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**STATE OF IOWA**

**House Journal**

**THURSDAY, APRIL 23, 2009**

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Produced daily by the State of Iowa during the sessions of the General Assembly.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

One Hundred-second Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 23, 2009

The House met pursuant to adjournment at 9:26 a.m., Petersen of Polk in the chair.

Prayer was offered by Reverend Lacinda McClendon, minister of Our Saviours Full Gospel Baptist Church, Des Moines. She was the guest of Representative Abdul-Samad of Polk County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewold, House Page from Lake Mills.

The Journal of Wednesday, April 22, 2009 was approved.

### PETITION FILED

The following petition was received and placed on file:

By Raecker of Polk, from five hundred fifty students and staff of Urbandale High School favoring a revision of the 35-10-35 policy that will go into effect in the 2009-2010 school year across Iowa.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, until his arrival, on request of Arnold of Lucas; Van Engelenhoven of Marion on request of Arnold of Lucas; Rants of Woodbury and Rayhons of Hancock, on request of Lukan of Dubuque.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2009, insisted on its amendment to [Senate File 457](#), a bill for an act relating

to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions. (Formerly [SSB 1239](#) and [SF 363](#).), and the members of the Conference Committee on the part of the Senate are: The Senator from Linn, Senator Hogg, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Polk, Senator McCoy; the Senator from Scott, Senator Hamerlinck; the Senator from Clarke, Senator Reynolds.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 49](#)

Heddens of Story and Wessel-Kroeschell of Story called up for consideration [House Resolution 49](#), a resolution honoring the Iowa State University Cyclones Women's Basketball team, and moved its adoption.

The motion prevailed and the resolution was adopted.

Wessel-Kroeschell of Story introduced to the House, Coach Finley, coach of the Cyclone Women's Basketball Team.

The House rose and expressed its welcome.

ADOPTION OF [HOUSE RESOLUTION 42](#)

Jacoby of Johnson called up for consideration [House Resolution 42](#), a resolution to honor the 2008-2009 University of Iowa Wrestling Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 43](#)

Jacoby of Johnson called up for consideration [House Resolution 43](#), a resolution honoring the Kirkwood Eagles Women's Basketball Team and Coach Kim Muhl, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE APPOINTED  
([Senate File 457](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [Senate File 457](#): T. Olson of Linn, Chair; Isenhart of Dubuque, D. Olson of Boone, Helland of Polk and Grassley of Butler.

SENATE AMENDMENT CONSIDERED

Hunter of Polk called up for consideration [House File 809](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates, amended by the Senate amendment [H-1662](#) as follows:

[H-1662](#)

1 Amend [House File 809](#), as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 1 the  
4 following:  
5 "d. Notwithstanding any provision of this  
6 subsection to the contrary, the auditor may seek  
7 reimbursement from departments and agencies specified  
8 in section 11.5B, and governmental subdivisions, in an  
9 amount that exceeds the total amount reimbursed to the  
10 auditor by those departments, agencies, or  
11 governmental subdivisions for the fiscal year  
12 beginning July 1, 2008, for audits required by the  
13 federal government and reimbursable from federal  
14 funds.  
15 e. For purposes of this subsection, "total amount  
16 reimbursed" does not include amounts reimbursed for  
17 audits required and reimbursed from federal funds.  
18 Sec. \_\_\_\_\_. AUDITOR OF STATE – DISCRETIONARY  
19 AUDITS. For the fiscal period beginning April 1,  
20 2009, and ending June 30, 2010, the auditor of state,  
21 in addition to any other requirements provided in this  
22 Act, shall not seek reimbursement from departments and  
23 agencies specified in section 11.5B for any  
24 discretionary audit that the auditor initiates or has  
25 initiated on the auditor's own authority and which is  
26 not specifically required by statute. Notwithstanding

27 the prohibition contained in this section, the auditor  
 28 shall perform all necessary audit duties related to  
 29 any financial report required to be compiled by a  
 30 department or agency that the auditor has previously  
 31 audited in the normal course of the auditor's duties,  
 32 whether or not such financial report is required by  
 33 law. Any amounts reimbursed in association with such  
 34 audit shall be limited to the amounts reimbursed for  
 35 the audit of such report during the previous reporting  
 36 period."

37 2. By striking page 5, line 13, through page 7,  
 38 line 27, and inserting the following:

39 "SEC. \_\_\_\_ DEPARTMENT OF COMMERCE.

40 1. There is appropriated from the general fund of  
 41 the state to the department of commerce for the fiscal  
 42 year beginning July 1, 2009, and ending June 30, 2010,  
 43 the following amounts, or so much thereof as is  
 44 necessary, for the purposes designated:

45 a. ALCOHOLIC BEVERAGES DIVISION

46 For salaries, support, maintenance, and  
 47 miscellaneous purposes, and for not more than the  
 48 following full-time equivalent positions:

49 ..... \$ 2,007,160  
 50 ..... FTEs 37.00

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1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

2 For salaries, support, maintenance, and  
 3 miscellaneous purposes, and for not more than the  
 4 following full-time equivalent positions:

5 ..... \$ 900,53  
 6 ..... FTEs 16.00

7 c. INSURANCE DIVISION – SENIOR HEALTH INSURANCE  
 8 INFORMATION PROGRAM

9 For the use of the senior health insurance  
 10 information program:

11 ..... \$ 52,253

12 2. There is appropriated from the department of  
 13 commerce revolving fund created in section 546.12, if  
 14 enacted by this Act, to the department of commerce for  
 15 the fiscal year beginning July 1, 2009, and ending  
 16 June 30, 2010, the following amounts, or so much  
 17 thereof as is necessary, for the purposes designated:

18 a. BANKING DIVISION

19 For salaries, support, maintenance, and  
 20 miscellaneous purposes, and for not more than the  
 21 following full-time equivalent positions:

22 ..... \$ 8,662,670  
 23 ..... FTEs 73.00

24 b. CREDIT UNION DIVISION

25 For salaries, support, maintenance, and

26 miscellaneous purposes, and for not more than the  
 27 following full-time equivalent positions:  
 28 ..... \$ 1,727,995  
 29 ..... FTEs 19.00

30 c. INSURANCE DIVISION

31 (1) For salaries, support, maintenance, and  
 32 miscellaneous purposes, and for not more than the  
 33 following full-time equivalent positions:  
 34 ..... \$ 4,881,216  
 35 ..... FTEs 102.00

36 (2) The insurance division may reallocate  
 37 authorized full-time equivalent positions as necessary  
 38 to respond to accreditation recommendations or  
 39 requirements. The insurance division expenditures for  
 40 examination purposes may exceed the projected  
 41 receipts, refunds, and reimbursements, estimated  
 42 pursuant to section 505.7, subsection 7, including the  
 43 expenditures for retention of additional personnel, if  
 44 the expenditures are fully reimbursable and the  
 45 division first does both of the following:

- 46 (a) Notifies the department of management, the
- 47 legislative services agency, and the legislative
- 48 fiscal committee of the need for the expenditures.
- 49 (b) Files with each of the entities named in
- 50 subparagraph division (a) the legislative and

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1 regulatory justification for the expenditures, along  
 2 with an estimate of the expenditures.  
 3 (3) The insurance division shall allocate \$10,000  
 4 from the examination receipts for the payment of its  
 5 fees to the national conference of insurance  
 6 legislators.

7 d. UTILITIES DIVISION

8 (1) For salaries, support, maintenance, and  
 9 miscellaneous purposes, and for not more than the  
 10 following full-time equivalent positions:  
 11 ..... \$ 7,795,527  
 12 ..... FTEs 79.00

13 (2) The utilities division may expend additional  
 14 funds, including funds for additional personnel, if  
 15 those additional expenditures are actual expenses  
 16 which exceed the funds budgeted for utility regulation  
 17 and the expenditures are fully reimbursable. Before  
 18 the division expends or encumbers an amount in excess  
 19 of the funds budgeted for regulation, the division  
 20 shall first do both of the following:

- 21 (a) Notify the department of management, the
- 22 legislative services agency, and the legislative
- 23 fiscal committee of the need for the expenditures.
- 24 (b) File with each of the entities named in

25 subparagraph division (a) the legislative and  
26 regulatory justification for the expenditures, along  
27 with an estimate of the expenditures.

28 (3) Notwithstanding sections 8.33 and 476.10 or  
29 any other provision to the contrary, any balance of  
30 the appropriation made in this paragraph for the  
31 utilities division or any other operational  
32 appropriation made for the fiscal year beginning July  
33 1, 2009, and ending June 30, 2010, that remains  
34 unused, unencumbered, or unobligated at the close of  
35 the fiscal year shall not revert but shall remain  
36 available to be used for purposes of the  
37 energy-efficient building project authorized under  
38 section 476.10B, or for relocation costs in succeeding  
39 fiscal years.

40 3. CHARGES – TRAVEL".

41 3. Page 12, line 26, by inserting before the  
42 words "For salaries" the following: "a."

43 4. Page 12, by inserting after line 30 the  
44 following:

45 "b. The department shall, in coordination with the  
46 health facilities division, make the following  
47 information available to the public in a timely  
48 manner, to include providing the information on the  
49 department's internet website, during the fiscal year  
50 beginning July 1, 2009, and ending June 30, 2010:

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1 (1) The number of inspections conducted by the  
2 division annually by type of service provider and type  
3 of inspection.

4 (2) The total annual operations budget for the  
5 division, including general fund appropriations and  
6 federal contract dollars received by type of service  
7 provider inspected.

8 (3) The total number of full-time equivalent  
9 positions in the division, to include the number of  
10 full-time equivalent positions serving in a  
11 supervisory capacity, and serving as surveyors,  
12 inspectors, or monitors in the field by type of  
13 service provider inspected.

14 (4) Identification of state and federal survey  
15 trends, cited regulations, the scope and severity of  
16 deficiencies identified, and federal and state fines  
17 assessed and collected concerning nursing and assisted  
18 living facilities and programs.

19 c. It is the intent of the general assembly that  
20 the department and division continuously solicit input  
21 from facilities regulated by the division to assess  
22 and improve the division's level of collaboration and  
23 to identify new opportunities for cooperation."

24 5. Page 15, by striking line 21 and inserting the  
 25 following:  
 26 "..... FTEs 37.50"  
 27 6. Page 15, by striking lines 27 through 34.  
 28 7. Page 19, by striking lines 11 through 18.  
 29 8. By striking page 19, line 29, through page 20,  
 30 line 1.  
 31 9. Page 20, by striking lines 2 through 21 and  
 32 inserting the following:  
 33 "Sec. \_\_. VEHICLE PURCHASES. The department of  
 34 administrative services shall seek to procure motor  
 35 vehicles for state use at the lowest possible cost to  
 36 the state. Motor vehicles purchased by the department  
 37 shall not include optional equipment that results in  
 38 an increase in the cost of the motor vehicle unless  
 39 such optional equipment is specifically required by  
 40 the requesting state agency or unless such equipment  
 41 is part of the lowest cost package available meeting  
 42 minimum specifications. A state agency seeking to  
 43 replace a motor vehicle shall not request any  
 44 equipment to be added to its motor vehicles except as  
 45 the state agency determines is necessary for the  
 46 department's employees in the safe and efficient  
 47 operation of the motor vehicle. The department shall  
 48 not seek to have any optional equipment removed or  
 49 deleted from an order if such action would increase  
 50 the cost of the vehicle to the state.

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1 Sec. \_\_. EFFECTIVE DATE – RETROACTIVE  
 2 APPLICABILITY. The section of this division of this  
 3 Act concerning discretionary audits by the auditor of  
 4 state, being deemed of immediate importance, takes  
 5 effect upon enactment, and is retroactively applicable  
 6 to April 1, 2009, and is applicable on and after that  
 7 date."  
 8 10. By striking page 21, line 12, through page  
 9 22, line 2, and inserting the following:  
 10 "Sec. \_\_. Section 8.9, subsection 1, Code 2009,  
 11 is amended to read as follows:  
 12 1. The office of grants enterprise management is  
 13 established in the department of management. The  
 14 function of the office is to develop and administer a  
 15 system to track, identify, advocate for, and  
 16 coordinate nonstate grants as defined in section 8.2,  
 17 subsections 1 and 3. Staffing for the office of  
 18 grants enterprise management shall be provided by a  
 19 facilitator appointed by the director of the  
 20 department of management. Additional staff may be  
 21 hired, subject to the availability of funding.  
 22 ~~Funding for the office is from the appropriation to~~

23 ~~the department pursuant to section 8A.505, subsection~~  
24 ~~2.~~"

25 11. Page 22, by striking lines 5 through 35.

26 12. By striking page 24, line 10, through page

27 31, line 23, and inserting the following:

28 "ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT

29 Sec.\_\_\_\_. Section 68B.32A, Code 2009, is amended

30 by adding the following new subsection:

31 NEW SUBSECTION. 18. At the board's discretion,

32 enter into an agreement with a political subdivision

33 authorizing the board to enforce the provisions of a

34 code of ethics adopted by that political subdivision.

35 DIVISION VI

36 ALCOHOLIC BEVERAGE CONTROL PROVISION

37 Sec.\_\_\_\_. Section 123.30, subsection 3, paragraph

38 e, unnumbered paragraph 1, Code 2009, is amended to

39 read as follows:

40 CLASS "E". A class "E" liquor control license may

41 be issued and shall authorize the holder to purchase

42 alcoholic liquor from the division only and to sell

43 the alcoholic liquor to patrons for consumption off

44 the licensed premises and to other liquor control

45 licensees. ~~A class "E" license shall not be issued to~~

46 ~~premises at which gasoline is sold.~~ A holder of a

47 class "E" liquor control license may hold other retail

48 liquor control licenses or retail wine or beer

49 permits, but the premises licensed under a class "E"

50 liquor control license shall be separate from other

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1 licensed premises, though the separate premises may

2 have a common entrance. However, the holder of a

3 class "E" liquor control license may also hold a class

4 "B" wine or class "C" beer permit or both for the

5 premises licensed under a class "E" liquor control

6 license.

7 DIVISION VII

8 BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL

9 Sec.\_\_\_\_. NEW SECTION. 99B.5A BINGO CONDUCTED AT

10 A FAIR OR COMMUNITY FESTIVAL.

11 1. For purposes of this section:

12 a. "Community festival" means a festival of no

13 more than four consecutive days in length held by a

14 community group.

15 b. "Community group" means an Iowa nonprofit,

16 tax-exempt organization which is open to the general

17 public and established for the promotion and

18 development of the arts, history, culture, ethnicity,

19 historic preservation, tourism, economic development,

20 festivals, or municipal libraries. "Community group"

21 does not include a school, college, university,

22 political party, labor union, state or federal  
23 government agency, fraternal organization, church,  
24 convention or association of churches, or  
25 organizations operated primarily for religious  
26 purposes, or which are operated, supervised,  
27 controlled, or principally supported by a church,  
28 convention, or association of churches.  
29 2. Bingo may lawfully be conducted at a fair, as  
30 defined in section 174.1, or a community festival if  
31 all the following conditions are met:  
32 a. Bingo is conducted by the sponsor of the fair  
33 or community festival or a qualified organization  
34 licensed under section 99B.7 that has received  
35 permission from the sponsor of the fair or community  
36 festival to conduct bingo.  
37 b. The sponsor of the fair or community festival  
38 or the qualified organization has submitted a license  
39 application and a fee of fifty dollars to the  
40 department, has been issued a license, and prominently  
41 displays the license at the area where the bingo  
42 occasion is being held. A license shall only be valid  
43 for the duration of the fair or community festival  
44 indicated on the application.  
45 c. The number of bingo occasions shall be limited  
46 to one for each day of the duration of the fair of  
47 community festival.  
48 d. The rules for the bingo occasion are posted.  
49 e. Except as provided in this section, the  
50 provisions of sections 99B.2 and 99B.7 related to

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1 bingo shall apply.  
2 3. An individual other than a person conducting  
3 the bingo occasion may participate in the bingo  
4 occasion conducted at a fair or community festival,  
5 whether or not conducted in compliance with this  
6 section.  
7 4. Bingo occasions held under a license under this  
8 section shall not be counted in determining whether a  
9 qualified organization has conducted more than  
10 fourteen bingo occasions per month. In addition,  
11 bingo occasions held under this license shall not be  
12 limited to four consecutive hours.  
13 DIVISION VIII  
14 DEPARTMENT OF COMMERCE REVOLVING  
15 FUND - APPROPRIATIONS  
16 Sec. \_\_\_\_\_. Section 87.11E, subsection 5, Code 2009,  
17 is amended to read as follows:  
18 5. A civil penalty levied under subsection 4 shall  
19 not exceed one thousand dollars per violation per  
20 person, and shall not exceed ten thousand dollars in a

21 single proceeding against any one person. All civil  
 22 penalties shall be deposited in the ~~general fund of~~  
 23 ~~the state~~ pursuant to section 505.7.  
 24 Sec.\_\_\_\_. Section 475A.3, subsection 3, Code 2009,  
 25 is amended to read as follows:  
 26 3. SALARIES, EXPENSES, AND APPROPRIATION. The  
 27 salary of the consumer advocate shall be fixed by the  
 28 attorney general within the salary range set by the  
 29 general assembly. The salaries of employees of the  
 30 consumer advocate shall be at rates of compensation  
 31 consistent with current standards in industry. The  
 32 reimbursement of expenses for the employees and the  
 33 consumer advocate is as provided by law. The  
 34 appropriation for the office of consumer advocate  
 35 shall be a separate line item contained in the  
 36 appropriation from the ~~general fund of the state~~  
 37 department of commerce revolving fund created in  
 38 section 546.12.  
 39 Sec.\_\_\_\_. Section 476.10, unnumbered paragraph 4,  
 40 Code 2009, is amended to read as follows:  
 41 The order shall be subject to review in the manner  
 42 provided in this chapter. All amounts collected by  
 43 the division pursuant to the provisions of this  
 44 section shall be deposited with the treasurer of state  
 45 and credited to the ~~general fund of the state~~  
 46 department of commerce revolving fund created in  
 47 section 546.12. Such amounts shall be spent in  
 48 accordance with the provisions of chapter 8.  
 49 Sec.\_\_\_\_. Section 476.10, unnumbered paragraph 6,  
 50 Code 2009, is amended to read as follows:

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1 Fees paid to the utilities division shall be  
 2 deposited in the ~~general fund of the state~~ department  
 3 of commerce revolving fund created in section 546.12.  
 4 These funds shall be used for the payment, upon  
 5 appropriation by the general assembly, of the expenses  
 6 of the utilities division and the consumer advocate  
 7 division of the department of justice. ~~Subject to~~  
 8 ~~this section, the utilities division or the consumer~~  
 9 ~~advocate division may keep on hand with the treasurer~~  
 10 ~~of state funds in excess of the current needs of the~~  
 11 ~~utilities division or the consumer advocate division.~~  
 12 Sec.\_\_\_\_. Section 476.10, unnumbered paragraph 8,  
 13 Code 2009, is amended to read as follows:  
 14 All fees and other moneys collected under this  
 15 section and sections 478.4, 479.16, and 479A.9 shall  
 16 be deposited into the ~~general fund of the state~~  
 17 department of commerce revolving fund created in  
 18 section 546.12 and expenses required to be paid under  
 19 this section shall be paid from funds appropriated for

20 those purposes. ~~Moneys deposited into the general~~  
21 ~~fund of the state pursuant to this section and~~  
22 ~~sections 478.4, 479.16, and 479A.9 shall be subject to~~  
23 ~~the requirements of section 8.60.~~

24 Sec. \_\_\_\_\_. Section 476.51, subsection 5, Code 2009,  
25 is amended to read as follows:

26 5. Civil penalties collected pursuant to this  
27 section from utilities providing water, electric, or  
28 gas service shall be forwarded by the executive  
29 secretary of the board to the treasurer of state to be  
30 credited to the general fund of the state and to be  
31 used only for the low income home energy assistance  
32 program and the weatherization assistance program  
33 administered by the division of community action  
34 agencies of the department of human rights. Civil  
35 penalties collected pursuant to this section from  
36 utilities providing telecommunications service shall  
37 be forwarded to the treasurer of state to be credited  
38 to the ~~general fund of the state~~ department of  
39 commerce revolving fund created in section 546.12 to  
40 be used only for consumer education programs  
41 administered by the board. Penalties paid by a  
42 rate-regulated public utility pursuant to this section  
43 shall be excluded from the utility's costs when  
44 determining the utility's revenue requirement, and  
45 shall not be included either directly or indirectly in  
46 the utility's rates or charges to customers.

47 Sec. \_\_\_\_\_. Section 476.87, subsection 3, Code 2009,  
48 is amended to read as follows:

49 3. The board shall allocate the costs and expenses  
50 reasonably attributable to certification and dispute

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1 resolution in this section to persons identified as  
2 parties to such proceeding who are engaged in or who  
3 seek to engage in providing natural gas services or  
4 other persons identified as participants in such  
5 proceeding. The funds received for the costs and the  
6 expenses of certification and dispute resolution shall  
7 be remitted to the treasurer of state for deposit in  
8 the ~~general fund of the state~~ department of commerce  
9 revolving fund created in section 546.12 as provided  
10 in section 476.10.

11 Sec. \_\_\_\_\_. Section 476.101, subsection 10, Code  
12 2009, is amended to read as follows:

13 10. In a proceeding associated with the granting  
14 of a certificate under section 476.29, approving maps  
15 and tariffs for competitive local exchange providers  
16 provided for in this section, or in resolving a  
17 complaint filed pursuant to subsection 8 and  
18 proceedings under 47 U.S.C. § 251–254, the board

19 shall allocate the costs and expenses of the  
 20 proceedings to persons identified as parties in the  
 21 proceeding who are engaged in or who seek to engage in  
 22 providing telecommunications services or other persons  
 23 identified as participants in the proceeding. The  
 24 funds received for the costs and the expenses shall be  
 25 remitted to the treasurer of state for deposit in the  
 26 ~~general fund of the state~~ department of commerce  
 27 revolving fund created in section 546.12 as provided  
 28 in section 476.10.

29 Sec. \_\_\_\_\_. Section 476.103, subsection 4, paragraph  
 30 c, Code 2009, is amended to read as follows:

31 c. A civil penalty collected pursuant to this  
 32 subsection shall be forwarded by the executive  
 33 secretary of the board to the treasurer of state to be  
 34 credited to the ~~general fund of the state~~ department  
 35 of commerce revolving fund created in section 546.12  
 36 and to be used only for consumer education programs  
 37 administered by the board.

38 Sec. \_\_\_\_\_. Section 476A.14, subsection 1, Code  
 39 2009, is amended to read as follows:

40 1. Any person who commences to construct a  
 41 facility as provided in this subchapter without having  
 42 first obtained a certificate, or who constructs,  
 43 operates or maintains any facility other than in  
 44 compliance with a certificate issued by the board or a  
 45 certificate amended pursuant to this subchapter, or  
 46 who causes any of these acts to occur, shall be liable  
 47 for a civil penalty of not more than ten thousand  
 48 dollars for each violation or for each day of  
 49 continuing violation. Civil penalties collected  
 50 pursuant to this subsection shall be forwarded by the

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1 clerk of court to the treasurer of state for deposit  
 2 in the ~~general fund of the state~~ department of  
 3 commerce revolving fund created in section 546.12.

4 Sec. \_\_\_\_\_. Section 478.4, Code 2009, is amended to  
 5 read as follows:

6 478.4 FRANCHISE – HEARING.

7 The utilities board shall consider the petition and  
 8 any objections filed to it in the manner provided. It  
 9 shall examine the proposed route or cause any engineer  
 10 selected by it to do so. If a hearing is held on the  
 11 petition it may hear testimony as may aid it in  
 12 determining the propriety of granting the franchise.  
 13 It may grant the franchise in whole or in part upon  
 14 the terms, conditions, and restrictions, and with the  
 15 modifications as to location and route as may seem to  
 16 it just and proper. Before granting the franchise,  
 17 the utilities board shall make a finding that the

18 proposed line or lines are necessary to serve a public  
19 use and represents a reasonable relationship to an  
20 overall plan of transmitting electricity in the public  
21 interest. A franchise shall not become effective  
22 until the petitioners shall pay, or file an agreement  
23 to pay, all costs and expenses of the franchise  
24 proceeding, whether or not objections are filed,  
25 including costs of inspections or examinations of the  
26 route, hearing, salaries, publishing of notice, and  
27 any other expenses reasonably attributable to it. The  
28 funds received for the costs and the expenses of the  
29 franchise proceeding shall be remitted to the  
30 treasurer of state for deposit in the ~~general fund of~~  
31 ~~the state~~ department of commerce revolving fund  
32 created in section 546.12 as provided in section  
33 476.10.

34 Sec.\_\_\_\_. Section 479.16, Code 2009, is amended to  
35 read as follows:

36 479.16 RECEIPT OF FUNDS.

37 All moneys received under this chapter shall be  
38 remitted monthly to the treasurer of state and  
39 credited to the ~~general fund of the state~~ department  
40 of commerce revolving fund created in section 546.12  
41 as provided in section 476.10.

42 Sec.\_\_\_\_. Section 479A.9, Code 2009, is amended to  
43 read as follows:

44 479A.9 DEPOSIT OF FUNDS.

45 Moneys received under this chapter shall be  
46 credited to the ~~general fund of the state~~ department  
47 of commerce revolving fund created in section 546.12  
48 as provided in section 476.10.

49 Sec.\_\_\_\_. Section 479B.12, Code 2009, is amended  
50 to read as follows:

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1 479B.12 USE OF FUNDS.

2 All moneys received under this chapter, other than  
3 civil penalties collected pursuant to section 479B.21,  
4 shall be remitted monthly to the treasurer of state  
5 and credited to the ~~general fund of the state~~  
6 department of commerce revolving fund created in  
7 section 546.12.

8 Sec.\_\_\_\_. Section 502.302, Code 2009, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees  
11 collected under this section shall be deposited as  
12 provided in section 505.7.

13 Sec.\_\_\_\_. Section 502.304A, subsection 3, Code  
14 2009, is amended by adding the following new  
15 paragraph:

16 NEW PARAGRAPH. h. The fees collected under this

17 subsection shall be deposited as provided in section  
18 505.7.  
19 Sec.\_\_\_\_. Section 502.305, subsection 2, Code  
20 2009, is amended to read as follows:  
21 2. FILING. Except as provided in subsection 10  
22 and section 502.304A, subsection 3, paragraph "g", a  
23 person who files a registration statement or a notice  
24 filing shall pay a filing fee of one-tenth of one  
25 percent of the proposed aggregate sales price of the  
26 securities to be offered to persons in this state  
27 pursuant to the registration statement or notice  
28 filing. However, except as provided in subsection 10,  
29 section 502.302, subsection 1, paragraph "a", and  
30 section 502.304A, subsection 3, paragraph "g", the  
31 annual filing fee shall not be less than fifty dollars  
32 or more than one thousand dollars. The administrator  
33 shall retain the filing fee even if the notice filing  
34 is withdrawn or the registration is withdrawn, denied,  
35 suspended, revoked, or abandoned. The fees collected  
36 under this subsection shall be deposited as provided  
37 in section 505.7.  
38 Sec.\_\_\_\_. Section 502.321G, Code 2009, is amended  
39 to read as follows:  
40 502.321G FEES.  
41 The administrator shall charge a nonrefundable  
42 filing fee of two hundred fifty dollars for a  
43 registration statement filed by an offeror. The fee  
44 shall be deposited as provided in section 505.7.  
45 Sec.\_\_\_\_. Section 502.410, Code 2009, is amended  
46 by adding the following new subsection:  
47 NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as  
48 otherwise provided in subsection 2, fees collected  
49 under this section shall be deposited as provided in  
50 section 505.7.

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1 Sec.\_\_\_\_. Section 505.7, subsection 1, Code 2009,  
2 is amended to read as follows:  
3 1. All fees and charges which are required by law  
4 to be paid by insurance companies, associations, and  
5 other regulated entities shall be payable to the  
6 commissioner of the insurance division of the  
7 department of commerce or department of revenue, as  
8 provided by law, whose duty it shall be to account for  
9 and pay over the same to the treasurer of state at the  
10 time and in the manner provided by law for deposit in  
11 ~~the general fund of the state~~ department of commerce  
12 revolving fund created in section 546.12.  
13 Sec.\_\_\_\_. Section 505.7, subsection 3, Code 2009,  
14 is amended to read as follows:  
15 3. Forty percent of the nonexamination revenues

16 payable to the division of insurance or the department  
17 of revenue in connection with the regulation of  
18 insurance companies or other entities subject to the  
19 regulatory jurisdiction of the division shall be  
20 deposited in the department of commerce revolving fund  
21 created in section 546.12 and shall be subject to  
22 annual appropriation to the division for its  
23 operations and is also subject to expenditure under  
24 subsection 6. The remaining nonexamination revenues  
25 payable to the division of insurance or the department  
26 of revenue shall be deposited in the general fund of  
27 the state.

28 Sec.\_\_\_\_. Section 507.9, Code 2009, is amended to  
29 read as follows:

30 507.9 FEES – ACCOUNTING.

31 All fees collected under the provisions of this  
32 chapter shall be paid to the commissioner of insurance  
33 and shall be turned into the state treasury for  
34 deposit as provided in section 505.7.

35 Sec.\_\_\_\_. Section 507B.7, subsection 4, paragraph  
36 a, Code 2009, is amended to read as follows:

37 a. A monetary penalty of not more than ten  
38 thousand dollars for each and every act or violation.  
39 A penalty collected under this lettered paragraph  
40 shall be deposited as provided in section 505.7.

41 Sec.\_\_\_\_. Section 508.13, subsection 3, Code 2009,  
42 is amended to read as follows:

43 3. A company that fails to timely file an  
44 application for renewal of its certificate of  
45 authority shall pay an administrative penalty of five  
46 hundred dollars to the treasurer of state for deposit  
47 ~~in the general fund of the state~~ as provided in  
48 section 505.7.

49 Sec.\_\_\_\_. Section 508.14, subsection 4, Code 2009,  
50 is amended to read as follows:

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1 4. Amounts received by the commissioner pursuant  
2 to subsections 2 and 3 shall be paid to the treasurer  
3 of state for deposit ~~in the general fund of the state~~  
4 as provided in section 505.7.

5 Sec.\_\_\_\_. Section 508.15, Code 2009, is amended to  
6 read as follows:

7 508.15 VIOLATION BY FOREIGN COMPANY.

8 Companies organized and chartered by the laws of a  
9 foreign state or country, failing to file the evidence  
10 of investment and statement within the time fixed, or  
11 failing to timely file any financial statement  
12 required by rule of the commissioner of insurance,  
13 shall forfeit and pay five hundred dollars, to be  
14 collected in an action in the name of the state and

15 paid to the treasurer of state for deposit ~~in the~~  
 16 ~~general fund of the state~~ as provided in section  
 17 505.7, and their right to transact further new  
 18 business in this state shall immediately cease until  
 19 the requirements of this chapter have been fully  
 20 complied with. The commissioner may give notice to a  
 21 company which has failed to file within the time fixed  
 22 that the company is in violation of this section and  
 23 if the company fails to file the evidence of  
 24 investment and statement within ten days of the date  
 25 of the notice the company shall forfeit and pay the  
 26 additional sum of one hundred dollars for each day the  
 27 failure continues, to be paid to the treasurer of  
 28 state for deposit ~~in the general fund of the state~~ as  
 29 provided in section 505.7.

30 Sec.\_\_\_\_. Section 508E.3, subsection 10, Code  
 31 2009, is amended to read as follows:

32 10. Fees collected pursuant to this section shall  
 33 be deposited ~~into the general fund of the state~~ as  
 34 provided in section 505.7.

35 Sec.\_\_\_\_. Section 508E.16, subsection 5, Code  
 36 2009, is amended to read as follows:

37 5. In addition to the penalties and other  
 38 enforcement provisions of this chapter, any person who  
 39 violates this chapter is subject to a civil penalty of  
 40 up to five thousand dollars for each violation of this  
 41 chapter. The civil penalty shall be deposited ~~into~~  
 42 ~~the general fund of the state~~ as provided in section  
 43 505.7. If a person has not been ordered to pay  
 44 restitution by a court, the commissioner's order may  
 45 require a person found to be in violation of this  
 46 chapter to make restitution to a person aggrieved by a  
 47 violation of this chapter.

48 Sec.\_\_\_\_. Section 512B.25, Code 2009, is amended  
 49 to read as follows:

50 512B.25 ANNUAL LICENSE – RENEWAL.

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1 The authority of a society to transact business in  
 2 this state may be renewed annually. A license  
 3 terminates on the first day of June following issuance  
 4 or renewal. A society shall submit annually on or  
 5 before March 1 a completed application for renewal of  
 6 its license. For each license or renewal the society  
 7 shall pay the commissioner a fee of fifty dollars. A  
 8 society that fails to timely file an application for  
 9 renewal shall pay an administrative penalty of five  
 10 hundred dollars to the treasurer of state for deposit  
 11 ~~in the general fund of the state~~ as provided in  
 12 section 505.7. A duly certified copy or duplicate of  
 13 the license is prima facie evidence that the licensee

14 is a fraternal benefit society within the meaning of  
15 this chapter.

16 Sec.\_\_\_\_. Section 514.9A, Code 2009, is amended to  
17 read as follows:

18 514.9A CERTIFICATE OF AUTHORITY – RENEWAL.

19 A certificate of authority of a corporation formed  
20 under this chapter expires on June 1 succeeding its  
21 issue and shall be renewed annually so long as the  
22 corporation transacts its business in accordance with  
23 all legal requirements. A corporation shall submit  
24 annually, on or before March 1, a completed  
25 application for renewal of its certificate of  
26 authority. A corporation that fails to timely file an  
27 application for renewal shall pay an administrative  
28 penalty of five hundred dollars to the treasurer of  
29 state for deposit ~~in the general fund of the state~~ as  
30 provided in section 505.7. A duly certified copy or  
31 duplicate of the certificate is admissible in evidence  
32 for or against the corporation with the same effect as  
33 the original.

34 Sec.\_\_\_\_. Section 514B.3B, Code 2009, is amended  
35 to read as follows:

36 514B.3B CERTIFICATE OF AUTHORITY – RENEWAL.

37 A certificate of authority of a health maintenance  
38 organization formed under this chapter expires on June  
39 1 succeeding its issue and shall be renewed annually  
40 so long as the organization transacts its business in  
41 accordance with all legal requirements. A health  
42 maintenance organization shall submit annually, on or  
43 before March 1, a completed application for renewal of  
44 its certificate of authority. A health maintenance  
45 organization that fails to timely file an application  
46 for renewal shall pay an administrative penalty of  
47 five hundred dollars to the treasurer of state for  
48 deposit ~~in the general fund of the state~~ as provided  
49 in section 505.7. A duly certified copy or duplicate  
50 of the certificate is admissible in evidence for or

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1 against the organization with the same effect as the  
2 original.

3 Sec.\_\_\_\_. Section 514B.12, subsections 3 and 4,  
4 Code 2009, are amended to read as follows:

5 3. A health maintenance organization that fails to  
6 timely file the report required under subsection 1 is  
7 in violation of this section and shall pay an  
8 administrative penalty of five hundred dollars to the  
9 treasurer of state for deposit ~~in the general fund of~~  
10 ~~the state~~ as provided in section 505.7.

11 4. The commissioner may give notice to a health  
12 maintenance organization that the organization has not

13 timely filed the report required under subsection 1  
14 and is in violation of this section. If the  
15 organization fails to file the required report and  
16 comply with this section within ten days of the date  
17 of the notice, the organization shall pay an  
18 additional administrative penalty of one hundred  
19 dollars for each day that the failure continues to the  
20 treasurer of state for deposit ~~in the general fund of~~  
21 ~~the state~~ as provided in section 505.7.

22 Sec.\_\_\_\_. Section 514G.113, Code 2009, is amended  
23 to read as follows:

24 514G.113 PENALTIES.

25 In addition to any other penalties provided by the  
26 laws of this state, any insurer or any producer found  
27 to have violated a provision of this chapter or any  
28 other requirement of this state relating to the  
29 regulation of long-term care insurance or the  
30 marketing of such insurance shall be subject to a fine  
31 of up to three times the amount of any commission paid  
32 for each policy involved in the violation, or up to  
33 ten thousand dollars, whichever is greater. A fine  
34 collected under this section shall be deposited as  
35 provided in section 505.7.

36 Sec.\_\_\_\_. Section 515.42, Code 2009, is amended to  
37 read as follows:

38 515.42 TENURE OF CERTIFICATE – RENEWAL –  
39 EVIDENCE.

40 A certificate of authority shall expire on the  
41 first day of June next succeeding its issue, and shall  
42 be renewed annually so long as such company shall  
43 transact business in accordance with the requirements  
44 of law; a copy of which certificate, when certified to  
45 by the commissioner of insurance, shall be admissible  
46 in evidence for or against a company with the same  
47 effect as the original. A company shall submit  
48 annually, on or before March 1, a completed  
49 application for renewal of its certificate of  
50 authority. A company that fails to timely file an

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1 application for renewal shall pay an administrative  
2 penalty of five hundred dollars to the treasurer of  
3 state for deposit ~~in the general fund of the state~~ as  
4 provided in section 505.7.

5 Sec.\_\_\_\_. Section 515.121, subsections 1 and 3,  
6 Code 2009, are amended to read as follows:

7 1. An excess and surplus lines insurance producer  
8 who fails to timely file the report required in  
9 section 515.120 is in violation of this section and  
10 shall pay an administrative penalty of five hundred  
11 dollars to the treasurer of state for deposit ~~in the~~

12 ~~general fund of the state~~ as provided in section  
13 505.7.  
14 3. The commissioner may give notice to a producer  
15 that the producer has not timely filed the report  
16 required under section 515.120 and is in violation of  
17 this section. If the producer fails to file the  
18 required report within ten days of the date of the  
19 notice, the producer shall pay an additional  
20 administrative penalty of one hundred dollars for each  
21 day that the failure continues to the treasurer of  
22 state for deposit ~~in the general fund of the state~~ as  
23 provided in section 505.7.  
24 Sec.\_\_\_\_. Section 515.146, Code 2009, is amended  
25 to read as follows:  
26 515.146 CERTIFICATE REFUSED – ADMINISTRATIVE  
27 PENALTY.  
28 The commissioner of insurance shall withhold the  
29 commissioner's certificate or permission of authority  
30 to do business from a company neglecting or failing to  
31 comply with this chapter. In addition, a company  
32 organized or authorized under this chapter which fails  
33 to file the annual statement referred to in section  
34 515.63 in the time required shall pay and forfeit an  
35 administrative penalty in an amount of five hundred  
36 dollars to be collected in the name of the state for  
37 deposit ~~in the general fund of the state~~ as provided  
38 in section 505.7. The company's right to transact  
39 further new business in this state shall immediately  
40 cease until the company has fully complied with this  
41 chapter. The commissioner may give notice to a  
42 company which has failed to file within the time  
43 required that the company is in violation of this  
44 section and, if the company fails to file the evidence  
45 of investment and statement within ten days of the  
46 date of the notice, the company shall forfeit and pay  
47 the additional sum of one hundred dollars for each day  
48 the failure continues, to be paid to the treasurer of  
49 state for deposit ~~in the general fund of the state~~ as  
50 provided in section 505.7.

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1 Sec.\_\_\_\_. Section 515.147, unnumbered paragraph 1,  
2 Code 2009, is amended to read as follows:  
3 Fees shall be paid to the commissioner of insurance  
4 for deposit as provided in section 505.7 as follows:  
5 Sec.\_\_\_\_. Section 515A.17, subsection 1, Code  
6 2009, is amended to read as follows:  
7 1. The commissioner may, if the commissioner finds  
8 that any person or organization has violated any  
9 provision of this chapter, impose a penalty of not  
10 more than one thousand dollars for each such

11 violation, but if the commissioner finds such  
 12 violation to be willful the commissioner may impose a  
 13 penalty of not more than five thousand dollars for  
 14 each such violation. Such penalties may be in  
 15 addition to any other penalty provided by law. A  
 16 penalty collected under this subsection shall be  
 17 deposited as provided in section 505.7.  
 18 Sec.\_\_\_\_. Section 515F.19, Code 2009, is amended  
 19 by adding the following new unnumbered paragraph:  
 20 NEW UNNUMBERED PARAGRAPH. A penalty collected  
 21 under this section shall be deposited as provided in  
 22 section 505.7.  
 23 Sec.\_\_\_\_. Section 516E.2, subsection 2, Code 2009,  
 24 is amended to read as follows:  
 25 2. A service company shall not issue a service  
 26 contract or arrange to perform services pursuant to a  
 27 service contract unless the service company is  
 28 registered with the commissioner. A service company  
 29 shall file a registration with the commissioner  
 30 annually, on a form prescribed by the commissioner,  
 31 accompanied by a registration fee in the amount of  
 32 five hundred dollars. Fees collected under this  
 33 subsection shall be deposited as provided in section  
 34 505.7.  
 35 Sec.\_\_\_\_. Section 518.15, subsections 5 and 6,  
 36 Code 2009, are amended to read as follows:  
 37 5. An association formed under this chapter that  
 38 fails to timely file the statement required under  
 39 subsection 1 or the application for renewal required  
 40 under subsection 3 is in violation of this section and  
 41 shall pay an administrative penalty of five hundred  
 42 dollars to the treasurer of state for deposit ~~in the~~  
 43 ~~general fund of the state~~ as provided in section  
 44 505.7. The association's right to transact new  
 45 business in this state shall immediately cease until  
 46 the association has fully complied with this chapter.  
 47 6. The commissioner may give notice to an  
 48 association that the association has not timely filed  
 49 the statement required under subsection 1 or an  
 50 application for renewal under subsection 3 and is in

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1 violation of this section. If the association fails  
 2 to file the required statement or application and  
 3 comply with this section within ten days of the date  
 4 of the notice, the association shall pay an additional  
 5 administrative penalty of one hundred dollars for each  
 6 day that the failure continues to the treasurer of  
 7 state for deposit ~~in the general fund of the state~~ as  
 8 provided in section 505.7.  
 9 Sec.\_\_\_\_. Section 518A.18, subsections 2 and 3,

10 Code 2009, are amended to read as follows:

11 2. An association that fails to timely file the  
12 statement required under subsection 1 is in violation  
13 of this section and shall pay an administrative  
14 penalty of five hundred dollars for each violation to  
15 the treasurer of state for deposit ~~in the general fund~~  
16 ~~of the state~~ as provided in section 505.7.

17 3. The commissioner may give notice to an  
18 association that the association has not timely filed  
19 the statement required under subsection 1 and is in  
20 violation of this section. If the association fails  
21 to file the required statement and comply with this  
22 section within ten days of the date of the notice, the  
23 association shall pay an additional administrative  
24 penalty of one hundred dollars for each day that each  
25 failure continues to the treasurer of state for  
26 deposit ~~in the general fund of the state~~ as provided  
27 in section 505.7.

28 Sec.\_\_\_\_. Section 518A.40, subsection 4, Code  
29 2009, is amended to read as follows:

30 4. An association that fails to timely file the  
31 application for renewal required under subsection 2 is  
32 in violation of this section and shall pay an  
33 administrative penalty of five hundred dollars to the  
34 treasurer of state for deposit ~~in the general fund of~~  
35 ~~the state~~ as provided in section 505.7.

36 Sec.\_\_\_\_. Section 520.10, subsections 4 and 5,  
37 Code 2009, are amended to read as follows:

38 4. A reciprocal or interinsurance insurer that  
39 fails to timely file the report required under  
40 subsection 1 is in violation of this section and shall  
41 pay an administrative penalty of five hundred dollars  
42 to the treasurer of state for deposit ~~in the general~~  
43 ~~fund of the state~~ as provided in section 505.7.

44 5. The commissioner may give notice to a  
45 reciprocal or interinsurance insurer that the insurer  
46 has not timely filed the report required under  
47 subsection 1 and is in violation of this section. If  
48 the insurer fails to file the required report and  
49 comply with this section within ten days of the date  
50 of the notice, the insurer shall pay an additional

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1 administrative penalty of one hundred dollars for each  
2 day that the failure continues to the treasurer of  
3 state for deposit ~~in the general fund of the state~~ as  
4 provided in section 505.7.

5 Sec.\_\_\_\_. Section 520.12, subsection 2, Code 2009,  
6 is amended to read as follows:

7 2. A reciprocal or interinsurance insurer shall  
8 submit annually, on or before March 1, a completed

9 application for renewal of the insurer's certificate  
 10 of authority. An insurer that fails to timely file an  
 11 application for renewal shall pay an administrative  
 12 fee of five hundred dollars to the treasurer of state  
 13 for deposit ~~in the general fund of the state~~ as  
 14 provided in section 505.7.  
 15 Sec.\_\_\_\_. Section 521A.10, subsection 1, Code  
 16 2009, is amended to read as follows:  
 17 1. If the commissioner finds after notice and  
 18 hearing that a person subject to registration under  
 19 section 521A.4 failed without just cause to file a  
 20 registration statement as required in this chapter,  
 21 the person shall be required to pay a penalty of one  
 22 thousand dollars for each day's delay. The penalty  
 23 shall be recovered by the commissioner and ~~paid into~~  
 24 ~~the state general fund~~ deposited as provided in  
 25 section 505.7. The maximum penalty under this section  
 26 is ten thousand dollars. The commissioner may reduce  
 27 the penalty if the person demonstrates that the  
 28 imposition of the penalty would constitute a financial  
 29 hardship to the person.  
 30 Sec.\_\_\_\_. Section 522A.5, Code 2009, is amended to  
 31 read as follows:  
 32 522A.5 FEES.  
 33 The fee for a counter employee license shall be  
 34 fifty dollars per counter employee. In no case shall  
 35 any combined fees exceed one thousand dollars in any  
 36 calendar year for any one rental company or limited  
 37 license or licensee or renewal license. The fees  
 38 collected under this section shall be deposited as  
 39 provided in section 505.7.  
 40 Sec.\_\_\_\_. Section 522B.5, Code 2009, is amended by  
 41 adding the following new subsection:  
 42 NEW SUBSECTION. 4. Fees collected under this  
 43 section shall be deposited as provided in section  
 44 505.7.  
 45 Sec.\_\_\_\_. Section 523A.204, subsection 4, Code  
 46 2009, is amended to read as follows:  
 47 4. The commissioner shall levy an administrative  
 48 penalty in the amount of five hundred dollars against  
 49 a preneed seller that fails to file the annual report  
 50 when due, payable to the state for deposit ~~in the~~

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1 ~~general fund of the state~~ as provided in section  
 2 505.7.  
 3 Sec.\_\_\_\_. Section 523A.501, Code 2009, is amended  
 4 by adding the following new subsection:  
 5 NEW SUBSECTION. 9. Fees collected under this  
 6 section shall be deposited as provided in section  
 7 505.7.

8 Sec. \_\_\_\_\_. Section 523A.502, subsection 3, Code  
9 2009, is amended to read as follows:  
10 3. An application for a sales license shall be  
11 filed on a form prescribed by the commissioner and be  
12 accompanied by a filing fee in an amount set by the  
13 commissioner by rule. The fees collected under this  
14 subsection shall be deposited as provided in section  
15 505.7.

16 Sec. \_\_\_\_\_. Section 523A.502A, subsection 3, Code  
17 2009, is amended to read as follows:  
18 3. The commissioner shall levy an administrative  
19 penalty in the amount of five hundred dollars against  
20 a sales agent who fails to file an annual report when  
21 due, payable to the state for deposit ~~in the general~~  
22 ~~fund as provided in section 505.7.~~

23 Sec. \_\_\_\_\_. Section 523A.504, subsection 2, Code  
24 2009, is amended to read as follows:  
25 2. A preneed seller shall pay an annual fee of  
26 five dollars for each sales agent appointed by the  
27 preneed seller, which fee shall be submitted with the  
28 annual report. Fees collected under this subsection  
29 shall be deposited as provided in section 505.7.

30 Sec. \_\_\_\_\_. Section 523A.807, subsection 3,  
31 paragraph a, Code 2009, is amended to read as follows:  
32 a. Payment of a civil penalty of not more than one  
33 thousand dollars for each violation, but not exceeding  
34 an aggregate of ten thousand dollars during any  
35 six-month period, except that if the commissioner  
36 finds that the person knew or reasonably should have  
37 known that the person was in violation of such  
38 provisions or rules adopted pursuant thereto, the  
39 penalty shall be not more than five thousand dollars  
40 for each violation, but not exceeding an aggregate of  
41 fifty thousand dollars during any six-month period.  
42 The commissioner shall assess the penalty on the  
43 employer of an individual and not on the individual,  
44 if the commissioner finds that the violations  
45 committed by the individual were directed, encouraged,  
46 condoned, ignored, or ratified by the individual's  
47 employer. Any civil penalties collected under this  
48 subsection shall be deposited as provided in section  
49 505.7.

50 Sec. \_\_\_\_\_. Section 523A.812, Code 2009, is amended

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1 to read as follows:  
2 523A.812 INSURANCE DIVISION REGULATORY FUND.  
3 The insurance division may authorize the creation  
4 of a special revenue fund in the state treasury, to be  
5 known as the insurance division regulatory fund. The  
6 commissioner shall allocate annually from the fees

7 paid pursuant to section 523A.204, two dollars for  
8 each purchase agreement reported on a preneed seller's  
9 annual report filed pursuant to section 523A.204 for  
10 deposit to the regulatory fund. The remainder of the  
11 fees collected pursuant to section 523A.204 shall be  
12 deposited ~~into the general fund of the state as~~  
13 provided in section 505.7. The commissioner shall  
14 also allocate annually the examination fees paid  
15 pursuant to section 523A.814 and any examination  
16 expense reimbursement for deposit to the regulatory  
17 fund. The moneys in the regulatory fund shall be  
18 retained in the fund. The moneys are appropriated  
19 and, subject to authorization by the commissioner, may  
20 be used to pay examiners, examination expenses,  
21 investigative expenses, the expenses of mediation  
22 ordered by the commissioner, consumer education  
23 expenses, the expenses of a toll-free telephone line  
24 to receive consumer complaints, and the expenses of  
25 receiverships established under section 523A.811. If  
26 the commissioner determines that funding is not  
27 otherwise available to reimburse the expenses of a  
28 person who receives title to a cemetery subject to  
29 chapter 523I, pursuant to such a receivership, the  
30 commissioner shall use moneys in the regulatory fund  
31 as necessary to preserve, protect, restore, and  
32 maintain the physical integrity of that cemetery and  
33 to satisfy claims or demands for cemetery merchandise,  
34 funeral merchandise, and funeral services based on  
35 purchase agreements which the commissioner determines  
36 are just and outstanding. An annual allocation to the  
37 regulatory fund shall not be imposed if the current  
38 balance of the fund exceeds five hundred thousand  
39 dollars.

40 Sec. \_\_\_\_\_. Section 523C.3, Code 2009, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. 4. Fees collected under this  
43 section shall be deposited as provided in section  
44 505.7.

45 Sec. \_\_\_\_\_. Section 523C.13, subsection 1, Code  
46 2009, is amended to read as follows:

47 1. Payment of a civil penalty of not more than one  
48 thousand dollars for each and every act or violation,  
49 but not to exceed an aggregate of ten thousand  
50 dollars, unless the person knew or reasonably should

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1 have known the person was in violation of this  
2 section, in which case the penalty shall be not more  
3 than five thousand dollars for each and every act or  
4 violation, but not to exceed an aggregate penalty of  
5 fifty thousand dollars in any one six-month period.

6 The commissioner shall, if it finds the violations of  
7 this section were directed, encouraged, condoned,  
8 ignored, or ratified by the employer of such person,  
9 assess such fine to the employer and not such person.  
10 Any civil penalties collected under this subsection  
11 shall be deposited as provided in section 505.7.  
12 Sec. \_\_\_\_\_. Section 523D.2A, unnumbered paragraph 1,  
13 Code 2009, is amended to read as follows:  
14 On or before March 1 of each year, a provider shall  
15 file a certification with the commissioner in a manner  
16 and according to requirements established by the  
17 commissioner. The certification shall be accompanied  
18 by a one hundred dollar administrative fee which fee  
19 shall be deposited as provided in section 505.7. The  
20 certification shall attest that according to the best  
21 knowledge and belief of the attesting party, the  
22 facility administered by the provider is in compliance  
23 with the provisions of this chapter, including rules  
24 adopted by the commissioner or orders issued by the  
25 commissioner as authorized under this chapter. The  
26 attesting person may be any of the following:  
27 Sec. \_\_\_\_\_. Section 523I.205, subsection 3, Code  
28 2009, is amended to read as follows:  
29 3. A person who violates a provision of this  
30 chapter or rules adopted or orders issued under this  
31 chapter may be subject to civil penalties in addition  
32 to criminal penalties. The commissioner may impose,  
33 assess, and collect a civil penalty not exceeding ten  
34 thousand dollars for each violation. For the purposes  
35 of computing the amount of each civil penalty, each  
36 day of a continuing violation constitutes a separate  
37 violation. All civil penalties collected pursuant to  
38 this section shall be deposited ~~in the general fund of~~  
39 ~~the state~~ as provided in section 505.7.  
40 Sec. \_\_\_\_\_. Section 523I.813, subsection 3, Code  
41 2009, is amended to read as follows:  
42 3. The commissioner shall levy an administrative  
43 penalty in the amount of five hundred dollars against  
44 a cemetery that fails to file the annual report when  
45 due, payable to the state for deposit ~~in the general~~  
46 ~~fund of the state~~ as provided in section 505.7.  
47 Sec. \_\_\_\_\_. Section 524.207, subsections 1, 3, and  
48 4, Code 2009, are amended to read as follows:  
49 1. ~~All~~ Except as otherwise provided by statute,  
50 all expenses required in the discharge of the duties

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1 and responsibilities imposed upon the banking division  
2 of the department of commerce, the superintendent, and  
3 the state banking council by the laws of this state  
4 shall be paid from fees provided by the laws of this

5 state and appropriated by the general assembly from  
 6 the ~~general fund of the state~~ department of commerce  
 7 revolving fund created in section 546.12. All of  
 8 these fees are payable to the superintendent. The  
 9 superintendent shall pay all the fees and other moneys  
 10 received by the superintendent to the treasurer of  
 11 state within the time required by section 12.10 and  
 12 the fees and other moneys shall be deposited into the  
 13 ~~general fund of the state~~ department of commerce  
 14 revolving fund created in section 546.12. ~~The~~  
 15 ~~superintendent may keep on hand with the treasurer of~~  
 16 ~~state funds in excess of the current needs of the~~  
 17 ~~division to the extent recommended by the state~~  
 18 ~~banking council.~~

19 3. The banking division may expend additional  
 20 funds, including funds for additional personnel, if  
 21 those additional expenditures are actual expenses  
 22 which exceed the funds budgeted for bank ~~or licensee~~  
 23 ~~examinations or investigations~~ and directly result  
 24 from examinations ~~or investigations~~ of banks ~~or~~  
 25 ~~licensees~~. The amounts necessary to fund the excess  
 26 examination ~~or investigation~~ expenses shall be  
 27 collected from banks ~~and licensees~~ being regulated,  
 28 and the collections shall be treated as repayment  
 29 receipts as defined in section 8.2. The division  
 30 shall notify in writing the legislative services  
 31 agency and the department of management when hiring  
 32 additional personnel. The written notification shall  
 33 include documentation that any additional expenditure  
 34 related to such hiring will be totally reimbursed ~~to~~  
 35 ~~the general fund as provided in section 546.12,~~  
 36 subsection 2, and shall also include the division's  
 37 justification for hiring such personnel. The division  
 38 must obtain the approval of the department of  
 39 management only if the number of additional personnel  
 40 to be hired exceeds the number of full-time equivalent  
 41 positions authorized by the general assembly.

42 4. All fees and moneys collected shall be  
 43 deposited into the ~~general fund of the state~~  
 44 department of commerce revolving fund created in  
 45 section 546.12 and expenses required to be paid under  
 46 this section shall be paid from ~~funds moneys in the~~  
 47 department of commerce revolving fund and appropriated  
 48 for those purposes. ~~Moneys deposited into the general~~  
 49 ~~fund of the state pursuant to this section shall be~~  
 50 ~~subject to the requirements of section 8.60.~~

Page 24

1 Sec.\_\_\_\_. Section 533.111, subsections 1, 3, 4,  
 2 and 5, Code 2009, are amended to read as follows:  
 3 1. a. All expenses required in the discharge of

4 the duties and responsibilities imposed upon the  
5 credit union division, the superintendent, and the  
6 review board by the laws of this state shall be paid  
7 from fees provided by the laws of this state and  
8 appropriated by the general assembly from the ~~general~~  
9 ~~fund of the state~~ department of commerce revolving  
10 fund created in section 546.12.

11 b. All fees imposed under this chapter are payable  
12 to the superintendent, who shall pay all fees and  
13 other moneys received to the treasurer of state within  
14 the time required by section 12.10. The treasurer of  
15 state shall deposit such funds in the ~~general fund of~~  
16 ~~the state~~ department of commerce revolving fund  
17 created in section 546.12.

18 3. The credit union division may expend additional  
19 funds, including funds for additional personnel, if  
20 the additional expenditures are actual expenses that  
21 exceed the funds budgeted for credit union  
22 examinations and directly result from examinations of  
23 state credit unions.

24 a. The amounts necessary to fund the excess  
25 examination expenses shall be collected from state  
26 credit unions being regulated, and the collections  
27 shall be treated as repayment receipts as defined in  
28 section 8.2.

29 b. The division shall notify in writing the  
30 legislative services agency and the department of  
31 management when hiring additional personnel. The  
32 written notification shall include documentation that  
33 any additional expenditure related to such hiring will  
34 be totally reimbursed ~~to the general fund of the state~~  
35 as provided in section 546.12, subsection 2, and shall  
36 also include the division's justification for hiring  
37 such personnel. The division must obtain the approval  
38 of the department of management only if the number of  
39 additional personnel to be hired exceeds the number of  
40 full-time equivalent positions authorized by the  
41 general assembly.

42 4. a. All fees and other moneys collected shall  
43 be deposited into the ~~general fund of the state~~  
44 department of commerce revolving fund created in  
45 section 546.12 and expenses required to be paid under  
46 this section shall be paid from ~~funds~~ moneys in the  
47 department of commerce revolving fund and appropriated  
48 for those purposes. ~~Moneys deposited into the general~~  
49 ~~fund of the state pursuant to this section shall be~~  
50 ~~subject to the requirements of section 8.60.~~

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1 b. Funds appropriated to the credit union division  
2 shall be subject at all times to the warrant of the

3 director of revenue, drawn upon written requisition of  
4 the superintendent or a designated representative, for  
5 the payment of all salaries and other expenses  
6 necessary to carry out the duties of the credit union  
7 division.

8 5. The credit union division may accept  
9 reimbursement of expenses related to the examination  
10 of a state credit union from the national credit union  
11 administration or any other guarantor or insurance  
12 plan authorized by this chapter. These reimbursements  
13 shall be deposited into the ~~general fund of the state~~  
14 department of commerce revolving fund created in  
15 section 546.12.

16 Sec. \_\_\_\_\_. Section 533A.14, Code 2009, is amended  
17 to read as follows:

18 533A.14 FEES TO STATE TREASURER.

19 All moneys received by the superintendent from  
20 fees, licenses and examinations pursuant to this  
21 chapter shall be deposited by the superintendent with  
22 the treasurer of state for deposit in the department  
23 of commerce revolving fund created in section 546.12.

24 Sec. \_\_\_\_\_. Section 534.305, Code 2009, is amended  
25 to read as follows:

26 534.305 REDEMPTION.

27 When funds are on hand for the purpose, the  
28 association may redeem by lot or otherwise, as the  
29 board of directors determines, all or any part of any  
30 of its savings accounts on a dividend date by giving  
31 thirty days' notice by registered mail addressed to  
32 the account holders at their last addresses recorded  
33 on the books of the association. An association shall  
34 not redeem its share accounts when the association is  
35 in an impaired condition or when it has applications  
36 for withdrawal which have been on file more than  
37 thirty days and have not been reached for payment.  
38 The redemption price of a savings account shall be the  
39 full value of the account redeemed, as determined by  
40 the board of directors, but the redemption value shall  
41 not be less than the withdrawal value. If the notice  
42 of redemption has been given, and if on or before the  
43 redemption date the funds necessary for the redemption  
44 have been set aside for redemptions, dividends upon  
45 the accounts called for redemption shall cease to  
46 accrue from and after the dividend date specified as  
47 the redemption date, and rights with respect to those  
48 accounts terminate as of the redemption date, subject  
49 only to the right of the account holder of record to  
50 receive the redemption value without interest.

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1 Savings accounts which have been validly called for

2 redemption must be tendered for payment within ten  
3 years from the date of redemption designated in the  
4 redemption notice, or they shall be canceled and paid  
5 to the treasurer of state for deposit in the ~~general~~  
6 ~~fund of the state~~ department of commerce revolving  
7 fund created in section 546.12 and all claims of the  
8 account holders against the association are barred  
9 forever. Redemption shall not be made of any savings  
10 accounts which are held by a person who is a director  
11 and which are necessary to qualify the person to act  
12 as director.

13 Sec. \_\_\_\_\_. Section 534.408, Code 2009, is amended  
14 by adding the following new subsection:  
15 NEW SUBSECTION. 3. All fees collected under this  
16 chapter shall be deposited with the treasurer of state  
17 in the department of commerce revolving fund created  
18 in section 546.12.

19 Sec. \_\_\_\_\_. NEW SECTION. 546.12 DEPARTMENT OF  
20 COMMERCE REVOLVING FUND.

21 1. A department of commerce revolving fund is  
22 created in the state treasury. The fund shall consist  
23 of moneys collected by the banking division; credit  
24 union division; utilities division, including moneys  
25 collected on behalf of the office of consumer advocate  
26 established in section 475A.3; and the insurance  
27 division of the department; and deposited into an  
28 account for that division or office within the fund on  
29 a monthly basis. Except as otherwise provided by  
30 statute, all costs for operating the office of  
31 consumer advocate and the banking division, the credit  
32 union division, the utilities division, and the  
33 insurance division of the department shall be paid  
34 from the division's accounts within the fund, subject  
35 to appropriation by the general assembly.

36 2. To meet cash flow needs for the office of  
37 consumer advocate and the banking division, credit  
38 union division, utilities division, or the insurance  
39 division of the department, the administrative head of  
40 that division or office may temporarily use funds from  
41 the general fund of the state to pay expenses in  
42 excess of moneys available in the revolving fund for  
43 that division or office if those additional  
44 expenditures are fully reimbursable and the division  
45 or office reimburses the general fund of the state and  
46 ensures all moneys are repaid in full by the close of  
47 the fiscal year. Because any general fund moneys used  
48 shall be fully reimbursed, such temporary use of funds  
49 from the general fund of the state shall not  
50 constitute an appropriation for purposes of

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1 calculating the state general fund expenditure  
 2 limitation pursuant to section 8.54.  
 3 Sec.\_\_\_\_. 2009 Iowa Acts, [Senate File 475](#), section  
 4 2, if enacted, is amended by striking the section and  
 5 inserting in lieu thereof the following:  
 6 SEC. 2. OFFICE OF CONSUMER ADVOCATE. There is  
 7 appropriated from the department of commerce revolving  
 8 fund created in section 546.12, if enacted by 2009  
 9 Iowa Acts, [House File 809](#), to the office of consumer  
 10 advocate of the department of justice for the fiscal  
 11 year beginning July 1, 2009, and ending June 30, 2010,  
 12 the following amount, or so much thereof as is  
 13 necessary, to be used for the purposes designated:  
 14 For salaries, support, maintenance, miscellaneous  
 15 purposes, and for not more than the following  
 16 full-time equivalent positions:  
 17 ..... \$ 3,138,888  
 18 ..... FTEs 27.00

DIVISION IX"

20 13. Page 33, by striking lines 16 through 22 and  
 21 inserting the following:  
 22 "Sec.\_\_\_\_. Section 237.18, subsections 3 and 4,  
 23 Code 2009, are amended to read as follows:  
 24 3. Assign the ~~case cases~~ of ~~each child children~~  
 25 receiving foster care ~~within the judicial district~~ to  
 26 the appropriate local ~~board boards~~.  
 27 4. Assist local boards in reviewing ~~each case~~  
 28 ~~cases of a child children~~ receiving foster care, as  
 29 provided in section 237.20.  
 30 Sec.\_\_\_\_. Section 237.20, subsection 1, unnumbered  
 31 paragraph 1, Code 2009, is amended to read as follows:  
 32 Review ~~at least every six months~~ the case of each  
 33 child receiving foster care assigned to the local  
 34 board by the state board to determine whether  
 35 satisfactory progress is being made toward the goals  
 36 of the case permanency plan pursuant to section  
 37 237.22. ~~As much as is possible, review shall be~~  
 38 ~~conducted immediately prior to~~ The timing and  
 39 frequency of a review of each case by a local board  
 40 shall take into consideration the permanency goals,  
 41 placement setting, and frequency of any court reviews  
 42 of the case."  
 43 14. By renumbering as necessary.

Raecker of Polk asked and received unanimous consent that amendment [H-1671](#) be deferred.

Alons of Sioux asked and received unanimous consent to

withdraw amendment [H-1666](#), to the Senate amendment [H-1662](#), filed by him on April 22, 2009.

Raecker of Polk offered the following amendment [H-1672](#), to the Senate amendment [H-1662](#), filed by him and moved its adoption:

[H-1672](#)

- 1 Amend the Senate amendment, [H-1662](#), to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking lines 31 and 32 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 20, by inserting after line 17 the
- 7 following:"
- 8 2. By renumbering as necessary.

Amendment [H-1672](#) was adopted.

Hunter of Polk offered amendment [H-1669](#), to the Senate amendment [H-1662](#), filed by him and requested division as follows:

[H-1669A](#)

- 1 Amend the Senate amendment, [H-1662](#), to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting after line 50 the
- 5 following:
- 6 "Sec.\_\_\_\_. VEHICLE DEPRECIATION FUNDS.
- 7 1. DEFINITIONS. For purposes of this section,
- 8 "applicable fiscal period" means the fiscal period
- 9 beginning on the effective date of this section and
- 10 ending June 30, 2010.
- 11 2. DEPARTMENT OF ADMINISTRATIVE SERVICES.
- 12 Notwithstanding any provision of section 8A.365 to the
- 13 contrary, a department or agency otherwise required to
- 14 pay depreciation expense pursuant to that section
- 15 shall not be required to pay depreciation expense
- 16 during the applicable fiscal period. Notwithstanding
- 17 section 8.33, moneys credited to a department or
- 18 agency in the depreciation fund in excess of the
- 19 amount determined by the department of administrative
- 20 services is necessary for motor vehicle maintenance
- 21 and insurance costs for the applicable fiscal period
- 22 for that department or agency, shall be returned to
- 23 the department or agency and used for the purposes of
- 24 that department or agency during the applicable fiscal
- 25 period.

26 3. STATE DEPARTMENT OF TRANSPORTATION.  
 27 Notwithstanding section 8.33 and any other provision  
 28 of law to the contrary, moneys in a depreciation fund  
 29 for the purchase of motor vehicles by the state  
 30 department of transportation in excess of the amount  
 31 determined by the state department of transportation  
 32 is necessary for motor vehicle maintenance and  
 33 insurance costs for the applicable fiscal period,  
 34 shall be returned to the state department of  
 35 transportation and used for the purposes of that  
 36 department during the applicable fiscal period.

[H-1669B](#)

37 4. BOARD OF REGENTS INSTITUTIONS. Notwithstanding  
 38 section 8.33 and any other provision of law to the  
 39 contrary, moneys in a depreciation fund for the  
 40 purchase of motor vehicles by an institution under the  
 41 control of the state board of regents in excess of the  
 42 amount determined by that institution is necessary for  
 43 motor vehicle maintenance and insurance costs for the  
 44 applicable fiscal period, shall be returned to the  
 45 institution under the control of the state board of  
 46 regents and used for the purposes of that institution  
 47 during the applicable fiscal period.

[H-1669A](#)

48 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 49 division of this Act concerning vehicle depreciation  
 50 funds, being deemed of immediate importance, takes

Page 2

- 1 effect upon enactment."
- 2 2. By renumbering as necessary.

Hunter of Polk moved the adoption of amendment [H-1669A](#) to the Senate amendment [H-1662](#).

Roll call was requested by Raecker of Polk and Smith of Marshall.

On the question "Shall amendment [H-1669A](#) to the Senate amendment [H-1662](#) be adopted?" ([H.F. 809](#))

The ayes were, 95:

- |             |         |          |        |
|-------------|---------|----------|--------|
| 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	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Pettengill	Quirk	Raecker
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Petersen, Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Murphy, Spkr.	Rants	Rayhons
Van Engelenhoven			

Amendment [H-1669A](#) was adopted.

Hunter of Polk asked and received unanimous consent to withdraw amendment [H-1669B](#) to the Senate amendment [H-1662](#).

Pettengill of Benton offered the following amendment [H-1673](#), to the Senate amendment [H-1662](#), filed by Raecker of Polk and moved its adoption:

[H-1673](#)

- 1 Amend the Senate amendment, [H-1662](#), to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 5, by striking lines 26 and 27 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 31, by inserting after line 23 the
- 7 following:"
- 8 2. By renumbering as necessary.

Roll call was requested by Pettengill of Benton and Raecker of Polk.

On the question "Shall amendment [H-1673](#) to the Senate amendment [H-1662](#) be adopted?" ([H.F. 809](#))

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Frevort	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Palmer	Paulsen	Pettengill	Raecker
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Petersen, Presiding			

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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Amendment [H-1673](#) lost.

Hunter of Polk offered the following amendment [H-1668](#), to the Senate amendment [H-1662](#), filed by him and moved its adoption:

[H-1668](#)

- 1 Amend the Senate amendment, [H-1662](#), to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 5, line 35, through page 6,
- 5 line 6.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 63, nays 24.

Amendment [H-1668](#) was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment [H-1671](#), previously deferred, to the Senate amendment [H-1662](#), filed by Raecker of Polk on April 22, 2009.

McCarthy of Polk asked and received unanimous consent that [House File 809](#) be deferred and that the bill retain its place on the calendar.

The House stood at ease at 11:08 a.m., until the fall of the gavel.

The House resumed session at 11:53 a.m., T. Taylor of Linn in the chair.

On motion by Whitaker of Van Buren, the House was recessed at 11:53 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:20 p.m., Zirkelbach of Jones in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

McCarthy of Polk asked and received unanimous consent to resume consideration of [House File 809](#).

Hunter of Polk moved that the House concur in the Senate amendment [H-1662](#), as amended.

The House concurred with the Senate Amendment [H-1662](#), as amended.

Hunter of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 809](#))

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach, Presiding		

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 5:

Chambers	Kuhn	Rants	Rayhons
Van Engelenhoven			

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

#### INTRODUCTION OF BILL

[House File 829](#), by Helland, a bill for an act providing for agriculture and natural resources, by providing for the reorganization of state agencies, providing for the management of funds, fees, and appropriations, and making penalties applicable.

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 809](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 1:40 p.m., until 2:45 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:08 p.m., Speaker Murphy in the chair.

#### HOUSE REFUSED TO CONCUR

Smith of Marshall called up for consideration [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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-1661](#) to the House amendment:

#### [H-1661](#)

- 1 Amend the House amendment, [S-3296](#), to Senate File
- 2 389, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 27 through 40, and
- 5 inserting the following:
- 6 "(1) A person who represents the federation of
- 7 Iowa insurers.
- 8 (2) A person who represents the independent
- 9 insurance agents of Iowa.

10 (3) A person who represents the Iowa association  
11 of health underwriters.  
12 (4) A health care provider who is designated by  
13 the medical home system advisory council.  
14 (5) A person who represents the Iowa federation of  
15 labor.  
16 (6) A consumer designated by AARP.  
17 (7) A consumer designated by the Iowa citizen  
18 action network.  
19 (8) A consumer designated by the Iowa community  
20 action association, who is a member of a racial  
21 minority group.  
22 (9) A person designated by the small business  
23 development centers, who represents small businesses.  
24 (10) A person designated by the united way  
25 organizations in Iowa, who represents a nonprofit  
26 entity.  
27 (11) A health care economist who is on the faculty  
28 of a state board of regents institution."  
29 2. Page 1, line 41, by striking the word "may"  
30 and inserting the following: "shall".  
31 3. Page 1, line 42, by striking the word  
32 "coordinator" and inserting the following: "person or  
33 persons".  
34 4. Page 1, line 43, by striking the word  
35 "coordinator" and inserting the following: "person or  
36 persons employed or contracted with to assist the  
37 commission".  
38 5. Page 3, lines 29 and 30, by striking the words  
39 "health insurance experts" and inserting the  
40 following: "experts or groups with expertise in  
41 health care coverage".  
42 6. Page 4, line 23, by striking the words "health  
43 insurance experts" and inserting the following:  
44 "experts or groups with expertise in health care  
45 coverage".  
46 7. Page 4, line 30, by striking the words "last  
47 report" and inserting the following: "previous annual  
48 report provided on January 1, 2010, including but not  
49 limited to information about health care coverage for  
50 adults, including enrollment information, that was

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1 available for purchase by the public by July 1, 2010,  
2 consistent with the commission's recommendations and  
3 priorities, and including further recommendations and  
4 prioritization of those recommendations".

The motion lost and the House refused to concur in the Senate amendment [H-1661](#), to the House amendment.

## IMMEDIATE MESSAGE

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

## SENATE AMENDMENT CONSIDERED

Berry of Black Hawk called up for consideration [Senate File 433](#), a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-1670](#) to the House amendment:

[H-1670](#)

1 Amend the House amendment, [S-3266](#), to Senate File  
2 433, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 37 the  
5 following:  
6 "\_\_\_\_. Page 2, by striking line 19 and inserting  
7 the following: "such practice prior to an inspection,  
8 no"."  
9 2. Page 1, by inserting before line 38 the  
10 following:  
11 "\_\_\_\_. Page 2, by striking lines 22 through 24 and  
12 inserting the following: "to section 135C.33; 481 IAC  
13 § 57.12(2)(d), 57.12(3), 57.15(5), 57.25(1), 57.39,  
14 58.11(3), 58.14(5), 58.19(2)(a), 58.19(2)(h),  
15 58.28(1)(a), 58.43, 62.9(5), 62.15(1)(a), 62.19(2)(c),  
16 62.19(7), 62.23(23)-(25), 63.11(2)(d), 63.11(3),  
17 63.23(1)(a), 63.37, 64.4(9), 64.33, 64.34, 65.9(5),  
18 65.15, or 65.25(3)-(5), or the successor to any of  
19 such rules; or 42 C.F.R. § 483.420(d), 483.460(c)(4),  
20 or 483.470(j), or the successor to any of such federal  
21 regulations."  
22 3. Page 2, by inserting after line 23 the  
23 following:  
24 "\_\_\_\_. Page 4, by inserting after line 16 the  
25 following:  
26 "Sec.\_\_\_\_. Section 135C.43, subsection 1, Code  
27 2009, is amended to read as follows:  
28 1. A facility which desires to ~~contest a citation~~  
29 ~~for a Class I violation, or to~~ further contest an  
30 affirmed or modified citation for a Class I, Class II,  
31 or Class III violation, may do so in the manner  
32 provided by chapter 17A for contested cases. Notice

33 of intent to formally contest a citation shall be  
 34 given the department in writing within five days ~~after~~  
 35 ~~service of a citation for a Class I violation, or~~  
 36 ~~within five days~~ after the informal conference or  
 37 after receipt of the written explanation of the  
 38 representative delegated to hold the informal  
 39 conference, whichever is applicable, in the case of an  
 40 affirmed or modified citation for a Class I, Class II,  
 41 or Class III violation. A facility which has  
 42 exhausted all adequate administrative remedies and is  
 43 aggrieved by the final action of the department may  
 44 petition for judicial review in the manner provided by  
 45 chapter 17A.""  
 46 4. By renumbering as necessary.

Zirkelbach of Jones in the chair at 3:15 p.m.

The motion prevailed and the House concurred in the Senate amendment [H-1670](#), to the House amendment.

Berry of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 433](#))

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	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede

Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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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 433](#) be immediately messaged to the Senate.

#### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ([House File 671](#))

Bukta of Clinton called up for consideration the report of the conference committee on [House File 671](#) and moved the adoption of the conference committee report and the amendments contained therein, from the floor as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON [HOUSE FILE 671](#)

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on [House File 671](#), a bill for an Act providing volunteer emergency services providers protection from employment termination, respectfully make the following report:

1. That the Senate recedes from its amendment, [H-1441](#).
2. That [House File 671](#), as passed by the House, is amended as follows:

1. Page 1, by inserting before line 1 the following: "Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, as amended by 2009 Iowa Acts, [Senate File 108](#), section 1, is amended to read as follows:

~~The following members, to be appointed by the governor from nominees submitted by volunteer and professional organizations associated with the following~~ The governor

shall solicit and consider recommendations from professional or volunteer organizations in appointing the following members:"

2. Page 2, by inserting after line 19 the following: "Sec.\_\_\_\_. Section 357J.4, Code 2009, is amended to read as follows:

357J.4 DISTRICT – BOUNDARY CHANGES.

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

a. The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

(1) The commission.

(2) The board of township trustees of the area proposed to be included or excluded from the district.

(3) The district fire chief.

(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.

b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request.

Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this Act amending section 80.28, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 19, 2009. The section of this Act amending section 357J.4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008."

3. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions."

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

POLLY BUKTA, Chair  
 KERRY BURT  
 BOB KRESSIG  
 STEVE LUKAN  
 GARY WORTHAN

TOM HANCOCK, Chair  
 JEFF DANIELSON  
 STEVE KETTERING  
 LARRY NOBLE  
 STEVE SODDERS

The motion prevailed and the conference committee report was adopted.

Bukta of Clinton 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. 671](#))

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Chambers	Ford	Gaskill	Rants
Rayhons	Van Engelenhoven		

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 671](#) be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

T. Olson of Linn called up for consideration [House File 759](#), a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, amended by the Senate amendment [H-1559](#) as follows:

#### [H-1559](#)

- 1 Amend [House File 759](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the word "July"
- 4 and inserting the following: "June".
- 5 2. Page 1, by striking lines 21 through 25.
- 6 3. Page 1, line 26, by inserting after the word
- 7 "assistance" the following: "for a flood-related
- 8 disaster".
- 9 4. Page 1, line 29, by inserting after the word
- 10 "to" the following: "the terms, conditions, and
- 11 deadlines set forth in".
- 12 5. Page 1, by inserting after line 29 the
- 13 following:
- 14 "Sec. \_\_\_\_ FLOOD INSURANCE REPORT. The
- 15 commissioner of insurance, in collaboration with the
- 16 rebuild Iowa office and the homeland security and
- 17 emergency management division of the Iowa department
- 18 of public defense, shall develop recommendations on
- 19 policies and incentives to expand the availability and
- 20 procurement of flood insurance in the state, which
- 21 shall be contained in a report transmitted to the
- 22 chairperson and ranking member of the Iowa senate
- 23 rebuild Iowa committee and the Iowa house of
- 24 representatives rebuild Iowa and disaster recovery
- 25 committee by November 15, 2009."
- 26 6. Title page, line 3, by inserting after the

27 word "program" the following: "and requiring  
28 preparation of a flood insurance report by the  
29 commissioner of insurance".  
30 7. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

T. Olson of Linn offered the following amendment [H-1677](#), to the Senate amendment [H-1559](#), filed by him from the floor and moved its adoption:

[H-1677](#)

1 Amend the Senate amendment, [H-1559](#), to House File  
2 759, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 4 the  
5 following:  
6 "\_\_\_\_. Page 1, line 10, by striking the figure  
7 "2013" and inserting the following: "2011".  
8 \_\_\_\_\_. Page 1, line 16, by striking the word  
9 "sixty" and inserting the following: "twenty-four"."

Amendment [H-1677](#) was adopted.

T. Olson of Linn moved that the House concur in the Senate amendment [H-1559](#), as amended.

The motion prevailed and the House concurred in the Senate amendment [H-1559](#), as amended.

T. Olson of Linn moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 759](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohon
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.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Murphy, Spkr.	Rants	Rayhons
Van Engelenhoven			

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 759](#) be immediately messaged to the Senate.

#### CONSIDERATION OF BILLS Regular Calendar

[Senate File 484](#), a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty, with report of committee recommending passage, was taken up for consideration.

Jacoby of Johnson asked and received unanimous consent that amendment [H-1652](#) be deferred.

Jacoby of Johnson offered the following amendment [H-1676](#) filed by him and Watts of Dallas from the floor and moved its adoption:

[H-1676](#)

1 Amend [Senate File 484](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, line 29, by inserting after the word  
4 "chapter." the following: "The information made  
5 available to the public pursuant to this section shall  
6 not include information which is kept confidential  
7 under section 22.7."  
8 2. By striking page 6, line 35, through page 7,  
9 line 7, and inserting the following: "transfer except  
10 as specifically provided by law. Moneys in the fund  
11 shall be used for costs associated with the department  
12 of inspections and appeals' efforts to address medical  
13 assistance program fraud and abuse and for costs  
14 incurred by the department of".  
15 3. Page 7, line 14, by inserting after the word  
16 "expenditures." the following: "This unnumbered  
17 paragraph is repealed on July 1, 2012."  
18 4. Page 7, by inserting after line 14 the  
19 following:  
20 "Sec. \_\_\_\_ MEDICAID FRAUD ACCOUNT. There is  
21 appropriated from the Medicaid fraud account created  
22 in this Act to the department of inspections and  
23 appeals for the fiscal year beginning July 1, 2009,  
24 and ending June 30, 2010, the amount necessary for the  
25 state financial match requirement for meeting the  
26 federal mandates connected with the department's  
27 Medicaid fraud and abuse activities, and the amount  
28 necessary to cover costs incurred by the department or  
29 other agencies in providing regulation, responding to  
30 allegations, or other activity involving chapter  
31 135O."  
32 5. By renumbering as necessary.

Amendment [H-1676](#) was adopted.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment [H-1652](#), previously deferred, filed by him on April 21, 2009.

Lensing of Johnson 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. 484](#))

The ayes were, 93:

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	May	McCarthy	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 7:

Chambers	Mertz	Olson, R.	Rants
Rayhons	Shomshor	Van Engelenhoven	

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 484](#) be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration [House File 811](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and

appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, amended by the Senate amendment [H-1630](#):

[H-1630](#)

- 1 Amend [House File 811](#) as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, line 29, by striking the figure
- 4 "5,266,946" and inserting the following: "5,496,946".
- 5 2. Page 18, by inserting after line 4 the
- 6 following:
- 7 "5A. It is the intent of the general assembly that
- 8 the department of human services review the
- 9 feasibility of expanding categorical food assistance
- 10 program eligibility in Iowa to at least 160 percent of
- 11 the applicable federal poverty level and simplifying
- 12 administrative requirements by eliminating current
- 13 asset tests for food assistance program eligibility.
- 14 The department shall estimate the potential economic
- 15 benefits and fiscal impact of making these changes on
- 16 individual Iowa families and the state. The
- 17 department shall report on or before December 15,
- 18 2009, concerning the review, providing findings and
- 19 recommendations, to the persons designated by this
- 20 division of this Act for submission of reports."
- 21 3. Page 18, line 17, by striking the figure
- 22 "34,342,700" and inserting the following:
- 23 "34,592,700".
- 24 4. Page 18, line 20, by striking the figure
- 25 "2,268,271" and inserting the following: "2,518,271".
- 26 5. Page 21, line 24, by striking the figure
- 27 "678,038,847" and inserting the following:
- 28 "677,613,847".
- 29 6. Page 29, line 29, by striking the figure
- 30 "37,799,472" and inserting the following:
- 31 "37,974,472".
- 32 7. Page 31, line 20, by striking the figure
- 33 "175,000" and inserting the following: "350,000".
- 34 8. Page 32, by striking lines 1 through 8.
- 35 9. Page 33, line 30, by striking the figure
- 36 "34,280,400" and inserting the following:
- 37 "34,200,400".
- 38 10. Page 39, by striking lines 14 through 22.
- 39 11. Page 39, by inserting before line 23 the
- 40 following:
- 41 "\_\_\_\_. Of the funds appropriated in this section,
- 42 \$80,000 shall be transferred to the appropriation made
- 43 in this division of this Act for the family support
- 44 subsidy program to supplement that appropriation."
- 45 12. Page 40, by striking lines 13 through 21.

46 13. Page 41, by inserting after line 20 the  
47 following:  
48 "3. If at any time during the fiscal year, the  
49 amount of funding available for the family support  
50 subsidy program is reduced from the amount initially

Page 2

1 used to establish the figure for the number of family  
2 members for whom a subsidy is to be provided at any  
3 one time during the fiscal year, notwithstanding  
4 section 225C.38, subsection 2, the department shall  
5 revise the figure as necessary to conform to the  
6 amount of funding available."  
7 14. By striking page 42, line 34, through page  
8 43, line 9.  
9 15. Page 44, by striking lines 21 through 27.  
10 16. Page 46, lines 33 and 34, by striking the  
11 words "approved county management plan" and inserting  
12 the following: "county management plan approved by  
13 the board of supervisors".  
14 17. Page 61, by striking lines 21 through 30.  
15 18. Page 61, by inserting before line 31 the  
16 following:  
17 "Sec. \_\_\_\_ PHARMACY-RELATED ISSUES – INTERIM.  
18 1. The legislative council is requested to  
19 establish a legislative study committee for the 2009  
20 interim to identify strategies and solutions to  
21 address problems arising from inappropriate medication  
22 use in the health care system.  
23 2. The study committee shall consist of members of  
24 the general assembly, and representatives of the  
25 department of public health, the Iowa pharmacy  
26 association, the Iowa medical society, wellmark blue  
27 cross blue shield, the principal financial group, the  
28 university of Iowa college of public health, the Iowa  
29 retail federation, the prevention and chronic care  
30 management advisory council established in section  
31 135.161, the medical home system advisory council  
32 established in section 135.159, the Iowa healthcare  
33 collaborative, as defined in section 135.40, the  
34 health policy corporation of Iowa, and the Iowa  
35 foundation for medical care.  
36 3. The study committee shall document the extent  
37 and causes of medication use problems and examine  
38 potential solutions including medication therapy  
39 management programs, evidence-based prescriber  
40 education programs, clinical pharmacy services in the  
41 primary medical home, collaborative practice models of  
42 care, and quality and performance-based payment  
43 systems.  
44 4. The study committee shall submit a report of

45 its findings and recommendations to the general  
46 assembly for consideration during the 2010 legislative  
47 session."  
48 19. Page 71, by inserting after line 9 the  
49 following:  
50 "Sec.\_\_\_\_. Section 426B.5, subsection 2, paragraph

Page 3

1 i, subparagraph (3), Code 2009, is amended to read as  
2 follows:  
3 (3) Avoiding the need for reduction or elimination  
4 of a mobile crisis team or other critical emergency  
5 services when the reduction or elimination places the  
6 public's health or safety at risk."  
7 20. Page 76, by striking lines 10 through 13, and  
8 inserting the following: "efforts of the bodies."  
9 21. Page 78, line 10, by striking the figure  
10 "891,219" and inserting the following: "999,219".  
11 22. Page 78, line 13, by striking the figure  
12 "346,224" and inserting the following: "454,224".  
13 23. Page 78, line 24, by striking the figure  
14 "2,253,507" and inserting the following: "2,720,507".  
15 24. Page 80, line 22, by striking the figure  
16 "61,350" and inserting the following: "225,350".  
17 25. Page 80, line 27, by inserting after the  
18 figure "2006." the following: "The department of  
19 public health shall report to the persons designated  
20 in division I of this Act for submission of reports  
21 regarding use of the funds allocated in this lettered  
22 paragraph, on or before January 10, 2010."  
23 26. Page 80, by striking line 28, and inserting  
24 the following:  
25 "g. (1) Of the funds appropriated in this  
26 subsection, \$347,520".  
27 27. Page 80, by inserting after line 33 the  
28 following:  
29 "(2) Of the funds appropriated in this subsection,  
30 \$70,000 shall be used to provide conference  
31 scholarships to direct care workers.  
32 (3) The association specified in this lettered  
33 paragraph shall report to the persons designated in  
34 division I of this Act for submission of reports on or  
35 before January 1, 2010, the use of the funds allocated  
36 in this lettered paragraph, any progress made  
37 regarding the initiatives specified and in expanding  
38 the association statewide, and the number of  
39 scholarships provided, and shall include in the report  
40 a copy of the association's internal revenue service  
41 form 990."  
42 28. Page 81, line 15, by striking the figure  
43 "111,409,156" and inserting the following:

44 "111,834,156".  
 45 29. Page 81, line 29, by striking the word  
 46 "sixteen" and inserting the following: "seventeen".  
 47 30. Page 84, by striking lines 5 through 12.  
 48 31. Page 85, by inserting after line 16 the  
 49 following:  
 50 "TRAINING FOR CHILD WELFARE SERVICES PROVIDERS

Page 4

1 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section 9,  
 2 subsection 20, paragraph c, subparagraph (6), is  
 3 amended to read as follows:  
 4 (6) For training for child welfare services  
 5 providers, \$250,000. The training shall be developed  
 6 by the department in collaboration with the coalition  
 7 for children and family services in Iowa.  
 8 Notwithstanding section 8.33, moneys allocated in this  
 9 subparagraph that remain unencumbered or unobligated  
 10 at the close of the fiscal year shall not revert but  
 11 shall remain available for expenditure for the  
 12 purposes designated until the close of the succeeding  
 13 fiscal year."  
 14 32. Page 86, by inserting after line 6 the  
 15 following:  
 16 "FAMILY SUPPORT SUBSIDY SLOTS  
 17 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
 18 19, is amended by adding the following new subsection:  
 19 NEW SUBSECTION. 3. If at any time during the  
 20 fiscal year, the amount of funding available for the  
 21 family support subsidy program is reduced from the  
 22 amount initially used to establish the figure for the  
 23 number of family members for whom a subsidy is to be  
 24 provided at any one time during the fiscal year,  
 25 notwithstanding section 225C.38, subsection 2, the  
 26 department shall revise the figure as necessary to  
 27 conform to the amount of funding available.  
 28 PREGNANCY COUNSELING  
 29 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
 30 30, is amended by adding the following new unnumbered  
 31 paragraph:  
 32 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
 33 8.33, moneys appropriated in this section that remain  
 34 unencumbered or unobligated at the close of the fiscal  
 35 year shall remain available for expenditure for the  
 36 purpose designated until the close of the fiscal year  
 37 beginning July 1, 2010."  
 38 33. Page 97, by striking line 10 and inserting  
 39 the following: "~~chairperson, upon the request of a~~  
 40 ~~state agency, state medical examiner~~ or as".  
 41 34. Page 111, by inserting after line 17 the  
 42 following:

43 "DIVISION \_\_\_\_  
44 IOWACARE – NONPARTICIPATING  
45 PROVIDER – REIMBURSEMENT  
46 Sec. \_\_\_\_, NEW SECTION, 249J.24A  
47 NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED  
48 SERVICES – REIMBURSEMENT FUND.  
49 1. A nonparticipating provider may be reimbursed  
50 for covered expansion population services provided to

Page 5

1 an expansion population member by a nonparticipating  
2 provider, if the nonparticipating provider contacts  
3 the appropriate participating provider prior to  
4 providing covered services to verify consensus  
5 regarding one of the following courses of action:  
6 a. If the nonparticipating provider and the  
7 participating provider agree that the medical status  
8 of the expansion population member indicates it is  
9 medically possible to postpone provision of services,  
10 the nonparticipating provider shall direct the  
11 expansion population member to the appropriate  
12 participating provider for services.  
13 b. If the nonparticipating provider and the  
14 participating provider agree that the medical status  
15 of the expansion population member indicates it is not  
16 medically possible to postpone provision of services,  
17 the nonparticipating provider shall provide medically  
18 necessary services.  
19 c. If the nonparticipating provider and the  
20 participating provider agree that transfer of the  
21 expansion population member is not possible due to  
22 lack of available inpatient capacity, the  
23 nonparticipating provider shall provide medically  
24 necessary services.  
25 d. If the medical status of the expansion  
26 population member indicates a medical emergency and  
27 the nonparticipating provider is not able to contact  
28 the appropriate participating provider prior to  
29 providing medically necessary services, the  
30 nonparticipating provider shall document the medical  
31 emergency and inform the appropriate participating  
32 provider immediately after the member has been  
33 stabilized of any covered services provided.  
34 2. a. If the nonparticipating provider meets the  
35 requirements specified in subsection 1, the  
36 nonparticipating provider shall be reimbursed for  
37 covered expansion population services provided to the  
38 expansion population member through the  
39 nonparticipating provider reimbursement fund in  
40 accordance with rules adopted by the department of  
41 human services. However, any funds received from

42 participating providers, appropriated to participating  
43 providers, or deposited in the IowaCare account  
44 pursuant to section 249J.24, shall not be transferred  
45 or appropriated to the nonparticipating provider  
46 reimbursement fund or otherwise used to reimburse  
47 nonparticipating providers.  
48 b. Reimbursement of nonparticipating providers  
49 under this section shall be based on the reimbursement  
50 rates and policies applicable to the nonparticipating

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1 provider under the full benefit medical assistance  
2 program, subject to the availability of funds in the  
3 nonparticipating provider reimbursement fund and  
4 subject to the appropriation of moneys in the fund to  
5 the department.  
6 c. The department shall reimburse the  
7 nonparticipating provider only if the recipient of the  
8 services is an expansion population member with active  
9 eligibility status at the time the services are  
10 provided.  
11 3. a. A nonparticipating provider reimbursement  
12 fund is created in the state treasury under the  
13 authority of the department. Moneys designated for  
14 deposit in the fund that are received from sources  
15 including but not limited to appropriations from the  
16 general fund of the state, grants, and contributions,  
17 shall be deposited in the fund. However, any funds  
18 received from participating providers, appropriated to  
19 participating providers, or deposited in the IowaCare  
20 account pursuant to section 249J.24 shall not be  
21 transferred or appropriated to the nonparticipating  
22 provider reimbursement fund or otherwise used to  
23 reimburse nonparticipating providers.  
24 b. Moneys in the fund shall be separate from the  
25 general fund of the state and shall not be considered  
26 part of the general fund of the state. The moneys  
27 deposited in the fund are not subject to section 8.33  
28 and shall not be transferred, used, obligated,  
29 appropriated, or otherwise encumbered, except to  
30 provide for the purposes specified in this section.  
31 Notwithstanding section 12C.7, subsection 2, interest  
32 or earnings on moneys deposited in the fund shall be  
33 credited to the fund.  
34 c. Moneys deposited in the fund shall be used only  
35 to reimburse nonparticipating providers who provide  
36 covered services to expansion population members if no  
37 other third party is liable for reimbursement and as  
38 specified in subsection 1.  
39 d. The department shall attempt to maximize  
40 receipt of federal matching funds under the medical

41 assistance program for covered services provided under  
42 this section if such attempt does not directly or  
43 indirectly limit the federal funds available to  
44 participating providers.  
45 4. For the purposes of this section,  
46 "nonparticipating provider" means a hospital licensed  
47 pursuant to chapter 135B that is not a member of the  
48 expansion population provider network as specified in  
49 section 249J.7.  
50 Sec.\_\_\_\_. NONPARTICIPATING PROVIDER REIMBURSEMENT

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1 FOR COVERED SERVICES - IOWACARE PROGRAM WAIVER  
2 RENEWAL.

3 1. Beginning July 1, 2010, the department of human  
4 services shall include in any medical assistance  
5 program waiver relating to the continuation of the  
6 IowaCare program pursuant to chapter 249J, provisions  
7 for reimbursement of covered expansion population  
8 services provided to an expansion population member by  
9 a nonparticipating provider subject to all of the  
10 following:

11 a. A nonparticipating provider may be reimbursed  
12 if the nonparticipating provider contacts the  
13 appropriate participating provider prior to providing  
14 covered services to verify consensus regarding one of  
15 the following courses of action:

16 (1) If the nonparticipating provider and the  
17 participating provider agree that the medical status  
18 of the expansion population member indicates it is  
19 medically possible to postpone provision of services,  
20 the nonparticipating provider shall direct the  
21 expansion population member to the appropriate  
22 participating provider for services.

23 (2) If the nonparticipating provider and the  
24 participating provider agree that the medical status  
25 of the expansion population member indicates it is not  
26 medically possible to postpone provision of services,  
27 the nonparticipating provider shall provide medically  
28 necessary services.

29 (3) If the nonparticipating provider and the  
30 participating provider agree that transfer of the  
31 expansion population member is not possible due to  
32 lack of available inpatient capacity, the  
33 nonparticipating provider shall provide medically  
34 necessary services.

35 (4) If the medical status of the expansion  
36 population member indicates a medical emergency and  
37 the nonparticipating provider is not able to contact  
38 the appropriate participating provider prior to  
39 providing medically necessary services, the

40 nonparticipating provider shall document the medical  
41 emergency and inform the appropriate participating  
42 provider immediately after the member has been  
43 stabilized of any covered services provided.  
44 b. Reimbursement of a nonparticipating provider  
45 shall be based on the reimbursement rates and policies  
46 applicable to the nonparticipating provider under the  
47 full benefit medical assistance program, subject to  
48 the availability and appropriation of funds to the  
49 department for such purpose.  
50 c. Reimbursement shall be made to a

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1 nonparticipating provider only if the recipient of the  
2 services is an expansion population member with active  
3 eligibility status at the time the services are  
4 provided.  
5 d. For the purposes of this section,  
6 "nonparticipating provider" means a hospital licensed  
7 pursuant to chapter 135B that is not a member of the  
8 expansion population provider network as specified in  
9 section 249J.7.  
10 2. Notwithstanding the requirement of this section  
11 directing the department of human services to include  
12 provisions for reimbursement of covered services  
13 provided to an expansion population member by a  
14 nonparticipating provider under any medical assistance  
15 program waiver relating to the continuation of the  
16 IowaCare program beginning July 1, 2010, if the  
17 department of human services in consultation with the  
18 governor determines that such requirement would  
19 adversely affect continuation of or would reduce the  
20 amount of funding available for the IowaCare waiver,  
21 the department shall not include such provisions in  
22 the IowaCare waiver."  
23 35. Page 111, by inserting after line 19 the  
24 following:  
25 "Sec\_\_\_ NEW SECTION. 157.3B EXAMINATION  
26 INFORMATION.  
27 Notwithstanding section 147.21, individual pass or  
28 fail examination results made available from the  
29 authorized national testing agency to the board may be  
30 disclosed to the board-approved education program from  
31 which the applicant for licensure graduated for  
32 purposes of verifying accuracy of national data and  
33 reporting aggregate licensure examination results as  
34 required for a program's continued accreditation."

Heddens of Story asked and received unanimous consent to withdraw amendment [H-1680](#), to the Senate amendment [H-1630](#), filed by her from the floor.

Heddens of Story offered the following amendment [H-1694](#), to the Senate amendment [H-1630](#), filed by her from the floor and moved its adoption:

[H-1694](#)

1 Amend the Senate amendment, [H-1630](#), to House File  
2 811, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 2 the  
5 following:  
6 "\_\_\_\_. Page 12, line 31, by striking the figure  
7 "26,106,513" and inserting the following:  
8 "28,606,513".  
9 \_\_\_\_\_. Page 13, line 30, by striking the figure  
10 "28,331,177" and inserting the following:  
11 "25,831,177".  
12 2. Page 1, by striking line 38.  
13 3. Page 2, by striking lines 7 and 8 and  
14 inserting the following:  
15 "\_\_\_\_. Page 42, line 30, by inserting after the  
16 word "consolidation." the following: "The proposal  
17 shall be developed in coordination with the task force  
18 review of the four institutes performed under this  
19 section. The department shall incorporate or address  
20 the findings and recommendations of the task force in  
21 such proposal."  
22 \_\_\_\_\_. Page 42, line 34, by inserting after the  
23 word "force" the following: "to be".  
24 \_\_\_\_\_. Page 43, line 7, by inserting after the word  
25 "institutes." the following: "The review shall be  
26 coordinated with the proposal to be developed by the  
27 department under this section and shall incorporate or  
28 address the proposal findings and recommendations.""  
29 4. Page 2, by inserting after line 13 the  
30 following:  
31 "\_\_\_\_. By striking page 51, line 35, through page  
32 52, line 1, and inserting the following:  
33 "reimbursement rates for inpatient hospital services  
34 shall remain at the rates in effect on June 30, 2009.  
35 The Iowa hospital association shall submit information  
36 to the general assembly's standing committees on  
37 government oversight during the 2010 session of the  
38 general assembly regarding actions taken to increase  
39 compensation and other costs of employment for  
40 hospital staff who provide direct care to patients.""

41 5. Page 2, by striking line 14.  
42 6. Page 2, line 26, by inserting after the word  
43 "society," the following: "the Iowa nurses  
44 association,".  
45 7. Page 3, by inserting before line 9 the  
46 following:  
47 "\_\_\_\_. Page 76, by inserting before line 14 the  
48 following:  
49 "Sec.\_\_\_\_. STATE RESOURCE CENTER BILLINGS –  
50 AMERICAN RECOVERY AND REINVESTMENT ACT. For the

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1 period beginning October 1, 2008, and ending September  
2 30, 2010, or the period for which funding from the  
3 federal American Recovery and Reinvestment Act of 2009  
4 can be used for the cost of care for patients at a  
5 state resource center, whichever is longer, the per  
6 diem amounts billed to counties under section 222.73  
7 for such care may be adjusted downward by an  
8 applicable percentage of the nonfederal portion of the  
9 billing amounts, as necessary to comply with the  
10 intent of the federal Act.  
11 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
12 APPLICABILITY. The section of this division of this  
13 Act relating to state resource center billings, being  
14 deemed of immediate importance, takes effect upon  
15 enactment, is retroactively applicable to October 1,  
16 2008, and is applicable on and after that date."  
17 8. Page 3, line 16, by striking the figure  
18 "225,350" and inserting the following: "200,000".  
19 9. Page 3, line 18, by striking the word "The"  
20 and inserting the following: "The department may use  
21 a portion of the funds allocated in this paragraph for  
22 an additional position to assist in the continued  
23 implementation including credentialing of direct care  
24 workers. The".  
25 10. Page 3, line 26, by striking the figure  
26 "347,520" and inserting the following: "150,000".  
27 11. Page 3, by inserting after line 41 the  
28 following:  
29 "\_\_\_\_. Page 81, by inserting after line 6 the  
30 following:  
31 "j. Of the funds appropriated in this subsection,  
32 \$222,870 shall be transferred to the department of  
33 elder affairs to be used for unmet needs."  
34 12. Page 3, by inserting after line 47 the  
35 following:  
36 "\_\_\_\_. Page 84, by inserting after line 29 the  
37 following:  
38 "c. The funds appropriated in this section that  
39 remain available for expenditure for the succeeding

40 fiscal year pursuant to section 35D.18, subsection 5,  
41 shall be distributed to be used in the succeeding  
42 fiscal year in accordance with this lettered  
43 paragraph. The first \$1,000,000 shall remain  
44 available to be used for the purposes of the Iowa  
45 veterans home. On or before October 15, 2009, the  
46 department of management shall transfer \$1,833,333 to  
47 the appropriation for the medical assistance program  
48 to be used for rebasing of hospital reimbursement  
49 under the medical assistance program. Any remaining  
50 funding shall be used for purposes of the Iowa

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1 veterans home."  
2 \_\_\_\_\_. Page 85, line 16, by striking the figure  
3 "593,302,330" and inserting the following:  
4 "587,884,830".  
5 13. Page 4, by inserting after line 13 the  
6 following:  
7 "\_\_\_\_\_. Page 85, by inserting after line 32 the  
8 following:  
9 "Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
10 9, is amended by adding the following new subsection:  
11 NEW SUBSECTION. 25. The revised appropriation  
12 made in this section incorporates reductions made  
13 pursuant to executive order number 10 issued on  
14 December 22, 2008."  
15 14. Page 8, by inserting after line 34 the  
16 following:  
17 "\_\_\_\_\_. Page 113, by inserting after line 10 the  
18 following:  
19 "Sec.\_\_\_\_. CHILD SUPPORT ENFORCEMENT INFORMATION.  
20 The sections of 2009 Iowa Acts, [Senate File 319](#),  
21 amending section 252B.5, subsection 9, paragraph b,  
22 unnumbered paragraph 1; section 252B.9, subsection 2,  
23 unnumbered paragraph 1; section 252B.9, subsection 2,  
24 paragraph a; section 252B.9, subsection 2, paragraph  
25 b, unnumbered paragraph 1; section 252B.9, subsection  
26 2, paragraph b, subparagraph (1); section 252B.9,  
27 subsection 3, paragraphs e and g; section 252B.9A,  
28 subsection 1; section 252G.5, subsections 2 and 3;  
29 section 598.22, subsection 3; and section 598.26,  
30 subsection 1, Code 2009, and providing for such  
31 amendments' effective date, are repealed."  
32 15. Page 8, by inserting before line 35 the  
33 following:  
34 "\_\_\_\_\_. Page 113, by inserting before line 16 the  
35 following:  
36 "Sec.\_\_\_\_. EXCHANGE OF ELECTRONIC INDIVIDUALLY  
37 IDENTIFIABLE HEALTH INFORMATION. The executive  
38 committee of the electronic health information

39 advisory council created in section 135.156, with the  
 40 technical assistance of the advisory council and the  
 41 support of the department of public health, shall  
 42 review the electronic exchange of individually  
 43 identifiable health information by health care  
 44 providers for the purpose of treatment with the goal  
 45 of facilitating informed treatment decisions and  
 46 providing higher quality and safer care, while  
 47 protecting the privacy of patients and the security  
 48 and confidentiality of patient information. Following  
 49 the review, the executive committee shall report the  
 50 results of its review and recommendations, including

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1 any proposed changes in state law and rules relating  
 2 to such information exchange, to the governor and the  
 3 general assembly no later than December 15, 2009."  
 4 16. Page 8, by inserting before line 35 the  
 5 following:  
 6 "\_\_\_\_. Page 113, by inserting before line 16 the  
 7 following:  
 8 "Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 9 APPLICABILITY. The section of this division of this  
 10 Act relating to child support enforcement information  
 11 by repealing sections of 2009 Iowa Acts, Senate File  
 12 319, as enacted, being deemed of immediate importance,  
 13 takes effect upon enactment, and is retroactively  
 14 applicable to March 23, 2009."  
 15 17. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Raecker of Polk.

On the question "Shall amendment [H-1694](#) to the Senate  
 amendment [H-1630](#) be adopted?" ([H.F. 811](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	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, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Ford	Rants	Rayhons
Van Engelenhoven			

Amendment [H-1694](#) was adopted.

Heddens of Story moved that the House concur in the Senate amendment [H-1630](#), as amended.

The motion prevailed and the House concurred in the Senate amendment [H-1630](#), as amended.

Heddens of Story moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 811](#))

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller

Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach, Presiding

The nays were, 40:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 4:12 p.m., until the fall of the gavel.

The House resumed session at 4:16 p.m., Zirkelbach of Jones in the chair.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 811](#) be immediately messaged to the Senate.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2009, adopted the conference committee report and passed [Senate File 437](#), a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
([Senate File 437](#))

Kressig of Black Hawk called up for consideration the report of the conference committee on [Senate File 437](#) and moved the adoption of the conference committee report and the amendments contained therein, from the floor as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON [SENATE FILE 437](#)

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 437](#), a bill for an Act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1560.
2. That the House recedes from its amendment, S-3207.
3. That [Senate File 437](#), as passed by the Senate, is amended to read as follows:

1. Page 1, line 2, by striking the word "paragraph" and inserting the following: "paragraphs".

2. Page 1, by inserting after line 6 the following:

"NEW PARAGRAPH. j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the administrator or joint board specified in a chapter 28E agreement, to develop and make recommendations on public policy issues."

3. Page 1, by inserting after line 23 the following:

"Sec. \_\_\_. Section 331.325, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "pioneer cemetery" means a cemetery where there have been ~~six~~ twelve or fewer burials in the preceding fifty years.

Sec. \_\_\_. Section 359.17, subsection 2, Code 2009, is amended to read as follows:

2. A board of township trustees shall give prior notice of a meeting to discuss, deliberate, or act upon a matter relating to the budget or a tax levy of the township or relating to the trustees' duty to provide fire protection service and, if provided, emergency medical service, pursuant to section 359.42. The trustees shall give notice of such meeting at least ~~forty-eight~~ twenty-four hours preceding the commencement of

the meeting. ~~However, a notice is not required pursuant to this subsection when the trustees gather for minor or ministerial matters relating to the trustees' duty for providing such fire protection service or emergency medical service.~~ The notice shall state the time, date, and place of the meeting and the proposed agenda. The notice shall be provided to the county auditor who shall post the notice in an area of the courthouse where notices to the public are commonly posted.

Sec. \_\_\_\_. Section 523I.102, subsection 39, Code 2009, is amended to read as follows:

39. "Pioneer cemetery" means a cemetery where there were ~~six~~ twelve or fewer burials in the preceding fifty years."

4. Title page, by striking lines 1 through 3 and inserting the following:

"An Act relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities."

5. By renumbering as necessary.

ON THE PART OF THE SENATE:      ON THE PART OF THE HOUSE:

RICH OLIVE, Chair  
DENNIS BLACK  
SHAWN HAMERLINCK  
KEITH KREIMAN  
KIM REYNOLDS

BOB KRESSIG, Chair  
KERRY BURT  
GERI HUSER  
NICK WAGNER  
MATT WINDSCHITL

The motion prevailed and the conference committee report was adopted.

Kressig 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?" ([S.F. 437](#))

The ayes were, 95:

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	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, 1:

Mertz

Absent or not voting, 4:

Chambers                  Rants                  Rayhons                  Van Engelenhoven

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 437](#) be immediately messaged to the Senate.

#### Ways and Means Calendar

[House File 826](#), a bill for an act relating to the comprehensive recycling planning task force, was taken up for consideration.

D. Olson of Boone offered amendment [H-1644](#) filed by him as follows:

#### [H-1644](#)

- 1 Amend [House File 826](#) as follows:
- 2 1. Page 2, by inserting after line 35 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1109, section
- 5 11, subsection 3, paragraph b, is amended to read as
- 6 follows:

7 b. Make recommendations for creating and enhancing  
 8 comprehensive sustainable recycling programs. Such  
 9 recommendations may include methods of collecting and  
 10 paying for the recycling of residential, industrial,  
 11 and commercial waste, mechanisms for increasing the  
 12 recycling of construction and demolition waste, and  
 13 incentives for increasing the recycling of yard waste,  
 14 food or other organic waste, hazardous household  
 15 waste, household-generated medical sharps, and  
 16 electronic waste."  
 17 2. By renumbering as necessary.

D. Olson of Boone offered the following amendment [H-1674](#), to  
 amendment [H-1644](#), filed by him and moved its adoption:

[H-1674](#)

1 Amend the amendment, [H-1644](#), to [House File 826](#) as  
 2 follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "waste," the following: "proper disposal of  
 5 household-generated medical sharps".  
 6 2. Page 1, by striking lines 15 and 16 and  
 7 inserting the following: "waste, and electronic  
 8 waste."

Amendment [H-1674](#) was adopted.

On motion by D. Olson of Boone, amendment [H-1644](#), as amended,  
 was adopted.

D. Olson of Boone 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. 826](#))

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
Isenhart	Jacoby	Kaufmann	Kearns

Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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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:

De Boef of Keokuk, today through Friday, April 24, 2009, on request of Roberts of Carroll.

The House stood at ease at 4:47 p.m., until the fall of the gavel.

The House resumed session at 5:09 p.m., Zirkelbach of Jones in the chair.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 826](#) be immediately messaged to the Senate.

The House stood at ease at 5:11 p.m., until the fall of the gavel.

The House resumed session at 7:33 p.m., Soderberg of Plymouth 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 23, 2009, adopted the conference committee report and passed [House File 671](#), a bill for an act providing volunteer emergency services providers protection from employment termination.

Also: That the Senate has on April 23, 2009, insisted on its amendment to [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. (Formerly [SF 48](#).), and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair, the Senator from Pottawattamie, Senator Gronstal; the Senator from Palo Alto, Senator Kibbie; the Senator from Scott, Senator Hartsuch; the Senator from Osceola, Senator Johnson.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED  
([Senate File 389](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [Senate File 389](#): R. Olson of Polk, Chair; Smith of Marshall; Ford of Polk; Soderberg of Plymouth and Kaufmann of Cedar.

[HOUSE FILE 829](#) REREFERRED

The Speaker announced that [House File 829](#), previously referred to the committee on **state government** was rereferred to committee on **environmental protection**.

CONFERENCE COMMITTEE REPORT RECEIVED  
([Senate File 457](#))

A conference committee report signed by the following Senate and House members was filed April 23, 2009, on [Senate File 457](#), a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting

requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

ON THE PART OF THE SENATE:      ON THE PART OF THE HOUSE:

Hogg, Chair  
Bolkcom  
Hamerlinck  
McCoy  
Reynolds

T. Olson, Chair  
Grassley  
Helland  
Isenhart  
D. Olson

#### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23<sup>rd</sup> day of April, 2009: House Files 311, 400 and 817.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 23, 2009, he approved and transmitted to the Secretary of State the following bills:

[House File 817](#), an Act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

[Senate File 456](#), an Act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

### 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\3742 Les and Jean Fetzer, Williamsburg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3743 Edmund Plendl, Maurice – For celebrating his 85<sup>th</sup> birthday.
- 2009\3744 Lois DeVries, Hawarden – For celebrating her 85<sup>th</sup> birthday.
- 2009\3745 Vivian and Lowell Klemme, Le Mars – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3746 Katherine Cushman, Stuart – For celebrating her 91<sup>st</sup> birthday.
- 2009\3747 Lois Koesters, Earling – For celebrating her 90<sup>th</sup> birthday.
- 2009\3748 Vanessa Ruiz, Clear Lake High School – For being named a top performer in the State of Iowa for her powerful pieces in the category of Interpretive Poetry at the All-State Speech Festival.
- 2009\3749 Roger and Marlene Baer, Schleswig – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3750 Chelsea Gauger, Ankeny – For being crowned Miss Iowa USA 2009 and representing the state at the 2009 Miss USA Pageant.

### RESOLUTION FILED

[HR 51](#), by Watts, Koester, May, Gaskill, Helland, Hagenow, Drake, Alons, Anderson, Deyoe, Tymeson, Wagner, Cownie, Raecker, Sorenson, De Boef, Sweeney, Schultz, Huseman, Worthan, Arnold, Horbach, Baudler, Windschitl, Heaton, Soderberg, Upmeyer, Kaufmann, S. Olson, Roberts, Tjepkes, Hunter, Ford, D. Taylor, Struyk, T. Taylor, R. Olson, Swaim, Thede, H. Miller, Lykam, Cohoon

and Gayman, a resolution to honor the athletes and staff of the Woodward Academy for their fourth consecutive high school national powerlifting championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

<a href="#">H-1678</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Cohoon of Des Moines
<a href="#">H-1679</a>	<a href="#">S.F.</a>	<a href="#">479</a>	Struyk of Pottawattamie
			T. Olson of Linn
<a href="#">H-1681</a>	<a href="#">H.F.</a>	<a href="#">711</a>	Lykam of Scott
			Burt of Black Hawk
			R. Olson of Polk
			Berry of Black Hawk
<a href="#">H-1682</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Thomas of Clayton
<a href="#">H-1683</a>	<a href="#">H.F.</a>	<a href="#">827</a>	Watts of Dallas
<a href="#">H-1684</a>	<a href="#">H.F.</a>	<a href="#">827</a>	Watts of Dallas
<a href="#">H-1685</a>	<a href="#">H.F.</a>	<a href="#">827</a>	Watts of Dallas
<a href="#">H-1686</a>	<a href="#">H.F.</a>	<a href="#">827</a>	Watts of Dallas
<a href="#">H-1687</a>	<a href="#">H.F.</a>	<a href="#">686</a>	Whitaker of Van Buren
<a href="#">H-1688</a>	<a href="#">S.F.</a>	<a href="#">429</a>	Whitaker of Van Buren
<a href="#">H-1689</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Cohoon of Des Moines
			Huseman of Cherokee
<a href="#">H-1690</a>	<a href="#">S.F.</a>	<a href="#">304</a>	Sands of Louisa
<a href="#">H-1691</a>	<a href="#">S.F.</a>	<a href="#">465</a>	Wagner of Linn
<a href="#">H-1692</a>	<a href="#">H.F.</a>	<a href="#">822</a>	R. Olson of Polk
<a href="#">H-1693</a>	<a href="#">S.F.</a>	<a href="#">465</a>	Windschitl of Harrison
<a href="#">H-1695</a>	<a href="#">S.F.</a>	<a href="#">483</a>	Quirk of Chickasaw
			Huser of Polk
			Kelley of Black Hawk
			Mertz of Kossuth
<a href="#">H-1696</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Windschitl of Harrison
<a href="#">H-1697</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Helland of Polk
<a href="#">H-1698</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Wagner of Linn
<a href="#">H-1699</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Hagenow of Polk
<a href="#">H-1700</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Huseman of Cherokee
<a href="#">H-1701</a>	<a href="#">H.F.</a>	<a href="#">822</a>	Struyk of Pottawattamie
<a href="#">H-1702</a>	<a href="#">S.F.</a>	<a href="#">465</a>	Wagner of Linn
<a href="#">H-1703</a>	<a href="#">S.F.</a>	<a href="#">304</a>	Sands of Louisa
<a href="#">H-1704</a>	<a href="#">S.F.</a>	<a href="#">304</a>	D. Olson of Boone

[H-1705](#)      [S.F. 465](#)      Wendt of Woodbury  
Windschitl of Harrison

On motion by Reichert of Muscatine the House adjourned at 7:34 p.m., until 9:00 a.m., Friday, April 24, 2009.