

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 26, 2007

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day - Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 26, 2007

The House met pursuant to adjournment at 9:23 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Dolores Mertz of Kossuth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James VanBruggen, clerk to Representative Dennis Cohoon of Des Moines County.

The Journal of Wednesday, April 25, 2007 was approved.

SENATE MESSAGE CONSIDERED

[Senate File 604](#), by committee on ways and means, a bill for an act relating to assessment of property for property tax purposes by establishing the minimum percentage of actual value at which residential property and certain commercial residential property are assessed for purposes of property taxation, providing an annual appropriation for a specified number of years to replace commercial property tax revenues lost to counties and cities, and by allowing multiple assessments of a parcel of commercial residential property in certain circumstances, and by establishing a legislative property tax study committee.

Read first time and referred to committee on **ways and means**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama on request of Rants of Woodbury.

ADOPTION OF [HOUSE RESOLUTION 45](#)

Upmeyer of Hancock called up for consideration [House Resolution 45](#), a resolution honoring the activities and commitment of the Patriot Guard Riders, and moved its adoption.

The motion prevailed and the resolution was adopted.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Resolution 51](#).

ADOPTION OF [HOUSE RESOLUTION 51](#)

Smith of Marshall and Roberts of Carroll called up for consideration [House Resolution 51](#), a resolution to recognize May 2007 as American Stroke Awareness Month and National High Blood Pressure Education Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Resolution 52](#).

ADOPTION OF [HOUSE RESOLUTION 52](#)

Bell of Jasper and Roberts of Carroll called up for consideration [House Resolution 52](#), a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eighty-second General Assembly were presented to the following Pages by Speaker

Murphy, Majority Leader Kevin McCarthy and Minority Leader Christopher Rants:

Jordan Anderson	Allyson Hansen
Jordan Campbell	Heidi Horstman
Desmond Grady	Tiffany Kelderhouse-Tucker
Kelsey Heino	Lindsay Norton
Lena Mays	Alejandro Patino
Angela Tweedy	Madison Short
Trevor Boeckmann	Elizabeth Smith
Abby Finkenauer	Brianna Steitzer
Chynna Frana	Krista Wiley
Brian Gress	Katie Wollan
Amanda Greider	

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 808, 817, 829** and **Senate Files 421, 503** and **559**.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ([Senate File 472](#))

T. Taylor of Linn called up for consideration the report of the conference committee on [Senate File 472](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON [SENATE FILE 472](#)

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 472](#), a bill for an Act requiring the posting of close-clearance warning devices along railroad tracks and providing a penalty, respectfully make the following report:

1. That the House recedes from its amendment, S-3360.

1. Page 1, by inserting after line 30 the following:

2. That [Senate File 472](#), as amended, passed, and reprinted by the Senate, is amended to read as follows:

"7. This section only applies to a location where a close-clearance warning device is required to be placed pursuant to rules of the department when funds are available from the department to reimburse the owner of the railroad track for the cost of the close-clearance warning device, including cost of installation."

ON THE PART OF THE SENATE

DICK L. DEARDEN, Chair
THOMAS G COURTNEY
PAT WARD
STEVE WARNSTADT

ON THE PART OF THE HOUSE

JIM LYKAM, Chair
DOLORES M. MERTZ
TODD TAYLOR

T. Taylor of Linn moved the adoption of the conference committee report.

A non-record roll call was requested.

The ayes were 50, nays 42.

The conference committee report was adopted.

T. Taylor of Linn 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. 472](#))

The ayes were, 56:

Abdul-Samad	Anderson	Bailey	Bell
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Granzow	Heddens	Hunter
Huser	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Wise	Mr. Speaker Murphy

The nays were, 39:

Alons	Arnold	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Greiner	Heaton	Hoffman	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Windschitl	Worthan	

Absent or not voting, 5:

Berry	Gipp	Horbach	Olson, R.
Zirkelbach			

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

HOUSE REFUSES TO CONCUR

Foege of Linn called up for consideration [House File 909](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective date provisions amended by the Senate, and moved that the House concur in the following Senate amendment [H-2041](#):

[H-2041](#)

1 Amend [House File 909](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, line 16, by striking the word "if" and
 4 inserting the following: "as".
 5 2. Page 6, by striking lines 10 through 12 and
 6 inserting the following: "shall be used to administer
 7 or implement the information and".
 8 3. Page 7, line 13, by striking the figure
 9 "1,690,000" and inserting the following: "2,215,000".
 10 4. Page 7, by inserting after line 13 the
 11 following:
 12 "The amount appropriated in this subsection for
 13 addictive disorders reflects an increase of \$525,000
 14 from the funding remaining in the gambling treatment
 15 fund from the carryforward of appropriations made for
 16 addictive disorders in previous fiscal years. Of this
 17 amount, \$50,000 shall be transferred to the department

18 of corrections to supplement funding for the adult
19 drug court program in the fifth judicial district,
20 \$25,000 shall be transferred to the department of
21 corrections to supplement funding for the adult drug
22 court program in the second judicial district,
23 \$150,000 shall be transferred to the department of
24 human rights to supplement funding for the family
25 development and self-sufficiency grant program, and
26 \$300,000 shall be transferred to the department of
27 human rights to be used in addition to any other
28 funding appropriated in this Act for the energy
29 utility assessment and resolution program established
30 pursuant to section 216A.104, as enacted by this Act."

31 5. Page 9, line 18, by inserting after the word
32 "FUND," the following:

33 "1."

34 6. Page 9, by striking lines 27 through 30 and
35 inserting the following: "of the United States, in
36 accordance with section 35A.15, as enacted by 2007
37 Iowa Acts, [Senate File 407](#):"

38 7. Page 9, line 32, by striking the word
39 "section" and inserting the following: "subsection".

40 8. Page 10, line 1, by striking the word
41 "section" and inserting the following: "subsection".

42 9. Page 10, line 4, by striking the word
43 "section" and inserting the following: "subsection".

44 10. Page 10, line 15, by striking the word
45 "section" and inserting the following: "subsection".

46 11. Page 10, by inserting after line 17 the
47 following:

48 "2. If after the contingent appropriation is made
49 in subsection 1 the balance in the veterans trust fund
50 for the fiscal year beginning July 1, 2007, exceeds

Page 2

1 \$5,000,000, exclusive of any amount from interest or
2 earnings on moneys in the trust fund or otherwise
3 received from a source other than the general fund of
4 the state or the rebuild Iowa infrastructure fund, the
5 amount in excess of \$5,000,000 is appropriated to the
6 department of veterans affairs for the fiscal year
7 beginning July 1, 2007, and ending June 30, 2008, for
8 transfer to the Iowa finance authority to be used as
9 funding in addition to the appropriation in subsection
10 1 for the home ownership assistance program."

11 12. Page 10, line 26, by striking the word
12 "commission" and inserting the following:
13 "department".

14 13. Page 10, lines 29 and 30, by striking the
15 words ", which shall be done by" and inserting the
16 following: "no later than".

17 14. Page 11, by inserting after line 18 the
 18 following:
 19 "Notwithstanding section 8.33, not more than 5
 20 percent of the moneys designated in this subsection
 21 that are allocated by the department for contracted
 22 services other than family self-sufficiency grant
 23 services allocated under this subsection, that remain
 24 unencumbered or unobligated at the close of the fiscal
 25 year shall not revert but shall remain available for
 26 expenditure for the purposes designated until the
 27 close of the succeeding fiscal year. However, unless
 28 such moneys are encumbered or obligated on or before
 29 September 30, 2008, the moneys shall revert."

30 15. Page 14, by inserting after line 22 the
 31 following:
 32 "0a. To be retained by the department of human
 33 services to be used for coordinating with the
 34 department of human rights to more effectively serve
 35 participants in the FIP program and other shared
 36 clients and to meet federal reporting requirements
 37 under the federal temporary assistance for needy
 38 family block grant:

39 \$ 20,000"

40 16. Page 14, line 27, by striking the figure
 41 "5,583,042" and inserting the following: "5,563,042".

42 17. Page 14, line 32, by inserting after the word
 43 "department" the following: "of human rights".

44 18. By striking page 14, line 35, through page
 45 15, line 4, and inserting the following:
 46 "(3) The department of human rights is responsible
 47 for complying with all federal temporary assistance
 48 for needy family block grant requirements with respect
 49 to the funds allocated in this lettered paragraph and
 50 for any federal penalty that may result from a failure

Page 3

1 to meet the requirements. These responsibilities
 2 include but are not limited to ensuring that all
 3 expenditures of federal block grant and state
 4 maintenance of effort funds are appropriate and
 5 allowable in accordance with federal requirements and
 6 meet federal work participation requirements with
 7 respect to the population receiving benefits or
 8 services under the family development and
 9 self-sufficiency grant program that are subject to
 10 work requirements.

11 (4) With the allocation of funding for the family
 12 development and self-sufficiency grant program
 13 directly to the department of human rights in lieu of
 14 allocation through the department of human services,
 15 the department of human rights shall assume all

16 responsibility for the grant program. The
17 responsibility includes identifying and addressing
18 implementation of any revisions in state law or
19 administrative rule needed to effect this change,
20 including but not limited to identifying any
21 amendments needed to section 217.12.

22 (5) The department of human rights, consistent
23 with the Accountable Government Act in chapter 8E,
24 shall adopt appropriate performance measures for the
25 grant program, including but not limited to measures
26 demonstrating how the program helps families achieve
27 self-sufficiency. The department of human rights
28 shall submit to the governor and general assembly on
29 or before August 31, 2008, a report detailing these
30 measures and the outcomes achieved for fiscal year
31 2007-2008.

32 (6) The department of human rights shall develop a
33 memorandum of agreement with the department of human
34 services to coordinate referrals and delivery of
35 services to participants in the FIP program and other
36 shared clients and shall provide the department of
37 human services with information necessary for
38 compliance with federal temporary assistance for needy
39 families block grant state plan and reporting
40 requirements, including but not limited to financial
41 and data reports."

42 19. By striking page 15, line 34, through page
43 16, line 8.

44 20. Page 16, line 21, by inserting after the word
45 "funding." the following: "If child support
46 collections assigned under FIP are greater than
47 estimated or are otherwise determined not to be
48 required for maintenance of effort, the state share of
49 either amount may be transferred to or retained in the
50 child support payment account."

Page 4

1 21. Page 16, line 35, by inserting after the word
2 "designated" the following: "and for not more than
3 the following full-time equivalent positions".

4 22. Page 17, by inserting after line 4 the
5 following:
6 "..... FTEs 16.50"

7 23. Page 20, line 10, by striking the figure
8 "618,926,820" and inserting the following:
9 "618,826,820".

10 24. Page 20, by inserting after line 28 the
11 following:
12 "1A. Medically necessary abortions do not include
13 partial birth abortions as defined in section 707.8A."

14 25. Page 23, line 2, by inserting after the

15 figure "2008." the following: "If a prescriber
 16 determines that all smoking cessation aids on the
 17 preferred drug list are not effective or medically
 18 appropriate for a patient, the prescriber may apply
 19 for an exception to policy for another product
 20 approved by the United States food and drug
 21 administration for smoking cessation pursuant to 441
 22 IAC 1.8(1)."

23 26. Page 24, line 9, by inserting after the word
 24 "purposes" the following: "and for not more than the
 25 following full-time equivalent positions".

26 27. Page 24, by inserting after line 10 the
 27 following:

28 "..... FTEs 21.00"

29 28. Page 24, line 17, by inserting after the word
 30 "purposes" the following: "and for not more than the
 31 following full-time equivalent positions".

32 29. Page 24, by inserting after line 18, the
 33 following:

34 "..... FTEs 6.00"

35 30. Page 25, line 22, by inserting after the word
 36 "PROGRAM." the following:

37 "1."

38 31. Page 25, by inserting after line 33 the
 39 following:

40 "2. If sufficient funding is available under this
 41 Act, and if federal reauthorization of the state
 42 children's health insurance program provides
 43 sufficient federal allocations to the state and
 44 authorization to cover the following populations as an
 45 option under the state children's health insurance
 46 program, the department may expand coverage under the
 47 state children's health insurance program as follows:
 48 a. By eliminating the categorical exclusion of
 49 state employees from receiving state children's health
 50 insurance program benefits.

Page 5

1 b. By providing coverage for legal immigrant
 2 children and pregnant women not eligible under current
 3 federal guidelines.

4 c. By covering children up to age twenty-one, or
 5 up to age twenty-three if the child is attending
 6 school."

7 32. Page 25, by inserting after line 33 the
 8 following:

9 "3. If the United States congress does not
 10 authorize additional federal funds necessary to
 11 address the shortfall for the state children's health
 12 insurance program for the federal fiscal year
 13 beginning October 1, 2006, and ending September 30,

14 2007, the department may use 100 percent state funds
15 from the appropriation made in this section for the
16 period beginning July 1, 2007, and ending September
17 30, 2007, and may, after consultation with the
18 governor and the general assembly, utilize funding
19 from the appropriations made in this Act for medical
20 assistance to maintain the state children's health
21 insurance program. If deemed necessary, the
22 department shall request a supplemental appropriation
23 from the Eighty-second General Assembly, 2008 Session,
24 to address any remaining shortfall for the fiscal year
25 beginning July 1, 2007."

26 33. Page 33, line 31, by striking the words "and
27 related".

28 34. Page 37, line 25, by striking the figure
29 "5,273,361" and inserting the following: "5,367,652".

30 35. Page 37, line 31, by striking the figure
31 "6,409,501" and inserting the following: "6,540,101".

32 36. Page 38, line 2, by striking the figure
33 "9,358,177" and inserting the following: "9,606,542".

34 37. Page 38, line 8, by striking the figure
35 "1,339,216" and inserting the following: "1,522,598".

36 38. Page 43, line 29, by striking the figure
37 "15,901,927" and inserting the following:
38 "16,101,927".

39 39. Page 44, by inserting after line 3 the
40 following:
41 "3. Of the funds appropriated in this section,
42 \$100,000 is transferred to the department of human
43 rights to be used in addition to any other funding
44 appropriated in this Act for the energy utility
45 assessment and resolution program established pursuant
46 to section 216A.104, as enacted by this Act."

47 40. Page 51, by inserting after line 32 the
48 following:
49 "Sec. ____ Section 217.23, subsection 2, Code
50 2007, is amended to read as follows:

Page 6

1 2. The department ~~is hereby authorized to may~~
2 expend moneys from the support allocation of the
3 department as reimbursement for replacement or repair
4 of personal items of the department's employees
5 damaged or destroyed by clients of the department
6 during the employee's tour of duty. However, the
7 reimbursement shall not exceed ~~one three hundred fifty~~
8 dollars for each item. The department shall establish
9 rules in accordance with chapter 17A to carry out the
10 purpose of this section."

11 41. Page 51, by inserting after line 32 the
12 following:

13 "Sec. ____ Section 231.33, Code 2007, is amended
 14 by adding the following new subsection:
 15 NEW SUBSECTION. 21. Provide the opportunity for
 16 elders residing in the planning and service area to
 17 offer substantive suggestions regarding the employment
 18 practices of the area agency on aging."

19 42. By striking page 72, line 35, through page
 20 73, line 8.

21 43. Page 74, by inserting before line 14 the
 22 following:

23 "Sec. ____ Section 331.439, subsection 5, Code
 24 2007, is amended to read as follows:

25 5. a. A county shall implement the county's
 26 management plan in a manner so as to provide adequate
 27 funding for the entire fiscal year by budgeting for
 28 ninety-nine percent of the funding anticipated to be
 29 available for the plan. A county may expend all of
 30 the funding anticipated to be available for the plan.

31 b. If a county determines that the county cannot
 32 provide services in accordance with the county's
 33 management plan and remain in compliance with the
 34 budgeting requirement of paragraph "a" for the fiscal
 35 year, the county may implement a waiting list for the
 36 services. The procedures for establishing and
 37 applying a waiting list shall be specified in the
 38 county's management plan. If a county implements a
 39 waiting list for services, the county shall notify the
 40 department of human services. The department shall
 41 maintain on the department's internet website an
 42 up-to-date listing of the counties that have
 43 implemented a waiting list and the services affected
 44 by each waiting list.

45 Sec. ____ Section 331.440, subsection 4, as
 46 enacted by 2006 Iowa Acts, chapter 1115, section 17,
 47 is amended to read as follows:

48 4. a. An application for services may be made
 49 through the central point of coordination process of
 50 an adult person's county of residence. Effective July

Page 7

1 1, 2007, if an adult person who is subject to a
 2 central point of coordination process has legal
 3 settlement in another county, the central point of
 4 coordination process functions relating to the
 5 application shall be performed by the central point of
 6 coordination process of the person's county of
 7 residence in accordance with the county of residence's
 8 management plan approved under section 331.439 and the
 9 person's county of legal settlement is responsible for
 10 the cost of the services or other support authorized
 11 at the rates reimbursed by the county of residence.

12 b. The county of residence shall determine whether
 13 or not the person's county of legal settlement has
 14 implemented a waiting list in accordance with section
 15 331.439, subsection 5. If the person's county of
 16 legal settlement has implemented a waiting list, the
 17 services or other support for the person shall be
 18 authorized by the county of residence in accordance
 19 with the county of legal settlement's waiting list
 20 provisions.

21 c. At the time services or other support are
 22 authorized, the county of residence shall send the
 23 county of legal settlement a copy of the authorization
 24 notice."

25 44. Page 84, line 30, by inserting after the word
 26 "pool." the following: "The mental health, mental
 27 retardation, developmental disabilities, and brain
 28 injury commission shall adopt rules pursuant to
 29 chapter 17A providing criteria for the purposes of
 30 this lettered paragraph and as necessary to implement
 31 the other provisions of this subsection."

32 45. Page 85, line 19, by striking the word "A".

33 46. Page 85, by striking lines 20 and 21 and
 34 inserting the following: "Any unobligated".

35 47. Page 85, line 30, by inserting after the word
 36 "individual." the following: "UA county may submit a
 37 reapproval application beginning on July 1 for the
 38 fiscal year of submission and the risk pool board
 39 shall notify the county of the risk pool board's
 40 decision concerning the application within forty-five
 41 days of receiving the application."

42 48. Page 86, line 12, by striking the word "The"
 43 and inserting the following: "The Subject to the
 44 amount available and obligated from the risk pool for
 45 a fiscal year, the".

46 49. Page 86, by inserting after line 27 the
 47 following:

48 "l. If the board has made its decisions but has
 49 determined that there are otherwise qualifying
 50 requests for risk pool assistance that are beyond the

Page 8

1 amount available in the risk pool fund for a fiscal
 2 year, the board shall compile a list of such requests
 3 and the supporting information for the requests. The
 4 list and information shall be submitted to the mental
 5 health, mental retardation, developmental
 6 disabilities, and brain injury commission, the
 7 department of human services, and the general
 8 assembly."

9 50. Page 94, line 18, by inserting after the
 10 figure "331.424A." the following: "A county

11 transferring moneys from other funds of the county to
12 the county's services fund pursuant to this section or
13 utilizing the nonreversion authority provided in the
14 division of this Act relating to decategorization
15 project funding, shall submit a report detailing the
16 transfers made and fund affected and explaining how
17 the moneys made available by the nonreversion
18 authority were expended. The county shall submit the
19 report along with the county expenditure and
20 information report submitted by December 1, 2007, in
21 accordance with section 331.439."

22 51. Page 94, line 31, by striking the figure
23 "9,332,254" and inserting the following: "8,993,754".

24 52. Page 95, line 14, by striking the figure
25 "8,200,254" and inserting the following: "7,861,754".

26 53. Page 95, line 24, by inserting after the word
27 "promotion." the following: "Of the funds allocated
28 in this lettered paragraph, not more than \$500,000
29 shall be used for cessation media promotion. Of the
30 funds allocated in this lettered paragraph, \$255,000
31 may be utilized by the department for administrative
32 purposes."

33 54. Page 95, by striking lines 25 and 26.

34 55. Page 95, line 30, by striking the figure
35 "439,000" and inserting the following: "687,500".

36 56. Page 96, line 8, by striking the figure "337"
37 and inserting the following: "910".

38 57. Page 96, line 12, by striking the figure
39 "517" and inserting the following: "906".

40 58. Page 96, by inserting after line 12 the
41 following:

42 "e. Of the funds appropriated in this subsection,
43 \$10,000 shall be used for public health education and
44 awareness of the children's vision initiatives,
45 including the InfantSee program and the student vision
46 program, administered through a statewide association
47 of optometric professionals for infants and preschool
48 children.

49 f. Of the funds appropriated in this subsection,
50 \$238,500 shall be used to provide audiological

Page 9

1 services and hearing aids for children. The
2 department may enter into a contract to administer
3 this paragraph."

4 59. Page 96, line 14, by striking the figure
5 "1,178,981" and inserting the following: "1,188,981".

6 60. Page 96, by striking lines 20 and 21 and
7 inserting the following: "shall be used for the
8 comprehensive cancer control program to reduce the
9 burden of cancer in Iowa through".

- 10 61. Page 96, by inserting after line 31 the
- 11 following:
- 12 "e. Of the funds appropriated in this subsection,
- 13 \$10,000 shall be allocated to the university of Iowa,
- 14 Carver college of medicine, department of
- 15 cardiothoracic surgery, to offer extracorporeal
- 16 support for donation after cardiac death."
- 17 62. Page 96, line 33, by striking the figure
- 18 "3,025,000" and inserting the following: "2,890,000".
- 19 63. Page 97, line 3, by striking the figure
- 20 "200,000" and inserting the following: "300,000".
- 21 64. Page 98, by striking lines 18 through 20.
- 22 65. Page 98, by inserting after line 26 the
- 23 following:
- 24 "ff. Of the funds appropriated in this subsection,
- 25 \$75,000 shall be used for implementation of the
- 26 recommendations of the direct care worker task force
- 27 established pursuant to 2005 Iowa Acts, chapter 88,
- 28 based upon the report submitted to the governor and
- 29 the general assembly in December 2006.
- 30 fff. Of the funds appropriated in this subsection,
- 31 \$140,000 shall be used for allocation to an
- 32 independent statewide direct care worker association
- 33 for education, outreach, leadership development,
- 34 mentoring, and other initiatives intended to enhance
- 35 the recruitment and retention of direct care workers
- 36 in health and long-term care."
- 37 66. Page 99, line 8, by striking the figure
- 38 "97,103,096" and inserting the following:
- 39 "97,203,096".
- 40 67. Page 99, line 10, by striking the figure
- 41 "78,065,357" and inserting the following:
- 42 "78,165,357".
- 43 68. Page 100, by striking lines 28 through 32.
- 44 69. Page 100, by inserting before line 33 the
- 45 following:
- 46 "Sec. _____. DEPARTMENT OF MANAGEMENT – COMMUNITY
- 47 EMPOWERMENT OFFICE. There is appropriated from the
- 48 health care trust fund created in section 453A.35A to
- 49 the department of management for the fiscal year
- 50 beginning July 1, 2007, and ending June 30, 2008, the

Page 10

- 1 following amount, or so much thereof as is necessary,
- 2 for the purposes designated:
- 3 For the community empowerment office to implement
- 4 the families with a newborn child voluntary home
- 5 visits program pursuant to section 28.11, as enacted
- 6 by this Act, and for not more than the following
- 7 full-time equivalent positions:
- 8 \$ 190,000

9 FTEs 1.00
 10 Sec. _____. DEPARTMENT OF CORRECTIONS. There is
 11 appropriated from the health care trust fund created
 12 in section 453A.35A to the department of corrections
 13 for the fiscal year beginning July 1, 2007, and ending
 14 June 30, 2008, the following amount, or so much
 15 thereof as is necessary, for the purposes designated:
 16 For additional funding for the drug court program
 17 in the fourth judicial district:
 18 \$ 25,000

19 Of the funds appropriated and allocated to the
 20 department of corrections in this Act and in 2007 Iowa
 21 Acts, [House File 907](#), if enacted, for each drug court
 22 program in the first, second, third, fourth, sixth,
 23 seventh, and eighth judicial districts, \$50,000 shall
 24 be used for substance abuse treatment, and for the
 25 drug court program in the fifth judicial district
 26 \$100,000 shall be used for substance abuse treatment."

27 70. Page 106, by striking lines 23 through 35 and
 28 inserting the following: "providers for provision to
 29 patients at the point of care, including the
 30 development of a centralized intake concept to
 31 determine the eligibility of safety net provider
 32 patients for the prescription drug donation repository
 33 program pursuant to chapter 135M, a drug discount
 34 card, and pharmaceutical manufacturer assistance
 35 programs."

36 71. Page 107, by striking lines 5 through 7 and
 37 inserting the following:
 38 "3. Utilization of a pharmacy benefits manager to
 39 provide low cost patient access to drug therapies."

40 72. Page 107, by striking lines 8 through 10.

41 73. Page 107, line 18, by striking the word
 42 "three" and inserting the following: "two".

43 74. Page 117, by striking lines 24 through 29 and
 44 inserting the following:

45 "Sec. _____. FUNDING – CONTINGENCY.

46 1. The provision in this division of this Act
 47 relating to eligibility for certain persons with
 48 disabilities under the medical assistance program
 49 shall only be implemented if the department of human
 50 services determines that funding is available in

Page 11

1 appropriations made in this Act, in combination with
 2 federal allocations to the state, for the state
 3 children's health insurance program, in excess of the
 4 amount needed to cover the current and projected
 5 enrollment under the state children's health insurance
 6 program. If such a determination is made, the
 7 department of human services shall transfer funding

8 from the appropriations made in this Act for the state
 9 children's health insurance program, not otherwise
 10 required for that program, to the appropriations made
 11 in this Act for medical assistance, as necessary, to
 12 implement such provision of this division of this Act.

13 2. The provision in this division of this Act
 14 relating to the development and support of a
 15 family-to-family health information center shall be
 16 implemented only if discretionary funding is received
 17 from the health resources and services administration
 18 of the United States department of health and human
 19 services for this purpose."

20 75. Page 124, by inserting after line 21 the
 21 following:

22 "DIVISION ____

23 DEPENDENT ADULT ABUSE

24 Sec. ____ Section 235B.3, subsection 1, Code 2007,
 25 is amended to read as follows:

26 1. a. The department shall receive dependent
 27 adult abuse reports and shall collect, maintain, and
 28 disseminate the reports by establishing a central
 29 registry for dependent adult abuse information. The
 30 department shall evaluate the reports expeditiously.
 31 However, the department of inspections and appeals is
 32 solely responsible for the evaluation and disposition
 33 of dependent adult abuse cases within health care
 34 facilities and shall inform the department of human
 35 services of such evaluations and dispositions.

36 b. Reports of dependent adult abuse which is the
 37 result of the acts or omissions of the dependent adult
 38 shall be collected and maintained in the files of the
 39 dependent adult as assessments only and shall not be
 40 included in the central registry.

41 c. A report of dependent adult abuse that meets
 42 the definition of dependent adult abuse under section
 43 235B.2, subsection 5, paragraph "a", subparagraph (1),
 44 subparagraph subdivision (a) or (d), which the
 45 department determines is minor, isolated, and unlikely
 46 to reoccur shall be collected and maintained by the
 47 department as an assessment only for a five-year
 48 period and shall not be included in the central
 49 registry and shall not be considered to be founded
 50 dependent adult abuse. However, a subsequent report

Page 12

1 of dependent adult abuse that meets the definition of
 2 dependent adult abuse under section 235B.2, subsection
 3 5, paragraph "a", subparagraph (1), subparagraph
 4 subdivision (a) or (d), that occurs within the
 5 five-year period and that is committed by the
 6 caretaker responsible for the act or omission which

7 was the subject of the previous report of dependent
 8 adult abuse which the department determined was minor,
 9 isolated, and unlikely to reoccur shall not be
 10 considered minor, isolated, and unlikely to reoccur.

11 Sec. _____. Section 235B.9, Code 2007, is amended by
 12 adding the following new subsection:

13 NEW SUBSECTION. 5. Dependent adult abuse
 14 information which is determined to be minor, isolated,
 15 and unlikely to reoccur shall be expunged five years
 16 after the receipt of the initial report by the
 17 department. If a subsequent report of dependent adult
 18 abuse committed by the caretaker responsible for the
 19 act or omission which was the subject of the previous
 20 report of dependent adult abuse which the department
 21 determined was minor, isolated, and unlikely to
 22 reoccur is received by the department within the
 23 five-year period, the information shall be sealed ten
 24 years after receipt of the subsequent report unless
 25 good cause can be shown why the information should
 26 remain open to authorized access.

27 DIVISION _____

28 ENERGY UTILITY ASSESSMENT AND
 29 RESOLUTION PROGRAM

30 Sec. _____. NEW SECTION. 216A.104 ENERGY UTILITY
 31 ASSESSMENT AND RESOLUTION PROGRAM.

32 1. The general assembly finds that provision of
 33 assistance to prevent utility disconnections will also
 34 prevent the development of public health risks due to
 35 such disconnections. The division shall establish an
 36 energy utility assessment and resolution program
 37 administered by each community action agency for
 38 persons with low incomes who have or need a deferred
 39 payment agreement or are in need of an emergency fuel
 40 delivery to address home energy utility costs.

41 2. A person must meet all of the following
 42 requirements to be eligible for the program:

- 43 a. The person is eligible for the federal
 44 low-income home energy assistance program.
 45 b. The person is a residential customer of an
 46 energy utility approved for the program by the
 47 division.
 48 c. The person has or is in need of a deferred
 49 payment agreement to address the person's home energy
 50 utility costs.

Page 13

1 d. The person is able to maintain or regain
 2 residential energy utility service in the person's own
 3 name.

4 e. The person provides the information necessary
 5 to determine the person's eligibility for the program.

- 6 f. The person complies with other eligibility
 7 requirements adopted in rules by the division.
 8 3. The program components shall include but are
 9 not limited to all of the following:
 10 a. Analysis of a program participant's current
 11 financial situation.
 12 b. Review of a program participant's resource and
 13 money management options.
 14 c. Skills development and assistance for a program
 15 participant in negotiating a deferred payment
 16 agreement with the participant's energy utility.
 17 d. Development of a written household energy
 18 affordability plan.
 19 e. Provision of energy conservation training and
 20 assistance.
 21 f. A requirement that a program participant must
 22 make uninterrupted, regular utility payments while
 23 participating in the program.
 24 4. The division shall implement accountability
 25 measures for the program and require regular reporting
 26 on the measures by the community action agencies.
 27 5. The division shall implement the program
 28 statewide, subject to the funding made available for
 29 the program.

30 DIVISION ____

31 PASSPORT SANCTIONS

- 32 Sec. ____ Section 252B.5, subsection 11, paragraph
 33 a, Code 2007, is amended to read as follows:
 34 a. Comply with federal procedures to periodically
 35 certify to the secretary of the United States
 36 department of health and human services, a list of the
 37 names of obligors determined by the unit to owe
 38 delinquent support, under a support order as defined
 39 in section 252J.1, in excess of ~~five two~~ thousand five
 40 hundred dollars. The certification of the delinquent
 41 amount owed may be based upon one or more support
 42 orders being enforced by the unit if the delinquent
 43 support owed exceeds ~~five two~~ thousand five hundred
 44 dollars. The certification shall include any amounts
 45 which are delinquent pursuant to the periodic payment
 46 plan when a modified order has been retroactively
 47 applied. The certification shall be in a format and
 48 shall include any supporting documentation required by
 49 the secretary.
 50 Sec. ____ Section 252B.5, subsection 11, paragraph

Page 14

- 1 b, subparagraph (1), subparagraph subdivision (b),
 2 Code 2007, is amended to read as follows:
 3 (b) A statement providing information that if the
 4 delinquency is in excess of ~~five two~~ thousand five

5 hundred dollars, the United States secretary of state
 6 may apply a passport sanction by revoking,
 7 restricting, limiting, or refusing to issue a passport
 8 as provided in 42 U.S.C. § 652(k).
 9 Sec. _____. Section 252B.5, subsection 11, paragraph
 10 b, subparagraph (2), subparagraph subdivision (a),
 11 unnumbered paragraph 1, Code 2007, is amended to read
 12 as follows:

13 A challenge shall be based upon mistake of fact.
 14 For the purposes of this subsection, "mistake of fact"
 15 means a mistake in the identity of the obligor or a
 16 mistake in the amount of the delinquent child support
 17 owed if the amount did not exceed ~~five~~ two thousand
 18 five hundred dollars on the date of the unit's
 19 decision on the challenge.

20 Sec. _____. Section 252B.5, subsection 11, paragraph
 21 c, Code 2007, is amended to read as follows:

22 c. Following certification to the secretary, if
 23 the unit determines that an obligor no longer owes
 24 delinquent support in excess of ~~five~~ two thousand five
 25 hundred dollars, the unit shall provide information
 26 and notice as the secretary requires to withdraw the
 27 certification for passport sanction.

28 Sec. _____. EFFECTIVE DATE. This division of this
 29 Act takes effect October 1, 2007.

30 DIVISION ____

31 MANDATORY REVIEW AND ADJUSTMENT 32 OF CHILD SUPPORT ORDERS

33 Sec. _____. Section 252B.26, Code 2007, is amended
 34 to read as follows:

35 252B.26 SERVICE OF PROCESS.

36 Notwithstanding any provision of law to the
 37 contrary, the unit may serve a petition, notice, or
 38 rule to show cause under chapter 252A, 252C, 252F,
 39 252H, 252K, 598, or 665 as specified in each chapter,
 40 or as follows:

41 1. The unit may serve a petition, notice, or rule
 42 to show cause by certified mail. Return
 43 acknowledgment is required to prove service by
 44 certified mail, rules of civil procedure 1.303(5) and
 45 1.308(5) shall not apply, and the return
 46 acknowledgment shall be filed with the clerk of court.
 47 2. The unit may serve a notice of intent under
 48 chapter 252H, or a notice of decision under section
 49 252H.14A, upon any party or parent who is receiving
 50 family investment program assistance for the parent or

Page 15

1 child by sending the notice by regular mail to the
 2 address maintained by the department. Rules of civil
 3 procedure 1.303(5) and 1.308(5) shall not apply and

4 the unit shall file proof of service as provided in
5 chapter 252H. If the notice is determined to be
6 undeliverable, the unit shall serve the notice as
7 otherwise provided in this section or by personal
8 service.

9 Sec. _____. Section 252H.7, subsection 2, unnumbered
10 paragraph 1, Code 2007, is amended to read as follows:

11 A parent may waive the postreview waiting period
12 provided for in section 252H.8, subsection 1A or 6,
13 for a court hearing or in section 252H.17 for
14 requesting of a second review.

15 Sec. _____. Section 252H.8, subsection 1, Code 2007,
16 is amended to read as follows:

17 1. For actions initiated under ~~subchapter II~~
18 section 252H.15, either parent or the unit may request
19 a court hearing within thirty days from the date of
20 issuance of the notice of decision under section
21 252H.16, or within ten days of the date of issuance of
22 the second notice of decision under section 252H.17,
23 whichever is later.

24 Sec. _____. Section 252H.8, Code 2007, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 1A. For actions initiated under
27 section 252H.14A, either parent or the unit may
28 request a court hearing within ten days of the
29 issuance of the second notice of decision under
30 section 252H.17.

31 Sec. _____. Section 252H.8, subsection 4, paragraph
32 b, Code 2007, is amended to read as follows:

33 b. The return of service, proof of service,
34 acceptance of service, or signed statement by the
35 parent requesting review and adjustment or requesting
36 modification, waiving service of the notice.

37 Sec. _____. Section 252H.8, subsection 6, Code 2007,
38 is amended to read as follows:

39 6. For actions initiated under ~~subchapter II~~
40 section 252H.15, a hearing shall not be held for at
41 least thirty-one days following the date of issuance
42 of the notice of decision unless the parents have
43 jointly waived, in writing, the thirty-day postreview
44 period.

45 Sec. _____. Section 252H.9, subsection 1, Code 2007,
46 is amended to read as follows:

47 1. If timely request for a court hearing is not
48 made pursuant to section 252H.8, the unit shall
49 prepare and present an administrative order for
50 adjustment or modification, as applicable, for review

Page 16

1 and approval, ex parte, to the district court where
2 the order to be adjusted or modified is filed.

3 Notwithstanding any other law to the contrary, if more
4 than one support order exists involving children with
5 the same legally established parents, for the purposes
6 of this subsection, the district court reviewing and
7 approving the matter shall have jurisdiction over all
8 other support orders entered by a court of this state
9 and affected under this subsection.

10 Sec. _____. Section 252H.10, unnumbered paragraph 1,
11 Code 2007, is amended to read as follows:

12 Pursuant to section 598.21C, any administrative or
13 court order resulting from an action initiated under
14 this chapter may be made retroactive only ~~to~~ from
15 three months after the date that all parties were
16 successfully served the notice required under section
17 252H.14A, 252H.15, or section 252H.19, as applicable.

18 Sec. _____. Section 252H.11, subsection 2, Code
19 2007, is amended to read as follows:

20 2. If the modification action filed by the parent
21 is subsequently dismissed before being heard by the
22 court, the unit shall continue the action previously
23 initiated under subchapter II or III, or initiate a
24 new action as follows:

25 a. If the unit previously initiated an action
26 under subchapter II, and had not issued a notice of
27 decision as required under section 252H.14A or
28 252H.16, the unit shall proceed as follows:

29 (1) If notice of intent to review was served
30 ninety days or less prior to the date the modification
31 action filed by the parent is dismissed, the unit
32 shall complete the review and issue the notice of
33 decision.

34 (2) If the modification action filed by the parent
35 is dismissed more than ninety days after the original
36 notice of intent to review was served, the unit shall
37 serve or issue a new notice of intent to review and
38 conduct the review.

39 (3) If the unit initiated a review under section
40 252H.14A, the unit may issue the notice of decision.

41 b. If the unit previously initiated an action
42 under subchapter II and had issued the notice of
43 decision as required under section 252H.14A or
44 252H.16, the unit shall proceed as follows:

45 (1) If the notice of decision was issued ninety
46 days or less prior to the date the modification action
47 filed by the parent is dismissed, the unit shall
48 request, obtain, and verify any new or different
49 information concerning the financial circumstances of
50 the parents and issue a revised notice of decision to

Page 17

1 each parent, or if applicable, to the parent's
2 attorney.

3 (2) If the modification action filed by the parent
4 is dismissed more than ninety days after the date of
5 issuance of the notice of decision, the unit shall
6 serve or issue a new notice of intent to review
7 pursuant to section 252H.15 and conduct a review
8 pursuant to section 252H.16. or conduct a review and
9 serve a new notice of decision under section 252H.14A.

10 c. If the unit previously initiated an action
11 under subchapter III, the unit shall proceed as
12 follows:

13 (1) If the modification action filed by the parent
14 is dismissed more than ninety days after the original
15 notice of intent to modify was served, the unit shall
16 serve a new notice of intent to modify pursuant to
17 section 252H.19.

18 (2) If the modification action filed by the parent
19 is dismissed ninety days or less after the original
20 notice of intent to modify was served, the unit shall
21 complete the original modification action initiated by
22 the unit under this subchapter.

23 (3) Each parent shall be allowed at least twenty
24 days from the date the administrative modification
25 action is reinstated to request a court hearing as
26 provided for in section 252H.8.

27 Sec. _____. NEW SECTION. 252H.14A REVIEWS
28 INITIATED BY THE CHILD SUPPORT RECOVERY UNIT –
29 ABBREVIATED METHOD.

30 1. Notwithstanding section 252H.15, to assist the
31 unit in meeting the requirement for reviews and
32 adjustments under the federal Deficit Reduction Act of
33 2005, Pub. L. No. 109-171, the unit may use procedures
34 under this section to review a support order if all
35 the following apply:

36 a. The right to ongoing child support is assigned
37 to the state of Iowa due to the receipt of family
38 investment program assistance, and a review of the
39 support order is required under section 7302 of the
40 federal Deficit Reduction Act of 2005, Pub. L. No.
41 109-171.

42 b. The unit has access to information concerning
43 the financial circumstances of each parent and one of
44 the following applies:

45 (1) The parent is a recipient of family investment
46 program assistance, medical assistance, or food
47 assistance from the department.

48 (2) The parent's income is from supplemental
49 security income paid pursuant to 42 U.S.C. § 1381a.

50 (3) The parent is a recipient of disability

Page 18

1 benefits under the Act because of the parent's
2 disability.

3 (4) The parent is an inmate of an institution
4 under the control of the department of corrections.

5 2. If the conditions of subsection 1 are met, the
6 unit may conduct a review and determine whether an
7 adjustment is appropriate using information accessible
8 by the unit without issuing a notice under section
9 252H.15 or requesting additional information from the
10 parent.

11 3. Upon completion of the review, the unit shall
12 issue a notice of decision to each parent, or if
13 applicable, to each parent's attorney. The notice
14 shall be served in accordance with the rules of civil
15 procedure or as provided in section 252B.26.

16 4. All of the following shall be included in the
17 notice of decision:

18 a. The legal basis and purpose of the action,
19 including an explanation of the procedures for
20 determining child support, the criteria for
21 determining the appropriateness of an adjustment, and
22 a statement that the unit used the child support
23 guidelines established pursuant to section 598.21B and
24 the provisions for medical support pursuant to chapter
25 252E.

26 b. Information sufficient to identify the affected
27 parties and the support order or orders affected.

28 c. An explanation of the legal rights and
29 responsibilities of the affected parties, including
30 time frames in which the parties must act.

31 d. A statement indicating whether the unit finds
32 that an adjustment is appropriate and the basis for
33 the determination.

34 e. Procedures for contesting the action, including
35 that if a parent requests a second review both parents
36 will be requested to submit financial or income
37 information as necessary for application of the child
38 support guidelines established pursuant to section
39 598.21B.

40 f. Other information as appropriate.

41 5. Section 252H.16, subsection 5, regarding a
42 revised notice of decision shall apply to a notice of
43 decision issued under this section.

44 6. Each parent shall have the right to challenge
45 the notice of decision issued under this section by
46 requesting a second review by the unit as provided in
47 section 252H.17. If there is no new or different
48 information to consider for the second review, the
49 unit shall issue a second notice of decision based on
50 prior information. Each parent shall have the right

Page 19

1 to challenge the second notice of decision by
2 requesting a court hearing as provided in section
3 252H.8.

4 Sec. _____. Section 252H.15, subsection 1, Code
5 2007, is amended to read as follows:

6 1. ~~Prior~~ Unless an action is initiated under
7 section 252H.14A, prior to conducting a review of a
8 support order, the unit shall issue a notice of intent
9 to review and adjust to each parent, or if applicable,
10 to each parent's attorney. However, notice to a child
11 support agency or an agency entitled to receive child
12 or medical support payments as the result of an
13 assignment of support rights is not required.

14 Sec. _____. Section 252H.16, subsection 1, Code
15 2007, is amended to read as follows:

16 1. ~~The~~ For actions initiated under section
17 252H.15, the unit shall conduct the review and
18 determine whether an adjustment is appropriate. As
19 necessary, the unit shall make a determination of the
20 controlling order or the amount of delinquent support
21 due based upon the receipt of social security
22 disability payments as provided in sections 598.22 and
23 598.22C.

24 Sec. _____. Section 252H.17, subsections 1, 2, and
25 6, Code 2007, are amended to read as follows:

26 1. Each parent shall have the right to challenge
27 the notice of decision issued under section 252H.14A
28 or 252H.16, by requesting a second review by the unit.

29 2. A challenge shall be submitted, in writing, to
30 the local child support office that issued the notice
31 of decision, within thirty days of service of the
32 notice of decision under section 252H.14A or within
33 ten days of the issuance of the notice of decision
34 under section 252H.16.

35 6. The unit shall conduct a second review,
36 utilizing any new or additional information provided
37 or available since issuance of the notice of decision
38 under section 252H.14A or under section 252H.16, to
39 determine whether an adjustment is appropriate.

40 Sec. _____. RULES. Until the department of human
41 services amends rules pursuant to chapter 17A
42 necessary to conform with this Act, any existing rule
43 relating to review and adjustment of support orders
44 shall also apply to reviews initiated under section
45 252H.14A, as created in this Act, except that a
46 provision for a time limit, notice, or other procedure
47 which conflicts with a provision of this Act shall not
48 apply.

49 Sec. _____. EFFECTIVE DATE. This division of this
50 Act takes effect October 1, 2007.

Page 20

1 DIVISION ____
2 MEDICAL SUPPORT

3 Sec. _____. Section 252B.5, subsection 2, Code 2007,
4 is amended to read as follows:

5 2. Aid in establishing paternity and securing a
6 court or administrative order for support pursuant to
7 chapter 252A, 252C, 252F, or 600B, or any other
8 chapter providing for the establishment of paternity
9 or support. In an action to establish support, the
10 resident parent may be a proper party defendant for
11 purposes of determining medical support as provided in
12 section 252E.1A. The unit's independent cause of
13 action shall not bar a party from seeking support in a
14 subsequent proceeding.

15 Sec. Section 252C.1, subsection 6, Code 2007,
16 is amended to read as follows:

17 6. "Medical support" means either the provision of
18 coverage under a health benefit plan, including a
19 group or employment-related or an individual health
20 benefit plan, or a health benefit plan provided
21 pursuant to chapter 514E, to meet the medical needs of
22 a dependent and the cost of any premium required by a
23 health benefit plan, or the payment to the obligee of
24 a monetary amount in lieu of providing coverage under
25 a health benefit plan, either of which is an
26 obligation separate from any monetary amount of child
27 support ordered to be paid. "Medical support" which
28 consists of payment of a monetary amount in lieu of a
29 health benefit plan is also an obligation separate
30 from any monetary amount a parent is ordered to pay
31 for uncovered medical expenses pursuant to the
32 guidelines established pursuant to section 598.21B.

33 Sec. _____. Section 252C.3, subsection 1, unnumbered
34 paragraph 1, Code 2007, is amended to read as follows:

35 The administrator may issue a notice stating the
36 intent to secure an order for either ~~payment of~~
37 medical support ~~established as defined provided in~~
38 chapter 252E or payment of an accrued or accruing
39 support debt due and owed to the department or an
40 individual under section 252C.2, or both. The notice
41 shall be served upon the responsible person in
42 accordance with the rules of civil procedure. The
43 notice shall include all of the following:

44 Sec. _____. Section 252C.3, subsection 1, paragraph
45 c, subparagraph (1), Code 2007, is amended to read as
46 follows:

47 (1) A statement that if the responsible person
48 desires to discuss the amount of support that ~~the a~~
49 responsible person should be required to pay, the
50 responsible person may, within ten days after being

Page 21

1 served, contact the office of the child support
2 recovery unit which sent the notice and request a
3 negotiation conference.

4 Sec. _____. Section 252C.12, subsection 2, Code
5 2007, is amended to read as follows:

6 2. Upon receipt of a signed statement from ~~the~~
7 each responsible person waiving the time limitations
8 established in section 252C.3, the administrator may
9 proceed to enter an order for support and the court
10 may approve the order, whether or not the time
11 limitations have expired.

12 Sec. _____. Section 252D.18A, Code 2007, is amended
13 to read as follows:

14 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS –
15 ORDERS FOR HEALTH BENEFIT PLANS – AMOUNTS WITHHELD BY
16 PAYOR.

17 When the obligor ~~is responsible for paying~~ has more
18 than one support obligation ~~and or~~ the payor of income
19 has received more than one ~~income withholding~~
20 notice of an order for the obligor for income
21 withholding or for coverage under a health benefit
22 plan pursuant to chapter 252E, the payor shall
23 withhold amounts in accordance with all of the
24 following:

25 1. The total of all amounts withheld shall not
26 exceed the amounts specified in 15 U.S.C. § 1673(b).
27 For orders or notices issued by the child support
28 recovery unit, the limit for the amount to be withheld
29 shall be specified in the order or notice.

30 2. As reimbursement for the payor's processing
31 costs, the payor may deduct a fee of no more than two
32 dollars for each payment withheld in addition to the
33 amount withheld for support.

34 3. Priority shall be given to the withholding of
35 current support ~~rather than delinquent support~~. The
36 payor shall not allocate amounts withheld in a manner
37 which results in the failure to withhold an amount for
38 one or more of the current child or spousal support
39 obligations. If the limits specified in subsection 1
40 prevent withholding the full amount specified in the
41 order or notice, the payor shall withhold amounts in
42 the following priority:

43 a. Withhold the amount specified for current child
44 and spousal support. To arrive at the amount to be
45 withheld for each obligee, the payor shall total the
46 amounts due for current child and spousal support
47 under the income withholding orders and the notices of
48 orders and determine the proportionate share for each
49 obligee. The proportionate share shall be determined
50 by dividing the amount due for current child and

Page 22

1 spousal support for each order or notice of order by
2 the total due for current child and spousal support
3 for all orders and notices of orders. The results are
4 the percentages of the obligor's net income which
5 shall be withheld for each obligee.

6 b. If, after completing the calculation in
7 paragraph "a", the withholding limit specified under
8 subsection 1 has not been attained, the payor shall
9 withhold the amount necessary to comply with an order
10 or notice of order for a current premium for coverage
11 of a child under a health benefit plan as provided in
12 section 252D.30 or section 252E.1A, subsection 2, or
13 for a current monetary amount for the child for
14 medical support. If there is more than one medical
15 support order or notice of order for a current
16 monetary amount for a child, the payor shall total the
17 amounts due for current monetary amounts for all
18 children for medical support and determine the
19 proportionate share for each obligee. The
20 proportionate amounts shall be established utilizing
21 the procedures established in paragraph "a" for
22 current child and spousal support obligations.

23 ~~b. c.~~ c. If, after completing the calculation
24 calculations in paragraph paragraphs "a" and "b", the
25 withholding limit specified under subsection 1 has not
26 been attained, the payor shall total the amounts due
27 for arrearages and determine the proportionate share
28 for each obligee. The proportionate share amounts
29 shall be established utilizing the procedures
30 established in paragraph "a" for current child and
31 spousal support obligations.

32 d. If after completing the calculations in
33 paragraphs "a", "b", and "c", the withholding limit
34 specified in subsection 1 has not been attained, the
35 payor shall withhold the amount necessary for other
36 child support obligations, unless the order or notice
37 directs otherwise as provided by Title IV, part D, of
38 the federal Social Security Act.

39 4. The payor shall identify and report payments by
40 the obligor's name, account number, amount, and date
41 withheld pursuant to section 252D.17. ~~Until October~~
42 ~~1, 1999, if payments for multiple obligees are~~
43 ~~combined, the portion of the payment attributable to~~
44 ~~each obligee shall be specifically identified.~~
45 ~~Beginning October 1, 1999, if If~~ payments for multiple
46 obligees are combined, the portion of the payment
47 attributable to each obligee shall be specifically
48 identified only if the payor is directed to do so by
49 the child support recovery unit.

50 Sec. _____. Section 252E.1, subsection 9, Code 2007,

Page 23

1 is amended to read as follows:

2 9. "Medical support" means either the provision of
3 a health benefit plan, including a group or
4 employment-related or an individual health benefit
5 plan, or a health benefit plan provided pursuant to
6 chapter 514E, to meet the medical needs of a dependent
7 and the cost of any premium required by a health
8 benefit plan, or the payment to the obligee of a
9 monetary amount in lieu of a health benefit plan,
10 either of which is an obligation separate from any
11 monetary amount of child support ordered to be paid.
12 Medical support is not alimony. "Medical support"
13 which consists of payment of a monetary amount in lieu
14 of a health benefit plan is also an obligation
15 separate from any monetary amount a parent is ordered
16 to pay for uncovered medical expenses pursuant to the
17 guidelines established pursuant to section 598.21B.

18 Sec. _____. NEW SECTION. 252E.1A ESTABLISHING AND
19 MODIFYING ORDERS FOR MEDICAL SUPPORT.

20 This section shall apply to all initial or modified
21 orders for support entered under chapter 234, 252A,
22 252C, 252F, 252H, 598, 600B, or any other applicable
23 chapter.

24 1. An order or judgment that provides for
25 temporary or permanent support for a child shall
26 include a provision for medical support for the child
27 as provided in this section.

28 2. The court shall order as medical support for
29 the child a health benefit plan if available to either
30 parent at the time the order is entered or modified.
31 A plan is available if the plan is accessible and the
32 cost of the plan is reasonable.

33 a. The cost of a health benefit plan is considered
34 reasonable, and such amount shall be stated in the
35 order, if one of the following applies:

36 (1) The premium cost for a child to the parent
37 ordered to provide the plan does not exceed five
38 percent of that parent's gross income.

39 (2) The premium cost for a child exceeds five
40 percent of the gross income of the parent ordered to
41 provide the plan and that parent consents or does not
42 object to entry of that order.

43 b. For purposes of this section, "gross income"
44 has the same meaning as gross income for calculation
45 of support under the guidelines established under
46 section 598.21B.

47 c. For purposes of this section, the premium cost
48 for a child to the parent ordered to provide the plan
49 means the amount of the premium cost for family
50 coverage to the parent which is in excess of the

Page 24

1 premium cost for single coverage, regardless of the
2 number of individuals covered under the plan.
3 However, this paragraph shall not be interpreted to
4 reduce the amount of the health insurance premium
5 deduction a parent may be entitled to when calculating
6 the amount of a child support obligation under Iowa
7 court rule 9.5 of the child support guidelines.

8 3. If a health benefit plan is not available at
9 the time of the entry of the order, the court shall
10 order a reasonable monetary amount in lieu of a health
11 benefit plan, which amount shall be stated in the
12 order. For purposes of this subsection, a reasonable
13 amount means five percent of the gross income of the
14 parent ordered to provide the monetary amount for
15 medical support. This subsection shall not apply in
16 any of the following circumstances:

17 a. If the parent's monthly support obligation
18 established pursuant to the child support guidelines
19 prescribed by the supreme court pursuant to section
20 598.21B is the minimum obligation amount.

21 b. If subsection 7, paragraph "e" applies.

22 4. If the court orders the custodial parent to
23 provide a health benefit plan under subsection 2, the
24 court may also order the noncustodial parent to
25 provide a reasonable monetary amount in lieu of a
26 health benefit plan. For purposes of this subsection,
27 a reasonable monetary amount means an amount not to
28 exceed the lesser of a reasonable amount as described
29 in subsection 3, or the premium cost of coverage for
30 the child to the custodial parent as described in
31 subsection 2, paragraph "c".

32 5. Notwithstanding the requirements of this
33 section, the court may order provisions in the
34 alternative to those provided in this section to
35 address the health care needs of the child if the
36 court determines that extreme circumstances so require
37 and documents the court's written findings in the
38 order.

39 6. An order, decree, or judgment entered before
40 March 1, 2008, that provides for the support of a
41 child may be modified in accordance with this section.

42 7. If the child support recovery unit is providing
43 services under chapter 252B and initiating an action
44 to establish or modify support, all the following
45 shall also apply:

46 a. If a health benefit plan is available as
47 described in subsection 2 to the noncustodial parent,
48 the unit shall seek an order for the noncustodial
49 parent to provide the plan.

50 b. If a health benefit plan is available as

Page 25

1 described in subsection 2 to the custodial parent and
2 not to the noncustodial parent, the unit shall seek an
3 order for the custodial parent to provide the plan.

4 c. If a health benefit plan is available as
5 described in subsection 2 to each parent, and if there
6 is an order for joint physical care, the unit shall
7 seek an order for the parent currently ordered to
8 provide a health benefit plan to provide the plan. If
9 there is no current order for a health benefit plan
10 for the child, the unit shall seek an order for the
11 parent who is currently providing a health benefit
12 plan to provide the plan.

13 d. If a health benefit plan is not available, and
14 the noncustodial parent does not have income which may
15 be subject to income withholding for collection of a
16 reasonable monetary amount in lieu of a health benefit
17 plan at the time of the entry of the order, the unit
18 shall seek an order that the noncustodial parent
19 provide a health benefit plan when a plan becomes
20 available at reasonable cost, and the order shall
21 specify the amount of reasonable cost as defined in
22 subsection 2.

23 e. This section shall not apply to chapter 252H,
24 subchapter IV.

25 Sec. _____. NEW SECTION. 252E.2A SATISFACTION OF
26 MEDICAL SUPPORT ORDER.

27 This section shall apply if the child support
28 recovery unit is providing services under chapter
29 252B.

30 1. Notwithstanding any law to the contrary and
31 without a court order, a medical support order for a
32 child shall be deemed satisfied with regard to the
33 department, the child, the obligor, and the obligee
34 for the period during which all the following
35 conditions are met:

36 a. The order is issued under any applicable
37 chapter of the Code.

38 b. The unit is notified that the conditions of
39 paragraph "c" are met and there is a pending action to
40 establish or modify support initiated by the unit, or
41 the parent ordered to provide medical support submits
42 a written statement to the unit that the requirements
43 of paragraph "c" are met.

44 c. The parent ordered to provide medical support
45 or the parent from whom the unit is seeking to
46 establish or modify medical support meets at least one
47 of the following conditions:

48 (1) The parent is an inmate of an institution
49 under the control of the department of corrections or
50 a comparable institution in another state.

Page 26

1 (2) The parent's monthly child support obligation
2 under the guidelines established pursuant to section
3 598.21B is the minimum obligation amount.

4 (3) The parent is a recipient of assistance under
5 chapter 239B or 249A, or under comparable laws of
6 another state.

7 (4) The parent is residing with any child for whom
8 the parent is legally responsible and that child is a
9 recipient of assistance under chapter 239B, 249A, or
10 514I, or under comparable laws of another state. For
11 purposes of this subparagraph, "legally responsible"
12 means the parent has a legal obligation to the child
13 as specified in Iowa court rule 9.7 of the child
14 support guidelines.

15 d. The unit files a notice of satisfaction with
16 the clerk of the district court. The effective date
17 of the satisfaction shall be stated in the notice and
18 the effective date shall be no later than forty-five
19 days after the unit issues the notice of satisfaction.

20 2. If a medical support order is satisfied under
21 subsection 1, the satisfaction shall continue until
22 all of the following apply:

23 a. The unit is notified that none of the
24 conditions specified in subsection 1, paragraph "c",
25 still applies.

26 b. The unit files a satisfaction termination
27 notice that the requirements for a satisfaction under
28 this section no longer apply. The effective date
29 shall be stated in the satisfaction termination notice
30 and the effective date shall be no later than
31 forty-five days after the unit issues the satisfaction
32 termination notice.

33 3. The unit shall mail a copy of the notice of
34 satisfaction and the satisfaction termination notice
35 to the last known address of the obligor and obligee.

36 4. The department of human services may match data
37 for enrollees of the hawk-i program created pursuant
38 to chapter 514I with data of the unit to assist the
39 unit in implementing this section.

40 5. An order, decree, or judgment entered or
41 pending on or before March 1, 2008, that provides for
42 the support of a child may be satisfied as provided in
43 this section.

44 Sec. _____. Section 252E.4, subsection 1, Code 2007,
45 is amended to read as follows:

46 1. When a support order requires an obligor to
47 provide coverage under a health benefit plan, the
48 district court or the department may enter an ex parte
49 order directing an employer to take all actions
50 necessary to enroll an obligor's dependent for

Page 27

1 coverage under a health benefit plan or may include
2 the provisions in an ex parte income withholding order
3 or notice of income withholding pursuant to chapter
4 252D. The child support recovery unit, where
5 appropriate, shall issue a national medical support
6 notice to an employer within two business days after
7 the date information regarding a newly hired employee
8 is entered into the centralized employee registry and
9 matched with a noncustodial parent in the case being
10 enforced by the unit, or upon receipt of other
11 employment information for such parent. The
12 department may amend the information in the ex parte
13 order or may amend or terminate the national medical
14 support notice regarding health insurance provisions
15 if necessary to comply with health insurance
16 requirements including but not limited to the
17 provisions of section 252E.2, subsection 2, or to
18 correct a mistake of fact.

19 Sec. ____ .Section 252E.5, subsection 3, Code 2007,
20 is amended to read as follows:

21 3. The employer shall withhold from the employee's
22 compensation, the employee's share, if any, of
23 premiums for the health benefit plan in an amount that
24 does not exceed the amount specified in the national
25 medical support notice or order or the amount
26 specified in 15 U.S.C. § 1673(b) and which is
27 consistent with federal law. The employer shall
28 forward the amount withheld to the insurer. If the
29 employee has more than one obligation and if there is
30 insufficient compensation available to meet the
31 employee's share necessary for coverage of the child
32 under a health benefit plan as required under this
33 section or section 252D.30. and to comply with an
34 order to withhold or notice under section 252D.17. the
35 employer shall allocate the funds available in
36 accordance with section 252D.18A.

37 Sec. ____ . Section 252F.1, Code 2007, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 3A. "Party" means a putative
40 father or a mother.

41 Sec. ____ . Section 252F.3, subsection 1, unnumbered
42 paragraph 1, Code 2007, is amended to read as follows:

43 The unit may prepare a notice of alleged paternity
44 and support debt to be served on ~~the putative father a~~
45 party if the mother of the child provides a written
46 statement to the unit certifying in accordance with
47 section 622.1 that the putative father is or may be
48 the biological father of the child or children
49 involved. The notice shall be accompanied by a copy
50 of the statement and served on the putative father in

Page 28

1 accordance with rule of civil procedure 1.305.
2 Service upon the mother shall not constitute valid
3 service upon the putative father. The notice shall
4 include or be accompanied by all of the following:
5 Sec. ____ . Section 252F.3, subsection 1, paragraphs
6 d, f, g, h, j, k, and m, Code 2007, are amended to
7 read as follows:

8 d. A statement that if paternity is established,
9 ~~the putative father a party~~ has a duty to provide
10 accrued and accruing medical support to the child or
11 children in accordance with chapter 252E.

12 f. (1) The right of ~~the putative father a party~~
13 to request a conference with the unit to discuss
14 paternity establishment and the amount of support that
15 ~~the putative father a party~~ may be required to ~~pay~~
16 provide, within ten days of the date of service of the
17 original notice or, if paternity is contested and
18 paternity testing is conducted, within ten days of the
19 date the paternity test results are issued or mailed
20 to ~~the putative father a party~~ by the unit.

21 (2) A statement that if a conference is requested,
22 ~~the putative father a party~~ shall have one of the
23 following time frames, whichever is the latest, to
24 send a written request for a court hearing on the
25 issue of support to the unit:

26 (a) Ten days from the date set for the conference.

27 (b) Twenty days from the date of service of the
28 original notice.

29 (c) If paternity was contested and paternity
30 testing was conducted, and ~~the putative father a party~~
31 does not deny paternity after the testing or challenge
32 the paternity test results, twenty days from the date
33 paternity test results are issued or mailed by the
34 unit to the ~~putative father party~~.

35 (3) A statement that after the holding of the
36 conference, the unit shall issue a new notice of
37 alleged paternity and finding of financial
38 responsibility for child support or medical support,
39 or both, to be provided in person to ~~the putative~~
40 ~~father each party~~ or sent to ~~the putative father each~~
41 ~~party~~ by regular mail addressed to the ~~putative~~
42 ~~father's party's~~ last known address or, if applicable,
43 to the last known address of the ~~putative father's~~
44 ~~party's~~ attorney.

45 (4) A statement that if the unit issues a new
46 notice of alleged paternity and finding of financial
47 responsibility for child support or medical support,
48 or both, ~~the putative father a party~~ shall have one of
49 the following time frames, whichever is the latest, to
50 send a written request for a court hearing on the

Page 29

1 issue of support to the unit:

2 (a) Ten days from the date of issuance of the new
3 notice.

4 (b) Twenty days from the date of service of the
5 original notice.

6 (c) If paternity was contested and paternity
7 testing conducted, and the putative father a party
8 does not deny paternity after the testing or challenge
9 the paternity test results, twenty days from the date
10 the paternity test results are issued or mailed to the
11 putative father party by the unit.

12 g. A statement that if a conference is not
13 requested, and ~~the putative father a party~~ does not
14 deny paternity or challenge the results of any
15 paternity testing conducted but objects to the finding
16 of financial responsibility or the amount of child
17 support or medical support, or both, the ~~putative~~
18 ~~father party~~ shall send a written request for a court
19 hearing on the issue of support to the unit within
20 twenty days of the date of service of the original
21 notice, or, if paternity was contested and paternity
22 testing conducted, and ~~the putative father a party~~
23 does not deny paternity after the testing or challenge
24 the paternity test results, within twenty days from
25 the date the paternity test results are issued or
26 mailed to the ~~putative father party~~ by the unit,
27 whichever is later.

28 h. A statement that if a timely written request
29 for a hearing on the issue of support is received by
30 the unit, the ~~putative father party~~ shall have the
31 right to a hearing to be held in district court and
32 that if no timely written request is received and
33 paternity is not contested, the administrator shall
34 enter an order establishing the putative father as the
35 father of the child or children and establishing child
36 support or medical support, or both, in accordance
37 with the notice of alleged paternity and support debt.

38 j. A written explanation of ~~the putative father's~~
39 ~~a party's~~ right to deny paternity, the procedures for
40 denying paternity, and the consequences of the denial.

41 k. A statement that if ~~the putative father a party~~
42 contests paternity, the ~~putative father party~~ shall
43 have twenty days from the date of service of the
44 original notice to submit a written denial of
45 paternity to the unit.

46 m. A statement that if paternity tests are
47 conducted, the unit shall provide a copy of the test
48 results to ~~the putative father each party~~ in person or
49 send a copy to ~~the putative father each party~~ by
50 regular mail, addressed to the ~~putative father's~~

Page 30

1 ~~party's~~ last known address, or, if applicable, to the
2 last known address of the ~~putative father's~~ party's
3 attorney.

4 Sec. _____. Section 252F.3, subsection 3, unnumbered
5 paragraph 1, Code 2007, is amended to read as follows:

6 If notice is served on ~~the putative father~~ a party,
7 the unit shall file a true copy of the notice and the
8 original return of service with the appropriate clerk
9 of the district court as follows:

10 Sec. _____. Section 252F.3, subsection 4, unnumbered
11 paragraph 1, Code 2007, is amended to read as follows:

12 A ~~putative father~~ party or the child support
13 recovery unit may request a court hearing regarding
14 establishment of paternity or a determination of
15 support, or both.

16 Sec. _____. Section 252F.3, subsection 4, paragraph
17 c, Code 2007, is amended to read as follows:

18 c. Any objection to the results of paternity tests
19 shall be filed no later than twenty days after the
20 date paternity test results are issued or mailed to
21 ~~the putative father~~ each party by the unit. Any
22 objection to paternity test results filed by a party
23 more than twenty days after the date paternity tests
24 are issued or mailed to the ~~putative father~~ party by
25 the unit shall not be accepted or considered by the
26 court.

27 Sec. _____. Section 252F.3, subsection 5, Code 2007,
28 is amended to read as follows:

29 5. If a timely written response and request for a
30 court hearing is not received by the unit and ~~the~~
31 ~~putative father~~ a party does not deny paternity, the
32 administrator shall enter an order in accordance with
33 section 252F.4.

34 Sec. _____. Section 252F.3, subsection 6, paragraphs
35 a, f, and m, Code 2007, are amended to read as
36 follows:

37 a. If a party contests the establishment of
38 paternity, the party shall submit, within twenty days
39 of service of the notice on the ~~putative father~~ party
40 under subsection 1, a written statement contesting
41 paternity establishment to the unit. Upon receipt of
42 a written challenge of paternity establishment, or
43 upon initiation by the unit, the administrator shall
44 enter ex parte administrative orders requiring the
45 mother, child or children involved, and the putative
46 father to submit to paternity testing. Either the
47 mother or putative father may contest paternity under
48 this chapter.

49 f. An original copy of the test results shall be
50 filed with the clerk of the district court in the

Page 31

1 county where the notice was filed. The child support
2 recovery unit shall issue a copy of the filed test
3 results to ~~the putative father and mother of the child~~
4 ~~or children~~ each party in person, or by regular mail
5 to the last known address of each, or if applicable,
6 to the last known address of the attorney for each.
7 However, if the action is the result of a request from
8 a foreign jurisdiction, the unit shall issue a copy of
9 the results to the initiating agency in that foreign
10 jurisdiction.

11 m. If the paternity test results exclude the
12 putative father as a potential biological father of
13 the child or children, and additional tests are not
14 requested by either party or conducted on the unit's
15 initiative, or if additional tests exclude the
16 putative father as a potential biological father, the
17 unit shall withdraw its action against the putative
18 father and shall file a notice of the withdrawal with
19 the clerk of the district court, and shall provide a
20 copy of the notice to ~~the putative father~~ each party
21 in person, or by regular mail sent to ~~the putative~~
22 ~~father's~~ each party's last known address, or if
23 applicable, the last known address of the ~~putative~~
24 ~~father's party's~~ attorney.

25 Sec. _____. Section 252F.4, Code 2007, is amended to
26 read as follows:

27 252F.4 ENTRY OF ORDER.

28 1. If ~~the putative father fails~~ both parties fail
29 to respond to the initial notice within twenty days
30 after the date of service of the notice or ~~fails fail~~
31 to appear at a conference pursuant to section 252F.3
32 on the scheduled date of the conference, and paternity
33 has not been contested and ~~the putative father fails~~
34 both parties fail to timely request a court hearing on
35 the issue of support, the administrator shall enter an
36 order against the ~~putative father parties~~, declaring
37 the putative father to be the legal father of the
38 child or children involved and assessing any accrued
39 and accruing child support obligation pursuant to the
40 guidelines established under section 598.21B, and
41 medical support pursuant to chapter 252E, ~~against the~~
42 ~~father~~.

43 2. If paternity is contested pursuant to section
44 252F.3, subsection 6, and the party contesting
45 paternity fails to appear for a paternity test and
46 fails to request a rescheduling pursuant to section
47 252F.3, or fails to appear for both the initial and
48 the rescheduled paternity tests and ~~the putative~~
49 ~~father fails~~ both parties fail to timely request a
50 court hearing on the issue of support, the

Page 32

1 administrator shall enter an order against the
2 ~~putative father parties~~ declaring the putative father
3 to be the legal father of the child or children
4 involved and assessing any accrued and accruing child
5 support obligation pursuant to the guidelines
6 established under section 598.21B, and medical support
7 pursuant to chapter 252E, ~~against the father.~~

8 3. If ~~the putative father appears at a conference~~
9 pursuant to section 252F.3 is held, and paternity is
10 not contested, and ~~the putative father fails both~~
11 parties fail to timely request a court hearing on the
12 issue of support, the administrator shall enter an
13 order against the ~~putative father parties~~ after the
14 second notice has been sent declaring the putative
15 father to be the legal father of the child or children
16 involved and assessing any accrued and accruing child
17 support obligation pursuant to the guidelines
18 established under section 598.21B, and medical support
19 pursuant to chapter 252E, ~~against the father.~~

20 4. If paternity was contested and paternity
21 testing was performed and the putative father was not
22 excluded, if the test results indicate that the
23 probability of the putative father's paternity is
24 ninety-five percent or greater, if the test results
25 are not timely challenged, and if ~~the putative father~~
26 fails both parties fail to timely request a court
27 hearing on the issue of support, the administrator
28 shall enter an order against the ~~putative father~~
29 parties declaring the putative father to be the legal
30 father of the child or children involved and assessing
31 any accrued and accruing child support obligation
32 pursuant to the guidelines established under section
33 598.21B, and medical support pursuant to chapter 252E,
34 ~~against the father.~~

35 5. The administrator shall establish a support
36 obligation under this section based upon the best
37 information available to the unit and pursuant to
38 section 252B.7A.

39 6. The order shall contain all of the following:
40 a. A declaration of paternity.
41 b. The amount of monthly support to be paid, with
42 direction as to the manner of payment.
43 c. The amount of accrued support.
44 d. The name of the custodial parent or caretaker.
45 e. The name and birth date of the child or
46 children to whom the order applies.
47 f. A statement that property of ~~the father~~ a party
48 ordered to provide support is subject to income
49 withholding, liens, garnishment, tax offset, and other
50 collection actions.

Page 33

1 g. The medical support required pursuant to
2 chapter 598 and chapter 252E.

3 h. A statement that ~~the father~~ a party who is
4 ordered to provide support is required to inform the
5 child support recovery unit, on a continuing basis, of
6 the name and address of the ~~father's party's~~ current
7 employer, whether the ~~father party~~ has access to
8 health insurance coverage ~~through employment or at~~
9 ~~reasonable cost through other sources~~ as required in
10 the order, and if so, the health insurance policy
11 information.

12 i. If paternity was contested by the putative
13 father, the amount of any judgment assessed to the
14 father for costs of paternity tests conducted pursuant
15 to this chapter.

16 j. Statements as required pursuant to section
17 598.22B.

18 7. If paternity is not contested but ~~the putative~~
19 ~~father~~ a party does wish to challenge the issues of
20 child or medical support, the administrator shall
21 enter an order establishing paternity and reserving
22 the issues of child or medical support for
23 determination by the district court.

24 Sec. _____. Section 252F.5, subsection 2, Code 2007,
25 is amended to read as follows:

26 2. An action under this chapter may be certified
27 to the district court if a party timely contests
28 paternity establishment or paternity test results, or
29 if ~~the putative father~~ a party requests a court
30 hearing on the issues of child or medical support, or
31 both, or upon the initiation of the unit as provided
32 in this chapter. Review by the district court shall
33 be an original hearing before the court.

34 Sec. _____. Section 252F.5, subsection 3, paragraph
35 c, Code 2007, is amended to read as follows:

36 c. A timely written objection to paternity
37 establishment or paternity test results has been
38 received from a party, or a timely written request for
39 a court hearing on the issue of support has been
40 received from ~~the putative father~~ a party by the unit,
41 or the unit has requested a court hearing on the
42 unit's own initiative.

43 Sec. _____. Section 252H.2, subsection 2, paragraph
44 b, Code 2007, is amended to read as follows:

45 b. An addition of or change to provisions for
46 medical support as ~~defined~~ provided in ~~section 252E.1~~
47 chapter 252E.

48 Sec. _____. Section 252H.2, subsection 13, Code
49 2007, is amended to read as follows:

50 13. "Support order" means a ~~"court order"~~ as

Page 34

1 ~~defined in section 252C.1 or an order establishing~~
 2 ~~support entered pursuant to an administrative or~~
 3 ~~quasi judicial process if authorized by law an order~~
 4 ~~for support issued pursuant to chapter 232, 234, 252A,~~
 5 ~~252C, 252E, 252F, 252H, 598, 600B, or any other~~
 6 ~~applicable chapter, or under a comparable statute of a~~
 7 ~~foreign jurisdiction as registered with the clerk of~~
 8 ~~court or certified to the child support recovery unit.~~

9 Sec. ____ NEW SECTION. 252H.3A ADDING A PARTY.

10 A mother or father may be added as a proper party
 11 defendant to a support order upon service of a notice
 12 as provided in this chapter and without a court order
 13 as provided in the rules of civil procedure.

14 Sec. ____ Section 252H.14, subsection 1, paragraph
 15 b, Code 2007, is amended to read as follows:

16 ~~b. The right to any ongoing medical support~~
 17 ~~obligation is currently assigned to the state due to~~
 18 ~~the receipt of public assistance unless:~~

19 ~~(1) b. The support order does not already~~
 20 ~~include provisions requiring the parent~~
 21 ~~ordered to pay child support to also provide for~~
 22 ~~medical support.~~

23 ~~(2) The parent entitled to receive support has~~
 24 ~~satisfactory health insurance coverage for the~~
 25 ~~children, excluding coverage resulting from the~~
 26 ~~receipt of public assistance benefits.~~

27 Sec. ____ Section 252H.14, subsection 2, Code
 28 2007, is amended to read as follows:

29 2. The unit may periodically initiate a request to
 30 a child support agency of another state to conduct a
 31 review of a support order entered in that state when
 32 the right to any ongoing child or medical support
 33 obligation due under the order is currently assigned
 34 to the state of Iowa or if the order does not include
 35 provisions for medical support.

36 Sec. ____ Section 598.21B, subsection 3, Code
 37 2007, is amended to read as follows:

38 3. MEDICAL SUPPORT. The court shall order ~~as~~
 39 ~~child medical support a health benefit plan as defined~~
 40 ~~in chapter 252E if available to either parent at a~~
 41 ~~reasonable cost. A health benefit plan is considered~~
 42 ~~reasonable in cost if it is employment related or~~
 43 ~~other group health insurance, regardless of the~~
 44 ~~service delivery mechanism as provided in section~~
 45 ~~252E.1A. The premium cost of the a health benefit~~
 46 ~~plan may be considered by the court as a reason for~~
 47 ~~varying from the child support guidelines. If a~~
 48 ~~health benefit plan is not available at a reasonable~~
 49 ~~cost, the court may order any other provisions for~~
 50 ~~medical support as defined in chapter 252E.~~

Page 35

1 Sec. _____. Section 598.21C, subsection 2, paragraph
2 a, Code 2007, is amended to read as follows:
3 a. Subject to 28 U.S.C. §1738B, but
4 notwithstanding subsection 1, a substantial change of
5 circumstances exists when the court order for child
6 support varies by ten percent or more from the amount
7 which would be due pursuant to the most current child
8 support guidelines established pursuant to section
9 598.21B or ~~the obligor a parent~~ has ~~access to~~ a health
10 benefit plan; available as provided in section 252E.1A
11 and the current order for support does not contain
12 provisions for medical support, ~~and the dependents are~~
13 ~~not covered by a health benefit plan provided by the~~
14 ~~obligee, excluding coverage pursuant to chapter 249A~~
15 ~~or a comparable statute of a foreign jurisdiction.~~

16 Sec. _____. AMENDING AND NULLIFICATION OF
17 ADMINISTRATIVE RULES.

18 1. Until the department of human services amends
19 rules pursuant to chapter 17A necessary to conform
20 with this Act, all of the following shall apply:
21 a. The child support recovery unit may initiate
22 proceedings to establish or modify orders for medical
23 support for a child in accordance with section 252E.1A
24 as created in this Act, regardless of whether support
25 is assigned to the state.
26 b. The term "child support account" in existing
27 rules shall also mean a specified monetary amount for
28 medical support, unless the context otherwise
29 requires.
30 c. A reference to a health benefit plan at
31 reasonable cost shall mean reasonable cost as defined
32 in section 252E.1A, as enacted in this Act.
33 d. A requirement for including a provision for an
34 employment-related or other group health benefit plan,
35 or for determining medical support, shall be limited
36 and applied in accordance with section 252E.1A, as
37 created in this Act.
38 2. 441 Iowa administrative Code, rule 98.3,
39 relating to the establishment of medical support is
40 nullified.

41 Sec. _____. EFFECTIVE DATE. This division of this
42 Act takes effect March 1, 2008.

43 DIVISION ____
44 PHYSICIAN ASSISTANTS

45 Sec. _____. Section 147.14, subsection 12, Code
46 2007, is amended to read as follows:

47 12. For the board of physician assistant
48 examiners, ~~three~~ five members licensed to practice as
49 physician assistants, at least two of whom practice in
50 counties with a population of less than fifty

Page 36

1 thousand, one member licensed to practice medicine and
2 surgery who supervises a physician assistant, one
3 member licensed to practice osteopathic medicine and
4 surgery who supervises a physician assistant, and two
5 members who are not licensed to practice either
6 medicine and surgery or osteopathic medicine and
7 surgery or licensed as a physician assistant and who
8 shall represent the general public. At least one of
9 the physician members shall be in practice in a county
10 with a population of less than fifty thousand. A
11 majority of members of the board constitutes a quorum.

12 Sec. _____. NEW SECTION. 148C.12 ANNUAL REPORT.

13 By January 31 of each year the board and the board
14 of medical examiners shall provide to the general
15 assembly and the governor a joint report detailing the
16 boards' collaborative efforts and team building
17 practices.

18 DIVISION ____

19 NEWBORN HOME VISITS

20 Sec. _____. NEW SECTION. 28.11 HOUSEHOLDS WITH A
21 NEWBORN CHILD – VOLUNTARY HOME VISITS.

22 1. a. The Iowa empowerment board shall develop a
23 program with the goal of offering all households in
24 the state with a newborn child a voluntary home visit.
25 The components of the home visit shall include but are
26 not limited to assessing the child's home environment,
27 identifying the family and child needs and the
28 services that could appropriately meet those needs,
29 and assisting the family in accessing appropriate
30 services.

31 b. The Iowa board shall coordinate with existing
32 programs that provide home-based instruction or
33 support to households with a newborn child as
34 necessary to make the best use of resources while
35 expanding the availability of home visits.

36 2. All of the following requirements shall apply
37 to services provided under the program:

38 a. Home visits shall be made by qualified and
39 trained staff.

40 b. Staff shall demonstrate a capacity to
41 competently complete home visits, including the
42 ability to identify family and child needs and
43 facilitate referrals to and interventions by other
44 resources available in the community, based upon needs
45 identified during a home visit.

46 c. The program shall have a plan for implementing
47 a cooperative arrangement with local hospitals and
48 birthing centers for the hospitals and centers to
49 provide referral information for contacting families
50 with a newborn child.

Page 37

1 d. The program shall incorporate performance
2 measures and provide for reporting of outcome measures
3 on a regular basis, both as identified by the Iowa
4 board.

5 3. The Iowa board shall implement the provisions
6 of this section subject to the funding provided for
7 purposes of this section.

8 DIVISION ____
9 TELECOMMUTING

10 Sec. ____ STATE EMPLOYEE TELECOMMUTING – POLICY
11 DEVELOPMENT – IMPLEMENTATION.

12 1. The director of a department or state agency to
13 which appropriations are made pursuant to the
14 provisions of this Act shall assess the extent to
15 which job classifications or individual employment
16 positions with the department or agency might be
17 effectively performed from an employee's residence or
18 other remote location through telecommuting, thereby
19 increasing office space within the department or
20 agency and reducing administrative costs. The
21 assessment shall include an estimate of the number of
22 department or agency employees whose job
23 responsibilities could be effectively performed on a
24 telecommuting basis, projected costs of establishing
25 and maintaining work stations at an employee's
26 residence or other remote location and providing
27 telecommuter support, anticipated savings to the
28 department or agency through a reduction in the
29 office-based workforce, and anticipated time and cost
30 savings to telecommuting employees. A report
31 summarizing the assessment shall be submitted to the
32 director of the department of administrative services,
33 and the members of the general assembly, by November
34 1, 2007.

35 2. Based on the assessment conducted pursuant to
36 subsection 1, the director shall develop a
37 telecommuter employment policy for the department or
38 agency and a timeline for initial policy
39 implementation and plans for expanding the number of
40 telecommuting employees. Specific office-based
41 workforce reduction percentages shall be left to the
42 discretion of the director, but the director shall
43 implement a policy transferring some number of
44 office-based employees to telecommuter status by
45 January 1, 2008. The director shall report to the
46 director of the department of administrative services
47 and the members of the general assembly on an annual
48 basis beginning January 1, 2009, the number of
49 telecommuting employees, cost savings achieved by the
50 department or agency, and plans for continued transfer

Page 38

1 of office-based employees to telecommuter status.

2 DIVISION ____

3 DENTAL BOARD

4 Sec. ____ Section 10A.402, subsection 1, Code
5 2007, as amended by 2007 Iowa Acts, [Senate File 74](#),
6 section 6, is amended to read as follows:

7 1. Investigations relative to the practice of
8 regulated professions and occupations, except those
9 within the jurisdiction of the board of medicine, the
10 board of pharmacy, the dental board ~~of dentistry~~, and
11 the board of nursing.

12 Sec. ____ Section 135.11A, unnumbered paragraph 1,
13 Code 2007, as amended by 2007 Iowa Acts, Senate File
14 74, section 19, is amended to read as follows:

15 There shall be a professional licensure division
16 within the department of public health. Each board
17 under chapter 147 or under the administrative
18 authority of the department, except the board of
19 nursing, board of medicine, dental board ~~of dentistry~~,
20 and board of pharmacy, shall receive administrative
21 and clerical support from the division and may not
22 employ its own support staff for administrative and
23 clerical duties.

24 Sec. ____ Section 135.24, subsection 2, paragraph
25 a, Code 2007, as amended by 2007 Iowa Acts, Senate
26 File 74, section 20, is amended to read as follows:

27 a. Procedures for registration of health care
28 providers deemed qualified by the board of medicine,
29 the board of physician assistants, the dental board ~~of~~
30 ~~dentistry~~, the board of nursing, the board of
31 chiropractic, the board of psychology, the board of
32 social work, the board of behavioral science, the
33 board of pharmacy, the board of optometry, the board
34 of podiatry, the board of physical and occupational
35 therapy, the board for respiratory care, and the Iowa
36 department of public health, as applicable.

37 Sec. ____ Section 135.31, Code 2007, as amended by
38 2007 Iowa Acts, [Senate File 74](#), section 21, is amended
39 to read as follows:

40 135.31 LOCATION OF BOARDS – RULEMAKING.

41 The offices for the board of medicine, the board of
42 pharmacy, the board of nursing, and the dental board
43 ~~of dentistry~~ shall be located within the department of
44 public health. The individual boards shall have
45 policymaking and rulemaking authority.

46 Sec. ____ Section 136C.3, subsection 2, unnumbered
47 paragraph 1, Code 2007, as amended by 2007 Iowa Acts,
48 [Senate File 74](#), section 23, is amended to read as
49 follows:

50 Establish minimum training standards including

Page 39

1 continuing education requirements, and administer
2 examinations and disciplinary procedures for operators
3 of radiation machines and users of radioactive
4 materials. A state of Iowa license to practice
5 medicine, osteopathy, chiropractic, podiatry,
6 dentistry, dental hygiene, or veterinary medicine, or
7 licensure as a physician assistant pursuant to chapter
8 148C, or certification by the ~~dental~~ board of
9 ~~dentistry~~ in dental radiography, or by the board of
10 podiatry in podiatric radiography, or enrollment in a
11 program or course of study approved by the Iowa
12 department of public health which includes the
13 application of radiation to humans satisfies the
14 minimum training standards for operation of radiation
15 machines only.

16 Sec. _____. Section 139A.22, subsection 6, Code
17 2007, as amended by 2007 Iowa Acts, [Senate File 74](#),
18 section 25, is amended to read as follows:

19 6. The board of medicine, the board of physician
20 assistants, the board of podiatry, the board of
21 nursing, the ~~dental~~ board of ~~dentistry~~, and the board
22 of optometry shall require that licensees comply with
23 the recommendations issued by the centers for disease
24 control and prevention of the United States department
25 of health and human services for preventing
26 transmission of human immunodeficiency virus and
27 hepatitis B virus to patients during exposure-prone
28 invasive procedures, with the recommendations of the
29 expert review panel established pursuant to subsection
30 3, with hospital protocols established pursuant to
31 subsection 1, and with health care facility procedures
32 established pursuant to subsection 2, as applicable.

33 Sec. _____. Section 147.13, subsection 8, Code 2007,
34 as amended by 2007 Iowa Acts, [Senate File 74](#), section
35 32, is amended to read as follows:

36 8. For dentistry, dental hygiene, and dental
37 assisting, the ~~dental~~ board of ~~dentistry~~.

38 Sec. _____. Section 147.40, Code 2007, as amended by
39 2007 Iowa Acts, [Senate File 74](#), section 50, is amended
40 to read as follows:

41 147.40 CERTIFICATION OF APPLICANTS.

42 Every examination shall be passed upon in
43 accordance with the established rules of the board and
44 shall be satisfactory to at least a majority of the
45 professional members of the board. In the case of the
46 ~~dental~~ board of ~~dentistry~~, only licensed dentist
47 members of the board shall determine whether an
48 applicant has passed the examination to practice as a
49 licensed dentist. After each examination, the board
50 shall certify the names of the successful applicants

Page 40

1 to the department in the manner prescribed by it. The
2 department shall then issue the proper license.

3 Sec. _____. Section 147.80, subsections 1 and 11,
4 Code 2007, as amended by 2007 Iowa Acts, Senate File
5 74, section 63, are amended to read as follows:

6 1. License to practice dentistry issued upon the
7 basis of an examination given by the dental board ~~of~~
8 ~~dentistry~~, license to practice dentistry issued under
9 a reciprocal agreement, resident dentist's license,
10 renewal of a license to practice dentistry.

11 11. License to practice dental hygiene issued upon
12 the basis of an examination given by the dental board
13 ~~of dentistry~~, license to practice dental hygiene
14 issued under a reciprocal agreement, renewal of a
15 license to practice dental hygiene.

16 Sec. _____. Section 147.80, unnumbered paragraph 3,
17 Code 2007, as amended by 2007 Iowa Acts, Senate File
18 74, section 63, is amended to read as follows:

19 The board of medicine, the board of pharmacy, the
20 dental board ~~of dentistry~~, and the board of nursing
21 shall retain individual executive officers, but shall
22 make every effort to share administrative, clerical,
23 and investigative staffs to the greatest extent
24 possible. The department shall annually submit a
25 status report to the general assembly in December
26 regarding the sharing of staff during the previous
27 fiscal year.

28 Sec. _____. Section 147.88, Code 2007, as amended by
29 2007 Iowa Acts, [Senate File 74](#), section 65, is amended
30 to read as follows:

31 147.88 INSPECTIONS.

32 The department of inspections and appeals may
33 perform inspections as required by this subtitle,
34 except for the board of medicine, board of pharmacy,
35 board of nursing, and the dental board ~~of dentistry~~.
36 The department of inspections and appeals shall employ
37 personnel related to the inspection functions.

38 Sec. _____. Section 147.107, subsection 2,
39 unnumbered paragraph 1, Code 2007, as amended by 2007
40 Iowa Acts, [Senate File 74](#), section 78, is amended to
41 read as follows:

42 A pharmacist, physician, dentist, or podiatric
43 physician who dispenses prescription drugs, including
44 but not limited to controlled substances, for human
45 use, may delegate nonjudgmental dispensing functions
46 to staff assistants only when verification of the
47 accuracy and completeness of the prescription is
48 determined by the pharmacist or practitioner in the
49 pharmacist's or practitioner's physical presence.
50 However, the physical presence requirement does not

Page 41

1 apply when a pharmacist or practitioner is utilizing
 2 an automated dispensing system. When using an
 3 automated dispensing system the pharmacist or
 4 practitioner shall utilize an internal quality control
 5 assurance plan that ensures accuracy for dispensing.
 6 Verification of automated dispensing accuracy and
 7 completeness remains the responsibility of the
 8 pharmacist or practitioner and shall be determined in
 9 accordance with rules adopted by the board of
 10 pharmacy, the board of medicine, the dental board of
 11 ~~dentistry~~, and the board of podiatry for their
 12 respective licensees.

13 Sec. _____. Section 147.114, Code 2007, as amended
 14 by 2007 Iowa Acts, [Senate File 74](#), section 81, is
 15 amended to read as follows:

16 147.114 INSPECTOR.

17 An inspector may be appointed by the dental board
 18 of ~~dentistry~~ pursuant to the provisions of chapter 8A,
 19 subchapter IV.

20 Sec. _____. Section 153.12, as enacted by 2007 Iowa
 21 Acts, [Senate File 74](#), section 132, is amended to read
 22 as follows:

23 153.12 BOARD DEFINED.

24 As used in this chapter, "board" means the dental
 25 board of ~~dentistry~~, created under chapter 147.

26 Sec. _____. Section 272C.1, subsection 6, paragraph
 27 j, Code 2007, as amended by 2007 Iowa Acts, Senate
 28 File 74, section 171, is amended to read as follows:

29 j. The dental board of ~~dentistry~~, created pursuant
 30 to chapter 147."

31 76. Page 124, by inserting after line 21 the
 32 following:

33 "DIVISION ____
 34 BODY PIERCING AND MODIFICATION

35 Sec. ____ Section 135.37, Code 2007, is amended to
 36 read as follows:

37 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION
 38 -- PERMIT REQUIREMENT – PARENTAL CONSENT – PENALTY.

39 1. A person shall not own, control and lease, act
 40 as an agent for, conduct, manage, or operate an
 41 establishment to practice the art of tattooing, body
 42 piercing, or body modification, or engage in the
 43 practice of tattooing, body piercing, or body
 44 modification, without first applying for and receiving
 45 a permit from the Iowa department of public health.

46 2. A minor shall not obtain a tattoo, or undergo a
 47 body piercing or body modification, and a person shall
 48 not provide a tattoo, body piercing, or body
 49 modification to a minor. ~~For the purposes of this~~
 50 ~~section, "minor" means an unmarried person who is~~

Page 42

1 ~~under the age of eighteen years.~~
 2 2A. For the purposes of this section:
 3 a. "Body modification" means for commercial
 4 purposes the permanent or semipermanent deliberate
 5 altering of the human body for nonmedical reasons.
 6 "Body modification" does not include tattooing or body
 7 piercing.

8 b. "Body piercing" means for commercial purposes
 9 the act of penetrating the skin to make a hole, mark,
 10 or scar. "Body piercing" does not include the use of
 11 a mechanized, presterilized, ear-piercing system that
 12 penetrates the outer perimeter or lobe of the ear, or
 13 both.

14 c. "Minor" means an unmarried person who is under
 15 the age of eighteen years.

16 3. A person who fails to meet the requirements of
 17 subsection 1 or a person providing a tattoo, body
 18 piercing, or body modification to a minor is guilty of
 19 ~~a serious~~ an aggravated misdemeanor.

20 4. The Iowa department of public health shall:

21 a. Adopt rules pursuant to chapter 17A and
 22 establish and collect all fees necessary to administer
 23 this section. The provisions of chapter 17A,
 24 including licensing provisions, judicial review, and
 25 appeal, shall apply to this chapter.

26 b. Establish minimum safety and sanitation
 27 criteria for the operation of tattooing, body
 28 piercing, and body modification establishments.

29 5. If the Iowa department of public health
 30 determines that a provision of this section has been
 31 or is being violated, the department may order that a
 32 tattooing, body piercing, or body modification
 33 establishment not be operated until the necessary
 34 corrective action has been taken. If the
 35 establishment continues to be operated in violation of
 36 the order of the department, the department may
 37 request that the county attorney or the attorney
 38 general make an application in the name of the state
 39 to the district court of the county in which the
 40 violations have occurred for an order to enjoin the
 41 violations and confiscate commercial property and
 42 equipment. This remedy is in addition to any other
 43 legal remedy available to the department.

44 6. This section shall not apply to a procedure
 45 performed by a person licensed pursuant to chapter 148
 46 or 150A."

47 77. Page 124, by inserting after line 21 the
 48 following:

49 "DIVISION ____
 50 PROVIDER APPEALS

Page 43

1 Sec. ____ NEW SECTION. 217.41B PROVIDER APPEALS
2 – FINAL DECISION.

3 1. a. Notwithstanding any conflicting provision
4 of chapter 17A, when an administrative law judge,
5 assigned by the division of administrative hearings in
6 accordance with the provisions of section 10A.801, is
7 the presiding officer at a provider appeal hearing as
8 described in subsection 2, the administrative law
9 judge shall make a proposed decision that shall
10 include findings of fact and conclusions of law,
11 separately stated.

12 b. When the presiding officer makes a proposed
13 decision, that decision then becomes the final
14 decision of the department, and shall meet the
15 requirements of a final decision pursuant to section
16 17A.16, without further proceedings, unless there is
17 an appeal to, or review on motion of, the department
18 within the time provided by rule.

19 c. On appeal or review of the proposed decision,
20 the department may only reject or modify the presiding
21 officer's findings of fact and conclusions of law if
22 the department states, with particularity, the
23 department's reasons for rejecting or modifying each
24 finding of fact and conclusion of law.

25 (1) The department may only reject or modify
26 findings of fact if the department first determines
27 from a review of the entire record, and states with
28 particularity in the order, that the findings of fact
29 were clearly erroneous in view of the reliable,
30 probative, and substantial evidence on the record as a
31 whole, or that the proceedings on which the findings
32 were based did not comply with the essential
33 requirements of law.

34 (2) The department may only reject or modify the
35 conclusions of law if the department first determines
36 from a review of the entire record, and states with
37 particularity in the order, that the conclusions of
38 law were clearly erroneous in view of the reliable,
39 probative, and substantial evidence on the record as a
40 whole.

41 (3) Rejection or modification of conclusions of
42 law shall not form the basis for rejection or
43 modification of findings of fact.

44 d. A party to a provider appeal hearing as
45 described in subsection 2 may file a request for
46 rehearing pursuant to section 17A.16.

47 e. A party who is aggrieved or adversely affected
48 by a final decision under this section is entitled to
49 judicial review as provided in section 17A.19.

50 2. A provider appeal hearing shall be available to

Page 44

- 1 a provider, if any of the following conditions, which
2 constitutes a contested case, is met:
- 3 a. The provider's license, certification,
4 registration, approval, or accreditation has been
5 denied or revoked or has not been acted upon in a
6 timely manner.
 - 7 b. The provider's claim for payment or request for
8 prior authorization for payment has been denied.
 - 9 c. The provider's contract as a medical assistance
10 patient manager has been terminated.
 - 11 d. The provider has been notified that an
12 overpayment has been established and repayment is
13 requested.
 - 14 e. The provider has been notified that the
15 reconsideration process has been exhausted and the
16 provider is not satisfied with the result.
 - 17 f. The provider's claim for payment was not made
18 according to department policy.
 - 19 g. The provider's application for a child care
20 quality rating has not been acted upon in a timely
21 manner, the provider disagrees with the department's
22 quality rating decision, or the provider's certificate
23 of quality rating has been revoked.
- 24 3. For purposes of this subsection, "provider"
25 means provider as defined in section 249A.2 or a
26 provider of child care as defined in section 237A.1."
- 27 78. Page 124, by inserting after line 21 the
28 following:
- 29 "DIVISION ____
30 GRANDPARENT AND GREAT-GRANDPARENT VISITATION
31 Sec. ____ NEW SECTION. 600C.1 GRANDPARENT AND
32 GREAT-GRANDPARENT VISITATION.
- 33 1. The grandparent or great-grandparent of a minor
34 child may petition the court for grandchild or
35 great-grandchild visitation.
 - 36 2. The court shall consider a fit parent's
37 objections to granting visitation under this section.
38 A rebuttable presumption arises that a fit parent's
39 decision to deny visitation to a grandparent or
40 great-grandparent is in the best interest of a minor
41 child.
 - 42 3. The court may grant visitation to the
43 grandparent or great-grandparent if the court finds
44 all of the following by clear and convincing evidence:
 - 45 a. The grandparent or great-grandparent has
46 established a substantial relationship with the child
47 prior to the filing of the petition.
 - 48 b. The parent who is being asked to temporarily
49 relinquish care, custody, and control of the child to
50 provide visitation is unfit to make the decision

Page 45

1 regarding visitation.

2 c. It is in the best interest of the child to

3 grant such visitation.

4 4. For the purposes of this section, "court" means
5 the district court or the juvenile court if that court
6 currently has jurisdiction over the child in a pending
7 action. If an action is not pending, the district
8 court has jurisdiction.

9 5. Notwithstanding any provision of this chapter
10 to the contrary, venue for any action to establish,
11 enforce, or modify visitation under this section shall
12 be in the county where either parent resides if no
13 final custody order determination relating to the
14 grandchild or great-grandchild has been entered by any
15 other court. If a final custody order has been
16 entered by any other court, venue shall be located
17 exclusively in the county where the most recent final
18 custody order was entered. If any other custodial
19 proceeding is pending when an action to establish,
20 enforce, or modify visitation under this section is
21 filed, venue shall be located exclusively in the
22 county where the pending custodial proceeding was
23 filed.

24 6. Notice of any proceeding to establish, enforce,
25 or modify visitation under this section shall be
26 personally served upon all parents of a child whose
27 interests are affected by a proceeding brought
28 pursuant to this section and all grandparents or
29 great-grandparents who have previously obtained a
30 final order or commenced a proceeding under this
31 section.

32 7. The court shall not enter any temporary order
33 to establish, enforce, or modify visitation under this
34 section.

35 8. An action brought under this section is subject
36 to chapter 598B, and in an action brought to
37 establish, enforce, or modify visitation under this
38 section, each party shall submit in its first pleading
39 or in an attached affidavit all information required
40 by section 598B.209.

41 9. In any action brought to establish, enforce, or
42 modify visitation under this section, the court may
43 award attorney fees to the prevailing party in an
44 amount deemed reasonable by the court.

45 10. If a proceeding to establish or enforce
46 visitation under this section is commenced when a
47 dissolution of marriage proceeding is pending
48 concerning the parents of the affected minor child,
49 the record and evidence of the dissolution action
50 shall remain impounded pursuant to section 598.26.

Page 46

1 The impounded information shall not be released or
 2 otherwise made available to any person who is not the
 3 petitioner or respondent or an attorney of record in
 4 the dissolution of marriage proceeding.
 5 Sec. _____. Section 600.11, subsection 2, paragraph
 6 e, Code 2007, is amended to read as follows:
 7 e. A person who has been granted visitation rights
 8 with the child to be adopted pursuant to section
 9 ~~598.35~~ 600C.1.
 10 Sec. _____. Section 598.35, Code 2007, is repealed."
 11 79. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment [H-2041](#).

HOUSE REFUSES TO CONCUR

Kuhn of Floyd called up for consideration [Senate File 551](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-2040](#) to the House amendment:

[H-2040](#)

1 Amend the House amendment, [S-3436](#), to Senate File
 2 551, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting before line 3, the
 5 following:
 6 "____. Page 3, by striking line 9, and inserting
 7 the following: "maintenance, miscellaneous purposes,
 8 and for not more than the following full-time
 9 equivalent positions:"
 10 _____. Page 3, by inserting after line 10, the
 11 following:
 12 "..... FTEs 1.00"
 13 _____. Page 11, line 26, by striking the figure
 14 "1,500,000" and inserting the following: "1,480,000".
 15 _____. Page 12, line 35, by striking the figure
 16 "600,000" and inserting the following: "580,000".
 17 _____. Page 13, line 2, by striking the figure
 18 "400,000" and inserting the following: "386,667".
 19 _____. Page 13, line 8, by striking the figure
 20 "200,000" and inserting the following: "193,333".

21 _____. Page 13, by inserting after line 17, the
22 following:

23 "_____. For purposes of supporting a farm-to-school
24 program, as provided in chapter 190A, if enacted by
25 2007 Iowa Acts, [Senate File 601](#), including salaries,
26 support, maintenance, and miscellaneous purposes:

27 \$ 80,000

28 _____. For purposes of supporting the office of
29 state apiarist, including the state apiarist who shall
30 be appointed by the secretary of agriculture pursuant
31 to section 160.1, and for carrying out the duties of
32 the state apiarist as provided in chapter 160:

33 \$ 40,000"

34 _____. Page 14, line 5, by striking the figure
35 "2,490,000" and inserting the following: "2,470,000".

36 _____. Page 14, line 19, by striking the figure
37 "400,000" and inserting the following: "360,000".

38 _____. Page 15, line 9, by striking the figure
39 "500,000" and inserting the following: "480,000".

40 2. Page 2, by inserting after line 16 the
41 following:

42 "_____. Page 20, by inserting after line 27 the
43 following:

44 "DIVISION _____ .
45 E-85 GASOLINE

46 Sec.____. Section 455G.31, Code 2007, is amended
47 to read as follows:

48 455G.31 E-85 GASOLINE STORAGE AND DISPENSING
49 INFRASTRUCTURE.

50 1. As used in this section, unless the context

Page 2

1 otherwise requires:

2 a. "E-85 gasoline", "ethanol blended gasoline",
3 and "retail dealer" mean the same as defined in
4 section 214A.1.

5 b. "Gasoline storage and dispensing
6 infrastructure" means any storage tank located below
7 ground or above ground and any associated equipment
8 including but not limited to a pipe, hose, connection,
9 fitting seal, or pump, which is used to store,
10 measure, and dispense gasoline by a retail dealer.

11 2. A retail dealer may use gasoline storage and
12 dispensing infrastructure to store and dispense E-85
13 gasoline if all of the following apply:

14 a. For gasoline storage and dispensing
15 infrastructure other than the dispenser, the
16 department of natural resources under this chapter or
17 the state fire marshal under chapter 101 must
18 determine that it is compatible with E-85 gasoline.

19 If the compatibility of the thread sealant or adhesive

20 is undetermined, the thread sealant or adhesive may
 21 continue to be used if precision line testing is
 22 conducted annually and if an analysis to determine
 23 compatibility of the thread sealant or adhesive is
 24 completed by July 1, 2011.

25 b. For a dispenser, ~~the manufacturer must state~~
 26 ~~all of the following shall apply:~~

27 (1) ~~That the dispenser is, in the opinion of the~~
 28 ~~manufacturer, not incompatible with E-85 gasoline.~~
 29 The manufacturer must state that the dispenser is
 30 listed by an independent testing laboratory as
 31 compatible with ethanol blended gasoline.

32 (2) ~~The manufacturer has initiated the process of~~
 33 ~~applying to an independent testing laboratory for~~
 34 ~~listing of the equipment for use in dispensing E-85~~
 35 ~~gasoline.~~

36 ~~A manufacturer's statement must include a written~~
 37 ~~statement, with reference to a particular type and~~
 38 ~~model of equipment for use in dispensing E-85~~
 39 ~~gasoline, signed by a responsible official on behalf~~
 40 ~~of the manufacturer, provided either to the retail~~
 41 ~~dealer using the gasoline storage and dispensing~~
 42 ~~infrastructure or to the department of natural~~
 43 ~~resources or the state fire marshal. If the written~~
 44 ~~statement is provided to a retail dealer, the~~
 45 ~~statement shall be retained in the files on the~~
 46 ~~premises of the retail dealer and shall be available~~
 47 ~~to personnel of the department of natural resources or~~
 48 ~~the state fire marshal upon request. The owner or~~
 49 ~~operator or a person authorized by the owner or~~
 50 ~~operator must visually inspect the dispenser and the~~

Page 3

1 dispenser sump daily for leaks and equipment failure
 2 and maintain a record of such inspection for at least
 3 one year after the inspection. If a leak is detected,
 4 the department of natural resources shall be notified
 5 pursuant to section 455B.386.

6 If a commercially available dispenser is listed as
 7 compatible for use with E-85 gasoline by an
 8 independent testing laboratory, this paragraph "b"
 9 shall not apply to new dispensers installed after the
 10 commercial availability of such a certified dispenser.
 11 3. This section is repealed July 1, 2009."

12 3. By renumbering, relettering, or redesignating
 13 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment [H-2040](#), to the House amendment.

Unfinished Business Calendar

[Senate File 538](#), a bill for an act relating to a parent's cause of action for the recovery of expenses and actual loss of services, companionship, and society resulting from the injury to or death of a child and including an applicability date provision, with report of committee recommending passage, was taken up for consideration.

Windschitl of Harrison offered the following amendment [H-1705](#) filed by Horbach of Tama and moved its adoption:

[H-1705](#)

- 1 Amend [Senate File 538](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "respectively" the following: "provided that any
- 5 recovery by a parent for the wrongful death of a child
- 6 who had attained the age of majority at the time of
- 7 death shall be restricted to the actual loss of
- 8 economic support based upon an established record of
- 9 economic support provided to the parent prior to the
- 10 child's death".
- 11 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 44.

Amendment [H-1705](#) lost.

Huser of Polk 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. 538](#))

The ayes were, 56:

Abdul-Samad	Anderson	Bailey	Bell
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz

Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker Murphy

The nays were, 40:

Alons	Arnold	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Granzow
Grassley	Greiner	Heaton	Hoffman
Huseman	Lukan	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencsek	Windschitl	Worthan

Absent or not voting, 4:

Berry	Gipp	Horbach	Zirkelbach
-------	------	---------	------------

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 909](#) and [Senate Files 472, 538 and 551](#).

[House File 669](#), a bill for an act relating to enforcement of certain solid waste disposal requirements and providing civil penalties, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment [H-1529](#) filed by him on March 28, 2007.

[SENATE FILE 344](#) SUBSTITUTED FOR [HOUSE FILE 669](#)

Kressig of Black Hawk asked and received unanimous consent to substitute [Senate File 344](#) for [House File 669](#).

[Senate File 344](#), a bill for an act relating to enforcement of certain solid waste disposal requirements and providing civil penalties, was taken up for consideration.

D. Olson of Boone offered the following amendment [H-2052](#) filed by him from the floor and moved its adoption:

[H-2052](#)

- 1 Amend [Senate File 344](#) as follows:
- 2 1. Page 1, line 34, by striking the word "thirty"
- 3 and inserting the following: "sixty".
- 4 2. Page 1, line 35, by inserting after the word
- 5 "department" the following: "by certified mail".

Amendment [H-2052](#) 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. 344](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker

Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker Murphy	

The nays were, none.

Absent or not voting, 5:

Gipp	Horbach	Miller, L.	Van Engelenhoven
Zirkelbach			

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

HOUSE FILE 669 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 669 from further consideration by the House.

Ways and Means Calendar

House File 904, a bill for an act relating to withholding tax and the repeal of the loan agencies tax, was taken up for consideration.

Sands of Louisa 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. 904)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Hunter	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wienczek	Winckler
Windschitl	Wise	Worthan	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Boal	Gipp	Horbach	Zirkelbach
------	------	---------	------------

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

[House File 913](#), a bill for an act relating to the streamlined sales and use tax agreement and administration of the tax and related laws by the department of revenue, including administration of sales and use taxes, and providing an effective date, was taken up for consideration.

[SENATE FILE 592](#) SUBSTITUTED FOR [HOUSE FILE 913](#)

T. Olson of Linn asked and received unanimous consent to substitute [Senate File 592](#) for [House File 913](#).

[Senate File 592](#), a bill for an act relating to the streamlined sales and use tax agreement and administration of the tax and related laws by the department of revenue, including administration of sales and use taxes, and providing an effective date, was taken up for consideration.

T. Olson of Linn 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. 592](#))

The ayes were, 89:

Abdul-Samad	Alons	Anderson	Bailey
Bell	Berry	Boal	Bukta
Chambers	Clute	Cphoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Granzow
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker			
Murphy			

The nays were, 8:

Arnold	Baudler	Grassley	Greiner
Kaufmann	Paulsen	Rasmussen	Van Fossen

Absent or not voting and 3:

Gipp	Horbach	Zirkelbach
------	---------	------------

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

HOUSE FILE 913 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House File 913 from further consideration by the House.

House File 923, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of income, sales, use, cigarette, and tobacco taxes and including a retroactive applicability date provision, was taken up for consideration.

Schueller of Jackson offered the following amendment [H-1998](#) filed by him and moved its adoption:

[H-1998](#)

- 1 Amend [House File 923](#) as follows:
- 2 1. Page 14, by striking lines 15 through 26.
- 3 2. Page 14, by inserting before line 27 the
- 4 following:
- 5 "Sec. _____. Section 453A.43, subsections 1 and 2,
- 6 Code 2007, as amended by 2007 Iowa Acts, Senate File
- 7 128, are amended to read as follows:
- 8 1. a. A tax is imposed upon all tobacco products
- 9 in this state and upon any person engaged in business
- 10 as a distributor of tobacco products, at the rate of
- 11 twenty-two percent of the wholesale sales price of the
- 12 tobacco products, except little cigars and snuff as
- 13 defined in section 453A.42.
- 14 b. In addition to the tax imposed under paragraph
- 15 "a", a tax is imposed upon all tobacco products in
- 16 this state and upon any person engaged in business as
- 17 a distributor of tobacco products, at the rate of
- 18 twenty-eight percent of the wholesale sales price of
- 19 the tobacco products, except little cigars and snuff
- 20 as defined in section 453A.42, ~~with the limitation~~
- 21 ~~that if the tobacco product is a cigar, the additional~~
- 22 ~~tax shall not exceed fifty cents per cigar.~~
- 23 c. Notwithstanding the rate of tax imposed
- 24 pursuant to paragraphs "a" and "b", if the tobacco
- 25 product is a cigar, the total amount of the tax
- 26 imposed pursuant to paragraphs "a" and "b" combined
- 27 shall not exceed fifty cents per cigar.
- 28 ~~e. d.~~ Little cigars shall be subject to the same
- 29 rate of tax imposed upon cigarettes in section 453A.6,
- 30 payable at the time and in the manner provided in
- 31 section 453A.6; and stamps shall be affixed as
- 32 provided in division I of this chapter. Snuff shall
- 33 be subject to the tax as provided in subsections 3 and
- 34 4.
- 35 ~~d. e.~~ The taxes on tobacco products, excluding
- 36 little cigars and snuff, shall be imposed at the time
- 37 the distributor does any of the following:
- 38 (1) Brings, or causes to be brought, into this
- 39 state from outside the state tobacco products for
- 40 sale.
- 41 (2) Makes, manufactures, or fabricates tobacco
- 42 products in this state for sale in this state.
- 43 (3) Ships or transports tobacco products to
- 44 retailers in this state, to be sold by those
- 45 retailers.
- 46 2. a. A tax is imposed upon the use or storage by

47 consumers of tobacco products in this state, and upon
 48 the consumers, at the rate of twenty-two percent of
 49 the cost of the tobacco products.
 50 b. In addition to the tax imposed in paragraph

Page 2

1 "a", a tax is imposed upon the use or storage by
 2 consumers of tobacco products in this state, and upon
 3 the consumers, at a rate of twenty-eight percent of
 4 the cost of the tobacco products, ~~with the limitation~~
 5 ~~that if the tobacco product is a cigar, the additional~~
 6 ~~tax shall not exceed fifty cents per cigar.~~

7 c. Notwithstanding the rate of tax imposed
 8 pursuant to paragraphs "a" and "b", if the tobacco
 9 product is a cigar, the total amount of the tax
 10 imposed pursuant to paragraphs "a" and "b" combined
 11 shall not exceed fifty cents per cigar.

12 ~~e. d.~~ The taxes imposed by this subsection shall
 13 not apply if the taxes imposed by subsection 1 on the
 14 tobacco products have been paid.

15 ~~d. e.~~ The taxes imposed under this subsection
 16 shall not apply to the use or storage of tobacco
 17 products in quantities of:

18 (1) Less than twenty-five cigars.
 19 (2) Less than one pound smoking or chewing tobacco
 20 or other tobacco products not specifically mentioned
 21 herein, in the possession of any one consumer."

22 3. Page 17, by inserting after line 17 the
 23 following:

24 "Sec.____. REFUNDS. Refunds of taxes which result
 25 from the amendment to section 453A.43, in this
 26 division of this Act, relating to the limitation on
 27 the taxes imposed on cigars occurring between March
 28 15, 2007, and the effective date of the amendment to
 29 section 453A.43 in this division of this Act, shall
 30 not be allowed unless refund claims are filed prior to
 31 October 1, 2007, notwithstanding any other provision
 32 of law. Claimants shall not be entitled to interest
 33 on any refunds.

34 Sec.____. EFFECTIVE DATE AND APPLICABILITY. The
 35 provision in this division of this Act amending
 36 section 453A.43, and the section of this division of
 37 this Act providing refunds resulting from the
 38 amendment of section 453A.43, being deemed of
 39 immediate importance, take effect upon enactment and
 40 are retroactively applicable to March 15, 2007."

41 4. Title page, by striking lines 4 and 5 and
 42 inserting the following: "taxes, providing an
 43 effective date, and providing retroactive
 44 applicability date provisions."

45 5. By renumbering as necessary.

Amendment [H-1998](#) was adopted.

Schueller of Jackson 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. 923](#))

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Forristall	Frevert	Gaskill	Gayman
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Huseman	Huser
Jacobs	Jacoby	Kaufmann	Kelley
Kressig	Kuhn	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Windschitl	Wise	Worthan	Mr. Speaker Murphy

The nays were, 5:

Ford	Hunter	Jochum	Lensing
Winckler			

Absent or not voting, 3:

Gipp	Horbach	Zirkelbach
------	---------	------------

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

SENATE AMENDMENT CONSIDERED

Abdul-Samad of Polk called up for consideration [House File 830](#), a bill for an act relating to the construction bidding procedures Act by modifying procedures and requirements for letting public improvement contracts, and making corrections, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1972](#):

[H-1972](#)

1 Amend [House File 830](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 8 the
4 following:
5 "Sec. ____ Section 26.2, subsection 4, Code 2007,
6 is amended to read as follows:
7 4. "Repair or maintenance work" means the
8 preservation of a ~~road, street, bridge, culvert~~
9 building, storm sewer, sanitary sewer, or other public
10 facility or structure so that it remains in sound or
11 proper condition, including minor replacements and
12 additions as necessary to restore the public facility
13 or structure to its original condition with the same
14 design."
15 2. Page 1, by striking lines 17 through 20 and
16 inserting the following: "to bidders shall be
17 published at least once, not less than four and not
18 more than forty-five days before the date for filing
19 bids, in a newspaper published at least once weekly
20 and having general circulation in the geographic area
21 served by the governmental entity. Additionally, the
22 governmental entity may".
23 3. Page 2, line 24, by inserting before the words
24 "The governmental", the following: "The date and time
25 that each bid is received by the governmental entity,
26 together with the name of the person receiving the
27 bid, shall be recorded on the envelope containing the
28 bid. All bids received after the deadlines for
29 submission of bids as stated in the project
30 specifications shall not be considered and shall be
31 returned to the late bidder unopened."
32 4. Page 4, by inserting after line 27 the
33 following: "Good faith effort shall include advising
34 all contractors who have filed with the governmental
35 entity a request for notice of projects. The
36 governmental entity shall provide such notice in a
37 timely manner so that a requesting contractor will
38 have a reasonable opportunity to submit a competitive
39 quotation."

40 5. Page 6, by inserting after line 19 the
41 following:
42 "Sec.____. Section 314.1B, subsection 2,
43 paragraphs b and d, Code 2007, are amended to read as
44 follows:
45 b. The subcommittee appointed under this
46 subsection shall review the competitive bid thresholds
47 applicable to governmental entities under chapter 26.
48 The subcommittee shall review price adjustments for
49 all types of construction, reconstruction, and public
50 improvement projects based on the changes in the

Page 2

1 construction price index, building cost index, and
2 material cost index from the preceding ~~year~~
3 adjustment. Upon completion of the review the
4 subcommittee may make adjustments in the applicable
5 bid thresholds for types of work based on the price
6 adjustments.

7 d. Beginning July 1, 2006, the subcommittee shall
8 make adjustments to the competitive quotation
9 threshold amounts in section 26.14 for vertical
10 infrastructure in accordance with ~~adjustments made by~~
11 ~~the horizontal infrastructure subcommittee under~~
12 ~~subsection 1 applicable to city and county highway,~~
13 ~~bridge, and culvert projects~~ the methodology of
14 paragraph "b".

15 Sec.____. Section 314.1B, subsection 2, Code 2007,
16 is amended by adding the following new paragraph:
17 NEW PARAGRAPH. e. After 2012, the subcommittee
18 shall adjust the competitive quotation threshold
19 amounts in section 26.14 at the same time and by the
20 same percentage as adjustments are made to the
21 competitive bid threshold.

22 Sec.____. Section 331.341, subsection 1, Code
23 2007, is amended to read as follows:
24 1. When the estimated total cost of a public
25 improvement, other than improvements which may be paid
26 for from the secondary road fund, exceeds the
27 competitive bid threshold in section 26.3, or as
28 established in section 314.1B, the board shall follow
29 the competitive bid procedures for governmental
30 entities in chapter 26 and the contract letting
31 procedures in section 384.103. As used in this
32 section, "public improvement" means the same as
33 defined in section 26.2 as modified by this
34 subsection."

35 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1972](#).

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

On the question "Shall the bill pass?" ([H.F. 830](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, 4:

Gipp	Horbach	Miller, L.	Zirkelbach
------	---------	------------	------------

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

Ways and Means Calendar

[House File 893](#), a bill for an act relating to a tax amnesty program, making appropriations, and including an effective date provision, was taken up for consideration.

H. Miller of Webster in the chair at 11:17 a.m.

[SENATE FILE 580](#) SUBSTITUTED FOR [HOUSE FILE 893](#)

Kelley of Black Hawk asked and received unanimous consent to substitute [Senate File 580](#) for [House File 893](#), placing the following amendments out of order:

Amendment [H-1658](#) filed by Raecker of Polk on April 10, 2007.

Amendment [H-1677](#) filed by Paulsen of Linn on April 11, 2007.

Amendment [H-1698](#) filed by Van Fossen of Scott on April 12, 2007.

Amendment [H-1914](#) filed by Paulsen of Linn on April 23, 2007.

Amendment [H-1915](#) filed by Watts of Dallas on April 23, 2007.

Amendment [H-1916](#) filed by Watts of Dallas on April 23, 2007.

Amendment [H-1917](#) filed by Van Fossen of Scott on April 23, 2007.

Amendment [H-1918](#) filed by Watts of Dallas on April 23, 2007.

Amendment [H-1984](#) filed by Heaton of Henry and Wiencek of Black Hawk on April 24, 2007.

Amendment [H-1995](#) filed by Watts of Dallas on April 24, 2007.

[Senate File 580](#), a bill for an act relating to a tax amnesty program, making appropriations, and including an effective date provision, was taken up for consideration.

Speaker Murphy in the chair at 11:25 a.m.

DISSENT ON [SENATE FILE 580](#)

Mr. Speaker:

Article III Section 10 of the Constitution of the State of Iowa provides:

Protest – record of vote – Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

I have here a written statement explaining the reasons for my dissent on [Senate File 580](#) to be placed into the journal as provided by Article III Section 10.

On 25 January 2007, the Iowa House passed [Senate Concurrent Resolution 3](#) establishing the joint rules for the 82nd General Assembly. Joint rule 20.3 states that in the 14th week no House files may be debated in the House and no Senate files may be debated in the Senate. The Iowa Senate considered and passed [Senate File 580](#) on 9 April 2007 in clear violation of joint rules. I believe that [Senate File 580](#) is not properly before the House and is not eligible for debate.

The joint rules were adopted for the protection of both the Minority and Majority party members, as well as the citizens of Iowa. The integrity of each member of the Iowa House is weakened by this body's failure to abide by, and enforce its own rules.

Representative Christopher Rants

The Speaker ruled the point not well taken and [Senate File 580](#) in order.

Van Fossen of Scott offered amendment [H-1931](#) filed by him as follows:

[H-1931](#)

1 Amend [Senate File 580](#), as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the word "This"
4 and inserting the following: "Sections 1 through 4 of
5 this".

6 2. By striking page 2, line 34, through page 3,
7 line 2.

8 3. Page 3, by striking lines 3 and 4 and
9 inserting the following:

10 "Sec.____. Section 421.8, Code 2007, is amended to
11 read as follows:

12 421.8 PENALTY FOR DEFECTIVE RETURN UNDER CERTAIN
13 CIRCUMSTANCES.

14 If a person files a purported return of tax which
15 does not contain information on which the substantial
16 correctness of the self-assessment may be judged or
17 which contains information that on its face indicates
18 that the self-assessment is substantially incorrect
19 and the conduct previously referred to in this section
20 is due to a position which is frivolous or a desire
21 which appears on the purported return to delay or
22 impede the administration of the tax laws of this
23 state, then the person shall pay a penalty of ~~five~~
24 ~~hundred one thousand~~ dollars. This penalty shall be
25 in addition to any other penalty provided by law.

26 Sec.____. Section 421.27, subsection 1, unnumbered
27 paragraph 1, Code 2007, is amended to read as follows:

28 If a person fails to file with the department on or
29 before the due date a return or deposit form there
30 shall be added to the tax shown due or required to be
31 shown due a penalty of ~~ten~~ twenty percent of the tax
32 shown due or required to be shown due. The penalty,
33 if assessed, shall be waived by the department upon a
34 showing of any of the following conditions:

35 Sec. ____ Section 421.27, subsection 2, unnumbered
36 paragraph 1, Code 2007, is amended to read as follows:

37 If a person fails to pay the tax shown due or
38 required to be shown due, on a return or deposit form
39 on or before the due date there shall be added to the
40 tax shown due or required to be shown due a penalty of
41 ~~five ten~~ percent of the tax due. The penalty, if
42 assessed, shall be waived by the department upon a
43 showing of any of the following conditions:

44 Sec. ____ Section 421.27, subsection 3, unnumbered
45 paragraph 1, Code 2007, is amended to read as follows:

46 If any person fails to pay the tax required to be
47 shown due with the filing of a return or deposit and
48 the department discovers the underpayment, there shall
49 be added to the tax required to be shown due a penalty
50 of ~~five ten~~ percent of the tax required to be shown

Page 2

1 due. The penalty, if assessed, shall be waived by the
2 department upon a showing of any of the following
3 conditions:

4 Sec. ____ Section 421.27, subsections 4, 5, 6, and
5 7, Code 2007, are amended to read as follows:

6 4. WILLFUL FAILURE TO FILE OR DEPOSIT. In case of
7 willful failure to file a return or deposit form with
8 the intent to evade tax, or in case of willfully
9 filing a false return or deposit form with the intent
10 to evade tax, in lieu of the penalties otherwise
11 provided in this section, a penalty of ~~seventy five~~
12 one hundred fifty percent shall be added to the amount
13 shown due or required to be shown as tax on the return
14 or deposit form. If penalties are applicable for
15 failure to file a return or deposit form and failure
16 to pay the tax shown due or required to be shown due
17 on the return or deposit form, the penalty provision
18 for failure to file shall be in lieu of the penalty
19 provisions for failure to pay the tax shown due or
20 required to be shown due on the return or deposit
21 form, except in the case of willful failure to file a
22 return or deposit form or willfully filing a false
23 return or deposit form with intent to evade tax.

24 The penalties imposed under this subsection are not
25 subject to waiver.

26 5. FAILURE TO REMIT ON EXTENSION. If a person

27 fails to remit at least ninety percent of the tax
 28 required to be shown due by the time an extension for
 29 further time to file a return is made, there shall be
 30 added to the tax shown due or required to be shown due
 31 a penalty of ~~ten~~ twenty percent of the tax due.

32 6. IMPROPER RECEIPT OF REFUND OR CREDIT. A person
 33 who makes an erroneous application for refund shall be
 34 liable for any overpayment received plus interest at
 35 the rate in effect under section 421.7. In addition,
 36 a person who willfully makes a false or frivolous
 37 application for refund with intent to evade tax is
 38 guilty of a fraudulent practice and is liable for a
 39 penalty equal to ~~seventy five~~ one hundred fifty
 40 percent of the refund claimed. Repayments, penalties,
 41 and interest due under this subsection may be
 42 collected and enforced in the same manner as the tax
 43 imposed.

44 7. FAILURE TO USE REQUIRED FORM. If a person
 45 fails to remit payment of taxes in the form required
 46 by the rules of the director, there shall be added to
 47 the amount of the tax a penalty of ~~five~~ ten percent of
 48 the amount of tax shown due or required to be shown
 49 due. The penalty imposed by this subsection shall be
 50 waived if the taxpayer did not receive notification of

Page 3

1 the requirement to remit tax payments electronically
 2 or if the electronic transmission of the payment was
 3 not in a format or by means specified by the director
 4 and the payment was made before the taxpayer was
 5 notified of the requirement to remit tax payments
 6 electronically.

7 Sec.____. Section 452A.74A, subsection 3, Code
 8 2007, is amended to read as follows:

9 3. IMPROPER RECEIPT OF REFUND. If a person files
 10 an incorrect refund claim, in addition to the excess
 11 amount of the claim, a penalty of ~~ten~~ twenty percent
 12 shall be added to the amount by which the amount
 13 claimed and refunded exceeds the amount actually due
 14 and shall be paid to the department. If a person
 15 knowingly files a fraudulent refund claim with the
 16 intent to evade the tax, the penalty shall be
 17 ~~seventy five~~ one hundred fifty percent in lieu of the
 18 ~~ten~~ twenty percent. The person shall also pay
 19 interest on the excess refunded at the rate per month
 20 specified in section 421.7, counting each fraction of
 21 a month as an entire month, computed from the date the
 22 refund was issued to the date the excess refund is
 23 repaid to the state.

24 Sec.____. Section 453A.31, subsection 1, Code
 25 2007, is amended to read as follows:

- 26 1. For possession of unstamped cigarettes:
 27 a. A ~~two four~~ hundred dollar penalty for the first
 28 violation if a person is in possession of more than
 29 forty but not more than four hundred unstamped
 30 cigarettes.
 31 b. A ~~five hundred one thousand~~ dollar penalty for
 32 the first violation if a person is in possession of
 33 more than four hundred but not more than two thousand
 34 unstamped cigarettes.
 35 c. A ~~twenty five fifty~~ dollar per pack penalty for
 36 the first violation if a person is in possession of
 37 more than two thousand unstamped cigarettes.
 38 d. For a second violation within three years of
 39 the first violation, the penalty is ~~four eight~~ hundred
 40 dollars if a person is in possession of more than
 41 forty but not more than four hundred unstamped
 42 cigarettes; ~~one two~~ thousand dollars if a person is in
 43 possession of more than four hundred but not more than
 44 two thousand unstamped cigarettes; and ~~thirty five~~
 45 ~~seventy~~ dollars per pack if a person is in possession
 46 of more than two thousand unstamped cigarettes.
 47 e. For a third or subsequent violation within
 48 three years of the first violation, the penalty is ~~six~~
 49 ~~one thousand two~~ hundred dollars if a person is in
 50 possession of more than forty but not more than four

Page 4

1 hundred unstamped cigarettes; ~~one three thousand five~~
 2 ~~hundred~~ dollars if a person is in possession of more
 3 than four hundred but not more than two thousand
 4 unstamped cigarettes; and ~~forty five ninety~~ dollars
 5 per pack if a person is in possession of more than two
 6 thousand unstamped cigarettes.

7 Sec.____. EFFECTIVE DATE.

8 1. Sections 1 through 4 of this Act, being deemed
 9 of immediate importance, take effect upon enactment.

10 2. Except as provided in subsection 1, this Act
 11 takes effect January 1, 2008, for taxes due and
 12 payable on or after that date."

13 4. Title page, line 2, by inserting after the
 14 word "and" the following: "providing penalties, and".

Kelley of Black Hawk rose on a point of order that amendment [H-1931](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1931](#) not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment [H-1931](#).

Objection was raised.

Van Fossen of Scott moved to suspend the rules to consider amendment [H-1931](#).

Roll call was requested by Rants of Woodbury and Van Fossen of Scott.

On the question "Shall the rules be suspended to consider amendment [H-1931](#)?" ([S.F. 580](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaskill	Granzow	Grassley	Greiner
Heaton	Hoffman	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Taylor, D.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencck	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, T.	Thomas	Tomenga
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker
			Murphy

Absent or not voting, 3:

Gipp	Horbach	Zirkelbach
------	---------	------------

The motion to suspend the rules lost.

Paulsen of Linn offered the following amendment [H-1925](#) filed by him and moved its adoption:

[H-1925](#)

1 Amend [Senate File 580](#), as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 19, by inserting after the figure
 4 "2006." the following: "However, the tax amnesty
 5 program shall not apply to taxpayers who participated
 6 in the Iowa tax amnesty Act of 1986."

Roll call was requested by Paulsen of Linn and Van Fossen of Scott.

On the question "Shall amendment [H-1925](#) be adopted?" ([S.F. 580](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Raecker	Rants	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Taylor, D.	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencck	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker
			Murphy

Absent or not voting, 3:

Gipp Horbach Zirkelbach

Amendment [H-1925](#) lost.

Paulsen of Linn offered the following amendment [H-1926](#) filed by him and moved its adoption:

[H-1926](#)

1 Amend [Senate File 580](#), as passed by the Senate, as
2 follows:

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

5 "____. A taxpayer who participates in the tax
6 amnesty program shall relinquish any right to
7 confidentiality as to the taxpayer's name, type of
8 tax, and amount of tax liability that is covered by
9 the tax amnesty program."

10 2. Page 2, line 31, by inserting after the word
11 "collected" the following: ", name of each taxpayer
12 and the amount of the taxpayer's liability".

13 3. Page 2, line 33, by inserting after the figure
14 "2008." the following: "The report shall be
15 considered a public document that shall be available
16 to the public notwithstanding any confidentiality
17 provisions of the Code."

Roll call was requested by Paulsen of Linn and Smith of Marshall.

Rule 75 was invoked.

On the question "Shall amendment [H-1926](#) be adopted?" ([S.F. 580](#))

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Greiner	Heaton	Hoffman
Huseman	Jacobs	Kaufmann	Lukan
May	Miller, L.	Olson, S.	Paulsen
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Taylor, D.	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencsek	Windschitl	Worthan

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker Murphy

Absent or not voting, 4:

Gipp	Granzow	Horbach	Zirkelbach
------	---------	---------	------------

Amendment [H-1926](#) lost.

McCarthy of Polk asked and received unanimous consent that [Senate File 580](#) be deferred and that the bill retain its place on the calendar.

MESSAGES 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 26, 2007, insisted on its amendment to [House File 909](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective date provisions. (Formerly [HSB 301](#)), and the members of the Conference Committee on the part of the Senate are: the Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Johnson, Senator Dvorsky; the Senator from Osceola, Senator Johnson; the Senator from Harrison, Senator Seymour.

Also: that the Senate has on April 26, 2007, insisted on its amendment to [Senate File 551](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection. (Formerly [SSB 1305](#)), and the members of the Conference Committee on the part of the Senate are: the Senator from Scott, Senator Seng, Chair; the Senator from Jasper, Senator Black; the Senator from Mahaska, Senator Rielly; the Senator from Hancock, Senator Gaskill; the Senator from Pottawattamie, Senator Houser.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED
([House File 909](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 909](#): Foege of Linn, Chair; Oldson of Polk, Wise of Lee, Heaton of Henry and Upmeyer of Hancock.

CONFERENCE COMMITTEE APPOINTED
([Senate File 551](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [Senate File 551](#): Kuhn of Floyd, Chair; Mertz of Kossuth, Reasoner of Union, De Boef of Keokuk and S. Olson of Clinton.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Files 904** and **923** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:25 p.m., until 8:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:17 p.m., Paulsen of Linn 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 26, 2007, adopted the conference committee report and passed the following bill:

[House File 808](#), a bill for an act concerning accountability requirements for entities and boards created for joint exercise of governmental powers and providing an effective date.

Also: That the Senate has on April 26, 2007, passed the following bill in which the concurrence of the Senate was asked:

[House File 864](#), a bill for an act providing for candidate physical ability tests for fire fighter applicants under the statewide fire and police retirement system and providing an effective date.

Also: That the Senate has on April 26, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 421](#), a bill for an act relating to workers' compensation laws by regulating insurance policy exclusions and debt collection practices.

Also: That the Senate has on April 26, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 503](#), a bill for an act relating to regulation of children's services by the department of human services by increasing the age for certain children receiving child care regulated by the department and revising child welfare and juvenile justice service provisions.

Also: That the Senate has on April 26, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 559](#), a bill for an act relating to cemetery and funeral merchandise, funeral services, and cemeteries and providing fees and penalties.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, April 26, 2007. Had I been present, I would have voted "aye" on [House File 904](#).

BOAL of Polk

PRESENTATION OF VISITORS

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

Students from Ogden Middle School, Ogden, Iowa, accompanied by teacher Michelle Kruse. By D. Olson of Boone.

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

- 2007\3057 Irvin and Gay Birkenholz, Knoxville – For celebrating their 50th wedding anniversary.
- 2007\3058 Marvin Buechler, Ankeny – For celebrating his 90th birthday.
- 2007\3059 Vijay Niels Permeswaran, Le Mars – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2007\3060 Harold and Dorothy Greiner, Sigourney – For celebrating their 60th wedding anniversary.
- 2007\3061 Leroy Smith, North English – For celebrating his 90th birthday.
- 2007\3062 Leroy “Buster” Brown, Sigourney – For celebrating his 88th birthday.
- 2007\3063 Milford Collingwood, Williamsburg – For celebrating his 80th birthday.
- 2007\3064 Richard and Sharen Gibson, Toledo – For celebrating their 50th wedding anniversary.
- 2007\3065 Darlene Foley, Traer – For celebrating her 80th birthday.
- 2007\3066 Francis Kacer, Toledo – For celebrating her 90th birthday.
- 2007\3067 Elizabeth T. Wagner, Marshalltown – For celebrating her 81st birthday.
- 2007\3068 Lewis J. Oswood, Marshalltown – For celebrating his 76th birthday.
- 2007\3069 Violet O. Haas, Marshalltown – For celebrating her 86th birthday.
- 2007\3070 Walter Keith Gould, Marshalltown – For celebrating his 81st birthday.
- 2007\3071 Betty Lettisha Emmons, Marshalltown – For celebrating her 81st birthday.
- 2007\3072 Betty Dunham, Marshalltown – For celebrating her 82nd birthday.
- 2007\3073 Shirley Jeanne Bein, Marshalltown – For celebrating her 80th birthday.
- 2007\3074 Minnie L. Dickerson, Marshalltown – For celebrating her 104th birthday.
- 2007\3075 Lowell Duane Davis, Marshalltown – For celebrating his 76th birthday.
- 2007\3076 Lawrence and Doris Kadolph, Hubbard – For celebrating their 60th wedding anniversary.

- 2007\3077 Delmer Janssen, Ackley – For celebrating his 80th birthday.
- 2007\3078 Dick and Diana Castell, State Center – For celebrating their 50th wedding anniversary.
- 2007\3079 Maynard and LaVonne Olson, Story City – For celebrating their 50th wedding anniversary.
- 2007\3080 Pratt Sanitation, Nevada – For celebrating its 50th year in business.
- 2007\3081 Gerald Olberding, Dyersville – For 60 years of continuous membership in American Legion Post 137.
- 2007\3082 Vincent Rubner, New Vienna – For 60 years of continuous membership in American Legion Post 137.
- 2007\3083 Michael Knepper, Dyersville – For 50 years of continuous membership in American Legion Post 137.
- 2007\3084 Fred Knozen, Dyersville – For 50 years of continuous membership in American Legion Post 137.
- 2007\3085 Thomas Lukan, Dyersville – For 50 years of continuous membership in American Legion Post 137.
- 2007\3086 Allen White, Dyersville – For 50 years of continuous membership in American Legion Post 137.
- 2007\3087 Marvin Tauke, Dyersville – For 50 years of continuous membership in American Legion Post 137.

AMENDMENTS FILED

H-2047	S.F. 601	Whitaker of Van Buren
H-2048	S.F. 601	Whitaker of Van Buren
H-2049	S.F. 601	Worthan of Buena Vista
H-2050	S.F. 601	Wessel-Kroeschell of Story
H-2051	S.F. 514	Mascher of Johnson
H-2053	S.F. 601	Winckler of Scott
H-2054	S.F. 601	Rants of Woodbury
H-2055	S.F. 601	Heddens of Story
		Frevert of Palo Alto
H-2056	S.F. 580	Raecker of Polk
		Van Fossen of Scott
H-2057	S.F. 601	Alons of Sioux
H-2058	S.F. 601	Lukan of Dubuque

<u>H-2059</u>	<u>S.F. 601</u>	Ford of Polk
<u>H-2060</u>	<u>S.F. 601</u>	Thomas of Clayton
<u>H-2061</u>	<u>H.F. 931</u>	Alons of Sioux
<u>H-2062</u>	<u>S.F. 601</u>	Grassley of Butler
<u>H-2063</u>	<u>S.F. 601</u>	Frevert of Palo Alto
<u>H-2064</u>	<u>S.F. 601</u>	Alons of Sioux
		Worthan of Buena Vista
		Kaufmann of Cedar
		Deyoe of Story
<u>H-2065</u>	<u>H.F. 922</u>	Roberts of Carroll
<u>H-2066</u>	<u>H.F. 933</u>	Lensing of Johnson

On motion by McCarthy of Polk the House adjourned at 5:17 p.m., until 9:00 a.m., Friday, April 27, 2007.