

JOURNAL OF THE HOUSE

First Regular Session, 101st GENERAL ASSEMBLY

ELEVENTH DAY, WEDNESDAY, JANUARY 27, 2021

The House met pursuant to adjournment.

Speaker Pro Tem Wiemann in the Chair.

Prayer by Representative Ben Baker.

Father, we thank You for this wonderful day to live and to serve You. Before we ask You for anything, I just want to thank You for who You are and what You've done. As it says in Your word that "You are before all things, and in You all things hold together," we know that before time began You knew we would be here today. You knew the turmoil that is present in our world today. Therefore, You know just how to guide us to navigate the troubles of our day and glorify You in all that we do.

We recognize that one of Your attributes is that You are just. You are infinitely, unchangeably right and perfect in all that You do. Father, we are in awe of the infinite beauty and greatness of Your perfection. However, we also recognize that we are imperfect and fundamentally flawed by sin yet still bear Your image. Thank you for sending Jesus so that we could be cleansed of our sin and walk in newness of life.

We soberly realize that we are in desperate need of Your help. We cannot carry out our responsibilities with true success without You, Lord. We lean upon You for wisdom, for grace, for patience to be what You have called us to be and to do what You have called us to do.

So lead us to make decisions today that honor You and the people that we serve in the precious name of Jesus.

Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the tenth day was approved as printed by the following vote:

AYES: 145

| | | | | |
|----------------|-------------|---------------|-------------------|------------|
| Adams | Andrews | Atchison | Aune | Bailey |
| Bangert | Baringer | Barnes | Basye | Billington |
| Black 137 | Black 7 | Bland Manlove | Boggs | Bromley |
| Brown 16 | Brown 27 | Brown 70 | Buchheit-Courtway | Burger |
| Burnett | Burton | Busick | Butz | Chipman |
| Christofanelli | Clemens | Coleman 32 | Cook | Copeland |
| Cupps | Davidson | Davis | Deaton | DeGroot |
| Derges | Dinkins | Dogan | Doll | Eggleston |
| Ellebracht | Evans | Falkner | Fishel | Fitzwater |
| Fogle | Francis | Gray | Gregory 51 | Gregory 96 |
| Grier | Griesheimer | Griffith | Gunby | Haden |
| Haffner | Haley | Hannegan | Hardwick | Henderson |
| Hicks | Hill | Houx | Hovis | Hudson |

| | | | | |
|------------|-------------|------------|----------------|--------------|
| Hurlbert | Ingle | Kalberloh | Kelley 127 | Kelly 141 |
| Kidd | Knight | Lewis 25 | Lewis 6 | Lovasco |
| Mackey | Mayhew | McCreery | McDaniel | McGaugh |
| McGill | Merideth | Morse | Mosley | Murphy |
| Nurrenbern | O'Donnell | Owen | Patterson | Perkins |
| Pietzman | Pike | Plocher | Pollitt 52 | Pollock 123 |
| Porter | Pouche | Quade | Railsback | Reedy |
| Reisch | Richey | Riggs | Riley | Roberts |
| Roden | Roeber | Rogers | Rone | Ruth |
| Sander | Sassmann | Sauls | Schnelting | Schroer |
| Schwadron | Seitz | Sharp 36 | Sharpe 4 | Shaul |
| Shields | Simmons | Smith 155 | Smith 163 | Smith 67 |
| Stacy | Stevens 46 | Taylor 139 | Taylor 48 | Terry |
| Thompson | Trent | Turnbaugh | Unsicker | Van Schoiack |
| Veit | Wallingford | Walsh 50 | Walsh Moore 93 | Weber |
| West | Wiemann | Wright | Young | Mr. Speaker |

NOES: 001

Rowland

PRESENT: 002

Aldridge Windham

ABSENT WITH LEAVE: 014

| | | | | |
|----------|--------------|--------|--------|------------|
| Anderson | Appelbaum | Baker | Bosley | Coleman 97 |
| Collins | Johnson | Person | Phifer | Price IV |
| Proudie | Stephens 128 | Tate | Thomas | |

VACANCIES: 001

HOUSE RESOLUTIONS

Representative Veit offered House Resolution No. 117.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

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

HCR 22, introduced by Representative Nurrenbern, relating to COVID-19 remembrance day.

HCR 23, introduced by Representative Schroer, relating to the Congress of the United States.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 43, introduced by Representative Hill, relating to judges.

INTRODUCTION OF HOUSE BILLS

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

HB 921, introduced by Representative Riggs, relating to the Missouri housing development commission.

HB 922, introduced by Representative Houx, relating to the statute of limitations for personal injury claims.

HB 923, introduced by Representative Gray, relating to the joint committee on Missouri division of workers' compensation.

HB 924, introduced by Representative Knight, relating to revenue.

HB 925, introduced by Representative Hudson, relating to paper ballots.

HB 926, introduced by Representative McGaugh, relating to notice requirements.

HB 927, introduced by Representative Thompson, relating to financial institutions.

HB 928, introduced by Representative Thompson, relating to financial institutions.

HB 929, introduced by Representative Riggs, relating to certain distributions from trusts.

HB 930, introduced by Representative Cupps, relating to the designation of a memorial highway.

HB 931, introduced by Representative Schroer, relating to the employer-employee relationship.

HB 932, introduced by Representative Billington, relating to civil liability for censorship.

HB 933, introduced by Representative Bland Manlove, relating to absentee ballots.

HB 934, introduced by Representative Bland Manlove, relating to a private person's use of force in making an arrest.

HB 935, introduced by Representative Bland Manlove, relating to debt collection, with penalty provisions.

HB 936, introduced by Representative Rogers, relating to the Missouri secure choice savings program act.

HB 937, introduced by Representative Fogle, relating to cultural competency training for health care professionals.

HB 938, introduced by Representative Haffner, relating to restrictive covenants.

HB 939, introduced by Representative Porter, relating to the sale of spirituous liquors.

HB 940, introduced by Representative Porter, relating to shipments of alcohol.

HB 941, introduced by Representative Burton, relating to the Missouri homestead preservation act, with a delayed effective date.

HB 942, introduced by Representative Haffner, relating to the accreditation of public schools and school districts.

HB 943, introduced by Representative DeGroot, relating to credit service organizations.

HB 944, introduced by Representative Reedy, relating to unlawful use of weapons, with penalty provisions.

HB 945, introduced by Representative Shaul, relating to taxation.

HB 946, introduced by Representative Hill, relating to the release of a defendant.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolution was read the second time:

HCR 21, relating to Medicaid coverage.

SECOND READING OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolution was read the second time:

HJR 42, relating to term limits for members of the general assembly.

SECOND READING OF HOUSE BILLS

The following House Bills were read the second time:

HB 876, relating to law enforcement officers, with penalty provisions and an emergency clause for a certain section.

HB 877, relating to income tax deductions.

HB 878, relating to the treatment court commissioner in a certain judicial circuit.

HB 879, relating to titles of certain health care practitioners, with penalty provisions.

HB 880, relating to concealed carry permits.

HB 881, relating to liquor sales.

HB 882, relating to the Missouri homestead preservation act, with a delayed effective date.

HB 883, relating to voter registration records.

HB 884, relating to state funding for higher education costs.

HB 885, relating to primary elections.

HB 886, relating to permissible uses for campaign funds.

HB 887, relating to consent for voluntary searches.

HB 888, relating to the ethics commission, with penalty provisions and a delayed effective date.

HB 889, relating to insurance coverage for mental health conditions.

HB 890, relating to incarceration.

HB 891, relating to the offense of aggravated endangerment of a highway worker.

HB 892, relating to renewable natural gas.

HB 893, relating to iron curtain speech day.

HB 894, relating to Mark Twain day.

HB 895, relating to unlawful possession of a firearm, with penalty provisions.

HB 896, relating to a state plan for career and technical education certificates.

HB 897, relating to retirement benefits.

HB 898, relating to crimes committed against law enforcement officers and first responders, with penalty provisions.

HB 899, relating to sales tax.

HB 900, relating to strategic lawsuits against public participation.

HB 901, relating to special personalized license plates.

HB 902, relating to expungement.

HB 903, relating to domestic animal death, with a penalty provision.

HB 904, relating to Missouri state highway patrol fees.

HB 905, relating to the designation of a memorial highway.

HB 906, relating to a rural primary care physician grant program.

HB 907, relating to property insurance.

HB 908, relating to statewide missions of institutions of higher education.

HB 909, relating to delinquent motor vehicle liabilities.

HB 910, relating to taxation.

HB 911, relating to the designation of a memorial highway.

HB 912, relating to air ambulance services, with a delayed effective date.

HB 913, relating to income tax, with an emergency clause.

HB 914, relating to regulations of companies.

HB 915, relating to gaming, with penalty provisions.

HB 916, relating to assistant physicians.

HB 917, relating to permissible uses for campaign funds.

HB 918, relating to costs for filing orders of protection.

HB 919, relating to obscene websites, with penalty provisions.

HB 920, relating to the general municipal election day, with a delayed effective date.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 429**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Eggleston, Fitzwater, Griesheimer, Richey, Terry and Wiemann

Noes (0)

Absent (1): Walsh (50)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 430**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Eggleston, Fitzwater, Griesheimer, Richey, Terry and Wiemann

Noes (0)

Absent (1): Walsh (50)

THIRD READING OF HOUSE BILLS

HCS HB 429, relating to a tax deduction for foster parents, was taken up by Representative Kelly (141).

On motion of Representative Kelly (141), **HCS HB 429** was read the third time and passed by the following vote:

AYES: 149

| | | | | |
|-------------|----------------|--------------|---------------|-------------------|
| Adams | Aldridge | Andrews | Atchison | Aune |
| Bailey | Bangert | Baringer | Barnes | Basye |
| Billington | Black 137 | Black 7 | Bland Manlove | Boggs |
| Bromley | Brown 16 | Brown 27 | Brown 70 | Buchheit-Courtway |
| Burger | Burnett | Burton | Busick | Butz |
| Chipman | Christofanelli | Clemens | Coleman 32 | Cook |
| Copeland | Cupps | Davidson | Davis | Deaton |
| DeGroot | Derges | Dinkins | Dogan | Doll |
| Eggleston | Ellebracht | Evans | Falkner | Fishel |
| Fitzwater | Fogle | Francis | Gray | Gregory 51 |
| Gregory 96 | Grier | Griesheimer | Griffith | Gunby |
| Haden | Haffner | Haley | Hannegan | Hardwick |
| Henderson | Hicks | Hill | Houx | Hovis |
| Hudson | Hurlbert | Ingle | Kalberloh | Kelley 127 |
| Kelly 141 | Kidd | Knight | Lewis 25 | Lewis 6 |
| Lovasco | Mackey | Mayhew | McCreery | McDaniel |
| McGaugh | McGill | Merideth | Morse | Mosley |
| Murphy | Nurrenbern | O'Donnell | Owen | Patterson |
| Perkins | Pietzman | Pike | Plocher | Pollitt 52 |
| Pollock 123 | Porter | Pouche | Proudie | Quade |
| Railsback | Reedy | Reisch | Richey | Riggs |
| Riley | Roberts | Roden | Roeber | Rogers |
| Rone | Rowland | Ruth | Sander | Sassmann |
| Sauls | Schnelting | Schroer | Schwadron | Seitz |
| Sharp 36 | Sharpe 4 | Shaul | Shields | Simmons |
| Smith 155 | Smith 163 | Smith 67 | Stacy | Stevens 46 |
| Taylor 139 | Taylor 48 | Terry | Thompson | Trent |
| Turnbaugh | Unsicker | Van Schoiack | Veit | Wallingford |
| Walsh 50 | Walsh Moore 93 | Weber | West | Wiemann |
| Windham | Wright | Young | Mr. Speaker | |

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

| | | | | |
|--------------|-----------|--------|--------|------------|
| Anderson | Appelbaum | Baker | Bosley | Coleman 97 |
| Collins | Johnson | Person | Phifer | Price IV |
| Stephens 128 | Tate | Thomas | | |

VACANCIES: 001

Speaker Pro Tem Wiemann declared the bill passed.

HCS HB 430, relating to adoption tax credits, was taken up by Representative Kelly (141).

On motion of Representative Kelly (141), **HCS HB 430** was read the third time and passed by the following vote:

AYES: 155

| | | | | |
|----------------|---------------|----------------|-------------------|-------------|
| Adams | Aldridge | Anderson | Andrews | Appelbaum |
| Atchison | Aune | Bailey | Baker | Bangert |
| Baringer | Barnes | Basye | Billington | Black 137 |
| Black 7 | Bland Manlove | Boggs | Bosley | Bromley |
| Brown 16 | Brown 27 | Brown 70 | Buchheit-Courtway | Burger |
| Burnett | Burton | Busick | Butz | Chipman |
| Christofanelli | Clemens | Coleman 32 | Cook | Copeland |
| Cupps | Davidson | Davis | Deaton | DeGroot |
| Derges | Dinkins | Dogan | Doll | Eggleston |
| Ellebracht | Evans | Falkner | Fishel | Fitzwater |
| Fogle | Francis | Gray | Gregory 51 | Gregory 96 |
| Grier | Griesheimer | Griffith | Gunby | Haden |
| Haffner | Haley | Hannegan | Hardwick | Henderson |
| Hicks | Hill | Houx | Hovis | Hudson |
| Hurlbert | Ingle | Johnson | Kalberloh | Kelley 127 |
| Kelly 141 | Kidd | Knight | Lewis 25 | Lewis 6 |
| Lovasco | Mackey | Mayhew | McCreery | McDaniel |
| McGaugh | McGill | Merideth | Morse | Mosley |
| Murphy | Nurrenbern | O'Donnell | Owen | Patterson |
| Perkins | Person | Pietzman | Pike | Plocher |
| Pollitt 52 | Pollock 123 | Porter | Pouche | Proudie |
| Quade | Railsback | Reedy | Reisch | Richey |
| Riggs | Riley | Roberts | Roden | Roeber |
| Rogers | Rone | Rowland | Ruth | Sander |
| Sassmann | Sauls | Schnelting | Schroer | Schwadron |
| Seitz | Sharp 36 | Sharpe 4 | Shaul | Shields |
| Simmons | Smith 155 | Smith 163 | Smith 67 | Stacy |
| Stevens 46 | Taylor 139 | Taylor 48 | Terry | Thompson |
| Trent | Turnbaugh | Unsicker | Van Schoiack | Veit |
| Wallingford | Walsh 50 | Walsh Moore 93 | Weber | West |
| Wiemann | Windham | Wright | Young | Mr. Speaker |

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

| | | | | |
|------------|---------|--------|----------|--------------|
| Coleman 97 | Collins | Phifer | Price IV | Stephens 128 |
| Tate | Thomas | | | |

VACANCIES: 001

Speaker Pro Tem Wiemann declared the bill passed.

On motion of Representative Plocher, the House recessed until 2:30 p.m.

The hour of recess having expired, the House was called to order by Speaker Pro Tem Wiemann.

COMMITTEE REPORTS

Committee on Crime Prevention, Chairman Roberts reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 784**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (9): Aldridge, Copeland, Hovis, Kelley (127), Roberts, Sauls, Seitz, Sharp (36) and West

Noes (1): Davis

Absent (0)

Special Committee on Homeland Security, Chairman Hicks reporting:

Mr. Speaker: Your Special Committee on Homeland Security, to which was referred **HB 785**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (9): Bland Manlove, Chipman, Gray, Haffner, Hicks, Kidd, Porter, Schnelting and Walsh Moore (93)

Noes (0)

Absent (2): McDaniel and Tate

Committee on Ethics, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **HR 70**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (10): Andrews, Barnes, Brown (27), Brown (70), Eggleston, Ellebracht, Fitzwater, Francis, Kelly (141) and McCreery

Noes (0)

Absent (0)

HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE RESOLUTION NO. 70

ETHICS COMMITTEE
RULES OF PROCEDURE

RULE 1. Scope and Authority

These Rules of Procedure govern the conduct of the investigation of complaints of ethical misconduct by a member of the House and are adopted pursuant to House Rule 37.

RULE 2. Definitions

As used in these rules, unless the context requires otherwise, the following words and terms shall have the following meanings, and the use of masculine gender shall include the feminine.

(1) Letter of reproof - A sanction which expresses disapproval of conduct based on the appropriateness of such conduct by a member, regardless of whether the conduct constitutes a legal or moral wrong ~~[and is included as part of the Committee's report].~~

(2) Reprimand - A sanction which recognizes the member's conduct constituted a legal or moral wrong and which may include punishment in the form of denying privileges of office~~], which recommendation is included as part of the Committee's report,~~ is issued by the Speaker and the recommendation for reprimand is made a public record.

(3) Censure - A sanction which recognizes the member's conduct constituted a legal or moral wrong, and which shall include punishment in the form of denying privileges of office~~], which recommendation is included as part of the Committee's report]~~ and requires the presence of the member in the chamber during consideration and vote by the entire House on such resolution.

(4) Expulsion - A sanction which recognizes the member's conduct constituted a legal or moral wrong and which may include punishment in the form of removal from office as provided in Article III, Section 18 of the Missouri Constitution~~], which recommendation is included as part of the Committee's report].~~

(5) Ethical misconduct -

(a) A crime;

(b) Willful neglect of duty;

(c) Corruption in office;

(d) Any conduct constituting a legal or moral wrong which materially impairs the member's ability to perform the duties of his office or substantially impairs public confidence in the General Assembly;

(e) Any conduct constituting a conflict of interest under Chapter 105, RSMo;

(f) The intentional filing of a false complaint or the filing of a complaint in reckless disregard of the truth;

or

(g) Any breach of confidentiality provided for under these rules.

(6) Member - Any Missouri State Representative or Missouri State Representative-Elect.

No allegation of ethical misconduct may be based on actions that occurred more than six years prior to the date the respondent assumed the office of Representative, unless the actions, whether charged or uncharged, would constitute a Class A felony offense under the laws of this state, or would constitute an offense of a sexual nature under the laws of this state.

RULE 3. Quorum

A quorum exists when a majority of the members of the Committee are present. **A quorum of appointed members shall be necessary to hold a hearing of any type.**

RULE 4. Form of Complaints

A. All complaints filed against a member shall be made under the authority of Rule 37 of the House Rules of Procedure. The complaints shall be confidential and shall be referred to the Committee on Ethics within fourteen (14) calendar days. **The Speaker's referral of a complaint shall include a letter delivered to the Chief Clerk noting the date and time of receipt of the complaint, and the date and time of delivery to the Committee on Ethics.** Each complaint shall be in writing and under oath from the member, or in the case of alleged sexual harassment **or a violation of the amorous relationship policy**, the investigative report shall be sufficient to be considered a proper complaint. All complaints shall contain:

- (1) The name and address of the member or members or other individual or individuals acting as complainant;
- (2) The name of the member alleged to have engaged in conduct constituting ethical misconduct;
- (3) The nature of the alleged act constituting ethical misconduct, including when applicable, the specific law, rule, regulation, or ethical standard violated;
- (4) The facts alleged to have given rise to the act constituting ethical misconduct; and
- (5) Where the facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

B. All records in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

C. In the case that the Chief Clerk retains outside counsel to investigate an alleged violation of the sexual harassment or amorous relationship policies, the Chief Clerk shall notify the respondent in writing that a complaint has been filed, but shall not disclose details of the complaint to the respondent without permission from the Chair and Vice Chair of the Committee.

RULE 5. Jurisdictional Hearing of the Complaint by the Committee

A. Within thirty (30) calendar days of the assignment of the complaint, the Committee shall determine if it is in compliance with Rule 4 of these Rules, and whether on the face of the complaint, the allegations contained therein are within the jurisdiction of the Committee. No person named in the complaint shall act as a member of the Committee for purposes of such complaint. The jurisdictional hearing to examine the complaint and report or other evidence provided to the Committee, and the determination under Rule 5. C. shall be conducted in a closed hearing.

B. Complaints determined not to be in compliance with Rule 4 of these Rules shall be returned to the complainant with a statement that it is not in compliance with the Rules of Procedure. The complaint may be resubmitted in the proper form.

C. Once a determination has been made that the complaint complies with Rule 4 of these Rules, a majority of the Committee appointed shall vote by roll call to:

- (1) Proceed to a ~~[preliminary]~~ **primary** hearing;
- (2) Defer action pending completion of any other administrative, disciplinary, commission, or judicial proceeding; or
- (3) Dismiss the complaint. When a motion to proceed to a ~~[preliminary]~~ **primary** hearing fails on a recorded vote, the complaint shall be immediately dismissed. The Committee may, in its discretion, issue a report in conjunction with the dismissal of the complaint.

D. In determining whether or not to proceed to a ~~[preliminary]~~ **primary** hearing, the Committee shall consider the following:

- (1) The credible evidence of ethical misconduct contained in the complaint, any report, or other evidence appended thereto;
- (2) Other administrative or disciplinary action by other interested bodies;
- (3) Criminal investigation, Missouri Ethics Commission proceeding, or judicial proceedings, either civil or criminal; and
- (4) Other relevant circumstances that would justify expediting, declining, or deferring action by the Committee.

E. Complaints determined to be in compliance with Rule 4 of these Rules and accepted for a ~~[preliminary]~~ **primary** hearing shall be transmitted to the respondent with a copy of the Rules of Procedure and notice in writing that the respondent has twenty-one (21) calendar days to respond to the complaint either by way of answer or motion pursuant to Rule 7 of these Rules. The complainant and alleged victim shall also be notified, in writing, of the action of the Committee.

F. Any party may make an objection to the participation of any member of the Committee in an examination of the complaint on the grounds that the member cannot render an impartial and unbiased decision in the case. The majority of the members present shall rule on the objection to the participation of any member of the Committee. A temporary replacement shall be made to serve on the Committee on Ethics for all actions concerning a particular complaint for any member of the Committee who is prevented from acting on a complaint under these rules. Any temporary replacement made shall be of the same party as the replaced member and shall be chosen by the Speaker for the replacement of a member of the majority party or chosen by the Minority Floor Leader for the replacement of a member of the minority party; except that, if the Speaker is the respondent, the complainant, or the victim, the temporary replacement shall be chosen by the Chair of the Committee or, if the Minority Floor Leader is the respondent, the complainant, or the victim, the temporary replacement shall be chosen by the Vice Chair of the Committee.

RULE 6. Confidentiality

A. Counsel for the Committee on Ethics, with the consent of the Chair and Vice Chair, may redact any of the names and identifying information of the parties mentioned in any report, or provide a summary of the report.

B. No member or staff of the Committee on Ethics shall disclose, to any person or entity outside the Committee, any information received in the course of service with the Committee, except as authorized by the Committee or in accordance with its rules.

C. No person, other than House staff or employees properly part of the complaint process by rule or policy, who reviews or receives the results of any investigation or report shall disclose any information contained in the report, except to his counsel or in accordance with these rules.

D. If the complaint proceeds to a ~~[preliminary]~~ **primary** hearing, an unredacted report shall be provided to the complainant, respondent, and alleged victim. Any document provided by the Committee shall contain a watermark indicating that the document is confidential and shall list the name of the recipient.

E. No audio or visual recording shall be made of any closed hearing of the Committee on Ethics without the prior, express permission of the Chair. A violation of this paragraph may be treated as contempt or disorderly conduct as authorized under Article III, Section 18 of the Constitution of the state of Missouri.

RULE 7. Answers and Motions

A. If the Committee determines that the complaint merits proceeding to a ~~[preliminary]~~ **primary** hearing, the respondent shall have twenty-one (21) calendar days in which to respond to the complaint by way of answer or motion, unless this time period is waived by the respondent. Any answer or motion shall be in writing, signed by the respondent and his counsel, if he has one, and shall be limited to the following:

(1) An admission or denial under oath, of the allegations set forth in the complaint, including negative and affirmative defenses, and any other relevant information, including supporting evidence which the respondent may desire to submit. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each allegation; or

(2) An objection to the jurisdiction of the Committee to investigate the complaint.

B. Any motion submitted pursuant to this rule is not in lieu of an answer and shall be accompanied by a memorandum of points and authorities. Answers or motions not submitted within the twenty-one (21) calendar-day period shall not be considered by the Committee.

C. The Chair of the Committee shall pass upon such motions as soon as practicable and notice of the decision shall be furnished to the respondent and the complainant. A motion to quash a subpoena shall be decided by the Chair of the Committee.

D. Time limitations imposed by this Rule may be extended when, in the discretion of the Chair, such extension would facilitate a fair and complete inquiry and may be shortened when the Chair determines that there are special circumstances compelling expedition, and upon twenty-four (24) hours notice of said action to the respondent and the claimant.

E. In the event that a special counsel is retained by the Committee, the attorney-client privilege is applicable to the Committee and not to the House.

RULE 8. ~~[Preliminary]~~ **Primary Hearings**

A. A ~~[preliminary]~~ **primary** hearing may be held to hear arguments based on the evidence submitted in the case. The ~~[preliminary]~~ **primary** hearing may be closed at the discretion of the Committee. The Committee shall provide the complainant and the respondent or counsel for the complainant and respondent an opportunity to present, orally or in writing, a statement, which shall be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the complaint or other evidence provided to the committee. Opening statements made during a ~~[preliminary]~~ **primary** hearing shall be limited to fifteen minutes for the complainant and fifteen minutes for the respondent; however, such time limitations may be increased at the discretion of the Chair of the Committee.

B. The Committee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or Committee member designated by him to administer oaths. The Committee may take testimony from the complainant, alleged victim, respondent, and any other witness at the discretion of the Chair. The complainant, alleged victim, and respondent may submit a list of proposed witnesses to the Chair for consideration at least twenty-four hours in advance of the hearing. Only the Committee members, or special counsel for the Committee, may question a witness at the ~~[preliminary]~~ **primary** hearing.

C. At the conclusion of the ~~[preliminary]~~ **primary** hearing, a majority of the Committee shall vote by roll call to:

- (1) Dismiss the complaint, which may be accompanied by a report issued by the Committee;
- (2) Proceed by undertaking a formal hearing; or
- (3) Offer a recommended sanction to the member which may include one of the following:
 - (a) Letter of reproof;
 - (b) Reprimand;
 - (c) Censure; or
 - (d) Expulsion.

~~[If the member accepts the Committee's recommended sanction, the sanction shall be enforced and the complaint shall be concluded. If the member does not accept the recommended sanction, the Committee shall then proceed to a formal hearing which shall take place no later than ninety (90) calendar days after the date that the recommended sanction was rejected or as scheduled or extended by a majority vote of the Committee.]~~ **The member shall be given notice of his or her right to object to the Committee's recommended sanction by the time set forth by the Committee, which shall be no less than seventy-two hours. If the respondent fails to object in writing to the Committee's recommendation, he or she shall be deemed to waive any and all rights to further proceedings before the Committee on Ethics and the Committee report shall be filed by the Committee in the form of a House Resolution with the Clerk of the House. The recommendation shall also be published in the House Journal and automatically placed on the House Resolutions Calendar without further referral. If the respondent objects in writing to the recommendation within the time set forth by the Committee, the Committee shall proceed to a formal hearing, which shall take place no later than ninety days after the receipt of such objection or as scheduled or extended by a majority vote of the Committee.**

RULE 9. Formal Hearings

A. A formal hearing shall be held on the record to receive evidence upon which to base findings, conclusions, and recommendations, if any, to the House; except that, such hearing may be closed at the discretion of the Committee. The Committee may require, by subpoena or otherwise, or by subpoena duces tecum, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, electronic communications, and documents as it deems necessary. The Committee may issue and enforce subpoenas as allowed by law.

B. Prior to setting a hearing date and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearings. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearings the Committee may expand or contract the scope in light of evidence received.

C. The order of the formal hearing shall be as follows:

- (1) The Chair shall open the hearing by stating the Committee's authority to conduct the investigation, the purpose of the investigation and its scope.

(2) The complainant and the respondent or counsel for the complainant and respondent shall be permitted to make opening statements. Such opening statements shall not exceed fifteen minutes each.

(3) Testimony from witnesses and other evidence pertinent to the matter under investigation shall be received in the following order:

- (a) Witnesses and other evidence offered by the complainant;
 - (b) Witnesses and other evidence offered by the respondent;
 - (c) Witnesses and other evidence offered by the Committee; and
 - (d) Rebuttal witnesses.
- (4) The Chair, or his designee, and the Committee members may question any witness.

D. Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath shall be administered by the Chair or Committee member designated by him to administer oaths.

RULE 10. Admissibility of Evidence

A. The object of the hearings shall be to ascertain the truth. Any evidence that is relevant and probative shall be admissible, unless privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

B. The Chair or other member presiding shall rule upon any question of admissibility of testimony or evidence presented to the Committee. The Chair or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

C. At a formal hearing, the burden of proof is on the complainant with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that he introduces.

RULE 11. Witnesses

A. A subpoena to a witness shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

B. Except as otherwise specifically authorized by the Chair, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before his scheduled appearance.

C. Witnesses at formal hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence.

D. Chair may limit such testimony when, in his discretion, he finds the testimony is repetitious, cumulative, or irrelevant.

E. Each witness subpoenaed by the Committee shall be reimbursed for those reasonable expenses approved by the Committee.

F. Each witness shall be furnished a printed copy of the Rules of Procedure and the pertinent provisions of the Rules of the House applicable to the rights of witnesses.

G. Within ten calendar days before the scheduled formal hearing, each party shall notify the Committee and all other parties to the complaint, in writing, of the witnesses that are to appear at the formal hearing. Within five calendar days before the scheduled formal hearing, each party shall notify the Committee and all other parties to the complaint, in writing, of any proposed rebuttal witnesses that are to appear on his behalf. The Chair may exercise discretion in allowing any party's good faith request for additional witnesses that are proposed after the expiration of these time limits, or in denying any witness request made by a party if such request is not made in good faith.

RULE 12. Findings, Conclusions and Recommendations

A. At the completion of the ~~preliminary~~ **primary** hearing or formal hearings, the Committee, by a majority vote of its members, shall, within forty-five (45) days, adopt a report stating its findings and conclusions on the complaint. The report shall be filed with the Chief Clerk of the House, **with a copy delivered to the office of the Speaker, office of the Majority Floor Leader, and office of the Minority Floor Leader**, and shall be printed in the House Journal. In the event the Committee finds that the complaint is not well-founded, the report shall so state, and shall include a copy of a Letter of Reproval if the Committee authorized such sanction. In the event the Committee finds that the complaint is well-founded, the report shall state the Committee's recommendation in a resolution appended thereto.

B. The resolution shall state the Committee's findings and conclusions on each allegation in the complaint with the recommendation that the House take one of the following actions:

- (1) Letter of reproof;
- (2) Reprimand;
- (3) Censure; or
- (4) Expulsion.

C. The chair or counsel for the Committee shall redact from its findings, conclusions, and recommendations, the name or names and any identifying information of any person or persons alleged to be a victim of sexual harassment or sexual misconduct by a member. An alleged victim may consent to the release of his or her name or other identifying information by providing a written request to the chair of the Committee.

D. The Committee's recommendation may also require payment of restitution and costs incurred in the investigation, or impose any other sanction that the Committee deems just and proper under the circumstances, but the amount of restitution and costs shall not exceed the costs incurred by the House related to the complaint. Any assessment of fines or restitution and costs shall be paid in full by the member no later than thirty days after the adoption of a recommendation by the House of Representatives. If the member fails to pay in full by the expiration of the thirty-day time period, then the Chief Clerk may deduct from the member's salary an appropriate monthly sum to repay the full amount due by the conclusion of the member's current term of office.

RULE 13. Matters Not Covered in These Rules of Procedure

The Rules of Procedure of the United States House of Representatives Committee on Ethics of the 116th Congress shall be taken as guidelines in deciding questions, issues, and other matters not otherwise provided for in these Rules of Procedure, except that the Rules of the Missouri House of Representatives governing the party representation on committees shall apply to this Committee.

RULE 14. Depositions

The Chair of the Committee, upon consultation with the Vice Chair, may order the taking of depositions, under the authority of Section 21.380, RSMo, by a member or counsel of the Committee. Witnesses may be accompanied at a deposition by counsel to advise the witnesses of their rights. Only members of the Committee, Committee staff designated by the Chair or Vice Chair, an official reporter, the witness, and the witness's counsel are permitted to attend. Depositions may be taken at any stage of the proceedings and may be used as evidence submitted by the Committee on Ethics.

RULE 15. Limitations on Scope and Authority

Nothing contained in these rules shall be construed to limit the authority of the House of Representatives as enumerated under Article III, Section 18, of the Constitution of the state of Missouri.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following committee to act with a like committee from the House pursuant to **HCR 19**.

Senators: Schatz, Hegeman, Onder, Riddle, Wieland, Razer, Williams, Schupp, Arthur, May.

MESSAGES FROM THE GOVERNOR

The following proclamation was received from His Excellency, Governor Michael L. Parson.

PROCLAMATION

WHEREAS, Article IV, Section 27, authorizes the Governor to control the rate at which any appropriation is expended by allotment and, further, authorizes the Governor to reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based; and

WHEREAS, in addition to the power to control the rate of expenditure established in Article IV, Section 27, three percent of each appropriation, with the exception of amounts for personal service to pay salaries fixed by law, shall be set aside pursuant to section 33.290, RSMo, as a reserve fund and not subject to expenditure except with the approval of the Governor; and

WHEREAS, Article IV, Section 27.2, provides that the Governor notify the General Assembly “whenever the rate at which any appropriation shall be expended is not equal quarterly allotments, the sum of which shall be equal to the amount of the appropriation”; and

WHEREAS, due to a variety of factors, including the three percent reserve that is legally required by section 33.290, RSMo, the rate at which most appropriations are expended is not in “equal quarterly allotments, the sum of which shall be equal to the amount of the appropriation”; and

WHEREAS, Article IV, Section 27.3, provides that the Governor notify the General Assembly “when the governor reduces one or more items or portions of items of appropriation of money as a result of actual revenues being less than the revenue estimates upon which the appropriations were based.”

NOW THEREFORE, I, Michael L. Parson, GOVERNOR OF THE STATE OF MISSOURI, pursuant to Article IV, Section 27, do hereby make the following notification to the One Hundred First General Assembly of the State of Missouri:

I hereby notify the General Assembly, pursuant to Article IV, Section 27.2 of the Missouri Constitution, that through the second quarter of fiscal year 2021, the rate of expenditure for each of the appropriation lines in the fiscal year 2021 budget attached as Exhibit A is not in equal quarterly allotments, the sum of which shall be equal to the amount of the appropriation.

I further notify the General Assembly, pursuant to Article IV, Section 27.3 of the Missouri Constitution, that I have taken no action to permanently reduce one or more items or portions of items of appropriation of money as a result of actual revenues being less than the revenue estimates upon which the appropriations were based in the fiscal year 2021 budget.

IN TESTIMONY 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, this 26th day of January, 2021.

/s/ Michael L. Parson
Governor

ATTEST:

/s/ Jay Ashcroft
Secretary of State

Exhibit A

| # | Agency | Budget Appropriation Line |
|----|-------------------------------|------------------------------|
| 1 | LEGISLATURE-OPERATING | 12.505 |
| 2 | JUDICIARY-OPERATING | 12.370 |
| 3 | JUDICIARY-OPERATING | 12.340 |
| 4 | ELEM & SEC EDUCATION-OPER | 02.015 |
| 5 | PUBLIC SAFETY-OPERATING | 08.315 |
| 6 | REVENUE-OPERATING | 04.130 |
| 7 | PUBLIC SAFETY-OPERATING | 14.050 |
| 8 | PUBLIC SAFETY-OPERATING | 14.050 |
| 9 | OFFICE ADMINISTRATION-OPER | 05.480 |
| 10 | OFFICE ADMINISTRATION-OPER | 05.480 |
| 11 | PUBLIC SAFETY-OPERATING | 14.055 |
| 12 | ELEM & SEC EDUCATION-OPER | 14.005 |
| 13 | ELEM & SEC EDUCATION-OPER | 14.010 |
| 14 | DHEWD-OPERATING | 14.015 |
| 15 | PUBLIC SAFETY-OPERATING | 14.060 |
| 16 | HEALTH & SENIOR SERVICES-OPER | 14.070 |
| 17 | HEALTH & SENIOR SERVICES-OPER | 14.070 |
| 18 | HEALTH & SENIOR SERVICES-OPER | 14.070 |
| 19 | OFFICE ADMINISTRATION-OPER | 14.020 |

The following members' presence was noted: Phifer and Stephens (128).

ADJOURNMENT

On motion of Representative Kelly (141), the House adjourned until 10:00 a.m., Thursday, January 28, 2021.

COMMITTEE HEARINGS

BUDGET

Friday, January 29, 2021, 8:45 AM, House Chamber.

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

Testimony from various departments on CARES Act and Coronavirus Relief Fund programs and spending. Guest seating will be available in the upper gallery located on the 4th floor. No public testimony will be taken at this hearing.

ECONOMIC DEVELOPMENT

Thursday, January 28, 2021, 8:30 AM, House Hearing Room 5.

Public hearing will be held: HB 249

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

GENERAL LAWS

Thursday, January 28, 2021, 8:00 AM, House Hearing Room 6.

Executive session will be held: HB 85, HB 310, HB 350

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

HEALTH AND MENTAL HEALTH POLICY

Monday, February 1, 2021, 12:00 PM, House Hearing Room 7.

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

Organizational meeting.

LOCAL GOVERNMENT

Thursday, January 28, 2021, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 252, HB 394, HB 441

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

RULES - ADMINISTRATIVE OVERSIGHT

Thursday, January 28, 2021, 2:50 PM, House Hearing Room 5.

Executive session will be held: HCS HB 784, HCS HB 785

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

RURAL COMMUNITY DEVELOPMENT

Thursday, January 28, 2021, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 351, HB 357, HB 378

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

SUBCOMMITTEE ON APPROPRIATIONS - AGRICULTURE, CONSERVATION,
NATURAL RESOURCES, AND ECONOMIC DEVELOPMENT

Thursday, January 28, 2021, 8:00 AM, Joint Hearing Room (117).

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

Organizational meeting of the subcommittee and informational overviews by Department of Agriculture, Department of Conservation, Department of Natural Resources, Department of Economic Development, Department of Commerce & Insurance and Department of Labor and Industrial Relations. Public testimony will be taken regarding the appropriations for the departments listed above.

SUBCOMMITTEE ON APPROPRIATIONS - EDUCATION

Thursday, January 28, 2021, upon adjournment, Joint Hearing Room (117).

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

Informational overview by the Department of Elementary and Secondary Education. We will take public testimony regarding the appropriations for the Department of Elementary and Secondary Education.

CORRECTED

SUBCOMMITTEE ON APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL
SERVICES

Thursday, January 28, 2021, 1:00 PM or upon adjournment (whichever is later), House Hearing Room 3.

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

Public testimony will be taken regarding the appropriations for the Department of Mental Health, Department of Health & Senior Services and Department of Social Services.

**SUBCOMMITTEE ON APPROPRIATIONS - PUBLIC SAFETY, CORRECTIONS,
TRANSPORTATION AND REVENUE**

Thursday, January 28, 2021, 8:00 AM, House Hearing Room 3.

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

Organizational meeting of the subcommittee and informational overviews by the Department of Corrections, Department of Public Safety, Department of Transportation and Department of Revenue. Public testimony will be taken regarding the appropriations for the departments listed above.

WAYS AND MEANS

Wednesday, February 3, 2021, 12:00 PM or upon adjournment (whichever is later), House Hearing Room 7.

Public hearing will be held: HB 66, HB 91

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

WORKFORCE DEVELOPMENT

Monday, February 1, 2021, 12:00 PM, House Hearing Room 1.

Public hearing will be held: HB 384

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

Upon completion of the public hearing there will be two guest speakers.

Dr. Joe Gilgour and Dr. Jeff Pittman - Vision of Workforce Development.

Please note additional procedures will be in place due to the COVID-19 pandemic. All entrants to the capitol building will be required to submit to screening questions and physical screening. Members of the public must enter the building using the south entrance. Public seating in committees will be socially distanced and therefore limited. Committee hearings will be streamed. Links may be found at <https://www.house.mo.gov>.

HOUSE CALENDAR

TWELFTH DAY, THURSDAY, JANUARY 28, 2021

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 22 and HCR 23

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 43

HOUSE BILLS FOR SECOND READING

HB 921 through HB 946

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 16 - Smith (163)

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 7 - McDaniel

HOUSE RESOLUTIONS

HCS HR 70 - Fitzwater

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 2001 - Smith (163)
CCS SCS HS HCS HB 2002 - Smith (163)
CCS SCS HS HCS HB 2003 - Smith (163)
CCS SCS HS HCS HB 2004 - Smith (163)
CCS SCS HS HCS HB 2005 - Smith (163)
CCS SS SCS HS HCS HB 2006 - Smith (163)
CCS SCS HS HCS HB 2007 - Smith (163)
CCS SCS HS HCS HB 2008 - Smith (163)
CCS SCS HS HCS HB 2009 - Smith (163)
CCS SCS HS HCS HB 2010 - Smith (163)
CCS SCS HS HCS HB 2011 - Smith (163)
CCS SCS HS HCS HB 2012 - Smith (163)
SCS HCS HB 2013 - Smith (163)
HCS HB 2017 - Smith (163)
HCS HB 2018 - Smith (163)
HCS HB 2019 - Smith (163)