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**STATE OF IOWA**

# **House Journal**

**MONDAY, APRIL 20, 2009**

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(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 20, 2009

The House met pursuant to adjournment at 10:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jim Magelson, pastor of Trinity Lutheran Church, Mason City. He was the guest of Representative Sharon Steckman of Cerro Gordo County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Westergaard, House Page from Newell.

The Journal of Friday, April 17, 2009 was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sweeney of Hardin, until her arrival, on request of Roberts of Carroll; Rants of Woodbury on request of Paulsen of Linn.

Reasoner of Union asked and received unanimous consent for the immediate consideration of [House File 824](#).

### CONSIDERATION OF BILLS Ways and Means Calendar

[House File 824](#), a bill for an act relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision, was taken up for consideration.

Kelley 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. 824](#))

The ayes were, 91

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Hunter

Absent or not voting, 8:

Bailey	Berry	Chambers	Ford
Rants	Sweeney	Taylor, D.	Taylor, T.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Paulsen of Linn.

### Unfinished Business Calendar

**House File 819**, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs, was taken up for consideration.

Paulsen of Linn asked and received unanimous consent to withdraw amendment [H-1599](#) filed by him on April 14, 2009, placing out of order amendment [H-1625](#) filed by Rants of Woodbury on April 15, 2009.

#### [SENATE FILE 481](#) SUBSTITUTED FOR [HOUSE FILE 819](#)

Steckman of Cerro Gordo asked and received unanimous consent to substitute [Senate File 481](#) for [House File 819](#).

**Senate File 481**, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs, was taken up for consideration.

Steckman of Cerro Gordo 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. 481](#))

The ayes were, 89:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, S.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, 3:

Hunter	Olson, R.	Willems
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Absent or not voting, 7:

Bailey	Chambers	Ford	Rants
Sweeney	Taylor, D.	Taylor, T.	

#### RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, T. Olson of Linn refrained from voting.

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

#### [HOUSE FILE 819](#) WITHDRAWN

Steckman of Cerro Gordo asked and received unanimous consent to withdraw [House File 819](#) from further consideration by the House.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 824](#) and [Senate File 481](#) be immediately messaged to the Senate.

[Senate File 389](#), a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, with report of

committee recommending amendment and passage, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw the committee amendment [H-1324](#) filed by the committee on human resources on March 27, 2009.

Smith of Marshall offered amendment [H-1638](#) filed by him and Upmeyer of Hancock from the floor as follows:

[H-1638](#)

1 Amend [Senate File 389](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "DIVISION I  
6 LEGISLATIVE HEALTH CARE COVERAGE COMMISSION  
7 Section 1. LEGISLATIVE HEALTH CARE COVERAGE  
8 COMMISSION.  
9 1. A legislative health care coverage commission  
10 is created under the authority of the legislative  
11 council.  
12 a. The commission shall include the following  
13 persons who are ex officio, nonvoting members of the  
14 commission:  
15 (1) The commissioner of insurance, or a designee.  
16 (2) The director of human services, or a designee.  
17 (3) The director of public health, or a designee.  
18 (4) Four members of the general assembly, one  
19 appointed by the speaker of the house of  
20 representatives, one appointed by the minority leader  
21 of the house of representatives, one appointed by the  
22 majority leader of the senate, and one appointed by  
23 the minority leader of the senate.  
24 b. The commission shall include the following  
25 persons who are voting members of the commission and  
26 who are appointed by the legislative council:  
27 (1) A person who represents the association of  
28 business and industry.  
29 (2) A person who represents the federation of Iowa  
30 insurers.  
31 (3) A person who represents the Iowa federation of  
32 labor.  
33 (4) One health care provider, designated by the  
34 executive committee of the medical assistance advisory  
35 council.  
36 (5) A person who represents the Iowa association  
37 of health underwriters.

38 (6) Three consumers.

39 (7) A person who represents an organization of  
40 small businesses.

41 2. The legislative council may employ or contract  
42 with a coordinator to assist the commission in  
43 carrying out its duties. The coordinator shall gather  
44 and coordinate information for the use of the  
45 commission in its deliberations concerning health  
46 reform initiatives and activities related to the  
47 medical home system advisory council, the electronic  
48 health information advisory council and executive  
49 committee, the prevention and chronic care management  
50 advisory council, the direct care worker task force,

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1 the health and long-term care access technical  
2 advisory committee, the clinicians advisory panel, the  
3 long-term living initiatives of the department of  
4 elder affairs, medical assistance and hawk-i program  
5 expansions and initiatives, prevention and wellness  
6 initiatives including but not limited to those  
7 administered through the Iowa healthy communities  
8 initiative pursuant to section 135.27 and through the  
9 governor's council on physical fitness and nutrition,  
10 health care transparency activities, and other health  
11 care reform-related advisory bodies and activities  
12 that provide direction and promote collaborative  
13 efforts among health care providers involved in the  
14 initiatives and activities. The legislative services  
15 agency shall provide administrative support to the  
16 commission.

17 3. The legislative council shall appoint one  
18 voting member as chairperson and one as vice  
19 chairperson. Legislative members of the commission  
20 are eligible for per diem and reimbursement of actual  
21 expenses as provided in section 2.10. The consumers  
22 appointed to the commission are entitled to receive a  
23 per diem as specified in section 7E.6 for each day  
24 spent in performance of duties as a member, and shall  
25 be reimbursed for all actual and necessary expenses  
26 incurred in the performance of duties as a member of  
27 the commission.

28 4. The commission shall develop an Iowa health  
29 care reform strategic plan which includes but is not  
30 limited to a review and analysis of, and  
31 recommendations and prioritization of recommendations  
32 for, the following:

33 a. Options for the coordination of a children's  
34 health care network in the state that provides health  
35 care coverage to all children without such coverage;  
36 utilizes, modifies, and enhances existing public

37 programs; maximizes the ability of the state to obtain  
38 federal funding and reimbursement for such programs;  
39 and provides access to private, affordable health care  
40 coverage for children who are not otherwise eligible  
41 for health care coverage through public programs.

42 b. Options for children, adults, and families to  
43 transition seamlessly among public and private health  
44 care coverage options.

45 c. Options for subsidized and unsubsidized health  
46 care coverage programs which offer public and private,  
47 adequate and affordable health care coverage including  
48 but not limited to options to purchase coverage with  
49 varying levels of benefits including basic or  
50 catastrophic benefits, an intermediate level of

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1 benefits, and comprehensive benefits coverage. The  
2 commission shall also consider options and make  
3 recommendations for providing an array of benefits  
4 that may include physical, mental, and dental health  
5 care coverage.

6 d. Options to offer a program to provide coverage  
7 under a state health or medical group insurance plan  
8 to nonstate public employees, including employees of  
9 counties, cities, schools, area education agencies,  
10 and community colleges, and employees of nonprofit  
11 employers and small employers and to pool such  
12 employees with the state plan.

13 e. The ramifications of requiring each employer in  
14 the state with more than ten employees to adopt and  
15 maintain a cafeteria plan that satisfies section 125  
16 of the Internal Revenue Code of 1986.

17 f. Options for development of a long-term strategy  
18 to provide access to affordable health care coverage  
19 to the uninsured in Iowa, particularly adults, and  
20 development of a structure to implement that strategy  
21 including consideration of whether to utilize an  
22 existing government agency or a newly created entity.

23 5. As part of developing the strategic plan, the  
24 commission shall collaborate with health insurance  
25 experts to do including but not limited to the  
26 following:

27 a. Design solutions to issues relating to  
28 guaranteed issuance of insurance, preexisting  
29 condition exclusions, portability, and allowable  
30 pooling and rating classifications.

31 b. Formulate principles that ensure fair and  
32 appropriate practices relating to issues involving  
33 individual health care policies such as rescission and  
34 preexisting condition clauses, and that provide for a  
35 binding third-party review process to resolve disputes

36 related to such issues.

37 c. Design affordable, portable health care  
38 coverage options for low-income children, adults, and  
39 families.

40 d. Design a proposed premium schedule for health  
41 care coverage options which includes the development  
42 of rating factors that are consistent with market  
43 conditions.

44 e. Design protocols to limit the transfer from  
45 employer-sponsored or other private health care  
46 coverage to state-developed health care coverage  
47 plans.

48 6. The commission may request from any state  
49 agency or official information and assistance as  
50 needed to perform its duties pursuant to this section.

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1 A state agency or official shall furnish the  
2 information or assistance requested within the  
3 authority and resources of the state agency or  
4 official. This subsection does not allow the  
5 examination or copying of any public record required  
6 by law to be kept confidential.

7 7. The commission shall provide progress reports  
8 to the legislative council every quarter summarizing  
9 the commission's activities.

10 8. The commission shall provide a progress report  
11 to the general assembly by January 1, 2010,  
12 summarizing the commission's activities thus far, that  
13 includes but is not limited to recommendations and  
14 prioritization of recommendations for subsidized and  
15 unsubsidized health care coverage programs which offer  
16 public and private and adequate and affordable health  
17 care coverage for adults. The commission shall  
18 collaborate with health insurance experts to ensure  
19 that health care coverage for adults that is  
20 consistent with the commission's recommendations and  
21 priorities is available for purchase by the public by  
22 July 1, 2010.

23 9. The commission shall provide a report to the  
24 general assembly by January 1, 2011, summarizing the  
25 commission's activities since the last report.

26 10. The commission shall conclude its  
27 deliberations by July 1, 2011, and shall submit a  
28 final report to the general assembly by October 1,  
29 2011, summarizing the commission's activities  
30 particularly pertaining to the availability of health  
31 care coverage programs for adults, analyzing issues  
32 studied, and setting forth options, recommendations,  
33 and priorities for an Iowa health care reform  
34 strategic plan that will ensure that all Iowans have

35 access to health care coverage which meets minimum  
36 standards of quality and affordability. The  
37 commission may include any other information the  
38 commission deems relevant and necessary.

39 11. This section is repealed on December 31, 2011.

40 COORDINATING AMENDMENTS

41 Sec. 2. Section 514E.1, subsections 15 and 22,  
42 Code 2009, are amended by striking the subsections.

43 Sec. 3. Section 514E.2, subsection 3, unnumbered  
44 paragraph 1, Code 2009, is amended to read as follows:

45 The association shall submit to the commissioner a  
46 plan of operation for the association and any  
47 amendments necessary or suitable to assure the fair,  
48 reasonable, and equitable administration of the  
49 association. ~~The plan of operation shall include~~  
50 ~~provisions for the development of a comprehensive~~

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1 ~~health care coverage plan as provided in section~~  
2 ~~514E.5. In developing the comprehensive plan the~~  
3 ~~association shall give deference to the~~  
4 ~~recommendations made by the advisory council as~~  
5 ~~provided in section 514E.6, subsection 1. The~~  
6 ~~association shall approve or disapprove but shall not~~  
7 ~~modify recommendations made by the advisory council.~~  
8 ~~Recommendations that are approved shall be included in~~  
9 ~~the plan of operation submitted to the commissioner.~~  
10 ~~Recommendations that are disapproved shall be~~  
11 ~~submitted to the commissioner with reasons for the~~  
12 ~~disapproval. The plan of operation becomes effective~~  
13 ~~upon approval in writing by the commissioner prior to~~  
14 ~~the date on which the coverage under this chapter must~~  
15 ~~be made available. After notice and hearing, the~~  
16 ~~commissioner shall approve the plan of operation if~~  
17 ~~the plan is determined to be suitable to assure the~~  
18 ~~fair, reasonable, and equitable administration of the~~  
19 ~~association, and provides for the sharing of~~  
20 ~~association losses, if any, on an equitable and~~  
21 ~~proportionate basis among the member carriers. If the~~  
22 ~~association fails to submit a suitable plan of~~  
23 ~~operation within one hundred eighty days after the~~  
24 ~~appointment of the board of directors, or if at any~~  
25 ~~later time the association fails to submit suitable~~  
26 ~~amendments to the plan, the commissioner shall adopt,~~  
27 ~~pursuant to chapter 17A, rules necessary to implement~~  
28 ~~this section. The rules shall continue in force until~~  
29 ~~modified by the commissioner or superseded by a plan~~  
30 ~~submitted by the association and approved by the~~  
31 ~~commissioner. In addition to other requirements, the~~  
32 ~~plan of operation shall provide for all of the~~  
33 ~~following:~~

34 Sec. 4. Sections 514E.5 and 514E.6, Code 2009, are  
35 repealed.

36 Sec. 5. EFFECTIVE DATE. This division of this  
37 Act, being deemed of immediate importance, takes  
38 effect upon enactment.

39 DIVISION II

40 HEALTH CARE COVERAGE OF ADULT CHILDREN

41 Sec. 6. Section 422.7, Code 2009, is amended by  
42 adding the following new subsection:

43 NEW SUBSECTION. 29A. If the health benefits  
44 coverage or insurance of the taxpayer includes  
45 coverage of a nonqualified tax dependent as determined  
46 by the federal internal revenue service, subtract, to  
47 the extent included, the amount of the value of such  
48 coverage attributable to the nonqualified tax  
49 dependent.

50 Sec. 7. Section 509.3, subsection 8, Code 2009, is

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1 amended to read as follows:

2 8. A provision that the insurer will permit  
3 continuation of existing coverage or reenrollment in  
4 previously existing coverage for an individual who  
5 meets the requirements of section 513B.2, subsection  
6 14, paragraph "a", "b", "c", "d", or "e", and who is  
7 an unmarried child of an insured or enrollee who so  
8 elects, at least through the policy anniversary date  
9 on or after the date the child marries, ceases to be a  
10 resident of this state, or attains the age of  
11 twenty-five years old, whichever occurs first, or so  
12 long as the unmarried child maintains full-time status  
13 as a student in an accredited institution of  
14 postsecondary education.

15 In addition to the provisions required in  
16 subsections 1 through 7 ~~8~~, the commissioner shall  
17 require provisions through the adoption of rules  
18 implementing the federal Health Insurance Portability  
19 and Accountability Act, Pub. L. No. 104-191.

20 Sec. 8. Section 509A.13B, Code 2009, is amended to  
21 read as follows:

22 509A.13B CONTINUATION OF DEPENDENT COVERAGE OF  
23 CHILDREN – CONTINUATION OR REENROLLMENT.

24 If a governing body, a county board of supervisors,  
25 or a city council has procured accident or health care  
26 coverage for its employees under this chapter such  
27 coverage shall permit continuation of existing  
28 coverage or reenrollment in previously existing  
29 coverage for an individual who meets the requirements  
30 of section 513B.2, subsection 14, paragraph "a", "b",  
31 "c", "d", or "e", and who is an unmarried child of an  
32 insured or enrollee who so elects, at least through

33 the policy anniversary date on or after the date the  
34 child marries, ceases to be a resident of this state,  
35 or attains the age of twenty-five years old, whichever  
36 occurs first, or so long as the unmarried child  
37 maintains full-time status as a student in an  
38 accredited institution of postsecondary education.

39 Sec. 9. Section 514A.3B, subsection 2, Code 2009,  
40 is amended to read as follows:

41 2. An insurer issuing an individual policy or  
42 contract of accident and health insurance which  
43 provides coverage for children of the insured shall  
44 permit continuation of existing coverage or  
45 reenrollment in previously existing coverage for an  
46 individual who meets the requirements of section  
47 513B.2, subsection 14, paragraph "a", "b", "c", "d",  
48 or "e", and who is an unmarried child of an insured or  
49 enrollee who so elects, at least through the policy  
50 anniversary date on or after the date the child

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1 marries, ceases to be a resident of this state, or  
2 attains the age of twenty-five years old, whichever  
3 occurs first, or so long as the unmarried child  
4 maintains full-time status as a student in an  
5 accredited institution of postsecondary education.

6 Sec. 10. NEW SECTION. 514B.9A COVERAGE OF  
7 CHILDREN – CONTINUATION OR REENROLLMENT.

8 A health maintenance organization which provides  
9 health care coverage pursuant to an individual or  
10 group health maintenance organization contract  
11 regulated under this chapter for children of an  
12 enrollee shall permit continuation of existing  
13 coverage or reenrollment in previously existing  
14 coverage for an individual who meets the requirements  
15 of section 513B.2, subsection 14, paragraph "a", "b",  
16 "c", "d", or "e", and who is an unmarried child of an  
17 enrollee who so elects, at least through the policy  
18 anniversary date on or after the date the child  
19 marries, ceases to be a resident of this state, or  
20 attains the age of twenty-five years old, whichever  
21 occurs first, or so long as the unmarried child  
22 maintains full-time status as a student in an  
23 accredited institution of postsecondary education.

24 Sec. 11. APPLICABILITY. The sections of this Act  
25 amending section 509.3, subsection 8, 509A.13B, and  
26 514A.3B, subsection 2, and enacting section 514B.9A,  
27 apply to policies, contracts, or plans of accident and  
28 health insurance delivered, issued for delivery,  
29 continued, or renewed in this state on or after July  
30 1, 2009.

31 Sec. 12. RETROACTIVE APPLICABILITY DATE. The

32 section of this Act enacting section 422.7, subsection  
33 29A, applies retroactively to January 1, 2009, for tax  
34 years beginning on or after that date.

35 DIVISION III

36 MEDICAL ASSISTANCE AND HAWK-I PROVISIONS

37 COVERAGE FOR ALL INCOME-ELIGIBLE CHILDREN

38 Sec. 13. NEW SECTION. 249A.3A MEDICAL ASSISTANCE

39 – ALL INCOME-ELIGIBLE CHILDREN.

40 The department shall provide medical assistance to  
41 individuals under nineteen years of age who meet the  
42 income eligibility requirements for the state medical  
43 assistance program and for whom federal financial  
44 participation is or becomes available for the cost of  
45 such assistance.

46 Sec. 14. NEW SECTION. 514I.8A HAWK-I – ALL

47 INCOME-ELIGIBLE CHILDREN.

48 The department shall provide coverage to  
49 individuals under nineteen years of age who meet the  
50 income eligibility requirements for the hawk-i program

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1 and for whom federal financial participation is or  
2 becomes available for the cost of such coverage.

3 REQUIRED APPLICATION FOR DEPENDENT CHILD HEALTH CARE  
4 COVERAGE

5 Sec. 15. Section 422.12M, Code 2009, is amended to  
6 read as follows:

7 422.12M INCOME TAX FORM – INDICATION OF DEPENDENT  
8 CHILD HEALTH CARE COVERAGE.

9 1. The director shall draft the income tax form to  
10 ~~allow~~ require beginning with the tax returns for tax  
11 year ~~2008~~ 2010, a person who files an individual or  
12 joint income tax return with the department under  
13 section 422.13 to indicate the presence or absence of  
14 health care coverage for each dependent child for whom  
15 an exemption is claimed.

16 2. Beginning with the income tax return for tax  
17 year ~~2008~~ 2010, a person who files an individual or  
18 joint income tax return with the department under  
19 section 422.13, ~~may~~ shall report on the income tax  
20 return, in the form required, the presence or absence  
21 of health care coverage for each dependent child for  
22 whom an exemption is claimed.

23 a. If the taxpayer indicates on the income tax  
24 return that a dependent child does not have health  
25 care coverage, and the income of the taxpayer's tax  
26 return does not exceed the highest level of income  
27 eligibility standard for the medical assistance  
28 program pursuant to chapter 249A or the hawk-i program  
29 pursuant to chapter 514I, the department shall send a  
30 notice to the taxpayer indicating that the dependent

31 child may be eligible for the medical assistance  
 32 program or the hawk-i program and providing  
 33 information to the taxpayer about how to enroll the  
 34 dependent child in the programs appropriate program.  
 35 The taxpayer shall submit an application for the  
 36 appropriate program within ninety days of receipt of  
 37 the enrollment information.  
 38 ~~b. Notwithstanding any other provision of law to~~  
 39 ~~the contrary, a taxpayer shall not be subject to a~~  
 40 ~~penalty for not providing the information required~~  
 41 ~~under this section.~~  
 42 e. b. The department shall consult with the  
 43 department of human services in developing the tax  
 44 return form and the information to be provided to tax  
 45 filers under this section.  
 46 3. The department, in cooperation with the  
 47 department of human services, shall adopt rules  
 48 pursuant to chapter 17A to administer this section,  
 49 including rules defining "health care coverage" for  
 50 the purpose of indicating its presence or absence on

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1 the tax form.  
 2 4. The department, in cooperation with the  
 3 department of human services, shall report, annually,  
 4 to the governor and the general assembly all of the  
 5 following:  
 6 a. The number of Iowa families, by income level,  
 7 claiming the state income tax exemption for dependent  
 8 children.  
 9 b. The number of Iowa families, by income level,  
 10 claiming the state income tax exemption for dependent  
 11 children ~~who also~~ and whether they indicate the  
 12 presence or absence of health care coverage for the  
 13 dependent children.  
 14 c. ~~The effect of the reporting requirements and~~  
 15 ~~provision of information requirements under this~~  
 16 ~~section on the number and percentage of children in~~  
 17 ~~the state who are uninsured. The number of Iowa~~  
 18 ~~families, by income level, claiming the state income~~  
 19 ~~tax exemption for dependent children who receive~~  
 20 ~~information from the department pursuant to subsection~~  
 21 ~~2 and who subsequently apply for and are enrolled in~~  
 22 ~~the appropriate program.~~  
 23 PREGNANT WOMEN INCOME ELIGIBILITY FOR MEDICAID  
 24 Sec. 16. Section 249A.3, subsection 1, paragraph  
 25 1, Code 2009, is amended to read as follows:  
 26 1. (1) Is an infant whose income is not more than  
 27 two hundred percent of the federal poverty level, as  
 28 defined by the most recently revised income guidelines  
 29 published by the United States department of health

30 and human services.  
31 (2) Additionally, effective July 1, 2009, medical  
32 assistance shall be provided to ~~an~~ a pregnant woman or  
33 infant whose family income is at or below three  
34 hundred percent of the federal poverty level, as  
35 defined by the most recently revised poverty income  
36 guidelines published by the United States department  
37 of health and human services, if otherwise eligible.  
38 Sec. 17. Section 514I.8, subsection 1, Code 2009,  
39 is amended to read as follows:  
40 1. Effective July 1, 1998, and notwithstanding any  
41 medical assistance program eligibility criteria to the  
42 contrary, medical assistance shall be provided to, or  
43 on behalf of, an eligible child under the age of  
44 nineteen whose family income does not exceed one  
45 hundred thirty-three percent of the federal poverty  
46 level, as defined by the most recently revised poverty  
47 income guidelines published by the United States  
48 department of health and human services.  
49 Additionally, effective July 1, 2000, and  
50 notwithstanding any medical assistance program

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1 eligibility criteria to the contrary, medical  
2 assistance shall be provided to, or on behalf of, an  
3 eligible infant whose family income does not exceed  
4 two hundred percent of the federal poverty level, as  
5 defined by the most recently revised poverty income  
6 guidelines published by the United States department  
7 of health and human services. Effective July 1, 2009,  
8 and notwithstanding any medical assistance program  
9 eligibility criteria to the contrary, medical  
10 assistance shall be provided to, or on behalf of, a  
11 pregnant woman or an eligible child who is an infant  
12 and whose family income is at or below three hundred  
13 percent of the federal poverty level, as defined by  
14 the most recently revised poverty income guidelines  
15 published by the United States department of health  
16 and human services.

17 IMPROVING ACCESS AND RETENTION  
18 Sec. 18. Section 249A.4, Code 2009, is amended by  
19 adding the following new subsection:  
20 NEW SUBSECTION. 16. Implement the premium  
21 assistance program options described under the federal  
22 Children's Health Insurance Program Reauthorization  
23 Act of 2009, Pub. L. No. 111-3, for the medical  
24 assistance program. The department may adopt rules as  
25 necessary to administer these options.  
26 Sec. 19. NEW SECTION. 509.3A CREDITABLE  
27 COVERAGE.  
28 For the purposes of any policies of group accident

29 or health insurance or combination of such policies  
 30 issued in this state, "creditable coverage" means  
 31 health benefits or coverage provided to an individual  
 32 under any of the following:  
 33 1. A group health plan.  
 34 2. Health insurance coverage.  
 35 3. Part A or Part B Medicare pursuant to Title  
 36 XVIII of the federal Social Security Act.  
 37 4. Medicaid pursuant to Title XIX of the federal  
 38 Social Security Act, other than coverage consisting  
 39 solely of benefits under section 1928 of that Act.  
 40 5. 10 U.S.C. ch. 55.  
 41 6. A health or medical care program provided  
 42 through the Indian health service or a tribal  
 43 organization.  
 44 7. A state health benefits risk pool.  
 45 8. A health plan offered under 5 U.S.C. ch. 89.  
 46 9. A public health plan as defined under federal  
 47 regulations.  
 48 10. A health benefit plan under section 5(e) of  
 49 the federal Peace Corps Act, 22 U.S.C. } 2504(e).  
 50 11. An organized delivery system licensed by the

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1 director of public health.  
 2 12. A short-term limited duration policy.  
 3 13. The hawk-i program authorized by chapter 514I.  
 4 Sec. 20. Section 513B.2, subsection 8, Code 2009,  
 5 is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. m. The hawk-i program authorized  
 7 by chapter 514I.  
 8 Sec. 21. Section 514A.3B, subsection 1, Code 2009,  
 9 is amended to read as follows:  
 10 1. An insurer which accepts an individual for  
 11 coverage under an individual policy or contract of  
 12 accident and health insurance shall waive any time  
 13 period applicable to a preexisting condition exclusion  
 14 or limitation period requirement of the policy or  
 15 contract with respect to particular services in an  
 16 individual health benefit plan for the period of time  
 17 the individual was previously covered by qualifying  
 18 previous coverage as defined in section 513C.3, by  
 19 chapter 249A or 514I, or by Medicare coverage provided  
 20 pursuant to Title XVIII of the federal Social Security  
 21 Act that provided benefits with respect to such  
 22 services, provided that the ~~qualifying previous~~  
 23 coverage was continuous to a date not more than  
 24 sixty-three days prior to the effective date of the  
 25 new policy or contract. ~~Any days of coverage provided~~  
 26 ~~to an individual pursuant to chapter 249A or 514I, or~~  
 27 ~~Medicare coverage provided pursuant to Title XVIII of~~

28 ~~the federal Social Security Act, do not constitute~~  
 29 ~~qualifying previous coverage. Such days of chapter~~  
 30 ~~249A or 514I or Medicare coverage shall be counted as~~  
 31 ~~part of the maximum sixty three day grace period and~~  
 32 ~~shall not constitute a basis for the waiver of any~~  
 33 ~~preexisting condition exclusion or limitation period.~~

34 Sec. 22. Section 514A.3B, Code 2009, is amended by  
 35 adding the following new subsection:

36 NEW SUBSECTION. 3. For the purposes of any  
 37 policies of accident and sickness insurance issued in  
 38 this state, "creditable coverage" means health  
 39 benefits or coverage provided to an individual under  
 40 any of the following:

- 41 a. A group health plan.
- 42 b. Health insurance coverage.
- 43 c. Part A or Part B Medicare pursuant to Title
- 44 XVIII of the federal Social Security Act.
- 45 d. Medicaid pursuant to Title XIX of the federal
- 46 Social Security Act, other than coverage consisting
- 47 solely of benefits under section 1928 of that Act.
- 48 e. 10 U.S.C. ch. 55.
- 49 f. A health or medical care program provided
- 50 through the Indian health service or a tribal

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- 1 organization.
- 2 g. A state health benefits risk pool.
- 3 h. A health plan offered under 5 U.S.C. ch. 89.
- 4 i. A public health plan as defined under federal
- 5 regulations.
- 6 j. A health benefit plan under section 5(e) of the
- 7 federal Peace Corps Act, 22 U.S.C. §2504(e).
- 8 k. An organized delivery system licensed by the
- 9 director of public health.
- 10 l. A short-term limited duration policy.
- 11 m. The hawk-i program authorized by chapter 514I.
- 12 Sec. 23. Section 514I.1, subsection 4, Code 2009,
- 13 is amended to read as follows:
- 14 4. It is the intent of the general assembly that
- 15 the hawk-i program be an integral part of the
- 16 continuum of health insurance coverage and that the
- 17 program be developed and implemented in such a manner
- 18 as to facilitate movement of families between health
- 19 insurance providers and to facilitate the transition
- 20 of families to private sector health insurance
- 21 coverage. ~~It is the intent of the general assembly in~~  
~~developing such continuum of health insurance coverage~~  
~~and in facilitating such transition, that beginning~~  
~~July 1, 2009, the department implement the hawk-i~~  
~~expansion program.~~
- 22
- 23
- 24
- 25
- 26 Sec. 24. Section 514I.2, subsection 8, Code 2009,

27 is amended by striking the subsection.  
 28 Sec. 25. Section 514I.3, Code 2009, is amended by  
 29 adding the following new subsection:  
 30 NEW SUBSECTION. 6. Health care coverage provided  
 31 under this chapter in accordance with Title XXI of the  
 32 federal Social Security Act shall be recognized as  
 33 prior creditable coverage for the purposes of private  
 34 individual and group health insurance coverage.  
 35 Sec. 26. Section 514I.4, subsection 2, Code 2009,  
 36 is amended to read as follows:  
 37 2. a. The director, with the approval of the  
 38 board, may contract with participating insurers to  
 39 provide dental-only services.  
 40 b. The director, with the approval of the board,  
 41 may contract with participating insurers to provide  
 42 the supplemental dental-only coverage to otherwise  
 43 eligible children who have private health care  
 44 coverage as specified in the federal Children's Health  
 45 Insurance Program Reauthorization Act of 2009, Pub. L.  
 46 No. 111-3.  
 47 Sec. 27. Section 514I.4, subsection 5, paragraphs  
 48 a and b, Code 2009, are amended to read as follows:  
 49 a. Develop a joint program application form ~~not to~~  
 50 ~~exceed two pages in length, which is consistent with~~

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1 ~~the rules of the board,~~ which is easy to understand,  
 2 complete, and concise, ~~and which, to the greatest~~  
 3 ~~extent possible, coordinates with the supplemental~~  
 4 forms, and the same application and renewal  
 5 verification process for both the hawk-i and medical  
 6 assistance program programs.  
 7 b. (1) Establish the family cost sharing amounts  
 8 for children of families with incomes of one hundred  
 9 fifty percent or more but not exceeding two hundred  
 10 percent of the federal poverty level, of not less than  
 11 ten dollars per individual and twenty dollars per  
 12 family, if not otherwise prohibited by federal law,  
 13 with the approval of the board.  
 14 (2) Establish for children of families with  
 15 incomes exceeding two hundred percent but not  
 16 exceeding three hundred percent of the federal poverty  
 17 level, family cost-sharing amounts, and graduated  
 18 premiums based on a rationally developed sliding fee  
 19 schedule, in accordance with federal law, with the  
 20 approval of the board.  
 21 Sec. 28. Section 514I.5, subsection 7, paragraph  
 22 1, Code 2009, is amended to read as follows:  
 23 1. Develop options and recommendations to allow  
 24 children eligible for the hawk-i ~~or hawk-i expansion~~  
 25 program to participate in qualified employer-sponsored

26 health plans through a premium assistance program.  
27 The options and recommendations shall ensure  
28 reasonable alignment between the benefits and costs of  
29 the hawk-i and hawk-i expansion programs program and  
30 the employer-sponsored health plans consistent with  
31 federal law. ~~The options and recommendations shall be  
32 completed by January 1, 2009, and submitted to the  
33 governor and the general assembly for consideration as  
34 part of the hawk-i and hawk-i expansion programs. In  
35 addition, the board shall implement the premium  
36 assistance program options described under the federal  
37 Children's Health Insurance Program Reauthorization  
38 Act of 2009, Pub. L. No. 111-3, for the hawk-i  
39 program.~~  
40 Sec. 29. Section 514I.5, subsection 8, paragraph  
41 e, Code 2009, is amended by adding the following new  
42 subparagraph:  
43 NEW SUBPARAGRAPH. (15) Translation and  
44 interpreter services as specified pursuant to the  
45 federal Children's Health Insurance Program  
46 Reauthorization Act of 2009, Pub. L. No. 111-3.  
47 Sec. 30. Section 514I.5, subsection 8, paragraph  
48 g, Code 2009, is amended to read as follows:  
49 g. Presumptive eligibility criteria for the  
50 program. Beginning January 1, 2010, presumptive

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1 eligibility shall be provided for eligible children.  
2 Sec. 31. Section 514I.5, subsection 9, Code 2009,  
3 is amended to read as follows:  
4 9. a. The hawk-i board may provide approval to  
5 the director to contract with participating insurers  
6 to provide dental-only services. In determining  
7 whether to provide such approval to the director, the  
8 board shall take into consideration the impact on the  
9 overall program of single source contracting for  
10 dental services.  
11 b. The hawk-i board may provide approval to the  
12 director to contract with participating insurers to  
13 provide the supplemental dental-only coverage to  
14 otherwise eligible children who have private health  
15 care coverage as specified in the federal Children's  
16 Health Insurance Program Reauthorization Act of 2009,  
17 Pub. L. No. 111-3.  
18 Sec. 32. Section 514I.6, subsections 2 and 3, Code  
19 2009, are amended to read as follows:  
20 2. Provide or reimburse accessible, quality  
21 medical or dental services.  
22 3. Require that any plan provided by the  
23 participating insurer establishes and maintains a  
24 conflict management system that includes methods for

25 both preventing and resolving disputes involving the  
26 health ~~or dental~~ care needs of eligible children, and  
27 a process for resolution of such disputes.

28 Sec. 33. Section 514I.6, subsection 4, paragraph  
29 a, Code 2009, is amended to read as follows:

30 a. A list of providers of medical ~~or dental~~  
31 services under the plan.

32 Sec. 34. Section 514I.7, subsection 2, paragraph  
33 d, Code 2009, is amended to read as follows:

34 d. Monitor and assess the medical ~~and dental~~ care  
35 provided through or by participating insurers as well  
36 as complaints and grievances.

37 Sec. 35. Section 514I.8, subsection 2, paragraph  
38 c, Code 2009, is amended to read as follows:

39 c. Is a member of a family whose income does not  
40 exceed ~~two~~ three hundred percent of the federal  
41 poverty level, as defined in 42 U.S.C. § 9902(2),  
42 including any revision required by such section, and  
43 in accordance with the federal Children's Health  
44 Insurance Program Reauthorization Act of 2009, Pub. L.  
45 No. 111-3.

46 Sec. 36. Section 514I.10, Code 2009, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 2A. Cost sharing for an eligible  
49 child whose family income exceeds two hundred percent  
50 but does not exceed three hundred percent of the

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1 federal poverty level may include copayments and  
2 graduated premium amounts which do not exceed the  
3 limitations of federal law.

4 Sec. 37. Section 514I.11, subsections 1 and 3,  
5 Code 2009, are amended to read as follows:

6 1. A hawk-i trust fund is created in the state  
7 treasury under the authority of the department of  
8 human services, in which all appropriations and other  
9 revenues of the program ~~and the hawk-i expansion~~  
10 ~~program~~ such as grants, contributions, and participant  
11 payments shall be deposited and used for the purposes  
12 of the program ~~and the hawk-i expansion program~~. The  
13 moneys in the fund shall not be considered revenue of  
14 the state, but rather shall be funds of the program.

15 3. Moneys in the fund are appropriated to the  
16 department and shall be used to offset any program ~~and~~  
17 ~~hawk-i expansion program~~ costs.

18 Sec. 38. MEDICAL ASSISTANCE PROGRAM –  
19 PROGRAMMATIC AND PROCEDURAL PROVISIONS. The  
20 department of human services shall adopt rules  
21 pursuant to chapter 17A to provide for all of the  
22 following:

23 1. To allow for the submission of one pay stub per

24 employer by an individual as verification of earned  
25 income for the medical assistance program when it is  
26 indicative of future income.

27 2. To allow for an averaging of three years of  
28 income for self-employed families to establish  
29 eligibility for the medical assistance program.

30 3. To extend the period for annual renewal by  
31 medical assistance members by mailing the renewal form  
32 to the member on the first day of the month prior to  
33 the month of renewal.

34 4. To provide for all of the following in  
35 accordance with the requirements for qualification for  
36 the performance bonus payments described under the  
37 federal Children's Health Insurance Program  
38 Reauthorization Act of 2009, Pub. L. No. 111-3:

39 a. Utilization of joint applications and  
40 supplemental forms, and the same application and  
41 renewal verification processes for the medical  
42 assistance and hawk-i programs.

43 b. Implementation of administrative or paperless  
44 verification at renewal for the medical assistance  
45 program.

46 c. Utilization of presumptive eligibility when  
47 determining a child's eligibility for the medical  
48 assistance program.

49 d. Utilization of the express lane option,  
50 including utilization of other public program

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1 databases to reach and enroll children in the medical  
2 assistance program.

3 5. To provide translation and interpretation  
4 services under the medical assistance program as  
5 specified pursuant to the federal Children's Health  
6 Insurance Program Reauthorization Act of 2009, Pub. L.  
7 No. 111-3.

8 Sec. 39. HAWK-I PROGRAM – PROGRAMMATIC AND  
9 PROCEDURAL PROVISIONS. The hawk-i board, in  
10 consultation with the department of human services,  
11 shall adopt rules pursuant to chapter 17A to provide  
12 for all of the following:

13 1. To allow for the submission of one pay stub per  
14 employer by an individual as verification of earned  
15 income for the hawk-i program when it is indicative of  
16 future income.

17 2. To allow for an averaging of three years of  
18 income for self-employed families to establish  
19 eligibility for the hawk-i program.

20 3. To provide for all of the following in  
21 accordance with the requirements for qualification for  
22 the performance bonus payments described under the

23 federal Children's Health Insurance Program  
24 Reauthorization Act of 2009, Pub. L. No. 111-3:  
25 a. Utilization of joint applications and  
26 supplemental forms, and the same application and  
27 renewal verification processes for the hawk-i and  
28 medical assistance programs.  
29 b. Implementation of administrative or paperless  
30 verification at renewal for the hawk-i program.  
31 c. Utilization of presumptive eligibility when  
32 determining a child's eligibility for the hawk-i  
33 program.  
34 d. Utilization of the express lane option,  
35 including utilization of other public program  
36 databases to reach and enroll children in the hawk-i  
37 program.  
38 Sec. 40. DEMONSTRATION GRANTS – CHIPRA. The  
39 department of human services in cooperation with the  
40 department of public health and other appropriate  
41 agencies, shall apply for grants available under the  
42 Children's Health Insurance Program Reauthorization  
43 Act of 2009, Pub. L. No. 111-3, to promote outreach  
44 activities and quality child health outcomes under the  
45 medical assistance and hawk-i programs.  
46 Sec. 41. Section 514I.12, Code 2009, is repealed.  
47 Sec. 42. EFFECTIVE DATE. The section of this  
48 division of this Act amending section 422.12M, takes  
49 effect July 1, 2010.  
50 DIVISION IV

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1 VOLUNTEER HEALTH CARE PROVIDERS  
2 Sec. 43. Section 135.24, Code 2009, is amended to  
3 read as follows:  
4 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM  
5 ESTABLISHED – IMMUNITY FROM CIVIL LIABILITY.  
6 1. The director shall establish within the  
7 department a program to provide to eligible hospitals,  
8 clinics, free clinics, field dental clinics, specialty  
9 health care provider offices, or other health care  
10 facilities, health care referral programs, or  
11 charitable organizations, free medical, dental,  
12 chiropractic, pharmaceutical, nursing, optometric,  
13 psychological, social work, behavioral science,  
14 podiatric, physical therapy, occupational therapy,  
15 respiratory therapy, and emergency medical care  
16 services given on a voluntary basis by health care  
17 providers. A participating health care provider shall  
18 register with the department and obtain from the  
19 department a list of eligible, participating  
20 hospitals, clinics, free clinics, field dental  
21 clinics, specialty health care provider offices, or

22 other health care facilities, health care referral  
23 programs, or charitable organizations.  
24 2. The department, in consultation with the  
25 department of human services, shall adopt rules to  
26 implement the volunteer health care provider program  
27 which shall include the following:  
28 a. Procedures for registration of health care  
29 providers deemed qualified by the board of medicine,  
30 the board of physician assistants, the dental board,  
31 the board of nursing, the board of chiropractic, the  
32 board of psychology, the board of social work, the  
33 board of behavioral science, the board of pharmacy,  
34 the board of optometry, the board of podiatry, the  
35 board of physical and occupational therapy, the board  
36 of respiratory care, and the Iowa department of public  
37 health, as applicable.  
38 b. Procedures for registration of free clinics,  
39 ~~and field dental clinics, and specialty health care~~  
40 ~~provider offices.~~  
41 c. Criteria for and identification of hospitals,  
42 clinics, free clinics, field dental clinics, specialty  
43 health care provider offices, or other health care  
44 facilities, health care referral programs, or  
45 charitable organizations, eligible to participate in  
46 the provision of free medical, dental, chiropractic,  
47 pharmaceutical, nursing, optometric, psychological,  
48 social work, behavioral science, podiatric, physical  
49 therapy, occupational therapy, respiratory therapy, or  
50 emergency medical care services through the volunteer

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1 health care provider program. A free clinic, a field  
2 dental clinic, a specialty health care provider  
3 office, a health care facility, a health care referral  
4 program, a charitable organization, or a health care  
5 provider participating in the program shall not bill  
6 or charge a patient for any health care provider  
7 service provided under the volunteer health care  
8 provider program.  
9 d. Identification of the services to be provided  
10 under the program. The services provided may include,  
11 but shall not be limited to, obstetrical and  
12 gynecological medical services, psychiatric services  
13 provided by a physician licensed under chapter 148,  
14 dental services provided under chapter 153, or other  
15 services provided under chapter 147A, 148A, 148B,  
16 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C,  
17 154D, 154F, or 155A.  
18 3. A health care provider providing free care  
19 under this section shall be considered an employee of  
20 the state under chapter 669, shall be afforded

21 protection as an employee of the state under section  
22 669.21, and shall not be subject to payment of claims  
23 arising out of the free care provided under this  
24 section through the health care provider's own  
25 professional liability insurance coverage, provided  
26 that the health care provider has done all of the  
27 following:  
28 a. Registered with the department pursuant to  
29 subsection 1.  
30 b. Provided medical, dental, chiropractic,  
31 pharmaceutical, nursing, optometric, psychological,  
32 social work, behavioral science, podiatric, physical  
33 therapy, occupational therapy, respiratory therapy, or  
34 emergency medical care services through a hospital,  
35 clinic, free clinic, field dental clinic, specialty  
36 health care provider office, or other health care  
37 facility, health care referral program, or charitable  
38 organization listed as eligible and participating by  
39 the department pursuant to subsection 1.  
40 4. A free clinic providing free care under this  
41 section shall be considered a state agency solely for  
42 the purposes of this section and chapter 669 and shall  
43 be afforded protection under chapter 669 as a state  
44 agency for all claims arising from the provision of  
45 free care by a health care provider registered under  
46 subsection 3 who is providing services at the free  
47 clinic in accordance with this section or from the  
48 provision of free care by a health care provider who  
49 is covered by adequate medical malpractice insurance  
50 as determined by the department, if the free clinic

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1 has registered with the department pursuant to  
2 subsection 1.  
3 5. A field dental clinic providing free care under  
4 this section shall be considered a state agency solely  
5 for the purposes of this section and chapter 669 and  
6 shall be afforded protection under chapter 669 as a  
7 state agency for all claims arising from the provision  
8 of free care by a health care provider registered  
9 under subsection 3 who is providing services at the  
10 field dental clinic in accordance with this section or  
11 from the provision of free care by a health care  
12 provider who is covered by adequate medical  
13 malpractice insurance, as determined by the  
14 department, if the field dental clinic has registered  
15 with the department pursuant to subsection 1.  
16 5A. A specialty health care provider office  
17 providing free care under this section shall be  
18 considered a state agency solely for the purposes of  
19 this section and chapter 669 and shall be afforded

20 protection under chapter 669 as a state agency for all  
21 claims arising from the provision of free care by a  
22 health care provider registered under subsection 3 who  
23 is providing services at the specialty health care  
24 provider office in accordance with this section or  
25 from the provision of free care by a health care  
26 provider who is covered by adequate medical  
27 malpractice insurance, as determined by the  
28 department, if the specialty health care provider  
29 office has registered with the department pursuant to  
30 subsection 1.

31 6. For the purposes of this section:

32 a. "Charitable organization" means a charitable  
33 organization within the meaning of section 501(c)(3)  
34 of the Internal Revenue Code.

35 b. "Field dental clinic" means a dental clinic  
36 temporarily or periodically erected at a location  
37 utilizing mobile dental equipment, instruments, or  
38 supplies, as necessary, to provide dental services.

39 c. "Free clinic" means a facility, other than a  
40 hospital or health care provider's office which is  
41 exempt from taxation under section 501(c)(3) of the  
42 Internal Revenue Code and which has as its sole  
43 purpose the provision of health care services without  
44 charge to individuals who are otherwise unable to pay  
45 for the services.

46 d. "Health care provider" means a physician  
47 licensed under chapter 148, a chiropractor licensed  
48 under chapter 151, a physical therapist licensed  
49 pursuant to chapter 148A, an occupational therapist  
50 licensed pursuant to chapter 148B, a podiatrist

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1 licensed pursuant to chapter 149, a physician  
2 assistant licensed and practicing under a supervising  
3 physician pursuant to chapter 148C, a licensed  
4 practical nurse, a registered nurse, or an advanced  
5 registered nurse practitioner licensed pursuant to  
6 chapter 152 or 152E, a respiratory therapist licensed  
7 pursuant to chapter 152B, a dentist, dental hygienist,  
8 or dental assistant registered or licensed to practice  
9 under chapter 153, an optometrist licensed pursuant to  
10 chapter 154, a psychologist licensed pursuant to  
11 chapter 154B, a social worker licensed pursuant to  
12 chapter 154C, a mental health counselor or a marital  
13 and family therapist licensed pursuant to chapter  
14 154D, a pharmacist licensed pursuant to chapter 155A,  
15 or an emergency medical care provider certified  
16 pursuant to chapter 147A.

17 e. "Specialty health care provider office" means  
18 the private office or clinic of an individual

19 specialty health care provider or group of specialty  
20 health care providers as referred by the Iowa  
21 collaborative safety net provider network established  
22 in section 135.153, but does not include a field  
23 dental clinic, a free clinic, or a hospital.

24 DIVISION V

25 HEALTH CARE WORKFORCE SUPPORT INITIATIVE

26 Sec. 44. NEW SECTION. 135.153A SAFETY NET

27 PROVIDER RECRUITMENT AND RETENTION INITIATIVES PROGRAM

28 REPEAL.

29 The department, in accordance with efforts pursuant  
30 to sections 135.163 and 135.164 and in cooperation  
31 with the Iowa collaborative safety net provider  
32 network governing group as described in section  
33 135.153, shall establish and administer a safety net  
34 provider recruitment and retention initiatives program  
35 to address the health care workforce shortage relative  
36 to safety net providers. Funding for the program may  
37 be provided through the health care workforce shortage  
38 fund or the safety net provider network workforce  
39 shortage account created in section 135.175. The  
40 department, in cooperation with the governing group,  
41 shall adopt rules pursuant to chapter 17A to implement  
42 and administer such program. This section is repealed  
43 June 30, 2014.

44 Sec. 45. NEW SECTION. 135.175 HEALTH CARE  
45 WORKFORCE SUPPORT INITIATIVE – WORKFORCE SHORTAGE  
46 FUND – ACCOUNTS – REPEAL.

47 1. a. A health care workforce support initiative  
48 is established to provide for the coordination and  
49 support of various efforts to address the health care  
50 workforce shortage in this state. This initiative

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1 shall include the medical residency training state  
2 matching grants program created in section 135.176,  
3 the health care professional and nursing workforce  
4 shortage initiative created in sections 261.128 and  
5 261.129, the safety net provider recruitment and  
6 retention initiatives program credited in section  
7 135.153A, health care workforce shortage national  
8 initiatives, and the physician assistant mental health  
9 fellowship program created in section 135.177.

10 b. A health care workforce shortage fund is  
11 created in the state treasury as a separate fund under  
12 the control of the department, in cooperation with the  
13 entities identified in this section as having control  
14 over the accounts within the fund. The fund and the  
15 accounts within the fund shall be controlled and  
16 managed in a manner consistent with the principles  
17 specified and the strategic plan developed pursuant to

18 sections 135.163 and 135.164.

19 2. The fund and the accounts within the fund shall  
20 consist of moneys appropriated from the general fund  
21 of the state for the purposes of the fund or the  
22 accounts within the fund; moneys received from the  
23 federal government for the purposes of addressing the  
24 health care workforce shortage; contributions, grants,  
25 and other moneys from communities and health care  
26 employers; and moneys from any other public or private  
27 source available.

28 3. The department and any entity identified in  
29 this section as having control over any of the  
30 accounts within the fund, may receive contributions,  
31 grants, and in-kind contributions to support the  
32 purposes of the fund and the accounts within the fund.

33 4. The fund and the accounts within the fund shall  
34 be separate from the general fund of the state and  
35 shall not be considered part of the general fund of  
36 the state. The moneys in the fund and the accounts  
37 within the fund shall not be considered revenue of the  
38 state, but rather shall be moneys of the fund or the  
39 accounts. The moneys in the fund and the accounts  
40 within the fund are not subject to section 8.33 and  
41 shall not be transferred, used, obligated,  
42 appropriated, or otherwise encumbered, except to  
43 provide for the purposes of this section.

44 Notwithstanding section 12C.7, subsection 2, interest  
45 or earnings on moneys deposited in the fund shall be  
46 credited to the fund and the accounts within the fund.

47 5. The fund shall consist of the following  
48 accounts:

49 a. The medical residency training account. The  
50 medical residency training account shall be under the

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1 control of the department and the moneys in the  
2 account shall be used for the purposes of the medical  
3 residency training state matching grants program as  
4 specified in section 135.176. Moneys in the account  
5 shall consist of moneys appropriated or allocated for  
6 deposit in or received by the fund or the account and  
7 specifically dedicated to the medical residency  
8 training state matching grants program or account for  
9 the purposes of such account.

10 b. The health care professional and nurse  
11 workforce shortage initiative account. The health  
12 care professional and nurse workforce shortage  
13 initiative account shall be under the control of the  
14 college student aid commission created in section  
15 261.1 and the moneys in the account shall be used for  
16 the purposes of the health care professional incentive

17 payment program and the nurse workforce shortage  
18 initiative as specified in sections 261.128 and  
19 261.129. Moneys in the account shall consist of  
20 moneys appropriated or allocated for deposit in or  
21 received by the fund or the account and specifically  
22 dedicated to the health care professional and nurse  
23 workforce shortage initiative or the account for the  
24 purposes of the account.

25 c. The safety net provider network workforce  
26 shortage account. The safety net provider network  
27 workforce shortage account shall be under the control  
28 of the governing group of the Iowa collaborative  
29 safety net provider network created in section 135.153  
30 and the moneys in the account shall be used for the  
31 purposes of the safety net provider recruitment and  
32 retention initiatives program as specified in section  
33 135.153A. Moneys in the account shall consist of  
34 moneys appropriated or allocated for deposit in or  
35 received by the fund or the account and specifically  
36 dedicated to the safety net provider recruitment and  
37 retention initiatives program or the account for the  
38 purposes of the account.

39 d. The health care workforce shortage national  
40 initiatives account. The health care workforce  
41 shortage national initiatives account shall be under  
42 the control of the state entity identified for receipt  
43 of the federal funds by the federal government entity  
44 through which the federal funding is available for a  
45 specified health care workforce shortage initiative.  
46 Moneys in the account shall consist of moneys  
47 appropriated or allocated for deposit in or received  
48 by the fund or the account and specifically dedicated  
49 to health care workforce shortage national initiatives  
50 or the account and for a specified health care

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1 workforce shortage initiative.

2 e. The physician assistant mental health  
3 fellowship program account. The physician assistant  
4 mental health fellowship program account shall be  
5 under the control of the department and the moneys in  
6 the account shall be used for the purposes of the  
7 physician assistant mental health fellowship program  
8 as specified in section 135.177. Moneys in the  
9 account shall consist of moneys appropriated or  
10 allocated for deposit in or received by the fund or  
11 the account and specifically dedicated to the  
12 physician assistant mental health fellowship program  
13 or the account for the purposes of the account.

14 6. a. Moneys in the fund and the accounts in the  
15 fund shall only be appropriated in a manner consistent

16 with the principles specified and the strategic plan  
17 developed pursuant to sections 135.163 and 135.164 to  
18 support the medical residency training state matching  
19 grants program, the health care professional incentive  
20 payment program, the nurse educator incentive payment  
21 and nursing faculty fellowship programs, the safety  
22 net recruitment and retention initiatives program, for  
23 national health care workforce shortage initiatives,  
24 for the physician assistant mental health fellowship  
25 program, and to provide funding for state health care  
26 workforce shortage programs as provided in this  
27 section.

28 b. State programs that may receive funding from  
29 the fund and the accounts in the fund, if specifically  
30 designated for the purpose of drawing down federal  
31 funding, are the primary care recruitment and  
32 retention endeavor (PRIMECARRE), the Iowa affiliate of  
33 the national rural recruitment and retention network,  
34 the primary care office shortage designation program,  
35 the state office of rural health, and the Iowa health  
36 workforce center, administered through the bureau of  
37 health care access of the department of public health;  
38 the area health education centers programs at Des  
39 Moines university – osteopathic medical center and  
40 the university of Iowa; the Iowa collaborative safety  
41 net provider network established pursuant to section  
42 135.153; any entity identified by the federal  
43 government entity through which federal funding for a  
44 specified health care workforce shortage initiative is  
45 received; and a program developed in accordance with  
46 the strategic plan developed by the department of  
47 public health in accordance with sections 135.163 and  
48 135.164.

49 c. State appropriations to the fund shall be  
50 allocated in equal amounts to each of the accounts

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1 within the fund, unless otherwise specified in the  
2 appropriation or allocation. Any federal funding  
3 received for the purposes of addressing state health  
4 care workforce shortages shall be deposited in the  
5 health care workforce shortage national initiatives  
6 account, unless otherwise specified by the source of  
7 the funds, and shall be used as required by the source  
8 of the funds. If use of the federal funding is not  
9 designated, twenty-five percent of such funding shall  
10 be deposited in the safety net provider network  
11 workforce shortage account to be used for the purposes  
12 of the account and the remainder of the funds shall be  
13 used in accordance with the strategic plan developed  
14 by the department of public health in accordance with

15 sections 135.163 and 135.164, or to address workforce  
16 shortages as otherwise designated by the department of  
17 public health. Other sources of funding shall be  
18 deposited in the fund or account and used as specified  
19 by the source of the funding.

20 7. No more than five percent of the moneys in any  
21 of the accounts within the fund, not to exceed one  
22 hundred thousand dollars in each account, shall be  
23 used for administrative purposes, unless otherwise  
24 provided by the appropriation, allocation, or source  
25 of the funds.

26 8. The department, in cooperation with the  
27 entities identified in this section as having control  
28 over any of the accounts within the fund, shall submit  
29 an annual report to the governor and the general  
30 assembly regarding the status of the health care  
31 workforce support initiative, including the balance  
32 remaining in and appropriations from the health care  
33 workforce shortage fund and the accounts within the  
34 fund.

35 9. This section is repealed June 30, 2014.

36 Sec. 46. NEW SECTION. 135.176 MEDICAL RESIDENCY  
37 TRAINING STATE MATCHING GRANTS PROGRAM – REPEAL.

38 1. The department shall establish a medical  
39 residency training state matching grants program to  
40 provide matching state funding to sponsors of  
41 accredited graduate medical education residency  
42 programs in this state to establish, expand, or  
43 support medical residency training programs. Funding  
44 for the program may be provided through the health  
45 care workforce shortage fund or the medical residency  
46 training account created in section 135.175. For the  
47 purposes of this section, unless the context otherwise  
48 requires, "accredited" means a graduate medical  
49 education program approved by the accreditation  
50 council for graduate medical education or the American

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1 osteopathic association. The grant funds may be used  
2 to support medical residency programs through any of  
3 the following:

4 a. The establishment of new or alternative campus  
5 accredited medical residency training programs. For  
6 the purposes of this paragraph, "new or alternative  
7 campus accredited medical residency training program"  
8 means a program that is accredited by a recognized  
9 entity approved for such purpose by the accreditation  
10 council for graduate medical education or the American  
11 osteopathic association with the exception that a new  
12 medical residency training program that, by reason of  
13 an insufficient period of operation is not eligible

14 for accreditation on or before the date of submission  
15 of an application for a grant, may be deemed  
16 accredited if the accreditation council for graduate  
17 medical education or the American osteopathic  
18 association finds, after consultation with the  
19 appropriate accreditation entity, that there is  
20 reasonable assurance that the program will meet the  
21 accreditation standards of the entity prior to the  
22 date of graduation of the initial class in the  
23 program.

24 b. The provision of new residency positions within  
25 existing accredited medical residency or fellowship  
26 training programs.

27 c. The funding of residency positions which are in  
28 excess of the federal residency cap. For the purposes  
29 of this paragraph, "in excess of the federal residency  
30 cap" means a residency position for which no federal  
31 Medicare funding is available because the residency  
32 position is a position beyond the cap for residency  
33 positions established by the federal Balanced Budget  
34 Act of 1997, Pub. L. No. 105-33.

35 2. The department shall adopt rules pursuant to  
36 chapter 17A to provide for all of the following:

37 a. Eligibility requirements for and qualifications  
38 of a sponsor of an accredited graduate medical  
39 education residency program to receive a grant. The  
40 requirements and qualifications shall include but are  
41 not limited to all of the following:

42 (1) Only a sponsor that establishes a dedicated  
43 fund to support a residency program that meets the  
44 specifications of this section shall be eligible to  
45 receive a matching grant. A sponsor funding residency  
46 positions in excess of the federal residency cap, as  
47 defined in subsection 1, paragraph "c", exclusive of  
48 funds provided under the medical residency training  
49 state matching grants program established in this  
50 section, is deemed to have satisfied this requirement

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1 and shall be eligible for a matching grant equal to  
2 the amount of funds expended for such residency  
3 positions, subject to the limitation on the maximum  
4 award of grant funds specified in paragraph "e".

5 (2) A sponsor shall demonstrate through documented  
6 financial information as prescribed by rule of the  
7 department, that funds have been reserved and will be  
8 expended by the sponsor in the amount required to  
9 provide matching funds for each residency proposed in  
10 the request for state matching funds.

11 (3) A sponsor shall demonstrate through objective  
12 evidence as prescribed by rule of the department, a

13 need for such residency program in the state.  
14 b. The application process for the grant.  
15 c. Criteria for preference in awarding of the  
16 grants, including preference in the residency  
17 specialty.  
18 d. Determination of the amount of a grant. The  
19 total amount of a grant awarded to a sponsor shall be  
20 limited to no more than twenty-five percent of the  
21 amount that the sponsor has demonstrated through  
22 documented financial information has been reserved and  
23 will be expended by the sponsor for each residency  
24 sponsored for the purpose of the residency program.  
25 e. The maximum award of grant funds to a  
26 particular individual sponsor per year. An individual  
27 sponsor shall not receive more than twenty-five  
28 percent of the state matching funds available each  
29 year to support the program. However, if less than  
30 ninety-five percent of the available funds has been  
31 awarded in a given year, a sponsor may receive more  
32 than twenty-five percent of the state matching funds  
33 available if total funds awarded do not exceed  
34 ninety-five percent of the available funds. If more  
35 than one sponsor meets the requirements of this  
36 section and has established, expanded, or supported a  
37 graduate medical residency training program, as  
38 specified in subsection 1, in excess of the sponsor's  
39 twenty-five percent maximum share of state matching  
40 funds, the state matching funds shall be divided  
41 proportionately among such sponsors.  
42 f. Use of the funds awarded. Funds may be used to  
43 pay the costs of establishing, expanding, or  
44 supporting an accredited graduate medical education  
45 program as specified in this section, including but  
46 not limited to the costs associated with residency  
47 stipends and physician faculty stipends.  
48 3. This section is repealed June 30, 2014.  
49 Sec. 47. NEW SECTION. 135.177 PHYSICIAN  
50 ASSISTANT MENTAL HEALTH FELLOWSHIP PROGRAM – REPEAL.

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1 1. The department, in cooperation with the college  
2 student aid commission, shall establish a physician  
3 assistant mental health fellowship program in  
4 accordance with this section. Funding for the program  
5 may be provided through the health care workforce  
6 shortage fund or the physician assistant mental health  
7 fellowship program account created in section 135.175.  
8 The purpose of the program is to determine the effect  
9 of specialized training and support for physician  
10 assistants in providing mental health services on  
11 addressing Iowa's shortage of mental health

12 professionals.

13 2. The program shall provide for all of the  
14 following:

15 a. Collaboration with a hospital serving a  
16 thirteen-county area in central Iowa that provides a  
17 clinic at the Iowa veterans home, a private nonprofit  
18 agency headquartered in a city with a population of  
19 more than one hundred ninety thousand that operates a  
20 freestanding psychiatric medical institution for  
21 children, a private university with a medical school  
22 educating osteopathic physicians located in a city  
23 with a population of more than one hundred ninety  
24 thousand, the Iowa veterans home, and any other  
25 clinical partner designated for the program.

26 Population figures used in this paragraph refer to the  
27 most recent certified federal census. The clinical  
28 partners shall provide supervision, clinical  
29 experience, training, and other support for the  
30 program and physician assistant students participating  
31 in the program.

32 b. Elderly, youth, and general population clinical  
33 experiences.

34 c. A fellowship of twelve months for three  
35 physician assistant students, annually.

36 d. Supervision of students participating in the  
37 program provided by the university and the other  
38 clinical partners participating in the program.

39 e. A student participating in the program shall be  
40 eligible for a stipend of not more than fifty thousand  
41 dollars for the twelve months of the fellowship plus  
42 related fringe benefits. In addition, a student who  
43 completes the program and practices in Iowa in a  
44 mental health professional shortage area, as defined  
45 in section 135.80, shall be eligible for up to twenty  
46 thousand dollars in loan forgiveness. The stipend and  
47 loan forgiveness provisions shall be determined by the  
48 department and the college student aid commission, in  
49 consultation with the clinical partners.

50 f. The state and private entity clinical partners

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1 shall regularly evaluate and document their  
2 experiences with the approaches utilized and outcomes  
3 achieved by the program to identify an optimal model  
4 for operating the program. The evaluation process  
5 shall include but is not limited to identifying ways  
6 the program's clinical and training components could  
7 be modified to facilitate other student and practicing  
8 physician assistants specializing as mental health  
9 professionals.

10 3. This section is repealed June 30, 2014.

11 Sec. 48. Section 261.2, Code 2009, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 10. Administer the health care  
14 professional incentive payment program established in  
15 section 261.128 and the nursing workforce shortage  
16 initiative created in section 261.129. This  
17 subsection is repealed June 30, 2014.

18 Sec. 49. Section 261.23, subsection 1, Code 2009,  
19 is amended to read as follows:

20 1. A registered nurse and nurse educator loan  
21 forgiveness program is established to be administered  
22 by the commission. The program shall consist of loan  
23 forgiveness for eligible federally guaranteed loans  
24 for registered nurses and nurse educators who practice  
25 or teach in this state. For purposes of this section,  
26 unless the context otherwise requires, "nurse  
27 educator" means a registered nurse who holds a  
28 master's degree or doctorate degree and is employed as  
29 a faculty member who teaches nursing as provided in  
30 655 IAC 2.6(152) at a community college, an accredited  
31 private institution, or an institution of higher  
32 education governed by the state board of regents.

33 Sec. 50. Section 261.23, subsection 2, paragraph  
34 c, Code 2009, is amended to read as follows:

35 c. Complete and return, on a form approved by the  
36 commission, an affidavit of practice verifying that  
37 the applicant is a registered nurse practicing in this  
38 state or a nurse educator teaching at a community  
39 college, an accredited private institution, or an  
40 institution of higher learning governed by the state  
41 board of regents.

42 Sec. 51. NEW SECTION. 261.128 HEALTH CARE  
43 PROFESSIONAL INCENTIVE PAYMENT PROGRAM – REPEAL.

44 1. The commission shall establish a health care  
45 professional incentive payment program to recruit and  
46 retain health care professionals in this state.  
47 Funding for the program may be provided through the  
48 health care workforce shortage fund or the health care  
49 professional and nurse workforce shortage account  
50 created in section 135.175.

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1 2. The commission shall administer the incentive  
2 payment program with the assistance of Des Moines  
3 university – osteopathic medical center.

4 3. The commission, with the assistance of Des  
5 Moines university – osteopathic medical center, shall  
6 adopt rules pursuant to chapter 17A, relating to the  
7 establishment and administration of the health care  
8 professional incentive payment program. The rules  
9 adopted shall address all of the following:

10 a. Eligibility and qualification requirements for  
11 a health care professional, a community, and a health  
12 care employer to participate in the incentive payment  
13 program. Any community in the state and all health  
14 care specialties shall be considered for  
15 participation. However, health care employers located  
16 in and communities that are designated as medically  
17 underserved areas or populations or that are  
18 designated as health professional shortage areas by  
19 the health resources and services administration of  
20 the United States department of health and human  
21 services shall have first priority in the awarding of  
22 incentive payments.

23 (1) To be eligible, a health care professional at  
24 a minimum must not have any unserved obligations to a  
25 federal, state, or local government or other entity  
26 that would prevent compliance with obligations under  
27 the agreement for the incentive payment; must have a  
28 current and unrestricted license to practice the  
29 professional's respective profession; and must be able  
30 to begin full-time clinical practice upon signing an  
31 agreement for an incentive payment.

32 (2) To be eligible, a community must provide a  
33 clinical setting for full-time practice of a health  
34 care professional and must provide a fifty thousand  
35 dollar matching contribution for a physician and a  
36 fifteen thousand dollar matching contribution for any  
37 other health care professional to receive an equal  
38 amount of state matching funds.

39 (3) To be eligible, a health care employer must  
40 provide a clinical setting for a full-time practice of  
41 a health care professional and must provide a fifty  
42 thousand dollar matching contribution for a physician  
43 and a fifteen thousand dollar matching contribution  
44 for any other health care professional to receive an  
45 equal amount of state matching funds.

46 b. The process for awarding incentive payments.  
47 The commission shall receive recommendations from the  
48 department of public health regarding selection of  
49 incentive payment recipients. The process shall  
50 require each recipient to enter into an agreement with

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1 the commission that specifies the obligations of the  
2 recipient and the commission prior to receiving the  
3 incentive payment.

4 c. Public awareness regarding the program  
5 including notification of potential health care  
6 professionals, communities, and health care employers  
7 about the program and dissemination of applications to  
8 appropriate entities.

9 d. Measures regarding all of the following:

10 (1) The amount of the incentive payment and the  
11 specifics of obligated service for an incentive  
12 payment recipient. An incentive payment recipient  
13 shall agree to provide service in full-time clinical  
14 practice for a minimum of four consecutive years. If  
15 an incentive payment recipient is sponsored by a  
16 community or health care employer, the obligated  
17 service shall be provided in the sponsoring community  
18 or health care employer location. An incentive  
19 payment recipient sponsored by a health care employer  
20 shall agree to provide health care services as  
21 specified in an employment agreement with the  
22 sponsoring health care employer.

23 (2) Determination of the conditions of the  
24 incentive payment applicable to an incentive payment  
25 recipient. At the time of approval for participation  
26 in the program, an incentive payment recipient shall  
27 be required to submit proof of indebtedness incurred  
28 as the result of obtaining loans to pay for  
29 educational costs resulting in a degree in health  
30 sciences. For the purposes of this subparagraph,  
31 "indebtedness" means debt incurred from obtaining a  
32 government or commercial loan for actual costs paid  
33 for tuition, reasonable education expenses, and  
34 reasonable living expenses related to the graduate,  
35 undergraduate, or associate education of a health care  
36 professional.

37 (3) Enforcement of the state's rights under an  
38 incentive payment agreement, including the  
39 commencement of any court action. A recipient who  
40 fails to fulfill the requirements of the incentive  
41 payment agreement is subject to repayment of the  
42 incentive payment in an amount equal to the amount of  
43 the incentive payment. A recipient who fails to meet  
44 the requirements of the incentive payment agreement  
45 may also be subject to repayment of moneys advanced by  
46 a community or health care employer as provided in any  
47 agreement with the community or employer.

48 (4) A process for monitoring compliance with  
49 eligibility requirements, obligated service  
50 provisions, and use of funds by recipients to verify

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1 eligibility of recipients and to ensure that state,  
2 federal, and other matching funds are used in  
3 accordance with program requirements.

4 (5) The use of the funds received. Any portion of  
5 the incentive payment that is attributable to federal  
6 funds shall be used as required by the federal entity  
7 providing the funds. Any portion of the incentive

8 payment that is attributable to state funds shall  
9 first be used toward payment of any outstanding loan  
10 indebtedness of the recipient. The remaining portion  
11 of the incentive payment shall be used as specified in  
12 the incentive payment agreement.  
13 4. A recipient is responsible for reporting on  
14 federal income tax forms any amount received through  
15 the program, to the extent required by federal law.  
16 Incentive payments received through the program by a  
17 recipient in compliance with the requirements of the  
18 incentive payment program are exempt from state income  
19 taxation.

20 5. This section is repealed June 30, 2014.  
21 Sec. 52. NEW SECTION. 261.129 NURSING WORKFORCE  
22 SHORTAGE INITIATIVE – REPEAL.

23 1. NURSE EDUCATOR INCENTIVE PAYMENT PROGRAM.

24 a. The commission shall establish a nurse educator  
25 incentive payment program. Funding for the program  
26 may be provided through the health care workforce  
27 shortage fund or the health care professional and  
28 nurse workforce shortage initiative account created in  
29 section 135.175. For the purposes of this subsection,  
30 "nurse educator" means a registered nurse who holds a  
31 master's degree or doctorate degree and is employed as  
32 a faculty member who teaches nursing in a nursing  
33 education program as provided in 655 IAC 2.6 at a  
34 community college, an accredited private institution,  
35 or an institution of higher education governed by the  
36 state board of regents.

37 b. The program shall consist of incentive payments  
38 to recruit and retain nurse educators. The program  
39 shall provide for incentive payments of up to twenty  
40 thousand dollars for a nurse educator who remains  
41 teaching in a qualifying teaching position for a  
42 period of not less than four consecutive academic  
43 years.

44 c. The nurse educator and the commission shall  
45 enter into an agreement specifying the obligations of  
46 the nurse educator and the commission. If the nurse  
47 educator leaves the qualifying teaching position prior  
48 to teaching for four consecutive academic years, the  
49 nurse educator shall be liable to repay the incentive  
50 payment amount to the state, plus interest as

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1 specified by rule. However, if the nurse educator  
2 leaves the qualifying teaching position involuntarily,  
3 the nurse educator shall be liable to repay only a pro  
4 rata amount of the incentive payment based on  
5 incompleting years of service.

6 d. The commission, in consultation with the

7 department of public health, shall adopt rules  
8 pursuant to chapter 17A relating to the establishment  
9 and administration of the nurse educator incentive  
10 payment program. The rules shall include provisions  
11 specifying what constitutes a qualifying teaching  
12 position.

13 2. NURSING FACULTY FELLOWSHIP PROGRAM.

14 a. The commission shall establish a nursing  
15 faculty fellowship program to provide funds to nursing  
16 schools in the state, including but not limited to  
17 nursing schools located at community colleges, for  
18 fellowships for individuals employed in qualifying  
19 positions on the nursing faculty. Funding for the  
20 program may be provided through the health care  
21 workforce shortage fund or the health care  
22 professional and nurse workforce shortage initiative  
23 account created in section 135.175. The program shall  
24 be designed to assist nursing schools in filling  
25 vacancies in qualifying positions throughout the  
26 state.

27 b. The commission, in consultation with the  
28 department of public health and in cooperation with  
29 nursing schools throughout the state, shall develop a  
30 distribution formula which shall provide that no more  
31 than thirty percent of the available moneys are  
32 awarded to a single nursing school. Additionally, the  
33 program shall limit funding for a qualifying position  
34 in a nursing school to no more than ten thousand  
35 dollars per year for up to three years.

36 c. The commission, in consultation with the  
37 department of public health, shall adopt rules  
38 pursuant to chapter 17A to administer the program.  
39 The rules shall include provisions specifying what  
40 constitutes a qualifying position at a nursing school.

41 d. In determining eligibility for a fellowship,  
42 the commission shall consider all of the following:

43 (1) The length of time a qualifying position has  
44 gone unfilled at a nursing school.

45 (2) Documented recruiting efforts by a nursing  
46 school.

47 (3) The geographic location of a nursing school.

48 (4) The type of nursing program offered at the  
49 nursing school, including associate, bachelor's,  
50 master's, or doctoral degrees in nursing, and the need

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1 for the specific nursing program in the state.

2 3. REPEAL. This section is repealed June 30,  
3 2014.

4 Sec. 53. HEALTH CARE WORKFORCE INITIATIVES –  
5 FEDERAL FUNDING. The department of public health

6 shall work with the department of workforce  
7 development and health care stakeholders to apply for  
8 federal moneys allocated in the federal American  
9 Recovery and Reinvestment Act of 2009 for health care  
10 workforce initiatives that are available through a  
11 competitive grant process administered by the health  
12 resources and services administration of the United  
13 States department of health and human services or the  
14 United States department of health and human services.  
15 Any federal moneys received shall be deposited in the  
16 health care workforce shortage fund created in section  
17 135.175 as enacted by this division of this Act and  
18 shall be used for the purposes specified for the fund  
19 and for the purposes specified in the federal American  
20 Recovery and Reinvestment Act of 2009.

21 Sec. 54. IMPLEMENTATION. This division of this  
22 Act shall be implemented only to the extent funding is  
23 available.

24 Sec. 55. CODE EDITOR DIRECTIVES. The Code editor  
25 shall do all of the following:

26 1. Create a new division in chapter 135 codifying  
27 section 135.175, as enacted in this division of this  
28 Act, as the health care workforce support initiative  
29 and fund.

30 2. Create a new division in chapter 135 codifying  
31 sections 135.176 and 135.177, as enacted in this  
32 division of this Act, as health care workforce  
33 support.

34 3. Create a new division in chapter 261 codifying  
35 section 261.128, as enacted in this division of this  
36 Act, as the health care professional incentive payment  
37 program.

38 4. Create a new division in chapter 261 codifying  
39 section 261.129, as enacted in this division of this  
40 Act, as the nursing workforce shortage initiative.

#### 41 DIVISION VI

#### 42 GIFTS – REPORTING OF SANCTIONS

43 Sec. 56. REPORTING OF SANCTIONS FOR GIFTS. The  
44 health profession boards established in chapter 147  
45 shall report to the general assembly by January 15,  
46 2010, any public information regarding sanctions  
47 levied against a health care professional for receipt  
48 of gifts in a manner not in compliance with the  
49 requirements and limitations of the respective health  
50 profession as established by the respective board.

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#### 1 DIVISION VII

#### 2 HEALTH CARE TRANSPARENCY

3 Sec. 57. NEW SECTION. 135.166 HEALTH CARE DATA  
4 – COLLECTION FROM HOSPITALS.

- 5 1. The department of public health shall enter  
6 into a memorandum of understanding to utilize the Iowa  
7 hospital association to act as the department's  
8 intermediary in collecting, maintaining, and  
9 disseminating hospital inpatient, outpatient, and  
10 ambulatory information, as initially authorized in  
11 1996 Iowa Acts, chapter 1212, section 5, subsection 1,  
12 paragraph "a", subparagraph (4) and 641 IAC 177.3.  
13 2. The memorandum of understanding shall include  
14 but is not limited to provisions that address the  
15 duties of the department and the Iowa hospital  
16 association regarding the collection, reporting,  
17 disclosure, storage, and confidentiality of the data."  
18 2. Title page, by striking lines 2 and inserting  
19 the following: "care coverage, providing  
20 retroactive".  
21 3. Title page, line 3, by inserting after the  
22 word "dates" the following: "and providing repeals".  
23 4. By renumbering as necessary.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session at 11:06 a.m., Speaker Murphy in the chair.

Smith of Marshall offered the following amendment [H-1641](#), to amendment [H-1638](#), filed by him and Upmeyer of Hancock from the floor and moved its adoption:

[H-1641](#)

- 1 Amend the amendment, [H-1638](#), to [Senate File 389](#), as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 3, line 5, by inserting after the word  
5 "coverage." the following: "Affordable health care  
6 coverage options for purchase by adults and families  
7 shall be developed with the goal of including options  
8 for which the contribution requirement for all  
9 cost-sharing expenses is no more than six and one-half  
10 percent of family income."

Amendment [H-1641](#) was adopted.

On motion by Smith of Marshall, amendment [H-1638](#), as amended, was adopted, placing out of order amendment [H-1331](#) filed by Wessel-Kroeschell of Story on March 30, 2009.

Smith of Marshall 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. 389](#))

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 3:

De Boef	Schultz	Watts
---------	---------	-------

Absent or not voting, 5:

Bailey	Chambers	Rants	Sweeney
Taylor, D.			

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 389](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 11:12 a.m., until 2:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:40 p.m., D. Olson of Boone 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 20, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 278](#), a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 2009 insisted on its amendment to [House File 671](#), a bill for an act providing volunteer emergency services providers protection from employment termination. (Formerly [House File 82](#)), and the members of the Conference Committee on the part of the Senate are: The Senator from Dubuque, Senator Hancock, Chair; the Senator from Black Hawk, Senator Danielson; the Senator from Marshall, Senator Soddors; the Senator from Sac, Senator Kettering; the Senator from Polk, Senator Noble.

Also: That the Senate has on April 20, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 810](#), a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 20, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 451](#), a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

MICHAEL E. MARSHALL, Secretary

#### CONSIDERATION OF BILLS Unfinished Business Calendar

[House File 756](#), a bill for an act relating to regional watershed, land use, and floodplain management policies, was taken up for consideration.

Isenhart of Dubuque asked and received unanimous consent that amendment [H-1629](#) be deferred.

Swaim of Davis offered the following amendment [H-1604](#) filed by him and moved its adoption:

[H-1604](#)

- 1 Amend [House File 756](#) as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 466A.4, subsection 1, Code
- 5 2009, is amended to read as follows:
- 6 1. Public water supply utilities, counties, county
- 7 conservation boards, and cities may also be eligible
- 8 and apply for and receive local watershed improvement
- 9 grants for water quality improvement projects. An
- 10 applicant shall coordinate with a local watershed
- 11 improvement committee or a soil and water conservation
- 12 district and shall include in the application a
- 13 description of existing projects and any potential
- 14 impact the proposed project may have on existing or
- 15 planned water quality improvement projects."
- 16 2. By renumbering as necessary.

Amendment [H-1604](#) was adopted.

Gayman of Scott offered amendment [H-1232](#) filed by her as follows:

[H-1232](#)

- 1 Amend [House File 756](#) as follows:
- 2 1. Page 1, line 31, by striking the word
- 3 "paragraphs:" and inserting the following:
- 4 "paragraph:"
- 5 2. By striking page 1, line 34, through page 2,
- 6 line 5.
- 7 3. Page 2, line 25, by inserting after the word
- 8 "construction;" the following: "the promulgation and
- 9 implementation of statewide storm water management
- 10 standards;"

Gayman of Scott offered the following amendment [H-1248](#), to amendment [H-1232](#), filed by her and moved its adoption:

[H-1248](#)

- 1 Amend the amendment, [H-1232](#), to [House File 756](#) as
- 2 follows:

- 3 1. Page 1, by striking lines 2 through 6 and  
4 inserting the following:  
5 "\_\_\_\_. Page 1, line 35, by inserting after the  
6 word "designee" the following: ", until June 30,  
7 2011".  
8 \_\_\_\_\_. Page 2, by striking lines 1 through 5."  
9 2. By renumbering as necessary.

Amendment [H-1248](#) was adopted.

Mertz of Kossuth offered the following amendment [H-1632](#), to amendment [H-1232](#), filed by her and moved its adoption:

[H-1632](#)

- 1 Amend the amendment, [H-1232](#), to [House File 756](#), as  
2 follows:  
3 1. Page 1, by inserting after line 10 the  
4 following:  
5 "\_\_\_\_. Page 2, line 32, by inserting after the  
6 word "counties," the following: "drainage and levee  
7 districts,."  
8 2. By renumbering as necessary.

Amendment [H-1632](#) was adopted.

On motion by Gayman of Scott amendment [H-1232](#), as amended, was adopted.

Isenhart of Dubuque offered amendment [H-1629](#), previously deferred, filed by him as follows:

[H-1629](#)

- 1 Amend [House File 756](#) as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER  
5 PARTNERSHIP COUNCIL - FINDINGS.  
6 The state of Iowa finds and declares all of the  
7 following:  
8 1. The preservation, enhancement, and intelligent  
9 use of the Mississippi river is in the ecological and  
10 economic interests of the citizens of the state of  
11 Iowa.  
12 2. The public interest is advanced by the  
13 stimulation of sustainable economic development  
14 initiatives and watershed management projects by

15 local, state, and federal agencies, local communities,  
16 not-for-profit conservation organizations, private  
17 landowners, and other stakeholders on the Mississippi  
18 river and its watershed.  
19 Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER  
20 PARTNERSHIP COUNCIL – ESTABLISHMENT AND PROCEDURES.  
21 1. A Mississippi river partnership council is  
22 established. The purpose of the council is to be a  
23 forum for city, county, state, agriculture, business,  
24 conservation, and environmental representatives and  
25 other stakeholders to discuss matters relevant to the  
26 health, management, and use of the Mississippi river.  
27 In furthering its purpose the council may work with  
28 local communities to develop local and regional  
29 strategies, and make recommendations to appropriate  
30 state and federal agencies.  
31 2. The Mississippi river partnership council may  
32 consist of all of the following:  
33 a. One nonvoting person appointed by the governor  
34 who shall serve as the chairperson of the council.  
35 b. Five voting members appointed by the governor,  
36 including all of the following:  
37 (1) One member representing soil and water  
38 conservation districts.  
39 (2) One person representing business.  
40 (3) One person representing recreational  
41 interests.  
42 (4) One person representing conservation  
43 interests.  
44 (5) One person representing environmental  
45 interests.  
46 c. Ten voting members appointed by county boards  
47 of supervisors, one by each of the ten Iowa counties  
48 bordering the Mississippi river.  
49 d. Ten voting members appointed by city councils,  
50 one each by the council of the largest Iowa city

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1 adjacent to the Mississippi river in each county  
2 bordering the river.  
3 e. Four voting members, each appointed by the  
4 heads of the following departments:  
5 (1) The department of agriculture and land  
6 stewardship.  
7 (2) The department of natural resources.  
8 (3) The department of economic development.  
9 (4) The department of transportation.  
10 f. Two members of the senate and two members of  
11 the house of representatives, serving as ex officio,  
12 nonvoting members. The members may be appointed, one  
13 each by the majority leader of the senate, after

14 consultation with the president of the senate, and by  
15 the minority leader of the senate, and by the speaker  
16 of the house of representatives, after consultation  
17 with the majority leader of the house of  
18 representatives, and by the minority leader of the  
19 house of representatives. Members shall receive  
20 compensation pursuant to section 2.12.  
21 g. The council may, at its discretion, appoint  
22 individuals representing federal agencies or other  
23 state agencies or commissions to serve as ex officio,  
24 nonvoting members.  
25 3. Members of the Mississippi river partnership  
26 council, other than members of the general assembly,  
27 shall be appointed to serve for three-year terms.  
28 However, among the initial appointments, the persons  
29 making the appointments of voting members shall  
30 coordinate appointments of members to serve terms for  
31 less than three years to ensure staggered terms. The  
32 persons making the appointments of voting members  
33 shall also coordinate appointments to meet the  
34 requirements of sections 69.16 and 69.16A.  
35 4. The Mississippi river partnership council shall  
36 meet at least quarterly in one or more Iowa counties  
37 bordering the Mississippi river during its first three  
38 years of existence and shall meet at least twice a  
39 year in one or more Iowa counties bordering the  
40 Mississippi river after that time. The council shall  
41 meet at any time on the call of the chairperson.  
42 5. A majority of the voting members of the  
43 Mississippi river partnership council constitutes a  
44 quorum. Any action taken by the council must be  
45 adopted by the affirmative vote of a majority of its  
46 voting membership.  
47 6. Until the Mississippi river partnership council  
48 provides for its permanent staffing and support, the  
49 east central intergovernmental association, in  
50 cooperation with councils of governments and county

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1 boards of supervisors in counties adjacent to the  
2 Mississippi river, shall be responsible for providing  
3 the council with administrative support.  
4 7. The Mississippi river partnership council may  
5 adopt bylaws and rules of operation consistent with  
6 this section.  
7 Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER  
8 PARTNERSHIP COUNCIL – POWERS AND DUTIES.  
9 1. The Mississippi river partnership council may  
10 be considered a regional watershed planning group for  
11 purposes of chapter 466B and shall collaborate with  
12 the water resources coordinating council established

13 pursuant to section 466B.3.  
14 2. The Mississippi river partnership council's  
15 duties shall include all of the following:  
16 a. Reviewing activities and programs administered  
17 by state and federal agencies that directly impact the  
18 Mississippi river and its watershed.  
19 b. Working with local communities, organizations,  
20 and other states to encourage partnerships that  
21 promote sustainable economic development opportunities  
22 in counties along the Mississippi river, as well as  
23 enhance awareness and capabilities to address  
24 watershed and water resource concerns and to encourage  
25 strategies that protect, restore, and expand critical  
26 habitats, soil conservation, and water quality  
27 practices.  
28 c. Working with federal agencies to optimize the  
29 implementation of programs and the expenditure of  
30 moneys affecting the Mississippi river and counties in  
31 Iowa along the Mississippi river, including the upper  
32 Mississippi river basin association and the  
33 Mississippi parkway planning commission.  
34 d. Advising and making recommendations to the  
35 water resources coordinating council established in  
36 section 466B.3, the governor, the general assembly,  
37 and state agencies, regarding strategic plans and  
38 priorities impacting the Mississippi river, methods to  
39 optimize the implementation of associated programs,  
40 and the expenditure of moneys affecting the river, its  
41 watershed, and counties bordering the Mississippi  
42 river.  
43 e. Encouraging local communities in counties  
44 bordering the Mississippi river to develop watershed  
45 management plans to address stormwater, erosion,  
46 flooding, sedimentation, and pollution problems and  
47 encouraging projects for the natural conveyance and  
48 storage of floodwaters; the enhancement of wildlife  
49 habitat and outdoor recreation opportunities; the  
50 recovery, management, and conservation of the

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1 Mississippi river and its tributaries; and the  
2 preservation of farmland, prairies, and forests. Such  
3 initiatives shall be considered community-based  
4 subwatershed efforts under chapter 466B.  
5 f. Identifying and promoting opportunities to  
6 enhance economic development and job creation in  
7 communities along the Mississippi river, as well as  
8 other measurable development efforts, which are  
9 compatible with the ecological health of the  
10 Mississippi river and the state.  
11 g. Helping identify possible sources of funding

12 for watershed management projects and sustainable  
13 economic development opportunities.  
14 h. Performing other duties and responsibilities in  
15 the public interest that are reasonably related to the  
16 purpose of the council.  
17 3. The department of agriculture and land  
18 stewardship, the department of natural resources, the  
19 department of economic development, and the department  
20 of transportation may apply for grant moneys or may  
21 solicit moneys from sources to support the work of the  
22 Mississippi river partnership council."  
23 2. Page 3, by inserting after line 7 the  
24 following:  
25 "Sec. \_\_\_\_\_. IMPLEMENTATION. Sections 28N.1, 28N.2,  
26 and 28N.3 as enacted in this Act, shall be implemented  
27 when persons appointed by the governor to act on  
28 behalf of the Mississippi river partnership council  
29 have notified the governor that they have procured at  
30 least twenty-five thousand dollars in funds or in-kind  
31 services providing for expenses associated with the  
32 start-up and first-year administration of the council.  
33 The department of agriculture and land stewardship,  
34 the department of natural resources, the department of  
35 economic development, and the state department of  
36 transportation may cooperate with such persons to  
37 facilitate the implementation of sections 28N.1,  
38 28N.2, and 28N.3, as enacted in this Act."  
39 3. Title page, line 2, by inserting after the  
40 word "policies," the following: ", and providing for  
41 the establishment of a council".  
42 4. By renumbering as necessary.

McCarthy of Polk asked and received unanimous consent that [House File 756](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-1629](#) pending)

The House stood at ease at 2:48 p.m., until the fall of the gavel.

The House resumed session at 3:04 p.m., D. Olson of Boone in the chair.

#### Unfinished Business Calendar

[House File 712](#), a bill for an act relating to a private cause of action for certain consumer fraud violations and providing an applicability provision, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment [H-1150](#) filed by him and moved its adoption:

[H-1150](#)

1 Amend [House File 712](#) as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 714H.1 TITLE.

5 This chapter shall be known and may be cited as the  
6 "Private Right of Action for Consumer Frauds Act".

7 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.

8 1. "Advertisement" means the same as defined in  
9 section 714.16.

10 2. "Consumer" means a natural person or the  
11 person's legal representative.

12 3. "Consumer merchandise" means merchandise  
13 offered for sale or lease, or sold or leased,  
14 primarily for personal, family, or household purposes.

15 4. "Deception" means an act or practice that is  
16 likely to mislead a substantial number of consumers as  
17 to a material fact or facts.

18 5. "Merchandise" means the same as defined in  
19 section 714.16 except that, for the purposes of this  
20 chapter, "merchandise" does not include services  
21 offered or provided by any of the following persons,  
22 including business entities organized under Title XII  
23 by those persons and the officers, directors,  
24 employees, and agents of those persons or business  
25 entities, pursuant to a profession or business for  
26 which they are licensed or registered:

27 a. Insurance companies subject to Title XIII.

28 b. Attorneys licensed to practice law in this  
29 state.

30 c. Financial institutions which includes any bank  
31 incorporated under the provisions of any state or  
32 federal law, any savings and loan association or  
33 savings bank incorporated under the provisions of any  
34 state or federal law, any credit union organized under  
35 the provisions of any state or federal law, any  
36 affiliate or subsidiary of a bank, savings and loan  
37 association, savings bank, or credit union, and  
38 industrial loan licensees pursuant to chapter 536A and  
39 regulated loan licensees pursuant to chapter 536.

40 d. Persons or facilities licensed, certified, or  
41 registered under chapter 135B, 135C, 135J, 148, 148A,  
42 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
43 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
44 544A, or 544B.

45 6. "Person" means the same as defined in section  
46 714.16.

47 7. "Sale" means any sale or offer for sale of  
48 consumer merchandise for cash or credit.

49 8. "Unfair practice" means the same as defined in  
50 section 714.16.

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1 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
2 AND ACTS.

3 1. A person shall not engage in a practice the  
4 person knows or reasonably should know is an unfair  
5 practice, deception, fraud, false pretense, OR false  
6 promise, or the misrepresentation, concealment,  
7 suppression, or omission of a material fact, with the  
8 intent that others rely upon the unfair practice,  
9 deception, fraud, false pretense, false promise,  
10 misrepresentation, concealment, suppression, or  
11 omission in connection with the advertisement, sale,  
12 or lease of consumer merchandise, or the solicitation  
13 of contributions for charitable purposes. For the  
14 purposes of this chapter, a claimant alleging fraud,  
15 false promise, false pretense, or misrepresentation  
16 must prove that the prohibited practice related to a  
17 material fact or facts. "Solicitation of  
18 contributions for charitable purposes" does not  
19 include solicitations made on behalf of a political  
20 organization as defined in section 13C.1,  
21 solicitations made on behalf of a religious  
22 organization as defined in section 13C.1,  
23 solicitations made on behalf of a state, regionally,  
24 or nationally accredited college or university, or  
25 solicitations made on behalf of a nonprofit foundation  
26 benefiting a state, regionally, or nationally  
27 accredited college or university subject to section  
28 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
29 1986.

30 2. A person shall not engage in any practice or  
31 act that is in violation of any of the following:  
32 a. Section 321.69.  
33 b. Chapter 516D.  
34 c. Section 516E.5, 516E.9, or 516E.10.  
35 d. Chapter 555A.  
36 e. Section 714.16, subsection 2, paragraphs "b"  
37 through "n".  
38 f. Chapter 714A.

39 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

40 1. This chapter shall not apply to any of the  
41 following:  
42 a. Advertising by a retailer for a product, other  
43 than a drug or other product claiming to have a  
44 health-related benefit or use, if the advertising is  
45 prepared by a supplier, unless the retailer  
46 participated in the preparation of the advertisement  
47 or knew or should have known that the advertisement  
48 was deceptive, false, or misleading.  
49 b. In connection with an advertisement that  
50 violates this chapter, the newspaper, magazine,

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1 publication, or other print media in which the  
2 advertisement appears, or the radio station,  
3 television station, or other electronic media which  
4 disseminates the advertisement.  
5 c. Any advertisement that complies with the  
6 statutes, rules, and regulations of the federal trade  
7 commission.  
8 d. Public utilities as defined in section 476.1  
9 that furnish gas by a piped distribution system or  
10 electricity to the public for compensation.  
11 e. The provision of cable television service or  
12 video service pursuant to a franchise under section  
13 364.2 or 477A.2.  
14 f. The provision of local exchange carrier  
15 telephone service pursuant to a certificate issued  
16 under section 476.29.  
17 g. Conduct for which a cause of action is  
18 available to the consumer based upon negligence,  
19 product liability, or warranty.  
20 h. Actions alleging bodily injury.  
21 i. Conduct in compliance with the orders or rules  
22 of, or a statute administered by, a federal, state, or  
23 local governmental agency.  
24 j. An affirmative act that violates this chapter  
25 but is specifically required by other applicable law,  
26 to the extent that the action could not reasonably  
27 avoid a violation of this chapter.  
28 k. In any action relating to a charitable  
29 solicitation, an individual who has engaged in the  
30 charitable solicitation as an unpaid, uncompensated  
31 volunteer solicitor and who does not receive monetary  
32 gain of any sort from engaging in the solicitation.  
33 2. "Material fact" as used in this chapter does  
34 not include repairs of damage to or adjustments on or  
35 replacements of parts with new parts of otherwise new  
36 merchandise if the repairs, adjustments, or  
37 replacements are made to achieve compliance with  
38 factory specifications and are made before sale of the  
39 merchandise at retail and the actual cost of any labor  
40 and parts charged to or performed by a retailer for  
41 any such repairs, adjustments, and parts does not  
42 exceed three hundred dollars or ten percent of the  
43 actual cost to a retailer including freight of the  
44 merchandise, whichever is less, providing that the  
45 seller posts in a conspicuous place notice that  
46 repairs, adjustments, or replacements will be  
47 disclosed upon request. The exclusion provided in  
48 this subsection does not apply to the concealment,  
49 suppression, or omission of a material fact if the  
50 purchaser requests disclosure of any repair,

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1 adjustment, or replacement.  
2 Sec. 5. NEW SECTION. 714H.5 PRIVATE CAUSE OF  
3 ACTION.  
4 1. A consumer who reasonably relies on a practice  
5 prohibited by this chapter and who suffers an  
6 ascertainable loss of money or property as the result  
7 of such prohibited practice may bring an action at law  
8 to recover actual economic damages. An award of  
9 damages for such a prohibited practice shall not be  
10 made without proof that the consumer suffered actual  
11 economic damages. The court may order such equitable  
12 relief as it deems necessary to protect the public  
13 from further violations, including temporary and  
14 permanent injunctive relief.  
15 2. If the court finds that a person has violated  
16 this chapter and the consumer is awarded actual  
17 damages, the court shall award to the consumer the  
18 costs of the action and to the consumer's attorney  
19 reasonable fees. Reasonable attorney fees shall be  
20 determined by the value of the time reasonably  
21 expended by the attorney including but not limited to  
22 consideration of the following factors:  
23 a. The time and labor required.  
24 b. The novelty and difficulty of the issues in the  
25 case.  
26 c. The skills required to perform the legal  
27 services properly.  
28 d. The preclusion of other employment by the  
29 attorney due to the attorney's acceptance of the case.  
30 e. The customary fee.  
31 f. Whether the fee is fixed or contingent.  
32 g. The time limitations imposed by the client or  
33 the circumstances of the case.  
34 h. The amount of money involved in the case and  
35 the results obtained.  
36 i. The experience, reputation, and ability of the  
37 attorney.  
38 j. The undesirability of the case.  
39 k. The nature and length of the professional  
40 relationship between the attorney and the client.  
41 l. Damage awards in similar cases.  
42 3. In order to recover damages, a claim under this  
43 section shall be proved by a preponderance of the  
44 evidence.  
45 4. If the finder of fact finds by a preponderance  
46 of clear, convincing, and satisfactory evidence that a  
47 prohibited practice or act in violation of this  
48 chapter constitutes willful and wanton disregard for  
49 the rights or safety of another, in addition to an  
50 award of actual damages, statutory damages up to three

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1 times the amount of actual damages may be awarded to a  
2 prevailing consumer.

3 5. An action pursuant to this chapter must be  
4 brought within two years of the occurrence of the last  
5 event giving rise to the cause of action under this  
6 chapter or within two years of the discovery of the  
7 violation of this chapter by the person bringing the  
8 action, whichever is later.

9 6. This section shall not affect a consumer's  
10 right to seek relief under any other theory of law.  
11 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
12 NOTIFICATION.

13 1. A party filing a petition, counterclaim,  
14 cross-petition, or pleading in intervention alleging a  
15 violation under this chapter, within seven days  
16 following the date of filing such pleading, shall  
17 provide a copy to the attorney general and, within  
18 seven days following entry of any final judgment in  
19 the action, shall provide a copy of the judgment to  
20 the attorney general. This subsection shall not apply  
21 to small claims actions, except as provided in  
22 subsection 2.

23 2. A party appealing to district court a small  
24 claims order or judgment involving an issue raised  
25 under this chapter, within seven days of providing  
26 notice of the appeal, shall notify the attorney  
27 general in writing and provide a copy of the pleading  
28 raising the issue and a copy of the small claims court  
29 order or judgment.

30 3. A party appealing an order or judgment  
31 involving an issue raised under this chapter, within  
32 seven days following the date such notice of appeal is  
33 filed with the court, shall notify the attorney  
34 general in writing and provide a copy of the pleading  
35 raising the issue and a copy of the court order or  
36 judgment being appealed.

37 4. Upon timely application to the court in which  
38 an action involving an issue raised under this chapter  
39 is pending, the attorney general may intervene as a  
40 party at any time or may be heard at any time. The  
41 attorney general's failure to intervene shall not  
42 preclude the attorney general from bringing a separate  
43 enforcement action.

44 5. All copies of pleadings, orders, judgments, and  
45 notices required by this section to be sent to the  
46 attorney general shall be sent by certified mail  
47 unless the attorney general has previously been  
48 provided such copies of pleadings, orders, judgments,  
49 or notices in the same action by certified mail, in  
50 which case subsequent mailings may be made by regular

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1 mail. Failure to provide the required mailings to the  
 2 attorney general shall not be grounds for dismissal of  
 3 an action under this chapter, but shall be grounds for  
 4 a subsequent action by the attorney general to vacate  
 5 or modify the judgment.

6 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS  
 7 BARRED.

8 A class action lawsuit alleging violations of this  
 9 chapter shall not be available.

10 Sec. 8. APPLICABILITY. This Act applies to causes  
 11 of actions accruing on or after the effective date of  
 12 this Act."

13 2. Title page, line 1 by striking the word  
 14 "cause" and inserting the following: "right".

15 3. Title page, line 2, by striking the word  
 16 "providing" and inserting the following: "including".

Huser of Polk asked and received unanimous consent that  
 amendment [H-1483](#) to amendment [H-1150](#), be deferred.

Struyk of Pottawattamie asked and received unanimous consent  
 that amendment [H-1492](#) to amendment [H-1150](#), be deferred.

Huser of Polk offered the following amendment [H-1642](#), to  
 amendment [H-1150](#), filed by her from the floor and moved its  
 adoption:

[H-1642](#)

1 Amend the amendment, [H-1150](#), to [House File 712](#), as  
 2 follows:

3 1. By striking page 1, line 4, through page 6,  
 4 line 16 and inserting the following:

5 ""Section 1. NEW SECTION. 714H.1 TITLE.

6 This chapter shall be known and may be cited as the  
 7 "Private Right of Action for Consumer Frauds Act".

8 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.

9 1. "Actual damages" means all compensatory damages  
 10 proximately caused by the prohibited practice or act  
 11 that are reasonably ascertainable in amount. "Actual  
 12 damages" does not include damages for bodily injury,  
 13 pain and suffering, mental distress, or loss of  
 14 consortium, loss of life, or loss of enjoyment of  
 15 life.

16 2. "Advertisement" means the same as defined in  
 17 section 714.16.

18 3. "Consumer" means a natural person or the

19 person's legal representative.

20 4. "Consumer merchandise" means merchandise  
21 offered for sale or lease, or sold or leased,  
22 primarily for personal, family, or household purposes.

23 5. "Deception" means an act or practice that is  
24 likely to mislead a substantial number of consumers as  
25 to a material fact or facts.

26 6. "Merchandise" means the same as defined in  
27 section 714.16.

28 7. "Person" means the same as defined in section  
29 714.16.

30 8. "Sale" means any sale or offer for sale of  
31 consumer merchandise for cash or credit.

32 9. "Unfair practice" means the same as defined in  
33 section 714.16.

34 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
35 AND ACTS.

36 1. A person shall not engage in a practice or act  
37 the person knows or reasonably should know is an  
38 unfair practice, deception, fraud, false pretense, or  
39 false promise, or the misrepresentation, concealment,  
40 suppression, or omission of a material fact, with the  
41 intent that others rely upon the unfair practice,  
42 deception, fraud, false pretense, false promise,  
43 misrepresentation, concealment, suppression, or  
44 omission in connection with the advertisement, sale,  
45 or lease of consumer merchandise, or the solicitation  
46 of contributions for charitable purposes. For the  
47 purposes of this chapter, a claimant alleging an  
48 unfair practice, deception, fraud, false pretense,  
49 false promise, or misrepresentation must prove that  
50 the prohibited practice related to a material fact or

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1 facts. "Solicitations of contributions for charitable  
2 purposes" does not include solicitations made on  
3 behalf of a political organization as defined in  
4 section 13C.1, solicitations made on behalf of a  
5 religious organization as defined in section 13C.1,  
6 solicitations made on behalf of a state, regionally,  
7 or nationally accredited college or university, or  
8 solicitations made on behalf of a nonprofit foundation  
9 benefiting a state, regionally, or nationally  
10 accredited college or university subject to section  
11 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
12 1986.

13 2. A person shall not engage in any practice or  
14 act that is in violation of any of the following:

15 a. Section 321.69.

16 b. Chapter 516D.

17 c. Section 516E.5, 516E.9, or 516E.10.

18 d. Chapter 555A.  
19 e. Section 714.16, subsection 2, paragraphs "b"  
20 through "n".  
21 f. Chapter 714A.  
22 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.  
23 1. This chapter shall not apply to any of the  
24 following:  
25 a. Merchandise offered or provided by any of the  
26 following persons, including business entities  
27 organized under Title XII by those persons and the  
28 officers, directors, employees, and agents of those  
29 persons or business entities, pursuant to a profession  
30 or business for which they are licensed or registered:  
31 (1) Insurance companies subject to Title XIII.  
32 (2) Attorneys licensed to practice law in this  
33 state.  
34 (3) Financial institutions which includes any bank  
35 incorporated under the provisions of any state or  
36 federal law, any savings and loan association or  
37 savings bank incorporated under the provisions of any  
38 state or federal law, and any credit union organized  
39 under the provisions of any state or federal law, and  
40 any affiliate or subsidiary of a bank, savings and  
41 loan association, savings bank, or credit union.  
42 (4) Persons or facilities licensed, certified, or  
43 registered under chapters 135B, 135C, 135J, 148, 148A,  
44 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
45 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
46 544A, or 544B.  
47 b. Advertising by a retailer for a product, other  
48 than a drug or other product claiming to have a  
49 health-related benefit or use, if the advertising is  
50 prepared by a supplier, unless the retailer

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1 participated in the preparation of the advertisement  
2 or knew or should have known that the advertisement  
3 was deceptive, false, or misleading.  
4 c. In connection with an advertisement that  
5 violates this chapter, the newspaper, magazine,  
6 publication, or other print media in which the  
7 advertisement appears, including the publisher of the  
8 newspaper, magazine, publication, or other print media  
9 in which the advertisement appears, or the radio  
10 station, television station, or other electronic media  
11 which disseminates the advertisement, including an  
12 employee, agent, or representative of the publisher,  
13 newspaper, magazine, publication or other print media,  
14 or the radio station, television station, or other  
15 electronic media.  
16 d. The provision of local exchange carrier

17 telephone service pursuant to a certificate issued  
18 under section 476.29.  
19 e. Public utilities as defined in section 476.1  
20 that furnish gas by a piped distribution system or  
21 electricity to the public for compensation.  
22 f. Any advertisement that complies with the  
23 statutes, rules, and regulations of the federal trade  
24 commission.  
25 g. Conduct that is required or permitted by the  
26 orders or rules of, or a statute administered by, a  
27 federal, state, or local governmental agency.  
28 h. An affirmative act that violates this chapter  
29 but is specifically required by other applicable law,  
30 to the extent that the actor could not reasonably  
31 avoid a violation of this chapter.  
32 i. In any action relating to a charitable  
33 solicitation, an individual who has engaged in the  
34 charitable solicitation as an unpaid, uncompensated  
35 volunteer and who does not receive monetary gain of  
36 any sort from engaging in the solicitation.  
37 j. The provision of cable television service or  
38 video service pursuant to a franchise under section  
39 364.2 or 477A.2.  
40 k. A corporation holding one or more industrial  
41 loan licenses pursuant to chapter 536A and employing  
42 fewer than sixty full-time employees or a corporation  
43 holding one or more regulated loan licenses pursuant  
44 to chapter 536 and employing fewer than sixty  
45 full-time employees. For purposes of this paragraph,  
46 "corporation" means the same as defined in section  
47 536A.2.  
48 2. "Material fact" as used in this chapter does  
49 not include repairs of damage to, adjustments on, or  
50 replacements of parts with new parts of otherwise new

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1 merchandise if the repairs, adjustments, or  
2 replacements are made to achieve compliance with  
3 factory specifications and are made before sale of the  
4 merchandise at retail and the actual cost of any labor  
5 and parts charged to or performed by a retailer for  
6 any such repairs, adjustments, and parts does not  
7 exceed three hundred dollars or ten percent of the  
8 actual cost to a retailer including freight of the  
9 merchandise, whichever is less, provided that the  
10 seller posts in a conspicuous place notice that  
11 repairs, adjustments, or replacements will be  
12 disclosed upon request. The exclusion provided in  
13 this subsection does not apply to the concealment,  
14 suppression, or omission of a material fact if the  
15 purchaser requests disclosure of any repair,

16 adjustment, or replacement.

17 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
18 ACTION.

19 1. A consumer who suffers an ascertainable loss of  
20 money or property as the result of a prohibited  
21 practice or act in violation of this chapter may bring  
22 an action at law to recover actual damages. The court  
23 may order such equitable relief as it deems necessary  
24 to protect the public from further violations,  
25 including temporary and permanent injunctive relief.

26 2. If the court finds that a person has violated  
27 this chapter and the consumer is awarded actual  
28 damages, the court shall award to the consumer the  
29 costs of the action and to the consumer's attorney  
30 reasonable fees. Reasonable attorney fees shall be  
31 determined by the value of the time reasonably  
32 expended by the attorney including but not limited to  
33 consideration of the following factors:

34 a. The time and labor required.

35 b. The novelty and difficulty of the issues in the  
36 case.

37 c. The skills required to perform the legal  
38 services properly.

39 d. The preclusion of other employment by the  
40 attorney due to the attorney's acceptance of the case.

41 e. The customary fee.

42 f. Whether the fee is fixed or contingent.

43 g. The time limitations imposed by the client or  
44 the circumstances of the case.

45 h. The amount of money involved in the case and  
46 the results obtained.

47 i. The experience, reputation, and ability of the  
48 attorney.

49 j. The undesirability of the case.

50 k. The nature and length of the professional

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1 relationship between the attorney and the client.

2 1. Attorney fee awards in similar cases.

3 3. In order to recover damages, a claim under this  
4 section shall be proved by a preponderance of the  
5 evidence.

6 4. If the finder of fact finds by a preponderance  
7 of clear, convincing, and satisfactory evidence that a  
8 prohibited practice or act in violation of this  
9 chapter constitutes willful and wanton disregard for  
10 the rights or safety of another, in addition to an  
11 award of actual damages, statutory damages up to three  
12 times the amount of actual damages may be awarded to a  
13 prevailing consumer.

14 5. An action pursuant to this chapter must be

15 brought within two years of the occurrence of the last  
16 event giving rise to the cause of action under this  
17 chapter or within two years of the discovery of the  
18 violation of this chapter by the person bringing the  
19 action, whichever is later.

20 6. This section shall not affect a consumer's  
21 right to seek relief under any other theory of law.

22 7. A person shall not be held liable in any action  
23 brought under this section for a violation of this  
24 chapter if the person shows by a preponderance of the  
25 evidence that the violation was not intentional and  
26 resulted from a bona fide error notwithstanding the  
27 maintenance of procedures reasonably adopted to avoid  
28 the error.

29 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
30 NOTIFICATION.

31 1. A party filing a petition, counterclaim,  
32 cross-petition, or pleading, or any count thereof, in  
33 intervention alleging a violation under this chapter,  
34 within seven days following the date of filing such  
35 pleading, shall provide a copy to the attorney general  
36 and, within seven days following entry of any final  
37 judgment in the action, shall provide a copy of the  
38 judgment to the attorney general.

39 2. A party appealing to district court a small  
40 claims order or judgment involving an issue raised  
41 under this chapter, within seven days of providing  
42 notice of the appeal, shall notify the attorney  
43 general in writing and provide a copy of the pleading  
44 raising the issue and a copy of the small claims court  
45 order or judgment.

46 3. A party appealing an order or judgment  
47 involving an issue raised under this chapter, within  
48 seven days following the date such notice of appeal is  
49 filed with the court, shall notify the attorney  
50 general in writing and provide a copy of the pleading

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1 raising the issue and a copy of the court order or  
2 judgment being appealed.

3 4. Upon timely application to the court in which  
4 an action involving an issue raised under this chapter  
5 is pending, the attorney general may intervene as a  
6 party at any time or may be heard at any time. The  
7 attorney general's failure to intervene shall not  
8 preclude the attorney general from bringing a separate  
9 enforcement action.

10 5. All copies of pleadings, orders, judgments, and  
11 notices required by this section to be sent to the  
12 attorney general shall be sent by certified mail  
13 unless the attorney general has previously been

14 provided such copies of pleadings, orders, judgments,  
15 or notices in the same action by certified mail, in  
16 which case subsequent mailings may be made by regular  
17 mail. Failure to provide the required mailings to the  
18 attorney general shall not be grounds for dismissal of  
19 an action under this chapter, but shall be grounds for  
20 a subsequent action by the attorney general to vacate  
21 or modify the judgment.

22 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS.

23 A class action lawsuit alleging a violation of this  
24 chapter shall not be filed with a court unless it has  
25 been approved by the attorney general. The attorney  
26 general shall approve the filing of a class action  
27 lawsuit alleging a violation of this chapter unless  
28 the attorney general determines that the lawsuit is  
29 frivolous. This section shall not affect the  
30 requirements of any other law or of the Iowa rules of  
31 civil procedure relating to class action lawsuits.

32 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

33 If any provision of this chapter or its application  
34 to any person or circumstances is held invalid, the  
35 invalidity does not affect other provisions or  
36 applications of this chapter that can be given effect  
37 without the invalid provision or application, and to  
38 this end the provisions of this chapter are severable.

39 Sec. 9. APPLICABILITY. This Act applies to causes  
40 of actions accruing on or after the effective date of  
41 this Act."

42 \_\_\_\_\_. Title page, line 1, by striking the word  
43 "cause" and inserting the following: "right".

44 \_\_\_\_\_. Title page, line 2, by striking the word  
45 "providing" and inserting the following:  
46 "including"."

Amendment [H-1642](#) was adopted, placing the following deferred amendments out of order:

Amendment [H-1483](#) filed by Huser of Polk on April 8, 2009.

Amendment [H-1492](#) filed by Struyk of Pottawattamie on April 9, 2009.

Struyk of Pottawattamie moved the adoption of amendment [H-1150](#), as amended.

Roll call was requested by Paulsen of Linn and Wagner of Linn.

On the question "Shall amendment [H-1150](#), as amended, be adopted?" ([H.F. 712](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers            Rants

Amendment [H-1150](#), as amended was adopted, placing out of order the following amendments:

Amendment [H-1145](#) filed by Struyk of Pottawattamie on March 12, 2009.

Amendment [H-1155](#) filed by Upmeyer of Hancock on March 16, 2009.

Amendment [H-1371](#) filed by Huser of Polk on April 1, 2009.

Amendment [H-1375](#) filed by Huser of Polk on April 1, 2009.

Amendment [H-1377](#) filed by Alons of Sioux on April 1, 2009.

Amendment [H-1445](#) filed by Swaim of Davis et al., on April 7, 2009.

Amendment [H-1446](#) filed by Swaim of Davis et al., on April 7, 2009.

Amendment [H-1468](#) filed by Huser of Polk on April 7, 2009.

Amendment [H-1588](#) filed by Swaim of Davis et al., on April 14, 2009.

Amendment [H-1589](#) filed by Swaim of Davis et al., on April 14, 2009.

Palmer of Mahaska 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. 712](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	McCarthy	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Olson, D., Presiding

The nays were, 1:

May

Absent or not voting, 3:

Chambers            Mertz            Rants

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 712](#) be immediately messaged to the Senate.

Mascher of Johnson in the chair at 3:23 p.m.

**House File 629**, a bill for an act relating to cemeteries, the classification of pioneer cemeteries, and claims of adverse possession concerning cemeteries or pioneer cemeteries, was taken up for consideration.

Bailey of Hamilton 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. 629](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers            Rants

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 629](#) be immediately messaged to the Senate.

The House stood at ease at 3:27 p.m., until the fall of the gavel.

The House resumed session at 3:42 p.m., Mascher of Johnson in the chair.

The House resumed consideration of [House File 756](#). (Amendment [H-1629](#), previously deferred, pending and found on pages 1574 through 1578 of the House Journal)

Isenhart of Dubuque offered amendment [H-1649](#), to amendment [H-1629](#), filed by him and Reichert of Muscatine from the floor as follows:

#### [H-1649](#)

- 1 Amend the amendment, [H-1629](#), to [House File 756](#), as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "organizations," the following: "and".
- 5 2. Page 1, by striking lines 17 and 18 and
- 6 inserting the following: "landowners and other
- 7 stakeholders along the Mississippi river."
- 8 3. Page 1, line 35, by striking the word "Five"
- 9 and inserting the following: "Six".
- 10 4. Page 1, line 35, by inserting after the word
- 11 "governor," the following: "each of whom shall reside
- 12 in one of the ten Iowa counties bordering the
- 13 Mississippi river,".
- 14 5. Page 1, by inserting after line 45 the
- 15 following:
- 16 "( ) One person representing agricultural
- 17 interests who is actively engaged in farming."
- 18 6. Page 3, by inserting after line 6 the
- 19 following:
- 20 "\_\_\_\_. The Mississippi river partnership council,
- 21 including any of its committees, is a governmental
- 22 body for purposes of chapter 21 and a government body
- 23 for purposes of chapter 22."
- 24 7. Page 3, by striking lines 9 through 13 and

25 inserting the following:  
26 "\_\_\_\_. The Mississippi river partnership council  
27 may collaborate with the water resources coordinating  
28 council established pursuant to section 466B.3."  
29 8. Page 3, line 14, by striking the figure "2."  
30 and inserting the following: "2. a."  
31 9. Page 3, line 16, by striking the word "a." and  
32 inserting the following: "(1)".  
33 10. Page 3, line 18, by striking the words "and  
34 its watershed".  
35 11. Page 3, line 19, by striking the word "b."  
36 and inserting the following: "(2)".  
37 12. Page 3, by striking lines 22 through 27 and  
38 inserting the following: "in counties along the  
39 Mississippi river; enhance awareness about the river  
40 and its uses; encourage the protection, restoration,  
41 and expansion of critical habitats; and promote the  
42 adoption of soil conservation and water quality best  
43 management practices."  
44 13. Page 3, line 28, by striking the word "c."  
45 and inserting the following: "(3)".  
46 14. Page 3, line 34, by striking the word "d."  
47 and inserting the following: "(4)".  
48 15. Page 3, lines 40 and 41, by striking the  
49 words ", its watershed,".  
50 16. Page 3, line 43, by striking the word "e."

Page 2

1 and inserting the following: "(5)".  
2 17. Page 3, line 43, by striking the word  
3 "local".  
4 18. Page 3, line 45, by inserting after the word  
5 "plans" the following: "for their communities".  
6 19. Page 4, line 1, by striking the words "and  
7 its tributaries".  
8 20. Page 4, by striking lines 2 through 4 and  
9 inserting the following: "preservation of farmland,  
10 prairies, and forests."  
11 21. Page 4, line 5, by striking the word "f." and  
12 inserting the following: "(6)".  
13 22. Page 4, line 11, by striking the word "g."  
14 and inserting the following: "(7)".  
15 23. Page 4, line 14, by striking the word "h."  
16 and inserting the following: "(8)".  
17 24. Page 4, lines 14 and 15, by striking the  
18 words "Performing other duties and responsibilities in  
19 the" and inserting the following: "Functioning as a  
20 forum for discussion and providing advice or  
21 recommendations on matters of".  
22 25. Page 4, by inserting after line 16 the  
23 following:

24 "b. The Mississippi river partnership council  
 25 shall only administer its duties as provided in  
 26 paragraph "a" within the ten Iowa counties bordering  
 27 the Mississippi river."  
 28 26. By renumbering as necessary.

Amendment [H-1649](#) was adopted.

Isenhart of Dubuque moved the adoption of amendment [H-1629](#),  
 as amended.

Amendment [H-1629](#), as amended, was adopted.

Gayman of Scott 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. 756](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, 1:

Gaskill

Absent or not voting, 2:

Chambers

Rants

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 756](#) be immediately messaged to the Senate.

The House stood at ease at 4:00 p.m., until the fall of the gavel.

The House resumed session at 5:01 p.m., Speaker Murphy in the chair.

[Senate File 224](#), a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, with report of committee recommending passage, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment [H-1387](#) filed by him and Struyk of Pottawattamie on April 1, 2009, placing out of order amendment [H-1482](#) filed by Windschitl of Harrison on April 8, 2009.

Quirk of Chickasaw offered amendment [H-1636](#) filed by him as follows:

#### [H-1636](#)

- 1 Amend [Senate File 224](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "made." the following: "Fixtures or parts do not
- 5 include smoke and fire dampers, or water, gas, or
- 6 steam piping permanent repairs except for traps or
- 7 strainers. "Routine maintenance" includes emergency
- 8 repairs to prevent damage to property, as may be
- 9 defined by the board."

- 10 2. Page 4, line 30, by striking the words  
11 "routine maintenance" and inserting the following:  
12 "~~routine maintenance work~~".
- 13 3. Page 5, by striking lines 2 through 8 and  
14 inserting the following:  
15 "NEW SUBSECTION. 11. Prohibit an owner or  
16 operator of a health care facility licensed pursuant  
17 to chapter 135C, assisted living center licensed  
18 pursuant to chapter 231C, hospital licensed pursuant  
19 to chapter 135B, adult day care center licensed  
20 pursuant to chapter 231D, or a retirement facility  
21 certified pursuant to chapter 523D from performing  
22 work on the facility or requiring such owner or  
23 operator to be licensed under this chapter."
- 24 4. Page 9, by striking lines 28 through 32 and  
25 inserting the following: "and mechanical professional  
26 licenses shall be issued to employees of a  
27 rate-regulated gas or electric public utility who  
28 conduct the repair of appliances. "Repair of  
29 appliances" means the repair or replacement of  
30 mechanical connections between the appliance shutoff  
31 valve and the appliance and repair of or replacement  
32 of parts to the appliance. Such special, restricted  
33 license shall require certification pursuant to  
34 industry-accredited certification standards."
- 35 5. Page 15, by inserting after line 19 the  
36 following:  
37 "Sec. \_\_\_\_ STUDY OF STATEWIDE INSPECTION PROGRAM  
38 IMPLEMENTATION. The plumbing and mechanical systems  
39 board, in conjunction with the electrical examining  
40 board, shall conduct a study to determine the most  
41 appropriate and feasible manner to implement a  
42 statewide inspection program for work performed by the  
43 respective licensees of both boards. By January 1,  
44 2011, the boards shall submit a recommendation to the  
45 general assembly for the implementation of a statewide  
46 inspection program."
- 47 6. By renumbering as necessary.

Quirk of Chickasaw offered the following amendment [H-1643](#), to amendment [H-1636](#), filed by him from the floor and moved its adoption:

[H-1643](#)

- 1 Amend the amendment, [H-1636](#), to [Senate File 224](#), as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 23 the  
5 following:  
6 " \_\_\_\_ . Page 8, by inserting after line 19 the

7 following:

8 "A person may simultaneously hold an active

9 journey person license and an inactive master

10 license."

11 2. Page 1, line 40, by inserting after the word

12 "board" the following: "and city and county building

13 officials".

14 3. By renumbering as necessary.

Amendment [H-1643](#) was adopted.

On motion by Quirk of Chickasaw amendment [H-1636](#), as amended, was adopted.

Quirk of Chickasaw 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. 224](#))

The ayes were, 83:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Drake	Ficken	Ford
Frevert	Gaskill	Gayman	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Quirk	Reasoner	Reichert	Roberts
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Tjepkes	Wagner
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 15:

Baudler	Deyoe	Dolecheck	Forristall
Grassley	Kaufmann	Pettengill	Raecker

Rayhons Sands Thomas Tymeson  
Upmeyer Van Engelenhoven Watts

Absent or not voting, 2:

Chambers Rants

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 224](#) be immediately messaged to the Senate.

#### SENATE FILES REREFERRED TO COMMITTEES

The Speaker announced the following Senate files, previously placed on the calendar, were referred to the following committees:

<a href="#">SJR 5</a>	Judiciary
<a href="#">SF 404</a>	Agriculture
<a href="#">SF 119</a>	Judiciary
<a href="#">SF 281</a>	Veterans Affairs
<a href="#">SF 283</a>	Judiciary
<a href="#">SF 285</a>	Judiciary
<a href="#">SF 358</a>	Judiciary
<a href="#">SF 413</a>	Labor
<a href="#">SF 431</a>	Judiciary

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 20, 2009. Had I been present, I would have voted "aye" on [House File 712](#).

MERTZ of Kossuth

I was necessarily absent from the House chamber on Monday morning, April 20, 2009. Had I been present, I would have voted "aye" on [House File 824](#) and Senate Files 389 and 481.

SWEENEY of Hardin

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 17, 2009, he approved and transmitted to the Secretary of State the following bills:

[House File 381](#), an Act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

[House File 672](#), an Act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

[House File 707](#), an Act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

[Senate File 81](#), an Act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

[Senate File 279](#), an Act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

[Senate File 441](#), an Act relating to local emergency management by modifying provisions of the statewide mutual aid compact.

[Senate File 445](#), an Act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

**CERTIFICATES OF RECOGNITION**

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

MARK W. BRANDSGARD  
Chief Clerk of the House

- 2009\3684 Kenneth Hoemann, Denison – For celebrating his 85<sup>th</sup> birthday.
- 2009\3685 Earl Hoemann, Denison – For celebrating his 57<sup>th</sup> birthday.
- 2009\3686 Art and Edaline Boettger, Denison – For celebrating their 65<sup>th</sup> wedding anniversary.

- 2009\3687 Arlene Jahnke, Atlantic – For celebrating her 90<sup>th</sup> birthday.
- 2009\3688 Clair Gill, Atlantic – For celebrating his 90<sup>th</sup> birthday.
- 2009\3689 Jay Robert Hackett, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 116](#)

Ways and Means: Bell, Chair; Steckman and Wagner.

[Senate File 471](#)

Ways and Means: Petersen, Chair; Helland and D. Olson.

## RESOLUTION FILED

[HR 49](#), by Wessel-Kroeschell, a resolution honoring the Iowa State University Cyclones Women's Basketball team.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-1639</a>	<a href="#">H.F. 816</a>	Pettengill of Benton
<a href="#">H-1640</a>	<a href="#">H.F. 764</a>	D. Olson of Boone
<a href="#">H-1644</a>	<a href="#">H.F. 826</a>	D. Olson of Boone
<a href="#">H-1645</a>	<a href="#">S.F. 413</a>	Anderson of Page
<a href="#">H-1646</a>	<a href="#">S.F. 413</a>	Anderson of Page
<a href="#">H-1647</a>	S.F. 3	Alons of Sioux
<a href="#">H-1648</a>	S.F. 3	Horbach of Tama
<a href="#">H-1650</a>	<a href="#">H.F. 795</a>	R. Olson of Polk
<a href="#">H-1651</a>	<a href="#">S.F. 304</a>	D. Olson of Boone

On motion by McCarthy of Polk the House adjourned at 5:10 p.m., until 9:00 a.m., Tuesday, April 21, 2009.