

Journal of the House

NINETY-NINTH GENERAL ASSEMBLY
of the
STATE OF MISSOURI

SECOND EXTRAORDINARY SESSION

FIRST DAY, MONDAY, JUNE 12, 2017

Representative Alferman in the Chair.

Prayer by Representative Justin Alferman.

Dear Heavenly Father, please watch over this House during this Extraordinary Session of the Missouri General Assembly.

Lord, we ask that You strengthen our hearts and minds at this time, to help Legislators find our voice to best represent our constituents and the state of Missouri.

Lord, we ask that You guide us in humility to serve with civility, and that we show those qualities to our colleagues during this special session.

In Your name, Lord, we pray.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

MESSAGES FROM THE GOVERNOR

The following Proclamation was received from His Excellency, Governor Eric R. Greitens.

PROCLAMATION

WHEREAS, section 188.010, RSMo, provides that "it is the intention of the general assembly of the State of Missouri to grant the right to life of all humans, born and unborn;" and

WHEREAS, on May 2, 2017, the United States District Court for the Western District of Missouri (the "Court") in *Comprehensive Health of Planned Parenthood Great Plains, et al. v. Dr. Randall Williams, et al.*, Case No. 2:16-cv-047313-HFS ruled against health and safety standards for abortion clinics by preliminarily enjoining the enforcement of § 197.215.1(2), RSMo; 19 CSR § 30-30.060(1)(C)(4); the second sentence of § 188.080, RSMo; and § 188.027.1(1)(e), RSMo, as to physicians seeking to perform abortions; and

WHEREAS, on May 2, 2017, the Court also ruled against common sense health and safety standards for abortion clinics by preliminarily enjoining the enforcement of 19 CSR § 30-30.070 and 19 CSR § 30-30.060(1)(C)(4) as to abortion facilities; and

WHEREAS, the effect of the Court's ruling is to eliminate the meaningful licensure of abortion clinics in Missouri, and the Court's ruling constitutes an immediate danger to the public health, safety, and welfare; and

WHEREAS, the City of St. Louis enacted Board Bill 203CS/City Ordinance 70459, which undermines pregnancy care centers that provide critical resources for women seeking counseling and support for alternatives to abortion and the State's "Alternatives to Abortion" program; and

WHEREAS, the State should protect freedoms of speech, association, and religion and allow persons and institutions to follow their conscience with respect to abortion-related decisions; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor to "[o]n extraordinary occasions . . . convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, the immediate danger to the public health, safety, and welfare due to the Court's ruling against health and safety regulations of abortion clinics is an extraordinary occasion as envisioned by Article IV, Section 9 of the Missouri Constitution; and

WHEREAS, the threat to pregnancy care centers and the State's "Alternatives to Abortion" program due to St. Louis City Ordinance 70459 likewise amounts to an extraordinary occasion as envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 4:00 p.m., Central Daylight Time, on June 12, 2017; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To amend section 197.200, RSMo, to define "Abortion Facility" or "Abortion Facilities;"
2. To amend section 197.200, RSMo, by deleting the portion of the definition of "ambulatory surgical center" that includes "any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month;"
3. To amend chapters 188, 191, 192, 197, and 595 so that each and every applicable section and subsection applies to "Abortion Facility" or "Abortion Facilities;"
4. To amend section 197.215, RSMo, to require that "Abortion Facilities" provide affirmative evidence that each person performing an abortion is a physician currently licensed to practice in Missouri;
5. To add a new subsection to § 197.225, RSMo, that authorizes the Department of Health and Senior Services to adopt rules, regulations, and standards regarding patient health and safety that apply to ambulatory surgical centers and, separately, that apply to "Abortion Facility" or "Abortion Facilities;"
6. To add a new subsection to § 197.230, RSMo, that requires the Department of Health and Senior Services to annually inspect every "Abortion Facility" for safety and compliance with state law and to establish the requirements of such inspections;

7. To add a new section to chapter 188 that preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to that person or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those legal rights;
8. To add a new subsection to § 188.021, RSMo, that requires "Abortion Facilities" to submit to the Department of Health and Senior Services their plans for dealing with complications resulting from certain abortions, to obtain approval from the Department of Health and Senior Services of these complication plans; and, further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing these plans;
9. To amend sections 188.027.9 and 188.039.6, RSMo, to define "qualified professional" as a physician who has referred the woman to the physician who is to perform the abortion, or to an advance practice registered nurse engaged in a collaborative practice agreement with the physician who is to perform the abortion, as provided for in section 334.104, RSMo;
10. To add a new section to chapter 574 that prohibits a person, while working in an "Abortion Facility," from knowingly ordering, requesting, or attempting to prevent medical personnel or emergency services personnel from providing care to a patient in accordance with ordinary standards of care for reasons unrelated to that patient's health or welfare;
11. To add a new subsection to § 188.075, RSMo, that allows the Attorney General of Missouri to have concurrent original jurisdiction throughout the State, along with each prosecuting attorney and circuit attorney within their respective jurisdictions, to prosecute violations of chapter 188, violations of any state law on the use of public funds for abortion, and violations of any state law that regulates an "Abortion Facility" or person performing or inducing abortion, including the offense of interference with medical assistance;
12. To amend section 188.047, RSMo, to modify the law relating to the requirement of pathological examinations and related reports, and further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing such examinations and reports;
13. To add a new section to chapter 188 protecting employees who disclose violations of applicable federal or state law related to chapter 188, and, further, authorizing the Department of Health and Senior Services to adopt rules, regulations, and standards regarding the implementation of such policies;
14. To add an Emergency Clause to all legislation enacted by the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and
15. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of June, 2017.

/s/ Eric R. Greitens
Governor

ATTEST:

/s/ Jay Ashcroft
Secretary of State

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

- HB 1**, introduced by Representative Lichtenegger, relating to the pain capable unborn child protection act.
- HB 2**, introduced by Representative Miller, relating to abortion.
- HB 3**, introduced by Representative Swan, relating to abortion, with penalty provisions and an emergency clause.
- HB 4**, introduced by Representative Lavender, relating to reproductive health care services.
- HB 5**, introduced by Representative Lavender, relating to the infant mortality prevention fund.
- HB 6**, introduced by Representative Barnes (60), relating to abortion, with penalty provisions and an emergency clause.
- HB 7**, introduced by Representative Franklin, relating to abortion, with an emergency clause.
- HB 8**, introduced by Representative Quade, relating to contraceptives.
- HB 9**, introduced by Representative Kelly (141), relating to abortion, with an emergency clause.
- HB 10**, introduced by Representative Newman, relating to health care services, with penalty provisions.
- HB 11**, introduced by Representative Newman, relating to abortion.
- HB 12**, introduced by Representative Newman, relating to instruction in human sexuality.
- HB 13**, introduced by Representative Walker (74), relating to a tax credit for contraception costs.
- HB 14**, introduced by Representative Moon, relating to the Missouri right to life act.

COMMITTEE APPOINTMENTS

June 12, 2017

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following to serve on the 21st Century Missouri Transportation System Task Force.

Representative Bill Reiboldt
Representative Nate Tate
Representative Kevin Corlew

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Todd Richardson
Speaker of the Missouri House of Representatives
152nd District

June 12, 2017

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following to serve on the 21st Century Missouri Transportation System Task Force.

Representative Joe Runions
Representative Greg Razer
Ms. Gwen Moore, Missouri State Citizen

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Gail McCann Beatty
House Minority Leader
District 26

SUBCOMMITTEE APPOINTMENTS

June 12, 2017

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following to serve on the Subcommittee on Quality Care for the Developmentally Disabled. This Committee will report to the Committee on General Laws.

Representative Chuck Basye, Chair
Representative Gary Cross

Representative Jean Evans
Representative Rebecca Roeber

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Todd Richardson
Speaker of the Missouri House of Representatives
152nd District

COMMITTEE CHANGES

June 12, 2017

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Elaine Gannon and Representative Jeff Justus from the Standing Committee on Children and Families and appoint Representative Hannah Kelly and Representative Jay Barnes.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Todd Richardson
Speaker of the Missouri House of Representatives
152nd District

The following members' presence was noted: Alferman, Barnes (28), Barnes (60), Berry, Brown (27), Chipman, Corlew, Eggleston, Franks Jr, Harris, Hurst, Kelley (127), Kelly (141), Kendrick, Lauer, McCann Beatty, McGee, Merideth (80), Mitten, Moon, Mosley, Newman, Pike, Quade, Roberts, Stacy, Stevens (46), Vescovo, Walker (74), and Wood.

ADJOURNMENT

On motion of Representative Alferman, the House adjourned until 10:00 a.m., Tuesday, June 13, 2017.

COMMITTEE HEARINGS

CHILDREN AND FAMILIES

Wednesday, June 14, 2017, 10:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Pending referral, public hearing and executive session on any matter contained within the proclamation for the second extraordinary session. An amended notice will be posted Tuesday after referrals have been made.

HOUSE CALENDAR

SECOND DAY, TUESDAY, JUNE 13, 2017

HOUSE BILLS FOR SECOND READING

HB 1 through HB 14

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