

**PROOF**

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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, MARCH 29, 2006**

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# JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 29, 2006

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend John Hembry, pastor of the United Methodist Church, Sigourney. He was the guest of Representative Betty De Boef of Keokuk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 28, 2006 was approved.

## INTRODUCTION OF BILL

[House File 2776](#), by committee on ways and means, a bill for an act exempting from sales and use taxes certain equipment used in transmitting telecommunications services.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2240](#), a bill for an act relating to county board of supervisor vacancies.

Also: That the Senate has on March 28, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2282](#), a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

Also: That the Senate has on March 28, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2611](#), a bill for an act authorizing the department of natural resources to issue a fishing permit to certain students.

Also: That the Senate has on March 28, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2661](#), a bill for an act relating to the linked investments for tomorrow Act.

Also: That the Senate has on March 28, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2695](#), a bill for an act relating to landlords and tenants including notice requirements to terminate a periodic tenancy, representation of an owner of residential rental property in small claims court, and service of a petition for forcible entry and detainer by publication.

Also: That the Senate has on March 28, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2696](#), a bill for an act relating to the disposal of a controlled substance.

Also: That the Senate has on March 28, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2708](#), a bill for an act concerning the veterans trust fund by providing for the minimum balance necessary in order to expend funds from the veterans trust fund and providing for an annual report concerning the fund.

Also: That the Senate has on March 28, 2006, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 105](#), a concurrent resolution requesting the legislative council to establish an interim committee to study emergency services in the state.

MICHAEL E. MARSHALL, Secretary

**SPECIAL PRESENTATION  
Pella Tulip Festival**

Van Engelenhoven of Marion presented to the House, Leah Nieboer, Queen of the 2006 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Nieboer presented her attendants, Alexandra Kanis, Leisel Schroder, Sierra Smith, and Laurel Van Dusseldorp.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.

Queen Nieboer and her court invited everyone to attend the Pella Tulip Festival on May 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>.

The House rose and expressed its welcome.

#### RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting with the subcommittee of transportation, infrastructure and capitals at 10:30 a.m.

On motion by Gipp of Winneshiek, the House was recessed at 9:10 a.m., until 11:45 a.m.

#### MORNING SESSION

The House reconvened at 11:44 a.m., Speaker Rants in the chair.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 537](#), a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2171](#), a bill for an act allowing fishing without a license for certain persons who fish in a supervised group.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2244](#), a bill for an act relating to hunting and fishing licenses for certain veterans.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2330](#), a bill for an act relating to the allowed growth factor adjustment funding for county mental health, mental retardation, and developmental disabilities services funds and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2493](#), a bill for an act providing for the establishment of a viral hepatitis program and study.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2505](#), a bill for an act authorizing the labor commissioner to represent laborers or employees seeking wage claims in pending receivership or seizure actions and providing an applicability date.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2507](#), a bill for an act relating to priority of labor or wage claims over other debts when an employer's property is placed in receivership or otherwise seized by creditors.

Also: That the Senate has on March 29, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2508](#), a bill for an act relating to direct deposit of wages and creating an exception to the payday information employers are required to provide each employee under the Iowa wage payment collection law and providing for retroactive applicability.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2564](#), a bill for an act relating to notification of parents, guardians, or custodians of children receiving child care from an unregistered child care home when it is determined that child abuse involving the home has occurred.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2586](#), a bill for an act relating to the collection of liquidated debts owed to and various authorizations issued by the labor commissioner.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2588](#), a bill for an act relating to the criminal and abuse registry checks required of a person employed by a licensed health care facility.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2389](#), a bill for an act concerning the offset of workers' compensation benefits under the peace officers' retirement, accident, and disability retirement system and including an effective date and retroactive applicability provision.

MICHAEL E. MARSHALL, Secretary

#### INTRODUCTION OF BILLS

[House File 2777](#), by committee on ways and means, a bill for an act relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes.

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

[House File 2778](#), by committee on ways and means, a bill for an act relating to financial transactions associated with agricultural production, by providing for a tax credit to facilitate the transfer of assets, and including an effective and applicability date.

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

#### SENATE MESSAGE CONSIDERED

[Senate File 2389](#), by Gronstal and Iverson, a bill for an act concerning the offset of workers' compensation benefits under the peace officers' retirement, accident, and disability retirement system and including an effective date and retroactive applicability provision.

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

#### ADOPTION OF [HOUSE RESOLUTION 156](#)

Kuhn of Floyd called up for consideration [House Resolution 156](#), a resolution recognizing March 29, 2006, as Advocating Change Day 2006 for persons with disabilities, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Gipp of Winneshiek, the House was recessed at 11:51 a.m., until the conclusion of the meeting of the committee on ways and means.

#### AFTERNOON SESSION

The House reconvened at 3:07 p.m., Roberts of Carroll in the chair.

The House stood at ease at 3:10 p.m., until the fall of the gavel.

The House resumed session at 4:06 p.m., Speaker pro tempore Carroll in the chair.

#### CONSIDERATION OF BILLS Unfinished Business Calendar

[House File 2331](#), a bill for an act to eliminate certain restrictions on the authority of a physician assistant to prescribe certain schedule II controlled substances, was taken up for consideration.

Upmeyer of Hancock offered the following amendment [H-8314](#) filed by her and moved its adoption:

#### [H-8314](#)

- 1 Amend [House File 2331](#) as follows:
- 2 1. Page 1, by striking lines 18 through 20 and
- 3 inserting the following: "However, the rules shall
- 4 prohibit the prescribing of schedule II controlled
- 5 substances which are listed as ~~stimulants or~~
- 6 depressants pursuant to chapter 124."

Amendment [H-8314](#) was adopted.

Upmeyer of Hancock 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. 2331](#))

The ayes were, 96:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, 2:

Pettengill                      Wendt

Absent or not voting, 2:

Baudler                      Zirkelbach

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

#### INTRODUCTION OF BILL

**[House File 2779](#)**, by committee on government oversight, a bill for an act relating to citations issued to persons under the age of eighteen for alcohol-related offenses and parental and school notification.

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



**House File 2453**, a bill for an act relating to the prepayment of agricultural loans secured by a real estate mortgage, was taken up for consideration.

**SENATE FILE 2262** SUBSTITUTED FOR **HOUSE FILE 2453**

Sands of Louisa asked and received unanimous consent to substitute **Senate File 2262** for **House File 2453**.

**Senate File 2262**, a bill for an act relating to the prepayment of agricultural loans secured by a real estate mortgage, was taken up for consideration.

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

On the question "Shall the bill pass?" (**S.F. 2262**)

The ayes were, 98:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Baudler                      Zirkelbach

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

**HOUSE FILE 2453 WITHDRAWN**

Sands of Louisa asked and received unanimous consent to withdraw [House File 2453](#) from further consideration by the House.

[House File 2563](#), a bill for an act relating to wine, including the allowable alcohol content of wine and inspection of certain wine permittees, was taken up for consideration.

De Boef of Keokuk offered the following amendment [H-8333](#) filed by her and moved its adoption:

[H-8333](#)

- 1 Amend [House File 2563](#) as follows:
- 2 1. Page 1, line 11, by striking the words
- 3 "~~seventeen~~ ~~twenty-four~~" and inserting the following:
- 4 "seventeen".
- 5 2. Page 1, line 11, by inserting after the word
- 6 "weight" the following: "or twenty-one and twenty-
- 7 five hundredths percent of alcohol by volume".
- 8 3. Page 1, line 18, by striking the words
- 9 "~~seventeen~~ ~~twenty-four~~" and inserting the following:
- 10 "seventeen".
- 11 4. Page 1, line 19, by inserting after the word
- 12 "weight" the following: "or twenty-one and twenty-
- 13 five hundredths percent of alcohol by volume".
- 14 5. Page 1, lines 19 and 20, by striking the words
- 15 "or other wine-making processing".
- 16 6. Page 1, by striking lines 24 through 30.
- 17 7. Page 2, line 2, by striking the words
- 18 "~~seventeen~~ ~~twenty-four~~" and inserting the following:
- 19 "seventeen".
- 20 8. Page 2, line 3, by inserting after the word
- 21 "weight" the following: "or twenty-one and twenty-
- 22 five hundredths percent of alcohol by volume".
- 23 9. Page 2, lines 22 and 23, by striking the words
- 24 "~~seventeen~~ ~~twenty-four~~" and inserting the following:
- 25 "seventeen".

- 26 10. Page 2, line 23, by inserting after the word  
 27 "weight" the following: "~~or twenty-one and twenty-~~  
 28 five hundredths percent of alcohol by volume".  
 29 11. Title page, line 1, by striking the words  
 30 "relating to" and inserting the following:  
 31 "concerning".  
 32 12. By renumbering as necessary.

Amendment [H-8333](#) was adopted.

[SENATE FILE 2305](#) SUBSTITUTED FOR [HOUSE FILE 2563](#)

De Boef of Keokuk asked and received unanimous consent to substitute [Senate File 2305](#) for [House File 2563](#).

[Senate File 2305](#), a bill for an act concerning wine, including the allowable alcohol content of wine and inspection of certain wine permittees, was taken up for consideration.

De Boef of Keokuk 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. 2305](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim

Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

### HOUSE FILE 2563 WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw House File 2563 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: House File 2331 and Senate Files 2262 and 2305.

House File 2731, a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas, was taken up for consideration.

D. Olson of Boone offered the following amendment H-8420 filed by him and moved its adoption:

#### H-8420

- 1 Amend House File 2731 as follows:
- 2 1. Page 2, by striking lines 1 through 27 and
- 3 inserting the following:
- 4 "2. The department of economic development shall
- 5 approve five pilot project cities. Eligible cities
- 6 may apply to the department of economic development to
- 7 be designated as a pilot project city. A city is an
- 8 eligible city if it is located in a county that meets
- 9 two of the following distress criteria:
- 10 a. The county has an average weekly wage that
- 11 ranks among the bottom one to fifty counties in the

12 state based on the 2000 annual average weekly wage for  
13 employees in private business.

14 b. The county has a family poverty rate that ranks  
15 among the top one to fifty counties in the state based  
16 on the 2000 census.

17 c. The county has experienced a percentage  
18 population loss that ranks among the top one to fifty  
19 counties in the state between 1995 and 2000.

20 d. The county has a percentage of persons sixty-  
21 five years of age or older that ranks among the top  
22 one to fifty counties in the state based on the 2000  
23 census.

24 The department of economic development shall  
25 conduct a peer review of tax structures and economic  
26 development incentives and financing assessment study  
27 for the states of Illinois, Iowa, Minnesota, Missouri,  
28 Nebraska, South Dakota, and Wisconsin. The department  
29 may contract with an outside firm or economists at  
30 state board of regents universities to complete the  
31 study. The study shall be used to identify areas  
32 where Iowa is collectively uncompetitive with  
33 neighboring states in terms of taxes and economic  
34 development incentives. If the study identifies Iowa  
35 has a disadvantage, the department shall implement the  
36 pilot project.

37 As part of the selection process, the department of  
38 economic development shall give priority to a city  
39 that demonstrates that it has a disadvantage in tax  
40 structures and economic development programs and  
41 incentives as identified in the tax structures and  
42 economic development incentives and financing  
43 assessment.

44 Applications from eligible cities filed on or after  
45 July 1, 2007, shall not be considered."

46 2. Page 3, line 24, by striking the word "ten"  
47 and inserting the following: "not more than five".

48 3. Page 3, line 35, by inserting after the word  
49 "assistance" the following: "for other projects".

50 4. Page 4, by inserting after line 5 the

Page 2

1 following:

2 "( ) An employer that enters into a withholding  
3 agreement with a pilot project city shall not receive  
4 any state incentives or assistance from other state  
5 economic development programs, including grants,  
6 loans, forgivable loans, and tax credits for purposes  
7 of the project during the term of the agreement,  
8 except for training incentives or assistance as  
9 allowed under paragraph "i".

10 5. Page 5, by inserting after line 33 the

11 following:  
 12 "\_\_\_\_. Upon termination of the withholding  
 13 agreement, the pilot project city shall submit a  
 14 report to the department of economic development  
 15 detailing the economic activity of the city and the  
 16 improved cost of doing business in the city. The  
 17 report shall also include but not be limited to how  
 18 the city, through this program is more competitive  
 19 based on sales tax, property tax, income tax, or other  
 20 taxes."

Amendment [H-8420](#) lost.

Jochum of Dubuque offered the following amendment [H-8419](#) filed by her and moved its adoption:

[H-8419](#)

1 Amend [House File 2731](#) as follows:  
 2 1. Page 3, line 21, by striking the word  
 3 "either".  
 4 2. Page 3, line 22, by striking the word "or" and  
 5 inserting the following: "and".

Amendment [H-8419](#) lost.

Soderberg of Plymouth 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. 2731](#))

The ayes were, 66:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	Miller	Murphy
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reichert	Roberts
Sands	Schickel	Shomshor	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Wilderdyke
Wise	Carroll, Presiding		

The nays were, 33:

Berry	Fallon	Foege	Frevert
Gaskill	Heddens	Hogg	Hunter
Jacoby	Jochum	Kressig	Kuhn
Lensing	Mascher	McCarthy	Mertz
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Quirk	Reasoner	Schueller
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wessel-Kroeschell	Whitaker
Winckler			

Absent or not voting and 1:

Zirkelbach

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

**[HOUSE FILE 2404](#) WITHDRAWN**

De Boef of Keokuk asked and received unanimous consent to withdraw [House File 2404](#) from further consideration by the House.

**[HOUSE FILE 2460](#) WITHDRAWN**

Soderberg of Plymouth asked and received unanimous consent to withdraw [House File 2460](#) from further consideration by the House.

**[House File 2742](#)**, a bill for an act relating to the probate and trust codes, was taken up for consideration.

Paulsen of Linn offered the following amendment [H-8182](#) filed by him and moved its adoption:

**[H-8182](#)**

- 1 Amend [House File 2742](#) as follows:
- 2 1. Page 11, by inserting after line 14 the
- 3 following:

- 4 "Sec. \_\_\_\_\_. APPLICABILITY DATES.  
 5 1. The section of this Act amending section  
 6 633A.3109 shall apply to trusts of settlors who die on  
 7 or after July 1, 2006.  
 8 2. The sections of this Act amending section  
 9 633A.4213 shall apply to trust accounting periods  
 10 ending on or after July 1, 2006.  
 11 3. The section of this Act creating section  
 12 633A.4707 shall apply to property, benefit, or other  
 13 trust interests distributed on or after July 1, 2006.  
 14 4. The section of this Act amending section  
 15 633A.6301 shall apply to trust terminations or  
 16 modifications completed on or after July 1, 2006."  
 17 2. Title page, line 1, by inserting after the  
 18 word "codes" the following: "and providing  
 19 applicability date provisions".  
 20 3. By renumbering as necessary.

Amendment [H-8182](#) was adopted.

Paulsen 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. 2742](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.



Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, 1:

Taylor, D.

Absent or not voting, 1:

Zirkelbach

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

**House File 2755**, a bill for an act relating to confinement feeding operations by requiring the submission of updated manure management plans on a multiyear basis, providing for fees, and making penalties applicable, was taken up for consideration.

Dolecheck of Ringgold offered amendment [H-8397](#) filed by him as follows:

[H-8397](#)

- 1 Amend [House File 2755](#) as follows:
- 2 1. Page 1, line 1, by inserting after the figure
- 3 "3," the following: "4,".
- 4 2. Page 1, by inserting after line 16, the
- 5 following:
- 6 "4. a. The department shall deliver a copy of all
- 7 of the following to a designated county board of
- 8 supervisors:
- 9 (1) An original manure management plan or require
- 10 the person submitting the manure management plan to
- 11 deliver a copy of the. If a person is required to be
- 12 issued a permit for the construction of the manure
- 13 storage structure as provided in section 459.303, the
- 14 original manure management plan shall accompany the
- 15 application for the construction permit as provided in
- 16 section 459.303.
- 17 (2) Any updated manure management plan to. If the
- 18 owner of a confinement feeding operation files a
- 19 document in lieu of submitting a complete plan as
- 20 provided in this section, the department shall deliver
- 21 a copy of that document to each designated county
- 22 board of supervisors.

23 b. For purposes of this subsection, a "designated  
 24 county board of supervisors" includes all of the  
 25 following:  
 26 a. (1) The county board of supervisors in the  
 27 county where the manure storage structure owned by the  
 28 person is located.  
 29 b. (2) The county board of supervisors in the  
 30 county where the manure storage structure is proposed  
 31 to be constructed. If the person is required to be  
 32 issued a permit for the construction of the manure  
 33 storage structure as provided in section 459.303, the  
 34 manure management plan shall accompany the application  
 35 for the construction permit as provided in section  
 36 459.303.  
 37 c. (3) The county board of supervisors in the  
 38 county where the manure is to be applied.  
 39 The manure management plan shall be filed with the  
 40 county board of supervisors.  
 41 c. The department shall deliver the manure  
 42 management plan and related documents by electronic  
 43 transmission, unless the department and a designated  
 44 county board of supervisors agrees to another delivery  
 45 method. The county auditor or other county officer  
 46 designated by the county board of supervisors may  
 47 accept the manure management plan and related  
 48 documents on behalf of the board."  
 49 3. Title page, lines 2 and 3, by striking the  
 50 words "updated manure management plans on a multiyear

Page 2

1 basis," and inserting the following: "manure  
 2 management plans, including updated manure management  
 3 plans and related documents,".  
 4 4. By renumbering as necessary.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment [H-8410](#), to amendment [H-8397](#), filed by him on March 28, 2006.

Alons of Sioux offered the following amendment [H-8431](#), to amendment [H-8397](#), filed by him and Rayhons of Hancock from the floor and moved its adoption:

[H-8431](#)

1 Amend the amendment, [H-8397](#), to [House File 2755](#) as  
 2 follows:  
 3 1. By striking page 1, line 2, through page 2,  
 4 line 3, and inserting the following:

5    ". Page 1, line 23, by inserting before the  
6 words "If the" the following: "However, a person may  
7 elect to submit the updated manure management plan  
8 filing fee each year on a prorated basis, and the  
9 department shall provide for the four-year approval of  
10 the updated manure management plan submitted by a  
11 person who makes that election."  
12    . Page 2, by inserting after line 3 the  
13 following:  
14 "Sec. \_\_. Section 459.312, Code 2005, is amended  
15 by adding the following new subsection:  
16 NEW SUBSECTION. 4A. The department shall provide  
17 for the receipt and processing of manure management  
18 plans, including updates to manure management plans,  
19 in an electronic format pursuant to section 459.302,  
20 not later than July 1, 2008. After that time, a  
21 person required to submit a manure management plan  
22 under this section may submit the manure management  
23 plan to the department and to the county board of  
24 supervisors in an electronic format."  
25    . Page 2, by striking line 7 and inserting the  
26 following: "filing fee that is required to accompany  
27 for an updated manure".  
28    . Page 2, by striking lines 14 through 18 and  
29 inserting the following: "manure management plan.  
30 For a person not electing to submit an updated manure  
31 management plan filing fee each year on a prorated  
32 basis, or a habitual violator required to submit a  
33 replacement original manure management plan, the  
34 designated rate shall not exceed sixty cents. For a  
35 person making the election or a habitual violator, the  
36 designated".  
37    . Title page, line 1, by inserting after the  
38 word "by" the following: "providing for the receipt  
39 and processing of manure management plans and".  
40    2. By renumbering as necessary.

Amendment [H-8431](#) was adopted.

On motion by Dolecheck of Ringgold amendment [H-8397](#), as amended, was adopted.

Dolecheck of Ringgold 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. 2755](#))

The ayes were, 75:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Lykam	Maddox
May	McCarthy	Mertz	Miller
Murphy	Olson, D.	Olson, S.	Paulsen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitead
Wilderdyke	Wise	Carroll, Presiding	

The nays were, 24:

Berry	Bukta	Fallon	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Mascher	Oldson
Olson, R.	Petersen	Shoultz	Taylor, D.
Taylor, T.	Wessel-Kroeschell	Whitaker	Winckler

Absent or not voting, 1:

Zirkelbach

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 722](#), a bill for an act providing for the creation of an electronic drug database, establishing fees, providing penalties, and providing an effective date.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2333](#), a bill for an act prohibiting a person or club holding a liquor control license or retail wine or beer permit from distributing or possessing machines used to vaporize an alcoholic beverage for consumption and making penalties applicable.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2337](#), a bill for an act relating to the use of a peace officer of the department of public safety in an industrial dispute and providing an effective date.

Also: That the Senate has on March 29, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2712](#), a bill for an act establishing a deferred retirement option plan for members of the statewide fire and police retirement system and including an implementation provision.

MICHAEL E. MARSHALL, Secretary

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2731, 2742 and 2755.**

#### [HOUSE FILE 2503](#) WITHDRAWN

Dolecheck of Ringgold asked and received unanimous consent to withdraw [House File 2503](#) from further consideration by the House.

[House File 2725](#), a bill for an act containing various provisions relating to business entities, including limited partnerships, corporations, limited liability companies, cooperatives, and nonprofit corporations, was taken up for consideration.

Paulsen of Linn asked and received unanimous consent to withdraw amendment [H-8306](#) filed by him on March 16, 2006.

Kaufmann of Cedar offered the following amendment [H-8313](#) filed by him and moved its adoption:

[H-8313](#)

- 1 Amend [House File 2725](#) as follows:
- 2 1. Title page, by striking lines 2 and 3 and
- 3 inserting the following: "entities, including
- 4 corporations, limited liability companies, and
- 5 nonprofit".

Amendment [H-8313](#) was adopted.

[SENATE FILE 2374](#) SUBSTITUTED FOR [HOUSE FILE 2725](#)

Kaufmann of Cedar asked and received unanimous consent to substitute [Senate File 2374](#) for [House File 2725](#).

[Senate File 2374](#), a bill for an act containing various provisions relating to business entities, including corporations, limited liability companies, and nonprofit corporations, was taken up for consideration.

Paulsen of Linn offered amendment [H-8400](#) filed by him and Kaufmann of Cedar as follows:

[H-8400](#)

- 1 Amend [Senate File 2374](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "DIVISION
- 6 LIMITED PARTNERSHIPS
- 7 Section 1. Section 488.108, subsection 4,
- 8 paragraph b, Code Supplement 2005, is amended by
- 9 striking the paragraph and inserting in lieu thereof
- 10 the following:
- 11 b. A name reserved, registered, or protected as
- 12 follows:
- 13 (1) For a limited liability partnership, section
- 14 486A.1001 or 486A.1002.
- 15 (2) For a limited partnership, this section,
- 16 section 488.109, or section 488.810.
- 17 (3) For a business corporation, section 490.401,
- 18 490.402, 490.403, or 490.1422.
- 19 (4) For a limited liability company, section
- 20 490A.401, 490A.402, or 490A.1313.
- 21 (5) For a nonprofit corporation, section 504.401,
- 22 504.402, 504.403, or 504.1423.
- 23 Sec. 2. Section 488.810, subsection 1, unnumbered

24 paragraph 1, Code 2005, is amended to read as follows:

25 A limited partnership that has been  
26 administratively dissolved may apply to the secretary  
27 of state for reinstatement ~~within two years~~ at any  
28 time after the effective date of dissolution. The  
29 application must be delivered to the secretary of  
30 state for filing and state all of the following:

31 Sec. 3. Section 488.810, subsection 1, paragraph  
32 c, Code 2005, is amended to read as follows:

33 c. ~~That~~ If the application is received more than  
34 five years after the effective date of the  
35 dissolution, that the limited partnership's name  
36 satisfies the requirements of section 488.108.

37 Sec. 4. Section 488.810, subsection 2, Code 2005,  
38 is amended to read as follows:

39 2. If the secretary of state determines that an  
40 application contains the information required by  
41 subsection 2 and that the information is correct, the  
42 secretary of state shall prepare a declaration of  
43 reinstatement that states this determination, sign,  
44 and file the original of the declaration of  
45 reinstatement, and ~~serve~~ deliver a copy to the limited  
46 partnership ~~with a copy~~.

47 Sec. 5. Section 488.810, Code 2005, is amended by  
48 adding the following new subsection:

49 NEW SUBSECTION. 4. A limited partnership shall  
50 not relinquish the right to retain its name if the

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1 reinstatement is effective within five years of the  
2 effective date of the limited partnership's  
3 dissolution."

4 2. Page 1, lines 13 and 14, by striking the word  
5 and figure "or 490A.402" and inserting the following:  
6 ", 490A.402, or 490A.1313".

7 3. Page 1, by striking lines 17 through 25.

8 4. Page 1, by inserting before line 26 the  
9 following:

10 "Sec. \_\_\_\_\_. Section 490.502, subsection 3, Code  
11 2005, is amended to read as follows:

12 3. If a registered agent changes the registered  
13 agent's business address to another place, the  
14 registered agent may change the business address and  
15 the address of the registered agent by filing a  
16 statement as required in subsection 2 for each  
17 corporation, or a single statement for all  
18 corporations named in the notice, except that it need  
19 be signed only by the registered agent ~~or agents~~ and  
20 need not be responsive to subsection 1, paragraph "c",  
21 and must recite that a copy of the statement has been  
22 mailed to each corporation named in the notice."

23 5. Page 2, by inserting after line 12 the  
24 following:  
25 "Sec.\_\_\_\_. Section 490.1422, subsection 1,  
26 unnumbered paragraph 1, Code 2005, is amended to read  
27 as follows:  
28 A corporation administratively dissolved under  
29 section 490.1421 may apply to the secretary of state  
30 for reinstatement ~~within two years~~ at any time after  
31 the effective date of dissolution. The application  
32 must meet all of the following requirements:"  
33 6. Page 2, by inserting after line 18 the  
34 following:  
35 "Sec.\_\_\_\_. Section 490.1422, subsection 2,  
36 paragraph b, Code 2005, is amended to read as follows:  
37 b. (1) If the secretary of state determines that  
38 the application contains the information required by  
39 subsection 1, and that a delinquency or liability  
40 reported pursuant to paragraph "a" ~~of this subsection~~  
41 has been satisfied, and that the information is  
42 correct, the secretary of state shall cancel the  
43 certificate of dissolution and prepare a certificate  
44 of reinstatement that recites the secretary of state's  
45 determination and the effective date of reinstatement,  
46 file the ~~original of the certificate of reinstatement,~~  
47 and ~~serve deliver~~ a copy ~~on~~ to the corporation under  
48 section 490.504.  
49 (2) If the corporate name in subsection 1,  
50 paragraph "c", is different than the corporate name in

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1 subsection 1, paragraph "a", the certificate of  
2 reinstatement shall constitute an amendment to the  
3 articles of incorporation insofar as it pertains to  
4 the corporate name. A corporation shall not  
5 relinquish the right to retain its corporate name if  
6 the reinstatement is effective within five years of  
7 the effective date of the corporation's dissolution.  
8 Sec.\_\_\_\_. Section 490.1422, subsection 4, Code  
9 2005, is amended by striking the subsection."  
10 7. Page 2, by inserting after line 22 the  
11 following:  
12 "Sec.\_\_\_\_. Section 490.1701, subsection 3,  
13 paragraph a, Code Supplement 2005, is amended to read  
14 as follows:  
15 a. The corporation shall amend or restate its  
16 articles of incorporation to indicate that the  
17 corporation adopts this chapter and to designate the  
18 address of its initial registered office and the name  
19 of its registered agent ~~or agents~~ at that office and,  
20 if the name of the corporation is not in compliance  
21 with the requirements of this chapter, to change the



22 name of the corporation to one complying with the  
23 requirements of this chapter."

24 8. Page 2, by inserting after line 31 the  
25 following:

26 "Sec. \_\_\_\_ Section 490A.121, subsections 2 and 3,  
27 Code 2005, are amended to read as follows:

28 2. The secretary of state files a document by  
29 ~~stamping or otherwise endorsing recording it as~~  
30 ~~filed", together with the secretary of state's name~~  
31 ~~and official title and acknowledging the date and time~~  
32 ~~of its receipt, on both the document and the receipt~~  
33 ~~for the filing fee, and recording the document in the~~  
34 ~~records of the secretary of state.~~ After filing a  
35 document, and except as provided in section 490A.503,  
36 the secretary of state shall deliver a copy of the  
37 filed document, with the filing fee receipt, or an  
38 acknowledgment of receipt if no fee is required,  
39 attached, the date and time of filing to the domestic  
40 or foreign limited liability company or its  
41 representative.

42 3. If the secretary of state refuses to file a  
43 document, the secretary of state shall return it to  
44 the domestic or foreign limited liability company or  
45 its representative ~~within ten days after the document~~  
46 ~~was received by the secretary of state,~~ together with  
47 a brief, written explanation of the reason for the  
48 refusal.

49 Sec. \_\_\_\_ Section 490A.124, subsection 1,  
50 paragraphs e and f, Code 2005, are amended to read as

Page 4

1 follows:

2 e. Application for registered name per month or  
3 part thereof ..... \$ 2

4 No fee

5 f. Application for renewal of registered name  
6 ..... \$ 20

7 No fee

8 Sec. \_\_\_\_ Section 490A.131, subsection 1,  
9 paragraph b, Code Supplement 2005, is amended to read  
10 as follows:

11 b. The street ~~and mailing~~ address of its  
12 ~~designated registered office and the name and street~~  
13 ~~and mailing address of its registered agent for~~  
14 ~~service of process in this state."~~

15 9. Page 3, by inserting after line 5 the  
16 following:

17 "Sec. \_\_\_\_ Section 490A.131, subsection 5, Code  
18 Supplement 2005, is amended by striking the  
19 subsection."

20 10. Page 4, by inserting after line 10 the

21 following:

22 "Sec.\_\_\_\_. Section 490A.401, subsection 3,  
23 paragraph b, Code 2005, is amended by striking the  
24 paragraph and inserting in lieu thereof the following:

25 b. A name reserved, registered, or protected as  
26 follows:

27 (1) For a limited liability partnership, section  
28 486A.1001 or 486A.1002.

29 (2) For a limited partnership, section 488.108,  
30 488.109, or 488.810.

31 (3) For a business corporation, section 490.401,  
32 490.402, 490.403, or 490.1422.

33 (4) For a limited liability company, this section  
34 or section 490A.402 or 490A.1313.

35 (5) For a nonprofit corporation, section 504.401,  
36 504.402, 504.403, or 504.1423.

37 Sec.\_\_\_\_. Section 490A.401, subsection 6, Code  
38 2005, is amended to read as follows:

39 6. This chapter does not control the use of  
40 fictitious names; however, if a limited liability  
41 company uses a fictitious name in this state it shall  
42 deliver to the secretary of state for filing a  
43 certified copy of the resolution ~~of the limited~~  
44 ~~liability company~~ filed and executed according to  
45 section 490A.120 adopting the fictitious name.

46 Sec.\_\_\_\_. Section 490A.1301, Code 2005, is amended  
47 by adding the following new subsection:

48 NEW SUBSECTION. 4. The administrative dissolution  
49 of the limited liability company under section  
50 490A.1312.

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1 Sec.\_\_\_\_. NEW SECTION. 490A.1308 REVOCATION OF  
2 DISSOLUTION.

3 1. A limited liability company may revoke its  
4 dissolution within one hundred twenty days of the  
5 effective date of its articles of dissolution.

6 2. Revocation of dissolution must be authorized in  
7 the same manner as the dissolution was authorized  
8 unless that authorization permitted revocation by  
9 action of the managers of the limited liability  
10 company alone, in which event the managers may revoke  
11 the dissolution without member action.

12 3. After the revocation of dissolution is  
13 authorized, the limited liability company may revoke  
14 the dissolution by delivering to the secretary of  
15 state for filing articles of revocation of  
16 dissolution, together with a copy of its articles of  
17 dissolution, that set forth all of the following:

18 a. The name of the limited liability company.

19 b. The effective date of the dissolution that was

20 revoked.

21 c. The date that the revocation of dissolution was  
22 authorized.

23 d. If members of the limited liability company  
24 unanimously revoked the dissolution, a statement to  
25 that effect.

26 e. If the managers of the limited liability  
27 company revoked a dissolution authorized by its  
28 members, a statement that revocation was permitted by  
29 action by the managers alone pursuant to that  
30 authorization.

31 4. Revocation of dissolution is effective upon the  
32 effective date of the articles of revocation of  
33 dissolution.

34 5. When the revocation of dissolution is  
35 effective, it relates back to and takes effect as of  
36 the effective date of the dissolution as if the  
37 dissolution had never occurred.

#### 38 PART B

#### 39 ADMINISTRATIVE DISSOLUTION

40 Sec. \_\_\_\_ NEW SECTION. 490A.1311 GROUNDS FOR  
41 ADMINISTRATIVE DISSOLUTION.

42 The secretary of state may commence a proceeding  
43 under section 490A.1312 to administratively dissolve a  
44 limited liability company if any of the following  
45 apply:

46 1. The limited liability company has not delivered  
47 a biennial report to the secretary of state in a form  
48 that meets the requirements of section 490A.131,  
49 within sixty days after it is due, or has not paid the  
50 filing fee as determined by the secretary of state,

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1 within sixty days after it is due.

2 2. The limited liability company is without a  
3 registered office or registered agent in this state as  
4 required in subchapter V for sixty days or more.

5 3. The limited liability company does not notify  
6 the secretary of state within sixty days that its  
7 registered office or registered agent as required in  
8 subchapter V has been changed, its registered office  
9 has been discontinued, or that its registered agent  
10 has resigned.

11 4. The limited liability company's period of  
12 duration stated in its articles of organization  
13 expires.

14 Sec. \_\_\_\_ NEW SECTION. 490A.1312 PROCEDURE FOR  
15 AND EFFECT OF ADMINISTRATIVE DISSOLUTION.

16 1. If the secretary of state determines that one  
17 or more grounds exist under section 490A.1311 for  
18 dissolving a limited liability company, the secretary

19 of state shall serve the limited liability company  
20 with written notice of the secretary of state's  
21 determination under section 490A.504.  
22 2. If the limited liability company does not  
23 correct each ground for dissolution or demonstrate to  
24 the reasonable satisfaction of the secretary of state  
25 that each ground determined by the secretary of state  
26 does not exist within sixty days after service of the  
27 notice is perfected under section 490A.504, the  
28 secretary of state shall administratively dissolve the  
29 limited liability company by signing a certificate of  
30 dissolution that recites the ground or grounds for  
31 dissolution and its effective date. The secretary of  
32 state shall file the original of the certificate and  
33 serve a copy on the limited liability company under  
34 section 490A.504.  
35 3. A limited liability company administratively  
36 dissolved continues its existence but shall not carry  
37 on any business except that necessary to wind up and  
38 liquidate its business and affairs under part A of  
39 this subchapter and notify claimants under sections  
40 490A.1306 and 490A.1307.  
41 4. The administrative dissolution of a limited  
42 liability company does not terminate the authority of  
43 its registered agent as provided in subchapter V.  
44 5. The secretary of state's administrative  
45 dissolution of a limited liability company pursuant to  
46 this section appoints the secretary of state the  
47 limited liability company's agent for service of  
48 process in any proceeding based on a cause of action  
49 which arose during the time the limited liability  
50 company was authorized to transact business in this

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1 state. Service of process on the secretary of state  
2 under this subsection is service on the limited  
3 liability company. Upon receipt of process, the  
4 secretary of state shall serve a copy of the process  
5 on the limited liability company as provided in  
6 section 490A.504. This subsection does not preclude  
7 service on the limited liability company's registered  
8 agent, if any.  
9 Sec.\_\_\_\_. NEW SECTION. 490A.1313 REINSTATEMENT  
10 FOLLOWING ADMINISTRATIVE DISSOLUTION.  
11 1. A limited liability company administratively  
12 dissolved under section 490A.1312 may apply to the  
13 secretary of state for reinstatement at any time after  
14 the effective date of dissolution. The application  
15 must meet all of the following requirements:  
16 a. Recite the name of the limited liability  
17 company at its date of dissolution and the effective

18 date of its administrative dissolution.  
19 b. State that the ground or grounds for  
20 dissolution as provided in section 490A.1311 have been  
21 eliminated.  
22 c. If the application is received more than five  
23 years after the effective date of the administrative  
24 dissolution, state a name that satisfies the  
25 requirements of section 490A.401.  
26 d. State the federal tax identification number of  
27 the limited liability company.  
28 2. a. The secretary of state shall refer the  
29 federal tax identification number contained in the  
30 application for reinstatement to the department of  
31 revenue. The department of revenue shall report to  
32 the secretary of state the tax status of the limited  
33 liability company. If the department reports to the  
34 secretary of state that a filing delinquency or  
35 liability exists against the limited liability  
36 company, the secretary of state shall not cancel the  
37 certificate of dissolution until the filing  
38 delinquency or liability is satisfied.  
39 b. If the secretary of state determines that the  
40 application contains the information required by  
41 subsection 1, and that a delinquency or liability  
42 reported pursuant to paragraph "a" of this subsection  
43 has been satisfied, and that the information is  
44 correct, the secretary of state shall cancel the  
45 certificate of dissolution and prepare a certificate  
46 of reinstatement that recites the secretary of state's  
47 determination and the effective date of reinstatement,  
48 file the original of the certificate, and serve a copy  
49 on the limited liability company under section  
50 490A.504. If the limited liability company's name in

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1 subsection 1, paragraph "c", is different than the  
2 name in subsection 1, paragraph "a", the certificate  
3 of reinstatement shall constitute an amendment to the  
4 limited liability company's articles of organization  
5 insofar as it pertains to its name. A limited  
6 liability company shall not relinquish the right to  
7 retain its name as provided in section 490A.401, if  
8 the reinstatement is effective within five years of  
9 the effective date of the limited liability company's  
10 dissolution.  
11 3. When the reinstatement is effective, it relates  
12 back to and takes effect as of the effective date of  
13 the administrative dissolution as if the  
14 administrative dissolution had never occurred.  
15 Sec. \_\_\_\_ NEW SECTION. 490A.1314 APPEAL FROM  
16 DENIAL OF REINSTATEMENT.

17 1. If the secretary of state denies a limited  
18 liability company's application for reinstatement  
19 following administrative dissolution pursuant to  
20 section 490A.1312, the secretary of state shall serve  
21 the limited liability company under section 490A.504  
22 with a written notice that explains the reason or  
23 reasons for denial.  
24 2. The limited liability company may appeal the  
25 denial of reinstatement to the district court within  
26 thirty days after service of the notice of denial is  
27 perfected. The limited liability company appeals by  
28 petitioning the court to set aside the dissolution and  
29 attaching to the petition copies of the secretary of  
30 state's certificate of dissolution, the limited  
31 liability company's application for reinstatement, and  
32 the secretary of state's notice of denial.  
33 3. The court may summarily order the secretary of  
34 state to reinstate the dissolved limited liability  
35 company or may take other action the court considers  
36 appropriate.  
37 4. The court's final decision may be appealed as  
38 in other civil proceedings."  
39 11. Page 4, by inserting after line 27 the  
40 following:  
41 "Sec. \_\_\_\_ Section 490A.1402, Code 2005, is  
42 amended by striking the section and inserting in lieu  
43 thereof the following:  
44 490A.1402 APPLICATION FOR CERTIFICATE OF  
45 AUTHORITY.  
46 1. A foreign limited liability company may apply  
47 for a certificate of authority to transact business in  
48 this state by delivering an application to the  
49 secretary of state for filing. The application must  
50 set forth all of the following:

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1 a. The name of the foreign limited liability  
2 company or, if its name is unavailable for use in this  
3 state, a name that satisfies the requirements of  
4 section 490A.401.  
5 b. The name of the state or country under whose  
6 law it is organized.  
7 c. Its date of formation and period of duration.  
8 d. The street address of its principal office.  
9 e. The address of its registered office in this  
10 state and the name of its registered agent at that  
11 address as provided in subchapter V.  
12 2. The foreign limited liability company shall  
13 deliver the completed application to the secretary of  
14 state, and also deliver to the secretary of state a  
15 certificate of existence or a document of similar

16 import duly authenticated by the secretary of state or  
 17 proper officer of the state or other jurisdiction of  
 18 its formation which is dated no earlier than ninety  
 19 days prior to the date the application is filed with  
 20 the secretary of state."

21 12. Page 5, by inserting after line 22 the  
 22 following:

23 "Sec. \_\_\_\_ Section 490A.1410, subsection 1,  
 24 paragraph a, Code 2005, is amended by adding the  
 25 following new subparagraph:  
 26 NEW SUBPARAGRAPH. (5) Deliver for filing to the  
 27 secretary of state a biennial report as required by  
 28 section 490A.131."

29 13. Page 5, by inserting after line 27 the  
 30 following:

31 "DIVISION  
 32 TRADITIONAL COOPERATIVES  
 33 Sec. \_\_\_\_ Section 499.78, subsection 1, unnumbered  
 34 paragraph 1, Code 2005, is amended to read as follows:  
 35 An association administratively dissolved under  
 36 section 499.77 may apply to the secretary of state for  
 37 reinstatement ~~within two years at any time~~ after the  
 38 effective date of dissolution. The application must  
 39 meet all of the following requirements:

40 DIVISION  
 41 CLOSED COOPERATIVES

42 Sec. \_\_\_\_ Section 501.104, Code 2005, is amended  
 43 to read as follows:

44 501.104 NAME.

45 The name of a cooperative organized under this  
 46 chapter must comply with all of the following:

- 47 1. The name must contain the word "cooperative",  
 48 "coop", or "co-op", ~~and the~~  
 49 2. The name must be distinguishable from the names  
 50 all of the following:

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- 1 a. The name of ~~cooperatives~~ a cooperative  
 2 organized under this chapter ~~or~~  
 3 b. The name of a cooperative or cooperative  
 4 association organized under another chapter, including  
 5 chapter 497, 498, 499, or 501A.  
 6 c. The name of a foreign ~~cooperatives~~ cooperative,  
 7 cooperative association, or corporation authorized to  
 8 do business in this state, including as provided in  
 9 section 499.54 or section 501A.221.  
 10 d. The name of a cooperative which has been  
 11 administratively dissolved pursuant to section 501.812  
 12 for a period of less than five years from the  
 13 effective date of the dissolution.  
 14 Sec. \_\_\_\_ Section 501.813, subsection 1,

15 unnumbered paragraph 1, Code 2005, is amended to read  
16 as follows:

17 A cooperative administratively dissolved under  
18 section 501.812 may apply to the secretary of state  
19 for reinstatement ~~within two years~~ at any time after  
20 the effective date of dissolution. The application  
21 must meet all of the following requirements:

22 Sec. \_\_\_\_ Section 501.813, subsection 1, paragraph  
23 c, Code 2005, is amended to read as follows:

24 c. State If the application is received more than  
25 five years after the effective date of the  
26 cooperative's dissolution, state a name that satisfies  
27 the requirements of section 501.104.

28 Sec. \_\_\_\_ Section 501.813, subsection 2, paragraph  
29 b, Code 2005, is amended to read as follows:

30 b. (1) If the secretary of state determines that  
31 the application contains the information required by  
32 subsection 1, and that a delinquency or liability  
33 reported pursuant to paragraph "a" has been satisfied,  
34 and that the information is correct, the secretary of  
35 state shall cancel the certificate of dissolution and  
36 prepare a certificate of reinstatement that recites  
37 the secretary of state's determination and the  
38 effective date of reinstatement, file the ~~original of~~  
39 the certificate document, and ~~serve~~ deliver a copy ~~on~~  
40 to the cooperative under section 501.106.

41 (2) If the name of the cooperative as provided in  
42 subsection 1, paragraph "c", is different than the  
43 name in subsection 1, paragraph "a", the certificate  
44 of reinstatement shall constitute an amendment to the  
45 articles of association insofar as it pertains to the  
46 name. A cooperative shall not relinquish the right to  
47 retain its name if the reinstatement is effective  
48 within five years of the effective date of the  
49 cooperative's dissolution."

50 14. Page 5, by inserting after line 29 the

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1 following:

2 "Sec. \_\_\_\_ Section 504.401, subsection 2,  
3 paragraph b, Code Supplement 2005, is amended by  
4 striking the paragraph and inserting in lieu thereof  
5 the following:

6 b. A name reserved, registered, or protected as  
7 follows:

8 (1) For a limited liability partnership, section  
9 486A.1001 or 486A.1002.

10 (2) For a limited partnership, section 488.108,  
11 488.109, or 488.810.

12 (3) For a business corporation, section 490.401,  
13 490.402, 490.403, or 490.1422.



14 (4) For a limited liability company, section  
 15 490A.401, 490A.402, or 490A.1313.  
 16 (5) For a nonprofit corporation, this section or  
 17 section 504.402, 504.403, or 504.1423."  
 18 15. Page 6, lines 5 and 6, by striking the word  
 19 and figure "or 490A.402" and inserting the following:  
 20 ", 490A.402, or 490A.1313".  
 21 16. Page 11, by inserting after line 17 the  
 22 following:  
 23 "Sec. \_\_\_\_ Section 504.1423, subsection 1,  
 24 unnumbered paragraph 1, Code 2005, is amended to read  
 25 as follows:  
 26 A corporation administratively dissolved under  
 27 section 504.1422 may apply to the secretary of state  
 28 for reinstatement ~~within two years~~ at any time after  
 29 the effective date of dissolution. The application  
 30 must state all of the following:  
 31 Sec. \_\_\_\_ Section 504.1423, subsection 1,  
 32 paragraph c, Code 2005, is amended to read as follows:  
 33 c. ~~That~~ If the application is received more than  
 34 five years after the effective date of dissolution,  
 35 state the corporation's name satisfies the  
 36 requirements of section 504.401.  
 37 Sec. \_\_\_\_ Section 504.1423, subsection 2,  
 38 paragraph b, Code 2005, is amended to read as follows:  
 39 b. (1) If the secretary of state determines that  
 40 the application contains the information required by  
 41 subsection 1, that a delinquency or liability reported  
 42 pursuant to paragraph "a" has been satisfied, and that  
 43 all of the application information is correct, the  
 44 secretary of state shall cancel the certificate of  
 45 dissolution and prepare a certificate of reinstatement  
 46 reciting that determination and the effective date of  
 47 reinstatement, file the ~~original of the certificate~~  
 48 document, and ~~serve~~ deliver a copy ~~on~~ to the  
 49 corporation under section 504.504.  
 50 (2) If the corporate name in subsection 1,

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1 paragraph "c", is different from the corporate name in  
 2 subsection 1, paragraph "a", the certificate of  
 3 reinstatement shall constitute an amendment to the  
 4 articles of incorporation insofar as it pertains to  
 5 the corporate name. A corporation shall not  
 6 relinquish the right to retain its corporate name if  
 7 the reinstatement is effective within five years of  
 8 the effective date of the corporation's dissolution."  
 9 17. Title page, by striking lines 2 and 3 and  
 10 inserting the following: "entities, including limited

11 partnerships, corporations, limited liability  
12 companies, cooperatives, and nonprofit corporations."  
13 18. By renumbering as necessary.

Kaufmann of Cedar offered the following amendment [H-8436](#), to amendment [H-8400](#), filed by him and Paulsen of Linn from the floor and moved its adoption:

[H-8436](#)

1 Amend the amendment, [H-8400](#), to [Senate File 2374](#),  
2 as passed, amended, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 44, by striking the words  
5 "original of the" and inserting the following:  
6 "~~original of the~~".  
7 2. Page 4, lines 12 and 13, by striking the words  
8 "~~street and mailing~~" and inserting the following:  
9 "street ~~and mailing~~".

Amendment [H-8436](#) was adopted.

On motion by Paulsen of Linn, amendment [H-8400](#), as amended, was adopted.

Paulsen of Linn offered the following amendment [H-8332](#) filed by him and moved its adoption:

[H-8332](#)

1 Amend [Senate File 2374](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 1, line 33, through page 2,  
4 line 12.  
5 2. By renumbering as necessary.

Amendment [H-8332](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2374](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

#### HOUSE FILE 2725 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 2725 from further consideration by the House.

#### Regular Calendar

Senate File 2207, a bill for an act relating to the publication of official notices in English language newspapers, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2207](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

[Senate File 2219](#), a bill for an act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance programs, and providing penalties,

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

Tymeson of Madison offered amendment [H-8361](#) filed by the committee on judiciary as follows:

[H-8361](#)

1 Amend [Senate File 2219](#), as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 28 the  
4 following:

5 "3. "Human trafficking" means participating in a  
6 venture to recruit, harbor, transport, supply  
7 provisions, or obtain a person for any of the  
8 following purposes:

9 a. Forced labor or service that results in  
10 involuntary servitude, peonage, debt bondage, or  
11 slavery.

12 b. Commercial sexual activity through the use of  
13 force, fraud, or coercion, except that if the  
14 trafficked person is under the age of eighteen, the  
15 commercial sexual activity need not involve force,  
16 fraud, or coercion."

17 2. Page 1, line 29, by striking the figure "3."  
18 and inserting the following: "4."

19 3. Page 1, line 30, by striking the figure "4."  
20 and inserting the following: "5."

21 4. Page 1, by striking line 34.

22 5. Page 2, by striking lines 12 and 13 and  
23 inserting the following:

24 "10. "Victim" means a person subjected to human  
25 trafficking".

26 6. By striking page 2, line 14, through page 4,  
27 line 17, and inserting the following:

28 "Sec. \_\_\_. NEW SECTION. 710A.2 HUMAN  
29 TRAFFICKING.

30 1. A person who knowingly engages in human  
31 trafficking is guilty of a class "D" felony, except  
32 that if the victim is under the age of eighteen, the  
33 person is guilty of a class "C" felony.

34 2. A person who knowingly engages in human  
35 trafficking by causing or threatening to cause serious  
36 physical injury to another person is guilty of a class  
37 "C" felony, except that if the victim is under the age  
38 of eighteen, the person is guilty of a class "B"  
39 felony.

40 3. A person who knowingly engages in human  
41 trafficking by physically restraining or threatening  
42 to physically restrain another person is guilty of a

43 class "D" felony, except that if the victim is under  
44 the age of eighteen, the person is guilty of a class  
45 "C" felony.  
46 4. A person who knowingly engages in human  
47 trafficking by soliciting services or benefiting from  
48 the services of a victim is guilty of a class "D"  
49 felony, except that if the victim is under the age of  
50 eighteen, the person is guilty of a class "C" felony.

Page 2

1 5. A person who knowingly engages in human  
2 trafficking by abusing or threatening to abuse the law  
3 or legal process is guilty of a class "D" felony,  
4 except that if the victim is under the age of  
5 eighteen, the person is guilty of a class "C" felony.  
6 6. A person who knowingly engages in human  
7 trafficking by knowingly destroying, concealing,  
8 removing, confiscating, or possessing any actual or  
9 purported passport or other immigration document, or  
10 any other actual or purported government  
11 identification document of a victim is guilty of a  
12 class "D" felony, except that if that other person is  
13 under the age of eighteen, the person is guilty of a  
14 class "C" felony.  
15 7. A person who benefits financially or by  
16 receiving anything of value from knowing participation  
17 in human trafficking is guilty of a class "D" felony,  
18 except that if the victim is under the age of  
19 eighteen, the person is guilty of a class "C" felony.  
20 Sec. \_\_\_\_ NEW SECTION. 710A.3 SENTENCING  
21 CONSIDERATIONS.  
22 In sentencing a person for a violation of section  
23 710A.2, the court shall consider whether the victim  
24 was maintained or held for a period greater than one  
25 hundred eighty days or if the offense involved more  
26 than ten victims."  
27 7. Page 4, line 18, by striking the figure  
28 "710A.6" and inserting the following: "710A.4".  
29 8. Page 4, line 19, by inserting after the word  
30 "defense" the following: ", in addition to any other  
31 affirmative defenses for which the victim might be  
32 eligible,".  
33 9. Page 4, line 22, by striking the figures and  
34 word "710A.3, or 710A.4,".  
35 10. By striking page 4, line 26, through page 5,  
36 line 28, and inserting the following:  
37 "Sec. \_\_\_\_ NEW SECTION. 710A.5 RESTITUTION.  
38 The gross income of the defendant or the value of  
39 labor or services performed by the victim to the  
40 defendant shall be considered when determining the  
41 amount of restitution."

- 42 11. Page 5, line 29, by striking the figure  
43 "710A.11" and inserting the following: "710A.6".  
44 12. Page 5, line 31, by striking the word and  
45 figure "or 710A.3".  
46 13. Page 6, line 4, by striking the word and  
47 figure "or 710A.3".  
48 14. Page 6, line 10, by striking the figures and  
49 word ", 710A.3, or 710A.4".  
50 15. Page 6, by striking lines 15 through 32 and

Page 3

- 1 inserting the following:  
2 "In addition to other victims' rights provided in  
3 this chapter, including the right to receive victim  
4 compensation pursuant to section 915.84, victims of  
5 human trafficking shall have the same rights as  
6 refugees, regardless of their immigration status."  
7 16. Page 7, line 11, by striking the figures and  
8 word "710A.2, 710A.3, or 710A.4" and inserting the  
9 following: "710A.2".  
10 17. Page 7, by inserting after line 16 the  
11 following:  
12 "Sec. \_\_\_. HUMAN TRAFFICKING STUDY. The  
13 legislative council is requested to authorize a study  
14 for the 2006 legislative interim on human trafficking.  
15 The study recommendations and findings shall include  
16 but are not limited to identifying the needs of human  
17 trafficking victims and law enforcement and any other  
18 agencies that serve victims of human trafficking. The  
19 study report, including findings and recommendations,  
20 shall be submitted to the general assembly for  
21 consideration during the 2007 legislative session.  
22 The study shall be conducted by a study committee  
23 consisting of up to nine members of the general  
24 assembly. A chairperson or co-chairpersons shall be  
25 designated by the legislative council."  
26 18. Title page, by striking line 3 and inserting  
27 the following: "assistance programs, providing  
28 penalties, and providing for a study."  
29 19. By renumbering as necessary.

Eichhorn of Hamilton offered the following amendment [H-8424](#), to the committee amendment [H-8361](#), filed by him from the floor and moved its adoption:

[H-8424](#)

- 1 Amend the amendment, [H-8361](#), to [Senate File 2219](#),  
2 as passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 2 the

4 following:  
5 "\_\_\_\_. Page 1, by inserting after line 14 the  
6 following:  
7 "\_\_\_\_. "Debt bondage" means the status or condition  
8 of a debtor arising from a pledge of the debtor's  
9 personal services or a person under the control of a  
10 debtor's personal services as a security for debt if  
11 the reasonable value of such services is not applied  
12 toward the liquidation of the debt or the length and  
13 nature of those services are not respectively limited  
14 and defined."  
15 2. Page 1, by inserting after line 16 the  
16 following:  
17 "\_\_\_\_. Page 1, by inserting before line 29 the  
18 following:  
19 "\_\_\_\_. "Involuntary servitude" means a condition of  
20 servitude induced by means of any scheme, plan, or  
21 pattern intended to cause a person to believe that if  
22 the person did not enter into or continue in such  
23 condition, that person or another person would suffer  
24 serious harm or physical restraint or the threatened  
25 abuse of legal process."  
26 3. Page 1, by inserting after line 21 the  
27 following:  
28 "\_\_\_\_. Page 2, by inserting after line 1 the  
29 following:  
30 "\_\_\_\_. "Peonage" means a status or condition of  
31 involuntary servitude based upon real or alleged  
32 indebtedness."  
33 4. Page 2, by striking lines 20 through 26.  
34 5. Page 3, by striking lines 2 through 6 and  
35 inserting the following:  
36 "Victims of human trafficking, as defined in  
37 section 710A.1, shall have the same rights as other  
38 victims of a crime, including the right to receive  
39 victim compensation pursuant to section 915.84,  
40 regardless of their immigration status."  
41 6. By renumbering as necessary.

Amendment [H-8424](#) was adopted.

Ford of Polk offered amendment [H-8432](#), to the committee amendment [H-8361](#), filed by him from the floor as follows:

[H-8432](#)

1 Amend the amendment, [H-8361](#), to [Senate File 2219](#),  
2 as passed by the Senate, as follows:  
3 1. Page 2, by inserting after line 49 the  
4 following:



5 "\_\_\_\_. Page 6, by inserting after line 12 the  
6 following:  
7 "Sec.\_\_\_\_. NEW SECTION. 730.6 RETALIATION FOR  
8 REPORT OF SEXUAL ABUSE OR SEXUAL HARASSMENT.  
9 1. An employer shall not discharge an employee or  
10 take or fail to take action regarding an employee's  
11 appointment or proposed appointment or promotion or  
12 proposed promotion, or regarding any advantage of an  
13 employee, or make a report regarding the status of the  
14 employee as an unauthorized alien to any federal  
15 department or agency as a reprisal against an employee  
16 that made a report to a law enforcement agency that  
17 the employee has been a victim of sexual abuse or  
18 sexual harassment by another employee of the employer.  
19 A law enforcement agency that accepts a report of  
20 sexual abuse or sexual harassment as described in this  
21 subsection shall not make a report regarding the  
22 status of the victim as an unauthorized alien to any  
23 federal department or agency.  
24 2. An employer who violates subsection 1 commits a  
25 simple misdemeanor.  
26 3. A civil action for damages may be brought  
27 against an employer who violates subsection 1.""  
28 2. By renumbering as necessary.

Tymeson of Madison rose on a point of order that amendment [H-8432](#) was not germane, to amendment [H-8361](#).

The Speaker ruled the point well taken and amendment [H-8432](#) not germane, to amendment [H-8361](#).

On motion by Tymeson of Madison, the committee amendment [H-8361](#), as amended, was adopted.

Ford of Polk offered amendment [H-8382](#) filed by him as follows:

[H-8382](#)

1 Amend [Senate File 2219](#), as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 4, by inserting after the word  
4 "trafficking" the following: ", to include classes on  
5 cultural sensitivity and the means to deal effectively  
6 and appropriately with trafficking victims. Such  
7 training shall encourage law enforcement personnel to  
8 communicate in the language of the trafficking  
9 victims".  
10 2. By renumbering as necessary.

Ford of Polk offered the following amendment [H-8433](#), to amendment [H-8382](#), filed by him from the floor and moved its adoption:

[H-8433](#)

- 1 Amend the amendment, [H-8382](#), to [Senate File 2219](#),
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "classes"
- 4 and inserting the following: "curricula".

Amendment [H-8433](#) was adopted.

On motion by Ford of Polk amendment [H-8382](#), as amended, was adopted.

Dix of Butler asked unanimous consent to suspend the rules to consider amendment [H-8423](#).

Objection was raised.

Tymeson of Madison 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. 2219](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands

Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

[Senate File 2231](#), a bill for an act concerning accrued sick leave and the conversion of sick leave for state employees, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll 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. 2231](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith

Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

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

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2207, 2219, 2231 and 2374.**

[Senate File 2289](#), a bill for an act relating to identification of publicly owned motor vehicles used by persons who provide off-site or in-home medical or mental health services, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2289](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn

Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, 1:

Van Fossen, J.K.

Absent or not voting, 1:

Zirkelbach

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Webster on request of Murphy of Dubuque.

**Senate File 2333**, a bill for an act relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Alons of Sioux 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. 2333**)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller                      Zirkelbach

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

**[Senate File 2381](#)**, a bill for an act relating to combustion of solid waste with energy recovery, with report of committee recommending passage, was taken up for consideration.

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

On the question “Shall the bill pass?” (**[S.F. 2381](#)**)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller                      Zirkelbach

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

**House File 2592**, a bill for an act providing for various technical and substantive changes relating to health licensing and related public health matters, was taken up for consideration.

Roberts of Carroll offered the following amendment [H-8389](#) filed by him and moved its adoption:

[H-8389](#)

- 1 Amend [House File 2592](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:

4 "Section 1. Section 135.2, Code 2005, is amended  
5 to read as follows:  
6 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.  
7 1. a. The governor shall appoint the director of  
8 the department, subject to confirmation by the senate.  
9 The director shall serve at the pleasure of the  
10 governor. The director is exempt from the merit  
11 system provisions of chapter 8A, subchapter IV. The  
12 governor shall set the salary of the director within  
13 the range established by the general assembly.  
14 b. The director shall possess education and  
15 experience in public health.  
16 2. The director may appoint an employee of the  
17 department to be acting director, who shall have all  
18 the powers and duties possessed by the director. The  
19 director may appoint more than one acting director but  
20 only one acting director shall exercise the powers and  
21 duties of the director at any time.  
22 Sec. 2. NEW SECTION. 135.12 OFFICE OF  
23 MULTICULTURAL HEALTH – ESTABLISHED – DUTIES.  
24 The office of multicultural health is established  
25 within the department. The office shall be  
26 responsible for all of the following:  
27 1. Providing comprehensive management strategies  
28 to address culturally and linguistically appropriate  
29 services, including strategic goals, plans, policies,  
30 and procedures, and designating staff responsible for  
31 implementation.  
32 2. Requiring and arranging for ongoing education  
33 and training for administrative, clinical, and other  
34 appropriate staff in culturally and linguistically  
35 competent health care and service delivery.  
36 3. Utilizing formal mechanisms for community and  
37 consumer involvement and coordinating with other state  
38 agencies to identify resources and programs that  
39 affect the health service delivery systems."  
40 2. Page 1, by inserting after line 16 the  
41 following:  
42 "Sec.\_\_\_\_. Section 135.63, subsection 2,  
43 paragraphs l and o, Code 2005, are amended to read as  
44 follows:  
45 1. The replacement or modernization of any  
46 institutional health facility if the replacement or  
47 modernization does not add new health services or  
48 additional bed capacity for existing health services,  
49 notwithstanding any provision in this division to the  
50 contrary. This exclusion is applicable only if the

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1 institutional health facility ceases offering the  
2 health services simultaneously with the initiation of



3 the offering of the health services by the replacement  
4 institutional health facility or the modernized  
5 institutional health facility.

6 o. The change in ownership, licensure,  
7 organizational structure, or designation of the type  
8 of institutional health facility if the health  
9 services offered by the successor institutional health  
10 facility are unchanged. This exclusion is applicable  
11 only if the institutional health facility consents to  
12 the change in ownership, licensure, organizational  
13 structure, or designation of the type of institutional  
14 health facility and ceases offering the health  
15 services simultaneously with the initiation of the  
16 offering of health services by the successor  
17 institutional health facility."

18 3. Page 1, by inserting after line 31 the  
19 following:

20 "Sec. \_\_. Section 135.140, subsection 6,  
21 paragraph a, Code Supplement 2005, is amended by  
22 adding the following new subparagraphs:  
23 NEW SUBPARAGRAPH. (6) A natural occurrence or  
24 incident, including but not limited to fire, flood,  
25 storm, drought, earthquake, tornado, or windstorm.  
26 NEW SUBPARAGRAPH. (7) A man-made occurrence or  
27 incident, including but not limited to an attack,  
28 spill, or explosion."

29 4. Page 2, by inserting after line 3 the  
30 following:

31 "Sec. \_\_. NEW SECTION. 139A.13A ISOLATION OR  
32 QUARANTINE – EMPLOYMENT PROTECTION.

33 1. An employer shall not discharge an employee, or  
34 take or fail to take action regarding an employee's  
35 promotion or proposed promotion, or take action to  
36 reduce an employee's wages or benefits for actual time  
37 worked, due to the compliance of an employee with a  
38 quarantine or isolation order issued by the department  
39 or a local board.

40 2. An employee whose employer violates this  
41 section may petition the court for imposition of a  
42 cease and desist order against the person's employer  
43 and for reinstatement to the person's previous  
44 position of employment. This section does not create  
45 a private cause of action for relief of money damages.

46 Sec. \_\_. Section 147.82, subsection 3, Code  
47 Supplement 2005, is amended to read as follows:

48 3. The department may annually retain and expend  
49 not more than one hundred thousand dollars for  
50 reduction of the number of days necessary to process

Page 3

1 medical license requests and for reduction of the

2 number of days needed for consideration of malpractice  
3 cases from fees collected pursuant to section 147.80  
4 by the board of medical examiners ~~in the fiscal year~~  
5 ~~beginning July 1, 2005, and ending June 30, 2006.~~  
6 Fees retained by the department pursuant to this  
7 subsection shall be considered repayment receipts as  
8 defined in section 8.2 and shall be used for the  
9 purposes described in this subsection."

10 5. Page 2, by inserting after line 35 the  
11 following:

12 "Sec. \_\_. Section 148.2, subsection 5, Code 2005,  
13 is amended to read as follows:

14 5. Physicians and surgeons of the United States  
15 army, navy, ~~or air force, marines,~~ public health  
16 service, or other uniformed service when acting in the  
17 line of duty in this state, and holding a current,  
18 active permanent license in good standing in another  
19 state, district, or territory of the United States, or  
20 physicians and surgeons licensed in another state,  
21 when incidentally called into this state in  
22 consultation with a physician and surgeon licensed in  
23 this state."

24 6. Page 6, by inserting after line 9 the  
25 following:

26 "Sec. \_\_. NEW SECTION. 154E.3A TEMPORARY  
27 LICENSE.

28 Beginning July 1, 2007, an individual who does not  
29 meet the requirements for licensure by examination  
30 pursuant to section 154E.3 may apply for or renew a  
31 temporary license. The temporary license shall  
32 authorize the licensee to practice as a sign language  
33 interpreter or transliterator under the direct  
34 supervision of a sign language interpreter or  
35 transliterator licensed pursuant to section 154E.3.  
36 The temporary license shall be valid for two years and  
37 may only be renewed one time in accordance with  
38 standards established by rule. An individual shall  
39 not practice for more than a total of four years under  
40 a temporary license. The board may revoke a temporary  
41 license if it determines that the temporary licensee  
42 has violated standards established by rule. The board  
43 may adopt requirements for temporary licensure to  
44 implement this section.

45 Sec. \_\_. Section 154E.4, subsection 2, Code  
46 Supplement 2005, is amended by adding the following  
47 new paragraph:

48 NEW PARAGRAPH. e. Students enrolled in a school  
49 of interpreting may interpret only under the direct  
50 supervision of a permanently licensed interpreter as

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1 part of the student's course of study."  
2 7. Page 7, by inserting after line 6 the  
3 following:  
4 "Sec. \_\_\_. Section 157.13, subsection 1, Code  
5 Supplement 2005, is amended by striking the subsection  
6 and inserting in lieu thereof the following:  
7 1. It is unlawful for a person to employ an  
8 individual to practice cosmetology arts and sciences  
9 unless that individual is licensed or has obtained a  
10 temporary permit under this chapter. It is unlawful  
11 for a licensee to practice with or without  
12 compensation in any place other than a licensed salon,  
13 a licensed school of cosmetology arts and sciences, or  
14 a licensed barbershop as defined in section 158.1.  
15 The following exceptions to this subsection shall  
16 apply:  
17 a. A licensee may practice at a location which is  
18 not a licensed salon, school of cosmetology arts and  
19 sciences, or licensed barbershop under extenuating  
20 circumstances arising from physical or mental  
21 disability or death of a customer.  
22 b. Notwithstanding section 157.12, when the  
23 licensee is employed by a physician and provides  
24 cosmetology services at the place of practice of a  
25 physician and is under the supervision of a physician  
26 licensed to practice pursuant to chapter 148, 150, or  
27 150A.  
28 c. When the practice occurs in a facility licensed  
29 pursuant to chapter 135B or 135C.  
30 Sec. \_\_\_. Section 157.13, Code Supplement 2005, is  
31 amended by adding the following new subsection:  
32 NEW SUBSECTION. 1A. It is unlawful for a licensee  
33 to claim to be a licensed barber, however a licensed  
34 cosmetologist may work in a licensed barbershop. It  
35 is unlawful for a person to employ a licensed  
36 cosmetologist, esthetician, or electrologist to  
37 perform the services described in section 157.3A if  
38 the licensee has not received the additional training  
39 and met the other requirements specified in section  
40 157.3A.  
41 Sec. \_\_\_. Section 272C.1, subsection 6, Code  
42 Supplement 2005, is amended by adding the following  
43 new paragraph:  
44 NEW PARAGRAPH. ad. The director of public health  
45 in certifying emergency medical care providers and  
46 emergency medical care services pursuant to chapter  
47 147A.  
48 Sec. \_\_\_. Section 691.6, Code Supplement 2005, is  
49 amended by adding the following new subsection:  
50 NEW SUBSECTION. 8. To retain tissues, organs, and

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1 bodily fluids as necessary to determine the cause and  
2 manner of death or as deemed advisable by the state  
3 medical examiner for medical or public health  
4 investigation, teaching, or research. Tissues,  
5 organs, and bodily fluids shall be properly disposed  
6 of by following procedures and precautions for  
7 handling biologic material and blood-borne pathogens  
8 as established by rule.

9 Sec. \_\_. 2004 Iowa Acts, chapter 1175, section  
10 432, subsection 3, is amended to read as follows:

11 3. Applicants issued a temporary license pursuant  
12 to this section shall pass a licensure examination  
13 approved by the board on or before July 1, 2007, in  
14 order to ~~remain licensed as an interpreter~~ qualify to  
15 be licensed by examination."

16 8. Title page, line 2, by striking the word  
17 "related" and inserting the following: "other".

Amendment [H-8389](#) was adopted.

Granzow of Hardin offered the following amendment [H-8394](#) filed  
by her and moved its adoption:

[H-8394](#)

1 Amend [House File 2592](#) as follows:

2 1. Page 1, by inserting after line 16 the  
3 following:

4 "Sec. \_\_. **NEW SECTION. 135.105D BLOOD LEAD**  
5 **TESTING – PROVIDER EDUCATION – PAYOR OF LAST RESORT.**

6 1. For purposes of this section:

7 a. "Blood lead testing" means taking a capillary  
8 or venous sample of blood and sending it to a  
9 laboratory to determine the level of lead in the  
10 blood.

11 b. "Capillary" means a blood sample taken from the  
12 finger or heel for lead analysis.

13 c. "Health care provider" means a physician who is  
14 licensed under chapter 148, 150, or 150A, or a person  
15 who is licensed as a physician assistant under chapter  
16 148C, or as an advanced registered nurse practitioner.

17 d. "Venous" means a blood sample taken from a vein  
18 in the arm for lead analysis.

19 2. The department shall work with health care  
20 provider associations to educate health care providers  
21 regarding requirements for testing children who are  
22 enrolled in certain federally funded programs and  
23 regarding department recommendations for testing other

24 children for lead poisoning.  
 25 3. The department shall implement blood lead  
 26 testing for children under six years of age who are  
 27 not eligible for the testing services to be paid by a  
 28 third-party source. The department shall contract  
 29 with one or more public health laboratories to provide  
 30 blood lead analysis for such children. The department  
 31 shall establish by rule the procedures for health care  
 32 providers to submit samples to the contracted public  
 33 health laboratories for analysis. The department  
 34 shall also establish by rule a method to reimburse  
 35 health care providers for drawing blood samples from  
 36 such children and the dollar amount that the  
 37 department will reimburse health care providers for  
 38 the service. Payment for blood lead analysis and  
 39 drawing blood samples shall be limited to the amount  
 40 appropriated for the program in a fiscal year."  
 41 2. By renumbering as necessary.

Amendment [H-8394](#) was adopted.

Wilderdike of Harrison offered the following amendment [H-8278](#)  
 filed by Wilderdike, et al., and moved its adoption:

[H-8278](#)

1 Amend [House File 2592](#) as follows:  
 2 1. Page 2, by inserting after line 3 the  
 3 following:  
 4 "Sec. \_\_. Section 147.106, subsection 1,  
 5 paragraph e, Code Supplement 2005, is amended to read  
 6 as follows:  
 7 e. The referring clinical laboratory, other than  
 8 the laboratory of a physician's office or group  
 9 practice, that ordered the services. A laboratory of  
 10 a physician's office or group practice that ordered  
 11 the services may be presented a claim, bill, or demand  
 12 for payment if a physician in the physician's office  
 13 or group practice is performing the professional  
 14 component of the anatomic pathology services.  
 15 Sec. \_\_. Section 147.106, subsection 5, Code  
 16 Supplement 2005, is amended to read as follows:  
 17 5. This section does not prohibit claims or  
 18 charges presented ~~by to~~ a referring clinical  
 19 laboratory, other than a laboratory of a physician's  
 20 office or group practice, ~~to unless in accordance with~~  
 21 subsection 1, paragraph "e", by another clinical  
 22 laboratory when samples are transferred between  
 23 laboratories for the provision of anatomic pathology  
 24 services."  
 25 2. By renumbering as necessary.

Amendment [H-8278](#) was adopted.

Thomas of Clayton offered the following amendment [H-8285](#) filed by him and moved its adoption:

[H-8285](#)

- 1 Amend [House File 2592](#) as follows:
- 2 1. Page 2, by inserting after line 35 the
- 3 following:
- 4 "Sec. \_\_. NEW SECTION. 147A.15 AUTOMATED
- 5 EXTERNAL DEFIBRILLATOR EQUIPMENT – PENALTY.
- 6 Any person who damages, wrongfully takes or
- 7 withholds, or removes any component of automated
- 8 external defibrillator equipment located in a public
- 9 or privately owned location, including batteries
- 10 installed to operate the equipment, is guilty of a
- 11 serious misdemeanor."
- 12 2. Title page, line 2, by striking the word
- 13 "related" and inserting the following: "other".

Amendment [H-8285](#) was adopted.

Lalk of Fayette offered the following amendment [H-8391](#) filed by him and moved its adoption:

[H-8391](#)

- 1 Amend [House File 2592](#) as follows:
- 2 1. Page 7, by inserting after line 6 the
- 3 following:
- 4 "Sec. \_\_. Section 714.16, subsection 1, paragraph
- 5 o, Code 2005, is amended to read as follows:
- 6 o. "Water treatment system" means a device or
- 7 assembly for which a claim is made that it will
- 8 improve the quality of drinking water by reducing one
- 9 or more contaminants through mechanical, physical,
- 10 chemical, or biological processes or combinations of
- 11 the processes. As used in this paragraph and in
- 12 subsection 2, paragraph "h", each model of a water
- 13 treatment system shall be deemed a distinct water
- 14 treatment system. As used in this paragraph and in
- 15 subsection 2, paragraph "h", a water treatment system
- 16 does not include a portable filtration system
- 17 certified as a microbiological water purifier by the
- 18 United States environmental protection agency. The
- 19 Iowa department of public health shall establish rules
- 20 exempting portable filtration systems that meet these

- 21 standards."  
 22 2. Title page, line 2, by striking the word  
 23 "related" and inserting the following: "other".  
 24 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Smith of Marshall.

On the question "Shall amendment [H-8391](#) be adopted?" ([H.F. 2592](#))

The ayes were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
May	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Carroll, Presiding		

The nays were, 48:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Maddox	Mascher	McCarthy
Mertz	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 2:

Miller                      Zirkelbach

Amendment [H-8391](#) was adopted.

Wildurdyke of Harrison 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. 2592](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Speaker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller                      Zirkelbach

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



## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2592](#) and [Senate Files 2289, 2333 and 2381](#).

## REPORT OF THE CHIEF CLERK OF THE HOUSE

Mr. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made.

[House File 2512](#)

1. Page 3, lines 1 and 8 – Added the words “to read” after amended.

MARGARET A. THOMSON  
Chief Clerk of the House

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 2006, he approved and transmitted to the Secretary of State the following bills:

[House File 2177](#), an Act requiring the county auditor to evidence approval of the name of a subdivision plat and requiring such statement for filing the subdivision plat with the county recorder.

[House File 2465](#), an Act relating to the determination of the holding period for purposes of certain capital gains under the individual income tax and including effective and retroactive applicability date provisions.

[House File 2541](#), an Act eliminating certain duties of the department of natural resources.

[House File 2587](#), an Act relating to financial institutions including the regulation of state banks, bank holding companies, and industrial loan companies, and providing for penalties.

[House File 2644](#), an Act relating to department of human services' technical requirements involving individual development accounts, family investment program limited benefit plans, paternity establishment definitions, and the state child care assistance program, and including effective date and retroactive applicability provisions.

[House File 2713](#), an Act changing the bid threshold requirement for certain public improvement contracts and providing for an effective date.

[Senate File 2273](#), an Act relating to financial and regulatory matters by making and revising appropriations for the fiscal year beginning July 1, 2005, and providing an effective date.

[Senate File 2316](#), an Act relating to the procedures for filing administrative rules.

### CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON  
Chief Clerk of the House

- 2006\1214 Bobbie and Barbara Toliver, Kingsley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1215 Melvin and Joan Hopp, Homestead – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1216 Austin Clark, George-Little Rock Community School – For winning First Place in the 2006 Iowa Reading Association's Creative Writing Contest.

### SUBCOMMITTEE ASSIGNMENTS

#### [House File 2766](#)

Ways and Means: Kurtenbach, Chair; Huser and Struyk.

#### [Senate File 2312](#)

Ways and Means: Kaufmann, Chair; Davitt and Paulsen.

#### [Senate File 2319](#)

Appropriations: De Boef, Chair; May and Mertz.

### 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.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly [House File 2616](#)), relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2006.

## COMMITTEE ON GOVERNMENT OVERSIGHT

**Committee Bill** (Formerly [House Study Bill 775](#)), relating to citations issued to persons under the age of eighteen for alcohol-related offences and parental and school notification.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 29, 2006.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly [House File 2732](#)), relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2006.

**Committee Bill** (Formerly [House Study Bill 768](#)), relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 28, 2006.

## RESOLUTION FILED

[HR 160](#), by Chambers, a resolution honoring the city of Peterson, Iowa, on its sesquicentennial.

Laid over under **Rule 25**.

**SCR 105**, by Hancock, a concurrent resolution requesting the legislative council to establish an interim committee to study emergency services in the state.

Laid over under **Rule 25**.

AMENDMENTS FILED

<a href="#"><u>H-8421</u></a>	<a href="#"><u>H.F. 2240</u></a>	Senate Amendment
<a href="#"><u>H-8422</u></a>	<a href="#"><u>H.F. 2282</u></a>	Senate Amendment
<a href="#"><u>H-8425</u></a>	<a href="#"><u>S.F. 2309</u></a>	Jenkins of Black Hawk Hoffman of Crawford
<a href="#"><u>H-8426</u></a>	<a href="#"><u>H.F. 2508</u></a>	Senate Amendment
<a href="#"><u>H-8427</u></a>	<a href="#"><u>S.F. 2363</u></a>	Dolecheck of Ringgold
<a href="#"><u>H-8428</u></a>	<a href="#"><u>S.F. 2076</u></a>	De Boef of Keokuk
<a href="#"><u>H-8429</u></a>	<a href="#"><u>S.F. 2346</u></a>	Tymeson of Madison Paulsen of Linn
<a href="#"><u>H-8430</u></a>	<a href="#"><u>S.F. 2346</u></a>	Bukta of Clinton Tjepkes of Webster
<a href="#"><u>H-8434</u></a>	<a href="#"><u>H.F. 2764</u></a>	Wendt of Woodbury Dolecheck of Ringgold
<a href="#"><u>H-8435</u></a>	<a href="#"><u>S.F. 2346</u></a>	Bukta of Clinton Tjepkes of Webster
<a href="#"><u>H-8437</u></a>	<a href="#"><u>H.F. 2769</u></a>	Ford of Polk
<a href="#"><u>H-8438</u></a>	<a href="#"><u>H.F. 722</u></a>	Senate Amendment
<a href="#"><u>H-8439</u></a>	<a href="#"><u>H.F. 2750</u></a>	R. Olson of Polk

On motion by Gipp of Winneshiek the House adjourned at 7:47 p.m., until 8:45 a.m., Thursday, March 30, 2006.