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**STATE OF IOWA**

**House Journal**

**FRIDAY, APRIL 20, 2007**

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

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# JOURNAL OF THE HOUSE

One Hundred Third Calendar Day - Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 20, 2007

The House met pursuant to adjournment at 9:32 a.m., Speaker Murphy in the chair.

Prayer was offered by Fran Smith, House clerk and sister of Representative Mark Smith of Marshall County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Melissa Cameron of Council Bluffs and House clerk of Representative Andrew Wenthe.

The Journal of Thursday, April 19, 2007 was approved.

## INTRODUCTION OF BILLS

[House File 919](#), by committee on ways and means, a bill for an act providing for excise taxes imposed on the sale of motor fuel containing ethanol blended gasoline.

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

[House File 920](#), by committee on appropriations, a bill for an act authorizing the state board of regents to borrow moneys and issue revenue bonds to finance the costs of certain building and facility improvement programs.

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

[House File 921](#), by committee on ways and means, a bill for an act relating to plans and financial assurance requirements for certain sanitary landfill projects.

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

## SENATE MESSAGES CONSIDERED

[Senate File 586](#), by committee on ways and means, a bill for an act creating a special gold star motor vehicle registration plate and providing fees and an effective date.

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

[Senate File 596](#), by committee on ways and means, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of income, sales, use, cigarette, and tobacco taxes, the administration and budgeting for tax increment financing by cities and counties, and creating a reporting committee, providing an effective date and providing for retroactive applicability.

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

[Senate File 599](#), by committee on appropriations, a bill for an act establishing the office of energy independence and the Iowa power fund and related provisions, making appropriations, and providing an effective date.

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

CONSIDERATION OF BILLS  
Appropriations Calendar

[House File 909](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective date provisions, was taken up for consideration.

Kaufmann of Cedar offered the following amendment [H-1795](#) filed by him and moved its adoption:

[H-1795](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 1, line 24, by striking the figure
- 3 "4,723,306" and inserting the following: "7,620,811".
- 4 2. Page 1, line 35, by striking the figure
- 5 "2,788,223" and inserting the following: "5,685,728".

- 6 3. Page 2, line 2, by striking the figure  
 7 "1,385,015" and inserting the following: "2,932,520".  
 8 4. Page 2, line 11, by striking the figure "70"  
 9 and inserting the following: "115".  
 10 5. Page 19, line 8, by striking the figure  
 11 "618,696,202" and inserting the following:  
 12 "615,798,697".  
 13 6. Page 63, line 10, by striking the figure "70"  
 14 and inserting the following: "115".

Roll call was requested by Kaufmann of Cedar and Van Fossen of Scott.

On the question "Shall amendment [H-1795](#) be adopted?" ([H.F. 909](#))

The ayes were, 47:

|            |                  |            |            |
|------------|------------------|------------|------------|
| Alons      | Anderson         | Arnold     | Baudler    |
| Boal       | Chambers         | Clute      | De Boef    |
| Deyoe      | Dolecheck        | Drake      | Forristall |
| Gipp       | Granzow          | Grassley   | Greiner    |
| Hoffman    | Horbach          | Huseman    | Jacobs     |
| Kaufmann   | Lukan            | May        | Miller, L. |
| Olson, S.  | Paulsen          | Raecker    | Rants      |
| Rasmussen  | Rayhons          | Roberts    | Sands      |
| Schickel   | Schueller        | Soderberg  | Struyk     |
| Taylor, D. | Tjepkes          | Tomenga    | 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      | Frevort           | Gaskill               |
| Gayman      | Heaton    | Heddens           | Hunter                |
| Huser       | Jacoby    | Jochum            | Kelley                |
| Kressig     | Kuhn      | Lensing           | Lykam                 |
| Mascher     | McCarthy  | Mertz             | Miller, H.            |
| Oldson      | Olson, D. | Olson, R.         | Olson, T.             |
| Palmer      | Petersen  | Pettengill        | Quirk                 |
| Reasoner    | Reichert  | Shomshor          | Smith                 |
| Staed       | Swaim     | Taylor, T.        | Thomas                |
| Wendt       | Wenthe    | Wessel-Kroeschell | Whitaker              |
| Whitead     | Winckler  | Wise              | Mr. Speaker<br>Murphy |

Absent or not voting, 1:

Zirkelbach

Amendment [H-1795](#) lost.

Foege of Linn offered amendment [H-1822](#) filed by him as follows:

[H-1822](#)

1 Amend [House File 909](#) as follows:  
2 1. Page 2, line 26, by inserting after the word  
3 "office" the following: "and two local offices".  
4 2. Page 3, line 14, by striking the figure  
5 "2,469,438" and inserting the following:  
6 "2,509,438".  
7 3. Page 3, by inserting after line 34 the  
8 following:  
9 "d. Of the funds appropriated in this subsection,  
10 \$40,000 shall be distributed to a statewide dental  
11 association to provide matching funds to continue the  
12 donated dental services program patterned after the  
13 projects developed by the national foundation of  
14 dentistry for the handicapped to provide dental  
15 services to indigent elderly and disabled  
16 individuals."  
17 4. Page 4, line 4, by striking the figure  
18 "1,742,840" and inserting the following: "1,842,840".  
19 5. Page 4, by inserting after line 5 the  
20 following:  
21 "Of the funds appropriated in this subsection,  
22 \$100,000 shall be used as additional funding to  
23 provide grants to individual patients who have  
24 phenylketonuria (PKU) to assist with the costs of  
25 necessary special foods."  
26 6. Page 6, line 23, by striking the figure "6.00"  
27 and inserting the following: "9.00".  
28 7. Page 7, line 3, by striking the figure  
29 "2,190,000" and inserting the following: "1,690,000".  
30 8. Page 7, by striking lines 4 through 8.  
31 9. Page 8, line 11, by striking the figure  
32 "15,030,248" and inserting the following:  
33 "14,509,630".  
34 10. Page 10, by striking lines 25 through 34.  
35 11. Page 15, by inserting before line 15 the  
36 following:  
37 "Notwithstanding section 8.33, not more than 5  
38 percent of the moneys designated in this lettered  
39 paragraph that are allocated by the department for  
40 contracted services other than family development and  
41 self-sufficiency grant program services allocated

42 under this subsection, that remain unencumbered or  
43 unobligated at the close of the fiscal year shall not  
44 revert but shall remain available for expenditure for  
45 the purposes designated until the close of the  
46 succeeding fiscal year. However, unless such moneys  
47 are encumbered or obligated on or before September 30,  
48 2008, the moneys shall revert."  
49 12. Page 15, by striking lines 21 through 26 and  
50 inserting the following: "be credited to the FIP

Page 2

1 account, a portion may be used to increase recoveries,  
2 and a portion may be used to sustain cash flow in the  
3 child support payments account. If as a result, the  
4 appropriations allocated in this section are  
5 insufficient to sustain cash assistance payments and  
6 meet federal maintenance of effort requirements, the  
7 department shall seek supplemental funding."

8 13. Page 15, by inserting after line 30 the  
9 following:

10 "6A. If the department determines that the  
11 appropriations allocated in this section are  
12 insufficient to sustain cash assistance payments and  
13 to meet federal maintenance of effort requirements,  
14 the department shall seek supplemental funding."

15 14. Page 16, line 5, by striking the figure  
16 "42,608,263" and inserting the following:  
17 "42,658,263".

18 15. Page 16, line 12, by striking the figure  
19 "200,000" and inserting the following: "250,000".

20 16. Page 17, by striking lines 14 through 26 and  
21 inserting the following:

22 "5. The department of human services shall  
23 identify options and resources needed to support  
24 responsible fatherhood. The department shall report  
25 on or before December 15, 2007, concerning the options  
26 considered, potential funding opportunities, and any  
27 options subsequently initiated to the persons  
28 designated in this Act to receive reports."

29 17. Page 18, by striking lines 26 through 30 and  
30 inserting the following: "is not exceeded at the  
31 close of the fiscal year."

32 18. Page 19, line 8, by striking the figure  
33 "618,696,202" and inserting the following:  
34 "618,926,820".

35 19. Page 21, by striking line 10 and inserting  
36 the following: "the appropriations in this division  
37 of this Act for general administration, the state  
38 children's health insurance program,".

39 20. Page 21, by striking lines 26 through 34 and  
40 inserting the following:

41 " \_\_\_\_\_. The drug utilization review commission shall  
 42 monitor the smoking cessation benefit provided under  
 43 the medical assistance program and shall provide a  
 44 report of utilization, client success,  
 45 cost-effectiveness, and recommendations for any  
 46 changes in the benefit to the persons designated in  
 47 this Act to receive reports by January 15, 2008."  
 48 21. Page 22, line 7, by inserting after the word  
 49 "contracts," the following: "the state children's  
 50 health insurance program,".

Page 3

1 22. Page 22, by inserting after line 27 the  
 2 following:  
 3 " \_\_\_\_\_. Of the funds appropriated in this section,  
 4 \$230,618 shall be used as additional funding to reduce  
 5 the waiting list for the children's mental health home  
 6 and community-based services waiver."

7 23. Page 27, line 13, by striking the figure  
 8 "88,420,320" and inserting the following:  
 9 "88,520,320".

10 24. Page 27, line 33, by striking the figure  
 11 "36,016,527" and inserting the following:  
 12 "35,916,527".

13 25. Page 32, line 27, by striking the figure  
 14 "103,000" and inserting the following: "203,000".

15 26. Page 35, lines 5 and 6, by striking the words  
 16 "continue funding for children in group foster care"  
 17 and inserting the following: "supplement the  
 18 statewide expenditure target amount under section  
 19 232.143 designated in the appropriation made in this  
 20 Act for child and family services".

21 27. Page 45, by striking lines 21 through 24.

22 28. Page 49, by striking lines 9 through 20 and  
 23 inserting the following:  
 24 "Sec. \_\_\_\_\_. MEDICAL ASSISTANCE – NURSING FACILITY  
 25 REIMBURSEMENT. There is appropriated from the general  
 26 fund of the state to the department of human services  
 27 for the fiscal year beginning July 1, 2006, and ending  
 28 June 30, 2007, the following amount, or so much  
 29 thereof as is necessary, to be used for the purposes  
 30 designated:

31 For the purpose of funding total nursing facility  
 32 budget expenditures under the medical assistance  
 33 program including rebasing of the case-mix nursing  
 34 facility rates and non-case-mix nursing  
 35 facility-related expenditures as provided in this Act,  
 36 for expenditure after June 30, 2007:  
 37 ..... \$ 10,400,000  
 38 Notwithstanding section 8.33, moneys appropriated  
 39 in this section that remain unencumbered or

40 unobligated at the close of the fiscal year shall not  
 41 revert but shall remain available for expenditure for  
 42 the purpose designated until the close of the  
 43 succeeding fiscal year."

44 29. Page 50, line 11, by striking the words "this  
 45 division of".

46 30. Page 52, by inserting after line 16 the  
 47 following:

48 "Sec. \_\_\_\_ Section 249A.3, subsections 4, 5A, and  
 49 5B, Code 2007, are amended to read as follows:

50 4. Discretionary medical assistance, within the

Page 4

1 limits of available funds and in accordance with  
 2 section 249A.4, subsection 1, may be provided to or on  
 3 behalf of those individuals and families described in  
 4 subsection 2, paragraph ~~"j"~~ "k" of this section.

5 5A. In determining eligibility for children under  
 6 subsection 1, paragraphs "b", "f", "g", "j", "k", "n",  
 7 and "s"; subsection 2, paragraphs "c", "e", "f", "h",  
 8 and ~~"j"~~ "k"; and subsection 5, paragraph "b", all  
 9 resources of the family, other than monthly income,  
 10 shall be disregarded.

11 5B. In determining eligibility for adults under  
 12 subsection 1, paragraphs "b", "e", "h", "j", "k", "n",  
 13 "s", and "t"; subsection 2, paragraphs "d", "e", "h",  
 14 ~~"j"~~ "k", and ~~"j"~~ "l"; and subsection 5, paragraph "b",  
 15 one motor vehicle per household shall be disregarded."

16 31. Page 55, by inserting after line 29 by  
 17 following:

18 "Notwithstanding section 8.33, moneys appropriated  
 19 in this subsection that remain unencumbered or  
 20 unobligated at the close of the fiscal year shall not  
 21 revert but shall remain available for expenditure in  
 22 the succeeding fiscal year."

23 32. Page 59, line 19, by striking the figure  
 24 "1,500,000" and inserting the following: "1,850,000".

25 33. Page 59, line 22, by inserting after the word  
 26 "year." the following: "Of this amount, \$350,000  
 27 shall be used to supplement other funding to reduce  
 28 the waiting list for the children's mental health home  
 29 and community-based services waiver."

30 34. Page 61, by striking lines 12 through 16 and  
 31 inserting the following:

32 " \_\_\_\_ . The provision making the appropriation from  
 33 the general fund of the state for the fiscal year  
 34 beginning July 1, 2006, and ending June 30, 2007, for  
 35 the purpose of funding total nursing facility budget  
 36 expenditures including rebasing of the case-mix  
 37 nursing facility rates and non-case-mix nursing  
 38 facility-related expenditures, for expenditure after

39 June 30, 2007."

40 35. Page 64, by inserting after line 2 the  
41 following:

42 "If legislation is enacted by the Eighty-second  
43 General Assembly, 2007 Session, transferring full  
44 responsibility for the oversight of assisted living  
45 programs, adult day services programs, and elder group  
46 homes from the department of elder affairs to the  
47 department of inspections and appeals, the  
48 appropriation in this section is increased by \$349,051  
49 and the number of full-time equivalent positions  
50 authorized is increased by 2.50 full-time equivalent

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1 positions."

2 36. Page 65, by striking lines 20 through 32.

3 37. Page 78, line 23, by striking the figure  
4 "8,882,254" and inserting the following: "8,200,254".

5 38. Page 78, by inserting after line 33 the  
6 following:

7 "c. Of the funds appropriated in this subsection,  
8 \$255,000 may be utilized by the department for  
9 administrative purposes.

10 d. Of the funds appropriated in this subsection,  
11 \$682,000 shall be used for substance abuse treatment  
12 activities."

13 39. Page 79, by inserting after line 19 the  
14 following:

15 "..... FTEs 1.00"

16 40. Page 79, line 27, by inserting after the word  
17 "life." the following: "The department shall utilize  
18 one of the full-time equivalent positions authorized  
19 in this subsection for administration of the  
20 activities related to the Iowa consortium for  
21 comprehensive cancer control."

22 41. Page 82, line 11, by striking the figure  
23 "77,965,357" and inserting the following:  
24 "78,065,357".

25 42. Page 82, line 22, by inserting after the word  
26 "family" the following: "and child".

27 43. Page 82, line 23, by striking the word  
28 "program" and inserting the following: "programs".

29 44. Page 82, line 25, by striking the figure  
30 "1,495,405" and inserting the following: "1,995,405".

31 45. Page 82, line 29, by striking the figure  
32 "1,360,301" and inserting the following: "860,301".

33 46. Page 89, by striking lines 12 through 20.

34 47. Page 95, line 34, by striking the words  
35 "During the".

36 48. By striking page 95, line 35, through page  
37 96, line 11.

38 49. Page 97, line 8, by striking the words "and  
39 habilitation services".

40 50. Page 99, by striking lines 18 through 32.

41 51. Page 106, by inserting after line 21 the  
42 following:

43 "DIVISION  
44 NATIONAL DISASTER MEDICAL SYSTEM – EMPLOYMENT  
45 PROTECTION

46 Sec.\_\_\_\_. Section 29A.28, subsection 1, Code 2007,  
47 is amended to read as follows:

48 1. All officers and employees of the state, or a  
49 subdivision thereof, or a municipality other than  
50 employees employed temporarily for six months or less,

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1 who are members of the national guard, organized  
2 reserves or any component part of the military, naval,  
3 or air forces or nurse corps of this state or nation,  
4 or who are or may be otherwise inducted into the  
5 military service of this state or of the United  
6 States, or who are members of the civil air patrol,  
7 shall, when ordered by proper authority to state  
8 active duty, state military service, or federal  
9 service, or when performing a civil air patrol mission  
10 pursuant to section 29A.3A, be entitled to a leave of  
11 absence from such civil employment for the period of  
12 state active duty, state military service, federal  
13 service, or civil air patrol duty without loss of  
14 status or efficiency rating, and without loss of pay  
15 during the first thirty days of such leave of absence.

16 Where state active duty, state military service,  
17 federal service, or civil air patrol duty is for a  
18 period of less than thirty days, a leave of absence  
19 under this section shall only be required for those  
20 days that the civil employee would normally perform  
21 services for the state, subdivision of the state, or a  
22 municipality. The provisions of this section shall  
23 also apply to a leave of absence by a member of the  
24 national disaster medical system of the United States  
25 when activated for federal service with the system.

26 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
27 Act, being deemed of immediate importance, takes  
28 effect upon enactment and is applicable on and after  
29 that date.

30 Sec.\_\_\_\_. IMPLEMENTATION OF ACT. Section 25B.2,  
31 subsection 3, Code 2007, shall not apply to this  
32 division of this Act."

33 52. By renumbering as necessary.

Heaton of Henry asked and received unanimous consent that amendment [H-1831](#) be deferred.

Heaton of Henry offered the following amendment [H-1845](#), to amendment [H-1822](#), filed by him from the floor and moved its adoption:

[H-1845](#)

1 Amend the amendment, [H-1822](#), to [House File 909](#), as  
2 follows:

3 1. Page 2, by inserting after line 17 the  
4 following:

5 "\_\_\_\_. Page 16, line 12, by inserting after the  
6 figure "3." the following: "a.""

7 2. Page 2, by inserting after line 19 the  
8 following:

9 "\_\_\_\_. Page 16, by inserting after line 21 the  
10 following:

11 "b. The general assembly supports efforts by the  
12 organization receiving funding under this subsection  
13 to create a statewide earned income tax credit and  
14 asset-building coalition to achieve both of the  
15 following purposes:

16 (1) Expanding the usage of the tax credit through  
17 new and enhanced outreach and marketing strategies as  
18 well as identifying new local sites and human and  
19 financial resources.

20 (2) Assessing and recommending various strategies  
21 for Iowans to develop assets through savings,  
22 individual development accounts, financial literacy,  
23 anti-predatory lending initiatives, informed home  
24 ownership, use of various forms of support for work,  
25 and microenterprise business development targeted to  
26 persons who are self-employed or have fewer than five  
27 employees.""

28 3. By renumbering as necessary.

Amendment [H-1845](#) was adopted.

Raecker of Polk offered the following amendment [H-1839](#), to amendment [H-1822](#), filed by him and moved its adoption:

[H-1839](#)

1 Amend the amendment, [H-1822](#), to [House File 909](#), as  
2 follows:

3 1. Page 2, line 34, by striking the figure  
4 "618,926,820" and inserting the following:

- 5 "629,326,820".  
 6 2. Page 3, by striking lines 22 through 43 and  
 7 inserting the following:  
 8 "\_\_\_\_. Page 49, by striking lines 9 through 20."  
 9 3. Page 4, by striking lines 30 through 39 and  
 10 inserting the following:  
 11 "\_\_\_\_. Page 61, by striking lines 12 through 16."

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

On the question "Shall amendment [H-1839](#) be adopted?" ([H.F. 909](#))

The ayes were, 47:

|         |                  |            |            |
|---------|------------------|------------|------------|
| Alons   | Anderson         | Arnold     | Baudler    |
| Boal    | Chambers         | Clute      | De Boef    |
| Deyoe   | Dolecheck        | Drake      | Forristall |
| Gipp    | 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          | Tomenga    | Tymeson    |
| Upmeyer | Van Engelenhoven | Van Fossen | Watts      |
| Wiencek | Windschitl       | Worthan    |            |

The nays were, 51:

|             |                   |             |           |
|-------------|-------------------|-------------|-----------|
| 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      | Wendt     |
| Wenthe      | Wessel-Kroeschell | Whitaker    | Whitead   |
| Winckler    | Wise              | Mr. Speaker |           |
|             |                   | Murphy      |           |

Absent or not voting, 2:

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

Amendment [H-1839](#) lost.

Upmeyer of Hancock offered the following amendment [H-1828](#), to amendment [H-1822](#), filed by her and moved its adoption:

[H-1828](#)

- 1 Amend the amendment, [H-1822](#), to [House File 909](#), as
- 2 follows:
- 3 1. Page 2, by striking lines 39 through 47.
- 4 2. By renumbering as necessary.

Roll call was requested by Upmeyer of Hancock and Smith of Marshall.

On the question "Shall amendment [H-1828](#) be adopted?" ([H.F. 909](#))

The ayes were, 47:

|            |                  |            |            |
|------------|------------------|------------|------------|
| Alons      | Anderson         | Arnold     | Baudler    |
| Boal       | Chambers         | Clute      | De Boef    |
| Deyoe      | Dolecheck        | Drake      | Forristall |
| Gipp       | 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     |
| Taylor, D. | Tjepkes          | Tomenga    | Tymeson    |
| Upmeyer    | Van Engelenhoven | Van Fossen | Watts      |
| Wienczek   | Windschitl       | Worthan    |            |

The nays were, 51:

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

Absent or not voting, 2:

Pettengill

Zirkelbach

Amendment [H-1828](#) lost.

Upmeyer of Hancock offered the following amendment [H-1846](#), to amendment [H-1822](#), filed by her from the floor and moved its adoption:

[H-1846](#)

- 1 Amend the amendment, [H-1822](#), to [House File 909](#) as
- 2 follows:
- 3 1. Page 5, line 4, by striking the figure
- 4 "8,200,254" and inserting the following: "6,882,254".
- 5 2. Page 5, line 11, by striking the figure
- 6 "682,000" and inserting the following: "2,000,000".

A non-record roll call was requested.

The ayes were 46, nays 50.

Amendment [H-1846](#) lost.

Foege of Linn offered the following amendment [H-1852](#), to amendment [H-1822](#), filed by him from the floor and moved its adoption:

[H-1852](#)

- 1 Amend the amendment, [H-1822](#), to [House File 909](#) as
- 2 follows:
- 3 1. Page 1, by striking line 11, and inserting the
- 4 following: "carrier to provide funds to continue
- 5 the".

Amendment [H-1852](#) was adopted, placing out of order amendment [H-1831](#), previously deferred, filed by Heaton of Henry on April 19, 2007.

On motion by Foege of Linn, amendment [H-1822](#), as amended, was adopted, placing the following amendments filed on April 19, 2007, out of order.

Amendment [H-1792](#) filed by Raecker of Polk.  
 Amendment [H-1802](#) filed by Rants of Woodbury, et al.  
 Amendment [H-1803](#) filed by Tymeson of Madison, et al.  
 Amendment [H-1805](#) filed by L. Miller of Scott, et al.  
 Amendment [H-1807](#) filed by Upmeyer of Hancock.  
 Amendment [H-1818](#) filed by L. Miller of Scott, et al.  
 Amendment [H-1830](#) filed by Granzow, et al.  
 Amendment [H-1848](#) filed by L. Miller of Scott from the floor.

Struyk of Pottawattamie offered the following amendment [H-1783](#) filed by him and moved its adoption:

[H-1783](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 3, by striking lines 6 through 8.

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

On the question "Shall amendment [H-1783](#) be adopted?" ([H.F. 909](#))

The ayes were, 48:

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

The nays were, 49:

|             |           |           |            |
|-------------|-----------|-----------|------------|
| Abdul-Samad | Bailey    | Bell      | Berry      |
| Bukta       | Cohoon    | Davitt    | Foege      |
| Ford        | Frevert   | Gaskill   | Gayman     |
| Heddens     | Hunter    | Jacoby    | Jochum     |
| Kelley      | Kressig   | Kuhn      | Lensing    |
| Lykam       | Mascher   | McCarthy  | Miller, H. |
| Oldson      | Olson, D. | Olson, R. | Olson, T.  |

|             |           |            |                   |
|-------------|-----------|------------|-------------------|
| Palmer      | Petersen  | 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, 3:

Dandekar                      Pettengill                      Zirkelbach

Amendment [H-1783](#) lost.

Tymeson of Madison offered the following amendment [H-1811](#) filed by her and moved its adoption:

[H-1811](#)

1 Amend [House File 909](#) as follows:  
2 1. Page 8, by inserting after line 6 the  
3 following:  
4 "The amount appropriated and full-time equivalent  
5 positions authorized in this subsection includes  
6 \$91,946 and 2.0 FTEs for cemetery personnel. To the  
7 extent personnel for the authorized positions are not  
8 employed as of October 1, 2007, the unused portion of  
9 the funding shall be transferred and credited to the  
10 veterans trust fund on October 2, 2007."

Amendment [H-1811](#) lost.

Tymeson of Madison offered the following amendment [H-1813](#) filed by her and Bailey of Hamilton and moved its adoption:

[H-1813](#)

1 Amend [House File 909](#) as follows:  
2 1. Page 9, by inserting after line 3 the  
3 following:  
4 "Notwithstanding section 8.33, moneys appropriated  
5 in this subsection that remain unencumbered or  
6 unobligated at the close of the fiscal year shall not  
7 revert to the fund from which appropriated but shall  
8 be credited to the veterans trust fund."  
9 2. Page 61, line 3, by inserting after the word  
10 "year." the following: "Of the amount addressed in  
11 this paragraph, not more than \$150,000 shall be used  
12 to employ persons to fill two administrative full-time

13 equivalent positions in the department of veterans  
14 affairs in addition to the number of positions  
15 authorized for the department. If one or both of the  
16 two positions are not employed by October 1, 2007, the  
17 unused funding shall be credited to the veterans trust  
18 fund on October 2, 2007. Otherwise, any remainder  
19 from the amount addressed in this paragraph that  
20 remains unencumbered or unobligated at the close of  
21 the fiscal year shall not be credited to the fund from  
22 which appropriated but shall be credited to the  
23 veterans trust fund."

Amendment [H-1813](#) was adopted.

Bailey of Hamilton offered the following amendment [H-1838](#) filed by him and moved its adoption:

[H-1838](#)

1 Amend [House File 909](#) as follows:  
2 1. Page 9, line 21, by striking the figure  
3 "2,000,000" and inserting the following: "1,000,000".  
4 2. By striking page 9, line 29, through page 10,  
5 line 1, and inserting the following:  
6 "The appropriation and allocations made in this  
7 section are contingent upon the Iowa finance authority  
8 making a determination prior to January 1, 2008, that  
9 the amount appropriated for purposes of the home  
10 ownership assistance program in 2007 Iowa Acts, Senate  
11 File 95, will be completely expended prior to January  
12 1, 2008. The authority's determination requires the  
13 concurrence of the department of management. At least  
14 two weeks prior to the contingency provided in this  
15 paragraph being exercised, the authority's  
16 determination shall be reported to the fiscal  
17 committee of the legislative council. If the amount  
18 appropriated in this section is insufficient to meet  
19 the need for the fiscal year, the authority shall  
20 request supplemental funding from the governor and the  
21 general assembly."

Amendment [H-1838](#) was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment [H-1829](#) filed by her on April 19, 2007.

Tymeson of Madison offered the following amendment [H-1810](#) filed by her and moved its adoption:

[H-1810](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 10, by inserting after line 1 the
- 3 following:
- 4 "Sec.\_\_\_\_. VETERANS NEEDS REPORT. The executive
- 5 director of the department of veterans affairs shall
- 6 prepare a report regarding the needs of veterans. The
- 7 report shall include a comprehensive survey of
- 8 existing benefits and services being provided to Iowa
- 9 veterans at the local, state, and national levels, a
- 10 comparison of Iowa veterans benefits and services
- 11 programs with such programs offered in other states,
- 12 the deficiencies in benefits and services identified
- 13 by the commission, and any recommendations for
- 14 eliminating the deficiencies identified. The
- 15 completed report shall be approved by the commission
- 16 of veterans affairs prior to submission of the report
- 17 to the general assembly, which shall be done by
- 18 October 15, 2008."
- 19 2. By renumbering as necessary.

Amendment [H-1810](#) was adopted.

Heaton of Henry offered the following amendment [H-1817](#) filed by him and Lukan of Dubuque and moved its adoption:

[H-1817](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 17, line 35, by striking the figure
- 3 "9,760,000" and inserting the following: "9,800,000".
- 4 2. Page 18, line 1, by striking the figure
- 5 "508.00" and inserting the following: "508.50".
- 6 3. Page 18, by inserting after line 30 the
- 7 following:
- 8 "\_\_\_\_. The department shall utilize .50 of the
- 9 full-time equivalent positions authorized in this
- 10 section to provide an additional .50 child support
- 11 recovery unit investigator position."
- 12 4. Page 42, line 14, by striking the figure
- 13 "16,001,927" and inserting the following:
- 14 "15,961,927".
- 15 5. By renumbering as necessary.

Bukta of Clinton in the chair at 11:39 a.m.

Roll call was requested by Heaton of Henry and Lukan of Dubuque.

On the question "Shall amendment [H-1817](#) be adopted?" ([H.F. 909](#))

The ayes were, 46:

|                  |            |           |            |
|------------------|------------|-----------|------------|
| Alons            | Anderson   | Arnold    | Baudler    |
| Boal             | Chambers   | Clute     | De Boef    |
| Deyoe            | Dolecheck  | Drake     | Forristall |
| Gipp             | 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          | Tomenga    | Tymeson   | Upmeyer    |
| Van Engelenhoven | Van Fossen | Watts     | Wiencek    |
| Windschitl       | Worthan    |           |            |

The nays were, 53:

|                     |            |               |                   |
|---------------------|------------|---------------|-------------------|
| 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            |
| Petersen            | Pettengill | Quirk         | Reasoner          |
| Reichert            | Schueller  | Shomshor      | Smith             |
| Staed               | Swaim      | Taylor, D.    | Taylor, T.        |
| Thomas              | Wendt      | Wenthe        | Wessel-Kroeschell |
| Whitaker            | Whitead    | Winckler      | Wise              |
| Bukta,<br>Presiding |            |               |                   |

Absent or not voting, 1:

Zirkelbach

Amendment [H-1817](#) lost.

Heaton of Henry offered the following amendment [H-1786](#) filed by him and Paulsen of Linn, and moved its adoption:

[H-1786](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 20, line 3, by inserting after the word
- 3 "system." the following: "The department shall not

4 assume management of the substance abuse system in  
5 place of the managed care contractor unless such a  
6 change in approach is specifically authorized in law."

Amendment [H-1786](#) was adopted.

Ford of Polk asked and received unanimous consent that amendment [H-1856](#) be deferred.

Gayman of Scott offered amendment [H-1850](#) by her and Heddens of Story from the floor as follows:

[H-1850](#)

1 Amend [House File 909](#) as follows:

2 1. Page 31, line 32, by inserting after the  
3 figure "234.46." the following: "Of the amount  
4 allocated in this subsection, \$210,000 is transferred  
5 and credited to the risk pool in the property tax  
6 relief fund."

7 2. Page 36, line 13, by striking the figure  
8 "5,367,652" and inserting the following: "5,273,361".

9 3. Page 36, line 19, by striking the figure  
10 "6,540,101" and inserting the following: "6,409,501".

11 4. Page 36, line 25, by striking the figure  
12 "9,606,542" and inserting the following: "9,358,177".

13 5. Page 36, line 31, by striking the figure  
14 "1,522,598" and inserting the following: "1,339,216".

15 6. Page 42, line 14, by striking the figure  
16 "16,001,927" and inserting the following:  
17 "15,901,927".

18 7. Page 59, line 33, by inserting after the word  
19 "year." the following: "In addition, of the moneys  
20 appropriated in this section that remain unencumbered  
21 or unobligated at the close of the fiscal year,  
22 \$250,000 shall be credited to the risk pool in the  
23 property tax relief fund."

24 8. Page 70, by inserting after line 17 the  
25 following:

26 "Sec. \_\_\_\_ . RISK POOL. There is appropriated from  
27 the general fund of the state to the department of  
28 human services for the fiscal year beginning July 1,  
29 2007, and ending June 30, 2008, the following amount,  
30 or so much thereof as is necessary, to be used for the  
31 purposes designated:

32 To be credited to the risk pool in the property tax  
33 relief fund for distribution in accordance with  
34 section 426B.5, subsection 2:

35 ..... \$ 756,638"

36 9. Page 74, by inserting after line 13 the

37 following:

38 "1B. There is appropriated from the general fund  
39 of the state to the department of human services for  
40 the fiscal year beginning July 1, 2007, and ending  
41 June 30, 2008, the following amount, or so much  
42 thereof as is necessary, to be used for the purpose  
43 designated:

44 For distribution to counties that meet the  
45 requirements of this subsection:

46 ..... \$ 12,000,000

47 a. To be eligible to receive an allocation under  
48 this subsection, a county must meet the following  
49 requirements:

50 (1) The county is levying for the maximum amount

Page 2

1 allowed for the county's mental health, mental  
2 retardation, and developmental disabilities services  
3 fund under section 331.424A for taxes due and payable  
4 in the fiscal year beginning July 1, 2007, or the  
5 county is levying for at least 90 percent of the  
6 maximum amount allowed for the county's services fund  
7 and that levy rate is more than \$2 per \$1,000 of the  
8 assessed value of all taxable property in the county.

9 (2) In the fiscal year beginning July 1, 2006, the  
10 county's mental health, mental retardation, and  
11 developmental disabilities services fund ending  
12 balance under generally accepted accounting principles  
13 was equal to or less than 15 percent of the county's  
14 actual gross expenditures for that fiscal year.

15 b. A county's allocation of the amount  
16 appropriated in this subsection shall be determined  
17 based upon the county's proportion of the general  
18 population of the counties eligible to receive an  
19 allocation under this subsection. The most recent  
20 population estimates issued by the United States  
21 bureau of the census shall be applied in determining  
22 population for the purposes of this paragraph.

23 c. The allocations made pursuant to this  
24 subsection are subject to the distribution provisions  
25 and withholding requirements established in this  
26 section for the county mental health, mental  
27 retardation, and developmental disabilities allowed  
28 growth factor adjustment for the fiscal year beginning  
29 July 1, 2007."

30 10. Page 77, by striking lines 21 through 26.

31 11. Page 77, by inserting after line 27 the  
32 following:

33 "DIVISION  
34 MH/MR/DD DATA REPORTING  
35 - RISK POOL ASSISTANCE

36 Sec.\_\_\_\_. Section 225C.6A, subsection 2, paragraph  
 37 c, Code 2007, is amended by adding the following new  
 38 subparagraph:

39 NEW SUBPARAGRAPH. (3) Each county shall report to  
 40 the department annually on or before December 1, for  
 41 the preceding fiscal year the following information  
 42 for each individual served: demographic information,  
 43 expenditure data, and data concerning the services and  
 44 other support provided to each individual, as  
 45 specified in administrative rule adopted by the  
 46 commission.

47 Sec.\_\_\_\_. Section 331.439, subsection 1, paragraph  
 48 a, Code 2007, is amended to read as follows:

49 a. The county accurately reported by December 1  
 50 the county's expenditures for mental health, mental

Page 3

1 retardation, and developmental disabilities services  
 2 and the information required under section 225C.6A,  
 3 subsection 2, paragraph "c", for the previous fiscal  
 4 year on forms prescribed by rules adopted by the  
 5 department of human services state commission.

6 Sec.\_\_\_\_. Section 426B.5, subsection 2, Code 2007,  
 7 is amended to read as follows:

8 2. RISK POOL.

9 a. For the purposes of this subsection, unless the  
 10 context otherwise requires,

11 (1) "~~Net expenditure amount~~" means a county's  
 12 ~~gross expenditures from the services fund for a fiscal~~  
 13 ~~year as adjusted by subtracting all services fund~~  
 14 ~~revenues for that fiscal year that are received from a~~  
 15 ~~source other than property taxes, as calculated on a~~  
 16 ~~modified accrual basis.~~

17 (2) "~~Services~~ "services fund" means a county's  
 18 mental health, mental retardation, and developmental  
 19 disabilities services fund created in section  
 20 331.424A.

21 b. A risk pool is created in the property tax  
 22 relief fund. The pool shall consist of the moneys  
 23 credited to the pool by law.

24 c. A risk pool board is created. The board shall  
 25 consist of two county supervisors, two county  
 26 auditors, a member of the mental health, mental  
 27 retardation, developmental disabilities, and brain  
 28 injury commission who is not a member of a county  
 29 board of supervisors, a member of the county finance  
 30 committee created in chapter 333A who is not an  
 31 elected official, a representative of a provider of  
 32 mental health or developmental disabilities services  
 33 selected from nominees submitted by the Iowa  
 34 association of community providers, and two central

35 point of coordination process administrators, all  
 36 appointed by the governor, and one member appointed by  
 37 the director of human services. All members appointed  
 38 by the governor shall be subject to confirmation by  
 39 the senate. Members shall serve for three-year terms.  
 40 A vacancy shall be filled in the same manner as the  
 41 original appointment. Expenses and other costs of the  
 42 risk pool board members representing counties shall be  
 43 paid by the county of origin. Expenses and other  
 44 costs of risk pool board members who do not represent  
 45 counties shall be paid from a source determined by the  
 46 governor. Staff assistance to the board shall be  
 47 provided by the department of human services and  
 48 counties. Actuarial expenses and other direct  
 49 administrative costs shall be charged to the pool.  
 50 d. (4) A county must apply to the risk pool board

Page 4

1 for assistance from the risk pool on or before January  
 2 25 ~~to cover an unanticipated net expenditure amount in~~  
 3 ~~excess of the county's current fiscal year budgeted~~  
 4 ~~net expenditure amount for the county's services fund.~~  
 5 The risk pool board shall make its final decisions on  
 6 or before February 25 regarding acceptance or  
 7 rejection of the applications for assistance and the  
 8 total amount accepted shall be considered obligated.  
 9 ~~For purposes of applying for risk pool assistance and~~  
 10 ~~for repaying unused risk pool assistance, the current~~  
 11 ~~fiscal year budgeted net expenditure amount shall be~~  
 12 ~~deemed to be the higher of either the budgeted net~~  
 13 ~~expenditure amount in the management plan approved~~  
 14 ~~under section 331.430 for the fiscal year in which the~~  
 15 ~~application is made or the prior fiscal year's net~~  
 16 ~~expenditure amount.~~  
 17 (2) e. Basic eligibility for risk pool assistance  
 18 ~~shall require a projected net expenditure amount in~~  
 19 ~~excess of the sum of one hundred five percent of the~~  
 20 ~~county's current fiscal year budgeted net expenditure~~  
 21 ~~amount and any amount of the county's prior fiscal~~  
 22 ~~year ending fund balance in excess of twenty five~~  
 23 ~~percent of the county's gross expenditures from the~~  
 24 ~~services fund in the prior fiscal year. However, if a~~  
 25 ~~county's services fund ending balance in the previous~~  
 26 ~~fiscal year was less than ten percent of the amount of~~  
 27 ~~the county's gross expenditures from the services fund~~  
 28 ~~for that fiscal year and the county has a projected~~  
 29 ~~net expenditure amount for the current fiscal year~~  
 30 ~~that is in excess of one hundred one percent of the~~  
 31 ~~budgeted net expenditure amount for the current fiscal~~  
 32 ~~year, the county shall be considered to have met the~~  
 33 ~~basic eligibility requirement and is qualified for~~

34 ~~risk pool assistance. requires that a county meet all~~  
35 ~~of the following conditions:~~  
36 ~~(1) The county is in compliance with the~~  
37 ~~requirements of section 331.439.~~  
38 ~~(2) The county levied the maximum amount allowed~~  
39 ~~for the county's services fund under section 331.424A~~  
40 ~~for the fiscal year of application for risk pool~~  
41 ~~assistance.~~  
42 ~~(3) At the close of the fiscal year that~~  
43 ~~immediately preceded the fiscal year of application,~~  
44 ~~the county's services fund ending balance under~~  
45 ~~generally accepted accounting principles was equal to~~  
46 ~~or less than twenty percent of the county's actual~~  
47 ~~gross expenditures for that fiscal year.~~  
48 ~~(4) f. The board shall review the fiscal year-end~~  
49 ~~financial records for all counties that are granted~~  
50 ~~risk pool assistance. If the board determines a~~

Page 5

1 county's actual need for risk pool assistance was less  
2 than the amount of risk pool assistance granted to the  
3 county, the county shall refund the difference between  
4 the amount of assistance granted and the actual need.  
5 The county shall submit the refund within thirty days  
6 of receiving notice from the board. Refunds shall be  
7 credited to the risk pool.  
8 ~~(4) A county receiving risk pool assistance in a~~  
9 ~~fiscal year in which the county did not levy the~~  
10 ~~maximum amount allowed for the county's services fund~~  
11 ~~under section 331.424A shall be required to repay the~~  
12 ~~risk pool assistance during the two succeeding fiscal~~  
13 ~~years. The repayment amount shall be limited to the~~  
14 ~~amount by which the actual amount levied was less than~~  
15 ~~the maximum amount allowed, with at least fifty~~  
16 ~~percent due in the first succeeding fiscal year and~~  
17 ~~the remainder due in the second succeeding fiscal~~  
18 ~~year.~~  
19 ~~(5) g. The board shall determine application~~  
20 ~~requirements to ensure prudent use of risk pool~~  
21 ~~assistance. The board may accept or reject an~~  
22 ~~application for assistance in whole or in part. The~~  
23 ~~decision of the board is final.~~  
24 ~~(6) h. The total amount of risk pool assistance~~  
25 ~~shall be limited to the amount available in the risk~~  
26 ~~pool for a fiscal year. If the total amount of~~  
27 ~~eligible assistance exceeds the amount available in~~  
28 ~~the risk pool, the amount of assistance paid shall be~~  
29 ~~prorated among the counties eligible for assistance.~~  
30 ~~Moneys remaining unexpended or unobligated in the risk~~  
31 ~~pool following the risk pool board's decisions made~~  
32 ~~purauant to subparagraph (1) shall be distributed to~~

33 ~~the counties eligible to receive funding from the~~  
 34 ~~allowed growth factor adjustment appropriation for the~~  
 35 ~~fiscal year using the distribution methodology~~  
 36 ~~applicable to that appropriation. A county shall not~~  
 37 ~~receive more than forty percent of the amount~~  
 38 ~~available in the risk pool for a fiscal year. Any~~  
 39 ~~unobligated balance in the risk pool at the close of a~~  
 40 ~~fiscal year shall remain in the risk pool for~~  
 41 ~~distribution in the succeeding fiscal year.~~  
 42 ~~e. i. A county may apply for preapproval for risk~~  
 43 ~~pool assistance based upon an individual who has an~~  
 44 ~~unanticipated disability condition with an exceptional~~  
 45 ~~cost and the individual is either new to the county's~~  
 46 ~~service system or the individual's unanticipated~~  
 47 ~~disability condition is new to the individual.~~  
 48 ~~Whether for a preapproval or regular application, risk~~  
 49 ~~pool assistance shall only be made available to~~  
 50 ~~address one or more of the following circumstances:~~

Page 6

1 (1) Continuing support for mandated services.  
 2 (2) Avoiding the need for reduction or elimination  
 3 of critical services when the reduction or elimination  
 4 places consumers' health or safety at risk.  
 5 (3) Avoiding the need for reduction or elimination  
 6 of critical emergency services when the reduction or  
 7 elimination places the public's health or safety at  
 8 risk.  
 9 (4) Avoiding the need for reduction or elimination  
 10 of the services or other support provided to entire  
 11 disability populations.  
 12 (5) Avoiding the need for reduction or elimination  
 13 of services or other support that maintain consumers  
 14 in a community setting, creating a risk that the  
 15 consumers would be placed in more restrictive, higher  
 16 cost settings.  
 17 ~~ƒ. i.~~ The department of human services shall  
 18 annually calculate the amount of moneys due to  
 19 eligible counties in accordance with the board's  
 20 decisions and that amount is appropriated from the  
 21 risk pool to the department for payment of the moneys  
 22 due. The department shall authorize the issuance of  
 23 warrants payable to the county treasurer for the  
 24 amounts due and the warrants shall be issued before  
 25 the close of the fiscal year.  
 26 ~~g. k.~~ On or before March 1 and September 1 of  
 27 each fiscal year, the department of human services  
 28 shall provide the risk pool board with a report of the  
 29 financial condition of each funding source  
 30 administered by the board. The report shall include  
 31 but is not limited to an itemization of the funding

32 source's balances, types and amount of revenues  
33 credited, and payees and payment amounts for the  
34 expenditures made from the funding source during the  
35 reporting period.

36 Sec.\_\_\_\_. INFORMATION TECHNOLOGY. The department  
37 of human services shall meet with the Iowa state  
38 association of counties to develop a joint proposal  
39 addressing the information technology needed for  
40 counties to comply with the data reporting  
41 requirements applicable under this division. The joint  
42 proposal shall be submitted to the chairpersons and  
43 ranking members of the general assembly's committees  
44 on human resources and the joint appropriations  
45 subcommittee on health and human services by November  
46 15, 2007.

47 Sec.\_\_\_\_. EMERGENCY RULES. The mental health,  
48 mental retardation, developmental disabilities, and  
49 brain injury commission may adopt administrative rules  
50 under section 17A.4, subsection 2, and section 17A.5,

Page 7

1 subsection 2, paragraph "b", to implement the  
2 provisions of this division of this Act and the rules  
3 shall become effective immediately upon filing or on a  
4 later effective date specified in the rules, unless  
5 the effective date is delayed by the administrative  
6 rules review committee. Any rules adopted in  
7 accordance with this section shall not take effect  
8 before the rules are reviewed by the administrative  
9 rules review committee. The delay authority provided  
10 to the administrative rules review committee under  
11 section 17A.4, subsection 5, and section 17A.8,  
12 subsection 9, shall be applicable to a delay imposed  
13 under this section, notwithstanding a provision in  
14 those sections making them inapplicable to section  
15 17A.5, subsection 2, paragraph "b". Any rules adopted  
16 in accordance with the provisions of this section  
17 shall also be published as notice of intended action  
18 as provided in section 17A.4.

19 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
20 APPLICABILITY. This division of this Act, being  
21 deemed of immediate importance, takes effect upon  
22 enactment and is retroactively applicable to December  
23 1, 2006, and is applicable on and after that date for  
24 information collected by a county as of that date. A  
25 county that has not submitted the data specified in  
26 section 225C.6A for the preceding fiscal year as of  
27 the effective date of this division, shall submit the  
28 data within twenty-five business days of the effective  
29 date of the rules adopted to implement the provisions  
30 of this division. Unless the department approves an

31 exception for good cause, if a county does not submit  
32 the data specified within the required time period,  
33 the county is subject to withholding of the county's  
34 state payment for property tax relief and allowed  
35 growth factor adjustment for the fiscal year beginning  
36 July 1, 2007.

37 DIVISION

38 MENTAL HEALTH SERVICES SYSTEM IMPROVEMENT

39 Sec. \_\_\_\_ NEW SECTION. 225C.6B MENTAL HEALTH  
40 SERVICES SYSTEM IMPROVEMENT – LEGISLATIVE INTENT –  
41 PLANNING AND IMPLEMENTATION.

42 1. INTENT.

43 a. The general assembly intends for the state to  
44 implement a comprehensive, continuous, and integrated  
45 state mental health services plan in accordance with  
46 the requirements of sections 225C.4 and 225C.6 and  
47 other provisions of this chapter, by increasing the  
48 department's responsibilities in the development,  
49 funding, oversight, and ongoing leadership of mental  
50 health services in this state.

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1 b. In order to further the purposes listed in  
2 sections 225C.1 and 225C.27 and in other provisions of  
3 this chapter, the general assembly intends that  
4 efforts focus on the goal of making available a  
5 comprehensive array of high-quality, evidence-based  
6 consumer and family-centered mental health services  
7 and other support in the least restrictive,  
8 community-based setting appropriate for a consumer.

9 c. In addition, it is the intent of the general  
10 assembly to promote policies and practices that  
11 achieve for consumers the earliest possible detection  
12 of mental health problems and early intervention; to  
13 stress that all health care programs address mental  
14 health disorders with the same urgency as physical  
15 health disorders; to promote the policies of all  
16 public programs that serve adults and children with  
17 mental disorders, including but not limited to child  
18 welfare, Medicaid, education, housing, criminal and  
19 juvenile justice, substance abuse treatment, and  
20 employment services; to consider the special mental  
21 health needs of adults and children; and to promote  
22 recovery and resiliency as expected outcomes for all  
23 consumers.

24 2. PLANNING AND IMPLEMENTATION. In order to build  
25 upon the partnership between the state and counties in  
26 providing mental health and disability services in the  
27 state, the workgroups established for purposes of this  
28 subsection shall engage equal proportions representing  
29 the department, counties, and service providers. The

30 county and provider representatives shall be appointed  
31 by the statewide associations representing counties  
32 and community providers. In addition, each workgroup  
33 shall include a representative of the commission, the  
34 mental health planning and advisory council,  
35 consumers, and a statewide advocacy organization. A  
36 workgroup shall be established for each of the  
37 following tasks provided for in this subsection:  
38 alternative distribution formulas, community mental  
39 health center plan, core mental health services, and  
40 the two comprehensive plan items. The division shall  
41 perform all of the following tasks in taking steps to  
42 improve the mental health services system for adults  
43 and children in this state:

44 a. ALTERNATIVE DISTRIBUTION FORMULAS. Identify  
45 alternative formulas for distributing mental health,  
46 mental retardation, and developmental disabilities  
47 allowed growth factor adjustment funding to counties.  
48 The alternative formulas shall provide methodologies  
49 that, as compared to the current methodologies, are  
50 more readily understood, better reflect the needs for

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1 services, respond to utilization patterns, acknowledge  
2 historical county spending, and address disparities in  
3 funding and service availability. The formulas shall  
4 serve to strengthen the partnership between the  
5 department and counties in the state's services  
6 system. The division may engage assistance from  
7 expert consultants with experience with funding  
8 allocation systems as necessary to evaluate options.  
9 The department shall report with findings and  
10 recommendations to the commission on or before  
11 November 1, 2007, and shall review and make  
12 recommendations to the department on or before  
13 December 1, 2007. The department shall submit the  
14 final report to the chairpersons and ranking members  
15 of the general assembly's committees on human  
16 resources and the joint appropriations subcommittee on  
17 health and human services, and to associated  
18 legislative staff, on or before January 31, 2008.

19 b. COMMUNITY MENTAL HEALTH CENTER PLAN. Prepare a  
20 phased plan for increasing state responsibility for  
21 and oversight of mental health services provided by  
22 community mental health centers and the providers  
23 approved to fill the role of a center. The plan shall  
24 provide for an initial implementation date of July 1,  
25 2008. The plan shall be submitted to the commission  
26 on or before October 1, 2007. The commission shall  
27 review the plan and provide comments to the department  
28 on or before November 1, 2007. The plan shall be

29 submitted to the governor and general assembly on or  
30 before January 31, 2008. The department shall ensure  
31 that key stakeholders are engaged in the planning  
32 process, including but not limited to the commission,  
33 mental health services providers, individuals with  
34 expertise in the delivery of mental health services,  
35 youth and adult consumers, family members of  
36 consumers, advocacy organizations, and counties.

37 c. CORE MENTAL HEALTH SERVICES. Identify core  
38 mental health services to be offered in each area of  
39 the state by community mental health centers and core  
40 services agency providers. The workgroup for this  
41 task shall be established no later than August 1,  
42 2007. The core services shall be designed to address  
43 the needs of target populations identified by the  
44 workgroup and the services may include but are not  
45 limited to emergency services, school-based mental  
46 health services, short-term counseling, prescreening  
47 for those subject to involuntary treatment orders, and  
48 evidence-based practices. The division shall submit  
49 to the commission on or before October 1, 2007,  
50 proposed administrative rules and legislation to amend

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1 chapter 230A as necessary to implement the core  
2 services beginning July 1, 2008. The commission shall  
3 review and revise the proposed administrative rules  
4 and shall adopt the administrative rules after the  
5 general assembly has reviewed and approved the  
6 proposal. The proposals shall be submitted to the  
7 general assembly for review on or before January 31,  
8 2008.

9 d. MENTAL HEALTH AND CORE SERVICE AGENCY STANDARDS  
10 AND ACCREDITATION. Identify standards for  
11 accreditation of core services agencies that are not a  
12 community mental health center but may serve as a  
13 provider approved to fill the role of a center. Such  
14 core services agencies could be approved to provide  
15 core mental health services for children and adults on  
16 a regional basis. The standards shall be submitted to  
17 the commission for review and recommendation on or  
18 before December 1, 2007, and to the governor and  
19 general assembly on or before January 31, 2008.

20 e. CO-OCCURRING DISORDERS. The division and the  
21 department of public health shall give priority to the  
22 efforts underway to develop an implementation plan for  
23 addressing co-occurring mental health and substance  
24 abuse disorders in order to establish a comprehensive,  
25 continuous, and integrated system of care for such  
26 disorders. The division and the department of public  
27 health shall participate in a policy academy on

28 co-occurring mental health and substance abuse  
29 disorders as part of developing an implementation plan  
30 for commission review by April 1, 2008. The  
31 commission shall review and make recommendations on  
32 the plan on or before May 1, 2008. The plan shall then  
33 be submitted to the governor and general assembly on  
34 or before June 1, 2008. The division may engage  
35 experts in the field of co-occurring mental health and  
36 substance abuse disorders to facilitate this planning  
37 process.

38 f. EVIDENCE-BASED PRACTICES. Begin phased  
39 implementation of evidence-based practices for mental  
40 health services over a period of several years.

41 (1) Not later than October 1, 2007, in order to  
42 provide a reasonable timeline for the implementation  
43 of evidence-based practices with mental health and  
44 disability services providers, the division shall  
45 provide for implementation of two adult and two  
46 children evidence-based practices per year over a  
47 three-year period.

48 (2) The division shall develop a comprehensive  
49 training program concerning such practices for  
50 community mental health centers, state resource

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1 centers and mental health institutes, and other  
2 providers, in collaboration with the Iowa consortium  
3 for mental health and mental health service providers.  
4 The division shall consult with experts on behavioral  
5 health workforce development regarding implementation  
6 of the mental health and disability services training  
7 and the curriculum and training opportunities offered.

8 (3) The department shall apply measures to ensure  
9 appropriate reimbursement is available to all  
10 providers for the implementation of mandated  
11 evidence-based practices and request appropriate  
12 funding for evidence-based practices from the governor  
13 and general assembly as part of the implementation  
14 plan. The implementation plan shall be submitted to  
15 the governor and general assembly on or before January  
16 31, 2008.

17 (4) The department shall provide the commission  
18 with a plan for review to implement the provisions of  
19 this paragraph "f".

20 g. COMPREHENSIVE PLAN.

21 (1) Complete a written plan describing the key  
22 components of the state's mental health services  
23 system, including the services addressed in this  
24 subsection and those that are community-based, state  
25 institution-based, or regional or state-based. The  
26 plan shall incorporate the community mental health

27 center plan provisions implemented pursuant to this  
 28 subsection. The plan shall be submitted to the  
 29 commission on or before November 15, 2008, and to the  
 30 governor and general assembly on or before December  
 31 15, 2008.

32 (2) In addition, complete a written plan for the  
 33 department to assume leadership and to assign and  
 34 reassign significant financial responsibility for the  
 35 components of the mental health services system in  
 36 this state, including but not limited to the actions  
 37 needed to implement the provisions of this subsection  
 38 involving community mental health centers, core mental  
 39 health services, core services agencies, co-occurring  
 40 disorders, and evidence-based practices. The plan  
 41 shall include recommendations for funding levels,  
 42 payment methodologies for new and existing services,  
 43 and allocation changes necessary for the department to  
 44 assume significant financial responsibility for mental  
 45 health services. The plan shall be submitted to the  
 46 commission on or before November 15, 2008, and the  
 47 commission shall provide review and recommendations on  
 48 the plan to the department on or before December 15,  
 49 2008. The plan shall be submitted to the governor and  
 50 general assembly on or before January 15, 2009.

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1 (3) The planning provisions of this paragraph  
 2 shall be directed toward the goal of strengthening the  
 3 partnership between the department and counties in the  
 4 state's services system.

#### 5 DIVISION

#### 6 DECATEGORIZATION PROJECT FUNDING

7 Sec.\_\_\_\_. 2005 Iowa Acts, chapter 175, section 16,  
 8 subsection 4, is amended by adding the following new  
 9 unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
 11 8.33, moneys in the allocations made in this  
 12 subsection or made from any other source for the  
 13 decategorization of the child welfare and juvenile  
 14 justice funding initiative under section 232.188 that  
 15 remain unencumbered or unobligated at the close of the  
 16 fiscal year beginning July 1, 2006, shall not revert  
 17 but shall remain available for expenditure for the  
 18 purposes allocated until the close of the succeeding  
 19 fiscal year. Priority for the moneys addressed in  
 20 this paragraph shall be given to services for children  
 21 with special needs such as mental health needs, sexual  
 22 abuse victims or offenders, and substance abuse. If  
 23 moneys addressed in this paragraph are used to support  
 24 services for children with special needs that were  
 25 previously provided under a county contract funded

26 from a county's mental health, mental retardation, and  
 27 developmental disabilities services fund under section  
 28 331.424A, a decategorization project may contract with  
 29 a provider of such services in place of the county  
 30 contract, notwithstanding any request for proposals  
 31 requirement otherwise applicable under section 8A.311.  
 32 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
 33 Act, being deemed of immediate importance, takes  
 34 effect upon enactment.

35 DIVISION  
 36 COUNTY FUNDS

37 Sec.\_\_\_\_. Notwithstanding section 331.424A,  
 38 subsection 5, and section 331.432, subsection 3, for  
 39 the fiscal year beginning July 1, 2007, a county may  
 40 transfer moneys from other funds of the county to the  
 41 county's services fund created in section 331.424A."

42 12. Page 79, line 34, by striking the figure  
 43 "3,125,000" and inserting the following: "3,025,000".

44 13. Page 80, line 4, by striking the figure  
 45 "300,000" and inserting the following: "200,000".

46 14. Page 83, by inserting after line 28 the  
 47 following:

48 "4. MH/MR/DD RISK POOL  
 49 ..... \$ 100,000

50 The funds appropriated in this subsection shall be

Page 13

1 credited to the risk pool in the property tax relief  
 2 fund created in section 426B.1."

3 15. Page 97, line 31, by inserting after the word  
 4 "persons" the following: "with chronic mental  
 5 illness".

6 16. Page 97, line 33, by striking the word  
 7 "habilitation" and inserting the following: "such".

8 17. Page 97, line 34, by inserting after the word  
 9 "such" the following: "adult".

10 18. By renumbering as necessary.

Raecker of Polk offered the following amendment [H-1855](#), to  
 amendment [H-1850](#), filed by him from the floor and moved its  
 adoption:

Speaker Murphy in the chair at 12:06 p.m.

[H-1855](#)

1 Amend the amendment, [H-1850](#), to [House File 909](#) as  
 2 follows:

3 1. Page 1, line 46, by striking the figure

- 4 "12,000,000" and inserting the following:  
 5 "16,000,000".

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

On the question "Shall amendment [H-1855](#) be adopted?" ([H.F. 909](#))

The ayes were, 46:

|                  |            |           |            |
|------------------|------------|-----------|------------|
| Alons            | Anderson   | Arnold    | Baudler    |
| Boal             | Chambers   | Clute     | De Boef    |
| Deyoe            | Dolecheck  | Drake     | Forristall |
| Gipp             | 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          | Tomenga    | Tymeson   | Upmeyer    |
| Van Engelenhoven | Van Fossen | Watts     | Wiencek    |
| 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    | Pettengill | 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, 1:

Zirkelbach

Amendment [H-1855](#) lost.

Gayman of Scott offered the following amendment [H-1860](#), to amendment [H-1853](#), filed by her from the floor and moved its adoption:

[H-1860](#)

- 1 Amend the amendment, [H-1850](#), to [House File 909](#) as
- 2 follows:
- 3 1. Page 12, line 39, by inserting after the
- 4 figure "2007," the following: "and ending June 30,
- 5 2008,".

Amendment [H-1860](#) was adopted.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-1853](#), to amendment [H-1850](#), filed by him from the floor.

Heddens of Story offered the following amendment [H-1851](#), to amendment [H-1850](#), filed by her and Gayman of Scott from the floor and moved its adoption:

[H-1851](#)

- 1 Amend the amendment, [H-1850](#), to [House File 909](#) as
- 2 follows:
- 3 1. Page 13, by striking lines 3 through 9 and
- 4 inserting the following:
- 5 "\_\_\_\_. By striking page 97, line 17, through page
- 6 98, line 1, and inserting the following:
- 7 "Sec.\_\_\_\_. Section 249A.26, subsection 4, Code
- 8 2007, is amended to read as follows:
- 9 4. The county of legal settlement shall pay for
- 10 one hundred percent of the nonfederal share of the
- 11 cost of services provided to adult persons with
- 12 chronic mental illness ~~implemented under the adult~~
- 13 ~~rehabilitation option of the state medical assistance~~
- 14 ~~plan who qualify for habilitation services in~~
- 15 accordance with the rules adopted for the services.
- 16 The state shall pay for one hundred percent of the
- 17 nonfederal share of the cost of such services provided
- 18 to such persons who have no legal settlement or the
- 19 legal settlement is unknown so that the persons are
- 20 deemed to be state cases.""
- 21 2. By renumbering as necessary.

Amendment [H-1851](#) was adopted.

On motion by Gayman of Scott, amendment [H-1850](#), as amended, was adopted, placing out of order the following amendments:

Amendment [H-1815](#) filed by Heaton of Henry on April 19, 2007.

Amendment [H-1842](#) filed by Gayman of Scott and Heddens of Story on April 19, 2007.

Amendment [H-1843](#) filed by Heddens of Story and Gayman of Scott on April 19, 2007.

Amendment [H-1847](#) filed by Granzow of Hardin from the floor.

McCarthy of Polk asked and received unanimous consent that [House File 909](#) be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 12:54 p.m., until 1:20 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:27 a.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Rants of Woodbury.

#### 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.

#### Unfinished Business Calendar

[Senate File 530](#), a bill for an act relating to prohibited business practices by a real estate broker or salesperson, with report of committee recommending passage, was taken up for consideration.

Wise of Lee offered the following amendment [H-1637](#) filed by him and Kressig of Black Hawk and moved its adoption:

[H-1637](#)

1 Amend [Senate File 530](#), as passed by the Senate, as  
2 follows:

3 1. Page 1, line 7, by inserting after the word  
4 "country." the following: "This subsection shall not  
5 be interpreted to impact or alter a referral fee  
6 structure which otherwise complies with the  
7 requirements of this section."

Amendment [H-1637](#) was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-1678](#) filed by him on April 11, 2007.

Wise of Lee offered the following amendment [H-1722](#) filed by him and moved its adoption:

[H-1722](#)

1 Amend [Senate File 530](#) as follows:  
2 1. Page 1, by inserting after line 7 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 543B.60A, Code 2007, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 9. A licensee or person licensed  
7 in another state or foreign country who conducts  
8 business in this state or refers business to a  
9 licensee in this state shall disclose in writing to  
10 the consumer and to the licensee to whom they are  
11 referring business, the name of the consumer being  
12 referred, the name of the referring company, and the  
13 amount of compensation they are receiving for the  
14 referral. This subsection shall not affect or  
15 restrict business practices relating to payment  
16 methods between listing and selling brokerages, and  
17 shall be applicable strictly to properties containing  
18 at least one but not more than four dwelling units."  
19 2. By renumbering as necessary.

Amendment [H-1722](#) was adopted.

Wise of Lee 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. 530](#))

The ayes were, 98:

|                  |                   |            |            |
|------------------|-------------------|------------|------------|
| Abdul-Samad      | Alons             | Anderson   | Arnold     |
| Bailey           | Baudler           | Bell       | Berry      |
| Boal             | Bukta             | Chambers   | Clute      |
| Cohoon           | Dandekar          | Davitt     | De Boef    |
| Deyoe            | Dolecheck         | Drake      | Foege      |
| Ford             | Forristall        | Frevert    | Gaskill    |
| Gayman           | Gipp              | 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. |
| Oldson           | Olson, D.         | Olson, R.  | Olson, S.  |
| Olson, T.        | Palmer            | Paulsen    | Petersen   |
| Pettengill       | Quirk             | Rants      | Rasmussen  |
| Rayhons          | Reasoner          | Reichert   | Roberts    |
| Sands            | Schickel          | Schueller  | Shomshor   |
| Smith            | Soderberg         | Staed      | Struyk     |
| Swaim            | Taylor, D.        | Taylor, T. | Thomas     |
| Tjepkes          | Tomenga           | Tymeson    | Upmeyer    |
| Van Engelenhoven | Van Fossen        | Watts      | Wendt      |
| Wenthe           | Wessel-Kroeschell | Whitaker   | Whitead    |
| Wiencek          | Winckler          | Windschitl | Wise       |
| Worthan          | Mr. Speaker       |            |            |
|                  | Murphy            |            |            |

The nays were, none.

Absent or not voting, 2:

Raecker                      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 530](#) be immediately messaged to the Senate.

### Appropriations Calendar

The House resumed consideration of [House File 909](#), a bill for an act relating to and making appropriations for health and human

services and including other related provisions and appropriations, and including effective date provisions, previously deferred.

Granzow of Hardin offered the following amendment [H-1859](#) filed by her from the floor and moved its adoption:

[H-1859](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 34, line 10, by striking the figure "10"
- 3 and inserting the following: "20".

Roll call was requested by Granzow of Hardin and May of Dickinson.

On the question "Shall amendment [H-1859](#) be adopted?" ([H.F. 909](#))

The ayes were, 45:

|            |           |           |                  |
|------------|-----------|-----------|------------------|
| Alons      | Anderson  | Arnold    | Baudler          |
| Boal       | Chambers  | Clute     | De Boef          |
| Deyoe      | Dolecheck | Drake     | Forristall       |
| Gipp       | 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, 52:

|             |            |                   |             |
|-------------|------------|-------------------|-------------|
| Abdul-Samad | Bailey     | Bell              | Berry       |
| Bukta       | Cohoon     | Dandekar          | Davitt      |
| Foege       | Ford       | Frevort           | Gaskill     |
| Gayman      | Heddens    | Hunter            | Huser       |
| Jacoby      | Jochum     | Kelley            | Kressig     |
| Kuhn        | Lensing    | Lykam             | Mascher     |
| McCarthy    | Mertz      | Miller, H.        | Oldson      |
| Olson, D.   | Olson, R.  | Olson, T.         | Petersen    |
| Pettengill  | 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, 3:

Palmer

Tomenga

Zirkelbach

Amendment [H-1859](#) lost.

Heaton of Henry offered the following amendment [H-1824](#) filed by him and moved its adoption:

[H-1824](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 38, line 18, by striking the figure
- 3 "11,067,178" and inserting the following:
- 4 "10,067,178".
- 5 2. Page 74, line 2, by striking the figure
- 6 "[36,888,041](#)" and inserting the following:
- 7 "[37,888,041](#)".
- 8 3. Page 75, line 4, by striking the figure
- 9 "[2,926,593](#)" and inserting the following: "[3,926,593](#)"

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment [H-1824](#) lost.

Granzow of Hardin offered the following amendment [H-1844](#) filed by her and moved its adoption:

[H-1844](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 42, by inserting after line 5 the
- 3 following:
- 4 "3. The department shall utilize a request for
- 5 proposals process to select the location for a new
- 6 customer service call center."
- 7 2. By renumbering as necessary.

Amendment [H-1844](#) was adopted.

L. Miller of Scott offered the following amendment [H-1861](#) filed by her from the floor and moved its adoption:

[H-1861](#)

1 Amend [House File 909](#) as follows:  
 2 1. Page 44, by striking lines 17 through 19 and  
 3 inserting the following:  
 4 "c. (1) For the fiscal year beginning July 1,  
 5 2007, reimbursement rates for inpatient and outpatient  
 6 hospital services shall be increased to reflect the  
 7 rebased inpatient and outpatient rates determined  
 8 pursuant to 2005 Iowa Acts, chapter 175, section 29,  
 9 subsection 1, paragraph "c", for the fiscal year  
 10 beginning July 1, 2005, and notwithstanding the  
 11 limitation on funding specified in that paragraph "c",  
 12 the rebased amount shall be fully funded."

Roll call was requested by L. Miller of Scott and Van Fossen of Scott.

On the question "Shall amendment [H-1861](#) be adopted?" ([H.F. 909](#))

The ayes were, 46:

|                  |            |           |            |
|------------------|------------|-----------|------------|
| Alons            | Anderson   | Arnold    | Baudler    |
| Boal             | Chambers   | Clute     | De Boef    |
| Deyoe            | Dolecheck  | Drake     | Forristall |
| Gipp             | 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          | Tomenga    | Tymeson   | Upmeyer    |
| Van Engelenhoven | Van Fossen | Watts     | Wiencek    |
| 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    | Pettengill | 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, 1:

Zirkelbach

Amendment [H-1861](#) lost.

L. Miller of Scott asked and received unanimous consent that amendment [H-1862](#) be deferred.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment [H-1804](#) filed by Upmeyer of Hancock, et al., on April 19, 2007.

L. Miller of Scott asked and received unanimous consent to withdraw amendment [H-1863](#) filed by her from the floor.

L. Miller of Scott offered the following amendment [H-1865](#) filed by her from the floor and moved its adoption:

[H-1865](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 49, by inserting after line 6 the
- 3 following:
- 4 "12A. Notwithstanding any provision of this Act to
- 5 the contrary, for the fiscal period beginning July 1,
- 6 2007, the following providers and services shall be
- 7 provided reimbursement in an amount that is three
- 8 percent greater than the reimbursement amount in
- 9 effect on June 30, 2007: inpatient and outpatient
- 10 hospital services; disproportionate share hospitals,
- 11 indirect medical education and direct medical
- 12 education; home health services; physician services;
- 13 anesthesia services; psychiatric services; family
- 14 planning services; early periodic screening,
- 15 diagnosis, and treatment; dental services; optometric
- 16 services; supplies; ambulance services; practitioner
- 17 services; podiatric services; chiropractic services;
- 18 clinic services; community mental health centers; home
- 19 and community-based waiver services; the Iowa plan for
- 20 behavioral health; health maintenance organizations;
- 21 case management services; rehabilitative treatment
- 22 services; adult rehabilitative option services; and
- 23 pharmacy dispensing fees."
- 24 2. By renumbering as necessary.

Roll call was requested by L. Miller of Scott and Paulsen of Linn.

On the question "Shall amendment [H-1865](#) be adopted?" ([H.F. 909](#))

The ayes were, 48:

|           |            |            |                  |
|-----------|------------|------------|------------------|
| Alons     | Anderson   | Arnold     | Baudler          |
| Bell      | Boal       | Chambers   | Clute            |
| Dandekar  | De Boef    | Deyoe      | Dolecheck        |
| Drake     | Forristall | Gipp       | 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          |
| Tomenga   | Tymeson    | Upmeyer    | Van Engelenhoven |
| Watts     | Wiencek    | Windschitl | Worthan          |

The nays were, 50:

|                   |             |            |            |
|-------------------|-------------|------------|------------|
| Abdul-Samad       | Bailey      | Berry      | Bukta      |
| Cohoon            | 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    | Pettengill | 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, 2:

Van Fossen                      Zirkelbach

Amendment [H-1865](#) lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-1794](#) filed by him on April 19, 2007.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment [H-1796](#) filed by her and Kaufmann of Cedar on April 19, 2007.

Kaufmann of Cedar offered amendment [H-1797](#) filed by him as follows:

[H-1797](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 50, by inserting after line 16 the
- 3 following:
- 4 "Sec.\_\_\_\_. Section 231.33, Code 2007, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 21. Provide the opportunity for
- 7 elders residing in the planning and service area to
- 8 offer substantive suggestions regarding the employment
- 9 practices of the area agency on aging."
- 10 2. By renumbering as necessary.

Foege of Linn rose on a point of order that amendment [H-1797](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1797](#) not germane.

Kaufmann of Cedar moved to suspend the rules to consider amendment [H-1797](#).

Roll call was requested by Kaufmann of Cedar and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment [H-1797](#)?" ([H.F. 909](#))

The ayes were, 44:

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

|          |            |            |
|----------|------------|------------|
| Anderson | Van Fossen | Zirkelbach |
|----------|------------|------------|

The motion to suspend the rules lost.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-1814](#) filed by him on April 14, 2007.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-1819](#) filed by him on April 19, 2007.

Heaton of Henry offered the following amendment [H-1785](#) filed by him and moved its adoption:

[H-1785](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 53, by inserting after line 35, the
- 3 following:
- 4 "Sec.     . NEW SECTION. 252B.15A DISTRIBUTION OF
- 5 CHILD SUPPORT COLLECTED TO FAMILY INVESTMENT PROGRAM
- 6 RECIPIENTS.
- 7 The department shall adopt rules, consistent with
- 8 section 7301(b)(7) of the federal Deficit Reduction
- 9 Act of 2005, Pub. L. No. 109-171, that provide that
- 10 beginning October 1, 2008, for a family that received
- 11 or is receiving family investment program assistance
- 12 for the parent or child, pass through, to the family,
- 13 of child support collected by the child support
- 14 recovery unit in an amount that is not more than one

15 hundred dollars for one child and not more than two  
 16 hundred dollars for two or more children, based on the  
 17 availability of state or federal funds. In addition,  
 18 if the family is receiving family investment program  
 19 assistance for the parent or child on or after October  
 20 1, 2008, the rules shall provide for the disregard of  
 21 the child support amount passed through in determining  
 22 the amount and type of assistance provided to the  
 23 family."  
 24 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Paulsen of Linn.

On the question "Shall amendment [H-1785](#) be adopted?" ([H.F. 909](#))

The ayes were, 45:

|                  |           |           |            |
|------------------|-----------|-----------|------------|
| Alons            | Anderson  | Arnold    | Baudler    |
| Boal             | Chambers  | Clute     | De Boef    |
| Deyoe            | Dolecheck | Drake     | Forristall |
| Gipp             | 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          | Tomenga   | Tymeson   | Upmeyer    |
| Van Engelenhoven | Watts     | Wiencck   | 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. | Olson             |
| Olson, D.   | Olson, R.  | Olson, T.  | Palmer            |
| Petersen    | Pettengill | 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, 2:

Van Fossen                      Zirkelbach

Amendment [H-1785](#) lost.

Upmeyer of Hancock offered the following amendment [H-1793](#) filed by her and moved its adoption:

[H-1793](#)

1 Amend [House File 909](#) as follows:

2 1. Page 70, by inserting after line 13 the  
3 following:

4 "Sec. \_\_\_\_ **NEW SECTION.** 249J.24A NONPARTICIPATING  
5 PROVIDER EXPANSION POPULATION PROVIDER NETWORK –  
6 TRANSFER PROCEDURE – COMPENSATION FUND.

7 1. The department shall establish a procedure to  
8 transfer an expansion population member who seeks  
9 medical care or treatment from a nonparticipating  
10 provider in the expansion population provider network  
11 to a participating provider in the expansion  
12 population provider network, if medically possible.  
13 If transfer is not medically possible or if the  
14 participating provider refuses to accept the transfer  
15 of the expansion population member, the  
16 nonparticipating provider shall be compensated through  
17 the nonparticipating provider expansion population  
18 provider network compensation fund in accordance with  
19 subsection 2.

20 2. a. A nonparticipating provider expansion  
21 population provider network compensation fund is  
22 created in the state treasury under the authority of  
23 the department. Moneys designated for deposit in the  
24 fund that are received from sources including but not  
25 limited to appropriations from the general fund of the  
26 state, grants, and contributions shall be deposited in  
27 the fund.

28 b. Moneys in the fund shall be separate from the  
29 general fund of the state and shall not be considered  
30 part of the general fund of the state. The moneys  
31 deposited in the fund are not subject to section 8.33  
32 and shall not be transferred, used, obligated,  
33 appropriated, or otherwise encumbered, except to  
34 provide for the purposes specified in this section.  
35 Notwithstanding section 12C.7, subsection 2, interest  
36 or earnings on moneys deposited in the fund shall be  
37 credited to the fund.

38 c. Moneys deposited in the fund shall be used only  
39 to compensate health care providers who are not  
40 participants in the expansion population provider

41 network pursuant to section 249J.7, who provide  
 42 services to expansion population members, if no other  
 43 third party is liable for reimbursement for the  
 44 services provided.  
 45 d. In order to be compensated through the fund, a  
 46 health care provider shall submit a claim to the  
 47 department for compensation and reimbursement of  
 48 expenses incurred in providing services to an  
 49 expansion population member. The department shall  
 50 adopt rules relating to the format of and the

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1 information to be included in the claims submitted. A  
 2 claim shall be submitted to the department within  
 3 forty-five days of provision of the service."  
 4 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Upmeyer of Hancock.

On the question "Shall amendment [H-1793](#) be adopted?" ([H.F. 909](#))

The ayes were, 46:

|            |                  |           |            |
|------------|------------------|-----------|------------|
| Alons      | Anderson         | Arnold    | Baudler    |
| Boal       | Chambers         | Clute     | De Boef    |
| Deyoe      | Dolecheck        | Drake     | Forristall |
| Frevert    | Gipp             | 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          | Tomenga   | Tymeson    |
| Upmeyer    | Van Engelenhoven | Watts     | Wiencek    |
| Windschitl | Worthan          |           |            |

The nays were, 52:

|             |            |          |           |
|-------------|------------|----------|-----------|
| Abdul-Samad | Bailey     | Bell     | Berry     |
| Bukta       | Cohoon     | Dandekar | Davitt    |
| Foege       | Ford       | Gaskill  | Gayman    |
| Heddens     | Hunter     | Huser    | Jacoby    |
| Jochum      | Kelley     | Kressig  | Kuhn      |
| Lensing     | Lykam      | Mascher  | McCarthy  |
| Mertz       | Miller, H. | Oldson   | Olson, D. |
| Olson, R.   | Olson, T.  | Palmer   | Petersen  |
| Pettengill  | Quirk      | Reasoner | Reichert  |

|           |            |                   |                       |
|-----------|------------|-------------------|-----------------------|
| Schueller | Shomshor   | Smith             | Staed                 |
| Swaim     | Taylor, D. | Taylor, T.        | Thomas                |
| Wendt     | Wenthe     | Wessel-Kroeschell | Whitaker              |
| Whitead   | Winckler   | Wise              | Mr. Speaker<br>Murphy |

Absent or not voting, 2:

Van Fossen            Zirkelbach

Amendment [H-1793](#) lost.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-1812](#) filed by Raecker, et al., on April 19, 2007.

Heaton of Henry offered the following amendment [H-1823](#) filed by him and moved its adoption:

[H-1823](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 74, line 2, by striking the figure
- 3 "[36,888,041](#)" and inserting the following:
- 4 "[38,888,041](#)".
- 5 2. Page 75, by striking lines 3 and 4 and
- 6 inserting the following:
- 7 "..... \$ 4,926,593"

Roll call was requested by Heaton of Henry and Tjepkes of Webster.

On the question "Shall amendment [H-1823](#) be adopted?" ([H.F. 909](#))

The ayes were, 45:

|            |           |           |            |
|------------|-----------|-----------|------------|
| Alons      | Anderson  | Arnold    | Baudler    |
| Boal       | Chambers  | Clute     | De Boef    |
| Deyoe      | Dolecheck | Drake     | Forristall |
| Gipp       | 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    | Tomenga   | Tymeson   | Upmeyer    |

Van Engelenhoven Watts  
Worthan

Wienczek

Windschitl

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

Absent or not voting, 2:

Van Fossen            Zirkelbach

Amendment [H-1823](#) lost.

Granzow of Hardin offered the following amendment [H-1806](#) filed by Granzow, et al., and moved its adoption:

[H-1806](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 77, by inserting after line 26 the
- 3 following:
- 4 "Sec.\_\_\_\_. MENTAL HEALTH PATIENT ADVOCATE STUDY.
- 5 The legislative council is requested to authorize a
- 6 2007 legislative interim study of the duties,
- 7 responsibilities, funding, and authority for the
- 8 mental health patient advocates appointed by the
- 9 courts under chapter 229. The study committee
- 10 membership should include representatives of counties,
- 11 the judicial branch, mental health patient advocates,
- 12 and the department of human services. The study
- 13 should specifically identify the appropriate
- 14 appointing authority and funding source for the
- 15 advocates in the study recommendations."
- 16 2. By renumbering as necessary.

Amendment [H-1806](#) was adopted.

Heaton of Henry offered the following amendment [H-1816](#) filed by him and moved its adoption:

[H-1816](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 82, by striking lines 20 through 23 and
- 3 inserting the following: "\$9,337,435 shall be used to
- 4 reduce the home and community-based services waiver
- 5 waiting lists."

Roll call was requested by Heaton of Henry and Roberts of Carroll.

On the question "Shall amendment [H-1816](#) be adopted?" ([H.F. 909](#))

The ayes were, 45:

|                  |           |           |            |
|------------------|-----------|-----------|------------|
| Alons            | Anderson  | Arnold    | Baudler    |
| Boal             | Chambers  | Clute     | De Boef    |
| Deyoe            | Dolecheck | Drake     | Forristall |
| Gipp             | 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          | Tomenga   | Tymeson   | Upmeyer    |
| Van Engelenhoven | 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     |
| Lensing     | Lykam      | Mascher           | McCarthy    |
| Mertz       | Miller, H. | Oldson            | Olson, D.   |
| Olson, R.   | Olson, T.  | Palmer            | Petersen    |
| Pettengill  | Quirk      | Reasoner          | Reichert    |
| Schueller   | Shomshor   | Smith             | Staed       |
| Swaim       | Taylor, D. | Taylor, T.        | Thomas      |
| Wendt       | Wenthe     | Wessel-Kroeschell | Whitaker    |
| Whitead     | Winckler   | Wise              | Mr. Speaker |
|             |            |                   | Murphy      |

Absent or not voting, 3:

Kuhn

Van Fossen

Zirkelbach

Amendment [H-1816](#) lost.

Jochum of Dubuque offered the following amendment [H-1808](#) filed by her and moved its adoption:

[H-1808](#)

1 Amend [House File 909](#) as follows:  
 2 1. Page 96, by inserting after line 11 the  
 3 following:  
 4 "Sec. \_\_\_\_ **NEW SECTION.** 234.3 CHILD WELFARE  
 5 ADVISORY COMMITTEE.  
 6 1. A child welfare advisory committee is  
 7 established to advise the administrator and the  
 8 department of human services on programmatic and  
 9 budgetary matters related to the provision or purchase  
 10 of child welfare services. The committee shall meet  
 11 at least quarterly, or upon the call of the  
 12 chairperson, to review departmental budgets, policies,  
 13 and programs, and proposed budgets, policies, and  
 14 programs, and to make recommendations and suggestions  
 15 to make the state child welfare budget, programs, and  
 16 policies more effective in serving families and  
 17 children.  
 18 2. The advisory committee shall consist of fifteen  
 19 voting members, appointed by the governor and  
 20 confirmed by the senate. The membership shall include  
 21 representatives of child welfare service providers,  
 22 juvenile court services, the Iowa foster and adoptive  
 23 parent association, the child advocacy board, the  
 24 coalition for family and children's services in Iowa,  
 25 children's advocates, service consumers, and others  
 26 who have training or knowledge related to child  
 27 welfare services. The terms of voting members shall  
 28 be for three-year staggered terms, beginning and  
 29 ending as provided in section 69.19. A member shall  
 30 continue to serve until a successor is appointed and a  
 31 vacancy shall be filled for the remainder of the  
 32 unexpired term. In addition, four members shall be  
 33 legislators, all serving as ex officio, nonvoting  
 34 members, with one each appointed by the speaker of the  
 35 house of representatives, the minority leader of the  
 36 house of representatives, the majority leader of the  
 37 senate, and the minority leader of the senate. The  
 38 director of human services and the administrator, or  
 39 their designees, shall also be ex officio nonvoting  
 40 members, and shall serve as resource persons to the

- 41 committee.  
42 3. A chairperson, vice chairperson, and other  
43 officers deemed necessary by the committee shall be  
44 appointed by the membership of the committee.  
45 Committee staffing shall be designated by the  
46 administrator."  
47 2. By renumbering as necessary.

Amendment [H-1808](#) was adopted.

Hoffman of Crawford offered the following amendment [H-1778](#) filed by him and moved its adoption:

[H-1778](#)

- 1 Amend [House File 909](#) as follows:  
2 1. Page 101, by inserting after line 27 the  
3 following:  
4 "(6) One individual health insurance agent  
5 designated by the Iowa association of health  
6 underwriters."  
7 2. By renumbering as necessary.

Amendment [H-1778](#) was adopted.

Heaton of Henry offered the following amendment [H-1787](#) filed by him and moved its adoption:

[H-1787](#)

- 1 Amend [House File 909](#) as follows:  
2 1. Page 106, by inserting after line 21 the  
3 following:  
4 "DIVISION  
5 MEDICAID FALSE CLAIMS ACT  
6 Sec. \_\_\_\_ NEW SECTION. 685.1 DEFINITIONS.  
7 As used in this chapter, unless the context  
8 otherwise requires:  
9 1. "Claim" means any request or demand for money,  
10 property, or services made to any employee, officer,  
11 or agent of the state, or to any contractor, grantee,  
12 or other recipient, whether under contract or not, if  
13 any portion of the money, property, or services  
14 requested or demanded issued from, or was provided by,  
15 the state, or if the state will reimburse the  
16 contractor, grantee, or other recipient for any  
17 portion of the money or property which is requested or  
18 demanded.  
19 2. "Employer" means any natural person,

20 corporation, firm, association, organization,  
 21 partnership, business, trust, or state-affiliated  
 22 entity involved in a nongovernmental function,  
 23 including state universities and state hospitals.

24 3. "Knowing" or "knowingly" means that a person,  
 25 with respect to information, does any of the  
 26 following:

27 a. Has actual knowledge of the information.

28 b. Acts in deliberate ignorance of the truth or  
 29 falsity of the information.

30 c. Acts in reckless disregard of the truth or  
 31 falsity of the information.

32 "Knowing" or "knowingly" with respect to  
 33 information does not require proof of specific intent  
 34 to defraud.

35 4. "Qui tam plaintiff" means a private plaintiff  
 36 who brings an action under this chapter on behalf of  
 37 the state.

38 Sec. \_\_\_\_ NEW SECTION. 685.2 ACTS SUBJECTING  
 39 PERSON TO TREBLE DAMAGES, COSTS, AND CIVIL PENALTIES  
 40 – EXCEPTIONS.

41 1. A person who commits any of the following acts  
 42 is liable to the state for three times the amount of  
 43 damages which the state sustains because of the act of  
 44 that person. A person who commits any of the  
 45 following acts shall also be liable to the state for  
 46 the costs of a civil action brought to recover any of  
 47 those penalties or damages, and shall be liable to the  
 48 state for a civil penalty of not less than five  
 49 thousand dollars and not more than ten thousand  
 50 dollars for each violation:

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1 a. Knowingly presents or causes to be presented to  
 2 any employee, officer, or agent of the state, or to  
 3 any contractor, grantee, or other recipient of state  
 4 funds, a false or fraudulent claim for payment or  
 5 approval.

6 b. Knowingly makes, uses, or causes to be made or  
 7 used, a false record or statement to get a false or  
 8 fraudulent claim paid or approved.

9 c. Conspires to defraud the state by getting a  
 10 false claim allowed or paid, or conspires to defraud  
 11 the state by knowingly making, using, or causing to be  
 12 made or used, a false record or statement to conceal,  
 13 avoid, or decrease an obligation to pay or transmit  
 14 money or property to the state.

15 d. Has possession, custody, or control of public  
 16 property or money used or to be used by the state and  
 17 knowingly delivers or causes to be delivered less  
 18 property than the amount for which the person receives

19 a certificate or receipt.

20 e. Is authorized to make or deliver a document  
21 certifying receipt of property used or to be used by  
22 the state and knowingly makes or delivers a receipt  
23 that falsely represents the property used or to be  
24 used.

25 f. Knowingly buys, or receives as a pledge of an  
26 obligation or debt, public property from any person  
27 who lawfully may not sell or pledge the property.

28 g. Knowingly makes, uses, or causes to be made or  
29 used, a false record or statement to conceal, avoid,  
30 or decrease an obligation to pay or transmit money or  
31 property to the state.

32 h. Is a beneficiary of an inadvertent submission  
33 of a false claim to any employee, officer, or agent of  
34 the state, or to any contractor, grantee, or other  
35 recipient of state funds, subsequently discovers the  
36 falsity of the claim, and fails to disclose the false  
37 claim to the state within a reasonable time after  
38 discovery of the false claim.

39 2. Notwithstanding subsection 1, the court may  
40 assess not less than two times the amount of damages  
41 which the state sustains because of the act of the  
42 person described in subsection 1, and no civil  
43 penalty, if the court finds all of the following:

44 a. The person committing the violation furnished  
45 officials of the state who are responsible for  
46 investigating false claims violations with all  
47 information known to that person about the violation  
48 within thirty days after the date on which the person  
49 first obtained the information.

50 b. The person fully cooperated with any

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1 investigation by the state.

2 c. At the time the person furnished the state with  
3 information about the violation, a criminal  
4 prosecution, civil action, or administrative action  
5 had not commenced with respect to the violation, and  
6 the person did not have actual knowledge of the  
7 existence of an investigation into the violation.

8 3. This section shall not apply to claims,  
9 records, or statements made under Title X relating to  
10 state revenue and taxation.

11 Sec.     . NEW SECTION. 685.3 INVESTIGATIONS AND  
12 PROSECUTIONS – POWERS OF PROSECUTING AUTHORITY –  
13 CIVIL ACTIONS BY INDIVIDUALS AS QUI TAM PLAINTIFFS AND  
14 AS PRIVATE CITIZENS – JURISDICTION OF COURTS.

15 1. The attorney general shall diligently  
16 investigate a violation under section 685.2. If the  
17 attorney general finds that a person has violated or

18 is violating section 685.2, the attorney general may  
19 bring a civil action under this section against that  
20 person.

21 2. a. A person may bring a civil action for a  
22 violation of this chapter for the person and for the  
23 state in the name of the state. The person bringing  
24 the action shall be referred to as the qui tam  
25 plaintiff. Once filed, the action may be dismissed  
26 only with the written consent of the court, taking  
27 into account the best interest of the parties involved  
28 and the public purposes behind this chapter.

29 b. A copy of the complaint and written disclosure  
30 of substantially all material evidence and information  
31 the person possesses shall be served on the attorney  
32 general. The complaint shall also be filed in camera,  
33 shall remain under seal for at least sixty days, and  
34 shall not be served on the defendant until the court  
35 so orders. The state may elect to intervene and  
36 proceed with the action within sixty days after it  
37 receives both the complaint and the material evidence  
38 and the information.

39 c. The state may, for good cause shown, move the  
40 court for extensions of the time during which the  
41 complaint remains under seal under paragraph "b". Any  
42 such motions may be supported by affidavits or other  
43 submissions in camera. The defendant shall not be  
44 required to respond to any complaint filed under this  
45 section until after the complaint is unsealed and  
46 served upon the defendant pursuant to rules of civil  
47 procedure.

48 d. Before the expiration of the sixty-day period  
49 or any extensions obtained under paragraph "c", the  
50 state shall do one of the following:

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1 (1) Proceed with the action, in which case the  
2 action shall be conducted by the state.

3 (2) Notify the court that the state declines to  
4 take over the action, in which case the person  
5 bringing the action shall have the right to conduct  
6 the action.

7 e. When a person brings a valid action under this  
8 section, no person other than the state may intervene  
9 or bring a related action based on the facts  
10 underlying the pending action.

11 3. a. If the state proceeds with the action, the  
12 state shall have the primary responsibility for  
13 prosecuting the action, and shall not be bound by an  
14 act of the person bringing the action. Such person  
15 shall have the right to continue as a party to the  
16 action, subject to the limitations specified in

17 paragraph "b".

18 b. (1) The state may move to dismiss the action  
19 for good cause notwithstanding the objections of the  
20 qui tam plaintiff if the qui tam plaintiff has been  
21 notified by the state of the filing of the motion and  
22 the court has provided the qui tam plaintiff with an  
23 opportunity to oppose the motion and present evidence  
24 at a hearing.

25 (2) The state may settle the action with the  
26 defendant notwithstanding the objections of the qui  
27 tam plaintiff if the court determines, after a hearing  
28 providing the qui tam plaintiff an opportunity to  
29 present evidence, that the proposed settlement is  
30 fair, adequate, and reasonable under all of the  
31 circumstances.

32 (3) Upon a showing by the state that unrestricted  
33 participation during the course of the litigation by  
34 the person initiating the action would interfere with  
35 or unduly delay the state's prosecution of the case,  
36 or would be repetitious, irrelevant, or for purposes  
37 of harassment, the court may, in its discretion,  
38 impose limitations on the person's participation,  
39 including but not limited to any of the following:

40 (a) Limiting the number of witnesses the person  
41 may call.

42 (b) Limiting the length of the testimony of such  
43 witnesses.

44 (c) Limiting the person's cross-examination of  
45 witnesses.

46 (d) Otherwise limiting the participation by the  
47 person in the litigation.

48 (4) Upon a showing by the defendant that  
49 unrestricted participation during the course of the  
50 litigation by the person initiating the action would

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1 be for purposes of harassment or would cause the  
2 defendant undue burden or unnecessary expense, the  
3 court may limit the participation by the person in the  
4 litigation.

5 c. If the state elects not to proceed with the  
6 action, the person who initiated the action shall have  
7 the right to conduct the action. If the state  
8 requests, the state shall be served with copies of all  
9 pleadings filed in the action and shall be supplied  
10 with copies of all deposition transcripts at the  
11 state's expense. When a person proceeds with the  
12 action, the court, without limiting the status and  
13 rights of the person initiating the action, may permit  
14 the state to intervene at a later date upon a showing  
15 of good cause.

16 d. Whether or not the state proceeds with the  
17 action, upon a showing by the state that certain  
18 actions of discovery by the person initiating the  
19 action would interfere with the state's investigation  
20 or prosecution of a criminal or civil matter arising  
21 out of the same facts, the court may stay such  
22 discovery for a period of not more than sixty days.  
23 Such a showing shall be conducted in camera. The  
24 court may extend the sixty-day period upon a further  
25 showing in camera that the state has pursued the  
26 criminal or civil investigation or proceedings with  
27 reasonable diligence and any proposed discovery in the  
28 civil action will interfere with the ongoing criminal  
29 or civil investigation or proceedings.

30 e. Notwithstanding subsection 2, the state may  
31 elect to pursue its claim through any alternate remedy  
32 available to the state, including any administrative  
33 proceeding to determine a civil penalty. If any such  
34 alternate remedy is pursued in another proceeding, the  
35 person initiating the action shall have the same  
36 rights in such proceeding as such person would have  
37 had if the action had continued under this section.  
38 Any finding of fact or conclusion of law made in such  
39 other proceeding that has become final shall be  
40 conclusive as to all parties to an action under this  
41 section. For purposes of this paragraph, a finding or  
42 conclusion is final if it has been finally determined  
43 on appeal to the appropriate court of the state, if  
44 all time for filing such an appeal with respect to the  
45 finding or conclusion has expired, or if the finding  
46 or conclusion is not subject to judicial review.

47 4. a. (1) If the state proceeds with an action  
48 brought by a person under subsection 2, the person  
49 shall, subject to subparagraph (2), receive at least  
50 fifteen percent but not more than twenty-five percent

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1 of the proceeds of the action or settlement of the  
2 claim, which includes damages, civil penalties,  
3 payments for costs of compliance, and any other  
4 economic benefit realized by the state or federal  
5 government as a result of the action, depending upon  
6 the extent to which the person substantially  
7 contributed to the prosecution of the action.

8 (2) If the action is one which the court finds to  
9 be based primarily on disclosures of specific  
10 information, other than information provided by the  
11 person bringing the action, relating to allegations or  
12 transactions specifically in a criminal, civil, or  
13 administrative hearing, or in a legislative or  
14 administrative report, hearing, audit, or

15 investigation, or from the news media, the court may  
16 award an amount the court considers appropriate, but  
17 in no case more than ten percent of the proceeds,  
18 taking into account the significance of the  
19 information and the role of the person bringing the  
20 action in advancing the case to litigation.

21 (3) Any payment to a person under subparagraph (1)  
22 or (2) shall be made from the proceeds. Any such  
23 person shall also receive an amount for reasonable  
24 expenses which the appropriate court finds to have  
25 been necessarily incurred, plus reasonable attorney  
26 fees and costs. All such expenses, fees, and costs  
27 shall be awarded against the defendant.

28 b. If the state does not proceed with an action  
29 under this section, the person bringing the action or  
30 settling the claim shall receive an amount which the  
31 court decides is reasonable for collecting the civil  
32 penalty and damages. The amount shall be not less  
33 than twenty-five percent and not more than thirty  
34 percent of the proceeds of the action or settlement  
35 and shall be paid out of such proceeds, which includes  
36 damages, civil penalties, payments for costs of  
37 compliance, and any other economic benefit realized by  
38 the state or federal government as a result of the  
39 action. Such person shall also receive an amount for  
40 reasonable expenses which the appropriate court finds  
41 to have been necessarily incurred, plus reasonable  
42 attorney fees and costs. All such expenses, fees, and  
43 costs shall be awarded against the defendant.

44 c. Whether or not the state proceeds with the  
45 action, if the court finds that the action was brought  
46 by a person who planned and initiated the violation of  
47 section 685.2 upon which the action was brought, the  
48 court may, to the extent the court considers  
49 appropriate, reduce the share of the proceeds of the  
50 action which the person would otherwise receive under

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1 paragraph "a" or "b", taking into account the role of  
2 that person in advancing the case to litigation and  
3 any relevant circumstances pertaining to the  
4 violation. If the person bringing the action is  
5 convicted of criminal conduct arising from the  
6 person's role in the violation of section 685.2, the  
7 person shall be dismissed from the civil action and  
8 shall not receive any share of the proceeds of the  
9 action. Such dismissal shall not prejudice the right  
10 of the state to continue the action.

11 d. If the state does not proceed with the action  
12 and the person bringing the action conducts the  
13 action, the court may award to the defendant

14 reasonable attorney fees and expenses if the defendant  
15 prevails in the action and the court finds that the  
16 claim of the person bringing the action was clearly  
17 frivolous, clearly vexatious, or brought primarily for  
18 purposes of harassment.

19 5. a. A court shall not have jurisdiction over an  
20 action brought under subsection 2 against a member of  
21 the general assembly, a member of the judiciary, or an  
22 executive branch official if the action is based on  
23 evidence or information known to the state when the  
24 action was brought.

25 b. A person shall not bring an action under  
26 subsection 2 which is based upon allegations or  
27 transactions which are the subject of a civil suit or  
28 an administrative civil penalty proceeding in which  
29 the state is already a party.

30 c. Upon motion of the attorney general, the court  
31 may in consideration of all the equities, dismiss a  
32 qui tam plaintiff if the elements of the actionable  
33 false claims alleged in the qui tam complaint have  
34 been publicly disclosed specifically in the news media  
35 or in a publicly disseminated governmental report, at  
36 the time the complaint is filed.

37 d. The state is not liable for expenses which a  
38 person incurs in bringing an action under this  
39 section.

40 6. Any employee who is discharged, demoted,  
41 suspended, threatened, harassed, or in any other  
42 manner discriminated against in the terms and  
43 conditions of employment by the person's employer  
44 because of lawful acts performed by the employee on  
45 behalf of the employee or others in furtherance of an  
46 action under this section, including investigation  
47 for, initiation of, testimony for, or assistance in an  
48 action filed or to be filed under this section, shall  
49 be entitled to all relief necessary to make the  
50 employee whole. Such relief shall include

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1 reinstatement with the same seniority status such  
2 employee would have had but for the discrimination,  
3 two times the amount of back pay, interest on the back  
4 pay, and compensation for any special damages  
5 sustained as a result of the discrimination, including  
6 litigation costs and reasonable attorney fees. An  
7 employee may bring an action in the appropriate court  
8 of the state for the relief provided in this  
9 subsection.

10 Sec.\_\_\_\_. **NEW SECTION.** 685.4 LIMITATION OF  
11 ACTIONS – BURDEN OF PROOF.

12 1. A civil action under section 685.3 shall not be

13 brought more than ten years after the date on which  
14 the violation was committed.

15 2. A civil action under section 685.3 may be  
16 brought based on activity prior to January 1, 2007, if  
17 the limitations period pursuant to subsection 1 has  
18 not lapsed.

19 3. In any action brought under section 685.3, the  
20 state or the qui tam plaintiff shall be required to  
21 prove all essential elements of the cause of action,  
22 including damages, by a preponderance of the evidence.

23 4. Notwithstanding any other provision of law, a  
24 guilty verdict rendered in a criminal proceeding  
25 charging false statements or fraud, whether upon a  
26 verdict after trial or upon a plea of guilty or nolo  
27 contendere, shall estop the defendant from denying the  
28 essential elements of the offense in any action which  
29 involves the same transaction as in the criminal  
30 proceeding and which is brought under section 685.3,  
31 subsection 1, 2, or 3.

32 Sec.\_\_\_\_. NEW SECTION. 685.5 REMEDIES UNDER  
33 OTHER LAWS – APPLICATION.

34 1. The provisions of this chapter are not  
35 exclusive, and the remedies provided for in this  
36 chapter shall be in addition to any other remedies  
37 provided for in any other law or available under  
38 common law.

39 2. This chapter shall be liberally construed and  
40 applied to promote the public interest. This chapter  
41 shall also be construed and applied in a manner that  
42 reflects the congressional intent behind the federal  
43 False Claims Act, 31 U.S.C. § 3729-3733, including the  
44 legislative history underlying the 1986 amendments to  
45 the federal False Claims Act.

46 Sec.\_\_\_\_. NEW SECTION. 685.6 VENUE.

47 An action brought under this chapter may be brought  
48 in any judicial district in which the defendant or, in  
49 the case of multiple defendants, any one defendant can  
50 be found, resides, transacts business, or in which any

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1 act proscribed under this chapter occurred. A summons  
2 as required by the rules of civil procedure shall be  
3 issued by the appropriate district court and service  
4 at any place within or outside the United States.

5 Sec.\_\_\_\_. NEW SECTION. 685.7 USE OF ECONOMIC  
6 BENEFIT TO STATE.

7 Any funds realized as an economic benefit to the  
8 state under this chapter are appropriated to the  
9 department of human services to be used for provision  
10 of home and community-based wavier services.

11 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE

12 APPLICABILITY. This division of this Act, being  
 13 deemed of immediate importance, takes effect upon  
 14 enactment and is retroactively applicable to January  
 15 1, 2007."

Amendment [H-1787](#) lost.

Wiencek of Black Hawk offered amendment [H-1801](#) filed by  
 Wiencek, et al., as follows:

[H-1801](#)

1 Amend [House File 909](#) as follows:  
 2 1. Page 106, by inserting after line 21 the  
 3 following:  
 4 "DIVISION  
 5 SENIOR LIVING TRUST FUND  
 6 CORRECTIONAL AMENDMENT  
 7 Sec.\_\_\_\_. The following amendment to the  
 8 Constitution of the State of Iowa is proposed:  
 9 Article VII of the Constitution of the State of  
 10 Iowa is amended by adding the following new section:  
 11 SENIOR PROGRAM FUNDS. SEC. 10. All funds received  
 12 through the nursing facility reimbursement methodology  
 13 that maximizes federal matching funds for nursing  
 14 facility reimbursements and utilizes intergovernmental  
 15 transfer agreements, with the exception of  
 16 administrative costs, shall be used only for the  
 17 purposes of services for seniors including but not  
 18 limited to home and community-based services and less  
 19 restrictive levels of residential care.  
 20 Sec.\_\_\_\_. REFERRAL AND PUBLICATION. The foregoing  
 21 amendment to the Constitution of the State of Iowa is  
 22 referred to the General Assembly to be chosen at the  
 23 next general election for members of the General  
 24 Assembly and the Secretary of State is directed to  
 25 cause the same to be published for three consecutive  
 26 months previous to the date of that election as  
 27 provided by law."  
 28 2. By renumbering as necessary.

Wiencek of Black Hawk offered the following amendment [H-1849](#),  
 to amendment [H-1801](#), filed by her from the floor and moved its  
 adoption:

[H-1849](#)

1 Amend the amendment, [H-1801](#), to [House File 909](#), as  
 2 follows:

- 3 1. Page 1, line 6, by striking the word  
 4 "CORRECTIONAL" and inserting the following:  
 5 "CONSTITUTIONAL".

Amendment [H-1849](#) was adopted.

Foege of Linn rose on a point of order that amendment [H-1801](#), as amended, was not germane.

The Speaker ruled the point well taken and amendment [H-1801](#), as amended, not germane.

Wiencek of Black Hawk moved to suspend the rules to consider amendment [H-1801](#), as amended.

Roll call was requested by Wiencek of Black Hawk and Greiner of Washington.

On the question "Shall the rules be suspended to consider amendment [H-1801](#), as amended?" ([H.F. 909](#))

The ayes were, 43:

|           |            |                  |            |
|-----------|------------|------------------|------------|
| Alons     | Anderson   | Arnold           | Baudler    |
| Boal      | Chambers   | Clute            | De Boef    |
| Deyoe     | Dolecheck  | Forristall       | Gipp       |
| 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 | Watts      |
| Wiencek   | Windschitl | Worthan          |            |

The nays were, 51:

|             |          |         |        |
|-------------|----------|---------|--------|
| Abdul-Samad | Bell     | Berry   | Bukta  |
| Cohoon      | Dandekar | Davitt  | Foege  |
| Ford        | Fevert   | Gaskill | Gayman |
| Heddens     | Hunter   | Huser   | Jacoby |

|            |                   |                       |            |
|------------|-------------------|-----------------------|------------|
| Jochum     | Kelley            | Kressig               | Lensing    |
| Lykam      | Mascher           | McCarthy              | Mertz      |
| Miller, H. | Oldson            | Olson, D.             | Olson, T.  |
| Palmer     | Petersen          | Pettengill            | Quirk      |
| Reasoner   | Reichert          | Schueller             | Shomshor   |
| Smith      | Staed             | Swaim                 | Taylor, D. |
| Taylor, T. | Thomas            | Tomenga               | Wendt      |
| Wenthe     | Wessel-Kroeschell | Whitaker              | Whitead    |
| Winckler   | Wise              | Mr. Speaker<br>Murphy |            |

Absent or not voting, 6:

|            |            |      |           |
|------------|------------|------|-----------|
| Bailey     | Drake      | Kuhn | Olson, R. |
| Van Fossen | Zirkelbach |      |           |

The motion to suspend the rules lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Rants of Woodbury.

Tymeson of Madison offered the following amendment [H-1866](#) filed by her from the floor and moved its adoption:

#### [H-1866](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 8, line 16, by striking the figure
- 3 "1,500,000" and inserting the following: "5,000,000".

Roll call was requested by Tymeson of Madison and Worthan of Buena Vista.

On the question "Shall amendment [H-1866](#) be adopted?" ([H.F. 909](#))

The ayes were, 44:

|           |          |            |            |
|-----------|----------|------------|------------|
| Alons     | Arnold   | Baudler    | Boal       |
| Chambers  | Clute    | De Boef    | Deyoe      |
| Dolecheck | Drake    | Forristall | Gipp       |
| Granzow   | Grassley | Greiner    | Heaton     |
| Hoffman   | Horbach  | Huseman    | Jacobs     |
| Kaufmann  | Lukan    | May        | Miller, L. |
| Olson, S. | Paulsen  | Rants      | Rasmussen  |

|           |         |            |                  |
|-----------|---------|------------|------------------|
| Rayhons   | Roberts | Sands      | Schickel         |
| Soderberg | Struyk  | Taylor, D. | Tjepkes          |
| Tomenga   | Tymeson | Upmeyer    | Van Engelenhoven |
| Watts     | Wiencek | Windschitl | Worthan          |

The nays were, 52:

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

Absent or not voting, 4:

|          |         |            |            |
|----------|---------|------------|------------|
| Anderson | Raecker | Van Fossen | Zirkelbach |
|----------|---------|------------|------------|

Amendment [H-1866](#) lost.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-1856](#), previously deferred, filed by him from the floor.

Rants of Woodbury offered the following amendment [H-1864](#) filed by him from the floor and moved its adoption:

[H-1864](#)

- 1 Amend [House File 909](#) as follows:
- 2 1. Page 22, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_. MEDICAL ASSISTANCE FULL FUNDING. In
- 5 addition to any other funding appropriated in this
- 6 division of this Act for medical assistance, there is
- 7 appropriated from the general fund of the state to the
- 8 department of human services for the fiscal year
- 9 beginning July 1, 2007, and ending June 30, 2008, the
- 10 following amount, or so much thereof as is necessary,
- 11 for the purpose designated:
- 12 For fully funding the medical assistance program:
- 13 ..... \$ 11,950,000"
- 14 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Alons of Sioux.

On the question “Shall amendment [H-1864](#) be adopted?” ([H.F. 909](#))

The ayes were, 44:

|            |           |            |                  |
|------------|-----------|------------|------------------|
| Alons      | Anderson  | Arnold     | Baudler          |
| Boal       | Chambers  | Clute      | De Boef          |
| Deyoe      | Dolecheck | Drake      | Forristall       |
| Gipp       | 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          |
| Tomenga    | Tymeson   | Upmeyer    | Van Engelenhoven |
| Watts      | Wienczek  | Windschitl | Worthan          |

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

Absent or not voting, 4:

|       |         |            |            |
|-------|---------|------------|------------|
| Huser | Raecker | Van Fossen | Zirkelbach |
|-------|---------|------------|------------|

Amendment [H-1864](#) lost.

L. Miller of Scott asked and received unanimous consent to withdraw amendment [H-1862](#), previously deferred, filed by her from the floor.

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

On the question "Shall the bill pass?" ([H.F. 909](#))

The ayes were, 53:

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

The nays were, 44:

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

Absent or not voting, 3:

|         |            |            |
|---------|------------|------------|
| Raecker | Van Fossen | 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 [House File 909](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 912](#).

### Ways and Means Calendar

[House File 912](#), a bill for an act relating to providing sales, use, and property tax exemptions for a certain web search portal business, was taken up for consideration.

Wise of Lee offered the following amendment [H-1873](#) filed by him from the floor and moved its adoption:

#### [H-1873](#)

- 1 Amend [House File 912](#) as follows:
- 2 1. Page 1, line 24, by striking the word
- 3 "primary".
- 4 2. Page 3, lines 9 and 10, by striking the words
- 5 "whose primary business" and inserting the following:
- 6 "among whose primary businesses".

Amendment [H-1873](#) was adopted.

Wise of Lee offered the following amendment [H-1820](#) filed by him and moved its adoption:

#### [H-1820](#)

- 1 Amend [House File 912](#) as follows:
- 2 1. Page 2, line 16, by inserting after the word
- 3 "various" the following: "Iowa".
- 4 2. Page 3, line 17, by inserting after the word
- 5 "Property" the following: ", other than land and
- 6 buildings and other improvements,".
- 7 3. Page 4, line 3, by inserting after the word
- 8 "various" the following: "Iowa".

Amendment [H-1820](#) was adopted.

Wise of Lee 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. 912](#))

The ayes were, 95:

|             |            |                   |            |
|-------------|------------|-------------------|------------|
| Abdul-Samad | Alons      | Anderson          | Arnold     |
| Bailey      | Baudler    | Bell              | Berry      |
| Boal        | Bukta      | Chambers          | Clute      |
| Cohoon      | Dandekar   | Davitt            | De Boef    |
| Deyoe       | Dolecheck  | Drake             | Foege      |
| Ford        | Forristall | Frevert           | Gaskill    |
| Gayman      | Gipp       | Grassley          | Greiner    |
| Heaton      | Heddens    | Hoffman           | Horbach    |
| Huseman     | Huser      | Jacobs            | Jacoby     |
| Jochum      | Kaufmann   | Kelley            | Kressig    |
| Kuhn        | Lensing    | Lukan             | Lykam      |
| Mascher     | May        | McCarthy          | Mertz      |
| Miller, H.  | Miller, L. | Oldson            | Olson, D.  |
| Olson, R.   | Olson, S.  | Olson, T.         | Palmer     |
| Paulsen     | Petersen   | Pettengill        | Quirk      |
| 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  | Watts      |
| Wendt       | Wenthe     | Wessel-Kroeschell | Whitaker   |
| Whitead     | Wiencek    | Winckler          | Windschitl |
| Wise        | Worthan    | Mr. Speaker       |            |
|             |            | Murphy            |            |

The nays were, 1:

Hunter

Absent or not voting, 4:

|         |         |            |            |
|---------|---------|------------|------------|
| Granzow | Raecker | Van Fossen | 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 [House File 912](#) be immediately messaged to the Senate.

### Appropriations Calendar

[House File 907](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco

settlement trust fund and providing an effective date, was taken up for consideration.

Foege of Linn offered the following amendment [H-1809](#) filed by him and moved its adoption:

[H-1809](#)

- 1 Amend [House File 907](#) as follows:
- 2 1. Page 4, by striking lines 28 through 31 and
- 3 inserting the following: "utilizing mentors.
- 4 Programs approved for".
- 5 2. Page 5, by striking lines 4 through 7 and
- 6 inserting the following: "development and leadership.
- 7 The programs shall".

Amendment [H-1809](#) was adopted.

Alons of Sioux offered the following amendment [H-1798](#) filed by him and moved its adoption:

[H-1798](#)

- 1 Amend [House File 907](#) as follows:
- 2 1. Page 5, line 34, by striking the figure
- 3 "4,006,474" and inserting the following: "4,256,474".
- 4 2. Page 7, by inserting after line 16 the
- 5 following:
- 6 "j. Of the funds appropriated in this subsection,
- 7 \$200,000 is allocated to the Newton correctional
- 8 facility for a value-based treatment program.
- 9 k. Of the funds appropriated in this subsection,
- 10 \$50,000 is allocated to the Iowa correctional
- 11 institution for women at Mitchellville for a
- 12 value-based treatment program."
- 13 3. Page 8, line 30, by striking the figure
- 14 "9,100,000" and inserting the following: "9,350,000".

Roll call was requested by Alons of Sioux and De Boef of Keokuk.

On the question "Shall amendment [H-1798](#) be adopted?" ([H.F. 907](#))

The ayes were, 43:

|       |          |        |         |
|-------|----------|--------|---------|
| Alons | Anderson | Arnold | Baudler |
| Boal  | Chambers | Clute  | De Boef |

|           |            |                  |            |
|-----------|------------|------------------|------------|
| Deyoe     | Dolecheck  | Drake            | Forristall |
| Gipp      | Grassley   | Greiner          | Heaton     |
| Hoffman   | Horbach    | Huseman          | Jacobs     |
| Kaufmann  | Lukan      | May              | Miller, L. |
| Olson, S. | Paulsen    | Rants            | Rasmussen  |
| Rayhons   | Roberts    | Sands            | Schickel   |
| Soderberg | Struyk     | Tjepkes          | Tomenga    |
| Tymeson   | Upmeyer    | Van Engelenhoven | 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    | Pettengill | 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, 4:

|         |         |            |            |
|---------|---------|------------|------------|
| Granzow | Raecker | Van Fossen | Zirkelbach |
|---------|---------|------------|------------|

Amendment [H-1798](#) lost.

Schickel of Cerro Gordo offered the following amendment [H-1756](#) filed by Raecker of Polk and moved its adoption:

[H-1756](#)

1 Amend [House File 907](#) as follows:  
 2 1. Page 7, by inserting after line 16 the  
 3 following:  
 4 "4. To the department for the blind:  
 5 ..... \$ 130,000  
 6 To plan, establish, administer, and promote a  
 7 statewide program to provide audio news and  
 8 information services to blind or visually impaired  
 9 persons residing in this state as provided pursuant to  
 10 section 216B.3, subsection 18."

- 11 2. Page 8, line 30, by striking the figure  
 12 "9,100,000" and inserting the following: "9,230,000".  
 13 3. By renumbering as necessary.

Roll call was requested by Schickel of Cerro Gordo and Paulsen of Linn.

On the question "Shall amendment [H-1756](#) be adopted?" ([H.F. 907](#))

The ayes were, 45:

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

The nays were, 50:

|                   |             |           |            |
|-------------------|-------------|-----------|------------|
| Abdul-Samad       | Bailey      | Bell      | Berry      |
| Bukta             | Cohoon      | Dandekar  | Davitt     |
| Foege             | Ford        | Frevert   | Gaskill    |
| Gayman            | Heddens     | Hunter    | Huser      |
| Jacoby            | 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, 5:

|            |          |         |            |
|------------|----------|---------|------------|
| Granzow    | Petersen | Raecker | Van Fossen |
| Zirkelbach |          |         |            |

Amendment [H-1756](#) lost.

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

On the question "Shall the bill pass?" ([H.F. 907](#))

The ayes were, 56:

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

The nays were, 40:

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

Absent or not voting, 4:

|         |         |            |            |
|---------|---------|------------|------------|
| Granzow | Raecker | Van Fossen | 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 [House File 907](#) be immediately messaged to the Senate.

## INTRODUCTION OF BILLS

[House File 922](#), by committee on appropriations, a bill for an act revising the requirements for child care registration and providing an effective date.

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

[House File 923](#), by committee on ways and means, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of income, sales, use, cigarette, and tobacco taxes and including a retroactive applicability date provision.

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

On motion by McCarthy of Polk, the House was recessed at 6:36 p.m., until the conclusion of the meetings on the committees on appropriation and ways and means.

## EVENING SESSION

The House reconvened at 8:03 p.m., Reasoner of Union in the chair.

## INTRODUCTION OF BILLS

[House File 924](#), by committee on ways and means, a bill for an act relating to qualifications for licensure as a real estate broker or salesperson upon conviction of specified offenses.

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

[House File 925](#), by committee on ways and means, a bill for an act relating to health-related activities and regulation, including the practices of optometry and mortuary science, establishment of a state public health dental director and an oral health bureau, dependent adult abuse, membership on the child death review team, and immunity for emergency response, and providing for the revision of fees.

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

[House File 926](#), by committee on appropriations, a bill for an act relating to voting machines and optical scan voting systems.

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

[House File 927](#), by committee on appropriations, a bill for an act making appropriations for specified energy-related purposes and providing an effective date.

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

[House File 928](#), by committee on appropriations, 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 **appropriations calendar**.

[House File 929](#), by committee on ways and means, a bill for an act relating to the movement and health of swine by providing for the taking of stray swine, the registration of game swine, the imposition of fees, and by providing for penalties and an effective date.

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

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, April 19, 2007. Had I been present, I would have voted "aye" on [Senate File 457](#).

ANDERSON of Page

I was necessarily absent from the House chamber on Friday, April 20, 2007. Had I been present, I would have voted "aye" on amendments [H-1756](#) to [House File 907](#) and [H-1864](#) to [House File 909](#) and on [Senate File 530](#). I would have voted "nay" on House Files 907 and 909.

RAECKER of Polk

## 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\2972 | Henry and Kathleen Van Steenwyk, Knoxville – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2007\2973 | Lucille Emily Hof, Marshalltown – For celebrating her 84 <sup>th</sup> birthday.                         |
| 2007\2974 | Leona Madolyn Klepinger, Marshalltown – For celebrating her 86 <sup>th</sup> birthday.                   |
| 2007\2975 | Catherine M. Meyers, Marshalltown – For celebrating her 76 <sup>th</sup> birthday.                       |
| 2007\2976 | Marvel C. Stalzer, Marshalltown – For celebrating her 81 <sup>st</sup> birthday.                         |
| 2007\2977 | Evelyn D. Wells, Marshalltown – For celebrating her 95 <sup>th</sup> birthday.                           |
| 2007\2978 | Harold R. Baldwin, Marshalltown – For celebrating his 87 <sup>th</sup> birthday.                         |
| 2007\2979 | Leila Anna Boldt, Marshalltown – For celebrating her 86 <sup>th</sup> birthday.                          |
| 2007\2980 | Marie E. Hendrickson, Marshalltown – For celebrating her 94 <sup>th</sup> birthday.                      |
| 2007\2981 | Donald H. MacKaman, Marshalltown – For celebrating his 77 <sup>th</sup> birthday.                        |
| 2007\2982 | Lois A. Peters, Marshalltown – For celebrating her 82 <sup>nd</sup> birthday.                            |
| 2007\2983 | Shirley Ann Rohrs, Marshalltown – For celebrating her 78 <sup>th</sup> birthday.                         |
| 2007\2984 | Colleen Eva Uillery, Marshalltown – For celebrating her 78 <sup>th</sup> birthday.                       |

### SUBCOMMITTEE ASSIGNMENTS

#### [House File 792](#)

Appropriations: Reichert, Chair; Huseman and Kuhn.

[Senate File 586](#)

Ways and Means: Huser , Chair; Shomshor and Windschitl.

[Senate File 593](#)

Ways and Means: Huser, Chair; T. Olson and Struyk.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 315](#)

Ways and Means: Reasoner, Chair; Quirk and Sands.

[House Study Bill 316](#)

Ways and Means: Quirk, Chair; Davitt, Deyoe, Forristall, Frevert, Grassley, Huser, Jacobs, Jochum, Kaufmann, Kelley, T. Olson, Pettengill, Reasoner, Sands, Schueller, Shomshor, Soderberg, Struyk, Thomas, Van Fossen, Wendt, Wienczek, Windschitl and Wise.

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 APPROPRIATIONS

[Senate File 578](#), a bill for an act creating a Vietnam Conflict veterans bonus for a certain period of active duty military service, making an appropriation, providing a tax exemption and a penalty, and including a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** April 20, 2007.

[Senate File 579](#), a bill for an act relating to a pharmaceutical collection and disposal pilot project.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1826](#)** April 19, 2007.

[Senate File 588](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1827](#)** April 19, 2007.

**Committee Bill** (Formerly [House File 792](#)), relating to regulation of underground storage tanks by the department of natural resources, making appropriations, and providing contingent effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2007.

**Committee Bill** (Formerly [House File 845](#)), relating to voting machines and optical scan voting systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2007.

**Committee Bill** (Formerly [House Study Bill 319](#)), making appropriations for specified energy-related purposes and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2007.

#### COMMITTEE ON WAYS AND MEANS

[Senate File 586](#), a bill for an act creating a special gold star motor vehicle registration plate and providing fees and an effective date.

Fiscal Note is required.

Recommended **Do Pass** April 20, 2007.

**Committee Bill** (Formerly [House Study Bill 307](#)), relating to the movement and health of swine by providing for the taking of stray swine, the registration of game swine, the imposition of fees, and by providing for penalties and an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 20, 2007.

**Committee Bill** (Formerly [House Study Bill 318](#)), relating to entities and activities regulated by the Iowa department of public health, including the practices of optometry and mortuary science, establishment of a state public health dental director and an oral health bureau, membership on the child death review team, and immunity for emergency response, and providing for the revision of fees.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 20, 2007.

**Committee Bill** (Formerly [House Study Bill 320](#)), relating to qualifications for licensure as a real estate broker or salesperson upon conviction of specified offences.

Fiscal Note is not required.

Recommended **Do Pass** April 20, 2007.

### AMENDMENTS FILED

|                        |                          |                             |
|------------------------|--------------------------|-----------------------------|
| <a href="#">H-1826</a> | <a href="#">S.F. 579</a> | Committee on Appropriations |
| <a href="#">H-1827</a> | <a href="#">S.F. 588</a> | Committee on Appropriations |
| <a href="#">H-1854</a> | <a href="#">S.F. 551</a> | De Boef of Keokuk           |
| <a href="#">H-1857</a> | <a href="#">S.F. 341</a> | Rants of Woodbury           |
| <a href="#">H-1858</a> | <a href="#">S.F. 551</a> | De Boef of Keokuk           |
| <a href="#">H-1867</a> | <a href="#">S.F. 559</a> | Raecker of Polk             |
|                        |                          | Berry of Black Hawk         |
| <a href="#">H-1868</a> | <a href="#">S.F. 588</a> | Jacoby of Johnson           |
|                        |                          | Mascher of Johnson          |
|                        |                          | Lensing of Johnson          |
|                        |                          | Wessel-Kroeschell of Story  |
| <a href="#">H-1869</a> | <a href="#">S.F. 588</a> | Baudler of Adair            |
| <a href="#">H-1870</a> | <a href="#">S.F. 551</a> | May of Dickinson            |
|                        |                          | Upmeyer of Hancock          |
|                        |                          | Roberts of Carroll          |
| <a href="#">H-1871</a> | <a href="#">H.F. 911</a> | Tymeson of Madison          |
|                        |                          | Bailey of Hamilton          |
| <a href="#">H-1872</a> | <a href="#">H.F. 911</a> | Tymeson of Madison          |
|                        |                          | Bailey of Hamilton          |

On motion by Ford of Polk the House adjourned at 8:05 p.m., until 10:00 a.m., Monday, April 23, 2007.