

# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-SECOND DAY—TUESDAY, APRIL 14, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom is the power to see and the inclination to choose the best and highest goal, together with the surest means of attaining it.” (J.I. Packer)

We begin a shortened week while the challenges and decisions we have to make increases. We pray for wisdom, O Lord, that we might find the best way to conduct our business; the laws of the State. Your guidance and patience is surely needed and we pray for it. 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 Journals for Thursday, April 9, 2009 and Monday, April 13, 2009 were read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Ridgeway offered Senate Resolution No. 788, regarding Joseph William Landers, III, Smithville, which was adopted.

Senators Engler and Lembke offered Senate Resolution No. 789, regarding Kay Lewandowski, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 790, regarding Pat Honey, which was adopted.

Senator Crowell offered Senate Resolution No. 791, regarding Gloria Cox, which was adopted.

Senator Crowell offered Senate Resolution No. 792, regarding Kevin Miller, which was adopted.

Senator Schaefer offered Senate Resolution No. 793, regarding M. Frederick Hawthorne, Columbia, which was adopted.

Senator McKenna offered Senate Resolution No. 794, regarding Dr. Wayne H. Watts, which was adopted.

**MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI

Jefferson City

65102

April 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Forrest Miller, Jr., Republican, 9100 Appomattox Court, Crestwood, Saint Louis County, Missouri 63123, as a member of the Missouri Community Service Commission, for a term ending April 05, 2012, and until his successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Anthony Thompson, Democrat, 1100 Sandistan Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the State Board of Education, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Nanci A. Bobrow, 50 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until her successor is duly appointed and qualified; vice, Carol Gasser, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Thelma V. Cook, Democrat, 4444 Lindell Boulevard #4, Saint Louis City, Missouri 63108, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until her successor is duly appointed and qualified; vice, Steven Roberts, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Diza A. Eskridge, Democrat, 712 Spring Street, Weston, Platte County, Missouri 64098, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2014, and until her successor is duly appointed and qualified; vice, Diza A. Eskridge, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Janet E. Farmer, 4323 Raven's Ridge Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012 and until her successor is duly appointed and qualified; vice, Janet E. Farmer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Phillip L. Gould, 102 Lake Forest Drive, Richmond Heights, Saint Louis County, Missouri 63117, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2010, and until her successor is duly appointed and qualified; vice, John Sullivan, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Mary A. Long, Democrat, 6500 East 108<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64134, as a member of the University of Central Missouri Board of Governors, for a term ending January 01, 2011, and until her successor is duly appointed and qualified; vice, Mary A. Long, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

John F. Mantovani, 8038 Watkins Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010, and until his successor is duly appointed and qualified; vice, John F. Mantovani, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Rodger D. Owens, Buttry Lane, Wappapello, Wayne County, Missouri 63966, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2010, and until his successor is duly appointed and qualified; vice, Orville Schaefer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 9, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Marcie A. Luebbert to the Missouri Quality Home Care Commission, submitted on March 23, 2009. Line 4 should be amended as follows:

“RSMo 208.856.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **SCS** for **SBs 453** and **24** to the Committee on Governmental Accountability and Fiscal Oversight.

**HOUSE BILLS ON THIRD READING**

**HB 1**, introduced by Representative Icet, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

Senator Rupp assumed the Chair.

On motion of Senator Nodler, **HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Clemens      Cunningham      Ridgeway—3

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS for HB 2, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 2, entitled:**

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

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of

Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Nodler offered **SS** for **SCS** for **HCS** for **HB 2**, entitled:

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

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Mayer was excused from voting.

On motion of Senator Nodler, **SS** for **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Lembke	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Justus            Smith—2

Absent—Senators—None

Absent with leave—Senators

Clemens            Cunningham            Ridgeway—3

Excused from voting—Senator Mayer—1

Vacancies—None

The President declared the bill passed.

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

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

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

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 795, regarding Angela C. Canul, Saint Peters, which was adopted.

Senator Wilson offered Senate Resolution No. 796, regarding Donna Brazile, which was adopted.

Senator Schaefer offered Senate Resolution No. 797, regarding RiteCare Valley, Columbia, which was adopted.

Senators Wilson and Justus offered Senate Resolution No. 798, regarding the BE 1! campaign, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 3**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 3** be adopted.

Senator Nodler offered **SS** for **SCS** for **HCS** for **HB 3**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
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Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Justus—1

Absent—Senator Cunningham—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS for HB 5, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 5, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 5** be adopted.

Senator Crowell offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 10, Section 5.155, Line 7, by inserting immediately thereafter, the following new section, "5.157 There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Board of Public Buildings Series A 2003 Sinking Fund for the purpose of payment of outstanding Board of Public Buildings

Series A 2003 Bonds callable on October 15, 2013

From General Revenue.....\$241,000,000”;  
and further amend bill totals accordingly.

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

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 7, Section 5.115, Line 5, by deleting the number “\$6,000,000E” and inserting in lieu thereof the following number “\$6,000,000”; and

further amend said section, page 8, line 6, by deleting the number “25,000E” and inserting in lieu thereof the following number “25,000”; and

further amend said section, line 7, by deleting the number “130,000E” and inserting in lieu thereof the following number “130,000”; and

further amend said section, line 8, by deleting the number “2,286E” and inserting in lieu thereof the following number “2,286”; and

further amend said section, line 9, by deleting the number “600,000E” and inserting in lieu thereof the following number “600,000”; and

further amend said section, line 10, by deleting the number “149E” and inserting in lieu thereof the following number “149”; and

further amend said bill, Section 5.120., page 8, line 7, by deleting the number “\$6,757,435E” and inserting in lieu thereof the following number “\$6,757,435”.

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

Senator Nodler moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Crowell	Lembke	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

Photographers from the Missouri Press Association and Missouri Digital News were given permission to take photographs in the Senate Chamber today.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, coaches and players of the 2008-2009 University of Missouri Men's Basketball team. Head Coach Mike Anderson assumed the dais and addressed the members of the Senate.

Senator Stouffer assumed the Chair.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 83**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 128** and **340**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 154**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 171**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 218**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 282**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 652**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 698**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 844**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 895**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 918**, 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 Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 919**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
April 13, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Derek Collins, Democrat, 2515 South Kingshighway, Saint Louis, Saint Louis County, Missouri 63110 as a student representative of the Harris-Stowe State University Board of Regents, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Leonard C. Johnson, III, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 13, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Vernetta Kaye Newsome, 3828 Southwest Sandstone Drive, Lee's Summit, Jackson County, Missouri 64082, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Donna Ostercamp, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 14, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Eric Rhone, Democrat, 7 Clayton Court Drive, Frontenac, Saint Louis County, Missouri 63131, as a member of the Tourism Commission, for a term ending January 15, 2012, and until his successor is duly appointed and qualified; vice, Lee Clear, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 6, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Pearce assumed the Chair.

Senator Nodler moved that **SCS** for **HCS** for **HB 6** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Lager	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lembke	Ridgeway—4
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Absent—Senators

Green	Purgason	Scott—3
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Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and

Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 7, Section 7.080, Line 4, by inserting immediately following said section the following new section

“Section 7.082. To the Department of Economic Development

For the Missouri Business Use Incentives for Large-Scale Development Program (BUILD)

From General Revenue.....\$10,000,000”

Adjust bill totals accordingly

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

Senator Nodler moved that **SCS** for **HCS** for **HB 7** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Lembke	Ridgeway—3
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

### **RESOLUTIONS**

Senator Wright-Jones offered Senate Resolution No. 799, regarding Victoria Lee Schneider, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 800, regarding Julie Marie Jacobs, New Cambria, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 801, regarding Saint Cecilia Catholic Church, Saint Louis, which was adopted.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 8**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 8**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 8** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 8** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS for HB 9, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 9, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 9** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 9** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Lembke            Smith—2

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS for HB 10, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 10, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 10** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lager	Lembke	Ridgeway	Smith	Stouffer—7
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS for HB 11, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 11, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 11** be adopted.

Senator Smith offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 28, Section 11.520, Lines 10-13, by striking all of said lines and inserting in lieu thereof the following:

“185 percent of the federal poverty level; eight percent of the amount of a family’s income”; and

Further amend said section and page, line 21, by deleting the number “\$30,995,887” and inserting in lieu thereof the following number: “\$36,783,393”; and

Further amend said section and page, line 24, by deleting the number “143,683,134” and inserting in lieu thereof the following number: “160,981,013”; and

Further amend section and bill totals accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Justus requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Callahan, Shoemyer, Engler and Smith.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Justus	McKenna	Shoemyer	Smith
Wilson	Wright-Jones—10						

NAYS—Senators

Bartle	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman	Green
Griesheimer	Lager	Lembke	Mayer	Nodler	Pearce	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel—22		

Absent—Senator Purgason—1

Absent with leave—Senator Clemens—1

Vacancies—None

Senator Nodler moved that **SCS** for **HCS** for **HB 11** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lager	Lembke	Ridgeway	Smith—6		
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Absent—Senator Purgason—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**COMMUNICATIONS**

Senator Griesheimer submitted the following:

April 14, 2009

Terry Spieler  
 Secretary of the Senate  
 Missouri State Senate  
 State Capitol, Room 325  
 Jefferson City, MO 65101

Dear Ms. Spieler:

I respectfully request under Senate Rule 45 that HCS for HB 148, with SCS, be removed from the Consent Calendar.

Please return this bill to the Senate Jobs, Economic Development and Local Government Committee at your earliest convenience.

Thank you for your attention to this matter.

Sincerely,

/s/ John

John E. Griesheimer

### **INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, Bryan, Sarah and Caleb Kretzinger, St. Joseph; and Caleb was made an honorary page.

Senator Rupp introduced to the Senate, his father, Chester E. Rupp, St. Charles.

Senator Lembke introduced to the Senate, Georgia Wright, Angie and Madalyn Porter, and Christina Mueller, St. Louis; and Christina and Madalyn were made honorary pages.

Senator Lager introduced to the Senate, Dawn Black, parents, and sixteen fourth grade students from Southwest Livingston County Elementary School, Ludlow.

Senator Bray introduced to the Senate, Joan Patton and twenty-three eighth grade students from Saint Mary Magdalen School, Brentwood.

Senator Pearce introduced to the Senate, Valo Jones and Marilyn Louinger, Kalee Woody, Caitlin Wallace, Ashley McKinley and Cassidy Fry, Vernon County.

Senator Smith introduced to the Senate, Joe Keaveny, St. Louis.

Senator Bartle introduced to the Senate, Aaron, Stacy, Madison and Kaitlyn Guest, Lee's Summit.

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

### **SENATE CALENDAR**

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**FIFTY-THIRD DAY—WEDNESDAY, APRIL 15, 2009**

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### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HCS for HJR 10  
 HB 599-Diehl

HCS for HB 509  
 HCS for HBs 187 & 235

HCS for HB 495  
HCS for HB 299  
HCS for HB 863  
HCS for HB 250

HCS for HB 909  
HB 30-Brandom, et al  
HCS for HBs 658 & 706

THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SS for SCS for SB 167-Rupp<br>(In Fiscal Oversight)    | 6. SCS for SB 549-Schmitt<br>(In Fiscal Oversight)     |
| 2. SCS for SBs 207 & 245-Rupp<br>(In Fiscal Oversight)    | 7. SCS for SBs 453 & 24-Mayer<br>(In Fiscal Oversight) |
| 3. SS for SCS for SB 306-Dempsey<br>(In Fiscal Oversight) | 8. SCS for SB 495-Griesheimer                          |
| 4. SS for SCS for SB 558-Mayer<br>(In Fiscal Oversight)   | 9. SCS for SB 542-Pearce                               |
| 5. SCS for SB 538-Champion<br>(In Fiscal Oversight)       | 10. SCS for SB 383-Dempsey                             |

SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS

SB 197-Goodman, with SCS

HOUSE BILLS ON THIRD READING

HB 287-Day, et al (Mayer)  
HCS for HB 359, with SCS (Rupp)

HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)

SB 72-Stouffer, with SCS	SB 267-Mayer and Green, with SA 1 (pending)
SB 94-Justus, et al, with SCS & SS for SCS (pending)	SB 284-Lembke, et al
SB 174-Griesheimer and Goodman, with SCS, SS#2 for SCS & SA 2 (pending)	SB 321-Days, et al, with SCS (pending)
SCS for SB 189-Shields	SBs 335 & 16-Rupp, with SCS
SBs 223 & 226-Goodman and Nodler, with SCS & SA 1 (pending)	SB 363-Griesheimer, with SCS, SS for SCS and SA 2 (pending)
SB 228-Scott, with SCS, SS for SCS, SA 12, SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12 (pending)	SB 364-Clemens and Schaefer
SB 236-Lembke	SB 376-Lager and Callahan, with SCS & SA 1 (pending)
SB 254-Barnitz, with SS (pending)	SB 409-Stouffer, with SCS (pending)
SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS & SS#3 for SCS (pending)	SB 477-Wright-Jones, with SS (pending)
SB 264-Mayer	SB 527-Nodler and Bray
	SB 555-Lager, with SCS, SS for SCS & SA 2 (pending)
	SB 572-Dempsey and Justus
	SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 251 (Clemens)	HB 400-Nasheed, et al
HCS for HBs 93 & 216, with SCS (Barnitz)	HB 593-Viebrock
HCS for HB 111, with SCS (Crowell)	HB 678-Wasson (Goodman)
HB 861-Day, with SCS (Crowell)	HB 537-Dixon, et al
HB 210-Deeken (Crowell)	HCS for HB 752, with SCS (Stouffer)
HCS for HB 214, with SCS (Dempsey)	HB 269-Parson, et al, with SCS (Scott)
HCS for HB 265, with SCS	HB 91-Pollock, et al, with SCS (Purgason)
HCS for HB 397 & HCS for HB 947, with SCS	

##### Reported 4/14

HB 83-Wood, with SCS (Goodman)	HCS for HB 154 (Shields)
HCS for HB 124	HB 171-Cox, et al, with SCS
HCS for HBs 128 & 340 (Scott)	HB 218-Ervin

HB 282, Stevenson, et al  
HB 544-Smith (150), et al, with SCS  
(Goodman)  
HB 652-Pratt  
HB 698-Zimmerman, et al

HCS for HB 844  
HCS for HB 895  
HB 918-Kelly  
HB 919-Ruestman, et al (Goodman)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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