

# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-SIXTH DAY—THURSDAY, APRIL 21, 2011**

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The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Gracious God, help us this day to see this weekend away from the Senate as more than an extra day thrown in but a time that permits us to know the gift of Your love for each of us and the gift of life beyond life that You have in store for us. Turn our thoughts to the promise of new life daily and its meaning so we might do more good with our life each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**RESOLUTIONS**

Senator Curls offered Senate Resolution No. 852, regarding Molly Buasri, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 853, regarding Dennis Wilson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 854, regarding Julia Unnerstall, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 855, regarding Kristin Gill, Dexter, which was adopted.

Senator Crowell offered Senate Resolution No. 856, regarding Janet Brase, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 857, regarding Steven J. Hoffman, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 858, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Albert Walther, Jackson, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mary Sharlene Morgan, as a member of the Well Installation Board;

Also,

Ted Hunt, as a member of the Crime Laboratory Review Commission;

Also,

Eric Latimer, as a member of the Missouri Fire Safety Advisory Board;

Also,

Cecilia Davis, as a member of the Child Abuse and Neglect Review Board;

Also,

Thomas McVeigh, as a member of the Missouri Planning Council for Developmental Disabilities.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SB 320**; **SJR 10**; **HCS** for **HBs 73** and **47**, with **SCS**; **HB 270**, with **SCS**; and **HCS** for **HBs 116** and **36**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

**THIRD READING OF SENATE BILLS**

**SJR 10**, introduced by Senators Lembke, Green and Dixon, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to members of the House of Representatives.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **SJR 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Keaveny	Kehoe	Kraus	Lamping	Lembke	Mayer	McKenna
Nieves	Pearce	Schmitt	Stouffer	Wasson—21			

NAYS—Senators

Callahan	Curls	Justus	Lager	Munzlinger	Parson	Purgason	Richard
Ridgeway	Schaaf	Schaefer	Wright-Jones—12				

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Lembke, title to the joint resolution was agreed to.

Senator Lembke moved that the vote by which the joint resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SCS** for **SB 320**, introduced by Senator Lamping, entitled:

**SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 320**

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to domestic violence, with penalty provisions.

Was taken up.

On motion of Senator Lamping, **SS No. 2** for **SCS** for **SB 320** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

**SB 48**, introduced by Senator Wright-Jones, entitled:

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to deposits required by public utilities.

Was taken up.

On motion of Senator Wright-Jones, **SB 48** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 270

An Act to repeal section 115.123, RSMo, and to enact in lieu thereof one new section relating to dates for conducting elections.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **SCS** for **SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Green	Kehoe
Kraus	Lager	Lembke	Mayer	McKenna	Nieves	Purgason	Ridgeway
Schaaf	Stouffer	Wasson—19					

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Justus	Keaveny	Lamping	Munzlinger
Parson	Pearce	Richard	Schaefer	Schmitt	Wright-Jones—14		

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 340**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 340

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456, RSMo, and to enact in lieu thereof thirteen new sections relating to the board of embalmers and funeral directors.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS** for **SB 340** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

**CONCURRENT RESOLUTIONS**

**SCR 11**, introduced by Senator Wright-Jones, entitled:

**SENATE CONCURRENT RESOLUTION NO. 11**

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week

Was taken up for 3rd reading and final passage.

On motion of Senator Wright-Jones, **SCR 11** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Crowell Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Wright-Jones, title to the concurrent resolution was agreed to.

Senator Wright-Jones moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 83**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 109**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 136**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 149**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 217**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 220**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 465**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 550**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 45**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 442**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which was referred **HB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HBs 112** and **285**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution



do pass.

Senator Pearce assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HCS** for **HBs 300, 334** and **387**—Health, Mental Health, Seniors and Families.

**HB 656**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HJR 5**—Agriculture, Food Production and Outdoor Resources.

**HB 661**—Financial and Governmental Organizations and Elections.

**HB 1008**—Transportation.

**HB 708**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 828**—Small Business, Insurance and Industry.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

### **RESOLUTIONS**

Senator Lager offered Senate Resolution No. 859, regarding Chillicothe Middle School, which was adopted.

Senator Lager offered Senate Resolution No. 860, regarding Colton R. Shaw, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 861, regarding Michael A. Witten, Trenton, which was adopted.

Senator Dixon offered Senate Resolution No. 862, regarding High Street Baptist Church, Springfield, which was adopted.

Senator Rupp offered Senate Resolution No. 863, regarding Troy Buchanan High School, which was adopted.

Senator Rupp offered Senate Resolution No. 864, regarding Allyse Pagano, which was adopted.

Senator Engler offered Senate Resolution No. 865, regarding Karen Adams, which was adopted.

Senator Engler offered Senate Resolution No. 866, regarding Sharon Roney, which was adopted.

Senator Engler offered Senate Resolution No. 867, regarding Donald Serini, which was adopted.

Senator Engler offered Senate Resolution No. 868, regarding Lisa Cantrell, which was adopted.

Senator Engler offered Senate Resolution No. 869, regarding Barbara Lawson, which was adopted.

Senator Engler offered Senate Resolution No. 870, regarding Roosevelt Elementary School,

Farmington, which was adopted.

Senator Schmitt offered Senate Resolution No. 871, regarding W.W. Keysor Elementary School, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 872, regarding Crestwood Elementary School, St. Louis, which was adopted.

On motion of Senator Dempsey, the Senate recessed until 6:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

On motion of Senator Dempsey, the Senate recessed until 9:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

### **INTRODUCTIONS OF GUESTS**

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Shahbaz A. Riaz, M.D., Hannibal.

Senator Kehoe introduced to the Senate, Reverend Greg Morrow, California; Arturo Rivera, Maribel Rivera, Ruth Rivera, Waleska Rodriguez, Gabriel Robles, Glorimar Escalera, Natalie Alicea, Paola Torres, Yafreysi Sanchez, Bradley Rios, Dinoshka Nieves, Edna Perez, Elvin Estrada, Hiranía Carrasquillo, Ingrid Ramos, Karlos Carrasquillo, Maricarmen Pimentel, Desiree Cruz, Alex Parrilla and Edwin Matos, Puerto Rico.

Senator Lembke introduced to the Senate, students from Carondelet Leadership Academy, St. Louis.

On behalf of Senator Pearce, the President introduced to the Senate, teacher, Rebecca Neighbors, parents, Victor and Christi Kurtz, Leslie Schmidt, Nancy Gillihan, Linda Craig, Darrell Bennett and fourth grade students, Aisley Andrews, Jessica Bennett, Erin Gillihan, Hannah Halloway, Kaitlyn Kurtz, Connor Myers, Jackson Schmidt, Morgan Sword and Jessica Toler, Heartland Academy, Belton.

Senator Mayer introduced to the Senate, Tom Hyatt and David Hawthorn, Puxico.

Senator Lager introduced to the Senate, students from Cainsville Elementary School.

Senator Keaveny introduced to the Senate, Michael Sipes, Columbia.

Senator Schmitt introduced to the Senate, fourth grade students from Avery Elementary School, Webster Groves.

Senator Schmitt introduced to the Senate, parents and twenty students from Twin Oaks Christian School, Ballwin.

On behalf of Senator Pearce, the President introduced to the Senate, Melinda Piper, Sheldon.

On motion of Senator Dempsey, the Senate adjourned until 2:00 p.m., Tuesday, April 26, 2011.

SENATE CALENDAR

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FIFTY-SEVENTH DAY—TUESDAY, APRIL 26, 2011

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FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna  
(In Fiscal Oversight)  
SB 204-Dempsey, et al  
(In Fiscal Oversight)

SCS for SB 122-Schaaf  
(In Fiscal Oversight)  
SJR 12-Green  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS

9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS

HOUSE BILLS ON THIRD READING

1. HB 270-Burlison and Swinger, with SCS  
(Dempsey)
2. HCS for HBs 73 & 47, with SCS  
(Crowell)
3. HCS for HBs 116 & 316, with SCS  
(Purgason)
4. HB 229-Curls and Leara (Curls)
5. HB 142-Gatschenberger, with SCS  
(Dempsey)
6. HB 186-Entlicher, et al, with SCS  
(Parson)
7. HCS for HB 83 (Wasson)
8. HB 109-Wells, et al (Wasson)

9. HCS for HB 136 (Brown)
10. HB 149-Day, et al, with SCS (Brown)
11. HB 217-Dugger and Entlicher (Wasson)
12. HCS for HB 220 (Brown)
13. HCS for HB 465 (Wasson)
14. HB 550-Day (Pearce)
15. HJR 2-McGhee, et al (Goodman)
16. HB 442-Franz (Parson)
17. HB 137-Thompson, et al, with SCS  
(Pearce)
18. HCS for HBs 112 & 285, with SCS  
(Brown)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

## SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1  
(pending)

SBs 7, 5, 74 &amp; 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS  
(pending)SB 25-Schaaf, with SCS & SS for SCS  
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1  
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS  
(pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1  
(pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt,  
with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS  
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS  
for SCS (pending)SBs 291, 184 & 294-Pearce, with SCS &  
SA 4 (pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 &amp; 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 &amp; 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

HB 204-Hoskins, et al (Stouffer)

HCS for HB 338 (Lager)

HB 339-Pollock, et al, with SS (pending)  
(Lager)

HB 423-Burlison, et al (Nieves)

HCS for HB 556

HB 738-Nasheed, et al, with SCS  
(pending) (Cunningham)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 193, with SS (Rupp)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

HCR 15-Brown (50), et al (Curls)

HCR 11-Nolte, et al (Justus)

HCR 34-Hampton, et al (Munzlinger)

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