

PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 13, 2007

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JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 13, 2007

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dale Batcheler, pastor of the First United Methodist Church, Marshalltown. He was the guest of Representative Polly Granzow of Hardin County and Representative Mark Smith of Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from the Service Learners from Mid-Iowa Community Action Incorporated and Woodbury School of Marshalltown. They were the guests of Representative Polly Granzow of Hardin County and Representative Mark Smith of Marshall County.

The Journal of Monday, March 12, 2007 was approved.

INTRODUCTION OF BILLS

[House File 756](#), by committee on public safety, a bill for an act restricting the presence of a registered sex offender on the real property comprising a school or child care facility and providing a penalty.

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

[House File 757](#), by committee on state government, a bill for an act relating to the publication of certain false statements of fact concerning candidates and providing remedies.

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

[House File 758](#), by committee on state government, a bill for an act relating to the racing and gaming commission by modifying

provisions regulating horses involved in horse racing and providing an effective date.

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

[House File 759](#), by committee on public safety, a bill for an act specifying the functions of the Clarinda correctional facility.

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

[House File 760](#), by committee on public safety, a bill for an act relating to the issuance of a protective order on behalf of a person who is the alleged victim of a sexual offense and providing a penalty.

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

[House File 761](#), by committee on public safety, a bill for an act eliminating provisions relating to the contents of the uniform citation and complaint.

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

[House File 762](#), by committee on public safety, a bill for an act relating to criminal offenses against minors including sexual abuse, enticing a minor away, and indecent exposure through a webcam, and providing penalties.

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

[House File 763](#), by committee on economic growth, a bill for an act relating to certain distress criteria under the enterprise zone program.

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

[House File 764](#), by committee on economic growth, a bill for an act relating to programs, funds, authority, and duties of the Iowa finance authority.

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

[House File 765](#), by committee on agriculture, a bill for an act relating to animal feeding operations, by providing for the enforcement of regulatory provisions.

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

[House File 766](#), by committee on environmental protection, a bill for an act providing for the establishment of an energy-efficient appliance assistance grant program and fund, and making an appropriation.

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

[House File 767](#), by committee on veterans affairs, a bill for an act relating to eligible veterans for purposes of the injured veterans grant program.

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

[House File 768](#), by committee on economic growth, a bill for an act creating an insurance industry new jobs tax credit.

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

[House File 769](#), by committee on human resources, a bill for an act requiring insurance coverage benefits for treatment of mental illness and substance abuse and providing an effective date.

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

[House File 770](#), by committee on public safety, a bill for an act relating to the implementation of an electronic monitoring system to track pseudoephedrine sales at pharmacies, and making an appropriation.

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

[House File 771](#), by Boal, a bill for an act exempting the advisory services provided by licensed insurance producers from the sales and use taxes.

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

[House File 772](#), by committee on state government, a bill for an act making changes to the time frames and the duties of the legislative services agency concerning the process of congressional and legislative redistricting.

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

[House File 773](#), by committee on environmental protection, a bill for an act establishing an energy city designation program.

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

[House File 774](#), by committee on judiciary, a bill for an act relating to mechanics' liens.

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

[House File 775](#), by committee on local government, a bill for an act relating to county general obligation bonds by modifying the definition of essential county purpose and by changing the requirements under which a county may issue general county purpose bonds without an election.

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

SENATE MESSAGES CONSIDERED

[Senate File 199](#), by committee on state government, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

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

[Senate File 202](#), by committee on state government, a bill for an act relating to the disposition of certain unclaimed property.

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

[Senate File 260](#), by committee on human resources, a bill for an act relating to dependent adult abuse.

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

[Senate File 272](#), by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

[Senate File 333](#), by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

[Senate File 335](#), by committee on local government, a bill for an act relating to zoning provisions for the premises of home and community-based services waiver providers.

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

[Senate File 336](#), by committee on local government, a bill for an act allowing certain cities to appoint additional civil service commissioners.

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

[Senate File 337](#), by committee on local government, a bill for an act relating to information required to be indexed in the records of the county recorder.

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

[Senate File 400](#), by committee on economic growth, a bill for an act relating to mortgage release certificates issued by the Iowa finance authority.

Read first time and referred to committee on **economic growth**.

[Senate File 403](#), by committee on appropriations, a bill for an act addressing financial and regulatory matters by making and revising appropriations, providing for properly related matters, and providing effective dates.

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

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

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

CONSIDERATION OF BILLS Regular Calendar

[House File 283](#), a bill for an act relating to the enforcement of a restitution judgment against a person convicted of a criminal offense, was taken up for consideration.

Greiner of Washington offered amendment [H-1054](#) filed by her as follows:

[H-1054](#)

- 1 Amend [House File 283](#) as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. ___. Section 914.2, Code 2007, is amended to
- 5 read as follows:
- 6 914.2 RIGHT OF APPLICATION.
- 7 Except as otherwise provided in ~~section~~ sections
- 8 902.2 and 914.2A, a person convicted of a criminal
- 9 offense ~~has the right to make application~~ may apply to
- 10 the board of parole for recommendation or to the
- 11 governor for a reprieve, pardon, commutation of
- 12 sentence, remission of fines or forfeitures, or
- 13 restoration of rights of citizenship at any time
- 14 following the conviction.
- 15 Sec. ___. NEW SECTION. 914.2A RESTORATION OF THE
- 16 RIGHT TO REGISTER AND TO VOTE – ELIGIBILITY.
- 17 A person convicted of a felony criminal offense is
- 18 not eligible for a restoration of rights of
- 19 citizenship in order to register to vote and vote
- 20 unless the person has been discharged from probation
- 21 under section 907.9, discharged from parole or work
- 22 release under section 906.15, or released from

23 confinement under section 902.6 because the person has
24 completed the person's term of confinement. In
25 addition, before being eligible for a restoration of
26 rights of citizenship in order to register to vote and
27 vote, such person shall have made full restitution,
28 including fulfilling any community service
29 requirement.

30 Sec. ___. Section 914.3, Code 2007, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 4. The board shall not make a
33 recommendation on the application of any person who
34 has applied for a restoration of rights of citizenship
35 in order to register to vote and vote who has not met
36 the eligibility requirements of section 914.2A.

37 Sec. ___. Section 914.4, Code 2007, is amended by
38 adding the following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. The governor shall not
40 approve a recommendation, or otherwise restore the
41 rights of citizenship, on the application of any
42 person for a restoration of rights of citizenship in
43 order to register to vote and vote who has not met the
44 eligibility requirements of section 914.2A.

45 Sec. ___. EFFECTIVE DATE. This Act, being deemed
46 of immediate importance, takes effect upon enactment."

47 2. Title page, line 2, by inserting after the
48 word "against" the following: "and restoring
49 citizenship rights for".

50 3. Title page, line 2, by inserting after the

Page 2

1 word "offense" the following: ", and providing an
2 effective date".

R. Olson of Polk rose on a point of order that amendment [H-1054](#)
was not germane.

The Speaker ruled the point well taken and amendment [H-1054](#)
not germane.

Greiner of Washington asked for unanimous consent to suspend
the rules to consider amendment [H-1054](#).

Objection was raised.

Greiner of Washington moved to suspend the rules to consider
amendment [H-1054](#).

Roll call was requested by Greiner of Washington and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-1054](#)?" ([H.F. 283](#))

The ayes were, 43:

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

The nays were, 51:

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

Absent or not voting, 6:

| | | | |
|----------|------------|--------|----------|
| Berry | Gipp | Jacoby | Petersen |
| Reichert | Zirkelbach | | |

The motion to suspend the rules lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gipp of Winneshiek and Raecker of Polk, on request of Kaufmann of Cedar.

R. Olson of Polk asked and received unanimous consent that [House File 283](#) be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 264](#), a bill for an act relating to grandparent and great-grandparent visitation.

Also: that the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 480](#), a bill for an act relating to children who are subject to a court order for a temporary or permanent out-of-home placement by providing for visitation or ongoing interaction between the children and siblings.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 9:53 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:10 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

[House File 776](#), by committee on local government, a bill for an act relating to information required to be indexed in the records of the county recorder.

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

[House File 777](#), by committee on judiciary, a bill for an act relating to judicial branch practices and procedures including but not limited to adoption petitions, clerk of the district court duties and recordkeeping affecting real estate, and the confidentiality of arrest warrants.

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

[House File 778](#), by committee on local government, a bill for an act relating to local regulation of smoking.

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

[House File 779](#), by committee on education, a bill for an act relating to the compulsory school attendance age and providing effective dates.

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

[House File 780](#), by committee on judiciary, a bill for an act relating to the issuance of temporary orders modifying an order of child support.

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

[House File 781](#), by committee on ways and means, a bill for an act relating to changes in the utility replacement tax law by redefining a new electric power generating plant, extending the life of the utility replacement tax task force, and requiring notification by the taxpayer to the department of revenue and local taxing district upon transfer of utility property.

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

[House File 782](#), by Shomshor, a bill for an act directing the director of revenue to negotiate reciprocal income tax agreements with other states.

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

[House File 783](#), by committee on local government, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service and other services provided to certain residential rental property.

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

[House File 784](#), by committee on human resources, a bill for an act relating to nursing facility financial assistance related to certain renovation and construction and regulatory compliance, providing for a standing appropriation, and providing an effective date.

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

[House File 785](#), by committee on commerce, a bill for an act appropriating moneys to support the purchase of equipment to conduct testing of motor fuel and biofuel.

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

[House File 786](#), by committee on judiciary, a bill for an act relating to a civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision.

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

[House File 787](#), by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

[House File 788](#), by committee on commerce, a bill for an act relating to mortgage release certificates issued by the Iowa finance authority.

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

[House File 789](#), by committee on commerce, a bill for an act requiring insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for certain enteral formulas, audiological services and hearing aids for children, and vaccinations for human papilloma virus.

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

[House File 790](#), by committee on commerce, a bill for an act allowing certain association group health care plans and wellness initiatives, and providing an effective date.

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

[House File 791](#), by committee on commerce, a bill for an act requiring health care benefit coverage for certain prosthetic devices and providing an applicability date.

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

[House File 792](#), by committee on environmental protection, a bill for an act relating to regulation of underground storage tanks by the department of natural resources, making appropriations, and providing contingent effective date provisions.

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

CONSIDERATION OF BILLS Regular Calendar

[House File 516](#), a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, making penalties applicable, and making an appropriation, was taken up for consideration.

Bukta of Clinton in the chair at 1:18 p.m.

Bell of Jasper offered the following amendment [H-1101](#) filed by him and moved its adoption:

H-1101

1 Amend [House File 516](#) as follows:

2 1. Page 6, by inserting after line 7 the

3 following:

4 "Sec. ____. NEW SECTION. 462A.34B ELUDING OR

5 ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VESSEL.

6 1. The operator of a vessel commits a serious
7 misdemeanor if the operator willfully fails to bring
8 the vessel to a stop or otherwise eludes or attempts
9 to elude an authorized marked law enforcement vessel
10 operated by a uniformed peace officer or by a water
11 patrol officer of the department of natural resources,
12 after being given a visual and audible signal to stop.
13 The signals given by the officer shall be by
14 displaying a blue light or flashing blue and red
15 lights and by sounding a horn or siren.

16 2. The operator of a vessel commits an aggravated
17 misdemeanor if the operator willfully fails to bring
18 the vessel to a stop or otherwise eludes or attempts
19 to elude an authorized marked law enforcement vessel
20 operated by a uniformed peace officer or by a water
21 patrol officer of the department of natural resources,
22 after being given a visual and audible signal to stop
23 as provided in this section and in doing so exceeds a
24 reasonable speed.

25 3. The operator of a vessel commits a class "D"
26 felony if the operator willfully fails to bring the
27 vessel to a stop or otherwise eludes or attempts to
28 elude an authorized marked law enforcement vessel
29 operated by a uniformed peace officer or by a water
30 patrol officer of the department of natural resources,
31 after being given a visual and audible signal to stop
32 as provided in this section, and in doing so exceeds a
33 reasonable speed, and if any of the following occurs:

34 a. The operator is participating in a public
35 offense, as defined in section 702.13, that is a
36 felony.

37 b. The operator is in violation of section 462A.14
38 or 124.401.

39 c. The offense results in bodily injury to a
40 person other than the operator."

41 2. Page 6, by inserting after line 28 the
42 following:

43 "Sec. ____. Section 462A.84, subsection 3, Code
44 2007, is amended by striking the subsection and
45 inserting in lieu thereof the following:

46 3. When a security interest is discharged, the
47 secured party shall note the cancellation of the
48 security interest on the face of the certificate of
49 title and send the title by first class mail to the
50 office of the county recorder where the title was

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1 issued, or the secured party shall send a notarized
2 letter by first class mail to the county recorder
3 where the title was issued notifying the county
4 recorder of the cancellation of the security interest.
5 The county recorder shall note the release of the
6 security interest in the county records as evidence of
7 the release of the security interest."
8 3. By renumbering as necessary.

Amendment [H-1101](#) was adopted, placing out of order amendment [H-1084](#) filed by Bell of Jasper on February 27, 2007 and amendment [H-1118](#) filed by Alons of Sioux on March 12, 2007.

[SENATE FILE 78](#) SUBSTITUTED FOR [HOUSE FILE 516](#)

Bell of Jasper asked and received unanimous consent to substitute [Senate File 78](#) for [House File 516](#).

[Senate File 78](#), a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, making penalties applicable, and making an appropriation, was taken up for consideration.

Bell of Jasper offered the following amendment [H-1113](#) filed by him and moved its adoption:

[H-1113](#)

1 Amend [Senate File 78](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by inserting after line 29 the
4 following:
5 "Sec.____. Section 481A.134, Code 2007, is amended
6 to read as follows:
7 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE
8 LICENSE – POINT SYSTEM.
9 The department shall establish rules pursuant to
10 chapter 17A providing for the suspension or revocation
11 of licenses issued by the department. The rules may
12 include procedures for summary cancellation of a
13 license based on documentation that the licensee
14 failed to pay the applicable fee for the license. For
15 purposes of determining when to suspend or revoke a
16 license issued by the department under this section,
17 the department shall adopt a point system pursuant to

18 chapter 17A for the purpose of weighing the
 19 seriousness of violations of the provisions of this
 20 chapter or chapter 481B, 482, 483A, 484A, or 484B, or
 21 of committing trespass as defined in section 716.7
 22 while hunting deer, other than farm deer as defined in
 23 section 170.1 or preserve whitetail as defined in
 24 section 484C.1. The weighted scale may be amended
 25 from time to time as experience dictates.

26 Sec.____. Section 481A.135, subsections 2, 3, and
 27 4, Code 2007, are amended to read as follows:

28 2. A person who pleads guilty or is convicted of a
 29 violation of any provision of this chapter or chapter
 30 481B, 482, 483A, 484A, or 484B, or trespass as defined
 31 in section 716.7 while hunting deer, other than farm
 32 deer as defined in section 170.1 or preserve whitetail
 33 as defined in section 484C.1, while the person's
 34 license or licenses are suspended or revoked is guilty
 35 of a simple misdemeanor if the person has no other
 36 violations within the previous three years which
 37 occurred while the person's license or licenses have
 38 been suspended or revoked.

39 3. A person who pleads guilty or is convicted of a
 40 violation of any provision of this chapter or chapter
 41 481B, 482, 483A, 484A, or 484B, or trespass as defined
 42 in section 716.7 while hunting deer, other than farm
 43 deer as defined in section 170.1 or preserve whitetail
 44 as defined in section 484C.1, while the person's
 45 license or licenses are suspended or revoked is guilty
 46 of a serious misdemeanor if the person has one other
 47 violation within the previous three years which
 48 occurred while the person's license or licenses have
 49 been suspended or revoked.

50 4. A person who pleads guilty or is convicted of a

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1 violation of any provision of this chapter or chapter
 2 481B, 482, 483A, 484A, or 484B, or trespass as defined
 3 in section 716.7 while hunting deer, other than farm
 4 deer as defined in section 170.1 or preserve whitetail
 5 as defined in section 484C.1, while the person's
 6 license or licenses are suspended or revoked is guilty
 7 of an aggravated misdemeanor when the person has had
 8 two or more convictions within the previous three
 9 years which occurred while the person's license or
 10 licenses have been suspended or revoked."

11 2. Page 10, by inserting after line 17, the
 12 following:

13 "Sec.____. Section 716.7, subsection 2, paragraph
 14 a, Code 2007, is amended to read as follows:

15 a. Entering upon or in property without the
 16 express permission of the owner, lessee, or person in

17 lawful possession with the intent to commit a public
 18 offense, to use, remove therefrom, alter, damage,
 19 harass, or place thereon or therein anything animate
 20 or inanimate, or to hunt, fish or trap on or in the
 21 property, including the act of taking or attempting to
 22 take a deer, other than a farm deer as defined in
 23 section 170.1 or preserve whitetail as defined in
 24 section 484C.1, which is on or in the property by a
 25 person who is outside the property. This paragraph
 26 does not prohibit the unarmed pursuit of game or
 27 ~~fur-bearing~~ fur-bearing animals by a person who
 28 lawfully injured or killed the game or fur-bearing
 29 animal which ~~come~~ comes to rest on or ~~escape~~ escapes
 30 to the property of another.

31 Sec. ____ Section 716.8, Code 2007, is amended by
 32 adding the following new subsection:

33 NEW SUBSECTION. 5. A person who commits a
 34 trespass as defined in section 716.7, subsection 2,
 35 paragraph "a", and takes a deer, other than a farm
 36 deer as defined in section 170.1 or preserve whitetail
 37 as defined in section 484C.1, shall also be subject to
 38 civil penalties as provided in sections 481A.130 and
 39 481A.131. A deer taken by a person while committing
 40 such a trespass shall be subject to seizure as
 41 provided in section 481A.12."

42 3. By renumbering as necessary.

Amendment [H-1113](#) was adopted.

Raecker of Polk rose on a point of order and invoked Rule 32, relating to an appropriation to [Senate File 78](#) and requested the bill be referred to the committee on appropriations.

The Speaker ruled the point not well taken.

Bell of Jasper 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. 78](#))

The ayes were, 91:

| | | | |
|-------------|----------|--------|------------|
| Abdul-Samad | Anderson | Arnold | Bailey |
| Baudler | Bell | Berry | Boal |
| Chambers | Clute | Cphoon | Dandekar |
| Davitt | De Boef | Deyoe | Dolecheck |
| Drake | Foegel | Ford | Forristall |
| Frevert | Gaskill | Gayman | Granzow |

| | | | |
|---------------|-----------|---------------------|------------|
| Grassley | Greiner | Heaton | Heddens |
| Hoffman | Horbach | Hunter | Huseman |
| Huser | Jacobs | Jacoby | Jochum |
| Kelley | Kressig | Kuhn | Lensing |
| Lukan | Lykam | Mascher | May |
| McCarthy | Mertz | Miller, H. | Miller, L. |
| Murphy, Spkr. | Oldson | Olson, D. | Olson, R. |
| Olson, S. | Olson, T. | Palmer | Pettengill |
| Quirk | Rants | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | 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 | Wienczek | Winckler | Windschitl |
| Wise | Worthan | Bukta, Presiding | |

The nays were, 6:

| | | | |
|-------|------------|---------|---------|
| Alons | Kaufmann | Paulsen | Raecker |
| Sands | Van Fossen | | |

Absent or not voting, 3:

| | | |
|------|----------|------------|
| Gipp | Petersen | Zirkelbach |
|------|----------|------------|

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

[HOUSE FILE 516](#) WITHDRAWN

Bell of Jasper asked and received unanimous consent to withdraw [House File 516](#) from further consideration by the House.

[House File 541](#), a bill for an act relating to the regulation and practice of pharmacy, including providing for the establishment of a limited drug and device distributor license, was taken up for consideration.

[SENATE FILE 67](#) SUBSTITUTED FOR [HOUSE FILE 541](#)

Abdul-Samad of Polk asked and received unanimous consent to substitute [Senate File 67](#) for [House File 541](#).

Senate File 67, a bill for an act relating to the regulation and practice of pharmacy, including providing for the establishment of a limited drug and device distributor license, was taken up for consideration.

Abdul-Samad 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. 67**)

The ayes were, 97:

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

The nays were, none.

Absent or not voting and 3:

| | | |
|------|----------|------------|
| Gipp | Petersen | Zirkelbach |
|------|----------|------------|

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

HOUSE FILE 541 WITHDRAWN

Abdul-Samad of Polk asked and received unanimous consent to withdraw House File 541 from further consideration by the House.

House File 528, a bill for an act relating to the regulation of hospitals and health care facilities by the department of inspections and appeals, including investigations of complaints against health care facilities and rules relating to authentication of certain orders by practitioners, and providing an immediate effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 528)

The ayes were, 97:

| | | | |
|---------------------|------------|---------------|------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Chambers | Clute | Cohoon |
| Dandekar | Davitt | De Boef | Deyoe |
| Dolecheck | Drake | Foege | Ford |
| Forristall | Frevrt | Gaskill | Gayman |
| Granzow | Grassley | Greiner | Heaton |
| Heddens | Hoffman | Horbach | Hunter |
| Huseman | Huser | Jacobs | Jacoby |
| Jochum | Kaufmann | Kelley | Kressig |
| Kuhn | Lensing | Lukan | Lykam |
| Mascher | May | McCarthy | Mertz |
| Miller, H. | Miller, L. | Murphy, Spkr. | Oldson |
| Olson, D. | Olson, R. | Olson, S. | Olson, T. |
| Palmer | Paulsen | 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 | Wiencak |
| Winckler | Windschitl | Wise | Worthan |
| Bukta, Presiding | | | |

The nays were, none.

Absent or not voting, 3:

Gipp Petersen Zirkelbach

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

House File 529, a bill for an act relating to cooperative associations, by providing for documentation, including certificates and statements, was taken up for consideration.

SENATE FILE 319 SUBSTITUTED FOR HOUSE FILE 529

Mertz of Kossuth asked and received unanimous consent to substitute Senate File 319 for House File 529.

Senate File 319, a bill for an act relating to cooperative associations, by providing for documentation, including certificates and statements, was taken up for consideration.

Mertz of Kossuth 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. 319)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

| | | |
|------|----------|------------|
| Gipp | Petersen | Zirkelbach |
|------|----------|------------|

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

HOUSE FILE 529 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 529 from further consideration by the House.

House File 567, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

SENATE FILE 272 SUBSTITUTED FOR HOUSE FILE 567

Wessel-Kroeschell of Story asked and received unanimous consent to substitute Senate File 272 for House File 567.

Senate File 272, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

Wessel-Kroeschell of Story 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. 272)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

| | | |
|------|----------|------------|
| Gipp | Petersen | Zirkelbach |
|------|----------|------------|

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

HOUSE FILE 567 WITHDRAWN

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw House File 567 from further consideration by the House.

House File 587, a bill for an act relating to advisory boards created pursuant to emergency services agreements and providing an effective date, was taken up for consideration.

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?" ([H.F. 587](#))

The ayes were, 97:

| | | | |
|---------------------|------------|---------------|------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Chambers | Clute | Cohoon |
| Dandekar | Davitt | De Boef | Deyoe |
| Dolecheck | Drake | Foege | Ford |
| Forristall | Frevrt | Gaskill | Gayman |
| Granzow | Grassley | Greiner | Heaton |
| Heddens | Hoffman | Horbach | Hunter |
| Huseman | Huser | Jacobs | Jacoby |
| Jochum | Kaufmann | Kelley | Kressig |
| Kuhn | Lensing | Lukan | Lykam |
| Mascher | May | McCarthy | Mertz |
| Miller, H. | Miller, L. | Murphy, Spkr. | Oldson |
| Olson, D. | Olson, R. | Olson, S. | Olson, T. |
| Palmer | Paulsen | 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 | Wiencsek |
| Winckler | Windschitl | Wise | Worthan |
| Bukta, Presiding | | | |

The nays were, none.

Absent or not voting, 3:

| | | |
|------|----------|------------|
| Gipp | Petersen | 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 Files 528, 587** and **Senate Files 67, 78, 272** and **319**.

[House File 588](#), a bill for an act relating to requirements for persons seeking election to township office, was taken up for consideration.

Gaskill of Wapello 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. 588](#))

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

| | | |
|------|----------|------------|
| Gipp | Petersen | Zirkelbach |
|------|----------|------------|

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

SPECIAL PRESENTATION

Roberts of Carroll introduced to the House the Honorable Dan Boddicker, former state representative from Cedar County.

The House rose and expressed its welcome.

[House File 591](#), a bill for an act providing procedures to increase the number of city council members in certain cities, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 591](#))

The ayes were, 97:

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

The nays were, none.

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

HOUSE FILE 62 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 62 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 588, 591 and 608.**

House File 555, a bill for an act increasing the taxes imposed on cigarettes and tobacco products and providing for deposit of the increased revenue generated in the healthy Iowans tobacco trust, and providing an effective date and an applicability provision, was taken up for consideration.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 3:54 p.m., Speaker Murphy in the chair.

Van Fossen of Scott offered amendment H-1089 filed by him as follows:

H-1089

- 1 Amend House File 555 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 453E.1 CIGARETTES –
- 5 PROHIBITIONS.
- 6 Beginning July 1, 2009:
- 7 1. A person shall not sell, give, or otherwise
- 8 supply cigarettes to any person in this state.
- 9 2. A person shall not smoke, use, possess,
- 10 purchase, or attempt to purchase cigarettes in this
- 11 state.
- 12 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor,
- 13 in consultation with the department of revenue and the
- 14 department of public health, shall submit
- 15 recommendations to the general assembly for conforming

16 changes to the Code necessary to implement the
 17 prohibitions specified in section 453E.1, as enacted
 18 in this Act, by January 1, 2009."
 19 2. Title page, by striking lines 1 through 4, and
 20 inserting the following: "An Act relating to
 21 prohibitions relating to cigarettes."

Jochum of Dubuque rose on a point of order that amendment [H-1089](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1089](#) not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment [H-1089](#).

Objection was raised.

Van Fossen of Scott moved to suspend the rules to consider amendment [H-1089](#).

Roll call was requested by Van Fossen of Scott and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment [H-1089](#)?" ([H.F. 555](#))

The ayes were, 34:

| | | | |
|-----------|------------------|------------|------------|
| Alons | Anderson | Arnold | Baudler |
| Boal | Chambers | Clute | De Boef |
| Drake | Forristall | Granzow | Grassley |
| Greiner | Heaton | Hoffman | Horbach |
| Huseman | Lukan | May | Miller, L. |
| Olson, S. | Paulsen | Rasmussen | Roberts |
| Sands | Schickel | Soderberg | Tjepkes |
| Upmeyer | Van Engelenhoven | Van Fossen | Watts |
| Wiencek | Worthan | | |

The nays were, 60:

| | | | |
|-------------|--------|----------|---------|
| Abdul-Samad | Bailey | Bell | Berry |
| Bukta | Cohoon | Dandekar | Davitt |
| Deyoe | 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, T. | Palmer | Petersen | Quirk |
| Raecker | Rants | Rayhons | Reasoner |
| Reichert | Schueller | Shomshor | Smith |
| Staed | Struyk | Swaim | Taylor, D. |
| Taylor, T. | Thomas | Tymeson | Wendt |
| Wenthe | Wessel-Kroeschell | Whitaker | Whitead |
| Winckler | Windschitl | Wise | Mr. Speaker Murphy |

Absent or not voting, 6:

| | | | |
|-----------|------------|-----------|------------|
| Dolecheck | Gipp | Olson, R. | Pettengill |
| Tomenga | Zirkelbach | | |

The motion to suspend the rules lost.

Jochum of Dubuque offered amendment [H-1116](#) filed by her as follows:

[H-1116](#)

1 Amend [House File 555](#) as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 421B.2, subsection 3,
5 paragraph b, Code 2007, is amended to read as follows:
6 b. The cost of doing business by the retailer is
7 presumed to be ~~six eight~~ percent of the basic cost of
8 cigarettes in the absence of proof of a lesser or
9 higher cost plus the full face value of any stamps
10 which may be required by any cigarette tax act of this
11 state to the extent not already included in the basic
12 cost of cigarettes.
13 Sec. 2. Section 421B.2, subsection 4, paragraph b,
14 Code 2007, is amended to read as follows:
15 b. The cost of doing business by the wholesaler is
16 presumed to be ~~three four~~ percent of the basic cost of
17 cigarettes in the absence of proof of a lesser or
18 higher cost, which includes cartage to the retail
19 outlet, plus the full face value of any stamps which
20 may be required by any cigarette tax act of this state
21 to the extent not already included in the basic cost
22 of cigarettes.
23 Sec. 3. Section 453A.6, subsection 1, Code 2007,
24 is amended to read as follows:
25 1. There is imposed, and shall be collected and
26 paid to the department, ~~the following taxes a tax on~~
27 all cigarettes used or otherwise disposed of in this
28 state for any purpose ~~whatsoever~~

29 ~~CLASS A. On cigarettes weighing not more than~~
 30 ~~three pounds per thousand, eighteen mills on each such~~
 31 ~~cigarette.~~

32 ~~CLASS B. On cigarettes weighing more than three~~
 33 ~~pounds per thousand, eighteen mills equal to six and~~
 34 ~~eight-tenths cents on each such cigarette.~~

35 Sec. 4. Section 453A.6, Code 2007, is amended by
 36 adding the following new subsection:

37 NEW SUBSECTION. 7. Cigarettes shall be sold only
 38 in packages of twenty or more cigarettes.

39 Sec. 5. Section 453A.35, Code 2007, is amended to
 40 read as follows:

41 453A.35 TAX AND FEES PAID TO GENERAL FUND =
 42 STANDING APPROPRIATION TO HEALTH CARE TRUST FUND.

43 1. The proceeds derived from the sale of stamps
 44 and the payment of taxes, fees and penalties provided
 45 for under this chapter, and the permit fees received
 46 from all permits issued by the department, shall be
 47 credited to the general fund of the state. However,
 48 beginning July 1, 2007, of the revenues generated from
 49 the tax on cigarettes pursuant to section 453A.6,
 50 subsection 1, and from the tax on tobacco products as

Page 2

1 specified in section 453A.43, subsections 1, 2, 3, and
 2 4, and credited to the general fund of the state under
 3 this subsection, there is appropriated, annually, to
 4 the health care trust fund created in section
 5 453A.35A, the first one hundred twenty-seven million
 6 six hundred thousand dollars.

7 2. All permit fees provided for in this chapter
 8 and collected by cities in the issuance of permits
 9 granted by the cities shall be paid to the treasurer
 10 of the city where the permit is effective, or to
 11 another city officer as designated by the council, and
 12 credited to the general fund of the city. Permit fees
 13 so collected by counties shall be paid to the county
 14 treasurer.

15 Sec. 6. NEW SECTION. 453A.35A HEALTH CARE TRUST
 16 FUND.

17 A health care trust fund is created in the office
 18 of the treasurer of state. The fund consists of the
 19 revenues generated from the tax on cigarettes pursuant
 20 to section 453A.6, subsection 1, and from the tax on
 21 tobacco products as specified in section 453A.43,
 22 subsections 1, 2, 3, and 4, that are credited to the
 23 general fund of the state and appropriated to the
 24 health care trust fund, annually, pursuant to section
 25 453A.35. Moneys in the fund shall be separate from
 26 the general fund of the state and shall not be
 27 considered part of the general fund of the state.

28 However, the fund shall be considered a special
 29 account for the purposes of section 8.53 relating to
 30 generally accepted accounting principles. Moneys in
 31 the fund shall be used only as specified in this
 32 section and shall be appropriated only for the uses
 33 specified. Moneys in the fund are not subject to
 34 section 8.33 and shall not be transferred, used,
 35 obligated, appropriated, or otherwise encumbered,
 36 except as provided in this section. Notwithstanding
 37 section 12C.7, subsection 2, interest or earnings on
 38 moneys deposited in the fund shall be credited to the
 39 fund.

40 Moneys in the fund shall be used only for purposes
 41 related to health care, substance abuse treatment and
 42 prevention, and tobacco use prevention, cessation, and
 43 control.

44 Sec. 7. Section 453A.40, subsection 1, Code 2007,
 45 is amended to read as follows:

46 1. All persons required to obtain a permit or to
 47 be licensed under section 453A.13 as distributors or
 48 section 453A.44 having in their possession and held
 49 for resale on the effective date of an increase in the
 50 tax rate cigarettes, ~~or~~ little cigars, or tobacco

Page 3

1 products upon which the tax under section 453A.6 or
 2 453A.43 has been paid, unused cigarette tax stamps
 3 which have been paid for under section 453A.8, ~~or~~
 4 unused metered imprints which have been paid for under
 5 section 453A.12, or tobacco products for which the tax
 6 has not been paid under section 453A.46 shall be
 7 subject to an inventory tax on the items as provided
 8 in this section.

9 Sec. 8. Section 453A.42, Code 2007, is amended by
 10 adding the following new subsection:

11 NEW SUBSECTION. 11A. "Snuff" means any finely
 12 cut, ground, or powdered tobacco that is not intended
 13 to be smoked.

14 Sec. 9. Section 453A.42, subsection 14, Code 2007,
 15 is amended to read as follows:

16 14. "Tobacco products" means cigars; little cigars
 17 as defined herein; cheroots; stogies; periques;
 18 granulated, plug cut, crimp cut, ready rubbed, and
 19 other smoking tobacco; snuff; ~~snuff flour~~; cavendish;
 20 plug and twist tobacco; fine-cut and other chewing
 21 tobaccos; shorts; refuse scraps, clippings, cuttings
 22 and sweepings of tobacco, and other kinds and forms of
 23 tobacco, prepared in such manner as to be suitable for
 24 chewing or smoking in a pipe or otherwise, or both for
 25 chewing and smoking; but shall not include cigarettes
 26 as defined in section 453A.1, subsection 3.

27 Sec. 10. Section 453A.43, Code 2007, is amended to
28 read as follows:

29 453A.43 TAX ON TOBACCO PRODUCTS.

30 1. a. A tax is imposed upon all tobacco products
31 in this state and upon any person engaged in business
32 as a distributor of tobacco products, at the rate of
33 twenty-two percent of the wholesale sales price of the
34 tobacco products, except little cigars and snuff as
35 defined in section 453A.42.

36 b. In addition to the tax imposed under paragraph
37 "a", a tax is imposed upon all tobacco products in
38 this state and upon any person engaged in business as
39 a distributor of tobacco products, at the rate of
40 twenty-eight percent of the wholesale sales price of
41 the tobacco products, except little cigars and snuff
42 as defined in section 453A.42, with the limitation
43 that if the tobacco product is a cigar, the additional
44 tax shall not exceed fifty cents per cigar.

45 c. Little cigars shall be subject to the same rate
46 of tax imposed upon cigarettes in section 453A.6,
47 payable at the time and in the manner provided in
48 section 453A.6; and stamps shall be affixed as
49 provided in division I of this chapter. Snuff shall
50 be subject to the tax as provided in subsections 3 and

Page 4

1 4.

2 d. The ~~tax~~ taxes on tobacco products, excluding
3 little cigars and snuff, shall be imposed at the time
4 the distributor does any of the following:

5 ~~a.~~ (1) Brings, or causes to be brought, into this
6 state from ~~without~~ outside the state tobacco products
7 for sale.

8 ~~b.~~ (2) Makes, manufactures, or fabricates tobacco
9 products in this state for sale in this state.

10 ~~c.~~ (3) Ships or transports tobacco products to
11 retailers in this state, to be sold by those
12 retailers.

13 2. a. A tax is imposed upon the use or storage by
14 consumers of tobacco products in this state, and upon
15 the consumers, at the rate of twenty-two percent of
16 the cost of the tobacco products.

17 b. In addition to the tax imposed in paragraph
18 "a", a tax is imposed upon the use or storage by
19 consumers of tobacco products in this state, and upon
20 the consumers, at a rate of twenty-eight percent of
21 the cost of the tobacco products, with the limitation
22 that if the tobacco product is a cigar, the additional
23 tax shall not exceed fifty cents per cigar.

24 c. The ~~tax~~ taxes imposed by this subsection shall
25 not apply if the ~~tax~~ taxes imposed by subsection 1 on

26 the tobacco products ~~has~~ have been paid.

27 d. This tax The taxes imposed under this
28 subsection shall not apply to the use or storage of
29 tobacco products in quantities of:

30 ~~a. (1) Less than 25~~ twenty-five cigars.

31 ~~b. Less than 10-oz. snuff or snuff powder.~~

32 ~~e. (2) Less than 1-lb.~~ one pound smoking or
33 chewing tobacco or other tobacco products not
34 specifically mentioned herein, in the possession of
35 any one consumer.

36 3. A tax is imposed upon all snuff in this state
37 and upon any person engaged in business as a
38 distributor of snuff at the rate of one dollar and
39 nineteen cents per ounce, with a proportionate tax at
40 the same rate on all fractional parts of an ounce of
41 snuff. The tax shall be computed based on the net
42 weight listed by the manufacturer. The tax on snuff
43 shall be imposed at the time the distributor does any
44 of the following:

45 a. Brings or causes to be brought into this state
46 from outside the state, snuff for sale.

47 b. Makes, manufactures, or fabricates snuff in
48 this state for sale in this state.

49 c. Ships or transports snuff to retailers in this
50 state, to be sold by those retailers.

Page 5

1 4. A tax is imposed upon the use or storage by
2 consumers of snuff in this state, and upon the
3 consumers, at the rate of one dollar and nineteen
4 cents per ounce with a proportionate tax at the same
5 rate on all fractional parts of an ounce of snuff.
6 The tax shall be computed based on the net weight as
7 listed by the manufacturer.

8 The tax imposed by this subsection shall not apply
9 if the tax imposed by subsection 3 on snuff has been
10 paid.

11 The tax shall not apply to the use or storage of
12 snuff in quantities of less than ten ounces.

13 ~~3.~~ 5. Any tobacco product with respect to which a
14 tax has once been imposed under this division shall
15 not again be subject to tax under ~~said this~~ this division,
16 except as provided in section 453A.40.

17 ~~4.~~ 6. The tax imposed by this section shall not
18 apply with respect to any tobacco product which under
19 the Constitution and laws of the United States may not
20 be made the subject of taxation by this state.

21 ~~5.~~ 7. The tax imposed by this section shall be in
22 addition to all other occupation or privilege taxes or
23 license fees now or hereafter imposed by any city or
24 county.

25 ~~6.~~ 8. All excise taxes collected under this
 26 chapter by a distributor or any individual are deemed
 27 to be held in trust for the state of Iowa.

28 Sec. 11. APPLICABILITY. Notwithstanding section
 29 453A.40 as amended in this Act, persons required to
 30 obtain a permit or license as specified in that
 31 section shall not be subject to an inventory tax on
 32 the items as provided in that section as a result of
 33 the tax increases provided in this Act.

34 Sec. 12. EFFECTIVE DATE. This Act, being deemed
 35 of immediate importance, takes effect upon enactment."

36 2. Title page, by striking lines 1 through 4 and
 37 inserting the following: "An Act relating to an
 38 increase in the taxes on cigarettes and tobacco
 39 products, imposing an inventory tax on tobacco
 40 products, creating a health care trust fund, providing
 41 for a standing appropriation, and providing an
 42 effective date and providing an applicability
 43 provision."

Van Fossen of Scott asked and received unanimous consent to withdraw amendment [H-1159](#), to amendment [H-1116](#), filed by him from the floor.

Lukan of Dubuque offered amendment [H-1156](#), to amendment [H-1116](#), filed by him from the floor as follows:

[H-1156](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
 2 follows:

3 1. Page 1, by inserting after line 22 the
 4 following:

5 "Sec. _____. Section 453A.2, subsections 1, 2, and
 6 3, Code 2007, are amended to read as follows:

7 1. A person shall not sell, give, or otherwise
 8 supply any tobacco, tobacco products, or cigarettes to
 9 any person under ~~eighteen~~ twenty-one years of age.

10 2. A person under ~~eighteen~~ twenty-one years of age
 11 shall not smoke, use, possess, purchase, or attempt to
 12 purchase any tobacco, tobacco products, or cigarettes.

13 3. Possession of cigarettes or tobacco products by
 14 an individual under ~~eighteen~~ twenty-one years of age
 15 does not constitute a violation under this section if
 16 the individual under ~~eighteen~~ twenty-one years of age
 17 possesses the cigarettes or tobacco products as part
 18 of the individual's employment and the individual is
 19 employed by a person who holds a valid permit under
 20 this chapter or who lawfully offers for sale or sells
 21 cigarettes or tobacco products.

22 Sec.____. Section 453A.2, subsection 8, paragraph
23 b, Code 2007, is amended to read as follows:

24 b. The compliance effort is conducted with the
25 advance knowledge of law enforcement officers and
26 reasonable measures are adopted by those conducting
27 the effort to ensure that use of cigarettes or tobacco
28 products by individuals under ~~eighteen~~ twenty-one
29 years of age does not result from participation by any
30 individual under ~~eighteen~~ twenty-one years of age in
31 the compliance effort.

32 Sec.____. Section 453A.5, subsection 1, Code 2007,
33 is amended to read as follows:

34 1. The alcoholic beverages division of the
35 department of commerce shall develop a tobacco
36 compliance employee training program not to exceed two
37 hours in length for employees and prospective
38 employees of retailers, as defined in sections 453A.1
39 and 453A.42, to inform the employees about state and
40 federal laws and regulations regarding the sale of
41 cigarettes and tobacco products to persons under
42 ~~eighteen~~ twenty-one years of age and compliance with
43 and the importance of laws regarding the sale of
44 cigarettes and tobacco products to persons under
45 ~~eighteen~~ twenty-one years of age."

46 2. Page 2, by inserting after line 43 the
47 following:

48 "Sec.____. Section 453A.36, subsection 6, Code
49 2007, is amended to read as follows:

50 6. Any sales of cigarettes or tobacco products

Page 2

1 made through a cigarette vending machine are subject
2 to rules and penalties relative to retail sales of
3 cigarettes and tobacco products provided for in this
4 chapter. No cigarettes shall be sold through any
5 cigarette vending machine unless the cigarettes have
6 been properly stamped or metered as provided by this
7 division, and in case of violation of this provision,
8 the permit of the dealer authorizing retail sales of
9 cigarettes shall be canceled. Payment of the license
10 fee as provided in section 453A.13 authorizes a
11 cigarette vendor to sell cigarettes or tobacco
12 products through vending machines. However,
13 cigarettes or tobacco products shall not be sold
14 through a vending machine unless the vending machine
15 is located in a place where the retailer ensures that
16 no person younger than ~~eighteen~~ twenty-one years of
17 age is present or permitted to enter at any time.
18 This section does not require a retail licensee to buy
19 a cigarette vendor's permit if the retail licensee is
20 in fact the owner of the cigarette vending machines

21 and the machines are operated in the location
 22 described in the retail permit.
 23 Sec.____. Section 453A.39, subsection 2,
 24 paragraphs b and c, Code 2007, are amended to read as
 25 follows:
 26 b. A manufacturer, distributor, wholesaler,
 27 retailer, or distributing agent or agent thereof shall
 28 not give away any cigarettes or tobacco products to
 29 any person under ~~eighteen~~ twenty-one years of age, or
 30 within five hundred feet of any playground, school,
 31 high school, or other facility when such facility is
 32 being used primarily by persons under age ~~eighteen~~
 33 twenty-one for recreational, educational, or other
 34 purposes.
 35 c. Proof of age shall be required if a reasonable
 36 person could conclude on the basis of outward
 37 appearance that a prospective recipient of a sample
 38 may be under ~~eighteen~~ twenty-one years of age."
 39 3. Page 5, line 40, by inserting after the word
 40 "fund," the following: "providing for an increase in
 41 the legal age relating to cigarettes and tobacco
 42 products,".

Jochum of Dubuque rose on a point of order that amendment [H-1156](#) was not germane, to amendment [H-1116](#).

The Speaker ruled the point well taken and amendment [H-1156](#) not germane, to amendment [H-1116](#).

Lukan of Dubuque asked for unanimous consent to suspend the rules to consider amendment [H-1156](#).

Objection was raised.

Lukan of Dubuque moved to suspend the rules to consider amendment [H-1156](#).

Roll call was requested by Lukan of Dubuque and Rants of Woodbury.

On the question "Shall the rules be suspended to consider amendment [H-1156](#)?" ([H.F. 555](#))

The ayes were, 40:

| | | | |
|----------|--------|-------|-------|
| Anderson | Arnold | Boal | Clute |
| De Boef | Deyoe | Drake | Ford |

| | | | |
|------------|-----------|------------------|------------|
| Forristall | Granzow | Grassley | Greiner |
| Heaton | Hoffman | Horbach | Huseman |
| Jacobs | Kaufmann | Lukan | May |
| Miller, L. | Olson, S. | Paulsen | Raecker |
| Rants | Rasmussen | Rayhons | Roberts |
| Sands | Schickel | Soderberg | Struyk |
| Tjepkes | Upmeyer | Van Engelenhoven | Van Fossen |
| Watts | Wienczek | Windschitl | Worthan |

The nays were, 55:

| | | | |
|-------------|-------------------|-----------------------|------------|
| Abdul-Samad | Bailey | Baudler | Bell |
| Berry | Bukta | Chambers | Cohoon |
| Dandekar | Davitt | Foege | 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 | Pettengill | Quirk | Reasoner |
| Reichert | Schueller | Shomshor | Smith |
| Staed | Swaim | Taylor, D. | Taylor, T. |
| Thomas | Tomenga | Tymeson | Wendt |
| Wenthe | Wessel-Kroeschell | Whitaker | Whitead |
| Winckler | Wise | Mr. Speaker Murphy | |

Absent or not voting, 5:

| | | | |
|------------|-----------|------|----------|
| Alons | Dolecheck | Gipp | Petersen |
| Zirkelbach | | | |

The motion to suspend the rules lost.

Struyk of Pottawattamie offered amendment [H-1157](#), to amendment [H-1116](#), filed by him from the floor as follows:

[H-1157](#)

- 1 Amend the amendment, [H-1116](#), to [House File 555](#), as
- 2 follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "Sec.____. Section 423.3, Code 2007, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 92. The sales price from the sale
- 8 of any over-the-counter smoking cessation product used
- 9 for the purpose of smoking cessation or nicotine
- 10 replacement."
- 11 2. Page 5, line 40, by inserting after the word

- 12 "products," the following: "providing a sales tax
 13 exemption for certain smoking cessation products,".

Jochum of Dubuque rose on a point of order that amendment [H-1157](#) was not germane, to amendment [H-1116](#).

The Speaker ruled the point well taken and amendment [H-1157](#) not germane, to amendment [H-1116](#).

Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment [H-1157](#).

Objection was raised.

Struyk of Pottawattamie moved to suspend the rules to consider amendment [H-1157](#).

Roll call was requested by Struyk of Pottawattamie and Rants of Woodbury.

On the question "Shall the rules be suspended to consider amendment [H-1157](#)?" ([H.F. 555](#))

The ayes were, 42:

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

The nays were, 53:

| | | | |
|-------------|-----------|------------|---------|
| 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 |

| | | | |
|-------------|------------|------------|-------------------|
| Pettengill | Quirk | Reasoner | Reichert |
| Schueller | Shomshor | Smith | Staed |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Tomenga | Wendt | Wenthe | Wessel-Kroeschell |
| Whitaker | Whitead | Winckler | Wise |
| Mr. Speaker | | | |
| Murphy | | | |

Absent or not voting, 5:

| | | | |
|------------|-----------|------|----------|
| Alons | Dolecheck | Gipp | Petersen |
| Zirkelbach | | | |

The motion to suspend the rules lost.

Rants of Woodbury offered the following amendment [H-1165](#), to amendment [H-1116](#), filed by him from the floor and moved its adoption:

[H-1165](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
 2 follows:
 3 1. Page 1, by striking lines 33 and 34 and
 4 inserting the following: "~~pounds per thousand,~~
 5 ~~eighteen mills equal to four and nine-tenths cents on~~
 6 each ~~such~~ cigarette."

A non-record roll call was requested.

The ayes were 47, nays 49.

Amendment [H-1165](#) lost.

Heaton of Henry offered amendment [H-1143](#), to amendment [H-1116](#), filed by him as follows:

[H-1143](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
 2 follows:
 3 1. Page 1, by inserting after line 38, the
 4 following:
 5 "Sec. . **NEW SECTION.** 453A.13A LIMITATIONS ON
 6 EXTENSION OF CREDIT.
 7 A manufacturer, distributor, distributing agent,
 8 wholesaler, or cigarette vendor shall not directly or
 9 indirectly extend any credit for cigarettes to a

10 permittee authorized under this chapter to sell
11 cigarettes at retail."
12 2. Page 5, by inserting after line 27, the
13 following:
14 "Sec. ____ NEW SECTION. 453A.44A LIMITATIONS ON
15 EXTENSION OF CREDIT.
16 A manufacturer, distributor, or subjobber shall not
17 directly or indirectly extend credit for tobacco
18 products to a permittee authorized under this chapter
19 to sell tobacco products at retail."
20 3. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment [H-1143](#) was not germane, to amendment [H-1116](#).

The Speaker ruled the point well taken and amendment [H-1143](#) not germane, to amendment [H-1116](#).

Rants of Woodbury offered the following amendment [H-1147](#), to amendment [H-1116](#), filed by him from the floor and moved its adoption:

[H-1147](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
2 follows:
3 1. Page 1, line 41, by striking the word "FUND
4 =" and inserting the following: "FUND".
5 2. Page 1, line 42, by striking the words
6 "STANDING APPROPRIATION TO" and inserting the
7 following: "AND".
8 3. Page 1, line 48, by striking the word "of".
9 4. Page 2, by striking lines 2 through 6, and
10 inserting the following: "4. shall be credited to the
11 health care trust fund created in section 453A.35A."
12 5. Page 2, by striking line 23.
13 6. Page 2, line 24, by striking the word "
14 annually".
15 7. Page 5, lines 40 and 41, by striking the words
16 ", providing for a standing appropriation,".

Bukta of Clinton in the chair at 5:22 p.m.

Speaker Murphy in the chair at 5:29 p.m.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-1147](#) be adopted?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 53:

| | | | |
|-----------------------|------------|------------|-------------------|
| Abdul-Samad | Bailey | Bell | Berry |
| Bukta | Cohoon | Dandekar | Davitt |
| Foege | Ford | Frevvert | 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 | Quirk | Reasoner | Reichert |
| Schueller | Shomshor | Smith | Staed |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Tomenga | Wendt | Wenthe | Wessel-Kroeschell |
| Whitaker | Whitead | Winckler | Wise |
| Mr. Speaker Murphy | | | |

Absent or not voting, 3:

| | | |
|------|------------|------------|
| Gipp | Pettengill | Zirkelbach |
|------|------------|------------|

Amendment [H-1147](#) lost.

Raecker of Polk offered the following amendment [H-1152](#), to amendment [H-1116](#), filed by him from the floor and moved its adoption:

[H-1152](#)

- 1 Amend the amendment, [H-1116](#), to [House File 555](#), as
- 2 follows:
- 3 1. Page 1, line 41, by striking the word "FUND"

4 -" and inserting the following: "FUND".

5 2. Page 1, by striking line 42 and inserting the
6 following: "AND TOBACCO USE PREVENTION AND CONTROL
7 ACCOUNT."

8 3. Page 1, by striking lines 46 and 47, and
9 inserting the following: "from all permits issued by
10 the department, with the exception of the proceeds
11 derived from payment of taxes pursuant to section
12 453A.6, subsection 1, and section 453A.43, subsections
13 1, 2, 3, and 4, which shall be credited to the tobacco
14 use prevention and control account created in section
15 453A.35A, shall be credited to the general fund of the
16 state."

17 4. By striking page 1, line 48, through page 2,
18 line 6.

19 5. Page 2, by striking lines 15 through 43 and
20 inserting the following:
21 "Sec. . NEW SECTION. 453A.35A TOBACCO USE
22 PREVENTION AND CONTROL ACCOUNT.

23 1. A tobacco use prevention and control account is
24 created in the office of the treasurer of state. The
25 account consists of the revenue generated from the
26 taxes imposed on cigarettes and tobacco products
27 pursuant to section 453A.6, subsection 1, and section
28 453A.43, subsections 1, 2, 3, and 4. Moneys in the
29 account shall be separate from the general fund of the
30 state and shall be considered a special account for
31 the purposes of section 8.53 relating to generally
32 accepted accounting principles. Moneys in the account
33 shall be used only as specified in this section and
34 shall be appropriated only for the uses specified.
35 Moneys in the account are not subject to section 8.33
36 and shall not be transferred, used, obligated,
37 appropriated, or otherwise encumbered, except as
38 provided in this section. Notwithstanding section
39 12C.7, subsection 2, interest or earnings on moneys
40 deposited in the account shall be credited to the
41 account.

42 2. Moneys in the account are allocated, subject to
43 their appropriation by the general assembly, as
44 follows for the fiscal year beginning July 1, 2007,
45 and for each fiscal year thereafter, for the
46 following:

47 a. An amount that is the current annual amount
48 recommended by the centers for disease control and
49 prevention of the United States department of health
50 and human services for tobacco use prevention and

Page 2

1 control.

2 b. Ten million dollars for youth programs,

3 designed to achieve the desired results of the
 4 comprehensive tobacco use prevention and control
 5 initiative pursuant to section 142A.9, that are
 6 directed by youth participants for youth.
 7 c. Five million dollars for enforcement of tobacco
 8 laws and regulations, including through grants to
 9 community partnerships as provided in section 142A.10.
 10 d. An amount, to be determined annually, for
 11 smoking cessation programs.
 12 3. In addition to the allocations specified in
 13 subsection 2, moneys in the fund may be used only for
 14 other activities related to tobacco use prevention,
 15 cessation, and control."
 16 6. Page 5, by striking lines 40 and 41, and
 17 inserting the following: "products, creating a
 18 tobacco use prevention and control account, providing
 19 for standing appropriations from the account, and
 20 providing an".

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

On the question "Shall amendment [H-1152](#) be adopted?" ([H.F. 555](#))

The ayes were, 44:

| | | | |
|-----------|-----------|------------------|------------|
| Alons | Anderson | Arnold | Baudler |
| Boal | Chambers | Clute | De Boef |
| Deyoe | Dolecheck | Drake | Forristall |
| Granzow | Grassley | Greiner | Heaton |
| Hoffman | Horbach | Huseman | Jacobs |
| Kaufmann | Lukan | May | Miller, L. |
| Olson, S. | Paulsen | Raecker | Rants |
| Rasmussen | Rayhons | Roberts | Sands |
| Schickel | Soderberg | Struyk | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen |
| Watts | Wienczek | 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 |
| Quirk | Reasoner | Reichert | Schueller |
| Shomshor | Smith | Staed | Swaim |

| | | | |
|------------|------------|-------------------|-------------|
| Taylor, D. | Taylor, T. | Thomas | Tomenga |
| Wendt | Wenthe | Wessel-Kroeschell | Whitaker |
| Whitead | Winckler | Wise | Mr. Speaker |
| | | | Murphy |

Absent or not voting, 4:

| | | | |
|------|----------|------------|------------|
| Gipp | Petersen | Pettengill | Zirkelbach |
|------|----------|------------|------------|

Amendment [H-1152](#) lost.

Jacobs of Polk offered amendment [H-1149](#), to amendment [H-1116](#), filed by her and Clute of Polk, from the floor as follows:

[H-1149](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
2 follows:

3 1. Page 2, by striking lines 3 through 6, and
4 inserting the following: "this subsection, there is
5 appropriated, annually, to the property tax relief
6 fund created in section 426B.1, the first twenty-five
7 million dollars to be annually distributed in
8 accordance with law allocating mental health, mental
9 retardation and developmental disabilities allowed
10 growth factor adjustment funding to counties, and
11 there is appropriated, annually, to the health care
12 trust fund created in section 453A.35A, the next one
13 hundred two million six hundred thousand dollars."

Jochum of Dubuque rose on a point of order that amendment [H-1149](#) was not germane, to amendment [H-1116](#).

The Speaker ruled the point not well taken and amendment [H-1149](#) germane, to amendment [H-1116](#).

Bukta of Clinton in the chair at 6:10 p.m.

Jacobs of Polk moved the adoption of amendment [H-1149](#) to amendment [H-1116](#).

Rule 75 was invoked.

Roll call was requested by Jacobs of Polk and Van Fossen of Scott.

On the question "Shall amendment [H-1149](#) be adopted?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 52:

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

Absent or not voting, 4:

| | | | |
|------|----------|------------|------------|
| Gipp | Petersen | Pettengill | Zirkelbach |
|------|----------|------------|------------|

Amendment [H-1149](#) lost.

Worthan of Buena Vista asked and received unanimous consent to withdraw amendment [H-1162](#), to amendment [H-1116](#), filed by Kaufmann of Cedar and Alons of Sioux, from the floor.

Sands of Louisa offered the following amendment [H-1150](#), to amendment [H-1116](#), filed by him from the floor and moved its adoption:

[H-1150](#)

- 1 Amend the amendment, [H-1116](#), to [House File 555](#), as
- 2 follows:

- 3 1. Page 2, line 17, by striking the word "A" and
4 inserting the following: "1. A".
- 5 2. Page 2, by striking lines 40 through 43 and
6 inserting the following:
- 7 "2. Moneys deposited in the fund shall be used
8 only in accordance with appropriations from the fund,
9 shall not be appropriated for any purpose prior to
10 July 1, 2008, and if appropriated shall only be
11 appropriated for the following purposes:
- 12 a. Tobacco use prevention and control.
13 b. Substance abuse prevention and treatment
14 including substance abuse prevention and treatment for
15 children.
16 c. Smoking cessation products.
17 d. Phenylketonuria assistance.
18 e. The AIDS drug assistance program.
19 f. The birth defects institute.
20 g. Medical assistance supplemental funding.
21 h. Medical assistance reimbursement for physicians
22 and other medical providers, dental providers,
23 hospital providers, home health care providers,
24 critical access hospitals, home health and
25 habilitative day care providers, respite care
26 providers, and breast and cervical cancer treatment.
27 i. The state children's health insurance expansion
28 program under the medical assistance program.
29 j. Child and family services."

A non-record roll call was requested.

The ayes were 43, nays 49.

Amendment [H-1150](#) lost.

Struyk of Pottawattamie offered the following amendment [H-1158](#), to amendment [H-1116](#), filed by him from the floor and moved its adoption:

[H-1158](#)

- 1 Amend the amendment, [H-1116](#), to [House File 555](#), as
2 follows:
- 3 1. Page 2, line 17, by striking the word "A" and
4 inserting the following: "1. A".
- 5 2. Page 2, by striking lines 40 through 43 and
6 inserting the following:
- 7 "2. a. Moneys deposited in the health care trust
8 fund which constitute proceeds derived from payment of
9 taxes pursuant to section 453A.6, subsection 1, and

10 section 453A.43, subsections 1, 2, 3, and 4, shall be
11 used only in accordance with appropriations from the
12 fund for the following purposes:
13 (1) Tobacco use prevention and control.
14 (2) Substance abuse prevention and treatment
15 including substance abuse prevention and treatment for
16 children.
17 (3) Smoking cessation products.
18 (4) Phenylketonuria assistance.
19 (5) The AIDS drug assistance program.
20 (6) The birth defects institute.
21 (7) Medical assistance supplemental funding.
22 (8) Medical assistance reimbursement for
23 physicians and other medical providers, dental
24 providers, hospital providers, critical access
25 hospitals, home health and habilitative day care
26 providers, respite care providers, and breast and
27 cervical cancer treatment.
28 (9) The state children's health insurance
29 expansion program under the medical assistance
30 program.
31 (10) Child and family services.
32 b. Beginning July 1, 2008, and thereafter, moneys
33 deposited in the health care trust fund which
34 constitute proceeds derived from payment of taxes
35 pursuant to section 453A.6, subsection 1, and section
36 453A.43, subsections 1, 2, 3, and 4, shall be
37 appropriated for the purposes described in paragraph
38 "a", annually, in amounts such that the amounts
39 appropriated for such purposes in the fiscal year
40 beginning July 1, 2006, are increased by an amount
41 which is the difference between the amount of revenue
42 generated from the sources described in this
43 subsection for the fiscal year beginning July 1, 2006,
44 and the amount of revenue generated from those sources
45 in the fiscal year beginning July 1, 2007, multiplied
46 by one hundred and fifteen percent.
47 c. Notwithstanding any provision of law to the
48 contrary, moneys derived from the sources described in
49 this subsection and deposited in the health care trust
50 fund which are obligated or unexpended for the

Page 2

1 purposes designated at the end of any fiscal year
2 shall be transferred to the senior living trust fund
3 created in section 249H.4."

Roll call was requested by Struyk of Pottawattamie and Raecker of Polk.

On the question "Shall amendment [H-1158](#) be adopted?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 51:

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

Absent or not voting, 5:

| | | | |
|------------|----------|------------|---------|
| Gipp | Petersen | Pettengill | Tomenga |
| Zirkelbach | | | |

Amendment [H-1158](#) lost.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1163](#), to amendment [H-1116](#), filed by him from the floor.

Upmeyer of Hancock offered amendment [H-1151](#), to amendment [H-1116](#), filed by her from the floor as follows:

H-1151

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
2 follows:

3 1. Page 2, by striking lines 40 through 43 and
4 inserting the following:

5 "Moneys in the fund shall be used only for the
6 purposes of the medical assistance program, including
7 provider reimbursements. There is appropriated from
8 the health care trust fund, annually, an amount
9 specified in an appropriation by the general assembly
10 from the health care trust fund for reimbursement to
11 specified providers and for specified services under
12 the medical assistance program."

13 2. Page 5, by inserting after line 27 the
14 following:

15 "Sec. ____. MEDICAL ASSISTANCE PROVIDER
16 REIMBURSEMENTS – APPROPRIATION. There is
17 appropriated from the health care trust fund created
18 in section 453A.35A, as enacted in this Act, to the
19 department of human services for the fiscal year
20 beginning July 1, 2007, and ending June 30, 2008, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:

23 To provide reimbursement in an amount that is three
24 percent greater than the reimbursement amount provided
25 for the fiscal period beginning June 30, 2006, to the
26 following providers and for the following services:

- 27 Inpatient and outpatient hospital services;
- 28 disproportionate share hospitals, indirect medical
- 29 education and direct medical education; home health
- 30 services; physician services; psychiatric services;
- 31 family planning services; early periodic screening,
- 32 diagnosis, and treatment; dental services; optometric
- 33 services; supplies; ambulance services; practitioner
- 34 services; podiatric services; chiropractic services;
- 35 clinic services; community mental health centers; home
- 36 and community-based waiver services; the Iowa plan for
- 37 behavioral health; health maintenance organizations;
- 38 nursing facilities; case management services;
- 39 rehabilitative treatment services; adult
- 40 rehabilitative option services; and pharmacy
- 41 dispensing fees:

42 \$ 19,777,329"

43 3. Page 5, line 41, by inserting after the word
44 "appropriation," the following: "providing a
45 limitation on the purposes of the fund to those
46 purposes related to the medical assistance program
47 including an appropriation for provider
48 reimbursements,".

49 4. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment [H-1151](#) was not germane, to amendment [H-1116](#).

The Speaker ruled the point well taken and amendment [H-1151](#) not germane, to amendment [H-1116](#).

Upmeyer of Hancock asked for unanimous consent to suspend the rules to consider amendment [H-1151](#).

Objection was raised.

Upmeyer of Hancock moved to suspend the rules to consider amendment [H-1151](#).

Roll call was requested by Upmeyer of Hancock and Tjepkes of Webster.

On the question "Shall the rules be suspended to consider amendment [H-1151](#)?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 52:

| | | | |
|-------------|------------|---------------|-----------|
| Abdul-Samad | Bailey | Bell | Berry |
| Cohoon | Dandekar | Davitt | Foege |
| Ford | Frevert | Gaskill | Gayman |
| Heddens | Hunter | Huser | Jacoby |
| Jochum | Kelley | Kressig | Kuhn |
| Lensing | Lykam | Mascher | McCarthy |
| Mertz | Miller, H. | Murphy, Spkr. | Oldson |
| Olson, D. | Olson, R. | Olson, T. | Palmer |
| Quirk | Reasoner | Reichert | Schueller |
| Shomshor | Smith | Staed | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tomenga |

| | | | |
|---------|----------|-------------------|---------------------|
| Wendt | Wenthe | Wessel-Kroeschell | Whitaker |
| Whitead | Winckler | Wise | Bukta, Presiding |

Absent or not voting, 4:

| | | | |
|------|----------|------------|------------|
| Gipp | Petersen | Pettengill | Zirkelbach |
|------|----------|------------|------------|

The motion to suspend the rules lost.

Struyk of Pottawattamie offered the following amendment [H-1160](#), to amendment [H-1116](#), filed by him from the floor and moved its adoption:

[H-1160](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
 2 follows:
 3 1. Page 2, by striking lines 40 through 43 and
 4 inserting the following:
 5 "Moneys deposited in the health care trust fund
 6 which constitute proceeds derived from payment of
 7 taxes pursuant to section 453A.6, subsection 1, and
 8 section 453A.43, subsections 1, 2, 3, and 4, shall be
 9 used only in accordance with appropriations from the
 10 fund for programs or services existing before July 1,
 11 2007, that are directly related to health care."

Roll call was requested by Struyk of Pottawattamie and Watts of Dallas.

On the question "Shall amendment [H-1160](#) be adopted?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 52:

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

Absent or not voting, 4:

| | | | |
|------|----------|------------|------------|
| Gipp | Petersen | Pettengill | Zirkelbach |
|------|----------|------------|------------|

Amendment [H-1160](#) lost.

Speaker Murphy in the chair at 7:20 p.m.

Upmeyer of Hancock offered the following amendment [H-1173](#), to amendment [H-1116](#), filed by her from the floor and moved its adoption:

[H-1173](#)

1 Amend the amendment, [H-1116](#), to [House File 555](#), as
 2 follows:
 3 1. Page 2, line 43, by inserting after the word
 4 "control." the following: "There is appropriated from
 5 the health care trust fund to the department of public
 6 health, annually, eight million dollars for the
 7 purpose of substance abuse treatment services and five
 8 million dollars for the purpose of substance abuse
 9 prevention services."

Roll call was requested by Upmeyer of Hancock and Van Fossen of Scott.

On the question "Shall amendment [H-1173](#) be adopted?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 50:

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

Absent or not voting, 6:

| | | | |
|---------|------------|----------|------------|
| Gipp | Hunter | Petersen | Pettengill |
| Tomenga | Zirkelbach | | |

Amendment [H-1173](#) lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-1148](#), to amendment [H-1116](#), filed by him from the floor.

Upmeyer of Hancock offered the following amendment [H-1270](#) filed by her from the floor as follows:

[H-1270](#)

- 1 Amend the amendment, [H-1116](#), to [House File 555](#), as
- 2 follows:

3 1. Page 1, by inserting after line 3, the
 4 following:
 5 "Sec.____. NEW SECTION. 249A.19A HOSPITAL
 6 REIMBURSEMENT.

7 Beginning July 1, 2007, the department shall
 8 reimburse hospitals as defined in section 135B.1 for
 9 provision of services under the medical assistance
 10 program at the reimbursement level allowed under the
 11 Medicare program, subject to the medical assistance
 12 program upper payment limit. The reimbursement level
 13 shall be adjusted annually, on July 1, in accordance
 14 with the requirements of this section and shall
 15 provide for reimbursement that is not less than the
 16 reimbursement provided under the Medicare program,
 17 subject to the medical assistance program upper
 18 payment limit."

19 2. Page 5, by inserting after line 27, the
 20 following:

21 "Sec.____. HOSPITAL AND NONINSTITUTIONAL MEDICAL
 22 ASSISTANCE PROVIDER REIMBURSEMENT – APPROPRIATION.

23 There is appropriated from the health care trust fund
 24 created in section 453A.35A, to the department of
 25 human services for the fiscal year beginning July 1,
 26 2007, and ending June 30, 2008, the following amount
 27 or so much thereof as is necessary, for the purposes
 28 designated:

29 For reimbursement of hospitals pursuant to section
 30 249A.19A and noninstitutional health providers
 31 pursuant to section 249A.20 in a manner that provides
 32 for reimbursement at the level allowed under the
 33 Medicare program, subject to the medical assistance
 34 program upper payment limit:

35 \$ 21,838,959"

36 3. Page 5, line 41, by inserting after the word
 37 "appropriation," the following: "providing an
 38 appropriation for certain medical assistance
 39 providers,".

Jochum of Dubuque rose on a point of order that amendment [H-1270](#) was not germane, to amendment [H-1116](#).

The Speaker ruled the point well taken and amendment [H-1270](#) not germane, to amendment [H-1116](#).

Upmeyer of Hancock asked for unanimous consent to suspend the rules to consider amendment [H-1270](#).

Objection was raised.

Upmeyer of Hancock moved to suspend the rules to consider amendment [H-1270](#).

Roll call was requested by Upmeyer of Hancock and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment [H-1270](#)?" ([H.F. 555](#))

The ayes were, 44:

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

The nays were, 53:

| | | | |
|-------------|------------|------------|-------------------|
| 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 | Quirk | Reasoner | Reichert |
| Schueller | Shomshor | Smith | Staed |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Tomenga | Wendt | Wenthe | Wessel-Kroeschell |
| Whitaker | Whitead | Winckler | Wise |
| Mr. Speaker | | | |
| Murphy | | | |

Absent or not voting, 3:

| | | |
|------|------------|------------|
| Gipp | Pettengill | Zirkelbach |
|------|------------|------------|

The motion to suspend the rules lost.

Rants of Woodbury rose on a point of order that amendment [H-1116](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-1116](#) germane.

Jochum of Dubuque moved the adoption of amendment [H-1116](#).

Roll call was requested by Paulsen of Linn and Rants of Woodbury.

On the question "Shall amendment [H-1116](#) be adopted?" ([H.F. 555](#))

The ayes were, 52:

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

The nays were, 45:

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

Absent or not voting, 3:

| | | |
|------|------------|------------|
| Gipp | Pettengill | Zirkelbach |
|------|------------|------------|

Amendment [H-1116](#) was adopted, placing the following amendments out of order:

Amendment [H-1086](#) filed by Struyk of Pottawattamie on February 27, 2007.

Amendment [H-1087](#) filed by Struyk of Pottawattamie on February 27, 2007.

Amendment [H-1088](#) filed by Gipp of Winneshiek, et al., on February 28, 2007.

Amendment [H-1090](#) filed by Van Fossen of Scott on February 28, 2007.

Amendment [H-1092](#) filed by Gipp of Winneshiek on February 28, 2007.

Amendment [H-1098](#) filed by Sands of Louisa on March 5, 2007.

Raecker of Polk rose on a point of order and invoked Rule 32, relating to an appropriation, to [House File 555](#) and requested the bill be referred to the committee on appropriations.

The point was not well taken.

McCarthy of Polk asked and received unanimous consent to refer [House File 555](#) to the committee on appropriations and to return the bill to the House at the time certain of 8:45 p.m.

The House stood at ease at 8:19 p.m., until the fall of the gavel.

The House resumed session at 8:51 p.m., and [House File 555](#), Speaker Murphy in the chair.

QUORUM CALL

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

[SENATE FILE 128](#) SUBSTITUTED FOR [HOUSE FILE 555](#)

Jochum of Dubuque asked and received unanimous consent to substitute [Senate File 128](#) for [House File 555](#).

[Senate File 128](#), a bill for an act relating to an increase in the taxes on cigarettes and tobacco products, imposing an inventory tax on tobacco products, creating a health care trust fund, providing for a

standing appropriation, and providing an effective date and providing an applicability provision, was taken up for consideration, placing the following amendments out of order:

Amendment [H-1115](#) filed by Sands of Louisa on March 12, 2007.

Amendment [H-1117](#) filed by Struyk of Pottawattamie on March 12, 2007.

Amendment [H-1122](#) filed by Upmeyer of Hancock on March 12, 2007.

Amendment [H-1123](#) filed by Rants of Woodbury on March 12, 2007.

Amendment [H-1124](#) filed by Struyk of Pottawattamie on March 12, 2007.

Amendment [H-1125](#) filed by Van Fossen of Scott on March 12, 2007.

Amendment [H-1130](#) filed by Raecker of Polk on March 12, 2007.

Amendment [H-1131](#) filed by Gipp of Winneshiek et al., on March 12, 2007.

Amendment [H-1132](#) filed by Jacobs of Polk, et al., on March 12, 2007.

Amendment [H-1133](#) filed by Lukan of Dubuque on March 12, 2007.

Amendment [H-1134](#) filed by Heaton of Henry on March 12, 2007.

Amendment [H-1135](#) filed by Struyk of Pottawattamie on March 12, 2007.

Amendment [H-1145](#) filed by Rants of Woodbury on March 12, 2007.

Upmeyer of Hancock offered the following amendment [H-1126](#) filed by her and moved its adoption:

[H-1126](#)

1 Amend [Senate File 128](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 249A.19A HOSPITAL
6 REIMBURSEMENT.

7 Beginning July 1, 2007, the department shall
8 reimburse hospitals as defined in section 135B.1 for
9 provision of services under the medical assistance
10 program at the reimbursement level allowed under the
11 Medicare program, subject to the medical assistance

12 program upper payment limit. The reimbursement level
 13 shall be adjusted annually, on July 1, in accordance
 14 with the requirements of this section and shall
 15 provide for reimbursement that is not less than the
 16 reimbursement provided under the Medicare program,
 17 subject to the medical assistance program upper
 18 payment limit."

19 2. Page 3, by striking lines 7 through 9 and
 20 inserting the following:

21 "Moneys in the fund shall be used only for the
 22 purposes of the medical assistance program.

23 There is appropriated, annually, from the health
 24 care trust fund to the department of human services,
 25 an amount necessary to provide for the reimbursement
 26 of hospitals for provision of services under the
 27 medical assistance program as provided in section
 28 249A.19A."

29 3. Title page, line 4, by inserting after the
 30 word "appropriation," the following: "providing for a
 31 limitation on the purposes of the fund for the medical
 32 assistance program including a standing appropriation
 33 for certain services provided under the medical
 34 assistance program,".

35 4. By renumbering, redesignating, and correcting
 36 internal references as necessary.

Amendment [H-1126](#) lost.

Heaton of Henry offered the following amendment [H-1138](#) filed by
 him and moved its adoption:

[H-1138](#)

1 Amend [Senate File 128](#), as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 35, by striking the word "=
 4 STANDING".

5 2. Page 2, by striking line 1 and inserting the
 6 following: "AND TOBACCO USE PREVENTION AND CONTROL
 7 FUND."

8 3. Page 2, by striking lines 5 through 13, and
 9 inserting the following: "by the department, with the
 10 exception of the proceeds derived from payment of
 11 taxes pursuant to section 453A.6, subsection 1, and
 12 section 453A.43, subsections 1, 2, 3, and 4, which
 13 shall be credited to the tobacco use prevention and
 14 control fund created in section 453A.35A, shall be
 15 credited to the general fund of the state."

16 4. By striking page 2, line 21, through page 3,
 17 line 9, and inserting the following:

18 "Sec. ____ NEW SECTION. 453A.35A TOBACCO USE
19 PREVENTION AND CONTROL FUND.

20 1. FUND CREATED. A tobacco use prevention and
21 control fund is created in the office of the treasurer
22 of state. The fund consists of the revenue generated
23 from the taxes imposed on cigarettes and tobacco
24 products pursuant to section 453A.6, subsection 1, and
25 section 453A.43, subsections 1, 2, 3, and 4. Moneys
26 in the fund shall be separate from the general fund of
27 the state and shall be considered a special account
28 for the purposes of section 8.53 relating to generally
29 accepted accounting principles. Moneys in the fund
30 shall be used only as specified in this section and
31 shall be appropriated only for the uses specified.
32 Moneys in the fund are not subject to section 8.33 and
33 shall not be transferred, used, obligated,
34 appropriated, or otherwise encumbered, except as
35 provided in this section. Notwithstanding section
36 12C.7, subsection 2, interest or earnings on moneys
37 deposited in the fund shall be credited to the
38 account.

39 2. ACCOUNTS CREATED. The fund shall consist of
40 the tobacco use prevention and control account and the
41 Iowa health care account. One half of the proceeds
42 described in subsection 1 shall be deposited in each
43 account, annually.

44 3. TOBACCO USE PREVENTION AND CONTROL ACCOUNT.

45 Moneys in the tobacco use prevention and control
46 account are allocated, subject to their appropriation
47 by the general assembly, as follows for the fiscal
48 year beginning July 1, 2007, and for each fiscal year
49 thereafter, for the following:

50 a. An amount that is the current annual amount

Page 2

1 recommended by the centers for disease control and
2 prevention of the United States department of health
3 and human services for tobacco use prevention and
4 control.

5 b. Ten million dollars for youth programs,
6 designed to achieve the desired results of the
7 comprehensive tobacco use prevention and control
8 initiative pursuant to section 142A.9, that are
9 directed by youth participants for youth.

10 c. Five million dollars for enforcement of tobacco
11 laws and regulations, including through grants to
12 community partnerships as provided in section 142A.10.

13 d. An amount, to be determined annually, for
14 smoking cessation programs.

15 4. IOWA HEALTH CARE ACCOUNT. Moneys in the Iowa
16 health care account shall be used to implement a

17 medical assistance state plan amendment to utilize the
 18 medical assistance program in providing health care
 19 coverage to low-income, uninsured Iowans, subject to
 20 approval of the state plan amendment by the centers
 21 for Medicare and Medicaid services of the United
 22 States department of health and human services. If
 23 such approval is not received, the moneys in the
 24 account shall be deposited in the senior living trust
 25 fund created in section 249H.4."
 26 5. Title page, by striking lines 3 and 4, and
 27 inserting the following: "products, creating a
 28 tobacco use prevention and control account and an Iowa
 29 health care account, providing for standing
 30 appropriations and uses of the accounts, providing an
 31 effective date and".

Roll call was requested by Heaton of Henry and Van Fossen of Scott.

On the question "Shall amendment [H-1138](#) be adopted?" ([S.F. 128](#))

The ayes were, 44:

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

The nays were, 50:

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

Absent or not voting, 6:

| | | | |
|------|------------|----------|------------|
| Gipp | Huser | Petersen | Pettengill |
| Wise | Zirkelbach | | |

Amendment [H-1138](#) lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-1140](#) filed by him and Worthan of Buena Vista on March 12, 2007, placing out of order amendment [H-1161](#) to amendment [H-1140](#), filed by Kaufmann of Cedar and Alons of Sioux from the floor.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1127](#) filed by him on March 12, 2007.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-1120](#) filed by Wise of Lee, et al., on March 12, 2007, placing out of order amendment [H-1170](#) to amendment [H-1120](#) filed by Wise of Lee from the floor.

Jochum of Dubuque 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. 128](#))

The ayes were, 58:

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

The nays were, 40:

| | | | |
|----------|------------|------------------|------------|
| Alons | Anderson | Arnold | Boal |
| Chambers | De Boef | Deyoe | Dolecheck |
| Drake | Forristall | Granzow | Grassley |
| Greiner | Heaton | Hoffman | Horbach |
| Huseman | Huser | Kaufmann | Lukan |
| Mertz | Olson, S. | Paulsen | Pettengill |
| Raecker | Rants | Rasmussen | Rayhons |
| Roberts | Sands | Soderberg | Struyk |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen |
| Watts | Wienczek | Windschitl | Worthan |

Absent or not voting, 2:

| | |
|------|------------|
| Gipp | Zirkelbach |
|------|------------|

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 128](#) be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 249](#), a bill for an act relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 270](#), a bill for an act relating to the military code by amending the powers of the adjutant general and by allowing the armory board to enter into design-build contracts for the construction of certain national guard facilities.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 304](#), a bill for an act relating to the exercise of regulatory authority by the department of natural resources and the natural resource commission within the

boundaries of the Sac and Fox tribe settlement in Tama county, and providing for applicability and effective dates.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 308](#), a bill for an act authorizing the governor to designate April of each year as Aldo Leopold month.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 310](#), a bill for an act relating to civil damages payable for unlawful taking of certain animals and fish.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 340](#), a bill for an act relating to the consideration of inherited or gifted property in dissolution-of-marriage property division proceedings and including an effective date and an applicability provision.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 354](#), a bill for an act relating to certain overpayments of moneys to a county.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 358](#), a bill for an act establishing prelicensing and continuing education requirements for used motor vehicle dealers.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 381](#), a bill for an act relating to judicial branch procedures, including appointments of court of appeals judges, district judges, district associate judges, associate juvenile judges, associate probate judges, magistrates, and patient advocates, and compensation to judges and other court personnel serving as fiduciaries.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 405](#), a bill for an act relating to national pollutant discharge elimination system permits for disposal systems.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 407](#), a bill for an act relating to the home ownership assistance program for Iowa residents who are eligible members of the armed forces of the United States.

Also: That the Senate has on March 13, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 450](#), a bill for an act relating to limitations of actions as applied to county collection of delinquent property taxes.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

[House File 793](#), by committee on ways and means, a bill for an act relating to administration of regional transportation by regional transit districts and of highways and regulation of motor vehicles by the state department of transportation, including provisions relating to the placement of advertising devices along primary highways, qualifications of property appraisers, state standards for land surveying, destruction of suspended or revoked driver's licenses, requirements for a temporary restricted driver's license, registration and titling of vehicles, special registration plates related to military service and allocation of fees, antique motor vehicle registration plates and fees, licensing of motor vehicle dealers, motor carrier registration and fuel tax liability, motor vehicle enforcement near construction areas, the maximum length limitation for single trucks, requirements for operation of certain self-propelled implements of husbandry on secondary roads, and disposition of regional transit district tax revenues collected by a county treasurer, and providing effective dates.

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

[HOUSE FILE 555](#) WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw [House File 555](#) from further consideration by the House.

[HOUSE FILE 712](#) REREFERRED

The Speaker announced that [House File 712](#), previously placed on the **calendar** was rereferred to committee on **ways and means**.

SENATE FILE 25 REREFERRED

The Speaker announced that [Senate File 25](#), previously referred to committee on **judiciary** was **passed on file**.

SENATE FILE 155 REREFERRED

The Speaker announced that [Senate File 155](#), previously **passed on file** was rereferred to committee on **local government**.

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\1916 | Theone Hertema, Gladbrook – For celebrating her 90 th birthday. |
| 2007\1917 | Kermit and Marlene Sandersfeld, Latimer – For celebrating 50 th wedding anniversary. |
| 2007\1918 | Blanche McGrady, Mason City – For celebrating her 100 th birthday. |
| 2007\1919 | Shirley Ingersoll, Clear Lake – For celebrating her 80 th birthday. |
| 2007\1920 | Marcile Murphy, Rockwell – For celebrating her 80 th birthday. |
| 2007\1921 | James Krabbe, Latimer – For celebrating his 98 th birthday. |
| 2007\1922 | Richard and Beulah Fairbanks, Clear Lake – For celebrating their 60 th wedding anniversary. |
| 2007\1923 | Harry and Lois Hockenson, Plymouth – For celebrating their 65 th wedding anniversary. |
| 2007\1924 | Eleanor Engebretson, Thornton – For celebrating her 80 th birthday. |
| 2007\1925 | Kelly Dunkin, North Liberty – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2007\1926 | Jamai Letcher, Keokuk – For being named to the Des Moines Register’s All-State Class 3-A Girls Basketball Third-Team. |
| 2007\1927 | Vi Pearce, Fairfield – For celebrating her 88 th birthday. |

- 2007\1928 Troy Seeley, Fairfield – For being named the 2007 Iowa Wrestling Coaches and Officials Association State Official of the Year.
- 2007\1929 Erika Harlan, Fairfield – For being selected as Miss Rodeo Iowa 2006, and for receiving the Central Regional Scholarship Award.
- 2007\1930 Andrea Clark, Guthrie Center – For being named to the Des Moines Register’s All-State Class 1-A Girls Basketball Team.
- 2007\1931 Amber Kirschbaum, Spirit Lake – For bring named Captain of the Des Moines Register’s All-State Class 3-A Girls Basketball All Tournament Team, and for being named to the Class 3-A All-State Second Team.
- 2007\1932 Megan Torkelson, Graettinger-Terril High School – For being named to the Des Moines Register’s All-State Class 1-A Girls Basketball All Tournament Team.
- 2007\1933 Theresa Petersen, Graettinger-Terril High School – For bring named to the Des Moines Register’s All-State Class 1-A Girls Basketball All Tournament Team.
- 2007\1934 Graettinger-Terril High School – For receiving the Team Sportsmanship Award at the 2007 Girls State Basketball Tournament.
- 2007\1935 Jordi Gerking, Spirit Lake – For being named to the Des Moines Register’s All-State Class 3-A Girls Basketball Team, and for being named to the Class 3-A All-State First Team.
- 2007\1936 Marni Jacobsen, Spencer – For being named to the Des Moines Register’s Class 3-A Girls Basketball All-State Second Team.
- 2007\1937 Teegan Hunziker, Milford – For being named to the Class 2-A All-State First Team.
- 2007\1938 Jacquil Kalin, Sioux City North Stars Girls Basketball Team – For being named to the Des Moines Register’s All-State Class 4-A Girls Basketball First Team.
- 2007\1939 Tanaeya Worden, Sioux City North Stars Girls Basketball Team – For being named to the Des Moines Register’s All-State Class 4-A Girls Basketball Second Team.
- 2007\1940 Kyle Woltzen, West Union – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2007\1941 Delbert and Norma Glew, Oelwein – For celebrating their 60th wedding anniversary.
- 2007\1942 Harold Harryman, Douds – For celebrating his 100th birthday.

- 2007\1943 Lula B. Walker, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1944 Vera A. Grow, Hiawatha – For celebrating her 75th birthday.
- 2007\1945 Nancy H. Gable, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1946 Marjorie Daft, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1947 Keith F. Roth, Cedar Rapids – For celebrating his 80th birthday.
- 2007\1948 M.J. Tanner, Cedar Rapids – For celebrating her 80th birthday.
- 2007\1949 Helen M. Unzeitig, Cedar Rapids – For celebrating her 80th birthday.
- 2007\1950 Marjorie E. Pace, Cedar Rapids – For celebrating her 85th birthday.
- 2007\1951 Betty E. Bowers, Cedar Rapids – For celebrating her 85th birthday.
- 2007\1952 Ronald O. Saeugling, Cedar Rapids – For celebrating his 75th birthday.
- 2007\1953 Dean W. Tosh, Cedar Rapids – For celebrating his 85th birthday.
- 2007\1954 Thomas E. Meek, Cedar Rapids – For celebrating his 80th birthday.
- 2007\1955 Sherlene A. Vanfossen, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1956 Mary P. Mullen, Cedar Rapids – For celebrating her 85th birthday.
- 2007\1957 Regina M. Hofferd, Cedar Rapids – For celebrating her 85th birthday.
- 2007\1958 Gerald E. Rule, Cedar Rapids – For celebrating his 80th birthday.
- 2007\1959 Joseph L. Shimek, Cedar Rapids – For celebrating his 85th birthday.
- 2007\1960 Barbara A. Walser, Cedar Rapids – For celebrating her 80th birthday.
- 2007\1961 Genevieve O. Dobson, Cedar Rapids – For celebrating her 90th birthday.
- 2007\1962 Mary V. Flanders, Cedar Rapids – For celebrating her 80th birthday.
- 2007\1963 Betty A. Stoklasa, Cedar Rapids – For celebrating her 85th birthday.
- 2007\1964 Donald L. Pruess, Cedar Rapids – For celebrating his 80th birthday.

- 2007\1965 Virginia D. Valliere, Cedar Rapids – For celebrating her 85th birthday.
- 2007\1966 Meriam C. Nicklas, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1967 Mabel M. Schmidt, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1968 Dorothy M. Schuller, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1969 Dora M. Mueller, Cedar Rapids – For celebrating her 90th birthday.
- 2007\1970 Stella M. Beiber, Cedar Rapids – For celebrating her 90th birthday.
- 2007\1971 Theda G. Hurn, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1972 Robert C. Hofferd, Cedar Rapids – For celebrating his 85th birthday.
- 2007\1973 Janice A. Peterson, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1974 Jack I. Kim, Cedar Rapids – For celebrating his 75th birthday.
- 2007\1975 Gladys J. Klett, Cedar Rapids – For celebrating her 75th birthday.
- 2007\1976 Richard P. Louvar, Cedar Rapids – For celebrating his 90th birthday.
- 2007\1977 Howard and Muriel Bro, Montour – For celebrating their 65th wedding anniversary.
- 2007\1978 Bonnie Linder, Hartley – For celebrating her 80th birthday.
- 2007\1979 Mary Williams, Sheldon – For celebrating her 80th birthday.
- 2007\1980 Mary Lou Schmidt, Ocheyedon – For celebrating her 80th birthday.
- 2007\1981 Collette Moser, Edgewood – For celebrating her 80th birthday.
- 2007\1982 Kenny Hubbard, Elkader – For celebrating his 80th birthday.
- 2007\1983 Vern Jacobs, Clarksville – For celebrating his 80th birthday.
- 2007\1984 Helen Tietje, Shell Rock – For celebrating her 85th birthday.
- 2007\1985 Betty Deneui, Waverly – For celebrating her 80th birthday.
- 2007\1986 Jennie Schipper, Aplington – For celebrating her 90th birthday.
- 2007\1987 Edna Schilling, Clarksville – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 125](#)

Appropriations: Foege, Chair; Heaton and Oldson.

[House File 146](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 622](#)

Government Oversight: Ford, Chair; Swaim and Watts.

[House File 623](#)

Appropriations: Cohoon, Chair; Berry and Huseman.

[House File 624](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 625](#)

Education: Wendt, Chair; Chambers and Kelley.

[House File 627](#)

Appropriations: Kuhn, Chair; De Boef and Reichert.

[House File 633](#)

Education: Cohoon, Chair; Foege and Wiencek.

[House File 636](#)

Education: Cohoon, Chair; Foege and Kaufmann.

[House File 637](#)

Appropriations: Cohoon, Chair; Huseman and Wenthe.

[House File 640](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 656](#)

Appropriations: Foege, Chair; Dandekar and Heaton.

[House File 661](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 668](#)

Education: Mascher, Chair; Cohoon and Forristall.

[House File 670](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 672](#)

Appropriations: Kuhn, Chair; De Boef and Wenthe.

[House File 682](#)

State Government: Wendt, Chair; Boal and Whitead.

[House File 685](#)

Education: Gayman, Chair; May and Palmer.

[House File 690](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 691](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 693](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 695](#)

Appropriations: Dandekar, Chair; Berry and Schickel.

[House File 700](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 701](#)

State Government: T. Taylor, Chair; Kaufmann and Quirk.

[House File 704](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 708](#)

Education: Cohoon, Chair; Foege and Tymeson.

[House File 709](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 710](#)

Education: Wise, Chair; Boal and Winckler.

[House File 713](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 715](#)

State Government: Wessel-Kroeschell, Chair; Kaufmann and Lensing.

[House File 717](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 721](#)

Transportation: Tjepkes, Chair; Huser and Lykam.

[House File 722](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 727](#)

Appropriations: Dandekar, Chair; Cohoon and Schickel.

[House File 728](#)

Appropriations: Dandekar, Chair; Cohoon and Schickel.

[House File 729](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 731](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 738](#)

Public Safety: Lukan, Chair; Gayman and Kuhn.

[House File 739](#)

Education: Abdul-Samad, Chair; L. Miller and Wendt.

[House File 741](#)

Appropriations: Dandekar, Chair; Cohoon and Schickel.

[House File 745](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[Senate File 7](#)

State Government: Quirk, Chair; Greiner, Jacoby, Jochum, Raecker, Roberts and Shomshor.

[Senate File 140](#)

Public Safety: Tjepkes, Chair; Heddens and Kressig.

[Senate File 208](#)

Local Government: Lykam, Chair; Kressig and Van Engelenhoven.

[Senate File 212](#)

Local Government: D. Olson, Chair; Kaufmann and Whitead.

[Senate File 232](#)

State Government: T. Taylor, Chair; Jochum and Roberts.

[Senate File 263](#)

State Government: Quirk, Chair; Greiner, Jacoby, Jochum, Raecker, Roberts and Shomshor.

[Senate File 277](#)

Education: Winckler, Chair; Cohoon and May.

[Senate File 335](#)

Local Government: D. Olson, Chair; Deyoe and Schueller.

[Senate File 336](#)

Local Government: Whitead, Chair; Clute and Kelley.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

[House Study Bill 276](#)

State Government: Wendt, Chair; Gaskill and Roberts.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 284](#) **Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities and providing an effective date.

[H.S.B. 285](#) **Appropriations**

Directing the department of education to develop an Iowa senior year plus program and making related appropriations.

COMMITTEE RECOMMENDATIONS

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

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

[House File 416](#), a bill for an act relating to child care by requiring registration or licensing of child care providers regulated by the department of human services and making a penalty applicable.

Fiscal Note is required.

Recommended **Amend and Do Pass with Amendment [H-1141](#)** March 7, 2007.

COMMITTEE ON STATE GOVERNMENT

[House File 256](#), a bill for an act restricting participation by legislative leaders in electioneering communications and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2007.

Committee Bill (Formerly [House Study Bill 222](#)), relating to expenditure approval requirements applicable to the purchase of telecommunications equipment or services by the Iowa communications network.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2007.

AMENDMENTS FILED

| | | | |
|------------------------|----------------------|---------------------|------------------------------|
| H-1141 | H.F. | 416 | Committee on Human Resources |
| H-1153 | H.F. | 653 | Jacobs of Polk |
| H-1154 | H.F. | 653 | Jacobs of Polk |
| H-1155 | H.F. | 671 | Lukan of Dubuque |
| H-1164 | H.F. | 653 | Jacobs of Polk |
| H-1166 | S.F. | 413 | Rants of Woodbury |
| | | | Paulsen of Linn |
| H-1167 | H.F. | 579 | Swaim of Davis |
| H-1168 | S.F. | 413 | Rants of Woodbury |
| | | | Paulsen of Linn |
| H-1169 | H.F. | 609 | Sands of Louisa |
| H-1171 | H.F. | 653 | Wessel-Kroeschell of Story |
| H-1172 | H.F. | 616 | Dandekar of Linn |
| | | | Hoffman of Crawford |
| | | | T. Olson of Linn |
| | | | Kressig of Black Hawk |
| H-1174 | H.F. | 589 | Huser of Polk |
| H-1175 | H.F. | 650 | Jacoby of Johnson |
| H-1176 | H.F. | 653 | Jacobs of Polk |
| H-1177 | H.F. | 750 | Heaton of Henry |
| H-1178 | S.F. | 413 | Van Fossen of Scott |
| H-1179 | S.F. | 413 | Horbach of Tama |
| H-1180 | S.F. | 413 | Rants of Woodbury |
| H-1181 | S.F. | 413 | Granzow of Hardin |
| H-1182 | S.F. | 413 | Chambers of O'Brien |
| H-1183 | S.F. | 413 | May of Dickinson |
| H-1184 | S.F. | 413 | May of Dickinson |
| H-1185 | S.F. | 413 | Rants of Woodbury |
| H-1186 | S.F. | 413 | Rayhons of Hancock |
| H-1187 | S.F. | 413 | Paulsen of Linn |
| H-1188 | S.F. | 413 | Paulsen of Linn |
| H-1189 | S.F. | 413 | Chambers of O'Brien |

| | | | |
|------------------------|----------------------|---------------------|-----------------------------|
| H-1190 | S.F. | 413 | Chambers of O'Brien |
| H-1191 | S.F. | 413 | Chambers of O'Brien |
| H-1192 | S.F. | 413 | Worthan of Buena Vista |
| H-1193 | S.F. | 413 | S. Olson of Clinton |
| H-1194 | S.F. | 413 | Alons of Sioux |
| H-1195 | S.F. | 413 | Alons of Sioux |
| H-1196 | S.F. | 413 | Deyoe of Story |
| H-1197 | S.F. | 413 | Windschitl of Harrison |
| H-1198 | S.F. | 413 | Tymeson of Madison |
| H-1199 | S.F. | 413 | Forristall of Pottawattamie |
| H-1200 | S.F. | 413 | Lukan of Dubuque |
| H-1201 | S.F. | 413 | Horbach of Tama |
| H-1202 | S.F. | 413 | Horbach of Tama |
| H-1203 | S.F. | 413 | Greiner of Washington |
| H-1204 | S.F. | 413 | Greiner of Washington |
| H-1205 | S.F. | 413 | Greiner of Washington |
| H-1206 | S.F. | 413 | Greiner of Washington |
| H-1207 | S.F. | 413 | Greiner of Washington |
| H-1208 | S.F. | 413 | Boal of Polk |
| H-1209 | S.F. | 413 | Soderberg of Plymouth |
| H-1210 | S.F. | 413 | Hoffman of Crawford |
| H-1211 | S.F. | 413 | Hoffman of Crawford |
| H-1212 | S.F. | 413 | Windschitl of Harrison |
| H-1213 | S.F. | 413 | Windschitl of Harrison |
| H-1214 | S.F. | 413 | Windschitl of Harrison |
| H-1215 | S.F. | 413 | Dolecheck of Ringgold |
| H-1216 | S.F. | 413 | Dolecheck of Ringgold |
| H-1217 | S.F. | 413 | Alons of Sioux |
| H-1218 | S.F. | 413 | Soderberg of Plymouth |
| H-1219 | S.F. | 413 | Hoffman of Crawford |
| H-1220 | S.F. | 413 | Hoffman of Crawford |
| H-1221 | S.F. | 413 | Hoffman of Crawford |
| H-1222 | S.F. | 413 | Hoffman of Crawford |
| H-1223 | S.F. | 413 | Hoffman of Crawford |
| H-1224 | S.F. | 413 | Hoffman of Crawford |
| H-1225 | S.F. | 413 | Worthan of Buena Vista |
| H-1226 | S.F. | 413 | May of Dickinson |
| H-1227 | S.F. | 413 | Sands of Louisa |
| H-1228 | S.F. | 413 | Sands of Louisa |
| H-1229 | S.F. | 413 | Tymeson of Madison |
| H-1230 | S.F. | 413 | Tymeson of Madison |

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|------------------------|----------------------|---------------------|-----------------------------|
| H-1231 | S.F. | 413 | Tymeson of Madison |
| H-1232 | S.F. | 413 | Forristall of Pottawattamie |
| H-1233 | S.F. | 413 | Roberts of Carroll |
| H-1234 | S.F. | 413 | Roberts of Carroll |
| H-1235 | S.F. | 413 | Arnold of Lucas |
| H-1236 | S.F. | 413 | Sands of Louisa |
| H-1237 | S.F. | 413 | Forristall of Pottawattamie |
| H-1238 | S.F. | 413 | Soderberg of Plymouth |
| H-1239 | S.F. | 413 | May of Dickinson |
| H-1240 | S.F. | 413 | De Boef of Keokuk |
| H-1241 | S.F. | 413 | Worthan of Buena Vista |
| H-1242 | S.F. | 413 | Grassley of Butler |
| H-1243 | S.F. | 413 | Arnold of Lucas |
| H-1244 | S.F. | 413 | Huseman of Cherokee |
| H-1245 | S.F. | 413 | Huseman of Cherokee |
| H-1246 | S.F. | 413 | Huseman of Cherokee |
| H-1247 | S.F. | 413 | Boal of Polk |
| H-1248 | S.F. | 413 | Deyoe of Story |
| H-1249 | S.F. | 413 | Van Engelenhoven of Marion |
| H-1250 | S.F. | 413 | Granzow of Hardin |
| H-1251 | S.F. | 413 | Lukan of Dubuque |
| H-1252 | S.F. | 413 | Tymeson of Madison |
| H-1253 | S.F. | 413 | Tymeson of Madison |
| H-1254 | S.F. | 413 | Tymeson of Madison |
| H-1255 | S.F. | 413 | Watts of Dallas |
| H-1256 | S.F. | 413 | Dolecheck of Ringgold |
| H-1257 | S.F. | 413 | Dolecheck of Ringgold |
| H-1258 | S.F. | 413 | Dolecheck of Ringgold |
| H-1259 | S.F. | 413 | Horbach of Tama |
| H-1260 | S.F. | 413 | Struyk of Pottawattamie |
| H-1261 | S.F. | 413 | Struyk of Pottawattamie |
| H-1262 | S.F. | 413 | Drake of Pottawattamie |
| H-1263 | S.F. | 413 | Chambers of O'Brien |
| H-1264 | S.F. | 413 | Chambers of O'Brien |
| H-1265 | S.F. | 413 | Deyoe of Story |
| | | | Forristall of Pottawattamie |
| H-1266 | S.F. | 413 | Paulsen of Linn |
| H-1267 | S.F. | 413 | Van Engelenhoven of Marion |
| H-1268 | S.F. | 413 | Van Engelenhoven of Marion |
| H-1269 | S.F. | 413 | Rasmussen of Buchanan |
| H-1271 | S.F. | 413 | Boal of Polk |

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| H-1272 | S.F. | 413 | May of Dickinson |
| H-1273 | S.F. | 413 | Baudler of Adair |
| H-1274 | S.F. | 413 | Lukan of Dubuque |
| H-1275 | S.F. | 413 | Kaufmann of Cedar |
| H-1276 | S.F. | 413 | Chambers of O'Brien |
| H-1277 | S.F. | 413 | Watts of Dallas |
| H-1278 | S.F. | 413 | Horbach of Tama |
| H-1279 | S.F. | 413 | Horbach of Tama |
| H-1280 | S.F. | 413 | Deyoe of Story |
| H-1281 | S.F. | 413 | Worthan of Buena Vista |
| H-1282 | S.F. | 413 | Baudler of Adair |
| H-1283 | S.F. | 413 | Baudler of Adair |
| H-1284 | S.F. | 413 | Worthan of Buena Vista |
| H-1285 | S.F. | 413 | Upmeyer of Hancock |
| H-1286 | S.F. | 413 | Watts of Dallas |
| H-1287 | S.F. | 413 | Horbach of Tama |
| H-1288 | S.F. | 413 | Rants of Woodbury |
| H-1289 | S.F. | 413 | Boal of Polk |
| H-1290 | S.F. | 413 | Paulsen of Linn |
| H-1291 | S.F. | 413 | S. Olson of Clinton |
| H-1292 | S.F. | 413 | Windschitl of Harrison |
| H-1293 | S.F. | 413 | De Boef of Keokuk |
| H-1294 | S.F. | 413 | Tymeson of Madison |
| H-1295 | S.F. | 413 | Windschitl of Harrison |
| H-1296 | S.F. | 413 | Tymeson of Madison |
| H-1297 | S.F. | 413 | Boal of Polk |
| H-1298 | H.F. | 749 | Huser of Polk |
| H-1299 | H.F. | 760 | Alons of Sioux |
| | | | Baudler of Adair |
| H-1300 | H.F. | 611 | Tymeson of Madison |
| H-1301 | H.F. | 611 | Tymeson of Madison |
| H-1302 | H.F. | 611 | Tymeson of Madison |
| H-1303 | H.F. | 767 | Tymeson of Madison |
| H-1304 | S.F. | 413 | Huseman of Cherokee |
| H-1305 | S.F. | 413 | Horbach of Tama |
| H-1306 | S.F. | 413 | Rasmussen of Buchanan |
| H-1307 | S.F. | 413 | Arnold of Lucas |
| H-1308 | S.F. | 413 | Upmeyer of Hancock |
| H-1309 | S.F. | 413 | Sands of Louisa |
| H-1310 | S.F. | 413 | Chambers of O'Brien |
| H-1311 | S.F. | 413 | Deyoe of Story |

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| <u>H-1312</u> | <u>S.F.</u> | <u>413</u> | S. Olson of Clinton |
| <u>H-1313</u> | <u>H.F.</u> | <u>503</u> | Heddens of Story |
| | | | Foege of Linn |
| | | | Heaton of Henry |
| | | | Grassley of Butler |
| <u>H-1314</u> | <u>H.F.</u> | <u>653</u> | Baudler of Adair |
| <u>H-1315</u> | <u>H.F.</u> | <u>158</u> | Petersen of Polk |
| | | | Upmeyer of Hancock |

On motion by McCarthy of Polk the House adjourned at 10:57 p.m., until 9:00 a.m., Wednesday, March 14, 2007.