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**STATE OF IOWA**

**House Journal**

**TUESDAY, APRIL 25, 2006**

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# JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day - Seventy-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 25, 2006

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 24, 2006 was approved.

## 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 April 24, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[House File 711](#), a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships.

Also: That the Senate has on April 24, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2748](#), a bill for an act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa department of public health, providing for the nontransferability of specified fees, and providing effective dates.

Also: That the Senate has on April 24, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2312](#), a bill for an act providing grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision.

Also: That the Senate has on April 24, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2403](#), a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

MICHAEL E. MARSHALL, Secretary

#### SENATE MESSAGE CONSIDERED

[Senate File 2403](#), by committee on ways and means, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

Read first time and placed and **passed on file**.

On motion by Gipp of Winneshiek, the House was recessed at 8:48 a.m., until the conclusion of the committee on government oversight.

#### MORNING SESSION

The House reconvened at 11:06 a.m., Speaker pro tempore Carroll in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hunter of Polk and Lensing of Johnson on request of Whitaker of Van Buren.

#### QUORUM CALL

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

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [Senate File 2393](#).

CONSIDERATION OF BILLS  
Unfinished Business Calendar

[Senate File 2393](#), a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll in the chair at 11:12 a.m.

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2393](#) be deferred and that the bill retain its place on the calendar.

[House File 2393](#), a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, was taken up for consideration.

Heaton of Henry offered the following amendment [H-8387](#) filed by him and moved its adoption:

[H-8387](#)

- 1 Amend [House File 2393](#) as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "c." the following: "[\(1\)](#)".
- 4 2. Page 1, by inserting after line 10 the
- 5 following:
- 6 "[\(2\)](#) In implementing a system under this paragraph
- 7 "c" for collecting and analyzing state, county, and
- 8 private contractor data, the department shall
- 9 establish a client identifier for the individuals
- 10 receiving services. The client identifier shall be
- 11 used in lieu of the individual's name or social
- 12 security number. The client identifier shall consist
- 13 of the last four digits of an individual's social
- 14 security number, the first three letters of the
- 15 individual's last name, the individual's date of
- 16 birth, and the individual's gender in an order
- 17 determined by the department."

Amendment [H-8387](#) was adopted.

[SENATE FILE 2217](#) SUBSTITUTED FOR [HOUSE FILE 2393](#)

Heaton of Henry asked and received unanimous consent to substitute [Senate File 2217](#) for [House File 2393](#).

[Senate File 2217](#), a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, was taken up for consideration.

Heaton of Henry offered the following amendment [H-8563](#) filed by him and moved its adoption:

[H-8563](#)

1 Amend [Senate File 2217](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "DIVISION I  
6 DISABILITY SERVICES DATA"  
7 2. Page 1, by inserting after line 20 the  
8 following:  
9 "Sec.\_\_\_\_. EMERGENCY RULES. The mental health,  
10 mental retardation, developmental disabilities, and  
11 brain injury commission may adopt administrative rules  
12 under section 17A.4, subsection 2, and section 17A.5,  
13 subsection 2, paragraph "b", to implement the  
14 provisions of this division of this Act, and the rules  
15 shall become effective immediately upon filing or on a  
16 later effective date specified in the rules, unless  
17 the effective date is delayed by the administrative  
18 rules review committee. Any rules adopted in  
19 accordance with this section shall not take effect  
20 before the rules are reviewed by the administrative  
21 rules review committee. The delay authority provided  
22 to the administrative rules review committee under  
23 section 17A.4, subsection 5, and section 17A.8,  
24 subsection 9, shall be applicable to a delay imposed  
25 under this section, notwithstanding a provision in  
26 those sections making them inapplicable to section  
27 17A.5, subsection 2, paragraph "b". Any rules adopted  
28 in accordance with the provisions of this section  
29 shall also be published as notice of intended action  
30 as provided in section 17A.4.  
31 Sec.\_\_\_\_. USE OF CLIENT IDENTIFIER. The client  
32 identifier established pursuant to section 225C.6A,  
33 subsection 2, paragraph "c", subparagraph (2), as  
34 enacted by this division of this Act, shall be used

35 beginning with the data for disability services  
36 provided in the fiscal year beginning July 1, 2005,  
37 that is submitted by counties in December 2006."

38 3. Page 1, by inserting after line 20 the  
39 following:

40 "DIVISION II  
41 MEDICAID ELIGIBILITY -- VEHICLE DISREGARD

42 Sec. \_\_\_\_ Section 249A.3, Code Supplement 2005, is  
43 amended by adding the following new subsection:

44 NEW SUBSECTION. 5B. In determining eligibility  
45 for adults under subsection 1, paragraphs "b", "e",  
46 "h", "j", "k", "n", "s", and "t"; subsection 2,  
47 paragraphs "d", "e", "h", "i", and "j"; and subsection  
48 5, paragraph "b", one motor vehicle per household  
49 shall be disregarded."

50 4. Page 1, by inserting after line 20 the

Page 2

1 following:

2 "DIVISION III

3 ELECTRONIC HEALTH RECORDS

4 Sec. \_\_\_\_ NEW SECTION. 217.41A ELECTRONIC HEALTH  
5 RECORDS SYSTEM TASK FORCE.

6 1. The department of human services shall  
7 establish an electronic health records system task  
8 force to provide a structure that enables the state to  
9 act in a leadership role in the development of state  
10 and federal standards for and in the implementation  
11 and use of an electronic health records system.

12 2. The task force shall consist of no more than  
13 nine voting members, selected by the director of human  
14 services, who represent entities with expertise in  
15 developing or implementing electronic health records,  
16 including but not limited to the United States  
17 veterans administration facilities in the state,  
18 multifacility hospital systems in the state, Des  
19 Moines university, the university of Iowa hospitals  
20 and clinics, and the Iowa healthcare collaborative.  
21 In addition, two members of the senate appointed by  
22 the president of the senate after consultation with  
23 the majority leader and the minority leader of the  
24 senate, two members of the house of representatives  
25 appointed by the speaker of the house after  
26 consultation with the majority leader and the minority  
27 leader of the house of representatives, and the  
28 commissioner of insurance shall serve as ex officio,  
29 nonvoting members of the task force.

30 3. The task force shall do all of the following:  
31 a. Develop an electronic health records system  
32 that provides linkages between multiple settings that  
33 utilize health records and that is consistent with

34 requirements for community health records and  
 35 electronic prescribing.  
 36 b. Evaluate the economic model and the anticipated  
 37 benefits of electronic health records.  
 38 c. Provide quarterly updates to the governor and  
 39 the general assembly regarding progress in the  
 40 development of national standards and the work of the  
 41 task force."

42 5. Page 1, by inserting after line 20 the  
 43 following:

44 "DIVISION IV  
 45 FOSTER PARENT TRAINING  
 46 Sec. \_\_\_\_ Section 237.5A, unnumbered paragraph 1,  
 47 Code 2005, is amended to read as follows:  
 48 As a condition for initial licensure, each  
 49 individual licensee shall complete thirty hours of  
 50 foster parent training offered or approved by the

Page 3

1 department. However, if the licensee has completed  
 2 relevant training or has a combination of completed  
 3 relevant training and experience, and the department  
 4 deems such training or combination to be an acceptable  
 5 equivalent to all or a portion of the initial  
 6 licensure training requirement, or based upon the  
 7 circumstances of the child and the licensee the  
 8 department finds there is other good cause, the  
 9 department may waive all or a portion of the training  
 10 requirement. Prior to annual renewal of licensure,  
 11 each individual licensee shall also complete six hours  
 12 of foster parent training. The training shall include  
 13 but is not limited to physical care, education,  
 14 learning disabilities, referral to and receipt of  
 15 necessary professional services, behavioral assessment  
 16 and modification, self-assessment, self-living skills,  
 17 and biological parent contact. An individual licensee  
 18 may complete the training as part of an approved  
 19 training program offered by a public or private agency  
 20 with expertise in the provision of child foster care  
 21 or in related subject areas. The department shall  
 22 adopt rules to implement and enforce this training  
 23 requirement."

24 6. Page 1, by inserting after line 20 the  
 25 following:

26 "DIVISION V  
 27 PREPARATION FOR ADULT LIVING PROGRAM  
 28 Sec. \_\_\_\_ NEW SECTION. 234.46 PREPARATION FOR  
 29 ADULT LIVING PROGRAM.

30 1. For the purposes of this section, "young adult"  
 31 means a person who is described by all of the  
 32 following conditions:

- 33 a. The person is a resident of this state.  
34 b. The person is age eighteen, nineteen, or  
35 twenty.  
36 c. At the time the person became age eighteen, the  
37 person received foster care services that were paid  
38 for by the state under section 234.35 and the person  
39 is no longer receiving such services.  
40 d. The person enters into and participates in an  
41 individual self-sufficiency plan that complements the  
42 person's own efforts for achieving self-sufficiency  
43 and the plan provides for one or more of the  
44 following:  
45 (1) The person attends an accredited school full-  
46 time pursuing a course of study leading to a high  
47 school diploma.  
48 (2) The person attends an instructional program  
49 leading to a high school equivalency diploma.  
50 (3) The person is enrolled in or pursuing

Page 4

- 1 enrollment in a postsecondary education or training  
2 program or work training.  
3 (4) The person is employed or seeking employment.  
4 2. The division shall establish a preparation for  
5 adult living program directed to young adults. The  
6 purpose of the program is to assist persons who are  
7 leaving foster care services at age eighteen or older  
8 in making the transition to self-sufficiency. The  
9 department shall adopt rules necessary for  
10 administration of the program, including but not  
11 limited to eligibility criteria for young adult  
12 participation and the services and other support  
13 available under the program. The services and other  
14 support available under the program may include but  
15 are not limited to any of the following:  
16 a. Support for the young adult continuing to  
17 reside with the family that provided family foster  
18 care to the young adult.  
19 b. Support for a supervised apartment living  
20 arrangement.  
21 c. Support for participation in education,  
22 training, or employment activities.  
23 d. Other assistance to enhance the young adult's  
24 ability to achieve self-sufficiency.  
25 3. This section shall not be construed as granting  
26 an entitlement for any program, services, or other  
27 support for the persons described in this section.  
28 Any state obligation to provide a program, services,  
29 or other support pursuant to this section is limited  
30 to the extent of the funds appropriated for the  
31 purposes of the program.

32 Sec. \_\_\_\_ Section 249A.3, subsection 2, Code  
 33 Supplement 2005, is amended by adding the following  
 34 new paragraph:  
 35 NEW PARAGRAPH. k. As allowed under 42 U.S.C. §  
 36 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-  
 37 one years of age who were in foster care under the  
 38 responsibility of the state on the individuals'  
 39 eighteenth birthday, and whose income is less than two  
 40 hundred percent of the most recently revised official  
 41 poverty guidelines published by the United States  
 42 department of health and human services. Medical  
 43 assistance may be provided for an individual described  
 44 by this paragraph regardless of the individual's  
 45 resources."

46 7. Page 1, by inserting after line 20 the  
 47 following:

48 "DIVISION VI  
 49 FAMILY SUPPORT SUBSIDY AND COMPREHENSIVE FAMILY  
 50 SUPPORT PROGRAMS

Page 5

1 Sec. \_\_\_\_ Section 216E.1, subsection 1, Code 2005,  
 2 is amended to read as follows:

3 1. "Assistive device" means any item, piece of  
 4 equipment, or product system which is purchased, or  
 5 whose transfer is accepted in this state, and which is  
 6 used to increase, maintain, or improve the functional  
 7 capabilities of individuals with disabilities  
 8 concerning a major life activity ~~as defined in section~~  
 9 ~~225C.46.~~ "Assistive device" does not mean any medical  
 10 device, surgical device, or organ implanted or  
 11 transplanted into or attached directly to an  
 12 individual. "Assistive device" does not mean any  
 13 device for which a certificate of title is issued by  
 14 the state department of transportation but does mean  
 15 any item, piece of equipment, or product system  
 16 otherwise meeting the definition of "assistive device"  
 17 that is incorporated, attached, or included as a  
 18 modification in or to such a certificated device.

19 Sec. \_\_\_\_ Section 216E.1, Code 2005, is amended by  
 20 adding the following new subsection:

21 NEW SUBSECTION. 9A. "Major life activity"  
 22 includes functions such as caring for one's self,  
 23 performing manual tasks, walking, seeing, hearing,  
 24 speaking, breathing, learning, or working.

25 Sec. \_\_\_\_ Section 225C.37, subsection 2, Code  
 26 2005, is amended to read as follows:

27 2. Verification that the family member meets the  
 28 definitional requirements of section 225C.35,  
 29 subsection 3. Along with the verification, the  
 30 application shall identify an age when the family

31 member's eligibility for the family support subsidy  
32 under such definitional requirements will end. The  
33 age identified is subject to approval by the  
34 department.

35 Sec.\_\_\_\_. Section 225C.38, subsection 1,  
36 paragraphs b and c, Code Supplement 2005, are amended  
37 to read as follows:

38 b. A family support subsidy shall be used to meet  
39 the special needs of the family. This subsidy is  
40 intended to complement but not supplant public  
41 assistance or social service benefits based on  
42 economic need, available through governmental programs  
43 or other means available to the family.

44 c. Except as provided in section 225C.41, a family  
45 support subsidy for a fiscal year shall be in an  
46 amount ~~equivalent to the monthly maximum supplemental~~  
47 ~~security income payment available in Iowa on July 1 of~~  
48 ~~that fiscal year for an adult recipient living in the~~  
49 ~~household of another, as formulated under federal~~  
50 ~~regulations. In addition, the parent or legal~~

Page 6

1 ~~guardian of a family member who is in an out of home~~  
2 ~~placement at the time of application may receive a~~  
3 ~~one time lump sum advance payment of twice the monthly~~  
4 ~~family support subsidy amount for the purpose of~~  
5 ~~meeting the special needs of the family in preparing~~  
6 ~~for in-home care determined by the department in~~  
7 ~~consultation with the comprehensive family support~~  
8 ~~council created in section 225C.48. The parent or~~  
9 ~~legal guardian receiving a family support subsidy may~~  
10 ~~elect to receive a payment amount which is less than~~  
11 ~~the amount determined in accordance with this~~  
12 ~~paragraph.~~

13 Sec.\_\_\_\_. Section 225C.38, subsection 2, Code  
14 Supplement 2005, is amended by adding the following  
15 new paragraph:

16 NEW PARAGRAPH. c. Unless there are exceptional  
17 circumstances and the family requests and receives  
18 approval from the department for an exception to  
19 policy, a family is not eligible to receive the family  
20 support subsidy if any of the following are applicable  
21 to the family or the family member for whom the  
22 application was submitted:

23 (1) The family member is a special needs child who  
24 was adopted by the family and the family is receiving  
25 financial assistance under section 600.17.

26 (2) Medical assistance home and community-based  
27 waiver services are provided for the family member and  
28 the family lives in a county in which comprehensive  
29 family support program services are available.

30 (3) Medical assistance home and community-based  
31 waiver services are provided for the family member  
32 under a consumer choices option.

33 Sec. \_\_\_\_ Section 225C.40, subsection 3, Code  
34 2005, is amended to read as follows:

35 3. If an application for a family support subsidy  
36 is denied, the family member end-of-eligibility age  
37 identified in the application is not approved by the  
38 department, or a family support subsidy is terminated  
39 by the department, the parent or legal guardian of the  
40 affected family member may request, in writing, a  
41 hearing before an impartial hearing officer.

42 Sec. \_\_\_\_ Section 225C.41, unnumbered paragraph 2,  
43 Code 2005, is amended to read as follows:

44 Notwithstanding section 8.33, funds remaining  
45 unexpended on June 30 of any fiscal year shall not  
46 revert to the general fund of the state but shall  
47 remain available to provide family support subsidy  
48 payments or to expand the comprehensive family support  
49 program in the succeeding fiscal year.

50 Sec. \_\_\_\_ Section 225C.42, subsection 1, Code

Page 7

1 Supplement 2005, is amended to read as follows:

2 1. The department shall conduct ~~a periodic~~ an  
3 annual evaluation of the family support subsidy  
4 program in conjunction with the comprehensive family  
5 support council and shall submit the evaluation report  
6 with recommendations to the governor and general  
7 assembly. The report shall be submitted on or before  
8 October 30 and provide an evaluation of the latest  
9 completed fiscal year.

10 Sec. \_\_\_\_ Section 225C.47, subsection 4, Code  
11 2005, is amended to read as follows:

12 4. A family may apply to the department or to a  
13 family support center developed pursuant to this  
14 section for assistance under the comprehensive family  
15 support program. The department or family support  
16 center shall determine eligibility for the program in  
17 accordance with the provisions of this section.

18 Sec. \_\_\_\_ Section 225C.47, subsection 5,  
19 unnumbered paragraph 1, Code 2005, is amended to read  
20 as follows:

21 The department shall design the program in  
22 consultation with the ~~personal assistance and~~  
23 comprehensive family support services council created  
24 in section 225C.48. The department shall adopt rules  
25 to implement the program which provide for all of the  
26 following:

27 Sec. \_\_\_\_ Section 225C.47, subsection 5, paragraph  
28 e, Code 2005, is amended to read as follows:

29 e. A process is available to appeal the  
30 department's or family support center's decisions  
31 involving families which that apply for the  
32 comprehensive family support program and are denied  
33 services and support under the comprehensive family  
34 support program. The department shall make reasonable  
35 efforts to utilize telecommunications so that a family  
36 initiating an appeal may complete the appeal process  
37 in the family's local geographic area.

38 Sec. Section 225C.47, subsection 5, paragraph  
39 i, Code 2005, is amended to read as follows:

40 i. The utilization of a voucher system for payment  
41 provisions for the ~~children-at-home~~ family support  
42 center component of the program developed under  
43 subsection 7.

44 Sec. Section 225C.47, subsection 7, Code  
45 2005, is amended to read as follows:

46 7. The comprehensive family support program shall  
47 include a ~~children-at-home~~ family support center  
48 component developed by the department in accordance  
49 with this subsection. A family eligible for the  
50 comprehensive family support program may choose the

Page 8

1 ~~children-at-home component.~~ Under the ~~children-at-~~  
2 ~~home~~ component, a family member of an individual with  
3 a disability shall be assisted by ~~department staff~~ a  
4 family support center in identifying the services and  
5 support to be provided to the family under the family  
6 support subsidy program or the comprehensive family  
7 support program. The identification of services and  
8 support shall be based upon the specific needs of the  
9 individual and the individual's family which are not  
10 met by other service programs available to the  
11 individual and the individual's family. ~~Based upon~~  
12 ~~the services and support identified, the department~~  
13 ~~shall develop a contract for direct payment of the~~  
14 ~~services and support provided to the family.~~

15 Sec. Section 225C.48, Code 2005, is amended  
16 to read as follows:

17 225C.48 PERSONAL ASSISTANCE AND COMPREHENSIVE  
18 FAMILY SUPPORT SERVICES COUNCIL.

19 1. a. An eleven-member personal assistance and  
20 comprehensive family support services council is  
21 created in the department. The members of the council  
22 shall be appointed by the following officials as  
23 follows: governor, five members; majority leader of  
24 the senate, three members; and speaker of the house,  
25 three members. At least three of the governor's  
26 appointments and one of each legislative chamber's  
27 appointments shall be a family member of an individual

28 with a disability as defined in section 225C.47. At  
29 least five of the members shall be current or former  
30 service consumers of personal services or family  
31 members of such service consumers. Members shall  
32 serve for three-year staggered terms. A vacancy on  
33 the council shall be filled in the same manner as the  
34 original appointment.

35 b. The members of the council ~~shall be~~ are  
36 entitled to reimbursement of actual and necessary  
37 expenses incurred in the performance of their official  
38 duties. In addition, the members who are current or  
39 former service consumers or family members of such  
40 service consumers are entitled to a stipend of fifty  
41 dollars for each council meeting attended, subject to  
42 a limit of one meeting per month. The expenses and  
43 stipend shall be paid from the appropriation made for  
44 purposes of the comprehensive family support program.

45 c. The council shall elect officers from among the  
46 council's members.

47 2. The council shall provide ongoing guidance,  
48 advice, and direction to the department and other  
49 agencies working with the department in the  
50 development and implementation of the ~~personal~~

Page 9

1 ~~assistance services family support subsidy~~ program  
2 created in section ~~225C.46~~ 225C.36 and the  
3 comprehensive family support program created in  
4 section 225C.47. The council shall perform an annual  
5 evaluation of each program, and annually make  
6 recommendations concerning each program to the  
7 governor and general assembly. The evaluation and  
8 recommendations shall be prepared and submitted in  
9 conjunction with the evaluation report submitted by  
10 the department pursuant to section 225C.42. The  
11 department shall provide sufficient staff support to  
12 the council to enable the council to carry out its  
13 responsibilities.

14 3. The council shall perform the following duties  
15 in consultation with the department and any department  
16 staff with duties associated with the ~~personal~~  
17 ~~assistance services family support subsidy~~ and  
18 comprehensive family support programs:

19 a. Oversee the operations of the programs.

20 b. Coordinate with the department of education and  
21 programs administered by the department of education  
22 to individuals with a disability, in providing  
23 information to individuals and families eligible for  
24 the programs ~~under sections 225C.46 and 225C.47.~~

25 c. Work with the department and counties regarding  
26 managed care provisions utilized by the department and

27 counties for services to individuals with a disability  
28 to advocate the inclusion of ~~personal assistance~~  
29 ~~services~~ family support subsidy and the comprehensive  
30 family support ~~program~~ programs as approved service  
31 provisions under managed care.  
32 d. Develop and oversee implementation of  
33 evaluation processes for the programs.  
34 e. Oversee statewide training of department and  
35 family support center staff regarding the ~~two~~  
36 programs.  
37 f. Oversee efforts to promote public awareness of  
38 the programs.  
39 4. The department shall consider recommendations  
40 from the council in developing and implementing each  
41 program, including the development of administrative  
42 rules. The department shall regularly report to the  
43 council on the status of each program and any actions  
44 planned or taken by the department related to each  
45 program.  
46 Sec.\_\_\_\_. Section 225C.49, subsection 3, paragraph  
47 b, Code 2005, is amended to read as follows:  
48 b. Utilize internal training resources or contract  
49 for additional training of staff concerning the  
50 information under paragraph "a" and training of

Page 10

1 families and individuals as necessary to ~~develop plans~~  
2 ~~and contracts~~ implement the family support subsidy and  
3 comprehensive family support programs under sections  
4 ~~225C.46 and 225C.47~~ this chapter.  
5 Sec.\_\_\_\_. Section 225C.49, subsection 4, Code  
6 2005, is amended to read as follows:  
7 4. The department shall designate one individual  
8 whose sole duties are to provide central coordination  
9 of the programs under sections ~~225C.46~~ 225C.36 and  
10 225C.47 and to work with the ~~personal assistance and~~  
11 comprehensive family support services council to  
12 oversee development and implementation of the  
13 programs.  
14 Sec.\_\_\_\_. Section 422.11E, subsection 4, paragraph  
15 b, Code 2005, is amended to read as follows:  
16 b. "Disability" means the same as defined in  
17 section ~~225C.46~~ 15.102 ~~except that it does not include~~  
18 alcoholism.  
19 Sec.\_\_\_\_. Section 422.33, subsection 9, paragraph  
20 c, subparagraph (2), Code Supplement 2005, is amended  
21 to read as follows:  
22 (2) "Disability" means the same as defined in  
23 section ~~225C.46~~ 15.102. ~~except that it does not~~  
24 include alcoholism.  
25 Sec.\_\_\_\_. Section 225C.46, Code 2005, is repealed.

26 Sec. \_\_\_\_ CODE EDITOR DIRECTIVE. The Code editor  
27 shall revise the headnote to section 225C.42 to change  
28 the word "periodic" to "annual".  
29 Sec. \_\_\_\_ TRANSITION PROVISIONS - EFFECTIVE DATE.  
30 1. If a family that adopted a special needs child  
31 receives the family support subsidy under section  
32 225C.38 and also receives financial assistance under  
33 section 600.17 for the same child as of July 1, 2006,  
34 the department of human services shall provide notice  
35 to the family that effective January 1, 2007, the  
36 family will no longer be eligible for the family  
37 support subsidy. The department shall notify the  
38 families affected by this subsection on before July 1,  
39 2006. This subsection, being deemed of immediate  
40 importance, takes effect upon enactment.  
41 2. If a family that receives the family support  
42 subsidy under section 225C.38 as of July 1, 2006, also  
43 receives medical assistance home and community-based  
44 waiver services and lives in a county in which the  
45 comprehensive family support program services are  
46 available, effective January 1, 2007, the family is  
47 not eligible to receive the family support subsidy.  
48 The department of human services shall notify the  
49 families affected by this subsection on or before July  
50 1, 2006. This subsection, being deemed of immediate

Page 11

1 importance, takes effect upon enactment.  
2 3. a. The provision of this division of this Act  
3 enacting section 225C.38, subsection 2, paragraph "c",  
4 subparagraph (3), relating to medical assistance home  
5 and community-based waiver services provided under a  
6 consumer choices option, is contingent upon receipt of  
7 federal approval of a waiver authorizing utilization  
8 of the consumer choices option. The department of  
9 human services shall notify the Code editor regarding  
10 the receipt of the federal approval and the  
11 implementation date.  
12 b. A family receiving family support services that  
13 also receives medical assistance home and community-  
14 based waiver services and resides in an area in which  
15 the consumer choices option is available under the  
16 waiver is ineligible to receive the family support  
17 subsidy. The department shall notify a family  
18 affected by this subsection six months prior to  
19 terminating the family support subsidy.  
20 c. This subsection, being deemed of immediate  
21 importance, takes effect upon enactment.  
22 4. Any savings generated by the requirements of  
23 this section and the program changes implemented  
24 pursuant to this Act during the fiscal year beginning

25 July 1, 2006, shall be used by the department of human  
26 services to provide eligibility for families on the  
27 waiting list for the family support subsidy program.  
28 If the waiting list is eliminated, any remaining funds  
29 shall be used to expand the comprehensive family  
30 support program during that fiscal year."  
31 8. Title page, by striking line 1 and inserting  
32 the following: "An Act relating to health and human  
33 services programs and procedures involving".  
34 9. Title page, line 4, by inserting after the  
35 word "data" the following: ", medical assistance  
36 program eligibility, creation of an electronic health  
37 records system task force, foster parent training,  
38 young adults transitioning from foster care, and  
39 persons with a developmental disability or other  
40 special need and the person's families".  
41 10. By renumbering as necessary.

Amendment [H-8563](#) was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-8388](#) filed by him on March 27, 2006.

Carroll of Poweshiek offered the following amendment [H-8570](#) filed by him and Eichhorn of Hamilton and moved its adoption:

[H-8570](#)

1 Amend [Senate File 2217](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 20 the  
4 following:  
5 "DIVISION \_\_\_\_\_  
6 INVOLUNTARY HOSPITALIZATION PROCEEDINGS  
7 Sec. \_\_\_\_\_. Section 125.82, subsection 3, Code 2005,  
8 as amended by 2006 Iowa Acts, [Senate File 2362](#),  
9 section 1, if enacted, is amended to read as follows:  
10 3. The person who filed the application and a  
11 licensed physician or qualified mental health  
12 professional as defined in section 229.1 who has  
13 examined the respondent in connection with the  
14 commitment hearing shall be present at the hearing,  
15 unless ~~prior to the hearing~~ the court for good cause  
16 finds that their presence or testimony is not  
17 necessary. The applicant, respondent, and the  
18 respondent's attorney may waive the presence or  
19 telephonic appearance of the licensed physician or  
20 qualified mental health professional who examined the  
21 respondent and agree to submit as evidence the written  
22 report of the licensed physician or qualified mental

23 health professional. The respondent's attorney shall  
24 inform the court if the respondent's attorney  
25 reasonably believes that the respondent, due to  
26 diminished capacity, cannot make an adequately  
27 considered waiver decision. "Good cause" for finding  
28 that the testimony of the licensed physician or  
29 qualified mental health professional who examined the  
30 respondent is not necessary may include, but is not  
31 limited to, such a waiver. If the court determines  
32 that the testimony of the licensed physician or  
33 qualified mental health professional is necessary, the  
34 court may allow the licensed physician or qualified  
35 mental health professional to testify by telephone.  
36 The respondent shall be present at the hearing unless  
37 prior to the hearing the respondent's attorney  
38 stipulates in writing that the attorney has conversed  
39 with the respondent, and that in the attorney's  
40 judgment the respondent cannot make a meaningful  
41 contribution to the hearing, or that the respondent  
42 has waived the right to be present, and the basis for  
43 the attorney's conclusions. A stipulation to the  
44 respondent's absence shall be reviewed by the court  
45 before the hearing, and may be rejected if it appears  
46 that insufficient grounds are stated or that the  
47 respondent's interests would not be served by the  
48 respondent's absence.  
49 Sec.     . Section 229.12, subsection 3, Code 2005,  
50 as amended by 2006 Iowa Acts, [Senate File 2362](#),

Page 2

1 section 3, if enacted is amended to read as follows:  
2 3. The respondent's welfare shall be paramount and  
3 the hearing shall be conducted in as informal a manner  
4 as may be consistent with orderly procedure, but  
5 consistent therewith the issue shall be tried as a  
6 civil matter. Such discovery as is permitted under  
7 the Iowa rules of civil procedure shall be available  
8 to the respondent. The court shall receive all  
9 relevant and material evidence which may be offered  
10 and need not be bound by the rules of evidence. There  
11 shall be a presumption in favor of the respondent, and  
12 the burden of evidence in support of the contentions  
13 made in the application shall be upon the applicant.  
14 The licensed physician or qualified mental health  
15 professional who examined the respondent shall be  
16 present at the hearing unless ~~prior to the hearing~~ the  
17 court for good cause finds that the licensed  
18 physician's or qualified mental health professional's  
19 presence or testimony is not necessary. The  
20 applicant, respondent, and the respondent's attorney  
21 may waive the presence or the telephonic appearance of

22 the licensed physician or qualified mental health  
 23 professional who examined the respondent and agree to  
 24 submit as evidence the written report of the licensed  
 25 physician or qualified mental health professional.  
 26 The respondent's attorney shall inform the court if  
 27 the respondent's attorney reasonably believes that the  
 28 respondent, due to diminished capacity, cannot make an  
 29 adequately considered waiver decision. "Good cause"  
 30 for finding that the testimony of the licensed  
 31 physician or qualified mental health professional who  
 32 examined the respondent is not necessary may include,  
 33 but is not limited to, such a waiver. If the court  
 34 determines that the testimony of the licensed  
 35 physician or qualified mental health professional is  
 36 necessary, the court may allow the licensed physician  
 37 or the qualified mental health professional to testify  
 38 by telephone. If upon completion of the hearing the  
 39 court finds that the contention that the respondent is  
 40 seriously mentally impaired has not been sustained by  
 41 clear and convincing evidence, it shall deny the  
 42 application and terminate the proceeding."  
 43 2. Title page, line 4, by inserting after the  
 44 word "data" the following: ", and involuntary  
 45 hospitalization proceedings".  
 46 3. By renumbering as necessary.

Amendment [H-8570](#) 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?" ([S.F. 2217](#))

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.

Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 5:

Ford	Hunter	Jones	Lensing
Zirkelbach			

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

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
([House File 2282](#))

Watts of Dallas called up for consideration the report of the conference committee on [House File 2282](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON [HOUSE FILE 2282](#)

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on [House File 2282](#), a bill for an Act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, respectfully make the following report:

1. That the House recedes from its amendment, [S-5167](#).
2. That the Senate recedes from its amendment, [H-8422](#).
3. That [House File 2282](#), as passed by the House, is amended as follows:

1. Page 2, by inserting after line 9 the following:

"Sec. \_\_\_\_ Section 372.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. ~~If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date.~~ The council shall give the county commissioner at least ~~sixty~~ thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least ~~eighty-five~~ sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election, including dates for filing of nomination petitions, shall be calculated with regard to the date for which the special election is called.

If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. \_\_\_\_ NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR AUTHORIZATION OF COUNCIL.

1. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership, the city clerk is authorized to make the following payments without prior approval of the council: a. For fixed charges including but not limited to freight, express, postage, water, light, telephone service, or contractual services, after a bill is filed with the clerk.

b. For salaries and payrolls if the compensation has been fixed or approved by the council. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

2. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership and the office of city clerk is vacant, the county auditor of the county where the city is located shall make the payments described in subsection 1 without prior approval of the council.

3. The bills paid under this section shall be submitted to the city council for review and approval at the next regular meeting following payment in which a quorum of the council is present."

2. Title page, line 1, by inserting after the words "relating to" the following: "city government by providing for".

3. Title page, line 3, by inserting after the word "government" the following: "and by providing for city continuity when concurrent city council vacancies exist".

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

RALPH C. WATTS, Chair  
JACK DRAKE  
MARY GASKILL  
GERI D. HUSER  
DAWN E. PETTENGILL

ON THE PART OF THE SENATE:

DAVE MULDER, Co-Chair  
HERMAN QUIRMBACH, Co-Chair  
DARYL BEALL  
JOHN PUTNEY  
DOUG SHULL  
STEVE WARNSTADT

The motion prevailed and the conference committee report was adopted.

Watts of Dallas 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. 2282](#))

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	Dix	De Boef	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands

Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 5:

Ford	Hunter	Jones	Lensing
Zirkelbach			

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

### SENATE AMENDMENT CONSIDERED

Watts of Dallas called up for consideration [House File 2686](#), a bill for an act providing for technical and substantive changes relating to the Iowa communications network, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8567](#):

#### [H-8567](#)

1 Amend [House File 2686](#), as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 24, by inserting before the word  
 4 "There" the following: "1"  
 5 2. Page 2, by inserting after line 5 the  
 6 following:  
 7 "2. The commission shall be required to repay one  
 8 million dollars of start-up funding from the Iowa  
 9 communications network fund to the general fund of the  
 10 state. For the fiscal year beginning July 1, 2007,  
 11 and ending June 30, 2008, the commission shall repay  
 12 two hundred fifty thousand dollars of start-up funding  
 13 at the end of that fiscal year, and for the fiscal  
 14 year beginning July 1, 2008, and ending June 30, 2009,  
 15 the commission shall repay two hundred fifty thousand  
 16 dollars of start-up funding at the end of that fiscal  
 17 year. The remaining five hundred thousand dollars  
 18 shall be repaid in a reasonable period of time  
 19 thereafter as provided in this subsection. The  
 20 commission shall conduct a review of the operation of

21 the fund and the extent to which a continued need for  
 22 funding for cash flow support exists, and shall  
 23 provide a report summarizing the results of the review  
 24 to the general assembly by January 1, 2010. The  
 25 report shall also include a plan regarding repayment  
 26 of the remaining five hundred thousand dollars in  
 27 start-up funding in a manner which will not adversely  
 28 affect network operations, and any other  
 29 recommendations relating to the fund and the operation  
 30 of the network deemed appropriate by the commission."  
 31 3. Title page, line 2, by inserting after the  
 32 word "network" the following: ", and relating to  
 33 funding of the network".

The motion prevailed and the House concurred in the Senate amendment [H-8567](#).

Watts of Dallas moved that the bill, as amended by the Senate and concurred in by the House, 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. 2686](#))

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Ford	Hunter	Jones	Lensing
Zirkelbach			

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

#### [HOUSE FILE 2393](#) WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw [House File 2393](#) from further consideration by the House.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2282, 2686** and [Senate File 2217](#).

On motion by Gipp of Winneshiek, the House was recessed at 11:41 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:26 p.m., Speaker Rants in the chair.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2716](#), a bill for an act relating to civil actions for personal injury or death, including certain evidentiary, reporting, and procedural requirements.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:26 p.m., until the fall of the gavel.

The House resumed session at 6:33 p.m., Speaker Rants in the chair.

#### 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 April 25, 2006, adopted the conference committee report and passed [House File 2282](#), a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

Also: That the Senate has on April 25, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2362](#), a bill for an act providing for reassignment of a salvage certificate of title for a motor vehicle.

Also: That the Senate has on April 25, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2217](#), a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data.

MICHAEL E. MARSHALL, Secretary

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eichhorn of Hamilton and Sands of Louisa on request of Gipp of Winneshiek.

#### SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration [House File 2567](#), a bill for an act creating a multidimensional treatment level foster care program, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8528](#):

#### [H-8528](#)

- 1 Amend [House File 2567](#), as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 21, by striking the word
- 4 "agencies" and inserting the following: "psychiatric"

- 5 medical institutions for children licensed under  
 6 chapter 135H".  
 7 2. Page 3, by striking lines 22 through 27.

The motion prevailed and the House concurred in the Senate amendment [H-8528](#).

Heaton of Henry moved that the bill, as amended by the Senate and concurred in by the House, 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. 2567](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Fallon	Ford	Hunter	Jones
Lensing	Sands	Zirkelbach	

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

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
([House File 2612](#))

May of Dickinson called up for consideration the report of the conference committee on [House File 2612](#) and moved the adoption of the conference committee report and the amendments contained therein filed on April 25, 2006, as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON [HOUSE FILE 2612](#)

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House file 2612, a bill for an Act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, respectfully make the following report filed on April 25, 2006:

1. That the Senate recedes from its amendment, [H-8303](#).

ON THE PART OF THE HOUSE:

MIKE MAY, Chair  
CLEL BAUDLER  
PAUL A. BELL  
MARY LOU FREEMAN  
LISA K. HEDDENS

ON THE PART OF THE SENATE:

HUBERT HOUSER, Co-Chair  
FRANK B. WOOD, Co-Chair  
E. THURMAN GASKILL  
DAVID JOHNSON  
KEITH KREIMAN

The motion prevailed and the conference committee report was adopted.

May of Dickinson 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. 2612](#))

The ayes were, 91:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 2:

Olson, R.                      Wessel-Kroeschell

Absent or not voting, 7:

Fallon	Ford	Hunter	Jones
Lensing	Sands	Zirkelbach	

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

#### SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration [House File 2716](#), a bill for an act relating to civil actions for personal injury or death, including certain evidentiary, reporting, and procedural requirements, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8577](#):

#### [H-8577](#)

- 1 Amend [House File 2716](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 135.40, Code 2005, is amended

6 to read as follows:

7 135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.

8 Any person, hospital, sanatorium, nursing or rest  
9 home or other organization may provide information,  
10 interviews, reports, statements, memoranda, or other  
11 data relating to the condition and treatment of any  
12 person to the department, the Iowa medical society or  
13 any of its allied medical societies, ~~or~~ the Iowa  
14 osteopathic medical association, ~~or~~ any in-hospital  
15 staff committee, or the Iowa healthcare collaborative.  
16 to be used in the course of any study for the purpose  
17 of reducing morbidity or mortality, and no liability  
18 of any kind or character for damages or other relief  
19 shall arise or be enforced against any person or  
20 organization that has acted reasonably and in good  
21 faith, by reason of having provided such information  
22 or material, or by reason of having released or  
23 published the findings and conclusions of such groups  
24 to advance medical research and medical education, or  
25 by reason of having released or published generally a  
26 summary of such studies.

27 For the purposes of this section, and section  
28 135.41, the "Iowa healthcare collaborative" means an  
29 organization which is exempt from federal income  
30 taxation under section 501(c)(3) of the Internal  
31 Revenue Code and which is established to provide  
32 direction to promote quality, safety, and value  
33 improvement collaborative efforts by hospitals and  
34 physicians.

35 Sec. 2. Section 135.41, Code 2005, is amended to  
36 read as follows:

37 135.41 PUBLICATION.

38 The department, the Iowa medical society or any of  
39 its allied medical societies, ~~or~~ the Iowa osteopathic  
40 medical association, ~~or~~ any in-hospital staff  
41 committee, or the Iowa healthcare collaborative shall  
42 use or publish said material only for the purpose of  
43 advancing medical research or medical education in the  
44 interest of reducing morbidity or mortality, except  
45 that a summary of such studies may be released by any  
46 such group for general publication. In all events the  
47 identity of any person whose condition or treatment  
48 has been studied shall be confidential and shall not  
49 be revealed under any circumstances. A violation of  
50 this section shall constitute a simple misdemeanor."

Page 2

1 2. Page 1, line 11, by striking the word "any"

2 and inserting the following: "that".

3 3. Page 1, by striking lines 19 and 20 and

4 inserting the following: "inadmissible as evidence."

5 Any response by the plaintiff, relative of the  
6 plaintiff, or decision maker for the plaintiff to such  
7 statement, affirmation, gesture, or conduct is  
8 similarly inadmissible as evidence.  
9 Sec. \_\_. NEW SECTION. 505.27 MEDICAL  
10 MALPRACTICE INSURANCE – REPORTS REQUIRED.  
11 1. An insurer providing medical malpractice  
12 insurance coverage to Iowa health care providers shall  
13 file annually on or before June 1 with the  
14 commissioner a report of all medical malpractice  
15 insurance claims, both open claims and closed claims  
16 filed during the reporting period, against any such  
17 Iowa insureds during the preceding calendar year.  
18 2. The report shall be in writing and contain all  
19 of the following information aggregated by specialty  
20 area and paid loss and paid expense categories  
21 established by the commissioner:  
22 a. The total number of claims in the reporting  
23 period and the nature and substance of such claims.  
24 b. The total amounts paid within six months after  
25 final disposition of the claims.  
26 c. The total amount reserved for the payment of  
27 claims incurred and reported but not disposed.  
28 d. The expenses, as set forth by rule, related to  
29 the claims.  
30 e. Any other additional information as required by  
31 the commissioner by rule.  
32 3. The commissioner shall compile annually the  
33 data included in reports filed by insurers pursuant to  
34 this section into an aggregate form by insurer, except  
35 that such data shall not include information that  
36 directly or indirectly identifies any individual,  
37 including a patient, an insured, or a health care  
38 provider. The commissioner shall submit a written  
39 report summarizing such data along with any  
40 recommendations to the general assembly and the  
41 governor by December 1, 2007, with subsequent reports  
42 submitted to the general assembly and the governor  
43 annually thereafter.  
44 4. A report prepared pursuant to subsection 1 or 3  
45 shall be open to the public and shall be made  
46 available to a requesting party by the commissioner at  
47 no charge, except that any identifying information of  
48 any individual, including a patient, an insured, or  
49 health care provider, shall remain confidential.  
50 5. For purposes of this section, "health care

Page 3

1 provider" means the same as defined in section 135.61,  
2 a hospital licensed pursuant to chapter 135B, or a  
3 health care facility licensed pursuant to chapter

4 135C, and "insurer" means an insurance company  
 5 authorized to transact insurance business in this  
 6 state. "Insurer" does not include a health care  
 7 provider who maintains professional liability  
 8 insurance coverage through a self-insurance plan, an  
 9 unauthorized insurance company transacting business  
 10 with an insured person in this state, or a person not  
 11 authorized to transact insurance business in this  
 12 state."  
 13 4. Title page, line 2, by inserting after the  
 14 word "evidentiary" the following: ", reporting, and  
 15 study information".  
 16 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8577](#).

Paulsen of Linn moved that the bill, as amended by the Senate and concurred in by the House, 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. 2716](#))

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 8:

Anderson Jones	Fallon Lensing	Ford Sands	Hunter Zirkelbach
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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.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2567, 2612 and 2716.**

#### 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

2006\1542 Bert Van Maanen, Hull – For celebrating his 90<sup>th</sup> birthday.

2006\1543 Beulah Weston, Oelwein – For celebrating her 83<sup>rd</sup> birthday.

2006\1544 Violet Niemeyer, Tripoli – For celebrating her 85<sup>th</sup> birthday.

2006\1545 Kenneth and Alma Schmitz, Denver – For celebrating their 50<sup>th</sup> wedding anniversary.

2006\1546 Alfred and Arlene Schmitt, Waucoma – For celebrating their 50<sup>th</sup> wedding anniversary.

2006\1547 Alice Quint, Harpers Ferry – For celebrating her 80<sup>th</sup> birthday.

2006\1548 Adeline Vogel, Jesup – For celebrating her 90<sup>th</sup> birthday.

2006\1549 Mr. and Mrs. Donald Zingg, Fairbank – For celebrating their 60<sup>th</sup> wedding anniversary.

2006\1550 Russell Stowell, Swaledale – For celebrating his 90<sup>th</sup> birthday.

2006\1551 Agnes Formanek, Garner – For celebrating her 90<sup>th</sup> birthday.

- 2006\1552 Jake Kroll, Dumont – For celebrating his 85<sup>th</sup> birthday.
- 2006\1553 Helen Liekweg, Sheffield – For celebrating her 80<sup>th</sup> birthday.
- 2006\1554 Dawn and Lyle Zeigler, Kanawha – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1555 Delmar and Margaret Hearn, Hampton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2006\1556 LaRue D. Taylor, Garner – For celebrating her 90<sup>th</sup> birthday.
- 2006\1557 William and Isabel Moses, Monona – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2006\1558 Mabel Ruhser, Elkader – For celebrating her 85<sup>th</sup> birthday.
- 2006\1559 LaNelle Elvers, Elkader – For celebrating her 90<sup>th</sup> birthday.
- 2006\1560 Dwain and Carol Thompson, Exira – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1561 Louis Anders, Oskaloosa – For celebrating his 90<sup>th</sup> birthday.
- 2006\1562 Elmer and Cherry Kinsinger, Oskaloosa – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2006\1563 Lewis Van Mersbergen, Montezuma – For celebrating his 90<sup>th</sup> birthday.
- 2006\1564 Hazil Boomershine, Oskaloosa – For celebrating her 85<sup>th</sup> birthday.
- 2006\1565 Walter Lemke, Grinnell – For celebrating his 80<sup>th</sup> birthday.
- 2006\1566 Gail and Iona Latcham, Montezuma – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2006\1567 Chuck and Helen Routier, Grinnell – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1568 Jon Prottzman, Victor – Upon his retirement, for his 34 years of teaching at HLV.
- 2006\1569 Arlene Zimpleman, Williamsburg – For celebrating her 80<sup>th</sup> birthday.
- 2006\1570 Helen Hartin, Williamsburg – For celebrating her 80<sup>th</sup> birthday.
- 2006\1571 Mildred Jones, Williamsburg – For celebrating her 85<sup>th</sup> birthday.
- 2006\1572 Billy O. Shepherd, Thornberg – For celebrating his 90<sup>th</sup> birthday.

- 2006\1573 Lorena Tegatz, Amana – For celebrating her 95<sup>th</sup> birthday.
- 2006\1574 Ronald and Janice Grimm, Deep River – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1575 Anthony and Betty Schreiber, Williamsburg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1576 Mr. and Mrs. Arnold Webert, Williamsburg – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2006\1577 Gerald A. Grosenbach, Grinnell – For celebrating his 90<sup>th</sup> birthday.
- 2006\1578 Edward B. Kautzky, Audubon – For celebrating his 80<sup>th</sup> birthday.
- 2006\1579 Geneva Houghtaling, Sanborn – For celebrating her 90<sup>th</sup> birthday.
- 2006\1580 Glen and Elaine Waggoner, Sutherland – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1581 Don and Darlene Johnson, Cosgrove – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1582 Charles and Ann Owen, Iowa City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1583 Travis J. Greve, Donahue – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1584 Rudy Urich, Garner – For celebrating his 90<sup>th</sup> birthday.
- 2006\1585 Warren and Kay McConahay, Columbus Junction – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1586 Jim and Ruby Gott, Wapello – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1587 Virgil and Eloise Klemme, State Center – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1588 Vernon and Roberta Matsen, New Providence – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2006\1589 Dewey and Barbara Sue Dennis, State Center – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1590 Pauline Maisel, Hubbard – For celebrating her 90<sup>th</sup> birthday.
- 2006\1591 Herbie Lake, Hubbard – For celebrating her 95<sup>th</sup> birthday.
- 2006\1592 William and Anna Mae Schipper, Ackley – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2006\1593 Dorothy Roelfs, Ackley – For celebrating her 88<sup>th</sup> birthday.
- 2006\1594 Margaret Johns, Ackley – For celebrating her 88<sup>th</sup> birthday.
- 2006\1595 Carl Orgel, Eldora – For celebrating his 82<sup>nd</sup> birthday.
- 2006\1596 Vera Cutler, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2006\1597 Happy's Place, Dubuque – For celebrating their 50<sup>th</sup> anniversary in business.
- 2006\1598 Jesse Ridgeway, What Cheer – For celebrating her 85<sup>th</sup> birthday.
- 2006\1599 Marjorie Gould, Richland – For celebrating her 95<sup>th</sup> birthday.
- 2006\1600 Elizabeth Leisure, Richland – For celebrating her 95<sup>th</sup> birthday.
- 2006\1601 Herman Larson, Stratford – For his 60 years of continuous membership in the American Legion.
- 2006\1602 Carl Berglund, Stratford – For his 50 years of continuous membership in the American Legion.
- 2006\1603 Lynna Smith, Belmond – For celebrating her 90<sup>th</sup> birthday.
- 2006\1604 Tyler Kunz, Webster City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1605 John and Doris Crosswhite, Greenfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1606 Vera Phinney, New London – For celebrating her 100<sup>th</sup> birthday.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

##### **HSB 779 Government Oversight**

Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

## RESOLUTIONS FILED

[HR 172](#), by Petersen, Wise, Oldson, Wendt, Bell, Cohoon, R. Olson, Schueller, Kressig, Winckler, Wessel-Kroeschell, Shoultz, Heddens, McCarthy, Reasoner, Foege, Berry, Smith, T. Taylor, Swaim, Reichert, Thomas, Mascher, Pettengill, Whitead, Lykam, Whitaker, Murphy, Bukta, Mertz, D. Taylor, Gaskill, Frevert, Hunter, Shomshor, Davitt, Miller, Jacoby, Hogg, Dandekar, Tomenga, May and De Boef, a resolution recognizing the continuing efforts by Iowans in providing disaster relief in response to Hurricanes Katrina and Rita.

Laid over under **Rule 25**.

[HR 173](#), by Eichhorn, Paulsen and Swaim, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court.

Laid over under **Rule 25**.

[HR 174](#), by Arnold and Huser, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-8571</a>	<a href="#">H.F.</a>	<a href="#">2794</a>	Mertz of Kossuth
<a href="#">H-8572</a>	<a href="#">S.F.</a>	<a href="#">2393</a>	Wise of Lee
<a href="#">H-8573</a>	<a href="#">H.F.</a>	<a href="#">2794</a>	J.K. Van Fossen of Scott
<a href="#">H-8574</a>	<a href="#">H.F.</a>	<a href="#">2794</a>	Jacobs of Polk
			Boal of Polk
<a href="#">H-8575</a>	<a href="#">S.F.</a>	<a href="#">2377</a>	Dix of Butler
			Reasoner of Union
			Drake of Pottawattamie
			Quirk of Chickasaw
			Granzow of Hardin
			Wilderdyke of Harrison
			Thomas of Clayton
			De Boef of Keokuk
			Mertz of Kossuth
			Baudler of Adair
			Miller of Webster
			Shomshor of Pottawattamie
			Alons of Sioux
			Pettengill of Benton

<u>H-8576</u>	<u>S.F. 2272</u>	Wilderdyke of Harrison
<u>H-8578</u>	<u>H.F. 2794</u>	Hogg of Linn
<u>H-8579</u>	<u>H.F. 2794</u>	Huser of Polk
		Kaufmann of Cedar
		Lalk of Fayette
		Schueller of Jackson
		Swaim of Davis
<u>H-8580</u>	<u>H.F. 2362</u>	Senate Amendment
<u>H-8581</u>	<u>H.F. 2794</u>	Paulsen of Linn
<u>H-8582</u>	<u>H.F. 2794</u>	Hogg of Linn
<u>H-8583</u>	<u>S.F. 2364</u>	Anderson of Page
		Swaim of Davis
		R. Olson of Polk
		Huser of Polk

On motion by Gipp of Winneshiek the House adjourned at 6:47 p.m., until 9:00 a.m., Wednesday, April 26, 2006.