

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 695, Page 5, Section 8.017, Line 10, by
2 inserting immediately after all of said section and line the following:

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4 "26.305. 1. Notwithstanding any provision of law to the contrary, when the governor makes
5 an appointment to any state board or commission when the senate is not in session, the governor
6 shall notify the Missouri senate upon the appointment in writing. Once the appointment has been
7 made and the senate is notified, the governor is prohibited from withdrawing or rescinding the
8 appointment unless such action is authorized by the Missouri senate. In order to withdraw or
9 rescind an appointment, when the senate reconvenes, the governor may request an appointment be
10 sent back without prejudice. However, if the senate rejects the request or does not approve the
11 request and the time frame by which the senate was to consider the original appointment expires
12 without the senate giving its advice and consent, the appointee shall be deemed rejected and
13 prohibited from being reappointed. Nothing in this section shall prohibit the governor from
14 removing a member of a board or commission with written notice and hearing on charges of
15 malfesance, misfesance, or nonfesance in office. Nothing in this subsection shall prohibit the
16 governor from withdrawing an appointee without authorization from the senate if the appointee is
17 unable to carry out the duties of the office due to physical or mental illness or if the appointee no
18 longer meets the qualifications of the office.

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

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29 Further amend said bill, Page 5, Section 161.026, Line 33, by inserting immediately after all of said
30 section and line the following:

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32 "161.032. The members of the board shall be citizens of high moral standards and
33 recognized ability in their respective business or profession, who have resided in the state for not
34 less than five years immediately preceding their appointment, and not more than one of whom shall
35 be a resident of the same county or congressional district. At no time shall more than four members
36 be of the same political party and at no time shall more than two members be classified as

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1 "independent". No member of the board shall be connected, either as an official or as an employee,
2 with any public, private, or denominational school, college or university, nor be the holder of or a
3 candidate for any public office.

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

8 161.052. Any vacancy occurring in the term of office of any board member shall be filled
9 ~~[by appointment by the governor, by and with the advice and consent of the senate]~~ subject to the
10 provisions of section 26.305, for the unexpired term. ~~[If a vacancy occurs while the general~~
11 ~~assembly is not in session, the governor shall make a temporary appointment until the next session~~
12 ~~of the general assembly, when he shall nominate some person to fill the office.]"; and~~

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.