

# Journal of the House

NINETY-NINTH GENERAL ASSEMBLY  
of the  
STATE OF MISSOURI

FIRST SPECIAL SESSION

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FIRST DAY, FRIDAY, MAY 18, 2018

The House was called to order at 6:30 p.m.

Speaker Richardson in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

*Herein is my Father glorified, that ye bear much fruit. (John 15:8)*

O Just and Eternal God, by whose spirit our founders were guided in their historic decisions, direct, we ask You, the very serious deliberations during this special session. Help us to do well the work we have to do and may it be for the good of all citizens, now and in the future.

To our Speaker and to all who share with him the great responsibilities of making the difficult decisions and tough choices for our state, grant spiritual strength, wise counsel, and an unshakeable faith that they may continue to lead our people toward the higher goals of peace, truth and justice for all, now and forever.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

Representative Vescovo suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 032

Alferman	Anders	Basye	Bernskoetter	Black
Burns	Butler	Carpenter	Cookson	Curtman
Engler	Fraker	Gannon	Hansen	Hurst
Justus	Kelley 127	Kelly 141	Lant	Lichtenegger
May	McCreery	Morris 140	Muntzel	Phillips
Redmon	Reiboldt	Remole	Revis	Shaul 113
Taylor	Walsh			

NOES: 003

Curtis	Ellington	Rowland 29
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PRESENT: 107

Adams	Anderson	Andrews	Arthur	Austin
Bahr	Bangert	Baringer	Barnes 60	Barnes 28
Beard	Beck	Berry	Brattin	Brown 57
Burnett	Chipman	Conway 10	Conway 104	Corlew
Cornejo	Davis	Dinkins	Dogan	Dohrman
Eggleston	Ellebracht	Evans	Fitzpatrick	Fitzwater
Francis	Franklin	Franks Jr	Frederick	Green
Gregory	Grier	Haahr	Hannegan	Harris
Helms	Higdon	Houghton	Houx	Johnson
Kidd	Knight	Kolkmeier	Lauer	Lavender
Love	Lynch	Marshall	Mathews	Matthiesen
McCann Beatty	McDaniel	McGaugh	McGee	Meredith 71
Merideth 80	Mitten	Moon	Morgan	Mosley
Neely	Nichols	Pfautsch	Pierson Jr	Pietzman
Pike	Plocher	Quade	Razer	Rehder
Reisch	Roberts	Roden	Roeber	Rone
Ross	Rowland 155	Runions	Ruth	Schroer
Shull 16	Shumake	Smith 85	Smith 163	Sommer
Spencer	Stacy	Stephens 128	Stevens 46	Swan
Tate	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Washington	Wessels	Wiemann	Wilson
Wood	Mr. Speaker			

ABSENT WITH LEAVE: 019

Bondon	Brown 27	Christofanelli	Cross	DeGroot
Gray	Haefner	Henderson	Hill	Kendrick
Korman	Messenger	Miller	Morse 151	Newman
Peters	Pogue	Rhoads	White	

VACANCIES: 002

The following Proclamation was received by the Secretary of State on May 9, 2018.

### **JOINT PROCLAMATION**

WHEREAS, on May 3, 2018, pursuant to Section 20(b), Article III of the Constitution of Missouri, the General Assembly submitted a petition to the Secretary of State signed by three-fourths of the members of the Senate and three-fourths of the members of the House of Representatives to convene a special session; and

WHEREAS, pursuant to Section 20(b), Article III of the Constitution of Missouri, upon such submission, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall by joint proclamation convene the General Assembly in special session:

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

WE, RON RICHARD, PRESIDENT PRO TEMPORE OF THE SENATE, AND TODD RICHARDSON, SPEAKER OF THE HOUSE OF REPRESENTATIVES, pursuant to the authority vested in us by Section 20(b), Article III of the Constitution of the State of Missouri, do, by this Joint Proclamation, convene the Ninety-Ninth General Assembly of the State of Missouri in the First Special Session of the Second Regular Session; and

WE HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at 6:30 p.m. on Friday, May 18, 2018; and

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

1. To consider the findings and recommendations of the House of Representatives Special Investigative Committee on Oversight including, but not limited to, all available disciplinary actions against Eric R. Greitens, Governor of the State of Missouri.

2. Such additional and other matters as may be jointly recommended by the President Pro Tempore of the Senate and the Speaker of the House of Representatives by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Missouri Senate, in the City of Jefferson, on this 9<sup>th</sup> day of May, 2018.

/s/ Ron Richard  
President Pro Tempore  
Senate

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Missouri House of Representatives, in the City of Jefferson, on this 9<sup>th</sup> day of May, 2018.

/s/ Todd Richardson  
Speaker  
House of Representatives

ATTEST:

/s/ John R. Ashcroft  
Secretary of State

## **HOUSE RESOLUTIONS**

Representative Vescovo offered **HR 1**, which was read.

### **HOUSE RESOLUTION NO. 1**

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, inform the Senate that the House duly convened in the First Special Session of the Second Regular Session on Friday, May 18, 2018, and is convened in full session and ready for consideration of its business.

On motion of Representative Vescovo, **HR 1** was adopted.

## COMMITTEE APPOINTMENTS

May 18, 2018

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 the Special Investigative Committee on Oversight.

Representative Greg Razer  
Representative Curtis Trent  
Representative J. Eggleston

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

Sincerely,

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

## HOUSE RESOLUTIONS

Representatives Barnes (60) and Mitten offered House Resolution No. 2.

### HOUSE RESOLUTION NO. 2

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

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

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

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

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

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

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

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 to testify as a witness.

RULE 5

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

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

RULE 6

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

RULE 7

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

RULE 8

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

RULE 9

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

BE IT FURTHER RESOLVED that notice shall be provided to the public at least twenty-four hours in advance of all hearings of the committee and shall contain the time, location, and subject matter of the hearing. Such notice shall include the identity of any witness whose testimony may be offered. Under exigent circumstances and upon a majority vote of the committee, notice of the identity of a witness may be given less than twenty-four hours in advance; and

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

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

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

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

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

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives shall designate two members of the Special Investigative Committee on Oversight as floor handlers, one from the majority party of the House of Representatives and one from the minority party of the House of Representatives, who shall present the results of the

investigation of the Special Investigative Committee on Oversight and any disciplinary actions or articles of impeachment to the House of Representatives. Such presentation shall not count against the time limitations of either party; and

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

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

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

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

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

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

## **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolution was referred to the Committee indicated:

**HR 2** - Special Investigative Committee on Oversight

## **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

*Senate Resolution No. 1*

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Special Session of the Second Regular Session and is ready for consideration of its business.

The following member's presence was noted: Henderson.

**ADJOURMENT**

On motion of Representative Vescovo, the House adjourned until 10:00 a.m., Tuesday, May 22, 2018.

**COMMITTEE HEARINGS**

**SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT**

Tuesday, May 22, 2018, 11:00 AM, House Hearing Room 5.

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

1. Consideration and adoption of Special Session rules.
2. Discussion of documents and discovery.

**SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT**

Wednesday, May 23, 2018, 9:00 AM, House Hearing Room 5.

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