

SECOND REGULAR SESSION

# HOUSE BILL NO. 2456

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES EMERY (Sponsor), TRACY, RUZICKA, LAIR, DOUGHERTY,  
ERVIN, STEVENSON, COX, DAVIS, DIECKHAUS, WILSON (119),  
BIVINS AND JONES (117) (Co-sponsors).

5365L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 27, RSMo, by adding thereto one new section relating to the state sovereignty 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 section, to be  
2 known as section 27.155, to read as follows:

**27.155. 1. There is hereby established the "State Sovereignty Commission", which  
2 shall:**

3       **(1) Identify proposed federal legislation that infringes on Missouri's state  
4 sovereignty under the Tenth Amendment to the United States Constitution;**

5       **(2) Advise and make recommendations to the Missouri General Assembly  
6 regarding any state legislation necessary to preserve the integrity and principles of the  
7 Tenth Amendment to the United States Constitution;**

8       **(3) Require each member of the Missouri Congressional delegation to make himself  
9 or herself available to the commission annually to answer inquiries regarding all votes cast  
10 or intended to be cast on proposed federal legislation that may affect Missouri's state  
11 sovereignty; and**

12       **(4) Refer cases to the attorney general when the federal government takes steps that  
13 require the state or a state officer to enact or enforce a provision of federal law that lies  
14 outside Congress's enumerated powers and intrudes on the sovereignty reserved to the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 states by the Tenth Amendment to the United States Constitution. The attorney general  
16 is authorized to seek appropriate relief to preserve the state's sovereignty.

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

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

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

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

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

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