

FIRST REGULAR SESSION

SENATE BILL NO. 18

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0716S.01I

AN ACT

To repeal sections 161.032, 161.042, and 161.052, RSMo, and to enact in lieu thereof four new sections relating to gubernatorial appointments.

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

Section A. Sections 161.032, 161.042, and 161.052, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 26.305,
3 161.032, 161.042, and 161.052, to read as follows:

26.305. 1. Notwithstanding any provision of law to the contrary,
2 **when the governor makes an appointment to any state board or**
3 **commission when the senate is not in session, the governor shall notify**
4 **the Missouri senate upon the appointment in writing. Once the**
5 **appointment has been made and the senate is notified, the governor is**
6 **prohibited from withdrawing or rescinding the appointment unless**
7 **such action is authorized by the Missouri senate. In order to withdraw**
8 **or rescind an appointment, when the senate reconvenes, the governor**
9 **may request an appointment be sent back without prejudice. However,**
10 **if the senate rejects the request or does not approve the request and**
11 **the time frame by which the senate was to consider the original**
12 **appointment expires without the senate giving its advice and consent,**
13 **the appointee shall be deemed rejected and prohibited from being**
14 **reappointed. Nothing in this section shall prohibit the governor from**
15 **removing a member of a board or commission with written notice and**
16 **hearing on charges of malfeasance, misfeasance, or nonfeasance in**
17 **office. Nothing in this subsection shall prohibit the governor from**
18 **withdrawing an appointee without authorization from the senate if the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 appointee is unable to carry out the duties of the office due to physical
20 or mental illness or if the appointee no longer meets the qualifications
21 of the office.

22 2. If an appointee who has been appointed when the senate is not
23 in session chooses to resign from his or her position prior to receiving
24 the advice and consent of the senate, the governor shall notify the
25 senate of the resignation and request for the nomination to be sent
26 back without prejudice. However, if the senate rejects the request or
27 does not approve the request, and the time frame by which the senate
28 was to consider the original appointment expires, the appointee shall
29 be deemed rejected and prohibited from being reappointed. Nothing in
30 this subsection shall prohibit the governor from withdrawing an
31 appointee without authorization from the senate if the appointee is
32 unable to carry out the duties of the office due to physical or mental
33 illness or if the appointee no longer meets the qualifications of the
34 office.

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

161.042. Each member shall take an oath to support the constitution of
2 the United States and of this state and to faithfully demean himself **or herself**
3 in office. **Each board member shall be sworn in during open session of**
4 **the state board of education. The oath shall be administered by the**
5 **president or vice president of the state board of education.**

161.052. Any vacancy occurring in the term of office of any board member
2 shall be filled [by appointment by the governor, by and with the advice and
3 consent of the senate] **subject to the provisions of section 26.305**, for the
4 unexpired term. [If a vacancy occurs while the general assembly is not in
5 session, the governor shall make a temporary appointment until the next session

6 of the general assembly, when he shall nominate some person to fill the office.]

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Unofficial

Bill

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