

HB 1399 -- GENERAL ASSEMBLY

SPONSOR: Shumake

This bill authorizes the Speaker of the House of Representatives and the President Pro Tem of the Senate to intervene on behalf of the General Assembly in any judicial, administrative, or other proceeding in which the constitutionality of Missouri laws, rules, or regulations are being challenged.

If the Attorney General declines to defend or appeal a ruling regarding a challenged provision of Missouri laws, rules, or regulations, or does so inadequately, the General Assembly is authorized to defend the challenged provision alongside the Attorney General or in place of the Attorney General. The Speaker and President Pro Tem must agree to invoke this standing.

When the General Assembly intervenes in a judicial proceeding under these provisions, the House and Senate committees responsible for administration and accounts must jointly approve the hiring of outside legal counsel, and any fees, court costs, or related legal expenses must be paid from the state legal expense fund.

If the Senate or House of Representatives is named as a party in a civil action, or if a member is named as a party in his or her official capacity, subject to the specified approval, then such body or member is authorized to retain private legal counsel and any reasonable attorneys' fees, court costs, and related legal expenses must be paid from the state legal expense fund.

Any member is authorized to file an amicus brief identifying his or her objections to the position taken by the General Assembly or either chamber in such an action, however, such amicus brief will not be deemed to represent the official position of the General Assembly.

The state legal expense fund must be available to pay any claims or amounts required by any final judgment obtained under these provisions.

This bill is similar to SB 475 (2015).