

# Journal of the Senate

FIRST REGULAR SESSION

**TWENTY-FIFTH DAY—WEDNESDAY, FEBRUARY 17, 1999**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: Today many begin a journey that calls for us to look seriously at our lives and how we have followed Your teachings and expectations of us. Some wear Ashes, some attend special services, and some recall the journey of how they became Your people. For us, regardless of what we proclaim our faith to be, we commence this required journey of self exploration, repentance and reconciliation and ask that You walk with us and help us to learn of You, our God. Amen.

The Pledge of Allegiance to the Flag was recited.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

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

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 249, regarding Patricia Baldwin, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 250, regarding Ernest L. Smith, Bloomfield, which was adopted.

Senator Howard offered Senate Resolution No. 251, regarding the Dexter Super Town & Country, which was adopted.

Senator Howard offered Senate Resolution No. 252, regarding Mark Snider, Dexter, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 457**—By Steelman.

An Act to repeal section 160.400, RSMo Supp. 1998, relating to establishment of charter schools, and to enact in lieu thereof one new section relating to the same subject.

**SB 458**—By Steelman.

An Act to repeal sections 380.031, 380.511 and 380.591, RSMo 1994, relating to Missouri

mutual insurance company, and to enact in lieu thereof four new sections relating to the same subject.

**SB 459**—By Bland.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college admissions policies.

**THIRD READING OF SENATE BILLS**

**SB 61**, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 226.535, RSMo 1994, relating to tourist-oriented directional signs, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 61**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 61**

An Act to repeal section 226.525, RSMo 1994, relating to tourist-oriented directional signs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 61** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 61** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

**NAYS—Senator Rohrbach—1**

**Absent—Senators**

Ehlmann	Flotron	Graves	House
Maxwell	Schneider—6		

**Absent with leave—Senators—None**

The President Pro Tem declared the bill passed.

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

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

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

President Wilson assumed the Chair.

**SB 315**, introduced by Senator Staples, entitled:

An Act to authorize the conveyance of state property to the city of Farmington.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 315** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

**NAYS—Senators—None**

**Absent—Senator Flotron—1**

**Absent with leave—Senators—None**

The President declared the bill passed.

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

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

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

**SB 277**, with **SCA 1**, introduced by Senator Russell, entitled:

An Act to repeal sections 253.081 and

253.090, RSMo 1994, relating to certain state park funds, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

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

On motion of Senator Russell, **SB 277**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Flotron	Westfall—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 187**, introduced by Senator Kenney, entitled:

An Act to repeal section 167.151, RSMo 1994, relating to payment of school tuition, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 187** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Flotron	Schneider	Scott—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 124**, introduced by Senator Sims, entitled:

An Act to repeal sections 407.911 and 407.913, RSMo 1994, relating to sales commissions, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 124** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Flotron	Howard—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

## SECOND READING OF SENATE BILLS

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

**SB 415**—Transportation.

**SB 416**—Ways and Means.

**SB 418**—Aging, Families and Mental Health.

**SB 419**—Civil and Criminal Jurisprudence.

**SB 420**—Ways and Means.

**SB 421**—Elections, Veterans' Affairs and Corrections.

**SB 422**—Education.

**SB 423**—Agriculture, Conservation, Parks and Tourism.

**SB 424**—Agriculture, Conservation, Parks and Tourism.

**SB 425**—Education.

**SB 426**—Commerce and Environment.

**SB 427**—Local Government and Economic Development.

**SB 428**—Education.

**SB 429**—Insurance and Housing.

**SB 430**—Insurance and Housing.

**SB 431**—Judiciary.

**SB 432**—Ways and Means.

**SB 433**—Agriculture, Conservation, Parks and Tourism.

**SJR 26**—Education.

## REFERRALS

President Pro Tem Quick referred **HCR 4** and

**HCR 9** to the Committee on Rules, Joint Rules and Resolutions.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

## SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 78** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 78, Page 1, In the Title, Line 3, by inserting after "subject" the following: ", with an effective date"; and

Further amend said bill, page 2, section RULE 5.29, line 26, by inserting after all of said line the following:

"Section B. The repeal and reenactment of supreme court RULE 5.29 shall become effective July 1, 2000."

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

Senator Klarich offered **SA 2**, which was read:

### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 78, Page 2, Section Rule 5.29, Line 26, by inserting immediately after all of said line the following:

**"(d) Any nonattorney appearing under the provisions of this rule shall be advised by the presiding administrative law judge of the following:**

**(1) The right to be represented by a licensed attorney; and**

**(2) An explanation of the procedures and requirements of the proceeding, including the right and procedure of appeal."**

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

Senator Mathewson assumed the Chair.

Senator Klarich offered **SA 3**, which was read:

## SENATE AMENDMENT NO. 3

Amend Senate Bill No. 78, Page 2, Section Rule 5.29, Line 26, by inserting immediately after all of said line the following:

**"(d) Any nonattorney appearing pursuant to this section shall be subject to supreme court rules of professional conduct governing the conduct and practices of attorneys. Violations are subject to a finding of contempt by the administrative law judge. Violations rising to the level of criminal conduct shall be prosecuted by the prosecuting attorney in the jurisdiction where the proceeding occurs."**

Senator Klarich moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Bill No. 78, Page 1, Section 5.29, Lines 6-8, by deleting those lines.

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson assumed the Chair.

**SA 3** was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Klarich offered **SA 4**, which was read:

## SENATE AMENDMENT NO. 4

Amend Senate Bill No. 78, Page 2, Section Rule 5.29, Line 26, by inserting immediately after all of said line the following:

**"(d) Any nonattorney appearing pursuant to this section shall be subject to supreme court rules of professional conduct governing the conduct and practices of attorneys. Violations are subject to a finding of contempt by the administrative law judge."**

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Russell, **SB 78**, with **SA 4** (pending), was placed on the Informal Calendar.

## 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 153**, entitled:

An Act to repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new section relating to the same subject.

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 **HB 323**, entitled:

An Act to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

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 **HB 338**, entitled:

An Act to repeal sections 304.030, 304.580, 390.020, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.081, 390.101, 390.106, 390.111, 390.116, 390.121, 390.126, 390.136, 390.146, 390.171, 516.103, 516.390 and 622.095, RSMo 1994, and sections 304.010, 307.400, 390.250, 390.270, 390.290, 390.300, 390.310, 622.400, 622.490, 622.600, 622.604, 622.608, 622.610 and 622.612, RSMo Supp. 1998, relating to the division of motor carrier and railroad safety, and to enact in lieu thereof thirty-eight new

sections relating to the same subject, 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 **HS** for **HCS** for **HB 618**, entitled:

An Act relating to the health care needs of the elderly.

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 **HB 318**, entitled:

An Act to repeal section 190.307, RSMo 1994, and section 650.330, RSMo Supp. 1998, relating to certain emergency telephone services, and to enact in lieu thereof four new sections relating to the same subject.

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 524**, entitled:

An Act to repeal sections 260.475 and 260.479, RSMo 1994, relating to fees on hazardous wastes, and to enact in lieu thereof two new sections relating to the same subject.

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 139**, entitled:

An Act relating to tourism sales taxation, with an emergency clause.

Emergency clause adopted.

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 **HB 541**, entitled:

An Act to amend chapter 262, RSMo, relating to promotion of agriculture and horticulture by adding thereto four new sections relating to the southern dairy compact, 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 **HB 368**, entitled:

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and section 217.665, RSMo Supp. 1998, relating to salaries of certain state employees, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 460**—By House.

An Act to repeal sections 33.103, 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.435 and 166.455, RSMo Supp. 1998, relating to Missouri higher education savings program, and

to enact in lieu thereof nine new sections relating to the same subject.

**SB 461**—By House.

An Act to repeal section 164.161, RSMo 1994, and section 165.051, RSMo Supp. 1998, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

**SB 462**—By Ehlmann.

An Act to amend chapter 33, RSMo, by adding thereto sixteen new sections relating to procedures and remedies for reporting and recovery of public funds lost to fraud.

**SB 463**—By Ehlmann.

An Act to repeal section 320.320, RSMo 1994, and sections 190.060, 321.220 and 321.600, RSMo Supp. 1998, relating to volunteer firefighters' benefits, and to enact in lieu thereof four new sections relating to the same subject.

**SB 464**—By Ehlmann.

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to workers' compensation.

**SB 465**—By Ehlmann and House.

An Act to repeal section 478.600, RSMo 1994, relating to circuit judges, and to enact in lieu thereof one new section relating to the same subject.

## COMMUNICATIONS

President Pro Tem Quick submitted the following:

February 11, 1999

The Honorable Harry Wiggins  
Missouri Senate  
Capitol Building, Room 423  
Jefferson City, MO 65101  
Dear Senator Wiggins:

Pursuant to section 185.100, it is my pleasure to appoint you to the Arts Council Trust Fund Board of Trustees.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, Dan and Ellen Bruntrager, and their children, Ellen, Claire and Mary Grace, Des Peres; and Ellen, Claire and Mary Grace were made honorary pages.

Senator Maxwell introduced to the Senate, Chris J. Maglio, Kirksville.

Senator Russell introduced to the Senate, Lloyd Gunter, Conway; and J.D. Hutsell, Mountain Grove.

Senator Rohrbach introduced to the Senate, Bernie Fechtel, Jefferson City.

Senator Johnson introduced to the Senate, Gertrude Reeves, Leta Rainez, Mildred Taylor, Oralee Pike, Lucille H. Hall, Mary Richey Lucile Jackson, Dorothy Spaulding, Shirley Myers and Joan Gillman, St. Joseph; and Tanya Moore, Rosendale.

Senator Howard introduced to the Senate, Mary Lee, Malden; Jan Cradduck, Clarkton; Kurt Luecke, Poplar Bluff; and Gregory Bradley, Kennett.

On behalf of Senators Flotron, Sims and Goode, Senator Howard introduced to the Senate, Dr. Kenneth Bohm, Ballwin; and Dr. K. Lynne Moritz and Gil Marsh, M.S.W., St Louis.

Senator Wiggins introduced to the Senate, Mr. and Mrs. Thomas Wilson, and their children, Natlie, Erica and Valerie, Kansas City; and Natlie, Erica and Valerie were made honorary pages.

Senator Clay introduced to the Senate, the Physician of the Day, Dr. Thomas Saak, St. Louis.

Senator Steelman introduced to the Senate, eleventh and twelfth grade students from Steelville.

Senator Childers introduced to the Senate, Sherry Mohler and seventh and eighth grade students from West Plains Middle School, West Plains.

Senator Kinder introduced to the Senate, Bill Bess, Cape Girardeau.

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

## SENATE CALENDAR

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 TWENTY-SIXTH DAY—THURSDAY, FEBRUARY 18, 1999
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 434-Klarich	SB 451-Singleton
SB 435-Staples	SB 452-Bland
SB 436-Quick	SB 453-Wiggins
SB 437-Mueller	SB 454-Bentley
SB 438-Russell, et al	SB 455-Stoll, et al
SB 439-Johnson	SB 456-Klarich
SB 440-Schneider	SB 457-Steelman
SB 441-Schneider	SB 458-Steelman
SB 442-Schneider	SB 459-Bland
SB 443-Jacob	SB 460-House
SB 444-Maxwell	SB 461-House
SB 445-Mathewson	SB 462-Ehlmann
SB 446-Stoll	SB 463-Ehlmann
SB 447-Stoll	SB 464-Ehlmann
SB 448-Stoll	SB 465-Ehlmann and House
SB 449-Jacob	SJR 27-Maxwell
SB 450-Johnson and DePasco	SJR 28-Scott

## HOUSE BILLS ON SECOND READING

HCS for HB 349	HB 153-Leake, et al
HCS for HB 533	HB 323-Gratz and Vogel
HB 346-Thompson (37th)	HB 338-Koller
HB 152-Leake, et al	HS for HCS for HB 618-Harlan
HB 79-Ransdall and Gaw	HB 318-Leake and Treadway
HB 39-Dougherty	HCS for HB 524
HB 399-Bray	HCS for HB 139
HB 35-Campbell	HB 541-Kreider, et al
HJR 5-Barry, et al	HB 368-Murray and Franklin



SENATE BILLS FOR PERFECTION

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|--|---|
| 1. SB 203-Wiggins                          | 12. SBs 308 & 314-Scott<br>and Russell, with SCS    |
| 2. SBs 31 & 285-Howard,<br>with SCS        | 13. SB 224-Caskey                                   |
| 3. SB 294-Staples                          | 14. SJR 25-Rohrbach and Goode                       |
| 4. SB 184-Staples, with<br>SCA 1           | 15. SB 22-Flotron                                   |
| 5. SB 163-House                            | 16. SB 95-Maxwell                                   |
| 6. SB 289-Goode, et al,<br>with SCAs 1 & 2 | 17. SB 309-Maxwell                                  |
| 7. SBs 160 & 82-Maxwell,<br>with SCS       | 18. SBs 240, 226 & 229-<br>DePasco, with SCS        |
| 8. SB 282-Clay, et al,<br>with SCS         | 19. SB 180-Johnson                                  |
| 9. SB 266-Klarich                          | 20. SB 81-Mathewson                                 |
| 10. SBs 14, 60 & 69-Mathewson,<br>with SCS | 21. SB 20-Goode, et al                              |
| 11. SBs 8 & 173-Banks, with SCS            | 22. SB 32-Howard                                    |
|  | 23. SB 288-Quick, et al                             |
|  | 24. SBs 322, 150 & 151-<br>Sims and Goode, with SCS |
|  | 25. SB 239-Jacob, with SCS                          |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 78-Russell, with SA 4<br>(pending)                | SB 318-Jacob, et al, with<br>SCS & SS for SCS<br>(pending) |
| SBs 295 & 46-Schneider,<br>et al, with SCS (pending) |  |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 169-Maxwell

## Reported 2/9

SB 28-Mueller  
 SB 83-Goode  
 SB 4-Wiggins (In Budget Control)  
 SB 105-Sims and Yeckel,  
 with SCA 1

SB 159-House, with SCS  
 SB 219-Caskey  
 SB 189-House  
 SB 34-Johnson

## Reported 2/15

SB 360-Maxwell  
 SB 237-Klarich  
 SB 136-Goode

SB 234-Stoll, with SCS  
 SB 218-Caskey, with SCS

## Reported 2/16

SB 275-Caskey, with SCS  
 SB 175-Rohrbach, with SCS  
 SB 329-Jacob  
 SB 310-Maxwell  
 SB 357-Klarich, with SCA 1

SB 158-Singleton and  
 Schneider  
 SB 401-Maxwell  
 SB 276-Caskey, with SCA 1

BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HCRs 6 & 7 (Staples),  
 with SA 1, as amended & SA 2  
 (Senate refuses to recede and  
 requests House grant conference)

## RESOLUTIONS

SCR 9-Mueller

## Reported from Committee

SCR 1-Clay

SCR 2-Goode, et al

Unofficial  
Journal  
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