

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend \_\_\_\_\_ Senate Bill No. 695, Page 1, Section Title, Lines 3-4,

2 by striking said lines and inserting in lieu thereof the  
 3 following: "relating to boards and commissions."; and

4 Further amend said bill and page, section A, line 3, by  
 5 inserting after all of said line the following:

6 "26.305. 1. Notwithstanding any provision of law to the  
 7 contrary, when the governor makes an appointment to any state  
 8 board or commission when the senate is not in session, the  
 9 governor shall notify the Missouri senate of the appointment in  
 10 writing. No appointee shall be sworn in or serve in his or her  
 11 official duties in the position until such time as the senate has  
 12 been notified of the appointment. Once the appointment has been  
 13 made and the senate is notified, the governor is prohibited from  
 14 withdrawing or rescinding the appointment unless such action is  
 15 authorized by the Missouri senate. In order to withdraw or  
 16 rescind an appointment, when the senate reconvenes, the governor  
 17 may request an appointment be sent back without prejudice.  
 18 However, if the senate rejects the request or does not approve  
 19 the request and the time frame by which the senate was to  
 20 consider the original appointment expires without the senate  
 21 giving its advice and consent, the appointee shall be deemed

1 rejected and prohibited from being reappointed. Nothing in this  
2 section shall prohibit the governor from removing a member of a  
3 board or commission with written notice and hearing on charges of  
4 malfeasance, misfeasance, or nonfeasance in office.

5 2. If an appointee who has been appointed when the senate  
6 is not in session chooses to resign from his or her position  
7 prior to receiving the advice and consent of the senate, the  
8 governor shall notify the senate of the resignation and request  
9 for the nomination to be sent back without prejudice. However,  
10 if the senate rejects the request or does not approve the  
11 request, and the time frame by which the senate was to consider  
12 the original appointment expires, the appointee shall be deemed  
13 rejected and prohibited from being reappointed.

14 3. The governor shall be prohibited from reappointing an  
15 appointee that was appointed prior to the effective date of this  
16 section if the appointee was appointed when the senate was not in  
17 session and resigned his or her position prior to receiving the  
18 advice and consent of the senate.

19 4. No person whose appointment requires the advice and  
20 consent of the senate shall have the authority to act prior to  
21 receiving the advice and consent of the Senate:

22 (1) If such person is reappointed to a position by the  
23 governor while the senate is not in session; and

24 (2) Such person's prior appointment to such position on the  
25 administrative board or commission failed, for any reason, to  
26 receive the advice and consent of the senate.

27 5. Notwithstanding any provision of law to the contrary, at  
28 all meetings of any state board or commission only members that  
29 have received the advice and consent of the senate shall be

1 counted for purposes of determining the existence of a quorum.";  
2 and

3 Further amend said bill, page 2, section 161.026, line 39,  
4 by inserting after all of said line the following:

5 "161.032. The members of the board shall be citizens of  
6 high moral standards and recognized ability in their respective  
7 business or profession, who have resided in the state for not  
8 less than five years immediately preceding their appointment, and  
9 not more than one of whom shall be a resident of the same county  
10 or congressional district. At no time shall more than four  
11 members be of the same political party and at no time shall more  
12 than two members be classified as "independent". No member of  
13 the board shall be connected, either as an official or as an  
14 employee, with any public, private, or denominational school,  
15 college or university, nor be the holder of or a candidate for  
16 any public office.

17 161.042. Each member shall take an oath to support the  
18 constitution of the United States and of this state and to  
19 faithfully demean himself or herself in office. Each board  
20 member shall be sworn in during open session of the state board  
21 of education. The oath shall be administered by the president or  
22 vice president of the state board of education.

23 161.052. Any vacancy occurring in the term of office of any  
24 board member shall be filled [by appointment by the governor, by  
25 and with the advice and consent of the senate] subject to the  
26 provisions of section 26.305, for the unexpired term. [If a  
27 vacancy occurs while the general assembly is not in session, the  
28 governor shall make a temporary appointment until the next  
29 session of the general assembly, when he shall nominate some

1 person to fill the office.]" ; and

2 Further amend said bill, page 3, section 161.072, line 20,  
3 by inserting after all of said line the following:

4 "161.082. 1. The board may act only when lawfully convened  
5 in a regular or special meeting, and it may speak only through  
6 its official records. No member of the board has any authority  
7 as an individual by reason of his official position.

8 2. At all meetings of the board, five members that have  
9 received the advice and consent of the senate are necessary to  
10 constitute a quorum for the transaction of business, but no  
11 official actions may be taken unless a majority of the whole  
12 board, all of whom shall have received the advice and consent of  
13 the senate, votes therefor.

14 3. If at any time a quorum of the board has not received  
15 the advice and consent of the senate, the state treasurer shall  
16 distribute all necessary appropriations to school districts  
17 pursuant to state and federal law."; and

18 Further amend the title and enacting clause accordingly.