

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 1878, Page 80, Section 1, Line 5,

2 by inserting after all of said line the following:

3 "Section 2. 1. As used in this section, the term
 4 "public official" means any elected or appointed officer,
 5 employee, or agent of the state or any political
 6 subdivision, board, commission, bureau, or other public body
 7 established by law.

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

16 3. Any compromise, settlement, condition, or order to
 17 which a public official agrees that conflicts with
 18 subsection 2 of this section is void and has no legal effect.

19 4. Nothing in this section shall be construed to limit
 20 or otherwise restrict any powers granted by articles III or
 21 VIII of the Constitution of Missouri.

22 5. When a party to an action in state or federal court
 23 challenges the constitutionality of a statute facially or as
 24 applied, challenges a statute as violating or preempted by
 25 federal law, or otherwise challenges the construction or
 26 validity of a statute, as part of a claim or affirmative

27 defense, that party shall provide a copy of the pleading to
28 the speaker of the house of representatives and the
29 president pro tempore of the senate within fourteen days of
30 filing the pleading with the court. The speaker of the
31 house of representatives and the president pro tempore of
32 the senate may intervene to defend against the action at any
33 time in the action as a matter of right by serving motion
34 upon the parties as provided by applicable rules of civil
35 procedure.

36 6. The speaker of the house of representatives may
37 intervene at any time in an action on behalf of the house of
38 representatives. The speaker may obtain legal counsel other
39 than from the attorney general, with the cost of
40 representation paid from funds appropriated for that
41 purpose, to represent the house of representatives in any
42 action in which the speaker intervenes.

43 7. The president pro tempore of the senate may
44 intervene at any time in an action on behalf of the senate.
45 The president pro tempore may obtain legal counsel other
46 than from the attorney general, with the cost of
47 representation paid from funds appropriated for that
48 purpose, to represent the senate in any action in which the
49 president pro tempore intervenes.

50 8. The president pro tempore of the senate and the
51 speaker of the house of representatives, acting jointly, may
52 intervene at any time in an action on behalf of the general
53 assembly. The president pro tempore and the speaker, acting
54 jointly, may obtain legal counsel other than from the
55 attorney general, with the cost of representation paid from
56 funds appropriated for that purpose, to represent the
57 general assembly in any action in which the president pro
58 tempore and speaker jointly intervene.

59 9. No individual member, or group of members, of the
60 senate or of the house of representatives, except the
61 president pro tempore and the speaker as provided under this
62 section, shall intervene in an action described in this
63 section or obtain legal counsel at public expense under this
64 section in the member's or group's capacity as a member or
65 members of the senate or the house of representatives.

66 10. Notwithstanding any contrary provision of law, the
67 participation of the speaker of the house of representatives
68 or the president pro tempore of the senate in any state or
69 federal action, as a party or otherwise, does not constitute
70 a waiver of the legislative immunity or legislative
71 privilege of any member, officer, or staff of the general
72 assembly."; and

73 Further amend the title and enacting clause accordingly.