

JOURNAL OF THE HOUSE

First Extraordinary Session, 96th GENERAL ASSEMBLY

TWELFTH DAY, FRIDAY, SEPTEMBER 23, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

O give thanks unto the Lord, for He is good: for His mercy endureth forever. (Psalm 107:1)

Eternal God, Who is the source of wisdom and beauty and goodness, Whose spirit ever seeks to arise within our hearts and in the hearts of people everywhere - make Yourself and Your will clearly known to us as we bow in prayer before You. We are thankful that You are everywhere - that no condition and no distance can ever separate us from You and from Your love. We thank You that Your mercies never fail and Your loving kindness never ceases.

We are grateful for our lives which are in Your hands and for Your continuous goodness which blesses us all our days. Help us to be worthy of Your gifts and to use them for Your glory and for the welfare of our state. Grant that each one of us may do our part to bring about an order of society in which there will be no injustice, no bitterness of spirit, and one in which each person may come to the fullness of life and love for which they were created.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journals of the fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh day were approved as printed.

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Stream reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 7** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILLS

SCS SB 1, relating to teacher and student communications, was taken up by Representative Kelly (24).

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Burlison
Cauthorn	Cierpiot	Conway 14	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Higdon	Hinson	Hoskins	Hough	Houghton
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	McCaherty	McGhee	McNary
Molendorp	Nance	Nolte	Parkinson	Phillips
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Schad	Scharnhorst	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Stream	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 042

Anders	Aull	Black	Brown 50	Carlson
Carter	Casey	Colona	Conway 27	Ellinger
Fallert	Harris	Holsman	Hubbard	Hummel
Kander	Kelly 24	Kirkton	Kratky	Lampe
May	McGeoghegan	McNeil	Meadows	Montecillo
Nasheed	Newman	Nichols	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Spreng	Still	Swearingen	Swinger	Talboy
Taylor	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 018

Atkins	Brown 116	Cookson	Hodges	Hughes
Johnson	Jones 63	Largent	McCann Beatty	McDonald
McManus	Neth	Oxford	Pace	Sater
Smith 71	Walton Gray	Webb		

VACANCIES: 004

On motion of Representative Kelly (24), **SCS SB 1** was truly agreed to and finally passed by the following vote:

AYES: 139

Allen	Anders	Asbury	Aull	Bahr
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 50	Brown 85	Burlison	Carlson	Carter
Casey	Cauthorn	Cierpiot	Conway 14	Conway 27
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Ellinger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Holsman	Hoskins	Hough
Houghton	Hubbard	Hummel	Jones 89	Jones 117
Kander	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McGeoghegan	McGhee	McNary
McNeil	Meadows	Molendorp	Montecillo	Nance
Nasheed	Newman	Nichols	Nolte	Parkinson
Phillips	Pierson	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Ruzicka	Schad	Scharnhorst	Schatz	Schieber
Schieffer	Schneider	Schoeller	Schupp	Shively
Shumake	Sifton	Silvey	Smith 150	Solon
Spreng	Still	Stream	Swearingen	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Webber	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 002

Barnes	Colona
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PRESENT: 000

ABSENT WITH LEAVE: 018

Atkins	Brown 116	Cookson	Hodges	Hughes
Johnson	Jones 63	Largent	McCann Beatty	McDonald
McManus	Neth	Oxford	Pace	Sater
Smith 71	Walton Gray	Webb		

VACANCIES: 004

Speaker Tilley declared the bill passed.

HCS SS SCS SB 7, relating to science and innovation reinvestment, was taken up by Representative Zerr.

Representative Asbury offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 7, Page 19, Section 348.271, Line 26, by inserting after all of said line the following:

"348.275. 1. **Public funds utilized under the provisions of sections 348.250 to 348.275 shall not be expended, paid, or granted to or on behalf of an existing or proposed research project that involves abortion services, human cloning, or prohibited human research as defined in section 196.1127.**

2. The department of economic development may draft and promulgate rules and regulations consistent with the provisions of sections 348.251 to 348.272 as are necessary or useful to carry out the provisions of those sections.

[2.] 3. No rule or portion of a rule promulgated under the authority of sections 348.251 to 348.272 shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

[3.] 4. Upon filing any proposed rule with the secretary of state, the department shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

[4.] 5. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the department may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

[5.] 6. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

[6.] 7. If the committee disapproves any rule or portion thereof, the department shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

[7.] 8. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

[8.] 9. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Parkinson assumed the Chair.

Speaker Tilley resumed the Chair.

Representative Asbury moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Asbury	Bahr	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 85	Burlison	Casey
Cauthorn	Conway 14	Cox	Crawford	Cross
Curtman	Davis	Dugger	Entlicher	Fallert
Fitzwater	Fraker	Franklin	Frederick	Fuhr
Grisamore	Hampton	Harris	Houghton	Hummel
Keeney	Kelley 126	Koenig	Korman	Kratky
Lasater	Lauer	Leach	Loehner	Marshall
McCaherty	Meadows	Nance	Nolte	Parkinson
Phillips	Pollock	Quinn	Redmon	Reiboldt
Riddle	Rowland	Ruzicka	Schad	Schatz
Schieber	Schieffer	Schoeller	Shively	Shumake
Smith 150	Solon	Swinger	Thomson	Wallingford
Wells	Wieland	Wyatt		

NOES: 074

Allen	Anders	Aull	Barnes	Brown 50
Carlson	Carter	Cierpiot	Colona	Conway 27
Day	Denison	Dieckhaus	Diehl	Ellinger
Elmer	Fisher	Flanigan	Franz	Funderburk
Gatschenberger	Gosen	Guernsey	Haefner	Higdon
Hinson	Holsman	Hoskins	Hough	Hubbard
Jones 89	Jones 117	Kander	Kelly 24	Kirkton
Klippenstein	Lair	Lampe	Lant	Learn
Lichtenegger	Long	May	McDonald	McGeoghegan
McGhee	McNary	McNeil	Molendorp	Montecillo
Nasheed	Newman	Nichols	Pierson	Richardson
Rizzo	Scharnhorst	Schneider	Schupp	Sifton
Silvey	Spreng	Still	Stream	Swearingen
Talboy	Taylor	Torpey	Webber	Weter
White	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 017

Atkins	Brown 116	Cookson	Hodges	Hughes
Johnson	Jones 63	Largent	McCann Beatty	McManus
Neth	Oxford	Pace	Sater	Smith 71
Walton Gray	Webb			

VACANCIES: 004

Representative Zerr moved that **HCS SS SCS SB 7** be adopted.

Which motion was defeated.

On motion of Representative Zerr, **SS SCS SB 7** was truly agreed to and finally passed by the following vote:

AYES: 094

Allen	Anders	Aull	Barnes	Berry
Brandom	Brown 50	Carlson	Carter	Cauthorn
Cierpiot	Colona	Conway 27	Cross	Denison
Dieckhaus	Diehl	Ellinger	Elmer	Fisher
Flanigan	Fraker	Franz	Frederick	Funderburk
Gatschenberger	Gosen	Guernsey	Haefner	Higdon
Hinson	Holsman	Hoskins	Hough	Houghton
Hubbard	Jones 89	Jones 117	Kander	Keeney
Kelly 24	Kirkton	Klippenstein	Kratky	Lair
Lampe	Lant	Lauer	Leara	Lichtenegger
Long	May	McCaherty	McDonald	McGeoghegan
McGhee	McNary	McNeil	Meadows	Molendorp
Montecillo	Nasheed	Newman	Nichols	Nolte
Parkinson	Pierson	Redmon	Reiboldt	Richardson
Rizzo	Rowland	Ruzicka	Scharnhorst	Schneider
Schoeller	Schupp	Sifton	Silvey	Solon
Spreng	Still	Stream	Swearingen	Talboy
Taylor	Thomson	Torpey	Webber	Weter
White	Wright	Zerr	Mr Speaker	

NOES: 048

Asbury	Bahr	Bernskoetter	Black	Brattin
Brown 85	Burlison	Casey	Conway 14	Cox
Crawford	Curtman	Davis	Day	Dugger
Entlicher	Fallert	Fitzwater	Franklin	Fuhr
Grisamore	Hampton	Harris	Hummel	Kelley 126
Koenig	Korman	Lasater	Leach	Loehner
Marshall	Nance	Phillips	Pollock	Quinn
Riddle	Schad	Schatz	Schieber	Schieffer
Shively	Shumake	Smith 150	Swinger	Wallingford
Wells	Wieland	Wyatt		

PRESENT: 000

ABSENT WITH LEAVE: 017

Atkins	Brown 116	Cookson	Hodges	Hughes
Johnson	Jones 63	Largent	McCann Beatty	McManus
Neth	Oxford	Pace	Sater	Smith 71
Walton Gray	Webb			

VACANCIES: 004

Speaker Tilley declared the bill passed.

ADJOURNMENT

On motion of Representative Jones (89), the House stood in recess until such time that **SCS SB 1** and **SS SCS SB 7** are signed by the Speaker or 12:30 p.m., whichever comes first, and then stand adjourned until 10:00 a.m., Thursday, September 29, 2011.

COMMITTEE MEETINGS

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Wednesday, November 16, 2011, 10:00 AM House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
Annual accountability presentation by MoDOT Director Kevin Keith.

JOINT COMMITTEE ON URBAN AGRICULTURE

Tuesday, September 27, 2011, 5:30 PM,
Bradford Research and Extension Center, 4968 Rangeline Road, Columbia, Missouri 65201-8973.
Executive session may be held on any matter referred to the committee.
Informational hearing.

JOINT INTERIM COMMITTEE ON SCHOOL ACCREDITATION

Wednesday, September 28, 2011, 1:00 PM House Hearing Room 3.