# Journal of the Senate

## FIRST REGULAR SESSION

#### FOURTEENTH DAY—MONDAY, FEBRUARY 2, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"What are human beings that you are mindful of them? Yet you have made them a little lower than God, and crowned them with glory and honor." (Psalm 8:4-5)

O Lord, we are like the snowflakes that fell this weekend, no two alike. Each of us is a child of Yours in the same essence but different in form. So, we ask that You bless our uniqueness, our one of a kind value before You, knowing each here is created special, but none better than another, for You did not make one snowflake or one person better than another. Yet together we create a beautiful landscape of Your choosing to create what You desire accomplished through our joint efforts. So guide our work this week and bless their results. 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 for Thursday, January 29, 2015 was read and approved.

Senator Kehoe announced photographers from the <u>Jefferson City News Tribune</u> were given permission to take pictures in the Senate Chamber.

The Senate observed a moment of silence for Mr. Ross Nichols.

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

Presen	t—Senators						
Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—32

Absent-Senators-None

Absent with leave—Senators Richard Silvey—2 Vacancies-None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Sater offered Senate Resolution No. 216, regarding Carl "Buck" Sickau, Forsyth, which was adopted.

Senator Sater offered Senate Resolution No. 217, regarding College of the Ozarks, Point Lookout, which was adopted.

Senator Sater offered Senate Resolution No. 218, regarding JoAnn Watson, Forsyth, which was adopted.

Senator Sater offered Senate Resolution No. 219, regarding the city of Forsyth, which was adopted.

Senator Munzlinger offered Senate Resolution No. 220, regarding Worldwide Recycling Equipment Sales, LLC, Moberly, which was adopted.

Senator Hegeman offered Senate Resolution No. 221, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Clements, Maryville, which was adopted.

Senator Kraus offered Senate Resolution No. 222, regarding Talan Lang, Blue Springs, which was adopted.

Senator Kehoe offered Senate Resolution No. 223, regarding the Class 2 State Champion Fatima High School girls cross country program, which was adopted.

Senator Kehoe offered Senate Resolution No. 224, regarding James L. Jones, which was adopted.

Senator Kehoe offered Senate Resolution No. 225, regarding Darren N. Bragg, which was adopted.

Senator Kehoe offered Senate Resolution No. 226, regarding Brian L. Fenderson, which was adopted.

Senator Kehoe offered Senate Resolution No. 227, regarding Charles D. Mitchell, which was adopted.

Senator Kehoe offered Senate Resolution No. 228, regarding Roger J. Thomas, III, which was adopted.

Senator Kehoe offered Senate Resolution No. 229, regarding Ashton A. Davis, which was adopted.

Senator Kehoe offered Senate Resolution No. 230, regarding Dionte Salvi, which was adopted.

Senator Kehoe offered Senate Resolution No. 231, regarding Joseph J. Reese, which was adopted.

Senator Kehoe offered Senate Resolution No. 232, regarding James S. Bowen, II, which was adopted.

Senator Kehoe offered Senate Resolution No. 233, regarding Brandon Pierre Bowden, which was adopted.

Senator Hegeman offered Senate Resolution No. 234, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Proffit, Maryville, which was adopted.

Senator Wallingford offered Senate Resolution No. 235, regarding Jackson Mabuce, Jackson, which was

adopted.

Senator Wallingford offered Senate Resolution No. 236, regarding Isaiah Masterson, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 237, regarding Fletcher Mitten, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 238, regarding Talon Chiles, Jackson, which was adopted.

Senator Holsman offered Senate Resolution No. 239, regarding Jenevieve Jaax, which was adopted.

Senator Holsman offered Senate Resolution No. 240, regarding Eleanor Nash, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 241, regarding Courtney A. Didier, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

SB 360-By Parson.

An Act to amend chapter 436, RSMo, by adding thereto ten new sections relating to the civil litigation funding act.

SB 361–By Parson.

An Act to repeal section 261.235, RSMo, and to enact in lieu thereof one new section relating to the establishment of a fee structure for sellers electing to use the AgriMissouri trademark associated with Missouri agricultural products.

SB 362-By Parson.

An Act to amend chapter 374, RSMo, by adding thereto two new sections relating to informational documents issued by the department of insurance, financial institutions and professional registration.

SB 363-By Parson.

An Act to repeal sections 621.145 and 621.189, RSMo, and to enact in lieu thereof seven new sections relating to the board of administrative appeals.

SB 364–By Parson.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment in newly created political subdivisions.

SB 365-By Schmitt.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the special needs of certain individuals.

SB 366-By Schmitt.

An Act to repeal sections 166.410 and 166.435, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education savings program.

SB 367-By Kraus.

An Act to repeal sections 8.683 and 8.685, RSMo, and to enact in lieu thereof two new sections relating to construction management services.

SB 368–By Pearce.

An Act to repeal sections 337.025, 337.029, and 337.033, RSMo, and to enact in lieu thereof three new sections relating to the licensure of psychologists.

SB 369-By Pearce.

An Act to authorize the conveyance of certain state properties.

SB 370-By Munzlinger.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic enforcement, with a penalty provision.

SB 371–By Munzlinger.

An Act to repeal section 142.029, relating to subsidies for ethanol producers.

SB 372-By Keaveny.

An Act to repeal section 105.915, RSMo, and to enact in lieu thereof one new section relating to the state of Missouri deferred compensation plan.

# SB 373–By Libla.

An Act to repeal section 311.730, RSMo, and to enact in lieu thereof two new sections relating to the establishment of the division of alcohol and tobacco control fund.

SB 374-By Schatz.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a deduction for compensation payments for agricultural losses.

# SB 375-By Schatz.

An Act to repeal section 67.2800, RSMo, and to enact in lieu thereof one new section relating to sewer and water operations.

# SB 376-By Schatz.

An Act to amend chapter 393, RSMo, by adding thereto six new sections relating to electrical corporation resource plans.

## SB 377-By Schatz.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for aircraft.

SB 378-By Schatz.

An Act to repeal section 144.450, RSMo, and to enact in lieu thereof one new section relating to sales tax on motor vehicles.

SB 379–By Schatz.

An Act to repeal section 66.620, RSMo, and to enact in lieu thereof one new section relating to distribution of local sales taxes.

SB 380-By Wieland.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the money follows the person demonstration program.

SB 381-By Dixon.

An Act to repeal section 226.095, RSMo, relating to arbitration in negligence actions against the department of transportation.

SB 382-By Dixon.

An Act to repeal sections 542.296, 544.250, 545.400, and 545.490, RSMo, and to enact in lieu thereof four new sections relating to criminal procedure.

SB 383-By Wallingford.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to dental insurance.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI JEFFERSON CITY 65102

January 29, 2015

To the Senate of the 98th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Caleb Doyle as a student representative to the Missouri State University Board of Governors, submitted to you on January 7, 2015. Line 1 should be amended to read:

Caleb Austin Doyle, 1013 East Battlefield, Springfield, Greene County, Missouri 65807, as

Respectfully submitted, Jeremiah W. (Jay) Nixon Governor

Also,

## GOVERNOR OF MISSOURI JEFFERSON CITY 65102

January 30, 2015

To the Senate of the 98<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kelley F. Farrell, 53 Berkshire Drive, Saint Louis, Saint Louis County, Missouri 63117, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2015, and until her successor is duly appointed and qualified; vice, Kelley F. Farrell, withdrawn.

Respectfully submitted, Jeremiah W. (Jay) Nixon Governor

President Pro Tem Dempsey referred the above addendum and appointment to the Committee on Gubernatorial Appointments.

## **CONCURRENT RESOLUTIONS**

Senator Romine moved that SCR 5 be taken up for adoption, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Romine, SCR 5 was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—32

NAYS—Senators—None

Absent-Senators-None

Absent with leave—Senators Richard Silvey—2

Vacancies-None

Senator Brown moved that SCR 7 be taken up for adoption, which motion prevailed.

On motion of Senator Brown, SCR 7 was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—32

NAYS-Senators-None

Absent-Senators-None

Absent with leave—Senators Richard Silvey—2

Vacancies-None

Senator Wallingford moved that SCR 3 be taken up for adoption, which motion prevailed.

On motion of Senator Wallingford, SCR 3 was adopted by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—32

NAYS—Senators—None

Absent-Senators-None

Absent with leave—Senators

Richard Silvey—2

Vacancies-None

SCR 1, introduced by Senator Nasheed, entitled:

Relating to recognition of January as sex trafficking awareness month.

Was taken up.

Senator Nasheed offered SA 1, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 1, as it appears on Page 30 of the Senate Journal for Wednesday, January 7, 2015, Line 28 of said journal page, by striking the word "Constituion" and inserting in lieu thereof the word "Constitution".

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Nasheed, **SCR 1**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—32

NAYS—Senators—None

Absent-Senators-None

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Absent with leave—Senators
Richard Silvey—2
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Vacancies-None

The President declared the concurrent resolution passed.

On motion of Senator Nasheed, title to the concurrent resolution was agreed to.

Senator Nasheed moved that the vote by which the concurrent resolution passed be reconsidered.

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

SCR 4, introduced by Senator Walsh, entitled:

Relating to recognition of September 26th as Mesothelioma Awareness Day in Missouri.

Was taken up.

On motion of Senator Walsh, SCR 4 was read the 3rd time and passed by the following vote:

YEAS—Senators							
Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—32

NAYS—Senators—None

Absent-Senators-None

Absent with leave—Senators Richard Silvey—2

Vacancies-None

The President declared the concurrent resolution passed.

On motion of Senator Walsh, title to the concurrent resolution was agreed to.

Senator Walsh moved that the vote by which the concurrent resolution passed be reconsidered.

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

## SENATE BILLS FOR PERFECTION

Senator Romine moved that SB 38, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 38, entitled:

# SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 38

An Act to repeal section 208.952, RSMo, and to enact in lieu thereof one new section relating to the joint committee on MO HealthNet, with penalty provisions.

Was taken up.

Senator Romine moved that SCS for SB 38 be adopted.

Senator Schaaf offered SA 1:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 38, Page 2, Section 208.952, Line 29, by inserting immediately after the word "committee." the following: "A portion of the meeting shall be set aside for the purpose of receiving public testimony.".

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Dixon offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 38, Page 1, Section 208.952, Line 17, by striking the following: "for health, mental health, and social services" and inserting in lieu thereof the following: "designated to consider MO HealthNet legislation and matters"; and

Further amend said bill and section, page 2, line 19, by striking the word "assigned" and inserting in lieu thereof the word "**designated**"; and further amend line 31, by striking the following: "solicit from state" and inserting in lieu thereof the following: "**seek from statewide**"; and further amend line 32, by striking the following: "as to"; and further amend lines 44-47, by striking all of side lines and inserting in lieu thereof the following: "**duties. The**"; and

Further amend said bill and section, page 3, line 55, by striking "2016" and inserting in lieu thereof "2017".

Senator Dixon moved that the above amendment be adopted.

Senator Schaaf offered SA 1 to SA 2, which was read:

## SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 38, Page 1, Lines 14 and 15, by deleting said lines and inserting in lieu thereof the following:

"Further amend said bill and section, page 3, line 55, by deleting said line and inserting in lieu thereof the following:

"assembly by March first each year, beginning in [2008] 2016, on anticipated""

Senator Schaaf moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Dixon moved that above amendment be adopted, which motion prevailed.

Senator Brown offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 38, Page 2, Section 208.952, Line 39, by inserting after "duties." the following: "The employee or executive director shall be authorized to conduct an audit, special review, or investigation into any contract between the MO HealthNet program and a vendor for the provision of services to the program.".

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Romine moved that SCS for SB 38, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, SCS for SB 38, as amended, was declared perfected and ordered printed.

#### SECOND READING OF SENATE BILLS

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

SB 211—Seniors, Families and Children.

SB 212—Judiciary and Civil and Criminal Jurisprudence.

SB 213—Judiciary and Civil and Criminal Jurisprudence.

SB 214—General Laws and Pensions.

SB 215—Small Business, Insurance and Industry.

SB 216—Judiciary and Civil and Criminal Jurisprudence.

SB 217—Financial and Governmental Organizations and Elections.

SB 218—Veterans' Affairs and Health.

SB 219—General Laws and Pensions.

SB 220—Small Business, Insurance and Industry.

SB 221—Jobs, Economic Development and Local Government.

SB 222—Commerce, Consumer Protection, Energy and the Environment.

SB 223—Ways and Means.

SB 224—Education.

SB 225—Commerce, Consumer Protection, Energy and the Environment.

SB 226—Veterans' Affairs and Health.

SB 227—Small Business, Insurance and Industry.

SB 228—Judiciary and Civil and Criminal Jurisprudence.

SB 229—Jobs, Economic Development and Local Government.

SB 230—Veterans' Affairs and Health.

SB 231—Transportation, Infrastructure and Public Safety.

SB 232—Transportation, Infrastructure and Public Safety.

SB 233—Small Business, Insurance and Industry.

#### REFERRALS

President Pro Tem Dempsey referred **SCR 12** and **SR 200** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

#### COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 28, 2015

The Honorable Tom Dempsey State Capitol, Room 326 Jefferson City, MO 65101

Dear Senator Dempsey:

I respectfully request that I be removed as a member of the MoDOT and Highway Patrol Employees' Retirement System (MPERS) Board. Thank you for your consideration. Please feel free to contact me should you have any questions.

Sincerely,

Klube\_ Mike Kehoe

#### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Larry Isaac and Pam Schutt, Midwestern Higher Education Compact; and President Dr. Charles Ambrose, University of Central Missouri, Warrensburg.

Senator Libla introduced to the Senate, members of Three Rivers College, Teresa Johnson, Poplar Bluff; Ann Mathews, Kennett; and Missy Marshall, Sikeston.

On behalf of Senator Kehoe and himself, Senator Holsman introduced to the Senate, Shondra Cook, Debbie Lawrence, Sarah Buitrago, Dan Burns, Melvyn Smith, Linda Niekamp, Ariana Kelsey, Theodore Ginnery, Anthony Hunt, Myra Clemons, Samantha Fritsche, Dylan Armor, Sherry Biggs, Sylvester King, Ebonee Jones, Derrance Weddington, Brian Wilburn, Cathy Reiner, Michelle Bell, Alicia Rogers, Flora Herndon, Chad Pica, Tony Henderson, Ray Johnson and Gene Fultz, Jefferson City.

Senator Schatz introduced to the Senate, Ethan Sellers, Sullivan.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

#### FIFTEENTH DAY-TUESDAY, FEBRUARY 3, 2015

#### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SB 234-Kehoe SB 235-Dixon SB 236-Keaveny SB 237-Keaveny, et al SB 238-LeVota SB 239-Brown SB 240-Keaveny and Schaaf SB 241-Keaveny SB 242-Dixon SB 243-Schmitt SB 244-Schmitt SB 245-Hegeman SB 246-Hegeman SB 247-Sifton SB 248-Schaefer SB 249-Holsman SB 250-Onder SB 251-Onder SB 252-Romine SB 253-Romine SB 254-Kraus SB 255-Schaaf and Holsman SB 256-Sater and Nasheed SB 257-Sater SB 258-Wallingford SB 259-Wallingford SB 260-Schaefer SB 261-Schaefer SB 262-Schaefer SB 263-Schaefer

SB 264-Schaefer SB 265-Schaefer SB 266-Schaefer SB 267-Schaefer SB 268-Pearce SB 269-Nasheed SB 270-Nasheed SB 271-Silvey SB 272-Riddle, et al SB 273-Riddle SB 274-Schupp SB 275-Schupp SB 276-Walsh SB 277-Walsh SB 278-Schatz SB 279-Brown SB 280-Keaveny SB 281-Silvey SB 282-Parson SB 283-Kehoe SB 284-Munzlinger SB 285-Kehoe SB 286-Schaaf and Silvey SB 287-Silvey SB 288-Schatz SB 289-Schatz SB 290-Schaefer SB 291-Cunningham SB 292-Munzlinger SB 293-Parson

SB 294-Schaaf SB 295-Schaaf SB 296-Schaaf SB 297-Holsman SB 298-Kraus SB 299-Pearce SB 300-Silvey SB 301-Silvey SB 302-Riddle SB 303-Keaveny SB 304-Keaveny SB 305-Onder SB 306-Onder SB 307-Curls SB 308-Curls SB 309-Curls SB 310-Emery SB 311-Emery SB 312-Schmitt SB 313-Wallingford SB 314-Wallingford SB 315-Dixon SB 316-Brown SB 317-Brown SB 318-Cunningham and Libla SB 319-Schaaf and Silvey SB 320-Wallingford SB 321-Hegeman SB 322-Dempsey SB 323-Munzlinger SB 324-Munzlinger SB 325-Sater SB 326-Sater SB 327-Onder SB 328-Schupp SB 329-Schupp SB 330-Parson SB 331-Libla SB 332-Nasheed SB 333-Nasheed

SB 334-Nasheed SB 335-Holsman SB 336-Kraus SB 337-Munzlinger SB 338-Munzlinger SB 339-Munzlinger SB 340-Pearce SB 341-Riddle SB 342-Brown SB 343-Wasson SB 344-Wasson SB 345-Wasson SB 346-Wasson SB 347-Dixon SB 348-Schaefer SB 349-Schaefer SB 350-Schaefer SB 351-Schaefer SB 352-Schaefer SB 353-Silvey SB 354-Sater SB 355-Brown SB 356-Nasheed SB 357-Nasheed SB 358-Kehoe SB 359-Kehoe SB 360-Parson SB 361-Parson SB 362-Parson SB 363-Parson SB 364-Parson SB 365-Schmitt SB 366-Schmitt SB 367-Kraus SB 368-Pearce SB 369-Pearce SB 370-Munzlinger SB 371-Munzlinger SB 372-Keaveny SB 373-Libla

SB 374-Schatz SB 375-Schatz SB 376-Schatz SB 377-Schatz SB 378-Schatz SB 379-Schatz SB 380-Wieland SB 381-Dixon SB 382-Dixon SB 383-Wallingford SJR 1-Munzlinger SJR 2-Dixon SJR 3-Chappelle-Nadal SJR 4-Emery SJR 5-Kraus SJR 6-Curls SJR 7-Richard and Wallingford SJR 8-Schmitt SJR 9-Schmitt SJR 10-Sater SJR 11-Emery SJR 12-Onder

# SENATE BILLS FOR PERFECTION

SB 11-Richard, with SCS SB 18-Kraus, with SCS SB 15-Dixon and LeVota, with SCS SB 14-Munzlinger SB 26-Sater and Schupp, with SCS

## MISCELLANEOUS

To be Referred

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**REMONSTRANCE 1-Chappelle-Nadal** 

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