

# Journal of the Senate

SECOND REGULAR SESSION

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NINTH DAY—THURSDAY, JANUARY 21, 2016

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You have put gladness in my heart more than when grain and wine and oil increase.” (Psalm 4:7)

O Lord, as we complete this week and head back home to those we love, make our hearts experience the joy and warmth we have for them and share those thoughts and feelings with them. And, let us find ways to honor their sacrifice for us and show our appreciation for what they have done to help us, so we can do what You have given us to do. 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 Kehoe announced photographers from the Missouri net were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senator Schaaf—1

Vacancies—2

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Chappelle-Nadal offered Senate Resolution No. 1282, regarding the Chinese Year of the Red Monkey, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 945**—By Munzlinger.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to economic subsidies for qualified gaseous biofuel producers.

**SB 946**—By Emery.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the authority of municipalities to offer certain services.

**SB 947**—By Parson.

An Act to amend chapter 379, RSMo, by adding thereto five new sections relating to transportation network company insurance.

**SB 948**—By Parson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for contributions to organizations meeting hunger, health, and hygiene needs of schoolchildren.

**SB 949**—By Wasson.

An Act to repeal section 1.100, RSMo, and to enact in lieu thereof one new section relating to population designations in statutes.

**SB 950**—By Wasson.

An Act to repeal section 143.591, RSMo, and to enact in lieu thereof one new section relating to tax returns of information.

**SB 951**—By Wasson.

An Act to repeal sections 436.405, 436.430, 436.450, 436.455, 436.456, 436.457, and 436.460, RSMo, and to enact in lieu thereof seven new sections relating to preneed funeral contracts.

**SB 952**—By Walsh, Schupp, Chappelle-Nadal, Holsman, Curls, Nasheed and Sifton.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

**SB 953**—By Schupp, Holsman and Curls.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to increasing the minimum wage.

**SB 954**—By Pearce.

An Act to repeal section 169.070, RSMo, and to enact in lieu thereof one new section relating to school employee retirement, with an emergency clause.

**SB 955**—By Sifton, Holsman, Schupp, Curls and Walsh.

An Act to repeal sections 105.456 and 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating to banning lobbyist gifts.

**SB 956**—By Chappelle-Nadal.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to municipal debt.

**SB 957**—By Chappelle-Nadal.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

**SB 958**—By Holsman, Curls, Chappelle-Nadal, Schupp, Nasheed, Walsh and Sifton.

An Act to repeal sections 262.960, 262.962, and 348.407, RSMo, and to enact in lieu thereof three new sections relating to the farm-to-table program.

**SB 959**—By Holsman.

An Act to repeal section 82.1026, RSMo, and to enact in lieu thereof one new section relating to vacant nuisance properties in certain cities.

**SB 960**—By Wieland.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to workers' compensation large deductible policies, with an emergency clause.

**SB 961**—By Nasheed, Schupp, Chappelle-Nadal, Holsman, Curls, Walsh and Sifton.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services.

**SB 962**—By Curls, Holsman, Sifton and Schupp.

An Act to repeal section 610.100, RSMo, and to enact in lieu thereof four new sections relating to video recorders used by law enforcement agencies.

**SB 963**—By Wallingford.

An Act to repeal sections 210.110, 211.031, and 211.036, RSMo, and to enact in lieu thereof four new sections relating to the children's division.

**SB 964**—By Wallingford.

An Act to repeal sections 452.375, 452.400, and 452.410, RSMo, and to enact in lieu thereof three new

sections relating to child custody orders.

**SJR 36**—By Parson.

Submitting to the qualified voters of Missouri, an amendment repealing section 20 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legislative sessions of the general assembly.

**SJR 37**—By Chappelle-Nadal, Holsman, Schupp, Curls, Nasheed, Walsh and Sifton.

Submitting to the qualified voters of Missouri, an amendment repealing section 3(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the full funding of public elementary and secondary education.

### SECOND READING OF CONCURRENT RESOLUTIONS

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

**SCR 57**—Rules, Joint Rules, Resolutions and Ethics.

**HCS for HCR 58**—Rules, Joint Rules, Resolutions and Ethics.

### THIRD READING OF SENATE BILLS

**SCS for SB 591**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 591

An Act to repeal section 490.065, RSMo, and to enact in lieu thereof one new section relating to expert witnesses.

Was taken up by Senator Parson.

On motion of Senator Parson, **SCS for SB 591** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Cunningham	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Pearce	Richard	Riddle
Sater	Schaefer	Schatz	Wallingford	Wasson	Wieland—20	

#### NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	Nasheed	Romine	Schmitt
Schupp	Sifton	Walsh—10				

Absent—Senator Silvey—1

Absent with leave—Senator Schaaf—1

Vacancies—2

The President declared the bill passed.

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

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

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

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 585**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **THIRD READING OF SENATE BILLS**

**SCS** for **SB 585**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 585**

An Act to repeal sections 211.393, 478.170, and 478.191, RSMo, and to enact in lieu thereof six new sections relating to the division of multicounty judicial circuits, with an emergency clause.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS** for **SB 585** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schaaf—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Hegeman	Holsman
Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaefer
Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senator Schaaf—1

Vacancies—2

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

### **REPORTS OF STANDING COMMITTEES**

Senator Richard, 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 and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Stephanie M. Allen and Jeanenne M. Dallas, as members of the Missouri Board of Occupational Therapy;

Also,

Amy Beechner-McCarthy, as a member of the Children's Trust Fund Board;

Also,

Phillip Britt, Democrat, as a member of the Southeast Missouri State University Board of Regents;

Also,

Maida J. Coleman, as a member of the Public Service Commission;

Also,

Melba J. Curls, Democrat, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Gary D. Dusenberg, Republican and Jennifer M. Zamkus, Democrat, as members of the Board of Probation and Parole;

Also,

Scott C. Englund, as a member of the Missouri Veterans' Commission;

Also,

Ashton N. Frank, as a member of the Advisory Commission For Dental Hygienists;

Also,

Jennifer S. Griffin, as a member of the Board of Therapeutic Massage;

Also,

Alison R. Hershewe, Democrat, as a member of the Missouri Southern State University Board of Governors;

Also,

Jeffery A. Hughley, Jr., as a member of the Peace Officer Standards and Training Commission;

Also,

Garry Kemp, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Douglas R. Kennedy, Democrat, as a member of the Coordinating Board For Higher Education;

Also,

Richard F. Lombardo, Democrat, as a member of the Missouri Gaming Commission;

Also,

Beverly Miller, Democrat, Gregory V. Spears, Republican, and Carrie Tergin, Republican, as members of the Missouri State University Board of Governors; and

Elyn G. Potter, as a member of the Board of Geologist Registration.

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

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

President Pro Tem Richard assumed the Chair.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 572**, 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 Jobs, Economic Development and Local Government, to which was referred **SB 765**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, on behalf of Senator Schaaf, Chairman of the Committee on General Laws and Pensions, submitted the following reports:

Mr. President: Your Committee on General Laws and Pensions, to which was referred **SB 580**, 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 General Laws and Pensions, to which was referred **SB 639**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 655**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 657**, 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 Agriculture, Food Production and Outdoor Resources, to which was referred **SJR 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 579**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 635**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 677**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, 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 were referred **SCR 51** and **SCR 52**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NOS. 51 & 52

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

Whereas, Section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year the State Tax Commission is required to promulgate by regulation a value for each grade of agricultural and horticultural land based on productive capability; and

Whereas, the State Tax Commission, in accordance with Section 137.021, RSMo, did on December 29, 2015, propose a value for each of the eight grades of agricultural and horticultural land for the 2017 and 2018 assessment years, with changes to grades 1 through 4; and

Whereas, the members of the General Assembly believe that the proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural grades beyond the level which the General Assembly considers to be fair and reasonable; and

Whereas, Section 137.021, RSMo, permits the General Assembly to disapprove within the first sixty days of the next Regular Session of the General Assembly the agricultural and horticultural values as proposed by the State Tax Commission:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby disapprove the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 46**, 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 **SCR 43**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 43

Whereas, the Missouri State Capitol is the people's building; and

Whereas, the Constitution of the state of Missouri affirms the right of the people to petition their elected officials; and

Whereas, the members of the General Assembly have noted the continuing need for increased space in the State Capitol building for the citizens of this state, including those with physical disabilities, to exercise fully this right and meet with their elected representatives; and

Whereas, currently, a sizeable number of legislative offices are located in physical spaces that cannot be accessed by those citizens with physical disabilities; and

Whereas, statewide elected officers and other entities currently occupy physical space in the State Capitol building for job duties that could be performed in other state-owned buildings; and

Whereas, in order to ensure accessibility to the State Capitol building for all citizens of this state and accommodate the needs of the public, it is necessary to reallocate, for use by the General Assembly, physical space currently utilized by certain statewide elected officers and other entities listed in this resolution; and

Whereas, section 8.010, RSMo, establishes the Board of Public Buildings and grants it general supervision and charge of the public property of the state at the seat of government; and

Whereas, subsection 1 of section 8.460, RSMo, states “The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the General Assembly deems necessary to provide adequate space for its members”; and

Whereas, the General Assembly is duty bound to investigate the appropriate space needs of the members of the General Assembly in the State Capitol building in order to demand the Board of Public Buildings to remove the appropriate number of offices from the State Capitol building:

Now Therefore Be It Resolved by the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the “Joint Committee on Capitol Improvements” to examine the appropriate space needs of the General Assembly, certain statewide elected officers, and other entities within the State Capitol building; and

Be it further resolved that the Joint Committee on Capitol Improvements shall be composed of the President Pro Tempore of the Senate, the Speaker of the House of the Representatives, two members of the Senate appointed by the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the Speaker of the House; two members of the Senate appointed by the Senate Minority Leader, and two members of the House of Representatives appointed by the House Minority Leader. The President Pro Tempore and the Speaker of the House shall be co-chairpersons of the Committee. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as one or both of the chairpersons designate; and

Be it further resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate and the Committee on Legislative Research; and

Be it further resolved that the Joint Committee may prepare a final report, together with its recommendations for any demands for reallocation of space within the State Capitol building to the Board of Public Buildings pursuant to subsection 1 of section 8.460, RSMo, for submission to the General Assembly by December 31, 2016, at which time the Joint Committee shall be dissolved; and

Be it further resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be it further resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

Be it further resolved that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-eighth General Assembly and the First Regular Session of the Ninety-ninth General Assembly through December 31, 2016, as acknowledged by State v. Atterbury, 300 S.W.2d 806 (Mo. 1957).

Senator Pearce assumed the Chair.

Senator Hegeman assumed the Chair.

## **SECOND READING OF SENATE BILLS**

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

**SB 926**—Jobs, Economic Development and Local Government.

**SB 927**—Jobs, Economic Development and Local Government.

**SB 928**—Agriculture, Food Production and Outdoor Resources.

**SB 929**—Judiciary and Civil and Criminal Jurisprudence.

**SB 930**—Education.

**SB 931**—Judiciary and Civil and Criminal Jurisprudence.

**SB 932**—Financial and Governmental Organizations and Elections.

**SB 933**—Transportation, Infrastructure and Public Safety.

**SB 934**—Education.

**SB 935**—Commerce, Consumer Protection, Energy and the Environment.

**SB 936**—Small Business, Insurance and Industry.

**SB 937**—Jobs, Economic Development and Local Government.

**SB 938**—Small Business, Insurance and Industry.

**SB 939**—Judiciary and Civil and Criminal Jurisprudence.

**SB 940**—Veterans' Affairs and Health.

**SB 941**—Education.

**SB 942**—Judiciary and Civil and Criminal Jurisprudence.

**SB 943**—Commerce, Consumer Protection, Energy and the Environment.

**SB 944**—Commerce, Consumer Protection, Energy and the Environment.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 53**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 1283, regarding Paris Jones, Columbia, which was adopted.

Senator Kraus offered Senate Resolution No. 1284, regarding Todd Hulse, which was adopted.

Senator Kraus offered Senate Resolution No. 1285, regarding Victor B. "Vic" Allred, Parkville, which was adopted.

Senator Kraus offered Senate Resolution No. 1286, regarding Russell "Buddy" Lahl, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Kyler Cliffman, Nevada.

Senator Romine introduced to the Senate, Haley Tarvin, Springfield.

Senator Chappelle-Nadal introduced to the Senate, Taylor Harrington, Lucas Woodling and Luis de Leon, Columbia.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, January 25, 2016.

SENATE CALENDAR

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TENTH DAY—MONDAY, JANUARY 25, 2016

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 945-Munzlinger	SB 956-Chappelle-Nadal
SB 946-Emery	SB 957-Chappelle-Nadal
SB 947-Parson	SB 958-Holsman, et al
SB 948-Parson	SB 959-Holsman
SB 949-Wasson	SB 960-Wieland
SB 950-Wasson	SB 961-Nasheed, et al
SB 951-Wasson	SB 962-Curls, et al
SB 952-Walsh, et al	SB 963-Wallingford
SB 953-Schupp, et al	SB 964-Wallingford
SB 954-Pearce	SJR 36-Parson
SB 955-Sifton, et al	SJR 37-Chappelle-Nadal, et al

HOUSE BILLS ON SECOND READING

HJR 53-Dugger

SENATE BILLS FOR PERFECTION

- |                                |                                |
|--------------------------------|--------------------------------|
| 1. SB 572-Schmitt, with SCS    | 6. SJR 19-Munzlinger, with SCS |
| 2. SB 765-Schmitt, with SCS    | 7. SB 578-Keaveny, with SCS    |
| 3. SB 580-Schaaf, with SCS     | 8. SB 579-Schaaf, et al        |
| 4. SB 655-Munzlinger           | 9. SB 635-Hegeman              |
| 5. SB 657-Munzlinger, with SCS | 10. SB 677-Sater               |

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/21

SB 639-Riddle

RESOLUTIONS

Reported from Committee

SCRs 51 & 52-Kraus, with SCS

SCR 46-Schmitt

SCR 43-Richard, with SCS

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