

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 587**  
95TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 4, 2010, with recommendation that the Senate Committee Substitute do pass.

3227S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 27, RSMo, by adding thereto one new section relating to the tenth amendment commission, with a referendum clause.

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

Section A. Chapter 27, RSMo, is amended by adding thereto one new  
2 section, to be known as section 27.150, to read as follows:

**27.150. 1. There is hereby established the "Tenth Amendment  
2 Commission", which shall guide, advise, and make recommendations to  
3 the attorney general. The commission shall examine actions of the  
4 federal government toward the state, and refer cases to the attorney  
5 general when the federal government takes steps that require the state  
6 or a state officer to enact or enforce a provision of federal law that lies  
7 outside Congress's enumerated powers and intrudes on the sovereignty  
8 reserved to the states by the tenth amendment to the United States  
9 Constitution. The attorney general is authorized to seek appropriate  
10 relief to preserve the state's sovereignty.**

**11 2. The commission shall consist of seven members, two members  
12 appointed by the governor, two members appointed by the president  
13 pro tempore of the senate from among the members of the senate, two  
14 members appointed by the speaker of the house of representatives from  
15 among the members of the house of representatives, and one member  
16 appointed by the chief justice of the supreme court from among the  
17 members of the judiciary. The commission members shall serve without  
18 compensation, except that members shall, subject to appropriation, be  
19 reimbursed for reasonable and necessary expenses actually incurred in  
20 the performance of their official duties.**

21           **3. All members shall be appointed to serve two-year terms and**  
22 **may be appointed to successive terms. Any senator or member of the**  
23 **house of representatives who serves on the commission shall be**  
24 **removed from the commission upon the completion of their service in**  
25 **the general assembly. Any vacancy in the commission shall be filled in**  
26 **the same manner as the original appointment.**

27           **4. The commission shall hold an annual meeting at which it shall**  
28 **elect from its membership a chairperson and vice chairperson. The**  
29 **commission may hold such additional meetings as may be required in**  
30 **the performance of its duties.**

31           **5. The governor, general assembly, and judiciary shall provide**  
32 **administrative support and staff as necessary for the effective**  
33 **operation of the commission from existing resources. Any expenditure**  
34 **of the commission shall be subject to appropriation.**

Section B. This act is hereby submitted to the qualified voters of this state  
2 for approval or rejection at an election which is hereby ordered and which shall  
3 be held and conducted on Tuesday next following the first Monday in August,  
4 2010, pursuant to the laws and constitutional provisions of this state for the  
5 submission of referendum measures by the general assembly, and this act shall  
6 become effective when approved by a majority of the votes cast thereon at such  
7 election and not otherwise.

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