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**STATE OF IOWA**

**House Journal**

**THURSDAY, MARCH 25, 2004**

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An official corrected copy is available for reference in the office of the Chief Clerk.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day – Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 25, 2004

The House met pursuant to adjournment at 8:45 a.m., Klemme of Plymouth in the chair.

Prayer was offered by Reverend Aaron Bernabe, pastor of Correctionville Assembly of God Church, Correctionville. He was the guest of Representative Dan Huseman from Cherokee County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Ralph Klemme, state representative from Plymouth County.

The Journal of Wednesday, March 24, 2004 was approved.

### INTRODUCTION OF BILLS

[House File 2554](#), by committee on appropriations, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

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

[House File 2555](#), by committee on appropriations, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Read for first time and placed on the **appropriations 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 24, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2106](#), a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

Also: That the Senate has on March 24, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2254](#), a bill for an act relating to crimes against members of the species homo sapiens at any stage of development.

Also: That the Senate has on March 24, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2259](#), a bill for an act relating to the establishment of a faith-based and community-based organizations network.

Also: That the Senate has on March 24, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2273](#), a bill for an act relating to the disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

[Senate File 2244](#), a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records, with report of committee recommending passage, was taken up or 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. 2244](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn

Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Boggess                      Struyk                      Van Fossen, J.K.

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2244](#) be immediately messaged to the Senate.

#### HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent that the following House Files and Joint Resolution be placed on the unfinished business calendar:

[House Joint Resolution 2002](#)  
[House File 2342](#)  
[House File 2348](#)  
[House File 2453](#)

[House File 2455](#)  
[House File 2458](#)  
[House File 2531](#)  
[House File 2541](#)

[House File 2544](#)  
[House File 2548](#)  
[House File 2549](#)  
[House File 2550](#)

[House File 2551](#)  
[House File 2552](#)  
[House File 2553](#)

**HOUSE FILE 2536 REFERRED**

The Speaker announced that [House File 2536](#), previously placed on the **calendar** was referred to the committee on **government oversight**.

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

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 25<sup>th</sup> day of March 2004: [House Joint Resolution 2005](#), House Files 2325, 2373 and 2403.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2536 Reassigned**

Government Oversight: Jenkins, Chair; Lensing and Raecker.

**Senate File 2268**

State Government: Roberts, Chair; Dennis and Oldson.

**Senate File 2269**

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

**Senate File 2285**

Local Government: Hanson, Chair; Hahn and Huser.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

[House Study Bill 725](#)

Government Oversight: Kramer, Chair; Alons and Thomas.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 726](#) Ways and Means

Relating to the excise tax imposed upon gasoline.

[H.S.B. 727](#) Ways and Means

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and providing a retroactive applicability date provision.

## 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 JUDICIARY

[Senate File 2234](#), a bill for an act relating to child custody and visitation provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8320](#) March 24, 2004.

[Senate File 2264](#), a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8322](#) March 24, 2004.

## COMMITTEE ON WAYS AND MEANS

[Senate File 399](#), a bill for an act establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

Pursuant to Rule 31.7, [Senate File 399](#) was referred to the committee on appropriations.

[Senate File 443](#), a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8321](#) March 24, 2004.

## AMENDMENTS FILED

<a href="#">H-8317</a>	<a href="#">S.F.</a>	<a href="#">297</a>	Alons of Sioux Lukan of Dubuque
<a href="#">H-8318</a>	H.F.	2555	Eichhorn of Hamilton
<a href="#">H-8319</a>	S.F.	2266	Baudler of Adair
<a href="#">H-8320</a>	S.F.	2234	Committee on Judiciary
<a href="#">H-8321</a>	S.F.	443	Committee on Ways and Means
<a href="#">H-8322</a>	S.F.	2264	Committee on Judiciary

On motion by Gipp of Winneshiek the House adjourned at 9:06 a.m., until 9:00 a.m., Friday, March 26, 2004.