

FIRST REGULAR SESSION

HOUSE BILL NO. 717

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEATON.

0237H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 1.185, RSMo, and to enact in lieu thereof one new section relating to intervention by the general assembly.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 1.185, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 1.185, to read as follows:

1.185. 1. As used in this section, the term "public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.

2. **(1)** In any civil action in a state or federal court, no public official, including any attorney representing or acting on behalf of a public official, has any authority to compromise or settle an action, consent to any condition, or agree to any order in connection therewith if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or conflicts with any provision of chapters 115 to 128.

~~3.~~ **(2)** Any compromise, settlement, condition, or order to which a public official agrees that conflicts with ~~subsection 2~~ **subdivision (1)** of this ~~section~~ **subsection** is void and has no legal effect.

~~4.~~ **3.** Nothing in this section shall be construed to limit or otherwise restrict any powers granted by Article III or VIII of the Constitution of Missouri.

~~5.~~ **4.** When a party to an action in state or federal court challenges ~~the constitutionality of~~ a statute **or constitutional provision** facially or as applied, challenges a statute **or constitutional provision** as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute **or constitutional provision**, as part of a

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 claim or affirmative defense, that party shall provide a copy of the pleading to the speaker of
19 the house of representatives and the president pro tempore of the senate within fourteen days
20 of filing the pleading with the court. The speaker of the house of representatives and the
21 president pro tempore of the senate may intervene to defend against the action at any time in
22 the action as a matter of right by serving motion upon the parties as provided by applicable
23 rules of civil procedure.

24 ~~[6-]~~ 5. The speaker of the house of representatives may intervene at any time in an
25 action on behalf of the house of representatives. The speaker may obtain legal counsel other
26 than from the attorney general, with the cost of representation paid from funds appropriated
27 for that purpose, to represent the house of representatives in any action in which the speaker
28 intervenes.

29 ~~[7-]~~ 6. The president pro tempore of the senate may intervene at any time in an action
30 on behalf of the senate. The president pro tempore may obtain legal counsel other than from
31 the attorney general, with the cost of representation paid from funds appropriated for that
32 purpose, to represent the senate in any action in which the president pro tempore intervenes.

33 ~~[8-]~~ 7. The president pro tempore of the senate and the speaker of the house of
34 representatives, acting jointly, may intervene at any time in an action on behalf of the general
35 assembly. The president pro tempore and the speaker, acting jointly, may obtain legal counsel
36 other than from the attorney general, with the cost of representation paid from funds
37 appropriated for that purpose, to represent the general assembly in any action in which the
38 president pro tempore and speaker jointly intervene.

39 ~~[9-]~~ 8. No individual member, or group of members, of the senate or of the house of
40 representatives, except the president pro tempore and the speaker as provided under this
41 section, shall intervene in an action described in this section or obtain legal counsel at public
42 expense under this section in the member's or group's capacity as a member or members of
43 the senate or the house of representatives.

44 ~~[10-]~~ 9. Notwithstanding any contrary provision of law, the participation of the
45 speaker of the house of representatives or the president pro tempore of the senate in any state
46 or federal action, as a party or otherwise, does not constitute a waiver of the legislative
47 immunity or legislative privilege of any member, officer, or staff of the general assembly.

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