

# HOUSE INDEPENDENT BIPARTISAN CITIZENS COMMISSION (HIBCC)

## Minutes

Tuesday, August 10, 2021

State Capitol Building – House Hearing Room 7

Meeting started at approximately 10:00 am

**Commissioners Present:** Penny Adams, Laura Cox, Harvey Ferdman, Alan Griffin, Jerry Hunter, Curtis Jared, Becky Leonard, Jason Ludwig, Matt Maher, Kay Mills, Michael Moroni, Melissa Patterson Hazley, Jonathan Ratliff, Vicki Riley, Mark Schaeperkoetter, Rick Shang, Keena Smith, Pat Thomas, James Thomas III, and Daniel Wilson

**Members Absent:** None

Jim McAdams, Deputy Commissioner Office of Administration welcomed the commissioners and opened the meeting.

The Honorable Chris Limbaugh, Judicial Circuit 19, administered the oath to all of the commissioners.

Commissioner **Thomas III** moved that consistent with the practice from 2001 and 2011 that the Chair be from the Governor's party and the Vice Chair be from the other party that Jerry Hunter be elected Chair and a person designated by the Democrats be elected as Vice Chair. Seconded by Commissioner **Wilson**. Roll call vote was 10 to 10. (Party line vote) Failed

Commissioner **Ludwig** nominated Keena Smith for Chair. He proposes 1.) That if the vote is a tie vote, there be a coin toss. 2.) The losing party is vice chair. 3.) And, the Chair and Vice Chair will alternate leading meetings. The motion was seconded by Commissioner **Smith**.

Commissioner **Thomas III** nominated Jerry Hunter for Chair. Seconded by **Wilson**.

Roll call vote was 10 to 10. (Party line vote) Failed to elect a chair

Commissioner **Ludwig** moved that the election of the chair be decided by a coin toss with the party losing the toss receiving the positions of vice chair and the responsibility of chairing meetings to alternate between chair and vice chair. Seconded by **Smith**.

Commissioner **Hunter** asked to table motion on the floor. Seconded by Commissioner **Griffin**. Approved by voice vote.

Commissioner **Pat Thomas** motioned for a 10 minutes recess at 11:00 a.m. Seconded by Commissioner **Griffin**.

Reconvened at 11:17 a.m.

Vote on Commissioner **Ludwig** motion that was previously tabled. Roll call vote was 10 to 10. (Party line vote) Failed

Commissioner **Pat Thomas** moved that the commission officials be elected as a slate with the chair being a Republican and the vice chair and secretary being Democrats. Seconded by **Wilson**. Roll call vote was 10 to 10. (Party line vote) Failed

Commissioner **Patterson Hazley** moved that the election of the chair be decided by a coin toss. Seconded by **Ludwig**. Roll call vote was 10 to 10. (Party line vote) Failed

Commissioner **Wilson** moved that the commission stand in recess until 1:00 PM. Seconded by **Moroni**. Approved by voice vote.

Reconvened at 1:09 pm.

Commissioner **Ludwig** moved that the commission table consideration of officers and move forward with considering the commission's rules for public meetings. Seconded by **Smith**.

The commission stood in recess for ten minutes, approved via voice vote.

Reconvened at 1:33 pm.

Commissioner **Jared** moved that the commission adopt the same dates for public meetings as the Senate.

Commissioner **Jared** withdrew the motion.

Commissioner **Pat Thomas** moved that the commission hold six meetings across the state as follows:

- October 18<sup>th</sup>, Springfield
- October 19<sup>th</sup>, Kansas City
- October 21<sup>st</sup>, St. Louis
- November 4<sup>th</sup>, Jefferson City
- November 9<sup>th</sup>, Cape Girardeau
- November 10<sup>th</sup>, Kirksville

Seconded by Commissioner **Griffin**. Approved by voice vote.

Commissioner **Wilson** moved that commissioners be allowed to attend and vote at meetings via video. Seconded by **Ludwig**. Approved by voice vote. Commissioner **Hunter** abstained.

**Wilson** moved that the commission allow written testimony. Seconded by **Ludwig**.

Commissioner **Thomas** moved that written testimony be accepted via a web-form created by OA to be available no later than October 18<sup>th</sup> and ceasing to accept testimony at the close of

business on November 12<sup>th</sup>. Seconded by **Wilson**. Approved by voice vote. Commissioner **Thomas III** voted no. Commissioner **Hunter** abstained.

Commissioner **Ludwig** moved that the commission stand in recess for 15 minutes at 2:30. Seconded by **Wilson**. Approved by voice vote.

Reconvened at 2:50 pm.

**Shang** moved that the Office of Administration take and keep records, including video and transcripts, to be made available to the commission within 24 hours of each meeting. No second. Motion died.

Commissioner **Jared** moved that **Hunter** be elected Chair and the vice chair and secretary be selected by the Democrats. Seconded by **Wilson**. Roll call vote was 10 to 10. (Party line vote) Failed to elect a chair.

Commissioner **Ludwig** moved that the election of the chair be decided by a coin toss with the party losing the toss receiving the positions of vice chair and secretary and the responsibility of chairing meetings to alternate between chair and vice chair. Seconded by **Patterson Hazley**. Roll call vote was 10 to 10. (Party line vote) Failed to elect a chair.

Commissioner **Griffin** moved that the commission vote for chair by paper ballot with Hunter being Republican candidate and Smith being the Democratic candidate and the party losing the election selecting the vice chairman and secretary. Seconded by Commissioner **Jared**. Roll call vote was 20 to 0. Passed.

The election resulting from that motion was a tie between Hunter and Smith. Each received 10 votes.

Commissioner **Smith** moved that the commission stand in recess for 15 minutes at 4:08 pm. Seconded by **P. Thomas**. Approved by voice vote.

Reconvened at 4:45 pm.

Commissioner **Thomas III** moved that **Hunter** be elected Chair, **Smith** be elected vice chair and a democrat be elected Secretary and that the chairs sit next to each other at meetings at public hearings and shall work together to take public testimony including acting as co-chairs at hearings to receive public testimony.

Commissioner **Ludwig** offered a written friendly amendment which **Thomas III** accepted.

After discussion the previous amendment and motion were withdrawn and for purposes of clarity the following restated motion was submitted. Commissioner **Thomas III** moved that **Hunter** be elected Chair, **Smith** be elected vice chair and **Schaeperkoetter** be elected Secretary. Chair and vice chair will sit next to each other at public hearings and shall work together to take public testimony including acting as co-chairs at hearings to receive public testimony with the chair and vice chair alternating in final authority at each hearing to resolve points of order at public hearings for receiving public testimony with the chair having final decision-making authority at the first meeting for receiving public testimony. Seconded by **Wilson**. Approved by voice vote.

Chair **Hunter** began to lead the meeting.

Commissioner **Griffin** moved that the commission adopt Roberts Rules of Order with the following amendments:

1. No members shall be allowed to vote by proxy.
2. The chair and vice chair shall always be allowed to vote on matters before the commission
3. 14 members shall be able to call a meeting of the commission
4. Electronic video shall be allowed for commissioners to attend and vote during meetings as provided by OA.

Seconded by **Ludwig**. Approved by voice vote.

Commissioner **Ferdman** and Commissioner **Griffin** agreed to a friendly amendment for proposed rule #4 related to OA's ability to choose when video attendance would be possible. Approved by voice vote.

Commissioner **Thomas III** moved that the commission adopt 4 rules, which he presented to the Chair in written format.

1. Materials received by the commission should be distributed by OA
2. Any witness appearing in person at a public hearing will be allowed to provide written documents to the Commissioners and to use any available and compatible state-provided audio-visual equipment or other methods to present visual aids related to their comments. A witness wishing to do so shall coordinate with OA staff prior to the meeting.
3. Any public hearing of the Commission shall be recorded with both video and audio, if possible, and shall be posted on the Office of Administration website. If video and audio recording is not possible at the location of the hearing, the Commission shall employ a court reporter and shall have the hearing transcribed in full.
4. No witness appearing in person shall be allowed to speak for more than five (5) minutes unless an extension is granted prior to the beginning of the witness' testimony by agreement of the Chair and Vice Chair or a vote of the Commission. If a witness has testified at a previous hearing, such person shall be heard after witnesses who have not previously testified.

Seconded by **Wilson**. Approved by voice vote.

Commissioner **Ratliff** made a motion to adjourn. Seconded by **Jared**. Approved by voice vote.

The Commission adjourned at 6:36 pm.