Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 6, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"As God's chosen ones, holy and beloved, clothe yourselves with compassion, kindness, humility, meekness and patience." (Colossians 3:12)

Merciful God, where we are resentful, You are full of mercy. Where we are argumentative, You acquiesce. Where we show snobbery and superiority, You correct with gentleness and instruct with kindness. Help us to learn from You to provide what is truly needful and calming as we deal with each other this new week so we may accomplish the most good working together. 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, March 2, 2006 was read and approved.

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

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Present-	–Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Green offered Senate Resolution No. 2229, regarding Jana Elementary School, Florissant, which was adopted.

Senator Scott offered Senate Resolution No. 2230, regarding Kristen Hoelscher, which was adopted.

Senator Scott offered Senate Resolution No. 2231, regarding Jeff W. Witt, which was adopted.

Senator Scott offered Senate Resolution No. 2232, regarding Carol Perkins, which was adopted.

Senator Alter offered Senate Resolution No. 2233, regarding Kristen Holt, Cottleville, which was adopted.

Senator Alter offered Senate Resolution No.

2234, regarding R. Odell Beauchamp, which was adopted.

Senator Dougherty offered Senate Resolution No. 2235, regarding Linda Schroeder, which was adopted.

Senator Dougherty offered Senate Resolution No. 2236, regarding Reverend Ted Schroeder, which was adopted.

Senator Coleman offered Senate Resolution No. 2237, regarding Con-Way Central Express, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 2238, regarding Lucy Obukowicz, Kirkwood, which was adopted.

Senator Champion offered Senate Resolution No. 2239, regarding Beth Trower, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 2240, regarding Lance Auck, Centralia, which was adopted.

Senator Loudon offered Senate Resolution No. 2241, regarding Timothy W. Jennings, D.O., Chesterfield, which was adopted.

Senator Mayer offered Senate Resolution No. 2242, regarding Gil Richardson, which was adopted.

Senator Mayer offered Senate Resolution No. 2243, regarding Brett Jansen, Advance, which was adopted.

Senator Stouffer offered Senate Resolution No. 2244, regarding Gordon Sires, Bates City, which was adopted.

Senator Stouffer offered Senate Resolution No. 2245, regarding Andrew Kueker, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 2246, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Richard Lawless, which was adopted.

Senator Stouffer offered Senate Resolution No. 2247, regarding Jordan Garber, which was adopted.

Senator Stouffer offered Senate Resolution No. 2248, regarding Cabot Long, which was adopted.

Senator Stouffer offered Senate Resolution No. 2249, regarding Jon Carr, which was adopted.

Senator Stouffer offered Senate Resolution No. 2250, regarding Graham Padley, which was adopted.

Senator Stouffer offered Senate Resolution No. 2251, regarding Kenneth Norberg, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2252, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leland Helt, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2253, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Smith, Rayville, which was adopted.

Senator Gross offered Senate Resolution No. 2254, regarding Chelsea Huesemann, Saint Charles, which was adopted.

Senator Purgason offered Senate Resolution No. 2255, regarding Lindsey McElyea, Willow Springs, which was adopted.

Senator Nodler offered Senate Resolution No. 2256, regarding the One Hundredth Birthday of Dessie Learning, Lockwood, which was adopted.

Senator Bray offered Senate Resolution No. 2257, regarding Zelda Epstein Learning Center, Brentwood, which was adopted.

Senator Bray offered Senate Resolution No. 2258, regarding Sarah Kurzu, Ladue, which was adopted.

Senator Bray offered Senate Resolution No.

2259, regarding Julia Rubin, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 2260, regarding McKay Yancey, Olivette, which was adopted.

Senator Alter offered Senate Resolution No. 2261, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Staggenborg, Pevely, which was adopted.

Senator Loudon offered Senate Resolution No. 2262, regarding Lawson Elementary School, Florissant, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 1014, with SCS, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 1014, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1014** be adopted, which motion prevailed.

On motion of Senator Gross, SCS for HCS for

HB 1014 was read the 3rd time and passed by the following vote:

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Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

THIRD READING OF SENATE BILLS

SB 561, introduced by Senator Gross, entitled:

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boat admission fee revenue.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 561** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

SB 766, introduced by Senator Vogel, entitled:

An Act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax set offs.

Was called from the Consent Calendar and taken up.

Senator Crowell assumed the Chair.

On motion of Senator Vogel, **SB 766** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

SECOND READING OF SENATE BILLS

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

SB 1150—Judiciary and Civil and Criminal Jurisprudence.

SB 1151—Economic Development, Tourism and Local Government.

SB 1152—Pensions, Veterans' Affairs and General Laws.

SB 1153—Aging, Families, Mental and Public Health.

SB 1154—Financial and Governmental Organizations and Elections.

SB 1155—Aging, Families, Mental and Public Health.

SB 1156—Education.

SB 1157—Economic Development, Tourism and Local Government.

SB 1158—Agriculture, Conservation, Parks and Natural Resources.

SB 1159—Agriculture, Conservation, Parks and Natural Resources.

SB 1160—Economic Development, Tourism and Local Government.

SB 1161—Economic Development, Tourism and Local Government.

SB 1162—Governmental Accountability and Fiscal Oversight.

SB 1163—Governmental Accountability and Fiscal Oversight.

SB 1164—Education.

SB 1165—Commerce, Energy and the Environment.

SB 1166—Transportation.

SB 1167—Financial and Governmental Organizations and Elections.

SB 1168—Judiciary and Civil and Criminal Jurisprudence.

SB 1169—Education.

SB 1170—Financial and Governmental Organizations and Elections.

SB 1171—Pensions, Veterans' Affairs and General Laws.

SB 1172—Financial and Governmental Organizations and Elections.

SB 1173—Ways and Means.

SB 1174—Governmental Accountability and Fiscal Oversight.

SB 1175—Economic Development, Tourism and Local Government.

SB 1176—Transportation.

SB 1177—Economic Development, Tourism and Local Government.

SB 1178—Ways and Means.

SB 1179—Ways and Means.

SB 1180—Transportation.

SB 1181—Transportation.

SB 1182—Economic Development, Tourism and Local Government.

SB 1183—Ways and Means.

SB 1184—Economic Development, Tourism and Local Government.

SB 1185—Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 936, introduced by Senator Vogel, entitled:

An Act to repeal section 182.105, RSMo, and to enact in lieu thereof one new section relating to county library district bonds.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 936** was read the 3rd time and passed by the following vote:

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YEA:	S	Sen	าลt	Of	2.

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS-Senators-None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

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

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

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

SB 893, introduced by Senator Scott, entitled:

An Act to repeal section 321.554, RSMo, and to enact in lieu thereof one new section relating to a sales tax for districts that provide certain

emergency services.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 893** was read the 3rd time and passed by the following vote:

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Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

SB 919, introduced by Senator Scott, entitled:

An Act to repeal section 77.580, RSMo, relating to concealed weapons in third class cities.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 919** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

SB 751, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

Was called from the Consent Calendar and taken up.

SCS for SB 751, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 751

An Act to repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 751** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 751** was read the 3rd time and passed by the following vote:

YEAS—S	enators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32
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NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

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

SB 863, introduced by Senator Engler, entitled:

An Act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

SB 809, introduced by Senator Graham, entitled:

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 809** was read the 3rd time and passed by the following vote:

YEAS—	Senators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies-1

The President declared the bill passed.

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

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

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

SB 760, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

Was called from the Consent Calendar and taken up.

SCS for SB 760, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 760

An Act to repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

Was taken up.

Senator Engler moved that SCS for SB~760 be adopted.

At the request of Senator Engler, the motion to adopt the **SCS** was withdrawn which placed the bill back on the Consent Calendar.

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 **HB 1228**, entitled:

An Act to repeal sections 186.005, 186.014, 186.016, 186.018, 186.019, and 301.3112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri Women's Council.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, his brother, Josh, Cape Girardeau.

Senator Loudon introduced to the Senate, Krista Bartelsmeyer and Cameron Cupt, Aurora; and Andrea Barron, Kansas City.

Senator Scott introduced to the Senate, members of the Appleton City High School Computer Club.

Senator Engler introduced to the Senate, his daughter and son-in-law, Aimee! and Dustin Washam, Springfield.

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

SENATE CALENDAR

THIRTY-FIFTH DAY-TUESDAY, MARCH 7, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1186-Engler SB 1187-Gibbons SB 1188-Gibbons SB 1189-Gibbons

GD 4400 T 1	GD 1005 D11
SB 1190-Loudon	SB 1225-Ridgeway
SB 1191-Loudon	SB 1226-Ridgeway
SB 1192-Wheeler, et al	SB 1227-Bray and Days
SB 1193-Wheeler	SB 1228-Purgason
SB 1194-Wheeler	SB 1229-Champion, et al
SB 1195-Wheeler	SB 1230-Dougherty
SB 1196-Wheeler	SB 1231-Dougherty
SB 1197-Wheeler and Champion	SB 1232-Bartle
SB 1198-Scott	SB 1233-Bartle
SB 1199-Scott	SB 1234-Bartle
SB 1200-Scott	SB 1235-Engler
SB 1201-Dougherty	SB 1236-Engler
SB 1202-Dougherty	SB 1237-Callahan
SB 1203-Dougherty	SB 1238-Callahan
SB 1204-Dougherty	SB 1239-Gibbons
SB 1205-Dougherty and Gross	SB 1240-Koster
SB 1206-Mayer	SB 1241-Koster
SB 1207-Mayer	SB 1242-Cauthorn
SB 1208-Koster	SB 1243-Loudon
SB 1209-Koster	SB 1244-Loudon
SB 1210-Koster, et al	SB 1245-Goodman, et al
SB 1211-Coleman and Gibbons	SB 1246-Bray
SB 1212-Coleman	SB 1247-Vogel
SB 1213-Coleman and Ridgeway	SB 1248-Crowell, et al
SB 1214-Goodman	SB 1249-Alter
SB 1215-Goodman	SB 1250-Alter
SB 1216-Goodman	SB 1251-Shields
SB 1217-Goodman	SB 1252-Scott
SB 1218-Goodman	SB 1253-Mayer
SB 1219-Goodman	SB 1254-Shields, et al
SB 1220-Goodman	SB 1255-Dougherty
SB 1221-Goodman	SJR 40-Bartle
SB 1222-Goodman	SJR 41-Mayer
SB 1223-Scott	SJR 42-Nodler, et al
SB 1224-Ridgeway	SJR 43-Crowell, et al
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HOUSE BILLS ON SECOND READING

HCS for HJR 36 HB 1169-Cooper (120) HJR 28-Jackson HB 1157-Cooper (120), et al HB 1249-Spreng, et al HB 1688-Johnson (47), et al HB 1393-Behnen, et al HB 1234-Loehner, et al HB 1105-Wilson (119), et al HB 1228-Ruestman, et al

SENATE BILLS FOR PERFECTION

1. SB 816-Griesheimer and Coleman, with SCS

2. SB 646-Griesheimer, with SCS

3. SB 566-Dougherty, et al, with SCS

4. SBs 665 & 757-Engler, with SCS

5. SB 643-Scott

6. SRB 848-Bartle, with SCS

7. SB 916-Koster, et al, with SCS

8. SB 938-Stouffer

9. SB 953-Engler, et al, with SCS

10. SBs 613, 1030 & 899-Engler and Crowell, with SCS

11. SBs 1031 & 846-Klindt, with SCS

12. SB 718-Crowell and Mayer, with SCS

13. SB 822-Gross

14. SB 825-Koster, et al, with SCS

15. SB 616-Stouffer, with SCS

16. SB 589-Bartle

17. SB 637-Cauthorn, et al, with SCS

18. SB 901-Shields

19. SB 635-Cauthorn

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890-Bartle and Scott, with SCS

SB 596-Days

SB 644-Shields

SB 689-Scott

SB 690-Champion, with SCS

SB 780-Klindt

SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS

SB 849-Mayer, et al, with SS, SA 6

& SA 1 to SA 6 (pending)

SBs 1014 & 730-Scott and Gibbons,

with SCS

SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS SB 830-Ridgeway, et al, with SCS SB 871-Coleman

Reported 2/23

SB 965-Bartle SBs 667, 704, 941, 956 & 987-Engler,

SB 806-Gross, with SCS
SB 964-Crowell
SB 990-Vogel
SB 735-Crowell

Reported 3/2

SB 1020-Vogel SB 1008-Klindt, with SCS

SB 582-Griesheimer SB 834-Nodler SB 951-Cauthorn SB 947-Shields

SB 974-Shields SB 981-Goodman, et al

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

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