

SECOND REGULAR SESSION

SENATE BILL NO. 794

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS ROMINE, LIBLA AND HOLSMAN.

Pre-filed December 12, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5401S.011

AN ACT

To repeal sections 161.032, 161.042, 161.052, and 161.082, RSMo, and to enact in lieu thereof five 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, 161.052, and 161.082, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 26.305, 161.032, 161.042, 161.052, and 161.082, to read as follows:

**26.305. When the governor makes an appointment to any state
2 board or commission when the general assembly is not in session, the
3 governor shall notify the Missouri senate of the appointment in writing.
4 No appointee shall be sworn in or serve in his or her official duties in
5 the position until such time as the senate has been notified of the
6 appointment. Once the appointment has been made and the senate is
7 notified, the governor is prohibited from withdrawing or rescinding the
8 appointment. Nothing in this section shall prohibit the governor from
9 removing a member of a board or commission with written notice and
10 hearing on charges of malfeasance, misfeasance, or nonfeasance in
11 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,

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

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, for the unexpired term. [If a vacancy occurs while the
4 general assembly is not in session, the governor shall make a temporary
5 appointment until the next session of the general assembly, when he shall
6 nominate some person to fill the office.]

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

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

9 3. **If at any time a quorum of the board has not received the**
10 **advice and consent of the senate, the state treasurer shall distribute all**
11 **necessary appropriations to school districts pursuant to state and**
12 **federal law.**

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