Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 19, 2012

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

"I have found it impossible to carry the burden of responsibility and to discharge my duties as King as I would wish to without the help and support of the woman I love." (Edward VIII, 1936)

Loving Father, we finish our week's work here knowing the love and support of those who love us and make it possible for us to accomplish what is truly needed. We give You thanks for them and pray that we will be mindful to pour out our joy for them to them so they may know our love and joy for them. 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 photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

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

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1932, regarding Nicholas Karakas, Saint Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 1933, regarding Missouri Baptist Medical Center, Saint Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

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 were referred SB 893; SS for SB 854; and SS for SCS for SB 803, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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:

Eric S. Latimer, Independent, as a member of the Missouri Fire Safety Education/Advisory Commission; Also,

Kenneth Jones, Republican, as a member of the Board of Probation and Parole.

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 report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 576**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SS for SCS for SB 576, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 576

An Act to repeal sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

Was taken up.

President Kinder assumed the Chair.

On motion of Senator Stouffer, SS for SCS for SB 576 was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	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—31	

NAYS—Senators

Chappelle-Nadal Wright-Jones—2

Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

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

Senator Stouffer 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 510, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 510

An Act to repeal section 137.076, RSMo, and to enact in lieu thereof one new section relating to assessment of real property for tax purposes.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 510** was read the 3rd time and passed by the following vote:

YEAS—S	Senators
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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
Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Rupp—1

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SS for SCS for SB 682, introduced by Senator Dempsey, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 682

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to interventional pain management.

Was taken up.

On motion of Senator Dempsey, SS for SCS for SB 682 was read the 3rd time and passed by the following vote:

Brown	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon	Green
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	McKenna
Munzlinger	Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt
Wasson	Wright-Jones—26						

NAYS—Senators

Callahan Engler Goodman Mayer Nieves Purgason Stouffer—7

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

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

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

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

SB 739, introduced by Senator Keaveny, entitled:

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to administrative child support decisions.

Was taken up.

On motion of Senator Keaveny, SB 739 was read the 3rd time and passed by the following vote:

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								

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

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

Senator Keaveny 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 758, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 758

An Act to repeal sections 210.135 and 210.145, RSMo, and to enact in lieu thereof two new sections relating to child abuse and neglect.

Was taken up by Senator Wasson.

On motion of Senator Wasson, SCS for SB 758 was read the 3rd time and passed by the following vote:

YEAS—	Senators
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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
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Wasson Wright-Jones—34

NAYS—Senators—None

Absent-Senators-None

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.

SS for SCS for SB 448, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 448

An Act to repeal sections 210.211 and 210.245, RSMo, and to enact in lieu thereof three new sections relating to child care providers, with penalty provisions.

Was taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SB 448** was read the 3rd time and passed by the following vote:

YEAS—S	enators						
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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SS No. 2 for SCS for SB 806, introduced by Senator Cunningham, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 806

An Act to repeal sections 168.104, 168.124, 168.221, and 168.291, RSMo, and to enact in lieu thereof three new sections relating to the employment of school personnel, with an effective date.

Was called from the Informal Calendar and taken up.

At the request of Senator Cunningham, SS No. 2 for SCS for SB 806 was placed on the Informal

Calendar.

SS for SCS for SB 677, introduced by Senator Pearce, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 677

An Act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to school accreditation, with an emergency clause.

Was taken up.

On motion of Senator Pearce, **SS** for **SCS** for **SB 677** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	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—33

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Chappelle-Nadal Ridgeway—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

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

Senator Pearce moved that the vote by which the bill 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 Crowell, Chairman of the Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, to which was referred **HB 1331**, 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 Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, to which was referred **HB 1128**, 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, Emerging Issues, Pensions and Urban Affairs, to which was referred **HB 1680**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 **HCS** for **HB 1123**, 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 1103**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 51**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1525**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the

following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 835**, 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 Small Business, Insurance and Industry, to which was referred **HCS** for **HB 1495**, 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 Small Business, Insurance and Industry, to which was referred **HB 1112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1042**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 **HB 1504**, 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 **HCS** for **HB 1623**, 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 were referred **HB 1073** and **HCS** for **HB 1477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HB 1104**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer assumed the Chair.

HOUSE BILLS ON SECOND READING

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

HCS for HB 1134—Small Business, Insurance and Industry.

HCS for HB 1256—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

HCS for **HB 1383**—General Laws.

HCS for **HB 1444**—Agriculture, Food Production and Outdoor Resources.

HCS for **HB 1458**—Jobs, Economic Development and Local Government.

HCS for **HB 1549**—Commerce, Consumer Protection, Energy and the Environment.

HCS for **HJR 47**—Financial and Governmental Organizations and Elections.

HJR 49—Judiciary and Civil and Criminal Jurisprudence.

HJR 71—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

MESSAGES FROM THE HOUSE

The following messages were 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 **HB 1534**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to the federal health care reform law, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1717**, entitled:

An Act to repeal sections 143.173 and 143.221, RSMo, and to enact in lieu thereof two new sections relating to withholding tax returns.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1934, regarding the Class 2 State Champion Harrisburg High School Girls Basketball Team, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, fourth grade students from Clippard Elementary, Cape

Girardeau.

Senator Parson introduced to the Senate, former State Representative Kenny Jones, California.

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

Senator Mayer introduced to the Senate, Kristina and Rodney Hoefer, Doniphan.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, April 23, 2012.

SENATE CALENDAR

FIFTY-EIGHTH DAY-MONDAY, APRIL 23, 2012

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1534-Bahr, et al

HCS for HB 1717

THIRD READING OF SENATE BILLS

SCS for SB 625-Kehoe (In Fiscal Oversight)

SS for SB 854-Mayer

SB 893-Kraus

SS for SCS for SB 803-Rupp

SENATE BILLS FOR PERFECTION

SB 706-Cunningham, with SCS

SB 835-Kehoe, with SCS

SJR 51-Lembke, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1104-Schoeller and Smith (150),	7. HCS for HB 2003, with SCS (Schaefer)
with SCS (Engler)	8. HCS for HB 2004, with SCS (Schaefer)
2. HB 1188-Allen, et al, with SCA 1	9. HCS for HB 2005, with SCS (Schaefer)
(Schmitt)	10. HCS for HB 2006, with SCS (Schaefer)
3. HCS for HB 2014 (Schaefer)	11. HCS for HB 2007, with SCS (Schaefer)
4. HB 1179-Hampton, et al (Mayer)	12. HCS for HB 2008, with SCS (Schaefer)
5. HCS for HB 2001 (Schaefer)	13. HCS for HB 2009, with SCS (Schaefer)
6. HCS for HB 2002, with SCS (Schaefer)	14. HCS for HB 2010, with SCS (Schaefer)

- 15. HCS for HB 2011, with SCS (Schaefer)
- 16. HCS for HB 2012, with SCS (Schaefer)
- 17. HCS for HB 2013, with SCS (Schaefer)
- 18. HB 1331-Jones (117), et al, with SCS
- 19. HB 1128-Largent (Kraus)
- 20. HB 1680-Davis, et al (Pearce)
- 21. HCS for HB 1123 (Brown)
- 22. HB 1103-Crawford and Wyatt
- 23. HCS for HB 1525, with SCS (Goodman)

- 24. HCS for HB 1495, with SCS
- 25. HB 1112-Gosen, with SCS
- 26. HCS for HB 1042, with SCS (Pearce)
- 27. HB 1504-Richardson, with SCS (Lamping)
- 28. HCS for HB 1623, with SCS (Schmitt)
- 29. HB 1073 & HCS for HB 1477-Sater, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 806-Cunningham

SCS for SB 842-Lamping

SENATE BILLS FOR PERFECTION

SB 438-Mayer

SB 439-Mayer, with SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)

SB 442-Stouffer, with SCS

SB 449-Rupp

SB 451-Cunningham, with SCS

SB 454-Pearce, with SA 1 (pending)

SB 457-Schmitt, with SCS & SS for SCS (pending)

SB 465-Schaaf

SB 474-Kraus, with SCS & SA 1 (pending)

SB 475-Lamping

SB 479-Crowell

SB 490-Munzlinger, with SCS

SB 491-Munzlinger, with SCS

SB 516-Schaaf, with SCS (pending)

SB 547-Purgason

SB 548-Purgason, with SCS

SB 549-Lembke

SBs 553 & 435-Brown, with SCS, SS for

SCS & SA 1 (pending)

SB 577-Goodman and Rupp, with SCS

SB 584-Richard and Kehoe, with SCS

SBs 588 & 585-Schmitt, with SCS (pending)

SB 589-Kraus, with SCS (pending)

SB 596-Brown, with SCS

SB 621-Brown, with SCS, SS for SCS &

SA 1 (pending)

SB 623-Cunningham, with SCS

SB 645-Schaefer

SB 650-Ridgeway, with SS & SA 2 (pending)

SB 652-Lager

SB 656-Lager and Dixon, with SCS

SB 657-Rupp, with SCS (pending)

SB 659-Dempsey and Rupp

SB 661-Schmitt, with SCS (pending)

SB 666-Keaveny, with SCS & SS for SCS

(pending)

SB 675-Crowell, with SCS (pending)

SB 676-Nieves, with SCA 1 (pending)

SB 693-Crowell

SB 695-Parson

SB 710-Engler, et al, with SCS & SS#2

for SCS (pending)

SB 717-Stouffer

SB 743-Brown

SB 744-Wright-Jones, with SCS & SA 2

(pending)

SB 788-Keaveny, with SCS (pending)

SB 795-Callahan, et al, with SCS

SB 807-Dempsey

SB 816-Kraus, with SCS

SBs 817 & 774-Parson, with SCS

SB 818-Parson, with SCS

SB 834-Mayer and Parson, with SCS

SB 843-Lamping, with SCS & SS for SCS

(pending)

SB 865-Pearce, with SCS

SB 903-Lamping

SB 905-Mayer

SB 906-Kraus, with SCS

SB 909-Cunningham, et al

SJR 25-Crowell

SJR 29-Lamping, with SS & SA 1 (pending)

SJR 30-Lamping

SJR 39-Cunningham

SJR 45-Nieves

SJR 47-Rupp, with SCS

SJR 50-Curls

HOUSE BILLS ON THIRD READING

HCS for HB 1174, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending) (Pearce)

HCS for HB 1193, with SCS (Engler)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 773-Parson, with HA 2 & HA 3

RESOLUTIONS

Reported from Committee

SCR 20-Rupp SCR 21-Pearce, et al

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