

HOUSE RESOLUTION NO. 2

1 WHEREAS, on February 27, 2018, the Speaker of the House of
2 Representatives appointed the Special Investigative Committee on
3 Oversight; and

4 WHEREAS, on March 1, 2018, the House of Representatives
5 unanimously adopted House Resolution 5565, which authorized the
6 Special Investigative Committee on Oversight to investigate
7 allegations against Governor Eric R. Greitens and report back to the
8 House of Representatives; and

9 WHEREAS, on April 11, 2018, the Special Investigative Committee
10 on Oversight submitted a report of its findings relating to such
11 investigation. On April 30, 2018, such committee submitted a
12 supplement to its first report. On May 2, 2018, such committee
13 submitted a second report of its findings relating to such
14 investigation; and

15 WHEREAS, under the authority given in Section 18, Article III of
16 the Constitution of Missouri, the House of Representatives adopted
17 rules of procedure for the hearings and investigations of the Special
18 Investigative Committee on Oversight in House Resolution 5565:

19 NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri
20 House of Representatives, Ninety-ninth General Assembly, First Special
21 Session of the Second Regular Session, pursuant to House Rule 64(3),
22 hereby authorize the Special Investigative Committee on Oversight to
23 recommend disciplinary actions including, but not limited to,
24 remonstrance or censure or introduce upon report articles of
25 impeachment; and

26 BE IT FURTHER RESOLVED that the Special Investigative Committee
27 on Oversight shall consist of ten members of the House of
28 Representatives appointed by the Speaker of the House of
29 Representatives, not more than seven members being from the same
30 political party; and

31 BE IT FURTHER RESOLVED that the Rules of the House of
32 Representatives, Ninety-ninth General Assembly, and the following
33 rules shall apply during the second regular session and any special
34 session of the Ninety-ninth General Assembly, as appropriate:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

RULE 1

Any hearings upon such issue shall be commenced at such time and place as determined by the chair. A recess may be requested by any member of the committee. Adjournments shall be determined by the chair. The special committee shall be allowed to meet or conduct hearings during the session of the House of Representatives without requesting leave of the House of Representatives.

RULE 2

Any hearings shall be open to the public and press, except that the committee, upon a majority vote, may close all or a portion of such hearings to hear the testimony of certain witnesses, review evidence, or for purposes of meeting with committee counsel. Counsel for the Governor shall be allowed to attend any closed hearings involving the testimony of witnesses. At the conclusion of the investigation, the committee shall prepare a transcript of the hearings, except that the committee, upon a majority vote, may order that the identity of certain witnesses, certain testimony, or certain evidence be redacted, blurred, or obfuscated in a manner to protect the identity or privacy of any witness. At the conclusion of the investigation, the committee shall make a copy of all committee records available to any member of the House of Representatives, except that the committee, upon a majority vote, may order that the identity of certain witnesses, certain testimony, or certain evidence be redacted, blurred, or obfuscated in a manner to protect the identity or privacy of any witness. All public hearings shall be recorded and live-streamed on the website of the House of Representatives. The chair shall determine the extent and the manner in which cameras or other audio or visual recording devices and ancillary lighting and electrical equipment shall be allowed at such hearings.

RULE 3

Only appointed members of the special committee may question witnesses.

RULE 4

Only persons called as witnesses by the special committee may testify as witnesses. Any person called as a witness, or his or her legal counsel, may file a sworn written statement relevant to the purpose, subject matter, and scope of the committee's proceedings. Any other person desiring to testify as a witness may petition the committee for permission to testify by presenting a written statement of the substance of the proposed testimony to the chair at least twenty-four hours prior to the testimony. The committee, upon a majority vote, shall have discretion of whether to allow such person

1 to testify as a witness.

2 RULE 5

3 All witnesses shall testify under the following oath, which shall
4 be administered by the chair:

5 "Do you solemnly swear (or affirm) that the testimony you shall
6 give in the hearing now pending before this committee shall be the
7 truth, the whole truth, and nothing but the truth, so help you God?".

8 RULE 6

9 Formal rules of evidence shall not apply to the hearings. The
10 committee may compel the attendance of witnesses and the production of
11 any paper or document, enforce obedience of its orders, preserve
12 order, and punish in a summary way contempt of and disobedience to its
13 authority. The sergeant-at-arms of the House of Representatives,
14 under direction of the committee, shall execute the lawful orders of
15 the committee and may employ such aid and assistance as may be
16 necessary to carry out and enforce such orders.

17 RULE 7

18 Subpoenas for the appearance of witnesses and subpoenas duces
19 tecum for the production of any paper or document shall be issued by
20 the Speaker of the House of Representatives, upon request of the
21 committee, in the manner prescribed by law. A subpoena or subpoena
22 duces tecum may be enforced by statutory or common law, or by applying
23 to a judge of the circuit court of Cole County for an order to show
24 cause why the subpoena or subpoena duces tecum should not be enforced.

25 RULE 8

26 The chair shall preside over the hearings and shall rule on all
27 questions regarding decorum and procedure. The committee, upon a
28 majority vote, shall rule on all questions regarding the admission or
29 rejection of testimony. The chair may request assistance from any law
30 enforcement agency to maintain order at the hearings and in the
31 hallways and spaces adjoining the hearing area. The chair shall rule
32 on any appropriate matter not covered by these rules.

33 RULE 9

34 Each witness has the right to legal counsel and the right to be
35 accompanied by such counsel. No witness or his or her counsel shall
36 be admitted to the room in which the hearing is being conducted until
37 such person is called by the committee for such person's testimony.

38 BE IT FURTHER RESOLVED that notice shall be provided to the

1 public at least twenty-four hours in advance of all hearings of the
2 committee and shall contain the time, location, and subject matter of
3 the hearing. Such notice shall include the identity of any witness
4 whose testimony may be offered. Under exigent circumstances and upon a
5 majority vote of the committee, notice of the identity of a witness
6 may be given less than twenty-four hours in advance; and

7 BE IT FURTHER RESOLVED that if any documentary evidence is to be
8 offered at any hearing, copies thereof shall be made available to the
9 members of the committee at least twenty-four hours in advance of such
10 hearing unless good cause is shown for later disclosure; and

11 BE IT FURTHER RESOLVED that the Rules of Civil Procedure and the
12 Rules of Criminal Procedure shall not apply to hearings conducted by
13 the Special Investigative Committee on Oversight or during the
14 consideration of any findings and recommendations of the committee by
15 the House of Representatives; and

16 BE IT FURTHER RESOLVED that, after all evidence has been
17 presented and all witnesses have been heard, in the discretion of the
18 chairman, counsel for interested parties shall be allowed to make
19 presentations, both orally or in writing, to the committee, subject to
20 reasonable time limitations as determined by the chairman; and

21 BE IT FURTHER RESOLVED that if the Special Investigative
22 Committee on Oversight recommends that disciplinary actions or
23 articles of impeachment be considered, such committee shall hold at
24 least one public hearing to consider disciplinary actions or articles
25 of impeachment prior to introducing such upon report. A draft of any
26 disciplinary actions or articles of impeachment shall be distributed
27 by the chairman to all members of the Special Investigative Committee
28 on Oversight at least twenty-four hours and one legislative day prior
29 to such public hearing; and

30 BE IT FURTHER RESOLVED that, pursuant to House Rule 64(3), any
31 disciplinary actions or articles of impeachment introduced upon report
32 by the Special Investigative Committee on Oversight shall be read by
33 title on three separate days and may be considered by the House of
34 Representatives without referral to committee. Any such disciplinary
35 actions or articles shall lay on the calendar for one legislative day
36 prior to being read a third time; and

37 BE IT FURTHER RESOLVED that the Speaker of the House of
38 Representatives shall designate two members of the Special
39 Investigative Committee on Oversight as floor handlers, one from the
40 majority party of the House of Representatives and one from the
41 minority party of the House of Representatives, who shall present the
42 results of the investigation of the Special Investigative Committee on
43 Oversight and any disciplinary actions or articles of impeachment to
44 the House of Representatives. Such presentation shall not count

1 against the time limitations of either party; and

2 BE IT FURTHER RESOLVED that there shall be a ten-hour limitation
3 on the total time of floor debate allowed for the purpose of
4 discussing the findings of the Special Investigative Committee on
5 Oversight and considering any disciplinary actions or articles of
6 impeachment. Such time shall be divided equally between, and
7 controlled by, the majority floor leader and the minority floor
8 leader, or their designees. The majority party floor handler shall
9 have the right to the final ten minutes of designated time. If time
10 has been allocated and unused by either side after all disciplinary
11 actions or articles of impeachment have been considered and no member
12 from that side is seeking recognition to further discuss any
13 disciplinary action or article of impeachment, the Speaker may declare
14 additional time waived and recognize the members from the other side
15 to complete the use of their time. No member, other than the floor
16 handlers, shall be allowed to speak or inquire longer than the Rules
17 of the House of Representatives otherwise allow. For speaking
18 purposes, each disciplinary action or article shall be treated as a
19 separate question; and

20 BE IT FURTHER RESOLVED that no motion to recommit any
21 disciplinary action or article of impeachment shall be in order; and

22 BE IT FURTHER RESOLVED that if the House of Representatives is
23 satisfied that there is good cause to impeach or otherwise discipline
24 Governor Eric R. Greitens, the disciplinary actions or articles of
25 impeachment drafted by the Special Investigative Committee on
26 Oversight shall be immediately considered, amended, and approved; and

27 BE IT FURTHER RESOLVED that each disciplinary action or article
28 of impeachment shall be considered and amended individually and shall
29 be considered approved upon a vote of those members elected, pursuant
30 to Section 27, Article III of the Constitution of Missouri; and

31 BE IT FURTHER RESOLVED that any articles of impeachment approved
32 by the House of Representatives shall be delivered by the Chief Clerk
33 of the House of Representatives to the Senate, pursuant to sections
34 106.040 and 106.080, RSMo, for consideration by the special commission
35 of seven eminent jurists elected by the Senate pursuant to Section 2,
36 Article VII of the Constitution of Missouri; and

37 BE IT FURTHER RESOLVED that if the House of Representatives
38 adopts any articles of impeachment, the House of Representatives shall
39 elect two managers to prosecute the impeachment pursuant to section
40 106.040, RSMo, one from the majority party and one from the minority
41 party. The special counsel for the Special Investigative Committee on
42 Oversight shall, under the direction of the managers, present and
43 prosecute the articles of impeachment adopted by the House of
44 Representatives before the jurists elected by the Senate to final

1 conclusion.

2 Introduced By: (Sponsor) _____
3 Signature Dist. #

4 Introduced By: (Sponsor) _____
5 Signature Dist. #

6 **REMINDER: Co-sponsors must sign onto a house bill or resolution electronically through a**
7 **house computer or the house WEB Portal (home.house.mo.gov). Please call the office of the**
8 **Assistant Chief Clerk at (573) 751-4503 if you have questions.**