

# JOURNAL OF THE HOUSE

Second Regular Session, 99th GENERAL ASSEMBLY

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TWENTY-SIXTH DAY, MONDAY, FEBRUARY 19, 2018

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Representative Jered Taylor.

Lord, we humbly come before You and give You praise and thanks for the many blessings in our life. Thank You for giving us the opportunity to serve You and the people of the state of Missouri. We ask that You give us wisdom. Your word tells us in James 1:5-6: *Now if any of you lacks wisdom, he should ask God, who gives to all generously and without criticizing, and it will be given to him. But let him ask in faith without doubting.* Lord, we ask for wisdom to make decisions that are right in Your eyes. We want to be used by You. We realize there are still many important issues that we face. Lord, teach us humility and forgiveness. We pray that You mend broken relationships so that we can come together to move this state forward.

Thank You for loving us and sending Your son to be the sacrifice for our sins. Let us use that as an example of how to love one another and serve You.

In Your name we pray, and the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-fifth day was approved as printed.

## HOUSE RESOLUTIONS

Representative Haefner offered House Resolution No. 5422.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

**HJR 87**, introduced by Representative Basye, relating to department of conservation resident landowner privileges.

## INTRODUCTION OF HOUSE BILLS

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

**HB 2490**, introduced by Representative Kelly (141), relating to advanced practice registered nurses.

**HB 2491**, introduced by Representative Anderson, relating to license plates for disabled persons.

**HB 2492**, introduced by Representative Franks Jr., relating to absentee voting.

**HB 2493**, introduced by Representative Mosley, relating to reports made by correctional centers.

**HB 2494**, introduced by Representative Dogan, relating to elementary and secondary education.

**HB 2495**, introduced by Representative Justus, relating to private college campus police.

**HB 2496**, introduced by Representative Reiboldt, relating to the towing of motor vehicles.

**HB 2497**, introduced by Representative Reiboldt, relating to licensure to operate motor vehicles, with penalty provisions.

**HB 2498**, introduced by Representative Helms, relating to the health care cost reduction and transparency act.

**HB 2499**, introduced by Representative Hansen, relating to videoconferencing for parole hearings.

### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the second time:

**HJR 84**, relating to sales taxes dedicated to state highways, with a referendum clause.

**HJR 85**, relating to toll roads.

**HJR 86**, relating to the right to marijuana.

### **SECOND READING OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were read the second time:

**HB 2014**, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2018.

**HB 2017**, to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2018 and ending June 30, 2019.

**HB 2018**, to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2018 and ending June 30, 2019.

**HB 2019**, to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2018 and ending June 30, 2019.

### **SECOND READING OF HOUSE BILLS**

The following House Bills were read the second time:

**HB 2466**, relating to the Missouri veterans' commission.

**HB 2467**, relating to home school education.

**HB 2468**, relating to radiologic imaging and radiation therapy licensure, with penalty provisions.

**HB 2469**, relating to boarding of prisoners, with a delayed effective date.

**HB 2470**, relating to cemetery trust funds.

**HB 2471**, relating to the ethics commission, with a delayed effective date.

**HB 2472**, relating to income taxes.

**HB 2473**, relating to the establishment of a state park.

**HB 2474**, relating to the establishment of the urban education institute.

**HB 2475**, relating to a tax credit for reduced pension benefits.

**HB 2476**, relating to the sunshine law, with penalty provisions.

**HB 2477**, relating to children's services funds.

**HB 2478**, relating to elections, with a delayed effective date.

**HB 2479**, relating to department of natural resources permits.

**HB 2480**, relating to the yield tax on forestry products.

**HB 2481**, relating to failure to wear protective headgear, with penalty provisions.

**HB 2482**, relating to transportation fees.

**HB 2483**, relating to transportation funding, with a referendum clause.

**HB 2484**, relating to the I-70 regional transportation district.

**HB 2485**, relating to motor vehicle decal fees.

**HB 2486**, relating to the department of transportation utility corridor.

**HB 2487**, relating to motor vehicle safety inspections.

**HB 2488**, relating to public nuisance, with penalty provisions.

**HB 2489**, relating to controlled substances, with a delayed effective date.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Haefner reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1288, 1377 & 2050**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** by the following vote:

Ayes (10): Alferman, Anderson, Conway (104), Fraker, Haefner, Morris (140), Smith (163), Swan, Wiemann and Wood

Noes (2): Morgan and Unsicker

Present (1): Rowland (29)

Absent (1): Wessels

### *House Committee Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1288, 1377 & 2050, Page 13, Section 135.647, Line 78, by inserting after all of said section and line the following:

"Section B. The repeal and reenactment of subsection 3 of section 135.341 and subsection 10 of section 135.562 of this act shall become effective on July 1, 2020."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1606**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Anderson, Conway (104), Fraker, Haefner, Morgan, Rowland (29), Smith (163), Swan, Unsicker, Wiemann and Wood

Noes (0)

Absent (3): Alferman, Morris (140) and Wessels

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1796**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Alferman, Anderson, Conway (104), Fraker, Haefner, Morgan, Morris (140), Rowland (29), Smith (163), Swan, Unsicker, Wiemann and Wood

Noes (0)

Absent (1): Wessels

### THIRD READING OF HOUSE BILLS

**HB 1598**, relating to preneed contracts, was taken up by Representative Fraker.

On motion of Representative Fraker, **HB 1598** was read the third time and passed by the following vote:

AYES: 143

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Bondon	Brown 27	Burnett
Burns	Butler	Carpenter	Chipman	Christofanelli
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Cross	Curtis	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellebracht	Ellington
Engler	Evans	Fitzwater	Fraker	Franklin
Franks Jr	Frederick	Gannon	Gray	Green
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Kolkmeyer	Korman	Lant	Lauer	Lavender
Love	Lynch	Marshall	Mathews	Matthiesen
McCann Beatty	McCreery	McDaniel	McGee	Meredith 71
Merideth 80	Messenger	Miller	Moon	Morgan
Morris 140	Morse 151	Mosley	Muntzel	Neely
Newman	Nichols	Pfausch	Phillips	Pierson Jr
Pietzman	Pike	Plocher	Quade	Razer
Redmon	Reiboldt	Reisch	Remole	Rhoads
Roberts	Roden	Roeber	Rone	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Walsh	Washington	Wessels	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 014

Black	Brattin	Brown 57	Brown 94	Fitzpatrick
Francis	Lichtenegger	May	Mitten	Peters
Rehder	Shull 16	Smith 85	White	

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1650**, relating to trust instruments, was taken up by Representative Cornejo.

On motion of Representative Cornejo, **HB 1650** was read the third time and passed by the following vote:

AYES: 146

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Bondon	Brown 27	Brown 57
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Conway 10	Conway 104	Cookson	Corlew
Cornejo	Cross	Curtis	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Engler	Evans	Fitzwater	Fraker	Francis
Franklin	Franks Jr	Frederick	Gannon	Gray
Green	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Higdon	Hill	Houghton	Houx	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Kolkmeyer	Korman	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Marshall
Mathews	Matthiesen	McCann Beatty	McCreery	McDaniel
McGee	Meredith 71	Merideth 80	Messenger	Miller
Moon	Morris 140	Morse 151	Mosley	Muntzel
Neely	Newman	Nichols	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Quade
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roden	Roeber
Rone	Ross	Rowland 155	Rowland 29	Runions
Ruth	Schroer	Shaul 113	Shumake	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Taylor	Trent	Unsicker
Vescovo	Walker 3	Walker 74	Walsh	Washington
Wessels	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 002

Ellington                      Pogue

PRESENT: 000

ABSENT WITH LEAVE: 010

Black	Brattin	Brown 94	Fitzpatrick	May
Mitten	Morgan	Peters	Shull 16	Smith 85

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1329**, relating to retirement benefits for public employees, was taken up by Representative Remole.

On motion of Representative Remole, **HB 1329** was read the third time and passed by the following vote:

AYES: 139

Adams	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Burnett
Burns	Butler	Carpenter	Chipman	Christofanelli
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Cross	Curtis	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellebracht	Engler
Evans	Fitzwater	Fraker	Francis	Franklin
Franks Jr	Frederick	Gannon	Gray	Green
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Hill
Houghton	Houx	Hurst	Johnson	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Kolkmeier
Korman	Lauer	Lavender	Lichtenegger	Love
Lynch	Mathews	Matthiesen	McCann Beatty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Messenger
Miller	Moon	Morris 140	Morse 151	Mosley
Muntzel	Neely	Newman	Nichols	Pfautsch
Phillips	Pierson Jr	Pike	Plocher	Quade
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roden	Roeber
Ross	Rowland 155	Rowland 29	Runions	Ruth
Schroer	Shaul 113	Shumake	Smith 163	Sommer
Spencer	Stacy	Stephens 128	Stevens 46	Swan
Tate	Taylor	Trent	Unsicker	Vescovo
Walker 3	Walker 74	Walsh	Washington	Wessels
White	Wiemann	Wood	Mr. Speaker	

NOES: 002

Marshall	Pogue
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PRESENT: 006

Alferman	Brown 27	Ellington	Higdon	Morgan
Wilson				

ABSENT WITH LEAVE: 011

Brown 57	Brown 94	Fitzpatrick	Lant	May
Mitten	Peters	Pietzman	Rone	Shull 16
Smith 85				

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1371**, relating to gifted education, was taken up by Representative Sommer.

On motion of Representative Sommer, **HB 1371** was read the third time and passed by the following vote:

AYES: 148

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 57	Burnett	Burns	Butler
Carpenter	Chipman	Christofanelli	Conway 104	Cookson
Corlew	Cornejo	Cross	Curtis	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Ellebracht	Ellington	Engler	Evans	Fitzwater
Fraker	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Henderson	Higdon	Hill	Houghton	Houx
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Kolkmeier	Korman	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	McCann Beatty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Messenger
Miller	Mitten	Morgan	Morris 140	Morse 151
Mosley	Muntzel	Neely	Newman	Nichols
Pfautsch	Phillips	Pierson Jr	Pietzman	Pike
Plocher	Quade	Razer	Redmon	Rehder
Reiboldt	Reisch	Remole	Rhoads	Roberts
Roden	Roeber	Rone	Ross	Rowland 155
Rowland 29	Runions	Ruth	Schroer	Shaul 113
Shumake	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Vescovo	Walker 3	Walker 74
Walsh	Washington	Wessels	White	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 003

Helms	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 94	Conway 10	Fitzpatrick	May	Peters
Shull 16	Smith 85			

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1421**, relating to gifted education, was taken up by Representative Pfautsch.

On motion of Representative Pfautsch, **HB 1421** was read the third time and passed by the following vote:

AYES: 147

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 57	Burnett	Burns	Butler
Carpenter	Chipman	Christofanelli	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Cross	Curtis
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Ellebracht	Ellington	Engler	Evans
Fitzwater	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Green	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Harris	Henderson	Higdon	Hill	Houghton
Houx	Hurst	Johnson	Justus	Kelley 127
Kelly 141	Kendrick	Kidd	Kolkmeier	Korman
Lant	Lauer	Lavender	Lichtenegger	Love
Lynch	Mathews	Matthiesen	McCann Beatty	McCreery
McDaniel	Meredith 71	Merideth 80	Messenger	Miller
Mitten	Morgan	Morris 140	Morse 151	Mosley
Muntzel	Neely	Newman	Nichols	Pfautsch
Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Redmon	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roberts	Roden
Roeber	Rone	Ross	Rowland 155	Rowland 29
Runions	Ruth	Schroer	Shaul 113	Shumake
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walker 74	Walsh
Washington	Wessels	White	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 003

Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 94	Fitzpatrick	Helms	May	McGee
Peters	Shull 16	Smith 85		

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HCS HB 1455**, relating to career options for students, was taken up by Representative Lauer.

On motion of Representative Lauer, **HCS HB 1455** was read the third time and passed by the following vote:

AYES: 143

Adams	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 57	Burnett	Burns	Butler	Carpenter
Chipman	Christofanelli	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Cross	Curtis	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Ellebracht	Ellington	Engler	Evans	Fitzwater
Fraker	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx
Johnson	Justus	Kelley 127	Kelly 141	Kidd
Kolkmeyer	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	Matthiesen
McCann Beatty	McCreery	McDaniel	McGee	Meredith 71
Merideth 80	Messenger	Miller	Morgan	Morris 140
Morse 151	Mosley	Muntzel	Neely	Newman
Nichols	Pfautsch	Phillips	Pierson Jr	Pietzman
Pike	Plocher	Quade	Razer	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roberts	Roden	Roeber	Rone	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Walsh	Washington	Wessels	White
Wiemann	Wood	Mr. Speaker		

NOES: 005

Hurst	Marshall	Moon	Pogue	Wilson
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PRESENT: 000

ABSENT WITH LEAVE: 010

Alferman	Brown 94	Fitzpatrick	Green	Kendrick
May	Mitten	Peters	Shull 16	Smith 85

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HCS HB 1606**, relating to elementary and secondary education, was taken up by Representative Gannon.

On motion of Representative Gannon, **HCS HB 1606** was read the third time and passed by the following vote:

AYES: 142

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 57	Burnett	Burns	Butler	Carpenter
Chipman	Christofanelli	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Cross	Curtis	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Ellebracht	Ellington	Engler	Evans	Fitzwater
Fraker	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Johnson	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Kolkmeier	Korman	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Mathews	McCann Beatty	McCreery	McDaniel	McGee
Meredith 71	Merideth 80	Messenger	Miller	Mitten
Morgan	Morris 140	Morse 151	Mosley	Muntzel
Neely	Newman	Nichols	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Quade
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roden	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shumake	Smith 163	Sommer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Trent
Unsicker	Vescovo	Walker 3	Walker 74	Walsh
Washington	Wessels	White	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 009

Bahr	Hurst	Marshall	Matthiesen	Moon
Pogue	Roerber	Spencer	Taylor	

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 94	Fitzpatrick	May	Peters	Rone
Shull 16	Smith 85			

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HCS HB 1940**, relating to student journalists, was taken up by Representative Corlew.

On motion of Representative Corlew, **HCS HB 1940** was read the third time and passed by the following vote:

AYES: 129

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 57	Burnett	Burns	Butler	Carpenter
Christofanelli	Conway 10	Conway 104	Corlew	Cornejo
Cross	Davis	DeGroot	Dogan	Dohrman
Eggleston	Ellebracht	Engler	Evans	Fitzwater
Fraker	Francis	Franklin	Franks Jr	Gannon
Gray	Green	Gregory	Grier	Haahr
Hannegan	Hansen	Harris	Henderson	Higdon
Hill	Houx	Johnson	Justus	Kelley 127
Kelly 141	Kendrick	Kidd	Kolkmeyer	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Mathews	Matthiesen	McCann Beatty	McCreery	McDaniel
McGee	Merideth 80	Messenger	Miller	Mitten
Morgan	Morris 140	Mosley	Muntzel	Newman
Nichols	Pfausch	Phillips	Pierson Jr	Pietzman
Pike	Plocher	Quade	Razer	Redmon
Rehder	Reiboldt	Rhoads	Roden	Roeber
Rone	Ross	Rowland 155	Rowland 29	Runions
Ruth	Schroer	Shaul 113	Shumake	Smith 163
Sommer	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Walsh	Washington	Wessels	White
Wiemann	Wilson	Wood	Mr. Speaker	

NOES: 020

Bahr	Curtis	Curtman	Ellington	Frederick
Helms	Houghton	Hurst	Korman	Marshall
Meredith 71	Moon	Morse 151	Neely	Pogue
Reisch	Remole	Roberts	Spencer	Stacy

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 94	Chipman	Cookson	Fitzpatrick	Haefner
May	Peters	Shull 16	Smith 85	

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1291**, relating to the county special road tax, was taken up by Representative Henderson.

On motion of Representative Henderson, **HB 1291** was read the third time and passed by the following vote:

AYES: 135

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brown 27
Brown 57	Burns	Butler	Carpenter	Christofanelli
Conway 104	Corlew	Cornejo	Cross	Curtis
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Ellebracht	Engler	Evans	Fitzwater
Fraker	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Green	Gregory	Grier
Haahr	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx
Justus	Kelley 127	Kendrick	Kidd	Kolkmeyer
Korman	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Mathews	Matthiesen	McCann Beatty
McCreery	McDaniel	McGee	Meredith 71	Merideth 80
Messenger	Miller	Morgan	Morris 140	Morse 151
Mosley	Muntzel	Neely	Newman	Nichols
Pfautsch	Phillips	Pierson Jr	Pietzman	Pike
Plocher	Quade	Razer	Redmon	Reiboldt
Reisch	Remole	Rhoads	Roberts	Roden
Roeber	Rone	Ross	Rowland 155	Rowland 29
Runions	Ruth	Schroer	Shaul 113	Shumake
Smith 163	Sommer	Spencer	Stacy	Stevens 46
Swan	Tate	Trent	Unsicker	Vescovo
Walker 3	Walker 74	Walsh	Washington	Wessels
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 009

Brattin	Burnett	Ellington	Hurst	Johnson
Marshall	Moon	Pogue	Taylor	

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 94	Chipman	Conway 10	Cookson	Fitzpatrick
Haefner	Kelly 141	May	Mitten	Peters
Rehder	Shull 16	Smith 85	Stephens 128	

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1858**, relating to the department of revenue, was taken up by Representative Christofanelli.

On motion of Representative Christofanelli, **HB 1858** was read the third time and passed by the following vote:

AYES: 143

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 57	Burnett	Burns	Butler
Carpenter	Chipman	Christofanelli	Conway 104	Corlew
Cornejo	Curtis	Curtman	DeGroot	Dohrman
Eggleston	Ellebracht	Ellington	Engler	Evans
Fitzwater	Fraker	Francis	Franklin	Franks Jr
Frederick	Gray	Green	Gregory	Grier
Haahr	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Kolkmeier	Korman	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	McCann Beatty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Messenger
Miller	Mitten	Moon	Morgan	Morris 140
Morse 151	Mosley	Muntzel	Neely	Newman
Nichols	Pfautsch	Phillips	Pierson Jr	Pietzman
Pike	Plocher	Quade	Razer	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roberts	Roden	Roeber	Rone	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Walsh	Washington	White	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 94	Conway 10	Cookson	Cross	Davis
Dogan	Fitzpatrick	Gannon	Haefner	May
Peters	Shull 16	Smith 85	Wessels	

VACANCIES: 005

Speaker Richardson declared the bill passed.

Representative Chipman assumed the Chair.

**HB 1630**, relating to marriage licenses, was taken up by Representative Evans.

On motion of Representative Evans, **HB 1630** was read the third time and passed by the following vote:

AYES: 095

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beck	Bernskoetter	Berry
Brown 27	Burnett	Burns	Butler	Carpenter
Chipman	Christofanelli	Corlew	Curtman	DeGroot
Dogan	Eggleston	Ellebracht	Ellington	Engler
Evans	Fitzwater	Francis	Franklin	Franks Jr
Gray	Green	Gregory	Grier	Haahr
Haefner	Hannegan	Harris	Helms	Henderson
Hill	Houx	Justus	Kelley 127	Kelly 141
Kendrick	Kolkmeier	Korman	Lant	Lavender
Mathews	Matthiesen	McCann Beatty	McCreery	McGee
Meredith 71	Merideth 80	Miller	Mitten	Morgan
Newman	Nichols	Phillips	Pierson Jr	Pike
Plocher	Quade	Razer	Rehder	Reiboldt
Rhoads	Roberts	Rowland 155	Rowland 29	Runions
Ruth	Schroer	Shaul 113	Smith 163	Stevens 46
Tate	Trent	Unsicker	Vescovo	Walker 74
Washington	Wessels	White	Wiemann	Mr. Speaker

NOES: 050

Beard	Black	Bondon	Brattin	Brown 57
Conway 104	Curtis	Davis	Dohrman	Fraker
Frederick	Gannon	Hansen	Higdon	Houghton
Hurst	Johnson	Kidd	Lichtenegger	Love
Lynch	Marshall	McDaniel	Messenger	Moon
Morris 140	Morse 151	Mosley	Muntzel	Neely
Pfautsch	Pietzman	Pogue	Redmon	Reisch
Remole	Roerber	Rone	Ross	Shumake
Sommer	Spencer	Stacy	Stephens 128	Swan
Taylor	Walker 3	Walsh	Wilson	Wood

PRESENT: 000

ABSENT WITH LEAVE: 013

Austin	Brown 94	Conway 10	Cookson	Cornejo
Cross	Fitzpatrick	Lauer	May	Peters
Roden	Shull 16	Smith 85		

VACANCIES: 005

Representative Chipman declared the bill passed.

**HCS HB 1796**, relating to the first-time home buyer savings account act, was taken up by Representative Ruth.

On motion of Representative Ruth, **HCS HB 1796** was read the third time and passed by the following vote:

AYES: 133

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Bahr	Bangert	Baringer	Barnes 28
Basye	Beck	Bernskoetter	Berry	Black
Bondon	Brown 27	Brown 57	Burnett	Burns
Butler	Carpenter	Chipman	Christofanelli	Conway 104
Corlew	Cross	Curtis	Curtman	Davis
DeGroot	Dogan	Dohrman	Ellebracht	Ellington
Engler	Fitzwater	Fraker	Francis	Franklin
Franks Jr	Gannon	Gray	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Johnson	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Kolkmeyer	Korman	Lant
Lauer	Lavender	Love	Lynch	Mathews
Matthiesen	McCann Beatty	McCreery	McDaniel	McGee
Meredith 71	Merideth 80	Messenger	Miller	Mitten
Morgan	Morris 140	Morse 151	Mosley	Muntzel
Neely	Newman	Nichols	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Quade
Razer	Redmon	Reiboldt	Reisch	Remole
Rhoads	Roberts	Roden	Rone	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Trent	Unsicker	Vescovo	Walker 3	Walker 74
Walsh	Washington	Wessels	White	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 013

Barnes 60	Beard	Brattin	Eggleston	Frederick
Hurst	Lichtenegger	Marshall	Moon	Pogue
Rehder	Roeber	Taylor		

PRESENT: 000

ABSENT WITH LEAVE: 012

Austin	Brown 94	Conway 10	Cookson	Cornejo
Evans	Fitzpatrick	Green	May	Peters
Shull 16	Smith 85			

VACANCIES: 005

Representative Chipman declared the bill passed.

Speaker Richardson resumed the Chair.

**HCS HB 1710**, relating to professional registration, was taken up by Representative Grier.

On motion of Representative Grier, **HCS HB 1710** was read the third time and passed by the following vote:

AYES: 146

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 57	Burnett	Burns	Butler	Carpenter
Chipman	Christofanelli	Conway 104	Corlew	Cornejo
Cross	Curtis	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellebracht	Ellington
Engler	Evans	Fitzpatrick	Fitzwater	Fraker
Francis	Franklin	Franks Jr	Frederick	Gannon
Gray	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Higdon	Hill	Houghton	Houx	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Kolkmeyer	Korman	Lant	Lavender
Lichtenegger	Love	Lynch	Marshall	Mathews
Matthiesen	McCann Beatty	McCreery	McDaniel	McGee
Meredith 71	Merideth 80	Messenger	Miller	Mitten
Moon	Morgan	Morris 140	Morse 151	Mosley
Muntzel	Neely	Newman	Nichols	Pfautsch
Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Redmon	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roberts	Roden
Roeber	Rone	Ross	Rowland 155	Rowland 29
Runions	Ruth	Schroer	Shaul 113	Shumake
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walsh	Washington
Wessels	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 011

Austin	Brown 94	Conway 10	Cookson	Green
Lauer	May	Peters	Shull 16	Smith 85
Walker 74				

VACANCIES: 005

Speaker Richardson declared the bill passed.

**HB 1608**, relating to the committee on legislative research, was taken up by Representative Kelly (141).

On motion of Representative Kelly (141), **HB 1608** was read the third time and passed by the following vote:

AYES: 141

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Conway 104	Corlew	Cornejo	Cross
Curtis	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Engler	Evans
Fitzpatrick	Fitzwater	Fraker	Francis	Franklin
Franks Jr	Frederick	Gannon	Gray	Green
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hurst	Johnson
Justus	Kelly 141	Kendrick	Kidd	Kolkmeier
Korman	Lant	Lavender	Lichtenegger	Love
Lynch	Mathews	Matthiesen	McCann Beatty	McCreery
McDaniel	McGee	Merideth 80	Messenger	Miller
Mitten	Moon	Morgan	Morris 140	Morse 151
Mosley	Muntzel	Neely	Newman	Nichols
Pfautsch	Phillips	Pierson Jr	Pietzman	Pike
Plocher	Quade	Razer	Redmon	Rehder
Reiboldt	Remole	Rhoads	Roberts	Roden
Roeber	Rone	Ross	Rowland 155	Rowland 29
Runions	Ruth	Schroer	Shaul 113	Shumake
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walsh	Washington
Wessels	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 005

Brown 57	Ellington	Marshall	Meredith 71	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 012

Austin	Brown 94	Conway 10	Cookson	Kelley 127
Lauer	May	Peters	Reisch	Shull 16
Smith 85	Walker 74			

VACANCIES: 005

Speaker Richardson declared the bill passed.

## COMMITTEE REPORTS

**Committee on Ethics**, Chairman Austin reporting:

Mr. Speaker: Your Committee on **Ethics**, to which was referred a review of **House Ethics Complaint No. 17-001**, begs leave to report it has examined the same and has adopted the accompanying report by the following vote:

Ayes (9): Austin, Mitten, Butler, Chipman, Conway (10), Haefner, Kolkmeier, Lynch and McGee

Noes (1): Merideth (80)

Present (0)

Absent (0)

Also attached hereto is Exhibit 1 as well as written comments and an unofficial transcript provided by members of the committee as an attachment to one of said comments.

**MISSOURI HOUSE OF REPRESENTATIVES**  
**99<sup>TH</sup> GENERAL ASSEMBLY, 2<sup>ND</sup> REGULAR SESSION**  
**HOUSE ETHICS COMMITTEE**

**IN THE MATTER OF REPRESENTATIVE WARREN LOVE**  
**HEC 17-001**  
**REPORT OF THE ETHICS COMMITTEE**

**WHEREON**, the Committee on Ethics of the Missouri House of Representatives, pursuant to Rule 11 of House Committee Substitute for House Resolution Number 74 (hereinafter referred to as "HCS HR 74"), reports as follows:

1. On or about September 13, 2017, Representative Gail McCann Beatty filed House Remonstrance One, and Representative Alan K. Green filed a Complaint. Remonstrance One and the Complaint were referred to the Committee on Ethics.
2. Remonstrance One and the Complaint both related to comments made by Representative Warren Love on social media on or about August 30, 2017, to-wit: "Totally against the law. I hope they are found & hung from a tall tree with a long rope. National Veterans Cemetery, Springfield, MO".
3. On October 16, 2017 the Committee on Ethics met to consider Remonstrance One and the Complaint. At said meeting:
  - a) Remonstrance One and the Complaint were found to comply with the rules established by HCS HR 74;
  - b) Remonstrance One and the Complaint were found to address the same activity and were therefore combined into a single complaint, to wit: HEC 17-001.
4. After determining that the combined complaint was in order, the Committee voted unanimously to proceed to a preliminary hearing.

5. On or about October 16, 2017, Representative Love was informed of the Committee's decision *supra* and that, pursuant to Rule 5(E) of HCS HR 74, he had twenty-one days to respond.

6. On or about November 2, 2017, Representative Love responded in writing. Said response is attached hereto as Exhibit 1 and incorporated herein by reference.

7. On January 4, 2018, at 1:00 p.m, the Committee convened. All members of the Committee were present. After a closed session in an unrelated matter, the Committee went into open session and held a preliminary hearing regarding HEC 17-001.

8. The Chair made a brief opening statement to explain the procedures to be followed at the preliminary hearing and announced that there would be no time limits imposed on opening statements or inquiries.

9. After the Chair administered the oath, and pursuant to HCS HR 74, separate opening statements were made by Representative Green, Representative McCann Beatty, and Mr. Melvin E. Gilbert, attorney for Representative Love.

10. Thereafter, Representatives Green and McCann Beatty responded to inquiries from Members of the Committee.

11. After the Chair administered the oath to Representative Love, Representative Love and his attorney responded to inquiries from Members of the Committee.

12. The Chair then inquired of Representative Love whether he consents to a decision based upon the preliminary hearing as set forth in Rule 7(C)(2) of HCS HR74. Representative Love responded in the affirmative – that he would consent to a decision based upon the preliminary hearing.

13. Representative Mitten moved to decide the case based upon preliminary hearing. That motion passed unanimously.

14. Representative Mitten moved to censure Representative Love and remove him from all committees. The motion failed on a five-to-five vote.

a) Aye: Representatives Mitten, Butler, Conway, McGee, and Merideth;

b) Nay: Representatives Austin, Chipman, Haefner, Kolkmeier, and Lynch.

15. Representative Mitten then moved to reprimand Representative Love and recommend that he be removed from all committees. The motion passed on a six-to-four vote.

a) Aye: Representatives Mitten, Butler, Conway, Haefner, McGee, and Merideth;

b) Nay: Representatives Austin, Chipman, Kolkmeier, and Lynch.

16. After a discussion among the Members, the Chair ruled that Rule 7(D) of HCS HR 74 provides a respondent with a second opportunity to accept or decline the Committee's decision based upon a preliminary hearing. The Chair stated that to rule otherwise would have rendered this portion of Rule 7(D) superfluous, as proper statutory construction requires that every word, phrase and sentence be given meaning. The Chair so inquired of Representative Love who responded that he would not accept the decision of the Committee.

17. Representative Mitten then moved to refer the matter to an investigative hearing. The motion failed on a five-to-five vote.

a) Aye: Representatives Mitten, Butler, Conway, McGee and Merideth;

b) Nay: Representatives Austin, Chipman, Haefner, Kolkmeier and Lynch.

18. The meeting was then adjourned by the Chair.

**NOW THEREFORE**, the Committee on Ethics concludes that, pursuant to the Rules adopted by HCS HR 74, there is no other action or recommendation that the Committee is required or permitted to take but for submitting this Report.

This preceding Report was adopted by the Committee by a vote of 9 to 1:

Aye: Austin, Mitten, Butler, Chipman, Conway, Haefner, Kolkmeier, Lynch, McGee

Nay: Merideth

Members of the Committee were afforded the opportunity to provide written comments to this Report. Although these Member comments are not a portion of the Report voted upon by the Committee, said comments are attached hereto.

/s/ Kevin Austin  
Chair

**EXHIBIT 1**

November 2, 2017

David Welch  
Legislative Counsel  
Missouri House of Representatives  
201 West Capitol Avenue, Room B-36  
Jefferson City, MO 65101

Dear Mr. Welch:

I received your certified letter on Thursday, October 19, 2017. It states that the House Ethics Committee voted to proceed to a preliminary hearing on a combined complaint of House Remonstrance #1 and House Ethics Complaint 17-001. I understand I have 21 days from the date of the initial hearing date of October 16, 2017, to respond.

My response: I plan to attend the preliminary hearing with counsel to ask for a full pardon from the committee with no condemnation. I also request permission to invite and bring to the hearing supporters that are in agreement with my request. My counsel is available during November on the days of November 10, 17, 22, 29 and 30. Should a hearing be scheduled in December, I will inquire at that time when he is available.

Please advise me of the date and time of the preliminary hearing as soon as it is scheduled.

Sincerely,

/s/ Warren D. Love  
State Representative  
District 125

CC: Speaker Todd Richardson  
Chairman Mike Cierpiot, House Ethics Committee

**COMMENTS**

February 14, 2018

David Welch  
201 West Capitol Ave  
Room B-36  
Jefferson City, MO 65101

Via: Hand Delivery  
Re: In the matter of Representative Warren Love  
Case No.: HEC 17-001  
Desc: Comment

Dear Mr. Welch:

I want to submit this comment regarding the HEC 17-001. This comment briefly addresses a ruling by me as chair on a procedural question should the question arise again.

Toward the end of the hearing, following opening statements and after all inquiries had been completed, I elaborated on the next step in the procedure, which was the possibility of imposing a punishment if the respondent consented to the same.

Rule 7.C. states that "[a] decision based upon a preliminary hearing shall require the consent of the respondent."

I inquired of Representative Love whether he would accept the judgment or resolution of this committee based solely on the preliminary hearing. He answered, yes.

Two motions were set forth and one, a motion to reprimand, was passed. Thereupon, discussion was had by the committee from their seats as well as a meeting behind the seats with members of the committee, including both the chair and vice-chair as well as other members from both the majority and minority as well as staff from both the minority and majority parties. The Rules were reviewed and discussion was had.

I, as chair, announced the final vote on the motion and ruled pursuant to the rules of procedure, respondent was allowed to accept or deny this vote, to which respondent's counsel denied the same.

Allowing respondent to allow or deny this sustained motion was made by me, as chair, based on Rule 7.D. wherein in states in pertinent part, "[i]f the committee decides to make a summary decision of the case and respondent accepts this disposition the Committee may ..."

My ruling was based on two things. First, the rule required the respondent to accept the "disposition" of the case. The plain meaning of "disposition" is a **final** settlement or determination, [emphasis added] *Black's Law Dictionary, 10th Ed.* Final in this context could only mean the ruling on a motion of sanction. Thus, acceptance as contemplated in Rule 7.D. could only be referring to the committee's sustained motion to reprimand and not to some prior motion sustained.

The second basis for my ruling was that consent or acceptance by respondent for a second time after the motion to reprimand was sustained was that the consent and acceptance of respondent was required in not just one subsection but two separate subsections of the rule.

To rule that consent/acceptance was required only once would have rendered this portion of Rule 7.D. superfluous, including the portion that stated that acceptance be had of the disposition. Proper statutory construction requires that every word, phrase and sentence be given meaning. See e.g., *Mantia v. Missouri Dept. of Trans.*, 529 S.W.3d 804 (Mo. banc 2017); *State v Johnson*, 524 S.W.3d 505 (Mo. banc 2017); *Caplinger v. Rahman*, 529 S.W.3d 326 (Mo.App. S.D. 2017).

To rule otherwise would have ignored the fact that consent and acceptance were required in two different subsections at two different points in committee process. And, further, to rule otherwise would have also violated the above-cited rule statutory construction

Thank you for the inclusion of my comment to the Report.

Sincerely,

/s/ Kevin Austin

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IN THE MATTER OF REPRESENTATIVE WARREN LOVE  
HEC 17-001  
SUPPLEMENTAL COMMENT TO REPORT OF THE ETHICS COMMITTEE

This comment serves a dual purpose (1) to explain my vote in opposition to the committee report and (2) supplement my democratic colleagues' Joint Statement with which I concur.

First, as noted in the Joint Committee Report, the House Ethics Committee Report HEC 17-001 should not include a statement of the Chairmen's supposed rationale that allowed Rep. Love the opportunity to rescind his consent, given under oath, to the punishment meted out by the Committee.

Second, the Chair's decision to allow Rep. Love an additional opportunity to decline punishment was mistaken, therefore, the outcome of the committee was inappropriate. Given his statement of consent under oath, this Committee should have proceeded with imposing a reprimand, the punishment approved by the Committee.

Instead, the Chair relied on an inappropriate interpretation of the Ethics Rules (H.R. 74, 2016) and the Committee did not impose any punishment on Rep. Love. Because of this, I cannot sign the report.

Additionally, the committee erred in not moving forward with an investigative hearing. In the preliminary hearing Rep. Love did not acknowledge that any mistake had been made, and even stated that he had no idea how anyone could interpret his comment as offensive or racist. Given that, the Committee should have taken the restorative approach and proceeded with an investigative hearing. An investigative hearing would have allowed members of the general public to speak in front of Rep. Love as to how the comment impacted them negatively. Rep. Love's supporters would have also had the opportunity to speak to their interpretation of the comment. This dialogue would have been positive both for the public, the Committee, and for Rep. Love.

Due to the Chair's reliance on an incorrect interpretation of the Rules, a failure to impose punishment on Rep. Love and the Committee's decision to refuse to move forward with an investigative hearing, I am voting no on this Report.

SUBMITTED BY:

/s/ Rep. Peter Merideth

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IN THE MATTER OF REPRESENTATIVE WARREN LOVE  
HEC 17-001  
COMMENT TO REPORT OF THE ETHICS COMMITTEE

Pursuant to the report approved by the House Committee on Ethics (“Committee”) on February 7, 2018, below are the comments submitted by the Vice Chair and undersigned Members to the Committee. In addition, attached hereto, and incorporated to these comments herein by reference, is a transcript of the preliminary hearing proceedings held by the Committee on January 4, 2018 regarding Complaint HEC 17-001 (the “Complaint”).

In Paragraph 16 of the Report of the Ethics Committee accompanying HEC 17-001 (the “Report”), the Chair attempts to bolster his decision allowing the Respondent to the Complaint to first consent to the Complaint’s disposition at the conclusion of the preliminary hearing, and then subsequently reverse such affirmation once the Committee’s disposition to reprimand was rendered. In a single sentence, the Chair provided an ex post facto explanation, that “proper statutory construction requires that every word, phrase and sentence be given meaning”

First, it is important to note that although the Report purports to be a factual recitation of the events that transpired at the preliminary hearing, the Chair’s explanatory language in paragraph 16 is not accurate. Neither the videotaped recordings of the hearing, nor the transcript (also provided as a comment to this Report) show the Chair making *any* statement as to the basis for his ruling to allow the Respondent *two* opportunities to “consent” to the Committee taking disciplinary action based upon the preliminary hearing. This is significant to the extent that it indicates an attempt to inject information into the final Report that was not provided at the preliminary hearing.

“[T]he starting point [in determining the meaning of a statute] is the plain language of the statute itself.” *Jones v. Director of Revenue*, 981 S.W.2d 571, 574 (Mo. banc 1998), citing *International Business Machines Corp. v. Director of Revenue*, 958 S.W.2d 554, 557 (Mo. banc 1998). Additionally, where a statute’s language is clear and unambiguous, there is no room for construction. *Metro Auto Auction v. Director of Revenue*, 707 S.W.2d 397, 401 (Mo. banc 1986). Further, when interpreting a statute, provisions in the statutes are to be considered together, not read in isolation. *Alberici Constructors, Inc, Revenue*, 452 S.W. 3d 632 (Mo. banc. 2015) (citing *Union Elec. Co. v. Dir. Of Revenue*, 425 S.W. 3d 118 (Mo. banc. 2014).

Here, the Committee conducted a preliminary hearing, at the conclusion of which the Committee decided the case based upon that preliminary hearing. Deciding the case in this fashion requires the consent of the party before the Committee (Ethics Resolution, H.R. 74, 2017, hereinafter “HR74”). If a Respondent does not give consent – the only option for the Committee would be to dismiss the complaint, or proceed by way of investigative hearing. Here, the Respondent, under oath, consented to the disposition of the Committee, and the Committee subsequently moved to reprimand the party, by a majority vote. At which point the Chair read into Rule 7D of HR74 an additional opportunity for the party before the Committee to consent to a sanction which had already been adopted.

The canon of statutory construction, in the manner employed by the Chair, distorted the clear meaning of HR74 and rendered the plain language and clear meaning of HR74 both illogical and impractical.

Even assuming some ambiguity in the relevant portion of HR74, the canon of construction – presumption against absurd results – would have demanded an opposite result than that reached by the Chair. By allowing the Respondent to the Complaint to thwart the sanction levied by the Committee through a subsequent veto authority frustrates the purpose of the Committee’s authority.

SUBMITTED BY:

/s/ Rep. Gina Mitten, Vice-Chair  
/s/ Rep. Pat Conway  
/s/ Rep. Michael Butler  
/s/ Rep. DaRon McGee  
/s/ Rep. Peter Merideth

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IN THE MATTER OF REPRESENTATIVE WARREN LOVE  
HEC 17-001  
COMMENT TO REPORT OF THE ETHICS COMMITTEE  
TRANSCRIPT OF PRELIMINARY HEARING HELD JANUARY 4, 2018

**Rep. Kevin Austin:** Only members can ask the questions. I have no intention of setting any sort of time limits on the opening statements or on the inquiry. Now, I would also like to thank the vice chair, the ranking minority member, uh Representative Mitten for us working on these procedures a little bit. As far as my interpretation of them, my understanding is that uh the Missouri House of Representatives, we've never had a preliminary hearing. We, you, [inaudible] there was one? Well we're both incorrect on that. When was it?

**Rep. Gina Mitten:** Umm was it 2010?

**Audience:** No 2009.

**Rep. Kevin Austin:** 2009, okay.

[Laughter]

**Rep. Kevin Austin:** Well in the case of term limits, nobody here has had a preliminary hearing. Okay thanks. Would you like to give any kind of opening remarks, Representative Mitten?

**Rep. Gina Mitten:** No thank you.

**Rep. Kevin Austin:** All right before we go on, I've got to go backwards just a little bit. The vote in closed session has to be announced in open session, and that vote, House complaint 17-03 was dismissed by a vote of 10 to 0. With that, we now ask for opening statements. We first go to the complainants, and I'd say one at a time and I don't care who goes first. Representative feel free, or Representative Green.

**Rep. Gail McCann Beatty:** Mr. Chair I'm going to have Representative Green go first.

**Rep. Kevin Austin:** Okay, that's fine. Representative Green. Tell me when you're ready sir and I will have you sworn in.

**Rep. Alan Green:** I'm ready.

**Rep. Kevin Austin:** Thank you. Do you 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?

**Rep. Alan Green:** I do.

**Rep. Kevin Austin:** Thank you sir. Begin when you are ready.

**Rep. Alan Green:** Mr. Chairman, committee, I just wanted to begin with uh, as the Chair of the uh Missouri Legislative Black Caucus, I just wanted to, it's why I'm sitting here too, the reason why this was filed too. Let me just begin with too, uh stating why this was very [inaudible] to file too, because Warren Love, I've spent a lot of time with. I want to begin with that. I've spent time in his office. We talked about history. I'm a history buff too. So we're talking about these monuments, history, [inaudible], diplomacy, I've traveled this nation looking at history and I've talked with Warren in his office about various pieces that he has, pictures, and all that history. So I understand why he feels the way he feels. But we also have to look at too, we're legislators, and that holds us to a much higher standard. And I emphasize that. We are legislators, and there are certain things and actions that we do and we take, the entire state watches us. And I emphasize that. So there are certain things that we cannot do and we cannot say. And those actions pose consequences. And I point that out. I noticed recently in my office there were some people that dropped off some information on the memorials and they were talking about protecting the memorials, again I have grown up looking at memorials all over this country. I was part of the East Texas Historical Society, you know

while I was in college, I mean I understand why people feel what they feel. But I also understand to why people say again why these monuments. I want to read you, it says monuments and markers shall respect what a people have sought to honor historical events, veterans, and the significance of the sacrifice of the veterans. Okay, people often sacrifice and struggle to fund these memorials for the veterans. Many memorials were years in the making due to planning, fundraising, and the actual construction and settlements of the memorials. Monuments show us the value society had of our character, sacrifice of the veterans during our history or honoring events of historical monuments. If you look at history you will find that these same people. If you look at history, I've done a lot of research in this area. Also, if you look at from the 1800s to 1968, where there was mass crowds that showed up this was a public spectacle. Where you had lynchings and it was an event. It was like a carnival affair. And you have to remember, why does this affect African Americans so much? Cause I get that question a lot because people say that's old history. Well I hear it a lot, that's old history. Well you have to look at the 1800s all the way to 1968, and specifically up to 1937, a lot of those individuals that showed up at those I say events are still alive today. So they have that history. Then you also have to remember too, that the photographs, the postcards, all that information was sent out like it was a regular event. Come to this event. Or at the event they took pictures and they sent that to family members across the country. Those photographs and postcards are still around. Still around. So this is nothing, when we talk about the past, this is the present too. Then you also have to look at too, the history of lynchings. We're talking about over 4743 people were lynched from the 1800s to 1968. That's a tremendous amount of people. You also have to look at too, why did these lynchings occur? The reason why these lynchings occurred was to make sure that people understood, make sure you stay in your place. Make sure you stay in your place. The reason why it's so important too why you have to understand, is I grew up in a family from Mississippi from Georgia and they had talked about that history. So I can sit here and say that I know about that history because family members passed it down from one generation to another. So I sit here saying that, at 57, I still know that history because it was passed down. Why it's important. Also I would like to say too I would, people kept talking about why these monuments. I had this conversation with Warren and he was saying that he wanted to do a policy piece on these monuments. He brought that to me before we ended in May. And I said I don't think that's gonna fly. The reason why is not because I don't love monuments. Not because I don't love history. I do. Because there is a piece in history that I do not love. I teach a course at the art museum, beauty and bias, and that's through the anti-defamation league and I'm also trained by the National Conference, and I've traveled this nation on racism and anti-bias training. One of the pieces that we teach at the library is that we take these kids from throughout St. Louis County, we take them around the art museum, and then we sit them down in a conference room, and then we have them draw pictures of what they seen. Then what we do is we ask them the question: What is beauty to you, and what is bias? Everybody has a different idea of what looks good to them and what doesn't. That's the same with these monuments. If you go around and you talk to African Americans, there's a reason why they want these monuments removed. If you talk to others probably, there's a reason why they want them to stay up. That's exactly why the beauty and bias training is so important. Because see, what offends one, may not offend another. And I hope you all think about that, because this is something that is very very important as we look at why it was so important that Warren- or what Warren said what he was talking about on Facebook. Why did it offend so many people? But it wasn't just Warren. I did some research and found out there was another legislator in Mississippi that said one and the same thing, lynch something. Someone should be lynched. So this is not typical. But how do we address this in 2018? For the ethics committee, that's your decision. But as a- as the chair of a Black Caucus here- and I'm saying that as a legislature, we should do better than that. And I'll end with that.

**Rep. Kevin Austin:** Thank you gentleman. I appreciate that. As said, we will go now for the opening statement of Representative McCann Beatty. We'll call you back up for inquiry. Thank you. Representative McCann Beatty let me know when you are ready to go so I can swear you in and then we'll let you being.

**Rep. Gail McCann Beatty:** I'm ready, thank you.

**Rep. Kevin Austin:** All right. 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?

**Rep. Gail McCann Beatty:** I do.

**Rep. Kevin Austin:** Thank you Lady, please begin.

**Rep. Gail McCann Beatty:** Thank you, Mr. Chairman. We are here today because Representative Warren Love chose to publically call for the extrajudicial murder of the petty criminals who had upset him by throwing paint on a Confederate statue in Springfield. Responding to a news story about the vandalism, Representative Love on August 30th, posted the following comment on Facebook. This is totally against the law. I hope they are found and hung from a tall tree with a long rope. Vandalism is against the law, but so is lynching. It is not appropriate to respond to one crime by hoping that a far worse crime is committed. And when a call for political violence comes from an elected official, that official has forfeited the moral authority to hold office. And let's be perfectly clear. Lynching is

a brutal act of political violence. It is especially disturbing that Representative Love believes that lynching to be an appropriate punishment for vandalizing a monument to the Confederacy, giving that lynching was the method former Confederates and their white supremacist successors used for generations following the end of the Civil War to terrorize and subjugate African Americans. According to the 2017 edition of the Equal Justice Initiatives Report: *Lynching in America Confronting the Legacy of Racial Terror*, between 1877 and 1950 there were at 4084 documented terror lynchings of African Americans in the South, plus another 341 terror lynchings in 8 non-southern states. In Missouri, there were 60 documented terror lynchings, second most among non-Southern states. Now Representative Love disingenuously claims that he never called for a lynching because he never used the word. Well, statutorily authorized punishment for vandalism in Missouri is not to be hung from a tall tree with a long rope. When you hang someone without legal authority, that's a lynching. If for lunch you have a grilled ground beef patty with a slice of melted cheese on top served on a bun, you're eating a cheeseburger, regardless of whether you choose to call it that. Representative Love called for a lynching, simple as that, and four months later he still doesn't understand why this is a problem. And while Representative Love did initially express some regret for his reprehensible post, his later actions and statements, including his refusal to take down the post, exposed his insincerity. Just over two weeks ago, on December 18, 2017, the St. Louis Post Dispatch story, Representative Love fully reversed course and defended his comments. I quote, my case is going to be no condemnation, he said. I made a crude statement but I called out a crime, and I was the only legislator in the state that called out a crime that took place in the nation's veteran's cemetery. To repeat, calling out a relatively minor offense by hoping that a far worse and more brutal crime is committed is not a legitimate defense. And that raises another point. Despite what Representative Love may claim, this is not a free speech issue, as incitement to violence is not protected under the first amendment. Before I close, I wanted to add that when Senator Maria Chappelle Nadal, a Democrat, made a social media post this summer hoping for political violence, I was among the first to call on her to resign. I took a lot of heat from some fellow Democrats, but I did it because it was the right thing to do. So when Representative Love made a similar post not long after, I likewise called for him to resign. But the voices of Republican lawmakers who loudly demanded that Senator Chappelle Nadal be expelled if she refused to resign, fell strangely silent when it came to Representative Love. It seems there is one standard for black, Democratic women and another for white Republican men. And to be clear, while I still believe Representative Love should resign, I never called for his expulsion, and in fact I didn't even pursue an ethics complaint against him. I filed House Remonstrance One in hope of getting a simple up or down vote, or a non-binding resolution that would have done nothing more than state that the House believed Representative Love's comments were wrong. That's it. And that would have been an even lesser sanction than the Senate's unprecedented censure of Senator Chappelle Nadal in September. Instead, House Republican leadership chose to treat my remonstrance as an ethics complaint, and after repeated delays, here we are. At this point, it should be no secret. I am deeply disappointed with how House Republican leadership has handled this matter over the last few months. As a result, I have little confidence that any action will be taken. But nonetheless, I respectfully ask the committee to send the message that violent political discourse by Missouri State Representatives will not be tolerated.

**Rep. Kevin Austin:** Thank you, Lady. And of course we'll be calling you back after the completion of the opening statements for more inquiry. Representative Love, I believe you're represented by counsel. Either you or he may now give the opening statement.

**Melvin Lee (Attorney for Rep. Warren Love):** [inaudible]

**Rep. Kevin Austin:** Counselor, hold on just a second, I'm sorry. Even attorneys have to be sworn in under our rules of procedure. Now I know that's a little unusual at least in court but- So if you would, raise your right hand. Do you solemnly swear or affirm that your testimony you will give before this committee on the matter now under consideration will be the truth the whole truth and nothing but the truth so help you God?

**Melvin Lee Gilbert:** I do.

**Rep. Kevin Austin:** Thank you. Would you state your full name and we do have a witness form we'll need for you to fill out.

**Melvin Lee Gilbert:** Thank you. I'm Melvin Lee

**Rep. Kevin Austin:** Oh, can you use the microphone? I think they're going to help you out.

**Melvin Lee Gilbert:** Melvin Lee Gilbert is my full name. I'm an attorney down in Buffalo, Missouri.

**Rep. Kevin Austin:** I'm sorry counselor to continue to interrupt. Is the a little green button lit, cause I don't think you're coming through.

**Rep. Gina Mitten:** Maybe you need to get a little closer. You're kind of- They're tricky.

**Melvin Lee Gilbert:** How about now? Okay, we'll go with Melvin Lee Gilbert, I'm the attorney for Warren Love in this case and I'm proud to be here to represent him. Some may look at me as a hired gun, I don't believe that's gonna be accurate for a couple of reasons. First, hiring gives the impression of money being spent to hire. I'm not charging

Warren a penny in attorney's fees in this matter. I have a general practice in Buffalo, the closest thing to a specialty is small government law but I'm currently on retainer for 20 government entities from Camden County down to Stone County, from Webster County over to Newton County. And I'm told that representing 20 government bodies is the most of any solo practitioner in the state. And I'm not tooting my horn here because it's actually relevant to this because there are many dozens if not hundreds of cities within Missouri that have various statues and monuments that need to be protected as well. Why would I come up here to help Warren? One reason is that I know Warren's language. Warren is from St. Clara County, Missouri. My family, past FDR and Truman democrats, have known Warren for decades. My great grandparents, grandparents, and dad owned land in St. Clara County and lived within 15 miles from Warren as the crow flies, if that country saying can still be used these days. I suppose even a negative connotation could be made of that old country saying, under the current political climate. Today's saying that this issue had is hanging from the highest tree. That's one I was exposed to over 50 years ago. Never ever was it used in a racial context. It was used in the context of punishment. And that is how corrects today. Was it racially motivated or was it punishment motivated? There's been absolutely no evidence of Warren's statement was anything other than an adage for punishment. It couldn't even be racial unless Warren knew the race of the criminal in this case. And it's impossible for us to prove a negative proposition; but fortunately in America that burden does not lie on the accused but the accuser. The same type of protection will exist at even a higher constitutional level for the criminal that did the monument vandalism in Springfield. And yes it was a crime. That seems to be lost in the paint at times. And at times Warren seems to be treated worse than the criminals in this case. Who else beside Warren has admonished this crime? The lack of some condemning this crime only gives credence to the criminal act and by that silence only encourages similar criminal acts for the future. By condoning this act of vandalism where does it stop unless we are united to condemn it. This time was damaging a monument in a national cemetery. So one day a monument in a national cemetery, next time a monument at a national park, like Mt. Rushmore, defacing Washington and Jefferson. They were slave owners, so where does this all stop? I guess it could all be done in the name of civil disobedience to some people, whereas the true definition of this is actually criminal destructive disobedience. I guess some could deface the memorial of Lincoln in DC in the name of civil disobedience, a national park monument, the Martin Luther King monument in DC, a national park monument. Statues, plaques, and memorials that depict the birth of Brown Education or the Little Rock Nine, they have monuments at each of these places, both national park sites. Where does it all stop unless there is a condemnation of some type for this act that was done in Missouri? Because it can go both ways. And that hurts all of America in the long run. I've mentioned national parks several times. I have visited all 88 of the Missouri state parks, and 413 of the national parks. Probably didn't realize there were that many. Warren surprised me last session by presenting me with a resolution for being the only person in the world to visit all of the Missouri state parks and all of the national parks that were open on the centennial. So between most state parks and national parks, I have visited many many dozens of historical sites. And that brings me to the other reason that I'm here for free to support Warren, and that's because of our passions for history. Warren has filed for two years and pre-filed for a third year the Missouri veterans heritage protection act. There is statewide support as shown in this room by all of the veterans that are here today. Warren is a member of both organizations of Sons of Confederacy and Sons of the Union. He had family members on both sides. He is not racist. Warren and I have also worked together to designate the Butterbelt Stagecoach through the national historic trail in America. At 2900 miles is the longest state trail in world history and it started right down the road in Tipton. He's invited me two different times to come up and testify for the support of that proposition. One third of all national historic trails do go through Missouri. We've also worked together for several years on the 1800 themed pioneer heritage days in Warsaw, Missouri. Warren thinks 1800s old west a lot. That's where I also have the similar language to Warren. When hanging from the highest tree is said, I think of the cattle wrestlers in the old west. That is where Warren's motives lie, in punishment and not anything racial. And I stated here earlier, where does it all stop in being too politically correct to correct America's sins of history? There is the good bad and ugly in American history, but it is the truth. One cannot spray-paint over the truth of history. If this is not all stopped, then are we going to change the name of the city we're in today? Can't be Jefferson can it? Thank you very much.

**Rep. Kevin Austin:** Thank you counselor. That concludes opening statements. I would now ask Representative McCann Beatty and Representative Green to come for inquiry. You both have already been sworn so you remain sworn. Any inquiry? Representative.

**Rep. Michael Butler:** Thank you Mr. Chair. To inquire? Um, Representative McCann Beatty, are you familiar with an incident in this body um where Representative Love referred to another member as a black negro?

**Rep. Gail McCann Beatty:** I was not actually in that hearing, um, but it is my understanding that it was a conversation in which um he said prevailing wage is good for the negro.

**Rep. Michael Butler:** Okay. When you heard of that incident what were your actions post that?

**Rep. Gail McCann Beatty:** Um, actually very similar to my reaction to this. Um, I immediately went and had a conversation with the Speaker. Um, the Speaker assured me that he would have a conversation with Representative Love and that it would be dealt with.

**Rep. Michael Butler:** You professionally and internally tried to handle that situation with the Speaker of the House?

**Rep. Gail McCann Beatty:** Yes.

**Rep. Michael Butler:** Representative Green, are you familiar with that incident as well?

**Rep. Alan Green:** No.

**Rep. Michael Butler:** Thank you. Thank you Mr. Chair.

**Rep. Kevin Austin:** Thank you. Any further inquiry? Representative Lynch.

**Rep. Steve Lynch:** It's good to see you representatives. Representative Green, when you went to Representative Love, what did he tell you he meant?

**Rep. Alan Green:** Well, per say we didn't specifically talk about the incident that occurred, uh we never actually talked about that incident. We haven't.

**Rep. Steve Lynch:** Okay, but then you wrote a letter.

**Rep. Alan Green:** Yes. We're Facebook people- we're connected on Facebook. So actually when he writes various things or- and you can see it on Facebook, or we have- we're connected together.

**Rep. Steve Lynch:** I understand, you know but if I was offended which you were, to write the letter. I would want to go to the person, and because there was already some explanations being given and ask him what they meant. But that didn't happen, I guess that's what you're saying.

**Rep. Alan Green:** Let me just correct myself. At veto session- after veto session we did talk a little bit about that, and he did apologize for that, but we didn't talk much about that.

Steve Lynch: Did he apologize for the statement or because you misunderstood what he was saying?

**Rep. Alan Green:** We never talked about me misunderstanding what he said, no.

**Rep. Steve Lynch:** And Representative McCann Beatty, what did Warren tell you that he meant?

**Rep. Gail McCann Beatty:** I have not spoken one word to Representative Love since the incident.

**Rep. Steve Lynch:** Okay. Do either one of you have any understanding of what he has said that he meant?

**Rep. Gail McCann Beatty:** I can't tell you- I can tell you how I felt. I can tell you what I saw, what I have experienced from reading it. But I can't- like I said I have not had any conversation with him so I can't tell you necessarily what is in his mind. What I can say is that we have seen a number of statements from Representative Love that definitely suggest that these are racist statements.

**Rep. Steve Lynch:** So you've had no contact to ask him? What did you mean one-

**Rep. Gail McCann Beatty:** I've only had one conversation with Representative Love since I've been in the legislature and it was about these Confederate Monuments.

**Rep. Steve Lynch:** Okay. And what do the people that committed the crime look like? (28:04)

**Rep. Gail McCann Beatty:** I have no idea what they look like. And let's be clear, at no point in time have I said anything that these people should not be punished. And let's also be clear, my remonstrance has zero to do with the fact that the monument was defaced. My remonstrance has to do with Representative Love's response. We need to stop changing the narrative. It was inappropriate for a legislator to call for a lynching.

**Rep. Steve Lynch:** But a response that you never have talked to him about that some of us may have differently. And yet you say that he is being racist and the comments he is making even though my understanding is we have no clue- I don't think anyone has been arrested, or been charged with this crime just yet. So we don't know what group- it could be any group of any ethnicity or color.

**Rep. Gail McCann Beatty:** First of all calling for a lynching is inappropriate period.

**Rep. Steve Lynch:** Well I believe we can look at that in a bit. But I just wanted- You don't know who-

**Rep. Gail McCann Beatty:** Wasn't there.

**Rep. Steve Lynch:** Okay.

**Rep. Kevin Austin:** Representative Green.

**Rep. Alan Green:** Let me address part of that. First of all, I have never in that area talk about after veto session, the lynching part. But I have sat in Warren's office many a day and I enjoyed talking to Warren. He has a lot of historical pieces on his wall. He has a lot of historical books. We'd talk about those things. I was shocked; I'll be honest, when this came up, because I did not perceive that of Warren. I was actually thrown back. So that's I'm appalled at how did- When we're talking about hanging someone from the longest rope and a tall tree, I couldn't even imagine that. Because those are not the conversations that I have with Warren. I have them talking about the history and the monuments and pictures and cowboys you know ranches cows, all that horses, we talk about all of that. So this threw me off when that piece came up because that is not the piece that we talk about on a daily basis.

**Rep. Steve Lynch:** Yeah it's not- and believe me Warren is more than happy to talk to you about history. As you know. But you got to know him when he was up here, but maybe not to really know him how he is really from his area and the way that they may talk out in that area as well. And what the statements they make.

**Rep. Alan Green:** Still on that point I do a lot of training around the nation talking about those areas you're talking about right now. See the way you perceive it may not be the way we perceive it, and that is that piece again of understanding. And so that understanding piece is why we would be offended.

**Rep. Steve Lynch:** And I think that is the very point of this, is that understanding where a person is coming from when they make some of these statements. Believe me I understand that some statements that we may make in rural Missouri folks in the city have lived there all their lives, may not understand what we are saying. It also works the other way. I have things believe me I could be offended as well, if I wanted to be, if I didn't want to be understanding. There are things that some of our representatives do, I don't agree with, I don't understand, but I understand I don't understand everything about them either or the situation that we're working with or what they're trying to do in their district. There has to be some understanding of that and some give of that where we're all able to say that maybe we are offended in this country we're gonna get offended from time to time, but to try to understand why they have said that and then accept the truth of why they say they said.

**Rep. Alan Green:** Let me address that piece.

**Rep. Steve Lynch:** Yes.

**Rep. Alan Green:** One of the big pieces I love to talk about too is that I spent five years in Texas working on a ranch. So I shoveled a lot of manure. So I understand when I'm hearing manure. Okay. So what I'm also saying too is that when we look at these understandings because I was in a rural area for so many years, I can't use that piece that it's only the suburban or the urban core, because I've been in the core areas of the country too. And so I see things from that point of view too. So I just had to put that out there.

**Rep. Steve Lynch:** Yeah and the shoveling wasn't a reference to me I'm hoping.

[laughter]

**Rep. Steve Lynch:** Thank you.

**Rep. Kevin Austin:** Further inquiry? Gentleman.

**Rep. Peter Merideth:** Thank you. Thank you both for your prior statements. I really appreciate the thoughtfulness you put into them. Um, I want to follow up, Representative Beatty, um it's hard to ignore the sort of underlying racism in this situation, right? Um, whether it was intentional or conscious we can all argue about here. Um, we've talked a lot about Representative Love's knowledge of history. Um, you gave us numbers of the history of lynching in America and in Missouri, and would it be your understanding that if you have knowledge of history you also have a decent knowledge of the racial history of lynching in America?

**Rep. Gail McCann Beatty:** Representative I would agree. Um if you understand history, you understand history, and you should also understand why something like this is so offensive.

**Rep. Peter Merideth:** For sure.

**Rep. Gail McCann Beatty:** And we as a legislature, we have to come up here and work together on a daily basis. Um, and we do have to understand each other, um, but unfortunately for Representative Love even once he found out that it was offensive, it didn't really matter. Which tells me he didn't care and the Gentleman asked, have I had a conversation with him. No I have not. He didn't think to seek me out um for an apology or anything else and his half-hearted apology that we read in the newspaper he even retracted that.

**Rep. Peter Merideth:** Now given the context that this was in response to defacing a Confederate memorial, um does that add to the sort of obviousness that there is some racial element to this?

**Rep. Gail McCann Beatty:** It absolutely does because lynching was a form of intimidation um and then there was another comment after that that referred to the term strange fruit. Strange fruit was what they called when they saw an African American hanging from a tree. They were called strange fruit.

**Rep. Peter Merideth:** That seems to be a pretty decent knowledge of history. And what the terms mean.

**Rep. Gail McCann Beatty:** I would agree, yeah.

**Rep. Peter Merideth:** Um, now, stepping back I don't want to ignore the racial part of this but it seems to be an area of dispute in our committee so I'm going to ask you, assuming there was no racism underlying this at all, and that this was um an expression used, does that change whether or not it was appropriate for a legislator to call for a lynching?

**Rep. Gail McCann Beatty:** It does not because as a legislator we should not be calling for violence period.

**Rep. Peter Merideth:** So calling for extrajudicial violence as a response to a small crime

**Rep. Gail McCann Beatty:** Is inappropriate.

**Rep. Peter Merideth:** Is in appropriate for a legislator whether it's racist or not.

**Rep. Gail McCann Beatty:** Whether it's racist or not.

**Rep. Peter Merideth:** So we can pull aside the racism for those who don't believe there was racism involved um, well we may contest that, and still say that there is a serious problem with a legislator calling for violence.

**Rep. Gail McCann Beatty:** Absolutely.

**Rep. Peter Merideth:** Okay. Um, I would add, you brought up Senator Chappelle Nadal in this situation

**Rep. Gail McCann Beatty:** Yes

**Rep. Peter Merideth:** And there was I guess a somewhat comparable situation although lots of differences and lots of contrasts are important as well. Um, and our message to the public is that her call for political violence is unacceptable. Her call for violence with someone she is upset with, someone she is personally offended by, wasn't acceptable.

**Rep. Gail McCann Beatty:** Correct.

**Rep. Peter Merideth:** And so she was

**Rep. Gail McCann Beatty:** She was swiftly punished.

**Rep. Peter Merideth:** Did she have a lawyer in that process, when she was swiftly punished?

**Rep. Gail McCann Beatty:** I don't know that.

**Rep. Peter Merideth:** Okay. Um, it seems there is a significant contrast with how these are both handled. And I realize that some of that is procedural with the different houses. Do you think that there is a message being sent to the public if we have one response for Senator Chappelle Nadal, and a different response in a case like this for two public calls for violence by elected officials?

**Rep. Gail McCann Beatty:** I think it absolutely says something to the public, especially when one is an African American female and one is a white male. And the fact that many of my Republican colleagues were incredibly outraged by Senator Chappelle Nadal and went to social media immediately wanting her removed from the Senate, but yet when it happened with Representative Love we heard absolutely nothing.

**Rep. Peter Merideth:** Sure.

**Rep. Gail McCann Beatty:** And now here we are four months later and absolutely there has been no response from our Republican leadership.

**Rep. Peter Merideth:** Go ahead if you have something to add.

**Rep. Alan Green:** I just wanted to address from the Black Caucus too off of Senator Nadal. We also put out a press statement that we did not condone her statements.

**Rep. Peter Merideth:** Of course, of course. Thank you. Um, now so to talk about the contrast there. And you mentioned that she's an African American woman versus a white male. And we've got the context of racial undertones with all of this, um but again pulling the racial undertones aside for a minute, um I guess we're saying that the message to the public would be best-case scenario for a democrat there's one standard and for a republican there's another. And then the worst-case scenario is that for a black woman there is one standard and for a white male there is another.

**Rep. Gail McCann Beatty:** That's true.

**Rep. Peter Merideth:** And the reality is the public is gonna perceive that based on our response, whether you all think it's true or not, right?

**Rep. Gail McCann Beatty:** Absolutely.

**Rep. Peter Merideth:** Okay, one other point that um, from some of the previous uh conversation. Uh, we've heard a little bit about how this is sort of just language from his community that he represents. Um, if my community, my constituents, say things like they want Donald Trump assassinated and horrible unacceptable things, does that justify me saying it as a legislator?

**Rep. Gail McCann Beatty:** No it absolutely does not because we are held to a higher standard.

**Rep. Peter Merideth:** So this isn't about whether a regular person can say offensive things, this is about whether a legislator can call for political violence.

**Rep. Gail McCann Beatty:** Absolutely, yes.

**Rep. Peter Merideth:** Thanks.

**Rep. Kevin Austin:** Further inquiry? Representative.

**Rep. Gina Mitten:** "Briefly, if I may, thank you. Um, and either of you guys can answer this, but to sort of refresh everyone's memory, tell me if I'm correct in this if memory serves, it was the Democratic Floor Leader who removed Representative Chappelle-Nadal from all her committees. Am I misremembering that?"

**Rep. Gail McCann Beatty:** "I believe that is correct."

**Rep. Gina Mitten:** "So basically a member of her own- Senator Walsh's own caucus, engaged in some behavior that I think we can universally agree was inappropriate was pretty swift, if memory serves, dealt some consequences from within. Is that a fair characterization? And then I understand, I guess there was a formal censure that occurred on veto session, which would have been September 13th."

**Rep. Gail McCann Beatty:** “Correct, and had my remonstrance been dealt with in a normal fashion, we could have also dealt with it on the floor, as well.”

**Rep. Gina Mitten:** “On September 13th?”

**Rep. Gail McCann Beatty:** “Absolutely”

**Rep. Gina Mitten:** “...and again, I think it’s fair to say though that the same meeting of consequences has not occurred in in this case.”

**Rep. Gail McCann Beatty:** “There has been no consequences for Representative Love.”

**Rep. Gina Mitten:** “Okay thank you so much, thank you Mr. Chair.”

**Rep. Kevin Austin:** “Further inquiry? Seeing none, thank you representatives.” “Now inquiry of Representative Love. Gentleman would you please come forward and your counsel can come with you.” “Before we begin, Representative Love you have not been sworn in so let me do that now. Do you solemnly swear or affirm that the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth so help you God?”

**Rep. Warren Love:** “I do.”

**Rep. Kevin Austin:** “Thank you sir. Inquiry?”

**Rep. Gina Mitten:** “I’ll start, good afternoon. So let’s just start, if we can, with the facts. The way I read the Facebook page said is that you said, ‘I hope they are found and hung from a tall tree with a long rope.’ Is that a fair characterization, is that a quote of what your post said? Yes?”

**Rep. Warren Love:** “Yes.”

**Rep. Gina Mitten:** “And do you remember, wasn’t that posted on August 30th or the end of August 2017?”

**Rep. Warren Love:** “Yes, ma’am.”

**Rep. Gina Mitten:** “Can you help me to understand, was that Facebook post ever removed?”

**Rep. Warren Love:** “No, ma’am.”

**Rep. Gina Mitten:** “It was not? ‘Cus um...could you help me understand why, and I’m going to read from some of your quotes in the newspaper, and I would love if you could help me, well help all of us, understand whether these are accurate quotes or not. Because there was originally an article in the Springfield News Leader in which you said that you thought that the post had been taken down. And then you clarified that it was still up, but you had not been able to access it due to poor internet connectivity. Is that a fair characterization of your comments to the Springfield News Leader?”

**Rep. Warren Love:** “That is correct.”

**Rep. Gina Mitten:** “Okay, so can you tell me why you thought it was down and then said that you couldn’t get to it? I guess you decided on October..excuse me August 31st that you’re not going to take it down. Is that a fair characterization?”

**Rep. Warren Love:** “Let me explain about the confusion. I was in route to the bootheel of Missouri that afternoon, I arrived there about dark and I pulled over. I seen a wave of inquiries from newspapers and I thought I am going to try to put out some fires. So in the area that I pulled over in.” ”

**Rep. Gina Mitten:** “Yeah these don’t work so well do they?” \*holds up phone\*

**Rep. Warren Love:** “Yea, I didn’t have internet connection but I did have phone connection, so I was asked by a reporter if I had taken the post down, and I commented, ‘It may have been taken down...because someone else may have been, one of my children actually, may have taken it down, I don’t know because I can’t access Facebook so there was some misunderstanding about whether it was taken down or not. It was actually the next day before I knew.”

**Rep. Gina Mitten:** “Okay, did you not tell the reporter, and I’m going to quote, ‘That you had not been able to access it due to poor internet connectivity and that that was the reason it was not take down?’”

**Rep. Warren Love:** “I basically was confused, I didn’t know if it was or if it had been.”

**Rep. Gina Mitten:** “Then I’m gonna move forward to another article also dated October, excuse me, August 31st, in which you indicated that you would not take it down and that it, quote ‘It starts a dialogue’. Is that an accurate quote of your statement to the Post Dispatch?”

**Rep. Warren Love:** “I don’t remember”

**Rep. Gina Mitten:** “Okay, but do you have any reason to believe that the Post Dispatch did not quote you accurately in that article? In that you’re saying it starts a dialogue?”

**Rep. Warren Love:** “No.”

**Rep. Gina Mitten:** “Ok, so again my understanding is that you said to the Post Dispatch on the 31st of August that you could take it down, but that you’re not going to because it’s already out and it starts a dialogue and later that afternoon, The Kansas City Star has an article also about these posts in which you say you will not delete the post, the Facebook post.”

**Rep. Warren Love:** “I did, and can I explain why?”

**Rep. Gina Mitten:** “Well, I just have some more questions and I think you will get to that. I guess my question is, what dialogue did you hope to start?”

**Rep. Warren Love:** “I don’t remember ever saying the word ‘dialogue’, you know, and if I did I cannot remember.”

**Rep. Gina Mitten:** “Okay, so you’re not sure why you said that to the Post Dispatch, because you said that you have no reason to believe that they misquoted you.”

**Rep. Warren Love:** “I don’t even remember using the word dialogue, it’s not a normal word in my vocabulary. I just wanted to let you know that.”

**Rep. Gina Mitten:** “Okay, and they’re quoting you, ‘I could take it off but I’m not because it’s already out and it will start a dialogue’. That’s the quote. So um, so I guess then you’re saying now that you didn’t hope to start a dialogue.”

**Rep. Warren Love:** “No, here’s why I did not remove it okay, if I may now in front of the committee”

**Rep. Gina Mitten:** “Well right now I’m not asking you about the removal I’m asking about the dialogue, so again you’re quoted saying you wanted to start a dialogue. Now you’re saying you didn’t want to start a dialogue, I’m just trying to understand.”

**Rep. Warren Love:** “I do not remember quoting or saying that I wanted to start a dialogue.”

**Rep. Gina Mitten:** “Okay, okay so then is it safe to say that you did not hope to start a dialogue by leaving the post up?”

**Rep. Warren Love:** “I would say yes, ma’am.”

**Rep. Gina Mitten:** “Okay so you left the post up but you had no desire to start a dialogue about the contents or maybe the reaction to that post.”

**Rep. Warren Love:** “The reason why I left the post up is because it had already been snapshotted, everybody in the world’s seen it, there’s no taking it down. Also, if you will look at that Facebook post, I don’t even know how to go back and find it, you will see my next statement was I did not mention race nor gender nor age.”

**Rep. Gina Mitten:** “Mhmm, I understand that.”

**Rep. Warren Love:** “And I want that to be on there. Because I did not mention those things.”

**Rep. Gina Mitten:** “Mhmm, I understand. You-- you’ve already confirmed what the quote actually says so I think that’s already kind of clear. So again you said--and I’m going to go to another article, and this was a week later on September the 8th, you apparently contacted Steve Pokin of the Springfield News Leader to again, clarify your comments, and um, in that article you are quoted as saying ‘If you get’--and I’m not going to use the word--‘If you get feces on your boots you might as well keep it there ‘cus you can’t wipe away the smell’. Is that an accurate quote?”

**Rep. Warren Love:** “That’s right.”

**Rep. Gina Mitten:** “Okay so again, I’m kinda confused about that but could you explain to the committee how calling for a lynching is akin to getting feces on your boots?”

**Rep. Warren Love:** “Ma’am if I may, I did not use the word ‘lynching’. And I will ask you, is there a difference, dictionary, between the words ‘lynching’ and ‘hanging’?”

**Rep. Gina Mitten:** “And--and if I’m ever sitting in that seat I welcome you to do so, but right now, unfortunately I am the one that’s asking the questions at this juncture. So, and again I’m going to say, can you explain to the committee how calling for someone-- without a trial, without an arrest, without a jury-- to be hung from a tall tree, which I think one can argue is the equivalent of lynching. Could you explain to the committee how that is akin to getting feces on your boots?”

**Rep. Warren Love:** “Did I mention there would be no trial, no uh, civil matter in that statement?”

**Rep. Gina Mitten:** “Okay so can you explain to the committee how hanging someone from a tall tree with a long rope is akin to getting feces on your boots?”

**Rep. Warren Love:** “That no diff--no relationship.”

**Rep. Gina Mitten:** “No relationship.”

**Rep. Warren Love:** “No relationship whatsoever.”

**Rep. Gina Mitten:** “But yet that’s the language that you’ve chose. Those are quotes that you’ve admitted are quotes.”

**Rep. Warren Love:** “I could’ve said ‘take ‘em to the woodshed’, or uh you know, ‘nail your hide to the wall’ or any numerous of things.”

**Rep. Gina Mitten:** “Mhmm.”

**Rep. Warren Love:** “And since we’re here in front of God and everybody, let me tell you what I almost put..”

**Rep. Gina Mitten:** “You could’ve also put ‘arrested and prosecuted to the full extent of the law’.

**Rep. Warren Love:** “That’s what I meant.”

**Rep. Gina Mitten:** “But those aren’t the words that you used.”

**Rep. Warren Love:** “You know something, sometimes when you want to make a point you use an expression called a colloquial statement”

**Rep. Gina Mitten:** “Ohhh, okay.”

**Rep. Warren Love:** “Okay, I almost wrote ‘This is a crime, totally against the law’. My granddaddy used to say when somebody done something like that they ought to have their back split and their leg run through it. That’s what I almost wrote, so now everybody knows.”

**Rep. Gina Mitten:** “But you chose not to do that.”

**Rep. Warren Love:** “Pardon me?”

**Rep. Gina Mitten:** “You chose not to write that in your post.”

**Rep. Warren Love:** “I didn’t want to face my wife with making that kind of statement.”

**Rep. Gina Mitten:** Ahh, that’s interesting. So you didn’t want to face your wife with that kind of statement but it was okay to hang folks from a tall tree. Okay. Um, look I’m a city person, I think we’ve already established that we may look at things differently depending on our regions. Um, you also have some quotes in the Post Dispatch’s August 31st article in which you referred to ‘them’ and ‘the minorities’ in that you said, “I probably have a better relationship with the minorities than any of them up at the legislature.” You also said, “I play softball with ‘them’, I’m good friends with ‘them’, I sit on the same side of the isle as ‘them’, and ‘they’ are on my softball team”. Um, I’m assuming by ‘them’ you meant persons of color or African Americans that work or serve in this building?

**Rep. Warren Love:** “What word should I have used?”

**Rep. Gina Mitten:** “Well I would have called them your--my colleagues.”

**Rep. Warren Love:** “Who was the article referring about? Who has charged against me?”

**Rep. Gina Mitten:** “Well I think the article at the time was referring to your comments, which we’ve already established, were to hang somebody from a tall tree with a long rope. So the article was about those comments and I’m just wanting to clarify your quotes to that article and clarify that those were in fact your words and to confirm that what you meant by those words were persons of color or African Americans that work and serve in this building.”

**Melvin Lee Gilbert:** “I would just like for the record to note that you had preferred that with his relationship with minority representatives in this building and that had already been designated and “them” each time used after that, referred back to the minority--”

**Rep. Gina Mitten:** “Which is why I’m asking the person that made the statements to clarify, I’m sure we’re all understanding exactly what he meant.”

**Rep. Warren Love:** “That is correct.”

**Rep. Gina Mitten:** “Thank you. Now I’m curious about the timeline of your apology, or not apology, or retraction of an apology. Um, it looks to me like you know, again on August 31st at 8:30 in the morning you said you could not recall the apology that you had written on Facebook and declined to give one over the phone. Um, do you remember that conversation, and it would’ve been with the Kansas City Star, do you remember that conversation in which you declined to apologize with a telephone interview with the Kansas City Star?”

**Rep. Warren Love:** “Not that I declined, I will say this, I was interviewed by many different news medias. And I maybe made a statement of an apology over the phone to some, some not. But it was not until the following day that I drafted a formal apology with sincere meaning can ask to be excused from the comment that I made because I realize it had offended people and I’m sorry.”

**Rep. Gina Mitten:** “MmK. And then again on the next day then you also um, again--have you retracted your apology?-- let’s just go there. In other words, my understanding is that you did ultimately issue an apology and sort of now just restated it. Was that apology ultimately retracted?”

**Rep. Warren Love:** “No, it was submitted to all the news media and put out, I posted it on my Facebook. Uhh it’s still there, I hope that everyone received it. I know uh, what our intent was.”

**Rep. Gina Mitten:** “Okay, so it’s still there along with the post.”

**Rep. Warren Love:** “It’s not on the same post. It’s probably the following day.”

**Rep. Gina Mitten:** “Okay, then um, I’m gonna ask you a little bit about sort of words and consequences. Do you think there should be consequences for using words that are offensive or hateful?”

**Rep. Warren Love:** “Well the reality is, yes.”

**Rep. Gina Mitten:** “Okay. So for instance if a child or a grandchild were to, as we in the city say, “drop an F bomb or take the Lord’s name in vain, I’m assuming you believe there should be some consequences for that?”

**Rep. Warren Love:** “I believe there is consequences for everything that we do.”

**Rep. Gina Mitten:** “Well and again, if your children or grandchildren were to use profane or otherwise inappropriate language would you punish them?”

**Rep. Warren Love:** “If I felt it was inappropriate.”

**Rep. Gina Mitten:** “If it was inappropriate? Okay, so you would. So I’m assuming things like an F bomb as we would say or four letter words you find to be inappropriate, coming from a child?”

**Rep. Warren Love:** “Yes.”

**Rep. Gina Mitten:** “I suspect you may find it inappropriate even coming from me..Um, why would you punish them, why would you punish a child or anybody, for using poor language, inappropriate language? Why do we do that?”

**Rep. Warren Love:** “Well I could quote Bible scripture, Proverbs come to mind, that if you raise up a child in that way that he or she go when they’re older, they will-- they’ll turn into that.”

**Rep. Gina Mitten:** “So we punish people--there are consequences for our actions, just generally speaking, so that we learn from those mistakes, isn’t that true? I mean, isn’t that how we basically operate?”

**Rep. Warren Love:** “Yes ma’am.”

**Rep. Gina Mitten:** “Okay. So um, do you-- well, have you been criticized for making racist statements in the past?”

**Rep. Warren Love:** “Some have criticized me and taken it out of context and if I could I’d like to address this deal about the prevailing wage committee I was in and clear that up.”

**Rep. Gina Mitten:** “Well it’s on videotape frankly so I think that’s it’s kind of already been cleared up to the extent that you know, there were statements that were made and I believe that you referred to the black negro as benefiting from a bill and um, if memory serves, I just looked at that video last night in fact, Representative Dunn explained at the time that he found that that was offensive to him.”

**Rep. Warren Love:** “That is correct.”

**Rep. Gina Mitten:** “Okay, and that was in January of 2017?”

**Rep. Warren Love:** “I was reading from a historical article about how Davis Bacon was found.”

**Rep. Gina Mitten:** “I understand.”

**Rep. Warren Love:** “And this very day at the town hall there is a commentator-- news writer named Larry Elder-- do you know of him?”

**Rep. Gina Mitten:** “I do not.”

**Rep. Warren Love:** “His headline is instead of infrastructure investments, how ‘bout killing Davis Bacon? Okay he writes about this, he uses that same term three times in his news story.”

**Rep. Gina Mitten:** “And I realize that. And I appreciate that but if we were here talking about that commentator I would really love to hear about that but--”

**Rep. Warren Love:** “I was only reading from a historical article”

**Rep. Gina Mitten:** “--from a historical article”

**Rep. Warren Love:** “The New York workers union, they were being infringed on.”

**Rep. Gina Mitten:** “I understand that but however, you were criticized openly in a committee hearing for these comments and somebody did indicate to you that he felt it was an offensive comment.”

**Rep. Warren Love:** “Yes ma’am.”

**Rep. Gina Mitten:** “Okay. And then about a month later in February 2017 there was a Pitch article in which, I understand again it was a quote but you had a Facebook post in which you quoted some pretty damning comments about President Lincoln, including calling him a tyrant.”

**Rep. Warren Love:** “I didn’t quote, I just posted an article that was written about 10 things about Lincoln a lot of people don’t know, which I do repaticiously with other people.”

**Rep. Gina Mitten:** “Right I understand but you took a part of that article and copy and pasted it and put it up and actually it wasn’t in quotations but we were able to clarify that with the press later.”

**Rep. Warren Love:** “That’s right.”

**Rep. Gina Mitten:** “So again in January of 2017 we have some racial issues that you’re called out for, you know you were criticized for that at the time, perhaps we disagree about whether it was fair but it’s criticism. And then a month later we have an article in the Pitch that’s sort of calling you out and criticizing you also for some racist comments, is that a fair assessment of what happened last year?”

**Rep. Warren Love:** “I don’t keep up on that publication.”

**Rep. Gina Mitten:** “Okay, well I did so, do recall the criticism from both of those comments?”

**Rep. Warren Love:** “I did.”

**Rep. Gina Mitten:** “Okay, were there any consequences to you for either of those comments?”

**Rep. Warren Love:** “No ma’am.”

**Rep. Gina Mitten:** “No consequences at all. So do you think you should incur any consequences for the language that you’ve used-- what’s the subject of this complaint and remonstrance today?”

**Rep. Warren Love:** “I’ve apologized and I expect no condemnation.”

**Rep. Gina Mitten:** “You expect no condemnation, which brings me to something else I thought was sort of interesting, you are quoted in a December 18th article in the Post Dispatch saying “my case is going to be no condemnation”. Is that an accurate quote?”

**Rep. Warren Love:** “What was the statement again?”

**Rep. Gina Mitten:** “My case-- meaning you saying-- once again, my case was going to be no condemnation”.

**Rep. Warren Love:** “I didn’t make that in a statement as an affirmative, I meant that I was going to ask for no condemnation.

**Rep. Gina Mitten:** “Okay, well that’s not what the quote says so you’re saying that is a misquote?”

**Rep. Warren Love:** “Evidently”.

**Rep. Gina Mitten:** “Okay, which is fine, again I just want to clarify that stuff because it’s out in the world and I think you deserve an opportunity to make sure you’re being quoted accurately. Um, so again you believe there should be no condemnation and consequences--

**Rep. Warren Love:** “Yes”

**Rep. Gina Mitten:** “--despite the fact that you’ve been called out for racist comments on at least two prior occasions?”

**Rep. Warren Love:** “Those that call them comments racist comments is nothing but their matter of opinion, I don’t feel like they were racist.”

**Rep. Gina Mitten:** “Do you feel it appropriate though, once you become a member of the General Assembly that we have to use language that’s respectful to all Missourians?”

**Rep. Warren Love:** “I think it should be our goal to do that, yes, and I apologized for making some offensive comments that I felt was offensive to others.”

**Rep. Gina Mitten:** “Okay. Um, have you spoken with any members of this committee about this complaint?”

**Rep. Warren Love:** “Yes.”

**Rep. Gina Mitten:** “And could you tell me the substance of those conversations?”

**Rep. Warren Love:** “What?”

**Rep. Gina Mitten:** “Could you tell me what was said? What was that conversation?”

**Rep. Warren Love:** “Just that-- how this procedure is going to be played out and when we would speak and the formalities”

**Rep. Gina Mitten:** “Right, the process and all that”

**Rep. Warren Love:** “Yeah.”

**Rep. Gina Mitten:** “That makes perfect sense. Have you had other conversations with members of the General Assembly about this complaint?”

**Rep. Warren Love:** “Many.”

**Rep. Gina Mitten:** “Have you had any conversations in which you were assured you would not be punished?”

**Rep. Warren Love:** “No ma’am.”

**Rep. Gina Mitten:** “Have you had any conversations in which it was indicated you would be punished?”

**Rep. Warren Love:** “No ma’am.”

**Rep. Gina Mitten:** “No you haven’t. Um, I just want to finally give you an opportunity to respond to some other quotes that we have about your comments. Well, actually, do you agree with what the consequences were for Senator Chappelle Nadal?”

**Rep. Warren Love:** “That’s another issue and I don’t feel like it has one iota to do with this issue. Not one.”

**Rep. Gina Mitten:** “I understand, but do you agree with the consequences she faced?”

**Rep. Warren Love:** “Chairman I have not had any chance to review any of that with my client because it seems to be an issue that wasn’t a part of today’s hearing.”

**Rep. Gina Mitten:** “Mr.Chair either he thinks that the senator should have faced consequences or he thinks the senator should not have face consequences, it’s a pretty simple question and I suspect that pretty much every person in this room could answer it one way or another.”

**Rep. Kevin Austin:** “Well I agree that he should answer but I disagree that it could be on way or the other. Maybe he has no opinion, I don’t know but I think that the representative should answer.”

**Rep. Warren Love:** “Would you repeat the question ma’am?”

**Rep. Gina Mitten:** “Do you believe Senator Chappelle Nadal should have faced any consequences for the speech that she engaged in, hoping for the assassination of President Trump?”

**Rep. Warren Love:** “I believe that is up to the Senate and her fellow colleagues to decide.”

**Rep. Gina Mitten:** “But you wouldn’t mind serving with someone who made those comments?”

**Rep. Warren Love:** “If you want to chase that rabbit down the road, what we made comments on it would take up all day.”

**Rep. Gina Mitten:** “So you don’t find offensive at all to serve with somebody who had made that comment?”

**Rep. Warren Love:** “No.”

**Rep. Gina Mitten:** “Okay then, some members of your own party have called for some consequences onto you and I’m curious what your response is to those comments.”

**Rep. Warren Love:** “I’ll tell ya like this, when you quail hunt and you flush up a covey of quail, they’re all together and when they land they’re all individually in their own place. Whatever they say, they’re going to have to suffer because of them are going to get flushed up, some of them are going to get shot, and some of them are going to live. Now that’s a colloquial statement I hope you understand.”

**Rep. Gina Mitten:** “Are you referring to your colleagues that made comments about your statements?”

**Rep. Warren Love:** “Yes ma’am”

**Rep. Gina Mitten:** “That some of them are going to get shot?”  
[some crowd upset]

**Rep. Kevin Austin:** “Hold it, hold it, hold it, hold it.”

**Rep. Gina Mitten:** “Help me to understand what that means.”

**Rep. Warren Love:** “There’s consequences when they land on their own with what decision to make, we do that everyday as legislatures. You know, we’ll endorse this, or we’ll criticize this, and we have to stand for our decision, whatever we decision we made. If we come out openly, and criticize someone and condemn them, each individual we have to stand for what we say.”

**Rep. Gina Mitten:** Okay, and so for instance let’s just say that the current majority floor leader that, he was just elected, he has a post saying “Calling for the murder of anyone is unacceptable. Representative Love’s punishment to be equal to any opposed on Senator Maria Chappelle Nadal.” What’s your response to that?

**Rep. Warren Love:** “I have none.”

**Rep. Gina Mitten:** You have no response to that? What about Lieutenant Governor Parson who said that, “The post is unacceptable and inexcusable” ?

**Rep. Warren Love:** “I have none.”

**Rep. Gina Mitten:** What about Governor Eric Greitens who said that “Leaders of Missouri need to do better and I don’t think Senator Chappelle Nadal or Representative Love should be representing the people of Missouri, both should face the same consequences”?

**Rep. Warren Love:** “I have none.”

**Rep. Gina Mitten:** Do you have any response to the fact that his spokesperson Parker Briden later clarified those comments in saying, “We think he should resign”.

**Rep. Warren Love:** “No ma’am.”

**Rep. Gina Mitten:** “No comments at all. Well I thank you for coming and thank you for your testimony and I have no further questions.”

**Rep. Kevin Austin:** “Further inquiry?”  
[inaudible]

**Rep. DaRon McGee:** “Good afternoon Gentleman”

**Rep. Warren Love:** “Good afternoon”

**Rep. DaRon McGee:** “So, your attorney had stated earlier that this was not meant, not meant to be offensive language based on a historical perspective, correct?”

**Rep. Warren Love:** “Clarify that one more time.”

**Rep. DaRon McGee:** The comments that you posted, he stated, “This was not meant to be offensive because the historical nature you were trying to present your comments”, is that correct?

**Rep. Warren Love:** “Yes.”

**Rep. DaRon McGee:** “So would you acknowledge that many African Americans across the state would be offended by your comments based on the historical nature of what you were talking about would you at least acknowledge that?”

**Rep. Warren Love:** “I would and I found that out but why would African Americans be offended by what I said when I did not say race, can you tell me that because that’s what I want to know?”

**Rep. DaRon McGee:** “Well I think that Representative McCann Beatty gave a pretty good historical context why many African Americans, including myself, would be offended by those comments.”

**Rep. Warren Love:** “Do you think that white people or that spanish people have never been lynched when you talk about the word ‘lynch’?”

**Rep. DaRon McGee:** “Were talking in nature of the context of your comments that you posted. I would also ask, in your comments you mentioned I guess the conversation that your attorney or your representative mentioned today in that this was really in terms of political correctness and is that what you’re saying this is really about? About being politically correct? Is that what you’re thinking this is, the outrage about your comments?”

**Rep. Warren Love:** “I called out a crime and it was a crime. I was one of the only legislatures in this state that called that out.”

**Rep. DaRon McGee:** “I don’t think we’re debating the crime that took place against the monument. I think we’re debating the comments that you posted.”

**Rep. Warren Love:** “I did it in a crude way and I wanted to make a point that I hope they are convicted to the fullest extent of the law, now I did not write that, okay but that’s what I meant. And I did not refer anything about race, gender, or age in my statement.”

**Rep. DaRon McGee:** “Representative Love, after you made those comments, did you talk or consult with any African Americans in your district?”

**Rep. Warren Love:** “No sir, I don’t have very many, I’m sorry to say. I live in a very predominantly white area as many other rural Missourians do. That’s just the fact.”

**Rep. DaRon McGee:** “Well that’s interesting, I know there’s plenty of African Americans that live in rural Missouri. But that’s okay. I also wanted to ask you specifically about your comments when you talk to your post that you made, do you think at the very least, even if you acknowledge that your comments could be offensive to African Americans across the state do you believe at the very least that you deserve-- that they deserve an apology for your comments even if you didn’t mean to be offensive-- I know that was not your intent, but they took that as an offensive comment.”

**Rep. Warren Love:** “I did that exactly. The following day.”

**Rep. DaRon McGee:** “In what way did you do that?”

**Rep. Warren Love:** “I did it in written form, it was submitted to newspapers, the news media, I posted it back on my Facebook. Sir, I can only say apology and a half, and have them accept my apologies. I don’t know how else to do it but write it and submit it, and that’s what I did.”

**Rep. DaRon McGee:** “And I know you said, you had stated earlier with Representative Mitten you had never mentioned a lynching and can you explain for the committee what the difference between being hung and a lynching?”

**Rep. Warren Love:** “You bet. A lynching is done by vigilante, okay. In Henry County Missouri, where I live, the last lynching was done in the 1930s. And there was a gentleman from Calhoun Missouri that got blamed for molesting a woman, he was hung-- he was lynched by a vigilante mob on the Henry County Courthouse lawn within a matter of 24 hours. That is a vigilante lynching. He did not have a trial. Hanging is done by due process of law. By the way, so we all will know, the last official hanging that happened in Missouri was in 1934, and happened in Fulton, Missouri and it was to George McKeever, for killing Sheriff Roger Wilson, the Boone County Sheriff and First Trooper Ben Booth in Columbia, also McKeever was a white man.”

**Rep. DaRon McGee:** “Would you agree that using the word in the comments that you posted as they offended many African Americans across the state, would you say that would be the same as making anti-semitic remarks in front of a Jewish audience?”

**Melvin Lee Gilbert:** “Chairman this is a preliminary hearing on complaint in front of the committee, I just believe that is completely irrelevant and we have not prepared for anything along that line.”

**Rep. Kevin Austin:** “I understand, if this were a court of law the objection of relevance may be sustained but right here I think we have, and I’m required to grant much greater latitude to the inquiry, so I would ask that the Representative answer if you can.”

**Rep. Warren Love:** “Okay. Could I ask you to repeat that one more time?”

**Rep. DaRon McGee:** “Well because my greater point is that--that I think I want to understand-- is that the language you used was offensive to many people across the state and I’m down right offended and I think that I see relevance to using the same sort of language you’re using that offended one group of people and I’m saying that in the same context, in the same way, you could’ve said the same thing and this example I’m using, anti-semitic language in front of a Jewish audience, and just seeing how they could have been offended in using the same sort of language that would incite hate. And I think that you just explained to this committee that there is a difference between a hanging and a lynching and I think there are alot of people in this start that don’t see the difference between the two.”

**Rep. Warren Love:** “I don’t know how to answer that. I can see how people can say things they’re accustomed to hearing and knowing and it can be offensive to other people whether they be a race of Indian, Spanish, African American, whatever and Jewish, and not realize it’s offensive.”

**Rep. DaRon McGee:** “One last question Representative Love, knowing what you know today, would you post those comments again?”

**Rep. Warren Love:** “I would’ve wrote that other one that I told you I was gonna write.” [crowd laughter]

**Rep. Kevin Austin:** “Representative Brown, I mean--”

**Rep. Michael Butler:** “Butler, it’s fine. Representative you mentioned, when was the last hanging in the state of Missouri, you gave us a fact, when did that occur?”

**Rep. Warren Love:** “I did what now?”

**Rep. Michael Butler:** “You mentioned when the last lynching if an African American in the state of Missouri?”

**Rep. Warren Love:** “It wasn’t a lynching it was a hanging.”

**Rep. Michael Butler:** “The hanging.”

**Rep. Warren Love:** “Justifiable by law, yes.”

**Rep. Michael Butler:** “But the you also mentioned the last lynching done by a vigilante group was done. You mentioned that as well.”

**Rep. Warren Love:** “Yes, we have a newspaper reporter down in Henry, Missouri who publishes the Clinton Daily Democrat, his name is Dan Miles, he may have sent all of you a letter. He actually about a month ago published the 3 actual lynchings that had happened in Henry County, and two of them was back in the 1800s, and the one in the 1930s. They were done in Henry County Missouri.”

**Rep. Michael Butler:** “Okay so, thank you for that for clarifying your statement. I thought you meant that was the actual last vigilante lynching in the state of Missouri. You meant just in Henry County, because the last actual lynching--”

**Rep. Warren Love:** “--Yes. By the way they were all white.”

**Rep. Michael Butler:** “Okay, because the last actual lynching in the state of Missouri was in 1942.”

**Rep. Warren Love:** “That I don’t know.”

**Rep. Michael Butler:** “In Sikeston, Missouri.”

**Rep. Warren Love:** “Good to know.”

**Rep. Michael Butler:** “Of the 25--”

**Rep. Warren Love:** “In 1942.”

**Rep. Michael Butler:** “In 1942. Okay we’re clarifying because you were mentioning Henry County, okay cool. Representative do you, do you have any remorse for your statements, do you believe you did anything wrong with any of the statements you’ve made over the past General Assembly?”

**Rep. Warren Love:** “I made a public apology and I’m sorry to those that I’ve offended.”

**Rep. Michael Butler:** “So you do believe that you have done something wrong?”

**Rep. Warren Love:** “I’m sure I offended some and I’m sorry.”

**Rep. Michael Butler:** “Yes sir. With that, you believe you do not deserve any punishment for what you’ve done wrong is that what I’m hearing here today?”

**Rep. Warren Love:** “That would be correct.”

**Rep. Michael Butler:** “Is there a reason why you admit you’ve done something wrong but don’t deserve a punishment?”

**Rep. Warren Love:** “I’m not admitting that I did anything wrong. I am admitting that I made a statement that was taken out of context and offended certain people that took it to mean something it did not mean. And I’m sorry for that.”

**Rep. Michael Butler:** “Representative, would you agree you have made 3 statements in the past year that have offended people in this body. Would you agree to that?”

**Rep. Warren Love:** “No.”

**Rep. Michael Butler:** “So the statement you made in committee about--that a member of this body complained to Republican leadership--would you agree that that offended someone?”

**Rep. Warren Love:** “I read a historical article about how Davis Bacon was started in New York in 1933 and it referred to that statement about the worker out of the south.”

**Rep. Michael Butler:** “But you read a racially--”

**Rep. Warren Love:** “--I read--”

**Rep. Michael Butler:** “--you read a racially insensitive word and it offended a member of this body, one of your colleagues, and a complaint was made and that complaint was discussed with you. You don’t believe there was anything wrong you did in that instance?”

**Rep. Warren Love:** “No, I don’t.”

**Rep. Michael Butler:** “Okay and then the second instance, where members viewed you refer to a former President of this country in a negative way, you don’t believe you did anything wrong in that instance?”

**Rep. Warren Love:** “I did not refer to him in a negative way, I posted a historical article about a presidential President and people can read that and make their own assumption on it.”

**Rep. Michael Butler:** “You don’t believe you did anything wrong in that instance?”

**Rep. Warren Love:** “No sir.”

**Rep. Michael Butler:** “And then this instance, where you also expressed publicly, and I think your lawyer stated, an adage for punishment. “An adage for punishment”, those exact words. You don’t believe you did anything wrong in that instance as well?”

**Rep. Warren Love:** “I’m having trouble understanding what that means..outage?”

**Rep. Michael Butler:** “Okay, your lawyer stated there was nothing racial about your comment, and that you felt it was an adage for punishment.”

**Rep. Warren Love:** “My statement was an analogy okay, I’m not sure I know the word ‘adage’, okay. But it’s kind of like an analogy or metaphor for punishment to the full extent of the law. You know there was three or four I gave you, talking about ‘take ‘em to the woodshed’ or ‘nail your hide to the wall’, you know, ‘lock up and throw away the key’. All of those are colloquial statements to emphasize a form of punishment. Because it was a crime. I could have wrote any of them, they all meant the same thing.”

**Rep. Michael Butler:** “Would you agree that they--”

**Rep. Warren Love:** “You don’t want to take those statements literally, they are not meant to be taken literally, that’s the problem we have. You know I mentioned one day on the floor, if common sense were lard, some people don’t have enough to grease a skillet.”

**Rep. Michael Butler:** “I’m not taking it literally. I understand, you know there are plenty of things members of this committee never say publicly, folks in this room never say publicly that they say privately that they know are inappropriate. All I’m asking is, you didn’t choose to say those other things, you chose to say something that has-- that you acknowledge was probably offensive to someone-- and quite a few members in this body agree was wrong, and folks in your own party agree was not just offensive, it was actually wrong to say. And I guess why do you think you did--and other folks think you did--something wrong but that you don’t deserve a punishment for?”

**Rep. Warren Love:** “I apologized for stating a statement, that was a colloquial statement, that basically called for a punishment for the full extent of the law. I don’t know what else I can do.”

**Rep. Michael Butler:** “Do you believe that you should receive punishment to the full extent of the law for yourself?”

**Melvin Lee Gilbert:** “I object to that statement because we’re-- this is a question that is asked in a criminal context compared to this committee’s process.”

**Rep. Michael Butler:** “This committee is bound by law and has certain options by law.”

**Rep. Kevin Austin:** “Gentleman can you rephrase it with what we can impose here.”

**Rep. Michael Butler:** “Yes sir. And thank you, that’s what I meant, are you--do you think you should receive punishment to the full extent of this committee’s law?”

**Rep. Warren Love:** “Many I need to be taken to the woodshed.”

**Rep. Michael Butler:** “Maybe or you should be?”

**Rep. Warren Love:** “That’s for up to you all to decide.”

**Rep. Michael Butler:** “So, that’s not offensive to me, take ‘em to the woodshed in my sense would mean receive censure. And you would receive a punishment that lasts and is as difficult as this committee sees fit. Do you believe you should receive a censure?”

**Rep. Warren Love:** “That’s up to you all.”

**Rep. Michael Butler:** “Thank you Mr. Chair. Thank you Representative.”

**Rep. Kevin Austin:** “Thank you, Gentleman. Further inquiry? Um, Lady.”

**Rep. Marsha Haefner:** “To inquire Mr. Chair. Thank you, I want to make a few comments and then direct a question to Mr. Gilbert. The purpose of this hearing and this committee is not to talk about history, or park monuments or reverence to veterans, or defacing monuments. The purpose of this committee and the complaint deals only with the comments made by Representative Love--only, and to try and put all these other issues out there to me is a smoke screen for what we’re really dealing with here and in your last comments, I’m happy you brought it back to what this committee is charged to. You don’t want to talk about anti-semitic comments, you don’t want to talk about criminal proceedings and consequences, you want to keep it to what we’re here to do and I just wanted to make sure that regardless of what this committee decides, it’s not because we don’t care about veterans, we don’t care about monuments, we don’t care about all of the other things we’ve talked about. There’s no one sitting up here that has to make a decision that condones what happened to that statue. Representative Love, I just find it difficult to believe when you talk about colloquial sayings when you go back to August, this summer, what was going on in our country to other Confederate statues, and the reaction on both sides of that issue, I find it almost impossible for you not to connect the dots between hanging someone from a rope from a tree and a lynching. What is a lynching? How is a lynching carried out Representative Love?”

**Rep. Warren Love:** It’s a question for me? It’s done by vigilante.

**Rep. Marsha Haefner:** How do they carry the act out?

**Rep. Warren Love:** They were usually a vigilante. I mean all of the old Western movies I've ever met they went and bust them out of jail and took them out and threw a rope up over a tree... I was talking about hanging. It's an old western term for punishment for stealing horses. There's just some things you just don't do.

**Rep. Marsha Haefner:** I don't want to talk about stealing horses. I want to talk about the comment you made in the context of defacing a confederate statute...experiencing this issue.

**Rep. Warren Love:** How long have we served in this House together? We've been here six years together.

**Rep. Marsha Haefner:** Six years together.

**Rep. Warren Love:** You know me well enough that if I was going to say lynching, I would have said lynching.

**Rep. Marsha Haefner:** But you talk about colloquial talk and connotations. The connotation of what you said- I just think you're smarter than thinking it has no meaning in regards to race. It's not cowboy talk in my opinion. Where I come from, this is not cowboy talk, it's not acceptable, and when you take the big picture of what was going on in our nation at that time and the fact that this was defacing a confederate statue I don't understand how you can interpret this any other way but in calling out a race and a punishment. Thank you Mr. Chair.

**Rep. Kevin Austin:** Thank you. Further inquiry? Representative Lynch.

**Rep. Steve Lynch:** Good afternoon Representative Love. We've known each other for quite a while, for six years, came in together at the same time, rode the freshman bus together, my first term I was a deputy whip, you were one of my floor whips, we worked closely together, we've remained friends ever since. Including today, occasionally on the floor, in a committee meeting, in the hallways, in my office, out on the street, and in here, you use all kinds of sayings in your everyday speech don't you?

**Rep. Warren Love:** I do.

**Rep. Steve Lynch:** You just can't help yourself I don't think sometimes.

**Rep. Warren Love:** You know another famous man name Mike [indiscernible] does that and they think he's kind of an old southern redneck, and I guess I'm just like that.

**Rep. Steve Lynch:** Anybody that knows you, knows you talk in, if you want to call it Western talk, or country talk or cowboy talk, I've heard a lot of those phrases that you've used over the years, I may not have used them, but I've heard most of them, you know a lot of them. Let me ask you about this phrase. When you said it, did you mean to literally go out and get whoever committed the crime, because we don't know who committed it, incite a mob, go out and get them and literally hang-lynch- them?

**Rep. Warren Love:** Absolutely not.

**Rep. Steve Lynch:** And you know, I understood that from where I am at, that you did not mean that either.

**Rep. Warren Love:** That's right.

**Rep. Steve Lynch:** That it was not literally go out and get them.

**Rep. Warren Love:** That's right.

**Rep. Steve Lynch:** Because you are correct in my part of the country, I've heard people say 'Well they oughta go out and hang them,' I've heard people say 'Well we oughta shoot them,' I've heard people say 'put them in jail and throw the key away.' None of that was to circumvent the court system, was it?

**Rep. Warren Love:** That's right.

**Rep. Steve Lynch:** It is literally to say we are extremely upset about what happened. And you were, because of your passion. And you had every right to be passionate about what you are and to get angry about what you're passionate about. And you used a phrase that I'm sure you've probably used it before, without a thought about being a racist. You used it that they would receive the full extent of the law, is that correct.

**Rep. Warren Love:** That's correct.

**Rep. Steve Lynch:** So it wasn't to be taken literally, it wasn't to incite- I've heard- people running out and mobbing together to go do something. It's just a phrase so that people understand something bad has happened, something needs to be done about it, is that correct?

**Rep. Warren Love:** That's correct

**Rep. Steve Lynch:** So there's no circumventing the law? It's just an understanding of where you're from and where I'm from, I understood immediately when I read what you meant. And there was no racism in it.

**Rep. Warren Love:** That's right.

**Rep. Steve Lynch:** I understand that you were upset and you believed that whoever did that should get the book thrown at them.

**Rep. Warren Love:** That's right. That's a good colloquial statement.

**Rep. Steve Lynch:** I'm not throwing the book literally, I'm just saying-

**Rep. Warren Love:** -What does that mean? Throw the book at them?

**Rep. Steve Lynch:** It means they get the full extent of the law and I know that you didn't mean any more than that and when you apologized! And the reason you haven't taken your statement down. As I understand it, you tell me if I'm wrong, you don't think the statement is wrong, because you know what you meant

**Rep. Warren Love:** That's right.

**Rep. Steve Lynch:** You are apologizing that others misunderstood what you said and were insulted or offended because of it. Is that correct?

**Rep. Warren Love:** That's correct.

**Rep. Steve Lynch:** Thank you.

**Rep. Kevin Austin:** Further Inquiry. Representative.

**Rep. Peter Merideth:** Thank you. Representative, I'll try to be quick, I know you've answered some of these questions to some extent so I'll try and be brief here. The difference you said between lynching and hanging from a tree is that it's done by vigilante. And you've stressed that that's the difference, right?

**Rep. Warren Love:** Yes

**Rep. Peter Merideth:** Is hanging by a tree a punishment for vandalism in Missouri?

**Rep. Warren Love:** You are trying to take my statement literally and as the representative here just mentioned, I didn't mean that literally. [crosstalk]

**Rep. Peter Merideth:** Respectfully, if you didn't mean that literally, I'm wondering why you're focused on the difference between whether you said lynching or whether you said hanging and why that was about a vigilante.

**Melvin Lee Gilbert:** Chairman, the talk about lynching and hanging over and over is not used to say anything [indiscernible] This body, the House of Representatives and the Missouri Senate has never approved lynching in the state of Missouri. They have approved hanging [indiscernible]. There is a difference that has been created by this body right here

**Rep. Peter Merideth:** So you're saying because hanging by a tree used to be legal, you're saying that that's why it's okay for you to say that they should be hung by a tree?

**Melvin Lee Gilbert:** What I'm talking about is the different definitions between [modern rule?] and using judicial procedures [indiscernible]

**Rep. Peter Merideth:** I believe I understand the distinction you're making, my point here is that if that distinction matters, the reality of using any hanging at all is, under Missouri law, that would have to be extra-judicial, because we no longer have hanging in Missouri law and we certainly, I don't believe, have the death penalty for- any kind of death penalty, even lawful death penalties- in response to vandalism. So if that distinction is what matters to you, I guess I'm saying I don't understand why, unless you actually did mean they should be hung from a tree.

**Rep. Warren Love:** Are you taking my statement literally?

**Rep. Peter Merideth:** I'm asking if you do because you're focused on the distinction between vigilantism and –

**Rep. Warren Love:** It has been pointed out numerous times that that was a colloquial statement, metaphor, or whatever. It did not mean that literally.

**Rep. Peter Merideth:** Okay. I'll move on from that. Thank you. We heard a lot from you about the history of lynching a little bit. You mentioned that the most recent lynching in your county was of a white man. Are you familiar with any of the statistics on how often lynching was used for African Americans versus-

**Rep. Warren Love:** I sure am. I've read the history books just like everybody else.

**Rep. Peter Merideth:** Okay.

**Rep. Warren Love:** I want you all to know that there were a hell of a lot of white people hung.

**Rep. Peter Merideth:** Sure and from what I've read from statements on various research that I've done just in preparation for this. It seems a lot of those white folks that were hung were also hung because they helped black folks. [Booing from the crowd]

**Rep. Kevin Austin:** Order, order, order.

**Rep. Peter Merideth:** This is a historical question we're just talking about here. Over 70% of the lynchings in Missouri were of African Americans and then of those, under 30% that were of Caucasians, they were often because [audio stops] You asked Representative McGee, how in the world African Americans could find this statement offensive. My question for you is, now that you've talked to people about this, it's not really our job in this committee to explain to you what makes this potentially offensive or not. Can you now understand how African American residents of your district, of this state, of my district, and even your colleagues in this building may have found a calling for an extra-judicial hanging, whether metaphorical or not, of vandals who vandalized a confederate monument, might have been deeply offensive, painful, and even frightening? Does that make sense to you that they might feel that way?

**Rep. Warren Love:** I do understand, I have apologized. Also, how do you feel when Francis Scott Key's monument was vandalized and Thomas Jefferson's monument and Christopher Columbus and Steven Foster and on and on and on. And even stones are dumped down in normal public cemeteries, how does that make you feel?

**Rep. Peter Merideth:** Certainly doesn't make me feel like lynching the vandals.

**Rep. Warren Love:** You said the word, I didn't.

**Rep. Peter Merideth:** Okay. So I think that tells me that you don't actually find that offensive – you don't understand why African Americans might find it offensive.

**Rep. Warren Love:** I do understand, yes. And hearing their side of the story- and I apologized for that.

**Rep. Peter Merideth:** I appreciate that. I have not read your apology, I don't think you sent an apology to the other members of this body. I know Senator Chappelle-Nadal sent an apology to all of her colleagues. I'm curious if you can make your apology here, in front of us, so that we can hear what exactly you are sorry for.

**Rep. Warren Love:** I sincerely apologize to anyone who took offense to my statement that referred to calling out the crime in Springfield National Veterans Cemetery. I am sorry.

**Rep. Peter Merideth:** So just so I understand correctly, you are sorry they took offense but you don't believe you said anything wrong.

**Rep. Warren Love:** I do not believe I said anything wrong in calling out a crime. Now if I knew it was going to cause all this [unknown word 1:34:40] I would've said some different term and I shared with you earlier what that term might have been, another term, yes.

**Rep. Peter Merideth:** So it's our response to your comment that has you regretting it, not the substance of the comment.

**Rep. Warren Love:** I am sorry I hurt anyone's feelings or infringed upon their beliefs that my statement was taken to mean something I didn't mean it to mean. I guess

**Rep. Peter Merideth:** I appreciate that. Thank you.

**Rep. Kevin Austin:** Further inquiry? Alright, seeing none, again, this is a preliminary hearing this committee can impose punishments or a judgement if you will in this case, but only by the consent of the respondent. So with that, I now address to you Representative Love, will you accept the judgement or resolution of this committee based solely on the preliminary hearing.

**Rep. Warren Love:** No. Yes.

**Rep. Kevin Austin:** You will?

**Rep. Warren Love:** I will.

**Rep. Kevin Austin:** Okay. Having said that, as a committee we now have various options allowed by the rules of procedure and I will be ready to accept any motions that we can take under and discuss. Representative?

**Rep. Gina Mitten:** Mr. Chair I move that this committee impose punishment of censure, which for those that haven't been familiar with the rules is a 'sanction that the conduct constituted a legal or moral wrong and shall include punishment of denying privileges of office which are then recommended by this committee. Censure is a punishment that requires consideration and vote by the entire House and it would require the presence of Representative Love under our current rules.'

**Rep. Kevin Austin:** Any discussion? Representative Conway.

**Rep. Pat Conway:** Just so everyone's clear Mr. Chair, this is a motion submitted by Representative Mitten. Before we vote on this motion, are there alternative options for this committee? That to what degree, we want to, as a committee vote on this issue?

**Rep. Kevin Austin:** Here's how I understand our options. We can entertain a motion to dismiss. We can entertain a motion to go to an investigative hearing, or we can entertain a motion to decide the case based upon this preliminary hearing. If we decide that third way to decide the case based upon this preliminary hearing, we can have then three forms of punishment: a letter of reproof, a reprimand, or a censure. So I guess, I don't want to put words in your mouth so correct me if I'm wrong, are you saying that a motion for censure at this point is out of line because we haven't had a motion to decide the case upon the preliminary hearing?

**Rep. Pat Conway:** That's what I'm going with. I think that the committee should have the options of determining this. Representative Love acknowledged that he would be willing to accept what the committee does. From a personal basis, and I think I probably speak for a number of people, if not all on this committee, I don't believe anyone wants to see Representative Love removed from this body. I think Warren to me has been a good representative and I think he has apologized, so whether we go to the most severe of the three options, or one of the others, I think we should at least look at the remonstrance or other issues rather than going directly to the most severe of the three options.

**Rep. Gina Mitten:** Should we do this by two separate motions?

**Rep. Kevin Austin:** Let's do that. Will you withdraw your motion?

**Rep. Gina Mitten:** I will withdraw my motion. I think Representative Conway makes an excellent point. I will withdraw my motion and I will move that we proceed to make a decision based upon the evidence provided or the testimony provided in today's preliminary hearing.

**Rep. Kevin Austin:** Very well. Any discussion on that motion? Would you mind restating that so I don't mix up what you're saying?

**Rep. Gina Mitten:** Could I restate it? Sorry, so I move that the Ethics committee make a decision on the complaint based upon the evidence presented today at the preliminary hearing.

**Rep. Marsha Haefner:** Will that be at a different time? Or-

**Rep. Gina Mitten:** So I think what happens is no. I think what Representative Conway is saying is that we one, decide to make a decision based on the preliminary hearing instead of moving to go to an investigative hearing and as Representative Austin has pointed out, there are then if my motion is approved, we say yes we're going to make our decision based upon the evidence heard today, then we have three choices, those choices are: censure, remonstrance, letter of reprimand. None of those choices include expulsion.

**Rep. Marsha Haefner:** So what this motion is is we're going to make a decision based on this hearing and not another investigative hearing.

**Rep. Gina Mitten:** Correct. I think that that's what Representative Conway wanted us to do is just that as a preliminary motion saying yes that's what we're going to do next and then just again so that everybody understands, Representative Love has indicated that he would accept our decision so to make a decision at the preliminary hearing phase under our rules requires his consent to that. If he does not consent then we can always proceed, assuming a majority of the body wishes to, to an investigative hearing and then at that point the punishment could be imposed without the consent of the respondent.

**Rep. Marsha Haefner:** But he's already agreed?

**Rep. Gina Mitten:** Exactly just so that we're all on the same page as to what those rules provide.

**Rep. Marsha Haefner:** Which I think is the honorable thing to do.

**Melvin Lee Gilbert:** Chairman, may I address something? Are you speaking that there's only three options at this point?

**Rep. Kevin Austin:** No, there are not, there are- we can entertain a motion to dismiss, we can entertain a motion to proceed by undertaking an investigative hearing, and we've already sustained the motion that we're going to consider a decision based upon the preliminary hearing [indiscernible] but we will. Then if we do that then there's three possible options: letter of reproof, reprimand, or censure, unless all three of those fail and we will go back to the others is how I view us going through this.

**Rep. Gina Mitten:** And I agree with the chair's assessment.

**Rep. Kevin Austin:** Okay. We have not voted on Representative Mitten's motion. Any further discussion on that?

**Rep. Gina Mitten:** I withdrew the first motion, I made the second motion that we make a decision based upon the preliminary hearing.

**Rep. Peter Merideth:** I apologize for the procedural confusion. Another procedural question. If we vote to go forward with that, does that preclude the prospect of an investigative hearing?

**Rep. Kevin Austin:** I do not see that.

**Rep. Peter Merideth:** Thank you.

**Rep. Kevin Austin:** No further discussion?

**Rep. Jason Chipman:** Going with these lines, if we move to agree to Representative Mitten's motion does it negate the ability to dismiss the complaint as well? Because of looking at the subparts of this section, the first is either dismiss or proceed to one of the three for going to the investigative hearing. So you're first step is picking which of the three you're going to do first. Then, if we don't dismiss, if we don't go to investigative, and we choose to decide, then we choose which of the three we're going to do.

**Rep. Kevin Austin:** I think we take whatever motions are as far as punishment, if those do not pass then we can still go back to the motion to dismiss or the motion to go to investigative hearing, hold on just a second.

[Discussion among the committee]

**Rep. Kevin Austin:** And decide the case upon the preliminary hearing. That is the motion before us. If that motion passes, then we can entertain motions for a letter of reproof, for reprimand, or censure. If one of those pass, Representative Love gets a chance to say he does not want to accept that and then we'll go back to the first option which is dismiss the complaint, or proceed by an investigative hearing. So right now before the committee, is Representative Mitten's motion to proceed with deciding the case upon the preliminary hearing, did I state that right Representative?

**Rep. Gina Mitten:** Yes you did. Yes Mr. Chair, I'm sorry.

**Rep. Kevin Austin:** Any further discussion on Representative Mitten's motion? Seeing no further discussion, I move that Representative Mitten's motion to go to decide the case based upon the preliminary hearing be passed. Madam Secretary would you please call the roll?

**Committee Secretary:** Representative Austin?

**Rep. Kevin Austin:** Aye

**Committee Secretary:** Mitten?

**Rep. Gina Mitten:** Aye

**Committee Secretary:** Butler?

**Rep. Michael Butler:** Aye

**Committee Secretary:** Chipman?

**Rep. Jason Chipman:** Aye

**Committee Secretary:** Conway?

**Rep. Pat Conway:** Aye

**Committee Secretary:** Haefner?

**Rep. Marsha Haefner:** Aye

**Committee Secretary:** Kolkmeier?

**Rep. Glen Kolkmeier:** Aye

**Committee Secretary:** Lynch?

**Rep. Steve Lynch:** Aye

**Committee Secretary:** McGee?

**Rep. DaRon McGee:** Aye

**Committee Secretary:** Merideth?

**Rep. Peter Merideth:** Aye

**Rep. Kevin Austin:** By a vote of 10-0 you have passed Representative Mitten's motion. Any further motions? Representative Mitten.

**Rep. Gina Mitten:** Thank you Mr. Chair. I move that this committee recommend that Representative Love be censured and I'm going to read this again what that means. A censure is a sanction that recognizes the conduct constituted a legal or moral wrong and shall include punishment of denying privilege of office which are recommended by this committee and requires the consideration and vote by the entire House with the Representative present. My motion is that we recommend censure and we recommend that Representative Love be removed from all his committees.

**Rep. Kevin Austin:** Any discussion? Representative.

**Rep. Marsha Haefner:** I would like to know what the other options are. Like what would a reprimand- the other two options-

**Rep. Gina Mitten:** I have cheat sheets from the rules if you would like to look at them. So a reprimand is a sanction issued by the Speaker that recognizes the conduct constituted a legal or moral wrong and may include punishment of denying privileges of office and we recommend a punishment in our report but that recommendation may or may not be taken. And the recommendation is part of the public record, but it is not done in public session and it does not require a vote of the House. The third option is a letter of reproof and a letter of reproof is a sanction that expresses the disapproval of conduct regardless of whether it constitutes a legal or moral wrong and it's basically just what you put in a committee report, it's nothing, it's just basically the report. It's part of the report that goes in the journal, so you'd have a letter of reproof that goes in your report, but your report goes in the journal anyway. It recommends no consequences. And I will say in support of my motion that censure was what happened to Senator Chappelle-Nadal. Honestly without the process that we've already entertained.

**Rep. Kevin Austin:** Any further discussion?

**Rep. Michael Butler:** Mr. Chair, I believe that censure is to the Gentleman's term "take him to the woodshed," I agree with my colleague here that I don't think anybody on this committee wants to rise the censure to the level of expulsion or anything more serious or the current recommendation for removing the Gentleman from committees is similar to other recommendations that have been made in the past. It also still allows the Gentleman to have a voice, to file bills, to vote on the House floor, to pretty much serve in every other capacity as a member rather than just sitting on a committee. More importantly, think about the number three committee, this is the third time that someone has made a complaint, whether informally or formally and to the correct people about Representative Love. I think the Representative has been forthcoming he's agreed to take his punishment and he's been very forthcoming about that. This is not the first time this committee or members of this committee have heard about instances regarding Representative Love. I think the recommendations that the lady has made are fair.

**Rep. Kevin Austin:** Further discussion? Seeing none. All in favor of the motion to vote censure will vote aye, all opposed vote no. Madam Secretary please call the roll.

**Committee Secretary:** Representative Austin?

**Rep. Kevin Austin:** No

**Committee Secretary:** Mitten?

**Rep. Gina Mitten:** Aye

**Committee Secretary:** Butler?

**Rep. Michael Butler:** Aye

**Committee Secretary:** Chipman?

**Rep. Jason Chipman:** No

**Committee Secretary:** Conway?

**Rep. Pat Conway:** Aye

**Committee Secretary:** Haefner?

**Rep. Marsha Haefner:** No

**Committee Secretary:** Kolkmeier?

**Rep. Glen Kolkmeier:** No

**Committee Secretary:** Lynch?

**Rep. Steve Lynch:** No

**Committee Secretary:** McGee?

**Rep. DaRon McGee:** Aye

**Committee Secretary:** Merideth?

**Rep. Peter Merideth:** Aye

**Rep. Kevin Austin:** By a vote of 5-5 the motion has failed. Representative Mitten?

**Rep. Gina Mitten:** Thank you Mr. Chair. I move that this committee issue a reprimand for Representative Love. And again a reprimand is a sanction issued by the Speaker, recognizing the conduct constituted a legal or moral wrong and which may include the punishment of denying privileges of office, that recommendation being part of our report. I recommend that our report include a recommendation for reprimand and a recommendation that Representative Love's punishment of the denial of privileges be removal from all of his committees. And again I think that members of the committee can disagree on sort of the relative treatment of the two sort of actions that we've been talking about today and I think we can all sort of agree to disagree about whether that's appropriate or not, we obviously get to control our own process, but I do believe that it is imperative that there be consequences for, as Representative Butler mentioned, we're at the third strike and part of why I asked the Representative some of the questions that I did is that there's a reason that we impose consequences on people for bad language and that is because it could be a mistake sometimes but at some point it becomes active behavior and we want it to stop, it's really what we want and I think it's important that this body send a message about that, so I urge everybody to support this motion.

**Rep. Kevin Austin:** Further discussion? Representative.

**Rep. Marsha Haefner:** I just wanted to comment that I appreciate the Lady's motion I do support it. I think that the Speaker will make the right choices as to what the appropriate punishment should be, we all get to weigh in as a committee as to what we believe the punishment should be. But I appreciate the fact that we're not comparing one incident with another, that we're just taking this one on its own merits and making the decision based on what's in front of us now and I do support the motion.

**Rep. Kevin Austin:** Further discussion? Representative.

**Rep. Peter Merideth:** Just to speak on the motion. I will say that I'm slightly conflicted on this motion. I'm frustrated to have a message sent to the public that we have a different level of treatment for comments that are offensive like this on Facebook than was held in the Senate. I also am tempted to suggest that we move for an investigative hearing instead. To be honest, based on Representative Love's conversation with Representative McGee and following conversation with myself, I'm not convinced that he understands why somebody would be offended by his comments and thinking from a more restorative approach rather than a punitive approach, could appreciate the opportunity for the public to weigh in, both supporters of Representative Love explaining what this phrase might mean to them and constituents of mine and perhaps his as well who were deeply offended, hearing from them why. I think that could be a very healthy process. That said, I don't want to walk out of here with no response so I will be supporting this motion.

**Rep. Kevin Austin:** Further discussion? Seeing none, all in favor of the motion to reprimand will vote aye, all opposed vote no. Madam Secretary please call the roll.

**Committee Secretary:** Representative Austin?

**Rep. Kevin Austin:** No

**Committee Secretary:** Mitten?

**Rep. Gina Mitten:** Yes

**Committee Secretary:** Butler?

**Rep. Michael Butler:** Yes

**Committee Secretary:** Chipman?

**Rep. Jason Chipman:** No

**Committee Secretary:** Conway?

**Rep. Pat Conway:** Yes

**Committee Secretary:** Haefner?

**Rep. Marsha Haefner:** Aye

**Committee Secretary:** Kolkmeier?

**Rep. Glen Kolkmeier:** No

**Committee Secretary:** Lynch?

**Rep. Steve Lynch:** No

**Committee Secretary:** McGee?

**Rep. DaRon McGee:** Yes

**Committee Secretary:** Merideth?

**Rep. Peter Merideth:** Yes

**Rep. Kevin Austin:** By a vote of 6-4 you have passed this motion and per the rules of procedure, Representative Love you get to again accept this or deny this and then we'll proceed accordingly.

**Melvin Lee Gilbert:** We would be denying that please.

**Rep. Kevin Austin:** Representative Mitten.

**Rep. Gina Mitten:** Mr. Chair I move that the committee proceed to an investigative hearing given that we've run out of options.

**Rep. Kevin Austin:** Any discussion? Representative.

**Rep. Marsha Haefner:** I go back to comments I made before. We need to make a decision based on facts and I don't know what more there could be to investigate. We have what he said, we have what this committee is charged to do. And for us to sit here through another hearing and hear the emotional testimony, the interpretations, all the different other things out there that aren't really about what this committee is charged to do. I think there would be no purpose in that, and I would not support that motion.

**Rep. Kevin Austin:** Representative.

**Rep. Peter Merideth:** Thank you. For the same reasons that I just said, I strongly support this motion. I think it would be very valuable for us to allow public input on this from our own constituents, from Representative Love's constituents and from folks around the state, both in his defense and those who were offended by his statement. I think that's a healthy process that would give us quite a bit more information to work with and make our decision. Frankly I also think that because Representative Love told us that he was ready to abide by our recommendation until he heard what our recommendation was, I have a problem with us then walking away with not even a slap on the wrist in this case where we in fact voted for a recommendation of a reprimand. And because we voted for reprimand and we were told he would abide by that vote and now he has not, I believe we should go forward with an investigative hearing.

**Rep. Kevin Austin:** Let me briefly address too. I think there was a comment that there's no other option, there certainly are options. If we don't have a resolution today, we still will submit a report and in that report we will certainly include the vote in favor of reprimand and that vote will be submitted to the Speaker and will be made public. Having said that, any further discussion on the motion to proceed to an investigative hearing, Representative Mitten.

**Rep. Gina Mitten:** Thank you. Just to clarify, regardless of what the report says these votes are going to be—they're public record anyhow and obviously they're public record, we've taken these votes on public record. The fact that we've taken these votes is public record. I frankly, I cannot express how disappointed I am in the representative for basically going back on his word. He made a commitment to this body and said that he would abide by what we decided. We made a decision, which I think was a reasonable decision, under the circumstances, it's a decision that still allows the Speaker some latitude, and despite telling us that he would abide by what this committee decided, he then decided to change his mind and I think that at a minimum, we need to be cognizant of the fact that that's really not acceptable behavior and as members of this body, we are all charged with holding ourselves to a very high standard. And honest to God, I don't know anybody in this building that doesn't believe that our word is our bond. And the fact that we've had somebody give us their word, which I take to be a bond, and has broken it, within ten

minutes, is extremely disconcerting to me, and while I recognize the lady's comments about an investigative hearing, the concern that I have is that nothing will happen. If we don't move to the next step that there will be no consequences, there will be no punishment, and I think that for this body to basically condone these comments and condone the breaking of a word is a sad state of affairs. Thank you.

**Rep. Kevin Austin:** Representative.

**Rep. Peter Merideth:** Just a quick question. Was the Representative under oath still-

**Rep. Gina Mitten:** Yes.

**Rep. Peter Merideth:** -when he agreed to abide by the decision of this committee?

**Rep. Gina Mitten:** Yes.

**Rep. Kevin Austin:** But the rules of procedure allow him to say yes then and once we vote on it say no.

**Rep. Peter Merideth:** So under the rules of procedure, what is the point of the initial question?

**Rep. Kevin Austin:** You know, I don't know, but that's what the rules say and we're going to follow them as they are.

**Rep. Peter Merideth:** Okay. But he was under oath when he said he would abide by the decision of the committee.

**Rep. Kevin Austin:** He was sworn in after the opening statement, when the inquiry began he remained sworn in.

**Rep. Peter Merideth:** Thank you.

**Rep. Kevin Austin:** Alright, seeing no further discussion. All in favor of the motion to refer this to an investigative hearing vote aye, all opposed vote no. Madam secretary please call the roll.

**Committee Secretary:** Representative Austin?

**Rep. Kevin Austin:** No

**Committee Secretary:** Mitten?

**Rep. Gina Mitten:** Aye

**Committee Secretary:** Butler?

**Rep. Michael Butler:** Aye

**Committee Secretary:** Chipman?

**Rep. Jason Chipman:** No

**Committee Secretary:** Conway?

**Rep. Pat Conway:** Aye

**Committee Secretary:** Haefner?

**Rep. Marsha Haefner:** No

**Committee Secretary:** Kolkmeier?

**Rep. Glen Kolkmeier:** No

**Committee Secretary:** Lynch?

**Rep. Steve Lynch:** No

**Committee Secretary:** McGee?

**Rep. DaRon McGee:** Aye

**Committee Secretary:** Merideth?

**Rep. Peter Merideth:** Aye

**Rep. Kevin Austin:** By your vote of 5-5 the motion fails. Any further motions? Seeing none, pursuant to rule 11, I would ask counsel to prepare a draft report for the committee, pursuant to rule 11 and submit it to me and the vice-chair within 30 days. I also ask the sooner, the better. Thank you sir. With that, this meeting is adjourned.

TRANSCRIPT SUBMITTED BY:

/s/ Rep. Gina Mitten, Vice-Chair

/s/ Rep. Pat Conway

/s/ Rep. Michael Butler

/s/ Rep. DaRon McGee

/s/ Rep. Peter Merideth

**Committee on Health and Mental Health Policy**, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 1499**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (10): Arthur, Frederick, Haefner, Messenger, Morris (140), Pfautsch, Smith (163), Stephens (128), Stevens (46) and Wiemann

Noes (0)

Absent (1): Walker (74)

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 2105**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (10): Arthur, Frederick, Haefner, Messenger, Morris (140), Pfautsch, Smith (163), Stephens (128), Stevens (46) and Wiemann

Noes (0)

Absent (1): Walker (74)

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 2127**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (8): Frederick, Haefner, Messenger, Morris (140), Pfautsch, Smith (163), Stephens (128) and Wiemann

Noes (2): Arthur and Stevens (46)

Absent (1): Walker (74)

### 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 passed **SS SCS SB 549** entitled:

An act to repeal sections 620.809 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to the reauthorization of financial incentives for job creation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#5 SB 564** entitled:

An act to repeal sections 386.266, 386.390, and 393.170, RSMo, and to enact in lieu thereof twelve new sections relating to public utilities, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 569** entitled:

An act to repeal sections 456.1-103 and 456.8-808, RSMo, and to enact in lieu thereof two new sections relating to immunity for trustees.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 573** entitled:

An act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax deductions for military personnel.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 581** entitled:

An act to repeal section 535.300, RSMo, and to enact in lieu thereof one new section relating to security deposits held by landlords.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 586** entitled:

An act to amend chapter 21, RSMo, by adding thereto one new section relating to the establishment of the joint committee on disaster preparedness and awareness.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 593** entitled:

An act to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial solvency of insurance companies, with penalty provisions and a delayed effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 594** entitled:

An act to repeal section 379.321, RSMo, and to enact in lieu thereof one new section relating to insurance markets for commercial insurance.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 623** entitled:

An act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 626** entitled:

An act to repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to distribution of petroleum products.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 629** entitled:

An act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 649** entitled:

An act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to the per ton fee for using explosives.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 708** entitled:

An act to repeal sections 105.1073, 303.020, 303.030, 303.120, 303.190, 303.240, 379.110, and 379.118, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicle financial responsibility, with an effective date for certain sections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 718** entitled:

An act to repeal section 338.202, RSMo, and to enact in lieu thereof one new section relating to maintenance medication.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 775** entitled:

An act to repeal sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 807 & 577** entitled:

An act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof ten new sections relating to higher education, with an existing penalty provision.

In which the concurrence of the House is respectfully requested.

## COMMUNICATIONS

February 19, 2018

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

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session.

I have been working on and plan to file legislation that will deal with the regulatory environment and tax treatment of Vacation Nightly Rental Property, also sometimes referred to as Residential Dwelling Rentals in Missouri. I am writing to disclose that I own property that is to be used as Vacation Nightly Rental property in Missouri. The legislation that I plan to file will affect property owners across our state and no portion of the legislation applies only to me or any family members or associates. That being the case it is my understanding that I am free to offer the legislation and speak on its merits without restriction. I make you aware of my property ownership to avoid any perception of impropriety and to provide full transparency.

In compliance with Section 105.461, please publish this letter in the Journal of the House.

Sincerely,

/s/ Keith Frederick  
District 121

## ADJOURNMENT

On motion of Representative Vescovo, the House adjourned until 10:00 a.m., Tuesday, February 20, 2018.

## COMMITTEE HEARINGS

### AGRICULTURE POLICY

Tuesday, February 20, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 1.

Executive session will be held: HB 1549, HB 2031

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

### CHILDREN AND FAMILIES

Tuesday, February 20, 2018, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 7.

Public hearing will be held: HB 2407

Executive session will be held: HB 2249

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

Removed HB 2234.

AMENDED

### CONSENT AND HOUSE PROCEDURE

Tuesday, February 20, 2018, 8:30 AM, House Hearing Room 4.

Executive session will be held: HB 1442, HB 2196, HB 2187, HCS HCR 66, HB 1968, HB 1469

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

### CONSERVATION AND NATURAL RESOURCES

Wednesday, February 21, 2018, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 2257, HB 2306

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

### CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 20, 2018, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1483, HB 2087, HCR 60, HB 2259, HB 1739

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

AMENDED

### ECONOMIC DEVELOPMENT

Tuesday, February 20, 2018, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 1609

Executive session will be held: HB 1577

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

### ELECTIONS AND ELECTED OFFICIALS

Wednesday, February 21, 2018, 5:00 PM or upon afternoon adjournment (whichever is later), House Hearing Room 1.

Executive session will be held: HB 1857, HB 1347, HB 2144, HR 4891, HB 1424

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

Removed HB 1423 and added HB 1424.

AMENDED

#### FINANCIAL INSTITUTIONS

Tuesday, February 20, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 5.

Public hearing will be held: HB 2419

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

CANCELLED

#### GENERAL LAWS

Tuesday, February 20, 2018, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 5.

Public hearing will be held: HB 1248, HB 1249, HB 1262, HB 1915

Executive session will be held: HB 1510, HB 1651, HB 1795, HB 1870, HB 2155, HB 2179

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

Removed HB 1256, HB 1326, HB 1382, HB 1865, HB 1936 and HB 1937; Added HB 1248, 1249, 1262 and 1915.

AMENDED

#### GOVERNMENT EFFICIENCY

Tuesday, February 20, 2018, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 1565, HB 2211, HB 1644, HB 1486

Executive session will be held: HB 1576, HB 1443

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

Added HB 1486 for continued hearing.

HB 1289 removed.

AMENDED

#### INSURANCE POLICY

Tuesday, February 20, 2018, 12:00 PM or upon adjournment (whichever is later), House Hearing Room 4.

Public hearing will be held: HB 1542, HB 2270

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

#### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Monday, March 5, 2018, 3:00 PM, House Hearing Room 5.

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

1st quarter meeting.

Presentation of 2018 Annual Report.

#### JUDICIARY

Tuesday, February 20, 2018, 5:00 PM or upon evening adjournment (whichever is later), House Hearing Room 1.

Public hearing will be held: HB 1255, HB 2101, HB 1681, HB 1509

Executive session will be held: HB 1353, HB 1491, HB 1689, HB 1463

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

Witness testimony will be limited to 3 minutes unless cleared with the Chair.

#### LOCAL GOVERNMENT

Wednesday, February 21, 2018, 12:00 PM or 15 minutes upon conclusion of morning session (whichever is later), House Hearing Room 1.

Public hearing will be held: HB 1929, HB 1978, HB 2030, HB 2111, HB 2186

Executive session will be held: HB 1893, HB 2243

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

#### SPECIAL COMMITTEE ON EMPLOYMENT SECURITY

Tuesday, February 20, 2018, 8:45 AM, House Hearing Room 6.

Public hearing will be held: HB 1799, HB 2438

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

#### SPECIAL COMMITTEE ON INNOVATION AND TECHNOLOGY

Wednesday, February 21, 2018, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 4.

Public hearing will be held: HB 1432

Executive session will be held: HB 1888, HB 2157, HB 2279

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

#### SPECIAL COMMITTEE ON TAX POLICY FOR WORKING FAMILIES

Monday, February 26, 2018, 1:00 PM, House Hearing Room 5.

Public hearing will be held: HB 2315, HB 2316

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

#### SPECIAL COMMITTEE ON TOURISM

Wednesday, February 28, 2018, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 4.

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

The Missouri Division of Tourism will present their Annual Report.

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

Wednesday, February 21, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 6.

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

Appropriation Subcommittee Markup

#### SUBCOMMITTEE ON APPROPRIATIONS - EDUCATION

Wednesday, February 21, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 3.

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

Appropriation Subcommittee Markup

#### SUBCOMMITTEE ON APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 26, 2018, 1:00 PM, House Hearing Room 3.

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

Appropriation Subcommittee Markup

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

Tuesday, February 20, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 3.

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

Appropriation Subcommittee Markup

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

Tuesday, February 27, 2018, 8:15 AM, House Hearing Room 3.

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

Appropriation Subcommittee Markup

**SUBCOMMITTEE ON MASS TRANSIT SECURITY**

Wednesday, February 21, 2018, 5:30 PM or upon adjournment (whichever is later), House Hearing Room 4.

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

The hearing will be for organizational purposes only.

**SUBCOMMITTEE ON SHORT TERM FINANCIAL TRANSACTIONS**

Tuesday, February 20, 2018, 12:30 PM or upon conclusion of morning session (whichever is later), House Hearing Room 5.

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

Public testimony will be heard from the short-term lending community, consumers, and the banking industry.

CORRECTED

**SUBCOMMITTEE ON TAX CREDIT REVIEW**

Tuesday, February 20, 2018, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 7.

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

Public testimony on Low Income Housing Credit, Manufacturing Jobs Act, Maternity Home Credit, Meat Processing Facility Investment Tax Credit, Missouri Business Modernization and Technology, Missouri Development Financial Board—Bond Guarantee, Missouri Development Financial Board—Infrastructure Development Fund Contribution Tax Credit, Missouri Examination Fee and Other Credit, Missouri Health Insurance Pool Assessment Credit, Missouri Life and Health Insurance Guaranty Association Credit, Missouri Property and Casualty Insurance Guaranty Association Credit, Missouri Quality Jobs, Missouri Works Credit, Neighborhood Assistance Credit, Neighborhood Preservation Tax Credit, New and Expanded Business Facility Credit, New Markets Tax Credits, New Generation Cooperative Incentive Credit, New or Expanded Business Facility Credit, Pregnancy Resource Center Tax Credit, Processed Wood Energy Credit, Public Safety Officer Surviving Spouse Tax Credit, Qualified Alternative Refueling Credit, Qualified Beef Tax Credit, Quality Jobs, Rebuilding Communities Credit, Rebuilding Communities and Neighborhood Preservation Act Credit, Remediation Tax Credit, Residential Dwelling Accessibility Tax Credit, Residential Treatment Agency Tax Credit, Rolling Stock Tax Credit, Self-Employed Health Insurance Tax Credit, Senior Citizen

Property Tax Relief, Shared Care Tax Credit, Shelter for Victims for Domestic Violence, Small Business Incubator Credit, Special Needs Adoption, Sporting Event Credit, Sporting Contribution Credit, Transportation Development, Wine and Grape Production Credit, Wood Energy, and Youth Opportunities Credit.

#### TRANSPORTATION

Wednesday, February 21, 2018, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 2318, HB 2330, HB 2347, HB 2368, HJR 75, HB 2268

Executive session will be held: HB 2274, HB 1983, HB 2277, HB 2153, HB 2080, HB 2286

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

We will go into executive session first; all members please try to be there. We will adjourn at 9:30 AM. HB 2180 will not be heard this week.

AMENDED

#### UTILITIES

Wednesday, February 21, 2018, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 5.

Executive session will be held: HB 2265

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

#### VETERANS

Tuesday, February 20, 2018, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 2339

Executive session will be held: HCS HB 1503

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

AMENDED

### **HOUSE CALENDAR**

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 20, 2018

#### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 87 - Basye

#### **HOUSE BILLS FOR SECOND READING**

HB 2490 through HB 2499

#### **HOUSE BILLS FOR PERFECTION**

HB 1464 - Berry

HB 1558 - Neely

HCS HB 1300 - Conway (104)

HCS HB 1572 - Rowland (155)

HB 1887 - Bahr

HCS HB 1366 - Basye

HB 1998 - Bondon  
HCS HB 1268 - Lichtenegger  
HB 1809 - Tate  
HCS HB 1873 - Taylor  
HB 1428 - Muntzel  
HB 1896 - Swan  
HCS HB 1618 - Barnes (60)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 1677 - Lauer  
HB 1607 - Korman  
HB 1600 - Higdon  
HB 1512 - Corlew  
HB 2044 - Taylor  
HB 1578 - Kolkmeyer  
HCS HB 2034 - Curtman

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 53 - Dohrman

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 1383 - Miller  
HCS HBs 1288, 1377 & 2050, HCA 1 - Engler  
HB 1429, (Fiscal Review 2/8/18) - Muntzel

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1247 - Pike  
HB 1349 - Black  
HB 1355 - Phillips  
HB 1375 - Ruth  
HB 1481 - Wiemann  
HB 1552 - Neely  
HB 1351 - Beard  
HCS HB 1597 - Fraker  
HB 1660 - Swan  
HCS HB 1663 - Swan  
HB 1675 - Redmon  
HB 1676 - Redmon  
HB 1905 - Walker (3)

**SENATE BILLS FOR SECOND READING**

SS SCS SB 549  
SS#5 SB 564  
SB 569  
SB 573  
SB 581  
SS SCS SB 586  
SS SCS SB 593  
SB 594  
SCS SB 623  
SB 626  
SCS SB 629  
SB 649  
SB 708  
SCS SB 718  
SS SCS SB 775  
SCS SBs 807 & 577

**ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

HCS HB 1 - Fitzpatrick  
CCS SCS HCS HB 2 - Fitzpatrick  
CCS SCS HCS HB 3 - Fitzpatrick  
CCS SCS HCS HB 4 - Fitzpatrick  
CCS SCS HCS HB 5 - Fitzpatrick  
CCS SCS HCS HB 6 - Fitzpatrick  
CCS SCS HCS HB 7 - Fitzpatrick  
CCS SCS HCS HB 8 - Fitzpatrick  
CCS SCS HCS HB 9 - Fitzpatrick  
CCS SCS HCS HB 10 - Fitzpatrick  
CCS SCS HCS HB 11 - Fitzpatrick  
CCS SCS HCS HB 12 - Fitzpatrick  
SCS HCS HB 13 - Fitzpatrick  
CCS SCS HCS HB 17 - Fitzpatrick  
SCS HCS HB 18 - Fitzpatrick