

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 3, 2005

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JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 3, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Shurmaine McAlpine, pastor of the United Methodist Church in Woodbine, Iowa. She was the guest of Senator Seymour.

The Journal of Wednesday, March 2, 2005, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 2005, **amended and adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly. (**S-3009**)

ALSO: That the House has on March 2, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 276, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

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

[House File 312](#), a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

Read first time and referred to committee on **State Government**.

[House File 373](#), a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

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

[House File 374](#), a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date.

Read first time and referred to committee on **State Government**.

[House File 375](#), a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement.

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

[House File 400](#), a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

[House File 466](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the general fund.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill and Larson, for the day, on request of Senator Iverson.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 3](#).

[Senate Resolution 3](#)

On motion of Senator Warnstadt, [Senate Resolution 3](#), a resolution urging congressional action to allow all eligible veterans to receive concurrently both their full military retired pay and military disability compensation, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of [Senate Resolution 3](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 141](#).

[Senate File 141](#)

On motion of Senator Johnson, [Senate File 141](#), a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 141](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill Larson

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Kenneth Fann, Board of Behavioral Science Examiners

Stewart Barnes, Iowa Drug Policy Advisory Council

Heather Kramer, Iowa Finance Authority

Bethany Sather, Board of Interpreters for the Hearing Impaired Examiners

Cecilia Peralta, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill Larson

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 277](#) and Senate Files 205 and 176.

[House File 277](#)

On motion of Senator Warnstadt, [House File 277](#), a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Warnstadt offered amendment [S-3003](#), filed by the committee on Judiciary on February 24, 2005, to page 2 of the bill, and moved its adoption.

Amendment [S-3003](#) was adopted by a voice vote.

Senator Johnson offered amendment [S-3007](#), filed by him on March 2, 2005, to page 4 of the bill.

Senator Johnson withdrew amendment [S-3007](#).

Senator Warnstadt moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 277](#)), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Warnstadt
Connolly	Houser	Putney	Wieck
Courtney	Iverson	Quirnbach	Wood
Danielson	Johnson	Ragan	Zaun
Dearden	Kettering	Rielly	Zieman
Dotzler	Kibbie	Schoenjahn	

Nays, 1:

McKinley

Absent, 2:

Gaskill Larson

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

[Senate File 205](#)

On motion of Senator Johnson, [Senate File 205](#), a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 205](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[Senate File 176](#)

On motion of Senator Boettger, [Senate File 176](#), a bill for an act entering Iowa into the midwestern higher education compact, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 176](#)), the vote was:

Yeas, 40:

Angelo	Dotzler	Johnson	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schoenjahn
Boettger	Gronstal	Lamberti	Seng

Bolkcom	Hahn	McCoy	Seymour
Brunkhorst	Hancock	McKibben	Stewart
Connolly	Hatch	McKinley	Tinsman
Courtney	Horn	Mulder	Ward
Danielson	Houser	Putney	Warnstadt
Dearden	Iverson	Quirnbach	Wood

Nays, 8:

Behn	Lundby	Shull	Zaun
Kettering	Miller	Wieck	Zieman

Absent, 2:

Gaskill	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 71](#).

[Senate File 71](#)

On motion of Senator Johnson, [Senate File 71](#), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Lundby offered amendment [S-3008](#), filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3008](#) was adopted by a voice vote.

Senator Angelo offered amendment [S-3006](#), filed by him on March 2, 2005, to page 1 of the bill, and moved its adoption.

Amendment [S-3006](#) was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 71](#)), the vote was:

Yeas, 47:

Angelo	Dvorsky	Lamberti	Seng
Beall	Fraise	Lundby	Seymour
Behn	Gronstal	McCoy	Shull
Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Horn	Miller	Ward
Brunkhorst	Houser	Mulder	Warnstadt
Connolly	Iverson	Putney	Wieck
Courtney	Johnson	Quirnbach	Wood
Danielson	Kettering	Ragan	Zaun
Dearden	Kibbie	Rielly	Zieman
Dotzler	Kreiman	Schoenjahn	

Nays, none.

Absent, 3:

Gaskill	Hatch	Larson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 71, 141, 176, and 205** and [House File 277](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:50 a.m. until 1:00 p.m., Monday, March 7, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jordan Hasenkamp, Twin River Valley High School—For becoming the Class 1A 119-pound 3rd place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Joe Johnson, Algona—For becoming the Class 2A 171-pound 5th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Matt Jorgenson, Pocahontas Area High School—For becoming the Class 2A 215-pound 3rd place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Jordan Limbaugh, Algona—For becoming the Class 2A 275-pound 1st place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

CSM Allan D. Myers, 185th Corps Support Battalion, Red Oak—For receiving a Bronze Star for exceptional meritorious service on January 17, 2005. Senator Angelo (3/3/05).

Luke Satern, Humboldt—For becoming the Class 2A 135-pound 1st place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Mr. and Mrs. Jim and Leona Seifert, Donahue—For celebrating your 40th wedding anniversary. Senator Wood (3/3/05).

Kyle Simonson, Algona—For becoming the Class 2A 189-pound 8th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 3, 2005, 1:10 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Hahn, Hancock, Houser, Kibbie, Mulder, Ragan, and Rielly.

Members Absent: Brunkhorst, Courtney, Gaskill, and Putney (all excused).

Committee Business: Discussion of [SSB 1246](#).

Adjourned: 2:00 p.m.

ECONOMIC GROWTH

Convened: March 3, 2005, 2:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Shull, Stewart, and Zaun.

Members Absent: Seymour (excused).

Committee Business: Discussion on [SF 65](#) and [SSB 1242](#).

Adjourned: 2:40 p.m.

JUDICIARY

Convened: March 3, 2005, 11:05 a.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: Larson (excused).

Committee Business: Passed [HF 227](#) (as amended) and approved [SSB 1108](#) (as amended).

Adjourned: 11:30 a.m.

LOCAL GOVERNMENT

Convened: March 3, 2005, 3:00 p.m.

Members Present: Quirnbach and Shull, Co-chairs; Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Houser (excused).

Committee Business: Passed [SF 50](#) (as amended) and approved SSBs 1213 (as amended) and 1215 (as amended).

Adjourned: 3:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 3, 2005, 2:10 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Gaskill and Miller (both excused).

Committee Business: Approved [SSB 1109](#). Subcommittee assignments.

Adjourned: 2:15 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 11](#), by Angelo, a resolution honoring and celebrating the life of Iowa's own Johnny Carson.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

[Senate File 264](#), by committee on Commerce, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 265](#), by committee on Local Government, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 266](#), by committee on Commerce, 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.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 267](#), by Putney, a bill for an act providing financial requirements for persons executing contracts for the production of agricultural seed, making a penalty applicable, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[Senate File 268](#), by Shull and Kreiman, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 269](#), by committee on Human Resources, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 270](#), by committee on Commerce, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

[SSB 1254](#) **Education**

Relating to the operations of the citizens' aide, the state board of education, the department of education, school districts, accredited nonpublic schools, and other state and local agencies with regard to attendance and truancy, academic standards, and related matters.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 206](#)

WAYS AND MEANS: Miller and Seng, Co-chairs; Dotzler and Wieck

[Senate File 231](#)

ECONOMIC GROWTH: Behn, Chair; Beall, Hahn, and Ragan

[Senate File 235](#)

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Houser and Kreiman

[Senate File 237](#)

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Boettger and Dotzler

[Senate File 239](#)

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Johnson and Ragan

[Senate File 249](#)

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Wood, Co-chairs;
Kettering and Seng

[Senate File 253](#)

WAYS AND MEANS: Miller and Stewart, Co-chairs; Dotzler and Zaun

[Senate File 254](#)

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Hancock, Co-chairs;
Putney and Wood

[Senate File 257](#)

LOCAL GOVERNMENT: Rielly and Zaun, Co-chairs; Mulder and Schoenjahn

[Senate File 258](#)

WAYS AND MEANS: McKibben and Quirnbach, Co-chairs; Danielson and Larson

[Senate File 261](#)

NATURAL RESOURCES AND ENVIRONMENT: Kettering and Schoenjahn, Co-chairs;
Hancock and Putney

[Senate File 262](#)

STATE GOVERNMENT: Hancock and Ward, Co-chairs; Danielson and Miller

[House Concurrent Resolution 4](#)

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and
Lamberti

[House Concurrent Resolution 5](#)

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and
Lamberti

[House File 187](#)

WAYS AND MEANS: Danielson and Zaun, Co-chairs; Stewart and Wieck

House File 310

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Miller and Stewart

House File 313

WAYS AND MEANS: Dotzler and Hahn, Co-chairs; Larson and McCoy

SSB 1254

EDUCATION: Connolly and McKinley, Co-chairs; Brunkhorst and Wood

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: *[SENATE FILE 264 \(SSB 1047\)](#), a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Ziemann. Nays, none. Absent, 2: Warnstadt and Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 264](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 266 \(SSB 1149\)](#), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Ziemann. Nays, none. Absent, 2: Larson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 270 \(SSB 1206\)](#), a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 2: Larson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 270](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 269 \(SSB 1131\)](#), a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirnbach, Tinsman, and Wood. Nays, none. Absent, 3: Gaskill, Hatch, and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 269](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *[SENATE FILE 265](#) (formerly [SF 170](#)), a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Shull, Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on [Senate File 265](#), and they were attached to the committee report.

AMENDMENTS FILED

S-3008

S.F. 71

Mary Lundby

S-3009

S.C.R. 3

House

S-3010

S.F. 245

Frank B. Wood

Bob Brunkhorst