

FIRST REGULAR SESSION

# HOUSE BILL NO. 481

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

1285H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to the legislative intervention act.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be known as section 115.1300, to read as follows:

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

**2. As used in this section, the term "public official" shall mean 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.**

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

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

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

**6. When a party to an action in state or federal court challenges the constitutionality of a statute facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, that party shall provide a copy of the**

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 **pleading to the speaker of the house of representatives and the president pro tempore of**  
19 **the senate within fourteen days of filing the pleading with the court. The speaker of the**  
20 **house of representatives and the president pro tempore of the senate may intervene to**  
21 **defend against the action at any time in the action as a matter of right by serving motion**  
22 **upon the parties as provided by applicable court rules.**

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

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

31 **9. The president pro tempore of the senate and the speaker of the house of**  
32 **representatives, acting jointly, may intervene at any time in an action on behalf of the**  
33 **general assembly. The president pro tempore and the speaker, acting jointly, may**  
34 **obtain private legal counsel, with the cost of representation paid from funds**  
35 **appropriated for that purpose, to represent the general assembly in any action in**  
36 **which the president pro tempore and speaker jointly intervene.**

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

42 **11. Notwithstanding any contrary provision of law, the participation of the**  
43 **speaker of the house of representatives or the president pro tempore of the senate in any**  
44 **state or federal action, as a party or otherwise, does not constitute a waiver of the**  
45 **legislative immunity or legislative privilege of any member, officer, or staff of the**  
46 **general assembly.**

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