

PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 23, 2004

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JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 23, 2004

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Roger White, pastor of Gladbrook United Methodist Church, Gladbrook. He was the guest of Representative Lance Horbach from Tama County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 22, 2004 was approved.

On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:15 p.m., Speaker pro tempore Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Murphy of Dubuque.

The House stood at ease at 2:16 p.m., until the fall of the gavel.

The House resumed session at 3:49 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

INTRODUCTION OF BILLS

[House File 2549](#), by committee on appropriations, a bill for an act relating to expenditures from the waste tire management fund.

Read first time and placed on the **appropriations calendar**.

[House File 2550](#), by committee on ways and means, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

[House File 2551](#), by committee on ways and means, a bill for an act relating to programs under the authority of the department of public health.

Read first time and placed on the **ways and means calendar**.

[House File 2552](#), by committee on ways and means, a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Regular Calendar

[House File 2489](#), a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties, was taken up for consideration.

Hoffman of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2489](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, 1:

Hutter

Absent or not voting, 3:

Berry Fallon Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2362](#), a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute, was taken up for consideration.

Upmeyer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2362](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Berry Fallon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 2074](#) WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw [House File 2074](#) from further consideration by the House.

[House File 2521](#), a bill for an act providing for a health insurance study by the commissioner of insurance and by providing an effective date, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment [H-8234](#) filed by him and moved its adoption:

[H-8234](#)

- 1 Amend [House File 2521](#) as follows:
- 2 1. Page 2, lines 16 and 17, by striking the words
- 3 and figures "by April 1, 2004" and inserting the
- 4 following: ", or if the general assembly is no longer
- 5 in session to the legislative oversight committee, by
- 6 April 30, 2004".

Amendment [H-8234](#) was adopted.

Oldson of Polk offered the following amendment [H-8252](#) filed by Oldson, et al., and moved its adoption:

[H-8252](#)

- 1 Amend [House File 2521](#) as follows:
- 2 1. Page 2, by inserting after line 22 the
- 3 following:
- 4 "Sec. ____ . MEDICAL MALPRACTICE INSURANCE SOLUTION
- 5 TASK FORCE – STUDY. The insurance division of the
- 6 department of commerce shall establish a medical
- 7 malpractice insurance solution task force. The
- 8 medical malpractice insurance solution task force
- 9 shall conduct a study regarding the availability and
- 10 affordability of medical malpractice insurance in
- 11 Iowa. The purpose of the study shall be to provide
- 12 regulatory agencies and the general assembly with
- 13 possible solutions to alleviate problems regarding the
- 14 availability and affordability of medical malpractice
- 15 insurance in Iowa. The study shall include a broad
- 16 review of factors affecting the availability and
- 17 affordability of medical malpractice insurance in
- 18 Iowa, including all of the following:
- 19 1. Premium amounts charged by medical malpractice
- 20 insurers compared to expenses of medical malpractice
- 21 insurers related to actual medical malpractice costs
- 22 incurred including but not limited to administrative
- 23 and overhead costs and costs of litigation including
- 24 settlements and judgments during at least the previous
- 25 ten-year period.
- 26 2. The type of damages awarded in settlements and

27 judgments in medical malpractice actions including but
 28 not limited to general economic and noneconomic
 29 damages, actual medical expenses, future medical
 30 expenses, lost wages, punitive damages, pain and
 31 suffering, and loss of companionship.
 32 3. Any other factors contributing to the increase,
 33 decrease, and volatility of medical malpractice
 34 insurance premiums.
 35 4. Existing insurance regulatory requirements and
 36 procedures.
 37 5. Existing tort law in Iowa and the United
 38 States, whether statutory or case law.
 39 6. Any other relevant matters as agreed upon by
 40 the task force.
 41 The commissioner of insurance shall select the
 42 members of the task force which shall include
 43 representatives of medical malpractice insurers,
 44 health care professionals and health care facilities
 45 that purchase medical malpractice insurance, attorneys
 46 that represent plaintiffs in medical malpractice
 47 actions, attorneys that represent defendants in
 48 medical malpractice actions, and any other parties or
 49 experts as deemed appropriate by the commissioner.
 50 The commissioner shall submit a report from the

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1 task force to the general assembly on or before
 2 January 15, 2005, regarding the task force's findings
 3 and recommended possible solutions, including proposed
 4 legislation, to make medical malpractice insurance
 5 more available and more affordable in Iowa."
 6 2. Title page, line 2, by inserting after the
 7 word "insurance" the following: "and a medical
 8 malpractice insurance solution task force and study".

Amendment [H-8252](#) was adopted.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2521](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix

Dolecheck	Drake	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, 1:

Eichhorn

Absent or not voting, 1:

Berry

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2362, 2489 and 2521.**

House File 2528, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding, was taken up for consideration.

Boddicker of Cedar offered the following amendment [H-8277](#) filed by him and moved its adoption:

[H-8277](#)

- 1 Amend [House File 2528](#) as follows:
 2 1. Page 1, by striking lines 1 through 16.

Amendment [H-8277](#) was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2528](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Berry

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2537](#), a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury, was taken up for consideration.

Heaton of Henry offered the following amendment [H-8265](#) filed by him and moved its adoption:

[H-8265](#)

- 1 Amend [House File 2537](#) as follows:
- 2 1. Page 16, line 21, by inserting after the word
- 3 "codification," the following: "in this Act,".
- 4 2. By striking page 19, line 16 through page 22,
- 5 line 7 and inserting the following:
- 6 "LEGAL SETTLEMENT DISPUTE RESOLUTION
- 7 Sec. ____ NEW SECTION. 225C.8 LEGAL SETTLEMENT
- 8 DISPUTE RESOLUTION.
- 9 1. a. The dispute resolution process implemented
- 10 in accordance with this section applies to legal
- 11 settlement disputes and is not applicable to disputes
- 12 involving persons committed to a state facility
- 13 pursuant to chapter 812 or rule of criminal procedure
- 14 2.22, Iowa court rules, or to disputes of service
- 15 authorization decisions made through the county single
- 16 entry point process.
- 17 b. If a county receives a billing for services
- 18 provided to a person under chapter 222, 230, or 249A,
- 19 or objects to a legal settlement determination
- 20 certified by the department or another county and
- 21 asserts either that the person has legal settlement in
- 22 another county or that the person has no legal
- 23 settlement or the legal settlement is unknown so that
- 24 the person is deemed to be a state case, the person's
- 25 legal settlement status shall be determined as
- 26 provided in this section. The county shall notify the
- 27 department of the county's assertion within one
- 28 hundred twenty days of receiving the billing. If the
- 29 county asserts that the person has legal settlement in
- 30 another county, that county shall be notified at the
- 31 same time as the department. If the department
- 32 disputes a legal settlement determination
- 33 certification made by a county, the department shall
- 34 notify the affected counties of the department's
- 35 assertion.
- 36 2. The department or the county that received the

37 notification, as applicable, shall respond to the
38 party that provided the notification within forty-five
39 days of receiving the notification. If the parties
40 cannot agree to a settlement as to the person's legal
41 settlement status within ninety days of the date of
42 notification, on motion of any of the parties, the
43 matter shall be referred to the department of
44 inspections and appeals for a contested case hearing
45 under chapter 17A before an administrative law judge
46 assigned in accordance with section 10A.801 to
47 determine the person's legal settlement status.
48 3. a. The administrative law judge's
49 determination of the person's legal settlement status
50 is a final agency action, notwithstanding contrary

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1 provisions of section 17A.15. The party that does not
2 prevail in the determination or subsequent judicial
3 review is liable for costs associated with the
4 proceeding, including reimbursement of the department
5 of inspections and appeals' actual costs associated
6 with the administrative proceeding. Judicial review
7 of the determination may be sought in accordance with
8 section 17A.19.
9 b. If following the determination of a person's
10 legal settlement status in accordance with this
11 section, additional evidence becomes available that
12 merits a change in that determination, the parties
13 affected may change the determination by mutual
14 agreement. Otherwise, a party may move that the
15 matter be reconsidered.
16 4. Unless a petition is filed for judicial review,
17 the administrative law judge's determination of the
18 person's legal settlement status shall result in one
19 of the following:
20 a. If a county is determined to be the person's
21 county of legal settlement, the county shall pay the
22 amounts due and shall reimburse any other amounts paid
23 for services provided under chapter 222, 230, or 249A
24 by the county or the department on the person's behalf
25 prior to issuance of the decision. The payment or
26 reimbursement shall be remitted within forty-five days
27 of the date the decision was issued. After the forty-
28 five-day period, a penalty may be applied as
29 authorized under section 222.68, 222.75, or 230.22.
30 b. If it is determined that the person has no
31 legal settlement or the legal settlement is unknown so
32 that the person is deemed to be a state case, the
33 department shall credit the county for any payment
34 made on behalf of the person by the county prior to
35 issuance of the decision. The credit shall be applied

36 by the department on a county billing no later than
 37 the end of the quarter immediately following the date
 38 of the decision's issuance.

39 Sec.____. Section 222.61, unnumbered paragraph 1,
 40 Code 2003, is amended to read as follows:

41 When a county receives an application on behalf of
 42 any person for admission to a resource center or a
 43 special unit or when ~~any a~~ court issues an order
 44 committing any person to a resource center or a
 45 special unit, the board of supervisors shall utilize
 46 the single entry point process to determine ~~or the~~
 47 ~~court shall determine and enter as a matter of record~~
 48 ~~whether certify that~~ the legal settlement of the
 49 person is in one of the following:

50 Sec.____. Section 222.62, Code 2003, is amended to

Page 3

1 read as follows:

2 222.62 SETTLEMENT IN ANOTHER COUNTY.

3 ~~Whenever~~ When the board of supervisors ~~utilizes a~~
 4 ~~determines through the single entry point process to~~
 5 ~~determine or the court determines~~ that the legal
 6 settlement of the person is other than in the county
 7 in which the application is received ~~or the court is~~
 8 ~~located, the board or court shall, as soon as~~
 9 ~~determination is made, certify such finding the~~
 10 determination shall be certified to the superintendent
 11 of the resource center or the special unit where the
 12 person is a patient. The certification shall be
 13 accompanied by a copy of the evidence supporting the
 14 determination. The superintendent shall charge the
 15 expenses already incurred and unadjusted, and all
 16 future expenses of the patient, to the county ~~so~~
 17 certified ~~until the patient's to be the county of~~
 18 legal settlement ~~shall be otherwise determined as~~
 19 ~~provided by this chapter.~~

20 Sec.____. Section 222.63, Code 2003, is amended to
 21 read as follows:

22 222.63 FINDING OF SETTLEMENT – OBJECTION.

23 ~~Said finding of A board of supervisors'~~
 24 certification utilizing the single entry point process
 25 that a person's legal settlement is in another county
 26 ~~shall also be certified sent~~ by the board of
 27 supervisors ~~or the court~~ to the county auditor of the
 28 county of legal settlement. The certification shall
 29 be accompanied by a copy of the evidence supporting
 30 the determination. ~~Such~~ The auditor of the county of
 31 legal settlement shall lay such notification before
 32 submit the certification to the board of supervisors
 33 of the auditor's county ~~whereupon and~~ it shall be
 34 conclusively presumed that the patient has a legal

35 settlement in said ~~that~~ county unless ~~the~~ that county
36 ~~shall, within six months, in writing filed with the~~
37 ~~board of supervisors or the court giving such notice,~~
38 ~~dispute said legal settlement disputes the~~
39 determination of legal settlement as provided in
40 section 225C.8.
41 Sec. _____. Section 222.64, Code 2003, is amended to
42 read as follows:
43 222.64 FOREIGN STATE OR COUNTRY OR UNKNOWN LEGAL
44 SETTLEMENT.
45 If the legal settlement of the person is ~~found~~
46 determined by the board of supervisors through a the
47 single entry point process ~~or the court~~ to be in a
48 foreign state or country or is ~~found~~ determined to be
49 unknown, the board of supervisors ~~or the court~~ shall
50 ~~immediately notify~~ certify the determination to the

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1 administrator ~~of the finding and shall furnish the~~
2 ~~administrator with a copy of the evidence taken on the~~
3 ~~question of legal settlement. The certification shall~~
4 be accompanied by a copy of the evidence supporting
5 the determination. The care of the person shall be as
6 arranged by the board of supervisors or by an order as
7 the court may enter. Application for admission or
8 order of commitment may be made pending investigation
9 by the administrator.
10 Sec. _____. Section 222.65, Code 2003, is amended to
11 read as follows:
12 222.65 INVESTIGATION.
13 ~~The~~ If an application is made for placement of a
14 person in a state resource center or special unit, the
15 administrator shall immediately investigate the legal
16 settlement of the person and proceed as follows:
17 1. If the administrator ~~finds that the decision of~~
18 ~~the board of supervisors or the court concurs with a~~
19 certified determination as to legal settlement of the
20 ~~person is correct so that the person is deemed a state~~
21 case, the administrator shall cause the person either
22 to be transferred to a resource center or a special
23 unit ~~and there maintained at the expense of the state~~
24 or to be transferred to the place of foreign
25 settlement.
26 2. If the administrator ~~finds that the decision of~~
27 ~~the board of supervisors or the court is not correct~~
28 disputes a certified determination of legal
29 settlement, the administrator shall order the person
30 transferred to a state resource center or a special
31 unit ~~and there maintained at the expense of the county~~
32 of legal settlement in this state until the dispute is
33 resolved.

34 3. If the administrator disputes a certified
 35 determination of legal settlement, the administrator
 36 shall utilize the procedure provided in section 225C.8
 37 to resolve the dispute. A determination of the
 38 person's legal settlement status made pursuant to
 39 section 225C.8 is conclusive.

40 Sec.____. Section 222.67, Code 2003, is amended to
 41 read as follows:

42 222.67 CHARGE ON FINDING OF SETTLEMENT.

43 ~~Where~~ If a person has been received into a resource
 44 center or a special unit as a patient whose legal
 45 settlement is supposedly outside the state or is
 46 unknown and the administrator ~~finds~~ determines that
 47 the legal settlement of the patient was at the time of
 48 admission or commitment in a county of this state, the
 49 administrator shall certify the determination and
 50 charge all legal costs and expenses pertaining to the

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1 admission or commitment and support of the patient to
 2 the county of ~~such~~ legal settlement. The
 3 certification shall be sent to the county of legal
 4 settlement. The certification shall be accompanied by
 5 a copy of the evidence supporting the determination.
 6 If the person's legal settlement status has been
 7 determined in accordance with section 225C.8, the
 8 legal costs and expenses shall be charged to the
 9 county or as a state case in accordance with that
 10 determination. The costs and expenses shall be
 11 collected as provided by law in other cases.

12 Sec.____. Section 222.70, Code 2003, is amended by
 13 striking the section and inserting in lieu thereof the
 14 following:

15 222.70 LEGAL SETTLEMENT DISPUTES.

16 If a dispute arises between counties or between the
 17 department and a county as to the legal settlement of
 18 a person admitted or committed to a resource center, a
 19 special unit, or a community-based service, the
 20 dispute shall be resolved as provided in section
 21 225C.8.

22 Sec.____. Section 230.2, unnumbered paragraph 1,
 23 Code 2003, is amended to read as follows:

24 ~~The~~ If a person's legal settlement status is
 25 disputed, legal settlement shall be determined in
 26 accordance with section 225C.8. Otherwise, the
 27 district court shall may, when a the person is ordered
 28 placed in a hospital for psychiatric examination and
 29 appropriate treatment, or as soon thereafter as it the
 30 court obtains the proper information, determine and
 31 enter of record whether the legal settlement of said
 32 the person is one of the following:

33 Sec. _____. Section 230.3, Code 2003, is amended to
34 read as follows:
35 230.3 CERTIFICATION OF SETTLEMENT.
36 If ~~such a person's~~ legal settlement is ~~found~~
37 determined through the county's single entry point
38 process to be in another county of this state, ~~the~~
39 ~~court shall, as soon as said determination is made,~~
40 the county making the determination shall certify ~~such~~
41 ~~finding the determination~~ to the superintendent of the
42 hospital to which ~~said patient~~ the person is admitted
43 or committed, ~~and thereupon said. The certification~~
44 Ushall be accompanied by a copy of the evidence
45 supporting the determination. Upon receiving the
46 certification, the superintendent shall charge the
47 expenses already incurred and unadjusted, and all
48 future expenses of ~~such patient, the person~~ to the
49 county ~~so certified until said determined to be the~~
50 county of legal settlement shall be otherwise

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1 ~~determined as hereinafter provided.~~
2 Sec. _____. Section 230.4, Code 2003, is amended to
3 read as follows:
4 230.4 CERTIFICATION TO DEBTOR COUNTY.
5 ~~Said finding~~ A determination of a person's legal
6 settlement made in accordance with section 230.2 or
7 230.3 shall also be certified sent by the court or the
8 county to the county auditor of the county of such
9 legal settlement. The certification shall be
10 accompanied by a copy of the evidence supporting the
11 determination. Such ~~The auditor shall lay such~~
12 ~~notification before~~ provide the certification to the
13 board of supervisors of the auditor's county, and it
14 shall be conclusively presumed that ~~such the~~ person
15 has a legal settlement in ~~said the~~ notified county
16 unless ~~said that~~ county shall within sixty days give
17 notice in writing to the court that the county
18 disputes the finding of legal settlement as provided
19 in section 225C.8.
20 Sec. _____. Section 230.5, Code 2003, is amended to
21 read as follows:
22 230.5 NONRESIDENTS.
23 If ~~such a person's~~ legal settlement is ~~found by~~
24 ~~court determined in accordance with section 230.2 or~~
25 230.3 to be in ~~some a~~ foreign state or country, or is
26 unknown, the court or the county shall immediately
27 ~~notify the~~ certify the determination to the
28 ~~administrator of the finding and furnish the~~
29 ~~administrator with a copy of the evidence taken on the~~
30 ~~question of legal settlement, and shall in its. The~~
31 certification shall be accompanied by a copy of the

32 evidence supporting the determination. A court order
 33 issued pursuant to section 229.13 shall direct that
 34 the patient be hospitalized at the appropriate state
 35 hospital for persons with mental illness.

36 Sec. _____. Section 230.6, Code 2003, is amended to
 37 read as follows:

38 230.6 ~~DETERMINATION~~ INVESTIGATION BY
 39 ADMINISTRATOR.

40 The administrator shall immediately investigate the
 41 legal settlement of ~~said a~~ patient and proceed as
 42 follows:

43 1. If the administrator ~~finds that the decision of~~
 44 ~~the court as to concurs with a certified determination~~
 45 of legal settlement is correct concerning the patient,
 46 the administrator shall cause ~~said the~~ patient either
 47 to be transferred to a state hospital for persons with
 48 mental illness at the expense of the state, or to be
 49 transferred, with approval of the court as required by
 50 chapter 229 to the place of foreign settlement.

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1 2. If the administrator ~~finds that the decision of~~
 2 ~~the court is not correct disputes a certified legal~~
 3 settlement determination, the administrator shall
 4 order ~~said the~~ patient to be maintained at a state
 5 hospital for persons with mental illness at the
 6 expense of the state, ~~and shall at once inform the~~
 7 ~~court of such finding and request that the court's~~
 8 ~~order be modified accordingly until the dispute is~~
 9 resolved.

10 3. If the administrator disputes a legal
 11 settlement determination, the administrator shall
 12 utilize the procedure provided in section 225C.8 to
 13 resolve the dispute. A determination of the person's
 14 legal settlement status made pursuant to section
 15 225C.8 is conclusive.

16 Sec. _____. Section 230.9, Code 2003, is amended to
 17 read as follows:

18 230.9 SUBSEQUENT DISCOVERY OF RESIDENCE.

19 If, after a ~~patient person~~ person has been received ~~into~~
 20 by a state hospital for persons with mental illness as
 21 a state case patient whose legal settlement is
 22 supposed to be outside this state or unknown, the
 23 administrator ~~finds determines~~ that the legal
 24 settlement of ~~said patient~~ the person was, at the time
 25 of admission or commitment, in a county of this state,
 26 ~~said the~~ administrator shall certify the determination
 27 and charge all legal costs and expenses pertaining to
 28 the admission or commitment and support of ~~said~~
 29 ~~patient the person~~ the person to the county of ~~such~~ legal
 30 settlement, ~~and the same. The certification shall be~~

31 sent to the county of legal settlement. The
32 certification shall be accompanied by a copy of the
33 evidence supporting the determination. The costs and
34 expenses shall be collected as provided by law in
35 other cases. If the person's legal settlement status
36 has been determined in accordance with section 225C.8,
37 the legal costs and expenses shall be charged to the
38 county or as a state case in accordance with that
39 determination.

40 Sec.____. Section 230.12, Code 2003, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 230.12 LEGAL SETTLEMENT DISPUTES.

44 If a dispute arises between different counties or
45 between the administrator and a county as to the legal
46 settlement of a person admitted or committed to a
47 state hospital for persons with mental illness, the
48 dispute shall be resolved as provided in section
49 225C.8.

50 Sec.____. Section 232.141, subsection 8, Code

Page 8

1 2003, is amended to read as follows:

2 8. This subsection applies only to placements in a
3 juvenile shelter care home which is publicly owned,
4 operated as a county or multicounty shelter care home,
5 organized under a chapter 28E agreement, or operated
6 by a private juvenile shelter care home. If the
7 actual and allowable costs of a child's shelter care
8 placement exceed the amount the department is
9 authorized to pay in accordance with law and
10 administrative rule, the unpaid costs may be recovered
11 from the child's county of legal settlement. However,
12 the maximum amount of the unpaid costs which may be
13 recovered under this subsection is limited to the
14 difference between the amount the department is
15 authorized to pay and the statewide average of the
16 actual and allowable rates in effect in May of the
17 preceding fiscal year for reimbursement of juvenile
18 shelter care homes. In no case shall the home be
19 reimbursed for more than the home's actual and
20 allowable costs. The unpaid costs are payable
21 pursuant to filing of verified claims against the
22 county of legal settlement. A detailed statement of
23 the facts upon which a claim is based shall accompany
24 the claim. Any dispute between counties arising from
25 filings of claims pursuant to this subsection shall be
26 settled in the manner provided to determine legal
27 settlement in section ~~230.12~~ 225C.8.

28 Sec.____. Section 249A.26, Code 2003, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 5. If a dispute arises between
 31 different counties or between the department and a
 32 county as to the legal settlement of a person who
 33 receives medical assistance for which the nonfederal
 34 share is payable in whole or in part by a county of
 35 legal settlement, and cannot be resolved by the
 36 parties, the dispute shall be resolved as provided in
 37 section 225C.8.

38 Sec.____. Section 252.23, Code 2003, is amended to
 39 read as follows:

40 252.23 TRIAL.

41 If the alleged settlement is disputed, then, within
 42 thirty days after notice as provided in section
 43 252.22, a copy of the notices sent and received shall
 44 be filed in the office of the clerk of the district
 45 court of the county against which claim is made, and a
 46 cause docketed without other pleadings, and tried as
 47 an ordinary action, in which the county granting the
 48 assistance shall be plaintiff, and the other
 49 defendant, and the burden of proof shall be upon the
 50 county granting the assistance. However, a legal

Page 9

1 settlement dispute initiated under chapter 222, 230,
 2 or 249A shall be resolved as provided in section
 3 225C.8.

4 Sec.____. APPLICABILITY.

5 1. The timeframes specified in section 225C.8, as
 6 enacted by this division of this Act, are applicable
 7 to legal settlement disputes involving billings for
 8 services provided on or after July 1, 2004.

9 2. For legal settlement disputes involving
 10 billings for services provided prior to July 1, 2004,
 11 unless the county disputed the billing prior to July
 12 1, 2004, the person's legal settlement shall be deemed
 13 to be in the county that was billed for services
 14 provided to the person. However, if a county disputed
 15 the billing for a service provided prior to July 1,
 16 2004, and the matter cannot be resolved with the
 17 department of human services or with the other county,
 18 in lieu of the forty-five-day period specified in
 19 section 225C.8, subsection 2, a party may move for the
 20 matter to be resolved in the manner provided in
 21 section 225C.8, at any time prior to January 1, 2005.
 22 If a party has not made such a motion, effective
 23 January 1, 2005, the matter shall be closed and the
 24 person's legal settlement shall be in the county that
 25 was billed for services provided to the person.

26 Sec.____. Sections 222.71, 222.72, 230.13, and
 27 230.14, Code 2003, are repealed."

28 3. By renumbering as necessary.

Amendment [H-8265](#) was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2537](#))

The ayes were, 80:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
De Boef	Dennis	Dix	Dolecheck
Eichhorn	Elgin	Foege	Freeman
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
Manternach	Mascher	Mertz	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Stevens	Struyk	Swaim
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wildurdyke	Wise	Carroll, Presiding

The nays were, 18:

Davitt	Fallon	Ford	Frevert
Hunter	Lensing	McCarthy	Miller
Murphy	Osterhaus	Shomshor	Shoultz
Smith	Taylor, D.	Taylor, T.	Wendt
Whitead	Winckler		

Absent or not voting, 2:

Berry Drake

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2528** and **2537**.

HOUSE FILE 2295 WITHDRAWN

Boddicker of Cedar asked and received unanimous consent to withdraw House File 2295 from further consideration by the House.

House File 2523, a bill for an act providing for the regulation of air quality, and making penalties applicable, was taken up for consideration.

Kuhn of Floyd offered the following amendment H-8269 filed by him and Greimann of Story and moved its adoption:

H-8269

- 1 Amend House File 2523 as follows:
- 2 1. Page 1, by striking lines 1 through 31.
- 3 2. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Hunter of Polk.

On the question "Shall amendment H-8269 be adopted?" (H.F. 2523)

The ayes were, 38:

Bukta	Cphoon	Connors	Davitt
Eichhorn	Fallon	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Schickel
Shoultz	Smith	Stevens	Swaim
Taylor, T.	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 59:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Chambers

Dandekar	De Boef	Dennis	Dix
Dolecheck	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Mertz
Miller	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Shomshor
Struyk	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wilderdyke	Carroll,	
		Presiding	

Absent or not voting, 3:

Berry Drake Van Fossen, J.K.

Amendment [H-8269](#) lost.

Mertz of Kossuth offered amendment [H-8287](#) filed by her and Greiner of Washington as follows:

[H-8287](#)

- 1 Amend [House File 2523](#) as follows:
- 2 1. Page 2, by striking line 5, and inserting the
- 3 following: "academies, which may appoint up to three
- 4 members who reside in this state or in states
- 5 contiguous to this state".
- 6 2. Page 2, by striking lines 6 through 9, and
- 7 inserting the following:
- 8 " () The university of Iowa, which may appoint
- 9 one member."
- 10 3. Page 3, by inserting after line 23, the
- 11 following:
- 12 "____. The panel shall consult with the agency for
- 13 toxic substances and disease registry as to the health
- 14 effect levels as defined in section 459.207, if any,
- 15 for odor."
- 16 4. Page 3, by striking line 26, and inserting the
- 17 following:
- 18 "____. a. The panel shall".
- 19 5. By renumbering as necessary.

Shultz of Black Hawk offered the following amendment [H-8297](#), to amendment [H-8287](#), filed by him from the floor and moved its adoption:

[H-8297](#)

1 Amend the amendment, [H-8287](#), to [House File 2523](#), as
2 follows:
3 1. Page 1, by inserting after line 9, the
4 following:
5 "() The Iowa medical society which may appoint
6 one member. The member shall be a physician who is
7 board certified as a pulmonary specialist."

Amendment [H-8297](#) lost.

On motion by Mertz of Kossuth, amendment [H-8287](#) was adopted.

Greiner of Washington offered amendment [H-8283](#) filed by her and Ford of Polk as follows:

[H-8283](#)

1 Amend [House File 2523](#) as follows:
2 1. Page 4, by striking line 2 and inserting the
3 following: "final report shall be submitted no later
4 than December 31, 2006. The final report shall
5 contain findings and, if appropriate,
6 recommendations."

Hogg of Linn offered the following amendment [H-8298](#), to amendment [H-8283](#), filed by him from the floor and moved its adoption:

[H-8298](#)

1 Amend the amendment, [H-8283](#), to [House File 2523](#) as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "____. Page 1, by striking lines 1 through 31."
6 2. Page 1, by inserting after line 6 the
7 following:
8 "____. By striking page 4, line 3, through page
9 10, line 14, and inserting the following:
10 "____. The commission shall adopt rules determined
11 necessary to implement recommendations contained in
12 the panel's final report."

Greiner of Washington rose on a point of order that amendment [H-8298](#) was not germane, to amendment [H-8283](#).

The Speaker ruled the point well taken and amendment [H-8298](#) not germane.

On motion by Greiner of Washington, amendment [H-8283](#) was adopted.

Kuhn of Floyd asked and received unanimous consent that amendment [H-8284](#) be deferred.

Hogg of Linn offered amendment [H-8288](#) filed by him as follows:

[H-8288](#)

- 1 Amend [House File 2523](#) as follows:
- 2 1. Page 4, line 16, by striking the words
- 3 "physical disease" and inserting the following:
- 4 "adverse physical effect".

Hogg of Linn offered the following amendment [H-8301](#), to amendment [H-8288](#), filed by him from the floor and moved its adoption:

[H-8301](#)

- 1 Amend the amendment, [H-8288](#), to [House File 2523](#), as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "physical" and inserting the following: "health".

Amendment [H-8301](#) was adopted.

Roberts of Carroll in the chair at 5:46 p.m.

On motion by Hogg of Linn, amendment [H-8288](#), as amended, lost.

Greiner of Washington offered the following amendment [H-8282](#) filed by her and moved its adoption:

[H-8282](#)

- 1 Amend [House File 2523](#) as follows:
- 2 1. Page 4, by striking lines 32 and 33 and
- 3 inserting the following: "The monitoring period for
- 4 an airborne pollutant shall begin with the start of
- 5 collection of valid data for such airborne pollutant,
- 6 including but not limited to the collection of valid

7 data prior to the effective date of this Act. The
8 field".

Amendment [H-8282](#) was adopted.

Greiner of Washington offered amendment [H-8286](#) filed by her as follows:

[H-8286](#)

1 Amend [House File 2523](#) as follows:
2 1. By striking page 4, line 34, through page 5,
3 line 1, and inserting the following: "study shall
4 include monitoring data from at least five confinement
5 feeding operations that to every extent practicable
6 are located in different geographic locations in the
7 state. In performing the study, the department shall
8 monitor each type of production and management system
9 that is associated with each type of confinement
10 feeding operation structure commonly used in this
11 state."

Greiner of Washington offered the following amendment [H-8296](#),
to amendment [H-8286](#), filed by her from the floor and moved its
adoption:

[H-8296](#)

1 Amend the amendment, H-8286, to [House File 2523](#), as
2 follows:
3 1. By striking page 1, lines 3 through 11, and
4 inserting the following: "line 1, and inserting the
5 following: "study shall include monitoring data from
6 at least five confinement feeding operations for each
7 type or phase of animal production system commonly
8 used in this state and for each type of manure storage
9 or treatment system commonly used at such animal
10 production systems. The confinement feeding
11 operations monitored shall, to every extent
12 practicable, be located in different geographic
13 locations in the state.""

A non-record roll call was requested.

The ayes were 52, nays 27.

Amendment [H-8296](#) was adopted.

On motion by Greiner of Washington, amendment [H-8286](#), as amended, was adopted.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment [H-8284](#), previously deferred, filed by him on March 22, 2004.

Greiner of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2523](#))

The ayes were, 63:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Dolecheck	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Mertz
Miller	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Shomshor	Struyk
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Wise	Roberts, Presiding	

The nays were, 34:

Bukta	Cohoon	Connors	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Mascher	McCarthy	Murphy
Oldson	Olson, D.	Petersen	Schickel
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead	Winckler		

Absent or not voting, 3:

Berry	Drake	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to, placing out of order amendment [H-8299](#) filed by Hogg of Linn from the floor.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2044](#), a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2138](#), a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2179](#), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2213](#), a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2225](#), a bill for an act providing for negotiated rulemaking.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2255](#), a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2264](#), a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2279](#), a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2282](#), a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

MICHAEL E. MARSHALL, Secretary

[House File 2473](#), a bill for an act relating to involuntary hospitalization procedures involving the county single entry point process and patient advocates, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8183](#) filed by him on March 8, 2004.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8205](#) filed by him on March 9, 2004.

Carroll of Poweshiek offered amendment [H-8258](#) filed by him and Smith of Marshall as follows:

[H-8258](#)

- 1 Amend [House File 2473](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 229.1B, Code 2003, is amended
- 5 to read as follows:
- 6 229.1B SINGLE ENTRY POINT PROCESS.
- 7 Notwithstanding any provision of this chapter to
- 8 the contrary, any person whose hospitalization
- 9 expenses are payable in whole or in part by a county
- 10 shall be subject to all requirements of the single
- 11 entry point process. The single entry point process
- 12 administrator or the administrator's designee shall
- 13 assist the court by determining the person's county of
- 14 legal settlement and notifying the court of the
- 15 determination. In addition, the administrator or

16 designee shall identify one or more appropriate
17 hospitals or facilities with an opening available for
18 placement of the person and provide this information
19 to the court along with a placement recommendation.

20 Sec. ____. Section 229.8, subsection 2, Code 2003,
21 is amended to read as follows:

22 2. Cause copies of the application and supporting
23 documentation to be sent to the county attorney or the
24 county attorney's attorney-designate for review, and
25 to the county's single entry point process
26 administrator."

27 2. Page 1, line 32, by striking the word "The"
28 and inserting the following: "Prior to the hearing,
29 the".

30 3. Page 2, line 1, by inserting after the word
31 "respondent." the following: "If determined to be in
32 the best interest of the respondent, the judge may
33 order placement of the respondent in an alternative
34 facility in which an opening is available."

35 4. Page 2, line 17, by inserting after the word
36 "respondent." the following: "If determined to be in
37 the best interest of the respondent, the judge may
38 order placement of the respondent in an alternative
39 facility in which an opening is available."

40 5. Page 2, line 29, by inserting after the word
41 "respondent." the following: "If determined to be in
42 the best interest of the respondent, the judge may
43 order placement of the respondent in an alternative
44 facility in which an opening is available."

45 6. Page 3, by inserting after line 21 the
46 following:
47 "Sec. ____. Section 229.22, subsection 2,
48 unnumbered paragraph 2, Code Supplement 2003, is
49 amended to read as follows:

50 If the magistrate orders that the person be

Page 2

1 detained, the magistrate shall, by the close of
2 business on the next working day, file a written order
3 with the clerk in the county where it is anticipated
4 that an application may be filed under section 229.6.
5 The order may be filed by facsimile if necessary. The
6 order shall state the circumstances under which the
7 person was taken into custody or otherwise brought to
8 a facility, and the grounds supporting the finding of
9 probable cause to believe that the person is seriously
10 mentally impaired and likely to injure the person's
11 self or others if not immediately detained. The order
12 shall confirm the oral order authorizing the person's
13 detention including any order given to transport the
14 person to an appropriate facility. The clerk shall

15 provide a copy of that order to the single entry point
16 process administrator of the county where it is
17 anticipated that an application may be filed under
18 section 229.6, to the chief medical officer of the
19 facility to which the person was originally taken, to
20 any subsequent facility to which the person was
21 transported, and to any law enforcement department or
22 ambulance service that transported the person pursuant
23 to the magistrate's order.
24 Sec. _____. Section 229.24, subsection 1, Code 2003,
25 is amended to read as follows:
26 1. All papers and records pertaining to any
27 involuntary hospitalization or application for
28 involuntary hospitalization of any person under this
29 chapter, whether part of the permanent record of the
30 court or a county or of a file in the department of
31 human services, are subject to inspection only upon an
32 order of the court for good cause shown. Nothing in
33 this section shall prohibit a hospital from complying
34 with the requirements of this chapter and of chapter
35 230 relative to financial responsibility for the cost
36 of care and treatment provided a patient in that
37 hospital, nor from properly billing any responsible
38 relative or third-party payer for such care and
39 treatment."
40 7. Page 3, by striking lines 27 through 33 and
41 inserting the following: "with mental illness. If
42 established,".
43 8. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment [H-8304](#), to amendment [H-8258](#), filed by Carroll, Smith of Marshall and Cohoon of Des Moines from the floor and moved its adoption:

[H-8304](#)

1 Amend the amendment, [H-8258](#), to [House File 2473](#), as
2 follows:
3 1. Page 1, line 7, by inserting before the word
4 "Notwithstanding" the following: "1."
5 2. Page 1, by inserting after line 19 the
6 following:
7 "2. The county single entry point process
8 administrator shall develop a plan for addressing
9 emergency examinations and placements made under this
10 chapter. The plan shall be developed in consultation
11 with representatives of the community mental health
12 centers and hospitals providing emergency services in
13 that county. The plan shall include but is not
14 limited to a process for the administrator or the
15 administrator's designee to provide the court with a

16 placement recommendation as required by this chapter.
 17 3. A person who receives confidential information
 18 under this chapter due to the person's
 19 responsibilities relating to the single entry point
 20 process is subject to the requirements of chapter 228,
 21 the federal Health Insurance Portability and
 22 Accountability Act of 1996, Pub. L. No. 104-191, and
 23 other applicable requirements intended to protect the
 24 confidentiality of information pertaining to a
 25 respondent or person subject to a commitment order
 26 under this chapter."

27 3. Page 1, by inserting after line 26 the
 28 following:

29 "____. Page 1, by striking line 5 and inserting
 30 the following: "advocate of".

31 _____. Page 1, line 8, by inserting after the
 32 figure "3." the following: "If an order is issued,
 33 the clerk shall also provide a copy of the order to
 34 the single entry point process administrator of the
 35 respondent's county of legal settlement."

36 4. Page 2, by inserting after line 39 the
 37 following:

38 "____. Page 3, by inserting before line 22 the
 39 following:

40 "Sec. _____. Section 331.424A, Code Supplement 2003,
 41 is amended by adding the following new subsection:

42 **NEW SUBSECTION.** 6. a. Notwithstanding contrary
 43 provisions of this section, a county may request
 44 approval of a waiver by the department of management
 45 to create a special program fund to receive moneys and
 46 to pay the direct and indirect costs of special
 47 program services provided to persons eligible for
 48 services payable from the services fund. In
 49 requesting the waiver, the county shall provide
 50 information detailing how the special fund will be

Page 2

1 used, the basis upon which moneys will be credited and
 2 expended from the special fund, and other information
 3 specified by the department of management in order for
 4 the department to determine whether the special fund
 5 will be used in a manner that is appropriate to
 6 distinguish those uses from the uses of the services
 7 fund. The department of management may authorize a
 8 waiver for a specific term or an indefinite term and a
 9 waiver is subject to other conditions that the
 10 department may apply to ensure that the special fund
 11 is operated solely for the purposes for which the
 12 special fund is authorized. The department's approval
 13 of a waiver shall be based upon the department's
 14 determination that the special fund will be only be

15 used for managing money for special program services
 16 provided to persons eligible for services paid from
 17 the services fund and are appropriate to distinguish
 18 those uses from the uses of the services fund.

19 b. The special program services may be provided to
 20 persons whose service costs are attributable to the
 21 county that created the special program fund or to
 22 other counties. In addition to receipts from the
 23 services fund of the county that created the special
 24 program fund, receipts from federal, state, and other
 25 county and governments, and any other revenues
 26 associated with the provision of special program
 27 services shall be credited to the special program
 28 fund. The levy limitation established pursuant to
 29 subsection 4 is not subject to increase as a result of
 30 the creation or administration of the special program
 31 fund. The management plans approved pursuant to
 32 section 331.439 for the counties purchasing services
 33 from the special program fund shall address the
 34 services payable from the special program fund and the
 35 administration of the special program fund."

36 5. Page 2, by inserting after line 42 the
 37 following:

38 "____. Title page, by striking lines 1 through 3
 39 and inserting the following: "An Act relating to
 40 mental health, mental retardation, and developmental
 41 disabilities services by revising involuntary
 42 hospitalization procedures involving the county single
 43 entry point process and patient advocates and
 44 authorizing counties to create a special program fund
 45 for these services."

46 6. By renumbering as necessary.

Amendment [H-8304](#) was adopted.

On motion by Carroll of Poweshiek, amendment [H-8258](#), as amended, was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2473](#))

The ayes were, 62:

Alons	Arnold	Baudler	Boal
Boddicker	Bogess	Carroll	Chambers
Cohoon	Davitt	De Boef	Dennis

Dix	Dolecheck	Eichhorn	Elgin
Foege	Freeman	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Smith
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Wise	Roberts,		
	Presiding		

The nays were, 35:

Bell	Bukta	Connors	Dandekar
Fallon	Ford	Frevert	Gaskill
Hogg	Huser	Jochum	Kuhn
Lensing	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Petersen	Quirk	Reasoner	Shomshor
Shoultz	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	

Absent or not voting, 3:

Berry	Drake	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to, placing out of order amendment [H-8295](#), filed by Carroll of Poweshiek from the floor.

[HOUSE FILE 2354](#) WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw [House File 2354](#) from further consideration by the House.

INTRODUCTION OF BILL

[House File 2553](#), by committee on ways and means, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date.

Read first time and place on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

[Senate File 2044](#), by Brunkhorst, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Read first time and referred to committee on **state government**.

[Senate File 2138](#), by Miller, a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

Read first time and referred to committee on **agriculture**.

[Senate File 2179](#), by committee on state government, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Read first time and referred to committee on **state government**.

[Senate File 2213](#), by committee on natural resources and environment, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Read first time and referred to committee on **natural resources**.

[Senate File 2264](#), by committee on judiciary, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Read first time and referred to committee on **judiciary**.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House Files 2473** and **2523** be immediately messaged to the Senate.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight Girl Scouts and two Boy Scouts from Girl and Boy Scout Troup 2442, Davenport, Iowa, accompanied by Kim Chant and Paula Egolf. By Lykam of Scott.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\861 Kelly Peacock, North High School – For being named a State of Iowa Scholar.
- 2004\862 Elizabeth Douglass, North High School – For being named a State of Iowa Scholar.
- 2004\863 Bryan Berry, North High School – For being named a State of Iowa Scholar.
- 2004\864 William Campbell, Glenwood – For his 35 years of dedicated service to the community and to the residents of the Glenwood Resource Center.
- 2004\865 Grant Rothweiler, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\866 Audrey Pohlmann, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\867 Melissa Kopf, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\868 Jason Feilpel, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\869 Sarah Freitag, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\870 Emily Goebel, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\871 Lucas Cook, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\872 Mark Stringham, Central High School – For being named a State of Iowa Scholar.

- 2004\873 Bethany Wiese, Central High School – For being named a State of Iowa Scholar.
- 2004\874 Daniel Levetzow, Central High School – For being named a State of Iowa Scholar.
- 2004\875 Laura Fierce, Central High School – For being named a State of Iowa Scholar.
- 2004\876 Laura Henze, State Center – For celebrating her 99th birthday.
- 2004\877 Nelle Silvey, Iowa Falls – For celebrating her 90th birthday.
- 2004\878 Andrea Faris, Central High School – For being named a State of Iowa Scholar.
- 2004\879 Kenneth Severson, Radcliffe – For celebrating his 90th birthday.
- 2004\880 John Dinnes, Eldora – For celebrating his 80th birthday.
- 2004\881 Golda Fredericks, Iowa Falls – For celebrating her 100th birthday.
- 2004\882 Lindsey Arnold, Assumption High School – For being named a State of Iowa Scholar.
- 2004\883 Katelin Gannon, Assumption High School – For being named a State of Iowa Scholar.
- 2004\884 David Green, Assumption High School – For being named a State of Iowa Scholar.
- 2004\885 Molly Temming, Assumption High School – For being named a State of Iowa Scholar.
- 2004\886 Melinda Brocka, Central High School – For being named a State of Iowa Scholar.
- 2004\887 J.R. Byrne – For receiving the Heroism Award from the Boy Scouts of America.
- 2004\888 Jesse Stokke – For receiving the Heroism Award from the Boy Scouts of America.
- 2004\889 Bernice Jones, Waterloo – For celebrating her 90th birthday.
- 2004\890 Blanche Wolf, Waterloo – For celebrating her 90th birthday.
- 2004\891 Royden and Janet White, Altoona – For celebrating their 50th wedding anniversary.
- 2004\892 Merrill and Ruth Hall, Bondurant – For celebrating their 60th wedding anniversary.

- 2004\893 Phil and Norma Hildebrand, Pleasant Hill – For celebrating their 50th wedding anniversary.
- 2004\894 Walt and Vonda Lee Williams, Colfax – For celebrating their 50th wedding anniversary.
- 2004\895 Frances Hoffman, Ottumwa – For celebrating her 80th birthday.
- 2004\896 Alvin and Cleo Rieck, Ocheyedan – For celebrating their 60th wedding anniversary.
- 2004\897 Lester Woltersdorf, Sibley – For celebrating his 90th birthday.
- 2004\898 Robert and Gladys Holze, Macedonia – For celebrating their 50th wedding anniversary.
- 2004\899 Mary Wahl, Central High School – For being named a State of Iowa Scholar.
- 2004\900 John and Beverly McCardle, Brandon – For celebrating their 50th wedding anniversary.
- 2004\901 Willard and Marilyn Fritz, Oakland – For celebrating their 50th wedding anniversary.
- 2004\902 Travis Beaver, Sioux Center – For being selected to the 2A Farm Bureau All-Tournament Basketball Team for the 2004 Boys State Basketball Tournament.
- 2004\903 Elizabeth Richtsmeier, AGWSR High School – For being named a State of Iowa Scholar.
- 2004\904 Heather Richtsmeier, AGWSR High School – For being named a State of Iowa Scholar.
- 2004\905 Jeff Stickrod, Eldora-New Providence Senior High School – For being named a State of Iowa Scholar.
- 2004\906 Lexsea Welp, Eldora-New Providence Senior High School – For being named a State of Iowa Scholar.
- 2004\907 Laurel Evans, Iowa Falls High School – For being named a State of Iowa Scholar.
- 2004\908 Emily Rau, Iowa Falls High School – For being named a State of Iowa Scholar.
- 2004\909 Luke Barnum, East Marshall Senior High School – For being named a State of Iowa Scholar.
- 2004\910 Russell DeVolder, East Marshall Senior High School – For being named a State of Iowa Scholar.

- 2004\911 Thomas Kemmerer, West Marshall High School – For being named a State of Iowa Scholar.
- 2004\912 Kilty Maher, West Marshall High School – For being named a State of Iowa Scholar.
- 2004\913 Raymond Michels, West Marshall High School – For being named a State of Iowa Scholar.
- 2004\914 St. Edmonds High School Boys Basketball Team and their Supporters, Fort Dodge – For receiving the Class 2A State Boys Basketball Sportsmanship Award.

SUBCOMMITTEE ASSIGNMENTS

House File 61 Reassigned

Ways and Means: Tymeson, Chair; Paulsen and Taylor, D.

House File 421

Ways and Means: Lukan, Chair; Lalk and Taylor, D.

House File 2389

Ways and Means: Drake, Chair; Davitt and Lalk.

House File 2425

Ways and Means: Olson, S., Chair; Lalk and Shomshor.

House File 2438

Appropriations: Dix, Chair; Jenkins and Kuhn.

House File 2478

Appropriations: De Boef, Chair; Chambers and Mertz.

House File 2482

Appropriations: Eichhorn, Chair; Jacobs and Reasoner.

House File 2492

Appropriations: Upmeyer, Chair; Heaton and Thomas.

House File 2507

Appropriations: Upmeyer, Chair; Heaton and Quirk.

[House File 2526](#)

Ways and Means: Drake, Chair; Jochum and Kurtenbach.

[Senate File 2275](#)

Judiciary: Maddox, Chair; Paulsen and Swaim.

[Senate File 2284](#)

Ways and Means: Kramer, Chair; Huser and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

[House Study Bill 723](#)

Ways and Means: Kramer, Chair; Carroll and Shomshor.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

[Senate File 2210](#), a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

[Senate File 2175](#), a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

[Senate File 2257](#), a bill for an act relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

COMMITTEE ON HUMAN RESOURCES

[Senate File 2190](#), a bill for an act relating to the development of the long-term care system in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

COMMITTEE ON STATE GOVERNMENT

[Senate File 2149](#), a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8300** March 23, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 2345](#)), relating to programs under the authority of the department of public health.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2004.

Committee Bill (Formerly [House File 2372](#)), relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2004.

Committee Bill (Formerly [House File 2429](#)), relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2004.

Committee Bill (Formerly [House File 2509](#)), relating to the issuance of special motor vehicle registration plates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2004.

RESOLUTIONS FILED

[HR 139](#), by Rasmussen and Lalk, a resolution honoring the Dunkerton High School Boys' Basketball Team on their 2004 state championship.

Laid over under **Rule 25**.

[HR 140](#), by Schickel, Upmeyer, Rayhons and Kuhn, a resolution to recognize and honor the soldiers of the 1133rd Transportation Company of the Iowa National Guard and their families.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8294	S.F.	297	Alons of Sioux
			Van Engelenhoven of Marion
H-8300	S.F.	2149	Committee on State Government
H-8302	H.F.	2548	Alons of Sioux
H-8303	S.F.	2066	McCarthy of Polk
			J.R. Van Fossen of Scott
			Dolecheck of Ringgold
			Reasoner of Union
			Klemme of Plymouth
			Rayhons of Hancock
			Murphy of Dubuque
			Lukan of Dubuque
H-8305	H.F.	2465	Wildurdyke of Harrison
			T. Taylor of Linn
H-8306	H.F.	2514	Upmeyer of Hancock
H-8307	H.F.	2472	Fallon of Polk
H-8308	S.F.	2208	Huser of Polk
H-8309	H.F.	2470	Petersen of Polk
			Berry of Black Hawk
			Cphoon of Des Moines
			Bell of Jasper
			Bukta of Clinton

Connors of Polk	Dandekar of Linn
Davitt of Warren	Foege of Linn
Ford of Polk	Frevert of Palo Alto
Gaskill of Wapello	Greimann of Story
Heddens of Story	Hunter of Polk
Jacoby of Johnson	Jochum of Dubuque
Kuhn of Floyd	Lensing of Johnson
Lykam of Scott	Mascher of Johnson
Mertz of Kossuth	Miller of Webster
Murphy of Dubuque	Oldson of Polk
D. Olson of Boone	Osterhaus of Jackson
Quirk of Chickasaw	Reasoner of Union
Shomshor of Pottawattamie	Shoultz of Black Hawk
Smith of Marshall	Stevens of Dickinson
D. Taylor of Linn	T. Taylor of Linn
Thomas of Clayton	Wendt of Woodbury
Whitaker of Van Buren	Whitead of Woodbury
Winckler of Scott	Wise of Lee
<u>H-8310</u>	<u>H.F. 2231</u>
<u>H-8311</u>	<u>H.F. 2470</u>
Berry of Black Hawk	Baudler of Adair
Cphoon of Des Moines	Osterhaus of Jackson
Bell of Jasper	Bukta of Clinton
Fallon of Polk	Connors of Polk
Ford of Polk	Davitt of Warren
Gaskill of Wapello	Foege of Linn
Heddens of Story	Frevert of Palo Alto
Huser of Polk	Greimann of Story
Jochum of Dubuque	Hunter of Polk
Lensing of Johnson	Jacoby of Johnson
Mascher of Johnson	Kuhn of Floyd
Mertz of Kossuth	Lykam of Scott
Murphy of Dubuque	McCarthy of Polk
Quirk of Chickasaw	Miller of Webster
Shomshor of Pottawattamie	D. Olson of Boone
Smith of Marshall	Reasoner of Union
Swaim of Davis	Shoultz of Black Hawk
T. Taylor of Linn	Stevens of Dickinson
Wendt of Woodbury	D. Taylor of Linn
Whitead of Woodbury	Thomas of Clayton
	Whitaker of Van Buren
	Winckler of Scott

On motion by Gipp of Winneshiek the House adjourned at 7:38 p.m., until 8:45 a.m., Wednesday, March 24, 2004.