

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1595, Page 4, Section 115.237, Line 45,
2 by inserting after all of said section and line the following:

3
4 "115.1300. 1. This section shall be known and may be cited as "The Legislative
5 Intervention Act".

6 2. As used in this section, the term "public official" shall mean any elected or appointed
7 officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or
8 other public body established by law.

9 3. In any civil action in a state or federal court, no public official, or attorney acting on his
10 or her behalf, shall agree to any disposition of such action that nullifies, suspends, enjoins, alters, or
11 conflicts with any provision of chapters 115, 116, 122, or 128.

12 4. Any disposition of any civil action to which a public official agrees that conflicts with
13 subsection 3 of this section shall be void.

14 5. Nothing in this section shall limit or otherwise restrict any powers granted by Article III
15 or Article VIII of the Constitution of Missouri.

16 6. When a party to an action in state or federal court challenges the constitutionality of a
17 statute facially or as applied, challenges a statute as violating or preempted by federal law, or
18 otherwise challenges the construction or validity of a statute, as part of a claim or affirmative
19 defense, that party shall provide a copy of the pleading to the speaker of the house of representatives
20 and the president pro tempore of the senate within fourteen days of filing the pleading with the
21 court. The speaker of the house of representatives and the president pro tempore of the senate may
22 intervene to defend against the action at any time in the action as a matter of right by serving motion
23 upon the parties as provided by applicable court rules.

24 7. The speaker of the house of representatives may intervene at any time in an action on
25 behalf of the house of representatives. The speaker may obtain private legal counsel, with the cost
26 of representation paid from funds appropriated for that purpose, to represent the house of
27 representatives in any action in which the speaker intervenes.

28 8. The president pro tempore of the senate may intervene at any time in an action on behalf
29 of the senate. The president pro tempore may obtain private legal counsel, with the cost of
30 representation paid from funds appropriated for that purpose, to represent the senate in any action in

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1 which the president pro tempore intervenes.

2 9. The president pro tempore of the senate and the speaker of the house of representatives,
3 acting jointly, may intervene at any time in an action on behalf of the general assembly. The
4 president pro tempore and the speaker, acting jointly, may obtain private legal counsel, with the cost
5 of representation paid from funds appropriated for that purpose, to represent the general assembly in
6 any action in which the president pro tempore and speaker jointly intervene.

7 10. No individual member, or group of members, of the senate or the house of
8 representatives, except the president pro tempore and the speaker as provided under this section,
9 shall intervene in an action described in this section or obtain legal counsel at public expense under
10 this section in the member's or group's capacity as a member or members of the senate or the house
11 of representatives.

12 11. Notwithstanding any contrary provision of law, the participation of the speaker of the
13 house of representatives or the president pro tempore of the senate in any state or federal action, as a
14 party or otherwise, does not constitute a waiver of the legislative immunity or legislative privilege
15 of any member, officer, or staff of the general assembly."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.