consultation with the local runaway and
13 18 treatment task force. Notwithstanding section 8.33, moneys
13 19 appropriated in this section which remain unobligated or
13 20 unexpended at the close of the fiscal year shall not revert
13 21 but shall remain available to be used for the purpose
13 22 designated in the succeeding fiscal year.

13 23 Sec. 27. EFFECTIVE DATE. This division of this Act, being
13 24 deemed of immediate importance, takes effect upon enactment.

13 25 DIVISION VI
13 26 MISCELLANEOUS

13 27 Sec. 28. Section [137F.1](#), subsection 8, paragraph f, Code
13 28 1999, is amended by striking the paragraph and inserting in
13 29 lieu thereof the following:

13 30 f. Premises of a residence in which food that is
13 31 nonpotentially hazardous is sold for consumption off the
13 32 premises to a consumer customer, if the food is labeled to
13 33 identify the name and address of the person preparing the food
13 34 and the common name of the food.

13 35 Sec. 29. Section [137F.2](#), subsection 6, Code 1999, is
14 1 amended to read as follows:

14 2 6. 3-201.11(B) shall be amended to allow food prepared by

14 3 a home food establishment licensed under chapter 137D

~~or by an~~

14 4

~~operation specified under section 137F.1, subsection 8,~~

14 5

~~paragraph "f",~~

- to be used or offered for sale.

14 6 Sec. 30. Section [137F.2](#), Code 1999, is amended by adding
14 7 the following new subsection:

14 8 NEW SUBSECTION. 12. 3-201.16(B) shall be amended to
14 9 exclude wild morel mushrooms.

14 10 Sec. 31. Section [137F.2](#), Code 1999, is amended by adding
14 11 the following new subsection:

14 12 NEW SUBSECTION. 13. 3-501.17 shall be amended to provide
14 13 that paragraphs (C) and (D) shall not apply to aged cheese.

14 14 Sec. 32. Section [137F.2](#), Code 1999, is amended by adding
14 15 the following new subsection:

14 16 NEW SUBSECTION. 14. 3-603.11 shall be amended so that the
14 17 rule shall not apply to whole muscle red meats.

14 18 Sec. 33. Section 232.2, subsection 22, paragraph b,
14 19 subparagraph (7), if enacted by 1999 Iowa Acts, Senate File
14 20 193, section 1, is amended by striking the subparagraph.

14 21 Sec. 34. Section 232.2, subsection 22, paragraph c, if
14 22 enacted by 1999 Iowa Acts, Senate File 193, section 1, is
14 23 amended to read as follows:

14 24 c. The order appointing the guardian ad litem shall
14 25

~~specify the duties of and~~

- grant authorization to the guardian

14 26 ad litem to interview any relevant person and inspect and copy
14 27 any records relevant to the proceedings, if not prohibited by
14 28 federal law. The order shall specify that the guardian ad
14 29 litem may interview any person providing medical, mental
14 30 health, social, educational, or other services to the child,
14 31 may attend any departmental staff meeting, case conference, or
14 32 meeting with medical or mental health providers, service
14 33 providers, organizations, or educational institutions
14 34 regarding the child, if deemed necessary by the guardian ad
14 35 litem, and may inspect and copy any records relevant to the
15 1 proceedings.

15 2 Sec. 35. Section [232.52](#), subsection 2, paragraph a,
15 3 subparagraph (4), Code 1999, is amended by adding the
15 4 following new subparagraph subdivisions:

15 5 NEW SUBPARAGRAPH SUBDIVISION. (g) Section 708.1, if the
15 6 assault is committed upon an employee of the school at which
15 7 the child is enrolled, and the child intended to inflict
15 8 serious injury upon the school employee or caused bodily
15 9 injury or mental illness.

15 10 NEW SUBPARAGRAPH SUBDIVISION. (h) Section 724.4, if the
15 11 child carried the dangerous weapon on school grounds.

15 12 NEW SUBPARAGRAPH SUBDIVISION. (i) Section 724.4B.

15 13 Sec. 36. Section [484B.4](#), subsection 2, paragraph c, Code
15 14 1999, is amended by striking the paragraph.

15 15 Sec. 37. Section [490A.1504](#), Code 1999, is amended to read
15 16 as follows:

15 17 490A.1504 WHO MAY ORGANIZE.
15 18

~~Two~~

- One or more individuals having capacity to contract

15 19

~~each of whom is~~
- and licensed to practice a profession in this
15 20 state in which the professional limited liability company is
15 21 to be authorized to practice, may

~~act as organizers of~~

15 22 organize a professional limited liability company.
15 23 Sec. 38. Section [514I.5](#), subsection 7, paragraph d, Code
15 24 1999, is amended to read as follows:
15 25 d. Develop, with the assistance of the department, an
15 26 outreach plan

~~for implementation by the administrative~~

15 27

~~contractor~~

-, and provide for periodic assessment of the
15 28 effectiveness of the outreach plan. The plan shall provide
15 29 outreach to families of children likely to be eligible for
15 30 assistance under the program

~~or for other health insurance~~

15 31

~~coverage or care programs~~

-, to inform them of the availability
15 32 of and to assist the families in enrolling children in the
15 33 program. The outreach efforts

~~shall~~

- may include, but are not
15 34 limited to, a comprehensive statewide media campaign,
15 35 solicitation of cooperation from programs, agencies, and other
16 1 persons who are likely to have contact with eligible children,
16 2 including but not limited to those associated with the
16 3 educational system, and the development of community plans for
16 4 outreach and marketing.

16 5 Sec. 39. Section [514I.7](#), subsection 2, paragraph a, Code
16 6 1999, is amended by striking the paragraph.

16 7 Sec. 40. The general assembly shall enact legislation no
16 8 later than March 1, 2000, to address alternative high school
16 9 program funding as provided under section 257.11. The general
16 10 assembly's interim committee on school finance shall study and
16 11 make recommendations for funding alternative high school
16 12 programs offered within a school district, by another school
16 13 district, or with a community college. The committee's report
16 14 shall be forwarded to the members of the general assembly no
16 15 later than December 1, 1999.

16 16 Sec. 41. Section [137D.9](#), Code 1999, is repealed.

16 17 DIVISION VII

16 18 CORRECTIVE AMENDMENTS

16 19 Sec. 42. Section [12C.1](#), subsection 3, paragraph b, Code
16 20 1999, as amended, by 1999 Iowa Acts, House File 571, section
16 21 4, if enacted, is amended to read as follows:

16 22 b. If a depository is a bank, public deposits in the bank
16 23 shall be secured pursuant to sections

~~12C.23~~

- ~~12C.23A~~ and

16 24 12C.24.

16 25 Sec. 43. Section [12C.23](#), subsection 3, paragraph d, Code
16 26 1999, as amended by 1999 Iowa Acts, House File 571, section
16 27 11, if enacted, is amended to read as follows:
16 28 d. If the loss to public funds is not covered by insurance
16 29 and the proceeds of the failed credit union's assets which are
16 30 liquidated within thirty days of the closing of the credit
16 31 union and pledged collateral, the treasurer shall provide
16 32 coverage of the remaining loss from the state sinking fund for
16 33 public deposits in credit unions. If the funds are inadequate
16 34 to cover the entire loss, then the treasurer shall make an
16 35 assessment against other credit unions who hold public funds.
17 1 The assessment shall be determined by multiplying the total
17 2 amount of the remaining loss to public depositors by a
17 3 percentage that represents the average of public funds
17 4 deposits held by all credit unions during the preceding
17 5 twelve-month period ending on the last day of the month
17 6 immediately preceding the month the credit union was closed.
17 7 Each credit union shall pay its assessment to the treasurer
17 8 within three business days after it receives notice of
17 9 assessment. If a credit union fails to pay its assessment
17 10 when due, the treasurer of state shall initiate a lawsuit to
17 11 collect the assessment. If a credit union is found to have
17 12 failed to pay the assessment as required by this

~~subparagraph~~

17 13 ~~paragraph~~, the court shall order it to pay the assessment,
17 14 court costs, reasonable attorney's fees based upon the amount
17 15 of time the attorney general's office spent preparing and
17 16 bringing the action, and reasonable expenses incurred by the
17 17 treasurer of state's office. Idle balances in the fund are to
17 18 be invested by the treasurer with earnings credited to the
17 19 fund. Fees paid by credit unions for administration of this
17 20 chapter will be credited to the fund and the treasurer may
17 21 deduct actual costs of administration from the fund.

17 22 Sec. 44. Section [12C.23A](#), subsection 3, paragraph b, if
17 23 enacted by 1999 Iowa Acts, House File 571, section 12, is
17 24 amended to read as follows:

17 25 b. The recovery of any loss to public depositors shall
17 26 begin with applicable deposit insurance. The priority of
17 27 claims are those established pursuant to section [524.1312](#),
17 28 subsection 2

~~, section [533.22](#), subsection 1, paragraph "b", or~~

17 29

~~section [534.517](#)~~

-. To the extent permitted by federal law, in
17 30 the distribution of an insolvent federally chartered bank's
17 31 assets, the order of payment of liabilities if its assets are
17 32 insufficient to pay in full all its liabilities for which
17 33 claims are made shall be in the same order as for a state-
17 34 chartered bank as provided in section [524.1312](#), subsection 2.

17 35 Sec. 45. Section [12C.23A](#), subsection 3, paragraph d, if
18 1 enacted by 1999 Iowa Acts, House File 571, section 12, is
18 2 amended to read as follows:

18 3 d. If the loss to public funds is not covered by insurance
18 4 and the proceeds of the failed bank's assets which are
18 5 liquidated within thirty days of the closing of the bank, are
18 6 not sufficient to cover the loss, then any further payments to
18 7 cover the loss will come from the state sinking fund for
18 8 public deposits in banks. If the balance in that sinking fund
18 9 is inadequate to pay the entire loss, then the treasurer shall
18 10 obtain the additional amount needed by making an assessment
18 11 against other banks whose public funds deposits exceed deposit
18 12 insurance coverage. A bank's assessment shall be determined

18 13 by multiplying the total amount of the remaining loss to all
18 14 public depositors by a percentage that represents that bank's
18 15 proportional share of the

~~average~~

- total of uninsured public

18 16 funds deposits held by all banks. Each bank shall pay its
18 17 assessment to the treasurer within three business days after
18 18 it receives notice of assessment. If a bank fails to pay its
18 19 assessment when due, the treasurer of state shall initiate a
18 20 lawsuit to collect the assessment. If a bank is found to have
18 21 failed to pay the assessment as required by this

~~subparagraph~~

-
18 22 paragraph, the court shall order it to pay the assessment,
18 23 court costs, reasonable attorney fees based on the amount of
18 24 time the attorney general's office spent preparing and
18 25 bringing the action, and reasonable expenses incurred by the
18 26 treasurer of state. Idle balances in the fund shall be
18 27 invested by the treasurer with earnings credited to the fund.
18 28 Fees paid by banks for administration of this chapter shall be
18 29 credited to the fund and the treasurer may deduct actual costs
18 30 of administration from the fund.

18 31 Sec. 46. Section [13B.4](#), subsection 1, Code 1999, as
18 32 amended by 1999 Iowa Acts, House File 573, section 1, is
18 33 amended to read as follows:

18 34 1. The state public defender shall coordinate the
18 35 provision of legal representation of all indigents under
19 1 arrest or charged with a crime, on appeal in criminal cases,
19 2

~~and~~

- on appeal in proceedings to obtain postconviction relief

19 3 when ordered to do so by the district court in which the
19 4 judgment or order was issued, and on a reopening of a sentence
19 5 proceeding, and may provide for the representation of
19 6 indigents in proceedings instituted pursuant to chapter 908.
19 7 The state public defender shall not engage in the private
19 8 practice of law.

19 9 Sec. 47. Section [37.10](#), unnumbered paragraph 1, Code 1999,
19 10 as amended by 1999 Acts, House File 224, section 2, is amended
19 11 to read as follows:

19 12 Each commissioner, except for a memorial hospital
19 13 commissioner, shall be an honorably discharged soldier,
19 14 sailor, marine, airman, or coast guard member and be a
19 15 resident of the county in which the memorial hall or monument
19 16 is located. Each commissioner for a memorial hospital shall
19 17 be a resident of the county in which the memorial hospital is
19 18 located.

19 19 Sec. 48. Section [124.401F](#), subsection 1, Code 1999, as
19 20 enacted by 1999 Iowa Acts, House File 573, section 6, is
19 21 amended to read as follows:

19 22 1. A person shall not intentionally tamper with anhydrous
19 23 ammonia equipment. Tampering occurs when a person who is not
19 24 authorized by the owner of anhydrous ammonia equipment uses
19 25 the equipment in violation of a provision of this section. A
19 26 person shall not in any manner or for any purpose sell, fill,
19 27 refill, deliver, permit to be delivered, or use an anhydrous
19 28 ammonia container or receptacle, including for the storage of
19 29 any gas or compound, unless the person owns the container or
19 30 receptacle or is authorized to do so by the owner. A person
19 31 shall not possess or transport anhydrous ammonia in a
19 32 container or receptacle which is not authorized by the
19 33 secretary of agriculture to hold anhydrous ammonia.

19 34 Sec. 49. Section 172C.1, subsection 3, as enacted by 1999
19 35 Iowa Acts, Senate File 436, if enacted, is amended to read as

20 1 follows:

20 2 3. "Packer" means a person who is engaged in the business
20 3 of slaughtering livestock or receiving, purchasing, or
20 4 soliciting livestock for slaughter, if the meat products of
20 5 the slaughtered livestock which are directly or indirectly to
20 6 be offered for resale or for public consumption

~~and the meat~~

20 7

~~products~~

- have a total annual value of ten million dollars or
20 8 more. As used in this chapter, "packer" includes an agent of
20 9 the packer engaged in buying or soliciting livestock for
20 10 slaughter on behalf of a packer. "Packer" does not include a
20 11 frozen food locker plant regulated under chapter 172.

20 12 Sec. 50. Section [249A.3](#), subsection 2, unnumbered
20 13 paragraph 1, Code 1999, is amended to read as follows:

20 14 Medical assistance may also, within the limits of available
20 15 funds and in accordance with section 249A.4, subsection 1, be
20 16 provided to, or on behalf of, other individuals and families
20 17 who are not excluded under subsection

~~4~~

- 5 of this section and

20 18 whose incomes and resources are insufficient to meet the cost
20 19 of necessary medical care and services in accordance with the
20 20 following order of priorities:

20 21 Sec. 51. Section 256E.7, subsection 4, as enacted by 1999
20 22 Iowa Acts, House File 743, section 7, is amended to read as
20 23 follows:

20 24 4. Prior to receiving funds pursuant to section 256E.5,
20 25 subsection 2, the institutions under the control of the
20 26 department of human services as provided in section 218.1,
20 27 subsections 1 through 3, 5, 7, and 8, shall each submit to the
20 28 departments of education and human services a technology plan
20 29 that supports and improves student achievement, demonstrates
20 30 the manner in which technology will be utilized to improve
20 31 student achievement, and includes an evaluation component.
20 32 Each institution developing a plan under this subsection needs
20 33 to develop only one plan to send to the departments of
20 34 education and human services while this chapter is effective.
20 35 Each institution shall submit an annual progress report to the
21 1 departments of education and human services.

~~Each institution~~

21 2

~~shall submit an annual progress report to the departments of~~

21 3

~~education and human services.~~

21 4 Sec. 52. Section [321.471](#), subsection 1, unnumbered
21 5 paragraph 1, Code 1999, as amended by 1999 Iowa Acts, House
21 6 File 651, section 8, if enacted, is amended to read as
21 7 follows:

21 8 Local authorities with respect to a highway under their
21 9 jurisdiction may by ordinance or resolution prohibit the
21 10 operation of vehicles upon the highway or impose restrictions
21 11 as to the weight of vehicles to be operated upon the highway
21 12 for a total period of not to exceed ninety days in any one
21 13 calendar year, whenever the highway by reason of
21 14 deterioration, rain, snow, or other climatic conditions will

21 15 be seriously damaged or destroyed unless the use of vehicles
21 16 on the highway is prohibited or the permissible weights
21 17 reduced. The ordinance or resolution shall not apply to
21 18 implements of husbandry as defined in section 321.1,
21 19 implements of husbandry loaded on hauling units for
21 20 transporting the implements to locations for repair, or fire
21 21 apparatus and road maintenance equipment owned by

~~or~~

under

21 22 lease to, or used in the performance of a contract with a
21 23 state or local authority.

21 24 Sec. 53. Section [321.471](#), subsection 2, Code 1999,
21 25 paragraph a, as enacted and amended by 1999 Iowa Acts, House
21 26 File 651, section 8, if enacted, is amended to read as
21 27 follows:

21 28 a. Upon a finding that a bridge or culvert does not meet
21 29 established standards set forth by state and federal
21 30 authorities, local authorities may by ordinance or resolution
21 31 impose limitations for an indefinite period of time on the
21 32 weight of vehicles upon bridges or culverts located on
21 33 highways under their sole jurisdiction. The limitations shall
21 34 be effective when signs giving notice of the limitations are
21 35 erected. The ordinance or resolution shall not apply to
22 1 implements of husbandry loaded on hauling units for
22 2 transporting the implements to locations for purposes of
22 3 repair or to fire apparatus or road maintenance equipment
22 4 owned by

~~or~~

under lease to

~~any~~

or used in the performance of

22 5 a contract with a state or local authority.

22 6 Sec. 54. Section [321.474](#), unnumbered paragraph 1, Code
22 7 1999, as amended by 1999 Iowa Acts, House File 651, section 9,
22 8 if enacted, is amended to read as follows:

22 9 The department shall have authority, as granted to local
22 10 authorities, to determine by resolution and to impose
22 11 restrictions as to the weight of vehicles, except implements
22 12 of husbandry as defined in section 321.1, implements of
22 13 husbandry loaded on hauling units for transporting the
22 14 implements to locations for repair, and fire apparatus and
22 15 road maintenance equipment owned by

~~or~~

under lease to

~~any~~

or

22 16 used in the performance of a contract with a state or local
22 17 authority, operated upon any highway under the jurisdiction of
22 18 the department for a definite period of time not to exceed
22 19 twelve months. The restrictions shall be effective when signs
22 20 giving notice of the restrictions and the expiration date of
22 21 the restrictions are erected upon the affected highway or
22 22 portion of highway.

22 23 Sec. 55. Section [321.474](#), unnumbered paragraph 2, if
22 24 enacted by 1999 Iowa Acts, House File 651, section 9, is
22 25 amended to read as follows:

22 26 Upon a finding that a bridge or culvert does not meet
22 27 established standards set forth by state and federal
22 28 authorities, the department may impose, by resolution,
22 29 restrictions for an indefinite period of time on the weight of
22 30 vehicles operated upon bridges or culverts located on highways
22 31 under its jurisdiction. The restrictions shall be effective

22 32 when signs giving notice of the restrictions are erected. The
22 33 restrictions shall not apply to implements of husbandry loaded
22 34 on hauling units for transporting the implements to locations
22 35 for purposes of repair or to fire apparatus or road
23 1 maintenance equipment owned by

~~or~~

~~under lease to~~

~~any~~

~~or used~~

23 2 in the performance of a contract with a state or local
23 3 authority.
23 4 Sec. 56. Section 427.1, subsection 30, if enacted by 1999
23 5 Iowa Acts, House File 758, is amended to read as follows:
23 6 30. MOBILE HOME PARK STORM SHELTER. A structure
23 7 constructed as a storm shelter at a mobile home park as
23 8 defined in section 435.1.

~~If the structure serves a use in~~

~~23 9~~

~~addition to use as a storm shelter, the exemption shall apply~~

~~23 10~~

~~only to that portion of the structure which serves as a storm~~

~~23 11~~

~~shelter.~~

~~An application for this exemption shall be filed
23 12 with the assessing authority not later than April fifteenth of
23 13 the first year for which the exemption is requested, on forms
23 14 provided by the department of revenue and finance. The
23 15 application shall describe and locate the storm shelter to be
23 16 exempted. If the storm shelter structure is used exclusively
23 17 as a storm shelter, all of the structure's assessed value
23 18 shall be exempt from taxation. If the storm shelter structure
23 19 is not used exclusively as a storm shelter, the storm shelter
23 20 structure~~

~~which is not used exclusively as a storm shelter~~

~~23 21 shall be assessed for taxation at seventy-five percent of its
23 22 value as commercial property.~~

~~23 23 Sec. 57. Section 476.86, unnumbered paragraph 1, as
23 24 enacted by 1999 Iowa Acts, Senate File 224, section 2, is
23 25 amended to read as follows:~~

~~23 26 As used in this section and section 476.87, unless the
23 27 context otherwise requires:~~

~~23 28 Sec. 58. Section 514C.14, subsection 2, paragraph b, if
23 29 enacted by 1999 Iowa Acts, Senate File 8, section 1, is
23 30 amended to read as follows:~~

~~23 31 b. This~~

~~chapter~~

~~section shall not apply to accident only,~~

~~23 32 specified disease, short-term hospital or medical, hospital
23 33 confinement indemnity, credit, dental, vision, Medicare
23 34 supplement, long-term care, basic hospital and medical-
23 35 surgical expense coverage as defined by the commissioner,
24 1 disability income insurance coverage, coverage issued as a
24 2 supplement to liability insurance, workers' compensation or
24 3 similar insurance, or automobile medical payment insurance.~~

~~24 4 Sec. 59. Section 524.1406, subsection 3, paragraph b, if~~

24 5 enacted by 1999 Iowa Acts, House File 445, section 1, is
24 6 amended to read as follows:
24 7 b.

~~If, prior~~

- Prior to giving notice of a meeting at which

24 8 a shareholder would be entitled to assert dissenter's rights,
24 9 a bank may seek a declaratory judgment to establish the fair
24 10 value for purposes of section 490.1301, subsection 4, of
24 11 shares held by shareholders who would have a right to dissent.
24 12 Another cause of action or a counterclaim shall not be joined
24 13 with such a declaratory action. A declaratory judgment shall
24 14 be filed in the county where the bank's principal place of
24 15 business is located. The court shall appoint an attorney to
24 16 represent minority shareholders. All shareholders of the bank
24 17 shall be served with notice of the action and be advised of
24 18 the name, address, and telephone number of the attorney
24 19 appointed to represent minority shareholder interests. The
24 20 bank may select an appraiser to give an opinion on fair value
24 21 and the attorney shall select an appraiser to give an opinion
24 22 on fair value. Any shareholder may participate individually
24 23 and present evidence of the fair value of such shareholder's
24 24 shares. All court costs, appraiser's fees, and the fees and
24 25 expenses of the attorney shall be assessed against the bank.
24 26 A judgment in the action shall not determine fair value for a
24 27 share to be less than the stockholders' equity in the bank in
24 28 its last statement of condition filed under section 524.220
24 29 divided by the number of shares outstanding. A final judgment
24 30 in the action shall establish fair value for the purposes of
24 31 chapter 490, division XIII and shall be disclosed to the
24 32 shareholders in the notice to shareholders of the meeting to
24 33 approve the transaction that gives rise to dissenters' rights.
24 34 If the proposed transaction is approved by the shareholders,
24 35 upon consummation of the proposed transaction the fair value
25 1 so established shall be paid to all shareholders entitled to
25 2 payment for their shares upon receipt of such shareholders'
25 3 share certificates.

25 4 Sec. 60. Section [602.7103](#), subsection 2, Code 1999, as
25 5 amended by House File 647, section 7, as subsection 1, if
25 6 enacted, is amended to read as follows:

25 7 1. An associate juvenile judge shall have the same
25 8 jurisdiction to conduct juvenile court proceedings, to issue
25 9 warrants, nontestimonial identification orders, and contempt
25 10 arrest warrants for adults in juvenile court proceedings, and
25 11 to issue orders, findings, and decisions as the judge of the
25 12 juvenile court. However, the

~~appointing~~

- chief judge may limit

25 13 the exercise of juvenile court jurisdiction by the associate
25 14 juvenile judge.

25 15 Sec. 61. Section 602.7103B, subsection 5, if enacted by
25 16 1999 Iowa Acts, House File 647, section 9, is amended to read
25 17 as follows:

25 18 5. A full-time associate juvenile judge who seeks to
25 19 resign from the office of

~~district associate~~

- full-time

25 20 associate juvenile judge shall notify in writing the chief
25 21 judge of the judicial district as to the full-time associate
25 22 juvenile judge's intention to resign and the effective date of
25 23 the resignation. The chief judge of the judicial district,
25 24 upon receipt of the notice, shall notify the county magistrate
25 25 appointing commission and the state court administrator of the
25 26 actual or impending vacancy in the office of full-time
25 27 associate juvenile judge due to resignation.

25 28 Sec. 62. Section 633.20B, subsection 5, if enacted by 1999
25 29 Iowa Acts, House File 647, section 13, is amended to read as
25 30 follows:
25 31 5. A full-time associate probate judge who seeks to resign
25 32 from the office of

~~district associate~~

~~full-time associate~~

25 33 probate judge shall notify in writing the chief judge of the
25 34 judicial district as to the full-time associate probate
25 35 judge's intention to resign and the effective date of the
26 1 resignation. The chief judge of the judicial district, upon
26 2 receipt of the notice, shall notify the county magistrate
26 3 appointing commission and the state court administrator of the
26 4 actual or impending vacancy in the office of full-time
26 5 associate probate judge due to resignation.

26 6 Sec. 63. Section 808B.5, subsection 11, Code 1999, as
26 7 amended by 1999 Iowa Acts, Senate File 309, section 21, if
26 8 enacted, is amended to read as follows:

26 9 11. An aggrieved person in a trial, hearing, or proceeding
26 10 in or before any court, department, officer, agency,
26 11 regulatory body, or other authority of this state, may move to
26 12 suppress the contents of an intercepted wire, oral, or
26 13 electronic communication, or evidence derived from the wire,
26 14 oral, or electronic communication, on the grounds that the
26 15 communication was unlawfully intercepted, the order of
26 16 authorization under which it was intercepted was insufficient
26 17 on its face, or the interception was not made in conformity
26 18 with the order of authorization. The motion shall be made
26 19 before the trial, hearing, or proceeding unless there was no
26 20 opportunity to make the motion or the person was not aware of
26 21 the grounds of the motion. If the motion is granted, the
26 22 contents of the intercepted wire, oral, or electronic
26 23 communication, or evidence derived from the wire

~~communication~~

26 24

~~or~~

~~oral, or electronic~~ communication, shall be treated as
26 25 having been obtained in violation of this chapter.

26 26 Sec. 64. Section 808B.11, subsections 1 and 2, if enacted
26 27 by 1999 Iowa Acts, Senate File 309, section 26, are amended to
26 28 read as follows:

26 29 1. An application for an order or an extension of an order
26 30 authorizing or approving the installation and use of a pen
26 31 register or a trap and trace device shall be made in writing
26 32 by a prosecuting attorney upon oath or affirmation to a
26 33 district court.

~~A~~

~~Only a~~ special state agent may

~~only~~

~~conduct~~

26 34 an investigation authorized under this section or section
26 35 808B.12. An application shall include the following
27 1 information:

27 2 a. The identity of the prosecuting attorney, and the
27 3 identity of the special state agent authorized to conduct the
27 4 investigation.

27 5 b. A certified statement by the special state agent that
27 6 the information likely to be obtained is relevant to an
27 7 ongoing criminal investigation of an offense listed under
27 8 section 808B.3 or an offense that may lead to an immediate
27 9 danger of death of or serious

~~—bodily~~

— injury

~~—of~~

— to a person.

27 10 2. Upon application the court may enter an ex parte order
27 11 or an ex parte extension of an order, authorizing the
27 12 installation and use of a pen register or trap and trace
27 13 device within the territorial jurisdiction of the court, if
27 14 the court finds that the special state agent has certified to
27 15 the court that the information likely to be obtained by the
27 16 use of a pen register or trap and trace device is relevant to
27 17 an ongoing criminal investigation of an offense listed under
27 18 section 808B.3 or an offense that may lead to

~~—the~~

— an immediate

27 19 danger of death of or serious

~~—bodily~~

— injury

~~—of~~

— to a person.

27 20 Sec. 65. Section 808B.11, subsection 4, if enacted by 1999
27 21 Iowa Acts, Senate File 309, section 26, is amended to read as
27 22 follows:
27 23 4.

~~—Any~~

— Except as otherwise provided in paragraph "b", any

27 24 order granted under this section shall be sealed until
27 25 otherwise ordered by the court.

27 26 a. Any person owning or leasing the telephone line to
27 27 which the pen register or trap and trace device is attached,
27 28 or who has been ordered by the court to furnish information,
27 29 facilities, or technical assistance to the applicant, shall
27 30 not disclose the existence of the pen register or trap and
27 31 trace device or the existence of the investigation of the
27 32 listed subscriber, to any person, unless or until otherwise
27 33 ordered by the court.

27 34 b.

~~—Notwithstanding subsection 4, a~~

— A prosecuting attorney

27 35 or special state agent may utilize or share any information
28 1 obtained from the use of a pen register or trap and trace
28 2 device with other prosecuting attorneys or law enforcement
28 3 agencies while acting within the scope of their employment.

28 4 c. A violation of this subsection may be punished as
28 5 contempt of court.

28 6 Sec. 66. Section 808B.12, subsection 1, paragraph a, if
28 7 enacted by 1999 Iowa Acts, Senate File 309, section 27, is
28 8 amended to read as follows:

28 9 a. The court reasonably determines that an emergency
28 10 situation exists that involves an immediate danger of death of
28 11 or serious

~~—bodily~~

— injury to any person.

28 12 Sec. 67. Section 808B.12, subsection 3, if enacted by 1999
28 13 Iowa Acts, Senate File 309, section 27, is amended to read as
28 14 follows:

28 15 3. An investigative or law enforcement officer who
28 16 knowingly uses a pen register or trap and trace device
28 17 pursuant to this section after the effectiveness of the

~~authorizing~~

- ~~emergency~~ order has terminated pursuant to
28 19 subsection 2 due to the lapse of the forty-eight hours commits
28 20 a serious misdemeanor.

28 21 Sec. 68. 1999 Iowa Acts, House File 745, section 19, if
28 22 enacted, is amended to read as follows:

28 23 SEC. 19. Notwithstanding section 8.33, all unencumbered
28 24 and unobligated moneys remaining in the economic development
28 25 deaf interpreters revolving fund established in section
28 26 15.108, shall transfer to the rural community 2000 program
28 27 revolving fund established in section 15.287 on the effective
28 28 date of this section of this Act.

28 29 Sec. 69. 1999 Iowa Acts, Senate File 460, section 10,
28 30 subsection 7, unnumbered paragraph 2, if enacted, is amended
28 31 to read as follows:

28 32 The employment appeal board shall be reimbursed by the
28 33 labor services division of the department of

~~employment~~

28 34

~~services~~

- workforce development for all costs associated with
28 35 hearings conducted under chapter 91C, related to contractor
29 1 registration. The board may expend, in addition to the amount
29 2 appropriated under this subsection, additional amounts as are
29 3 directly billable to the labor services division under this
29 4 subsection and to retain the additional full-time equivalent
29 5 positions as needed to conduct hearings required pursuant to
29 6 chapter 91C.

29 7 Sec. 70. 1999 Iowa Acts, Senate File 464, section 1,
29 8 subsection 4, if enacted, is amended to read as follows:

29 9 4. NATIONAL GUARD

~~TUITION AID~~

- EDUCATIONAL ASSISTANCE

29 10 PROGRAM

29 11 For purposes of providing national guard

~~tuition aid~~

29 12 educational assistance under the program established in
29 13 section 261.86:

29 14 \$ 833,900

29 15 Sec. 71. 1999 Iowa Acts, Senate File 464, section 4, if
29 16 enacted, is amended to read as follows:

29 17 SEC. 4. REMAINING NATIONAL GUARD TUITION AID PROGRAM
29 18 BALANCE. Notwithstanding section 8.33, the unencumbered or
29 19 unobligated moneys remaining at the end of the fiscal year
29 20 ending June 30, 1999, from the appropriations made in 1998
29 21 Iowa Acts, chapter 1215, section 1, subsection 4, shall not
29 22 revert but shall be available for expenditure during the
29 23 subsequent fiscal year for the purposes of the national guard
29 24

~~tuition aid~~

- educational assistance program established by this

29 25 Act.

29 26 Sec. 72. STRATEGIC INVESTMENT FUND TRANSFER EFFECTIVE
29 27 DATE. The provision in 1999 Iowa Acts, House File 745,
29 28 section 1, subsection 2, paragraph "e", if enacted, relating
29 29 to the transfer of moneys from the strategic investment fund
29 30 to the physical infrastructure assistance fund, being deemed
29 31 of immediate importance, takes effect upon enactment.

29 32 Sec. 73. Sections 15E.152 through 15E.155, 15E.157 through
29 33 15E.161, 15E.165, and 15E.166, Code 1999, are repealed.

29 34 Sec. 74. EFFECTIVE DATES. The following sections of this
29 35 division of this Act, being deemed of immediate importance,
30 1 take effect upon enactment or as otherwise specified:

30 2 1. Section 42, amending section 12C.1.

30 3 2. Section 43, amending section 12C.23, subsection 3,
30 4 paragraph "d".

30 5 3. Section 44, amending section 12C.23A, subsection 3,
30 6 paragraph "b".

30 7 4. Section 45, amending section 12C.23A, subsection 3,
30 8 paragraph "d".

30 9 5. Section 49, amending section 172C.1, takes effect July
30 10 1, 2000.

30 11 6. Section 57, amending section 476.86.

30 12 7. Section 68, amending 1999 Iowa Acts, House File 745,
30 13 section 19.

30 14 8. Section 71, amending 1999 Iowa Acts, Senate File 464,
30 15 section 4.

30 16 9. Section 72, relating to the effective date of 1999 Iowa
30 17 Acts, House File 745, section 1, subsection 2, paragraph "e".

30 18

30 19

30 20

30 21

BRENT SIEGRIST
Speaker of the House

30 22

30 23

30 24

30 25

30 26

MARY E. KRAMER
President of the Senate

30 27

30 28

30 29 I hereby certify that this bill originated in the House and
30 30 is known as House File 782, Seventy-eighth General Assembly.

30 31

30 32

30 33

30 34

ELIZABETH ISAACSON
Chief Clerk of the House

30 35

31 1 Approved _____, 1999

31 2

31 3

31 4

31 5 THOMAS J. VILSACK

31 6 Governor