

**CHAPTER 208**

**MISCELLANEOUS SUPPLEMENTAL AND OTHER  
APPROPRIATIONS AND PROVISIONS**

*H.F. 782*

**AN ACT** relating to public expenditure and regulatory matters, making appropriations, and providing effective dates.

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

**DIVISION I**

**MH/MR/DD ALLOWED GROWTH**

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, in accordance with section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 21,773,602

The funding appropriated in this section is the allowed growth factor adjustment of 1.57 percent for fiscal year 2000-2001, and is allocated as follows:

1. For distribution to counties for fiscal year 2000-2001 in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

2. For deposit in the per capita expenditure target pool created in the property tax relief fund pursuant to section 426B.5, subsection 1:

..... \$ 5,773,602

3. For deposit in the incentive and efficiency pool created in the property tax relief fund pursuant to section 426B.5, subsection 2:

..... \$ 2,000,000

4. For deposit in the risk pool created in the property tax relief fund pursuant to section 426B.5, subsection 3:

..... \$ 2,000,000

**DIVISION II**

**LOTTERY PROCEEDS**

Sec. 2. Section 99E.10, subsection 1, unnumbered paragraph 3, Code 1999, is amended to read as follows:

~~The committing the lottery to environment, agriculture, and natural resources fund, also to be known as the CLEAN fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the CLEAN general fund of the state on a monthly basis. Revenues generated during the last month of the fiscal year which are transferred to the CLEAN fund during the following fiscal year shall be considered revenues transferred during the previous fiscal year for purposes of the allotments made to and appropriations made from the separate accounts in the CLEAN fund for that previous fiscal year.~~ However, upon the request of the director and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the monthly transfer to the CLEAN general fund of the state, the director may direct that lottery revenue shall be deposited in the lottery fund and in interest-bearing

accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 12B.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the CLEAN general fund of the state in the same manner as other lottery revenue. ~~Money in the CLEAN fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 12B.10. The interest or earnings on the deposits or investments shall be considered part of the CLEAN fund and shall be retained in the fund unless appropriated by the general assembly.~~

Sec. 3. Section 99E.10, subsection 2, Code 1999, is amended to read as follows:

2. The director of management shall not include lottery revenues in the director's fiscal year revenue estimates. ~~Moneys in the CLEAN fund shall not be considered a part of the Iowa economic emergency fund.~~

Sec. 4. Section 99E.20, subsection 2, Code 1999, is amended to read as follows:

2. A lottery fund is created in the office of the treasurer of state. The fund consists of all revenues received from the sale of lottery tickets or shares and all other moneys lawfully credited or transferred to the fund. The commissioner shall certify monthly that portion of the fund that is transferred to the CLEAN general fund of the state under section 99E.10 and shall cause that portion to be transferred to the CLEAN general fund of the state. The commissioner shall certify before the twentieth of each month that portion of the lottery fund resulting from the previous month's sales to be transferred to the CLEAN general fund of the state.

Sec. 5. Section 99E.34, Code 1999, is repealed.

### DIVISION III STATE MEDICAL EXAMINER

Sec. 6. Section 691.5, Code 1999, is amended to read as follows:

#### 691.5 STATE MEDICAL EXAMINER.

The office and position of state medical examiner is created under the control, direction, and supervision of the commissioner of public safety. The commissioner of public safety may assign the office of the state medical examiner to a division or bureau within the public safety department established for administrative purposes within the Iowa department of public health. Other state agencies shall cooperate with the state medical examiner in the use of state-owned facilities when appropriate for the performance of nonadministrative duties of the state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon, be licensed to practice medicine in the state of Iowa, and possess special knowledge in be board certified or eligible to be board certified in anatomic and forensic pathology by the American board of pathology. The state medical examiner shall be appointed by and serve at the pleasure of the ~~commissioner of public safety~~ director of public health upon the advice of and in consultation with the director of public safety and the governor. The state medical examiner, in consultation with the director of public health, shall be responsible for developing and administering the medical examiner's budget and for employment of medical examiner staff and assistants. The state medical examiner may be a faculty member of the college of medicine or the college of law at the University of Iowa, and any of the examiner's assistants or staff may be members of the faculty or staff of the college of medicine or the college of law at the University of Iowa.

Sec. 7. Section 691.6, subsection 3, Code 1999, is amended to read as follows:

3. To adopt rules pursuant to chapter 17A, and subject to the approval of the ~~commissioner of public safety~~ director of public health, with the advice and approval of the state medical examiner advisory council, regarding the manner and techniques to be employed while conducting autopsies, the nature, character, and extent of investigations to be made in

~~eases of homicide or suspected homicide necessary to allow a medical examiner to render a full and complete analysis and report; the format and matters to be contained in all reports rendered by medical examiners; and all other things necessary to carry out this section. All county medical examiners and peace officers are subject to the rules.~~

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

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

Sec. 9. NEW SECTION. 691.6B INTERAGENCY COORDINATING COUNCIL.

An interagency coordinating council is created to advise the state medical examiner concerning the assurance of effective coordination of the functions and operations of the office of the state medical examiner with the needs and interests of the departments of public safety and public health. Members of the interagency coordinating council shall include the state medical examiner, or when the state medical examiner is not available, the deputy state medical examiner; the commissioner of public safety or the commissioner's designee; the director of public health or the director's designee; and the governor or the governor's designee. The interagency coordinating council shall meet on a regular basis.

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

A state medical examiner advisory council is established to advise and consult with the state medical examiner on a range of issues affecting the organization and functions of the office of the state medical examiner and the effectiveness of the medical examiner system in the state. Membership of the state medical examiner advisory council shall be determined by the state medical examiner, in consultation with the director of public health, and shall include, but not necessarily be limited to, representatives from the office of the attorney general, the Iowa county attorneys association, the Iowa medical society, the Iowa association of pathologists, the Iowa association of county medical examiners, the departments of public safety and public health, the statewide emergency medical system, and the Iowa funeral directors association. The advisory council shall meet on a quarterly or more frequent basis, and shall be organized and function as established by the state medical examiner by rule.

Sec. 11. Section 691.7, Code 1999, is amended to read as follows:

691.7 COMMISSIONER TO ACCEPT FEDERAL OR PRIVATE GRANTS.

The commissioner of public safety may accept federal or private funds or grants to aid in the establishment or operation of the state criminalistics laboratory, and the ~~commissioner of public safety~~ director of public health or the state board of regents may accept federal or private funds or grants to aid in the establishment or operation of the position of state medical examiner.

Sec. 12. STATE MEDICAL EXAMINER SYSTEM STUDY AND REPORT. The state medical examiner, in consultation with the state medical examiner advisory council, shall conduct a study regarding the organization, needs, and operations of a statewide medical examiners system. The study shall consider the findings and recommendations of the 1998 consultants' report of the national association of medical examiners submitted to the commissioner of public safety, and shall gather and analyze such additional information as the state medical examiner and the advisory council determine necessary. The state medical examiner shall make a report of the study's recommendations to the governor and the general assembly by January 1, 2000. The report shall take into account the public health, criminalistic, educational, and advisory purposes of the office of the state medical examiner; the relationship of the office to and effective utilization by the office of existing state, county, and community resources; future facility needs for performing autopsies; support for forensic activities throughout the state; transportation costs to conduct autopsies and to perform other forensic pathology activities; and any other factors identified by the state medical examiner and the advisory council impacting a quality statewide medical examiners system.

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

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

DIVISION IV  
FISCAL YEAR 1999-2000  
APPROPRIATIONS AND RELATED PROVISIONS

Sec. 15. Section 8.8, Code 1999, is amended to read as follows:

8.8 SPECIAL OLYMPICS FUND — APPROPRIATION.

A special olympics fund is created in the office of the treasurer of state under the control of the department of management. There is appropriated annually from the general fund of the state to the special olympics fund ~~twenty~~ thirty thousand dollars for distribution to one or more organizations which administer special olympics programs benefiting the citizens of Iowa with disabilities.

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

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

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

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

437A.23 DEPOSIT OF TAX PROCEEDS.

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

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

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

.....	\$	75,000
.....	FTEs	1.00

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

.....	\$	75,000
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Sec. 19. INSTITUTE FOR DECISION MAKING FULL-TIME EQUIVALENT POSITIONS. The number of full-time equivalent positions authorized for the institute for decision making at the university of northern Iowa for the fiscal year beginning July 1, 1999, in 1999 House File 745,\* if enacted, is increased by 1 FTE.

Sec. 20. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide statewide coordination of the drug abuse resistance education (D.A.R.E.) program:

.....	\$	80,000
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DIVISION V  
FISCAL YEAR 1998-1999  
APPROPRIATIONS

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

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

\* Chapter 197 herein

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

1. For purposes of the school violence crisis intervention task force established pursuant to this subsection:

..... \$ 50,000

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

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

..... \$ 50,000

The department of education shall work with the boards of directors of school districts and area education agencies in establishing service requirements and selecting an internet service provider to provide internet filter services through servers located at the area education agencies. The goal of providing a filtering service to a school district is to protect students from inappropriate internet websites and to promote the use of the internet for educational purposes. School districts that wish to receive filtering services shall assume the ongoing costs of the services.

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

For the geography alliance:

..... \$ 25,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

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

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

..... \$ 220,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

\* Chapter 205 herein

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

For a grant to a county with a population between 168,000 and 175,000 for implementation of the county's runaway treatment plan under section 232.195:

..... \$ 80,000

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

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

#### DIVISION VI MISCELLANEOUS

Sec. 28. Section 137F.1, subsection 8, paragraph f, Code 1999, is amended by striking the paragraph and inserting in lieu thereof the following:

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

Sec. 29. Section 137F.2, subsection 6, Code 1999, is amended to read as follows:

6. 3-201.11(B) shall be amended to allow food prepared by a home food establishment licensed under chapter 137D ~~or by an operation specified under section 137F.1, subsection 8, paragraph "F"~~, to be used or offered for sale.

Sec. 30. Section 137F.2, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 12. 3-201.16(B) shall be amended to exclude wild morel mushrooms.

Sec. 31. Section 137F.2, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 13. 3-501.17 shall be amended to provide that paragraphs (C) and (D) shall not apply to aged cheese.

Sec. 32. Section 137F.2, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 14. 3-603.11 shall be amended so that the rule shall not apply to whole muscle red meats.

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

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

c. The order appointing the guardian ad litem shall ~~specify the duties of and grant authorization to the guardian ad litem to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The order shall specify that the guardian ad litem may interview any person providing medical, mental health, social, educational, or other services to the child, may attend any departmental staff meeting, case conference, or meeting with medical or mental health providers, service providers, organizations, or educational institutions regarding the child, if deemed necessary by the guardian ad litem, and may inspect and copy any records relevant to the proceedings.~~

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

\* Chapter 164 herein

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

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

NEW SUBPARAGRAPH SUBDIVISION. (i) Section 724.4B.

Sec. 36. Section 484B.4, subsection 2, paragraph c, Code 1999, is amended by striking the paragraph.

Sec. 37. Section 490A.1504, Code 1999, is amended to read as follows:  
490A.1504 WHO MAY ORGANIZE.

~~Two~~ One or more individuals having capacity to contract, ~~each of whom is and~~ licensed to practice a profession in this state in which the professional limited liability company is to be authorized to practice, may ~~act as organizers of~~ organize a professional limited liability company.

Sec. 38. Section 514I.5, subsection 7, paragraph d, Code 1999, is amended to read as follows:

d. Develop, with the assistance of the department, an outreach plan ~~for implementation by the administrative contractor~~, and provide for periodic assessment of the effectiveness of the outreach plan. The plan shall provide outreach to families of children likely to be eligible for assistance under the program ~~or for other health insurance coverage or care programs~~, to inform them of the availability of and to assist the families in enrolling children in the program. The outreach efforts ~~shall~~ may include, but are not limited to, a comprehensive statewide media campaign, solicitation of cooperation from programs, agencies, and other persons who are likely to have contact with eligible children, including but not limited to those associated with the educational system, and the development of community plans for outreach and marketing.

Sec. 39. Section 514I.7, subsection 2, paragraph a, Code 1999, is amended by striking the paragraph.

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

Sec. 41. Section 137D.9, Code 1999, is repealed.

#### DIVISION VII CORRECTIVE AMENDMENTS

Sec. 42. Section 12C.1, subsection 3, paragraph b, Code 1999, as amended, by 1999 Iowa Acts, House File 571,\* section 4, if enacted, is amended to read as follows:

b. If a depository is a bank, public deposits in the bank shall be secured pursuant to sections ~~12C.23~~ 12C.23A and 12C.24.

Sec. 43. Section 12C.23, subsection 3, paragraph d, Code 1999, as amended by 1999 Iowa Acts, House File 571,\* section 11, if enacted, is amended to read as follows:

d. If the loss to public funds is not covered by insurance and the proceeds of the failed credit union's assets which are liquidated within thirty days of the closing of the credit union and pledged collateral, the treasurer shall provide coverage of the remaining loss from the state sinking fund for public deposits in credit unions. If the funds are inadequate

\* Chapter 117 herein



to cover the entire loss, then the treasurer shall make an assessment against other credit unions who hold public funds. The assessment shall be determined by multiplying the total amount of the remaining loss to public depositors by a percentage that represents the average of public funds deposits held by all credit unions during the preceding twelve-month period ending on the last day of the month immediately preceding the month the credit union was closed. Each credit union shall pay its assessment to the treasurer within three business days after it receives notice of assessment. If a credit union fails to pay its assessment when due, the treasurer of state shall initiate a lawsuit to collect the assessment. If a credit union is found to have failed to pay the assessment as required by this ~~subparagraph~~ paragraph, the court shall order it to pay the assessment, court costs, reasonable attorney's fees based upon the amount of time the attorney general's office spent preparing and bringing the action, and reasonable expenses incurred by the treasurer of state's office. Idle balances in the fund are to be invested by the treasurer with earnings credited to the fund. Fees paid by credit unions for administration of this chapter will be credited to the fund and the treasurer may deduct actual costs of administration from the fund.

Sec. 44. Section 12C.23A, subsection 3, paragraph b, if enacted by 1999 Iowa Acts, House File 571,\* section 12, is amended to read as follows:

b. The recovery of any loss to public depositors shall begin with applicable deposit insurance. The priority of claims are those established pursuant to section 524.1312, subsection 2, ~~section 533.22, subsection 1, paragraph "b", or section 534.517~~. To the extent permitted by federal law, in the distribution of an insolvent federally chartered bank's assets, the order of payment of liabilities if its assets are insufficient to pay in full all its liabilities for which claims are made shall be in the same order as for a state-chartered bank as provided in section 524.1312, subsection 2.

Sec. 45. Section 12C.23A, subsection 3, paragraph d, if enacted by 1999 Iowa Acts, House File 571,\* section 12, is amended to read as follows:

d. If the loss to public funds is not covered by insurance and the proceeds of the failed bank's assets which are liquidated within thirty days of the closing of the bank, are not sufficient to cover the loss, then any further payments to cover the loss will come from the state sinking fund for public deposits in banks. If the balance in that sinking fund is inadequate to pay the entire loss, then the treasurer shall obtain the additional amount needed by making an assessment against other banks whose public funds deposits exceed deposit insurance coverage. A bank's assessment shall be determined by multiplying the total amount of the remaining loss to all public depositors by a percentage that represents that bank's proportional share of the ~~average total~~ of uninsured public funds deposits held by all banks. Each bank shall pay its assessment to the treasurer within three business days after it receives notice of assessment. If a bank fails to pay its assessment when due, the treasurer of state shall initiate a lawsuit to collect the assessment. If a bank is found to have failed to pay the assessment as required by this ~~subparagraph~~ paragraph, the court shall order it to pay the assessment, court costs, reasonable attorney fees based on the amount of time the attorney general's office spent preparing and bringing the action, and reasonable expenses incurred by the treasurer of state. Idle balances in the fund shall be invested by the treasurer with earnings credited to the fund. Fees paid by banks for administration of this chapter shall be credited to the fund and the treasurer may deduct actual costs of administration from the fund.

Sec. 46. Section 13B.4, subsection 1, Code 1999, as amended by 1999 Iowa Acts, House File 573,\*\* section 1, is amended to read as follows:

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, on appeal in criminal cases, ~~and~~ on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and on a reopening of a sentence proceeding, and

\* Chapter 117 herein

\*\* Chapter 12 herein

may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

Sec. 47. Section 37.10, unnumbered paragraph 1, Code 1999, as amended by 1999 Acts, House File 224,\*<sup>1</sup> section 2, is amended to read as follows:

Each commissioner, except for a memorial hospital ~~commissioner~~, shall be an honorably discharged soldier, sailor, marine, airman, or coast guard member and be a resident of the county in which the memorial hall or monument is located. Each commissioner for a memorial hospital shall be a resident of the county in which the memorial hospital is located.

Sec. 48. Section 124.401F, subsection 1, Code 1999, as enacted by 1999 Iowa Acts, House File 573,\*<sup>2</sup> section 6, is amended to read as follows:

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

Sec. 49. Section 172C.1, subsection 3, as enacted by 1999 Iowa Acts, Senate File 436,\*<sup>3</sup> if enacted, is amended to read as follows:

3. "Packer" means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter, if the meat products of the slaughtered livestock which are directly or indirectly to be offered for resale or for public consumption ~~and the meat products~~ have a total annual value of ten million dollars or more. As used in this chapter, "packer" includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer. "Packer" does not include a frozen food locker plant regulated under chapter 172.

Sec. 50. Section 249A.3, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Medical assistance may also, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, other individuals and families who are not excluded under subsection 4 ~~5~~ of this section and whose incomes and resources are insufficient to meet the cost of necessary medical care and services in accordance with the following order of priorities:

Sec. 51. Section 256E.7, subsection 4, as enacted by 1999 Iowa Acts, House File 743,\*<sup>4</sup> section 7, is amended to read as follows:

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

\*<sup>1</sup> Chapter 36 herein

\*<sup>2</sup> Chapter 12 herein

\*<sup>3</sup> Chapter 88 herein

\*<sup>4</sup> Chapter 18 herein

Sec. 52. Section 321.471, subsection 1, unnumbered paragraph 1, Code 1999, as amended by 1999 Iowa Acts, House File 651,\* section 8, if enacted, is amended to read as follows:

Local authorities with respect to a highway under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon the highway for a total period of not to exceed ninety days in any one calendar year, whenever the highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights reduced. The ordinance or resolution shall not apply to implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, or fire apparatus and road maintenance equipment owned by ~~or~~, under lease to, or used in the performance of a contract with a state or local authority.

Sec. 53. Section 321.471, subsection 2, Code 1999, paragraph a, as enacted and amended by 1999 Iowa Acts, House File 651,\* section 8, if enacted, is amended to read as follows:

a. Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, local authorities may by ordinance or resolution impose limitations for an indefinite period of time on the weight of vehicles upon bridges or culverts located on highways under their sole jurisdiction. The limitations shall be effective when signs giving notice of the limitations are erected. The ordinance or resolution shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by ~~or~~, under lease to, any or used in the performance of a contract with a state or local authority.

Sec. 54. Section 321.474, unnumbered paragraph 1, Code 1999, as amended by 1999 Iowa Acts, House File 651,\* section 9, if enacted, is amended to read as follows:

The department shall have authority, as granted to local authorities, to determine by resolution and to impose restrictions as to the weight of vehicles, except implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by ~~or~~, under lease to, any or used in the performance of a contract with a state or local authority, operated upon any highway under the jurisdiction of the department for a definite period of time not to exceed twelve months. The restrictions shall be effective when signs giving notice of the restrictions and the expiration date of the restrictions are erected upon the affected highway or portion of highway.

Sec. 55. Section 321.474, unnumbered paragraph 2, if enacted by 1999 Iowa Acts, House File 651,\* section 9, is amended to read as follows:

Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, the department may impose, by resolution, restrictions for an indefinite period of time on the weight of vehicles operated upon bridges or culverts located on highways under its jurisdiction. The restrictions shall be effective when signs giving notice of the restrictions are erected. The restrictions shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by ~~or~~, under lease to, any or used in the performance of a contract with a state or local authority.

Sec. 56. Section 427.1, subsection 30, if enacted by 1999 Iowa Acts, House File 758,\*\* is amended to read as follows:

30. MOBILE HOME PARK STORM SHELTER. A structure constructed as a storm shelter at a mobile home park as defined in section 435.1. ~~If the structure serves a use in addition to use as a storm shelter, the exemption shall apply only to that portion of the structure which serves as a storm shelter.~~ An application for this exemption shall be filed with the assessing

\* Chapter 108 herein

\*\* Chapter 186 herein

authority not later than April fifteenth of the first year for which the exemption is requested, on forms provided by the department of revenue and finance. The application shall describe and locate the storm shelter to be exempted. If the storm shelter structure is used exclusively as a storm shelter, all of the structure's assessed value shall be exempt from taxation. If the storm shelter structure is not used exclusively as a storm shelter, the storm shelter structure ~~which is not used exclusively as a storm shelter~~ shall be assessed for taxation at seventy-five percent of its value as commercial property.

Sec. 57. Section 476.86, unnumbered paragraph 1, as enacted by 1999 Iowa Acts, Senate File 224,\*<sup>1</sup> section 2, is amended to read as follows:

As used in this section and section 476.87, unless the context otherwise requires:

Sec. 58. Section 514C.14, subsection 2, paragraph b, if enacted by 1999 Iowa Acts, Senate File 8,\*<sup>2</sup> section 1, is amended to read as follows:

b. This ~~chapter section~~ shall not apply to accident only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

Sec. 59. Section 524.1406, subsection 3, paragraph b, if enacted by 1999 Iowa Acts, House File 445,\*<sup>3</sup> section 1, is amended to read as follows:

b. ~~If, prior~~ Prior to giving notice of a meeting at which a shareholder would be entitled to assert dissenter's rights, a bank may seek a declaratory judgment to establish the fair value for purposes of section 490.1301, subsection 4, of shares held by shareholders who would have a right to dissent. Another cause of action or a counterclaim shall not be joined with such a declaratory action. A declaratory judgment shall be filed in the county where the bank's principal place of business is located. The court shall appoint an attorney to represent minority shareholders. All shareholders of the bank shall be served with notice of the action and be advised of the name, address, and telephone number of the attorney appointed to represent minority shareholder interests. The bank may select an appraiser to give an opinion on fair value and the attorney shall select an appraiser to give an opinion on fair value. Any shareholder may participate individually and present evidence of the fair value of such shareholder's shares. All court costs, appraiser's fees, and the fees and expenses of the attorney shall be assessed against the bank. A judgment in the action shall not determine fair value for a share to be less than the stockholders' equity in the bank in its last statement of condition filed under section 524.220 divided by the number of shares outstanding. A final judgment in the action shall establish fair value for the purposes of chapter 490, division XIII and shall be disclosed to the shareholders in the notice to shareholders of the meeting to approve the transaction that gives rise to dissenters' rights. If the proposed transaction is approved by the shareholders, upon consummation of the proposed transaction the fair value so established shall be paid to all shareholders entitled to payment for their shares upon receipt of such shareholders' share certificates.

Sec. 60. Section 602.7103, subsection 2, Code 1999, as amended by\*<sup>4</sup> House File 647,\*<sup>5</sup> section 7, as subsection 1, if enacted, is amended to read as follows:

1. An associate juvenile judge shall have the same jurisdiction to conduct juvenile court proceedings, to issue warrants, nontestimonial identification orders, and contempt arrest warrants for adults in juvenile court proceedings, and to issue orders, findings, and decisions as the judge of the juvenile court. However, the ~~appointing~~ chief judge may limit the exercise of juvenile court jurisdiction by the associate juvenile judge.

\*<sup>1</sup> Chapter 20 herein

\*<sup>2</sup> Chapter 75 herein

\*<sup>3</sup> Chapter 162 herein

\*<sup>4</sup> 1999 Iowa Acts probably intended

\*<sup>5</sup> Chapter 93 herein

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

5. A full-time associate juvenile judge who seeks to resign from the office of ~~district associate~~ full-time associate juvenile judge shall notify in writing the chief judge of the judicial district as to the full-time associate juvenile judge's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the actual or impending vacancy in the office of full-time associate juvenile judge due to resignation.

Sec. 62. Section 633.20B, subsection 5, if enacted by 1999 Iowa Acts, House File 647,\* section 13, is amended to read as follows:

5. A full-time associate probate judge who seeks to resign from the office of ~~district associate~~ full-time associate probate judge shall notify in writing the chief judge of the judicial district as to the full-time associate probate judge's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the actual or impending vacancy in the office of full-time associate probate judge due to resignation.

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

11. An aggrieved person in a trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of this state, may move to suppress the contents of an intercepted wire, oral, or electronic communication, or evidence derived from the wire, oral, or electronic communication, on the grounds that the communication was unlawfully intercepted, the order of authorization under which it was intercepted was insufficient on its face, or the interception was not made in conformity with the order of authorization. The motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire, oral, or electronic communication, or evidence derived from the wire ~~communication or, oral, or electronic~~ communication, shall be treated as having been obtained in violation of this chapter.

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

1. An application for an order or an extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device shall be made in writing by a prosecuting attorney upon oath or affirmation to a district court. Only a special state agent may ~~only~~ conduct an investigation authorized under this section or section 808B.12. An application shall include the following information:

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

b. A certified statement by the special state agent that the information likely to be obtained is relevant to an ongoing criminal investigation of an offense listed under section 808B.3 or an offense that may lead to an immediate danger of death of or serious bodily injury of to a person.

2. Upon application the court may enter an ex parte order or an ex parte extension of an order, authorizing the installation and use of a pen register or trap and trace device within the territorial jurisdiction of the court, if the court finds that the special state agent has certified to the court that the information likely to be obtained by the use of a pen register or trap and trace device is relevant to an ongoing criminal investigation of an offense listed under section 808B.3 or an offense that may lead to ~~the~~ an immediate danger of death of or serious bodily injury of to a person.

\* Chapter 93 herein

\*\* Chapter 78 herein

Sec. 65. Section 808B.11, subsection 4, if enacted by 1999 Iowa Acts, Senate File 309,\*<sup>1</sup> section 26, is amended to read as follows:

4. ~~Any~~ Except as otherwise provided in paragraph "b", any order granted under this section shall be sealed until otherwise ordered by the court.

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

b. ~~Notwithstanding subsection 4, a~~ A prosecuting attorney or special state agent may utilize or share any information obtained from the use of a pen register or trap and trace device with other prosecuting attorneys or law enforcement agencies while acting within the scope of their employment.

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

Sec. 66. Section 808B.12, subsection 1, paragraph a, if enacted by 1999 Iowa Acts, Senate File 309,\*<sup>1</sup> section 27, is amended to read as follows:

a. The court reasonably determines that an emergency situation exists that involves an immediate danger of death of or serious ~~bodily~~ injury to any person.

Sec. 67. Section 808B.12, subsection 3, if enacted by 1999 Iowa Acts, Senate File 309,\*<sup>1</sup> section 27, is amended to read as follows:

3. An investigative or law enforcement officer who knowingly uses a pen register or trap and trace device pursuant to this section after the effectiveness of the ~~authorizing~~ emergency order has terminated pursuant to subsection 2 due to the lapse of the forty-eight hours commits a serious misdemeanor.

Sec. 68. 1999 Iowa Acts, House File 745,\*<sup>2</sup> section 19, if enacted, is amended to read as follows:

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

Sec. 69. 1999 Iowa Acts, Senate File 460,\*<sup>3</sup> section 10, subsection 7, unnumbered paragraph 2, if enacted, is amended to read as follows:

The employment appeal board shall be reimbursed by the labor services division of the department of ~~employment services~~ workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

Sec. 70. 1999 Iowa Acts, Senate File 464,\*<sup>4</sup> section 1, subsection 4, if enacted, is amended to read as follows:

4. NATIONAL GUARD ~~TUITION AID~~ EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard ~~tuition aid~~ educational assistance under the program established in section 261.86:

..... \$ 833,900

Sec. 71. 1999 Iowa Acts, Senate File 464,\*<sup>4</sup> section 4, if enacted, is amended to read as follows:

\*<sup>1</sup> Chapter 78 herein  
\*<sup>2</sup> Chapter 197 herein  
\*<sup>3</sup> Chapter 199 herein  
\*<sup>4</sup> Chapter 205 herein

SEC. 4. REMAINING NATIONAL GUARD TUITION AID PROGRAM BALANCE. Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining at the end of the fiscal year ending June 30, 1999, from the appropriations made in 1998 Iowa Acts, chapter 1215, section 1, subsection 4, shall not revert but shall be available for expenditure during the subsequent fiscal year for the purposes of the national guard ~~tuition aid~~ educational assistance program established by this Act.

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

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

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

1. Section 42, amending section 12C.1.
2. Section 43, amending section 12C.23, subsection 3, paragraph "d".
3. Section 44, amending section 12C.23A, subsection 3, paragraph "b".
4. Section 45, amending section 12C.23A, subsection 3, paragraph "d".
5. Section 49, amending section 172C.1, takes effect July 1, 2000.
6. Section 57, amending section 476.86.
7. Section 68, amending 1999 Iowa Acts, House File 745,\* section 19.
8. Section 71, amending 1999 Iowa Acts, Senate File 464,\*\* section 4.
9. Section 72, relating to the effective date of 1999 Iowa Acts, House File 745,\* section 1, subsection 2, paragraph "e".

Approved May 27, 1999

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## CHAPTER 209

### OLA BABCOCK MILLER STATE OFFICE BUILDING — COMMEMORATION

#### S.J.R. 2

**A JOINT RESOLUTION** relating to the designation of the Old State Historical Building as the Ola Babcock Miller State Office Building.

WHEREAS, it has become accepted procedure to name state office buildings in the Capitol Complex in honor of persons significant in Iowa's history and heritage; and

WHEREAS, the state office building located at 1112 East Grand Avenue, which houses the State Library, the Board of Regents, and the Crime Victim Assistance Division of the Attorney General's Office, has not had a name change since the construction of the New Historical Building and has therefore simply been called the Old State Historical Building; and

WHEREAS, the Iowa Commission on the Status of Women has recommended that this building be named in commemoration of a distinguished Iowa native and member of the Iowa Women's Hall of Fame, Viola "Ola" Babcock Miller, who made a lifetime commitment to public service in the State of Iowa; and

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\* Chapter 197 herein

\*\* Chapter 205 herein