

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 4

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARNES (Sponsor), RIDDLE,
BERNSKOETTER AND RICHARDSON (Co-sponsors).

0433L.02I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the citizens' commission on compensation for elected officials.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2012, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article XIII of the Constitution of the state of
5 Missouri:

Section A. Section 3, article XIII, Constitution of Missouri, is repealed and one new
2 section adopted in lieu thereof, to be known as section 3, to read as follows:

Section 3. 1. Other provisions of this constitution to the contrary notwithstanding, in
2 order to ensure that the power to control the rate of compensation of elected officials of this state
3 is retained and exercised by the tax paying citizens of the state, after the effective date of this
4 section no elected state official, member of the general assembly, or judge, except municipal
5 judges, shall receive compensation for the performance of their duties other than in the amount
6 established for each office by the Missouri citizens' commission on compensation for elected
7 officials established pursuant to the provisions of this section. The term "compensation"
8 includes the salary rate established by law, milage allowances, per diem expense allowances.
9 2. There is created a commission to be known as the "Missouri Citizens' Commission
10 on Compensation for Elected Officials". The Commission shall be selected in the following
11 manner:

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.

12 (1) One member of the commission shall be selected at random by the secretary of state
13 from each congressional district from among those registered voters eligible to vote at the time
14 of selection. The secretary of state shall establish policies and procedures for conducting the
15 selection at random. In making the selections, the secretary of state shall establish a selection
16 system to ensure that no more than five of the members shall be from the same political party.
17 The policies shall include, but not be limited to, the method of notifying persons selected and for
18 providing for a new selection if any person declines appointment to the commission;

19 (2) One member shall be a retired judge appointed by the judges of the supreme court,
20 en banc;

21 (3) Twelve members shall be appointed by the governor, by and with the advice and
22 consent of the senate. Not more than six of the appointees shall be members of the same
23 political party. Of the persons appointed by the governor, one shall be a person who has had
24 experience in the field of personnel management, one shall be a person who is representative of
25 organized labor, one shall be a person representing small business in this state, one shall be the
26 chief executive officer of a business doing an average gross annual business in excess of one
27 million dollars, one shall be a person representing the health care industry, one shall be a person
28 representing agriculture, two shall be persons over the age of sixty years, four shall be citizens
29 of a county of the third classification, two of such citizens selected from a county of the third
30 classification shall be selected from north of the Missouri River and two shall be selected from
31 south of the Missouri River. No two persons selected to represent a county of the third
32 classification shall be from the same county nor shall such persons be appointed from any county
33 represented by an appointment to the commission by the secretary of state pursuant to
34 subdivision (1) of this subsection.

35 3. All members of the commission shall be residents and registered voters of the state
36 of Missouri. Except as otherwise specifically provided in this section, no state official, no
37 member of the general assembly, no active judge of any court, no employee of the state or any
38 of its institutions, boards, commissions, agencies or other entities, no elected or appointed
39 official or employee of any political subdivision of the state, and no lobbyist as defined by law
40 shall serve as a member of the commission. No immediate family member of any person
41 ineligible for service on the commission under the provisions of this subsection may serve on
42 the commission. The phrase "immediate family" means the parents, spouse, siblings, children,
43 or dependant relative of the person whether or not living in the same household.

44 4. Members of the commission shall hold office for a term of four years. No person may
45 be appointed to the commission more than once. No member of the commission may be
46 removed from office during the term for which appointed except for incapacity, incompetence,
47 neglect of duty, malfeasance in office, or for a disqualifying change of residence. Any action for

48 removal shall be brought by the attorney general at the request of the governor and shall be heard
49 in the circuit court for the county in which the accused commission member resides.

50 5. The first appointments to the commission shall be made not later than February 1,
51 1996, and not later than February first every four years thereafter. All appointments shall be filed
52 with the secretary of state, who shall call the first meeting of the commission not later than
53 March 1, 1996, and shall preside at the first meeting until the commission is organized. The
54 members of the commission shall organize and elect a chairperson and such other officers as the
55 commission finds necessary.

56 6. Upon a vacancy on the commission, a successor shall be selected and appointed to fill
57 the unexpired term in the same manner as the original appointment was made. The appointment
58 to fill a vacancy shall be made within thirty days of the date the position becomes vacant.

59 7. Members of the commission shall receive no compensation for their services but shall
60 be reimbursed for their actual and necessary expenses incurred in the performance of their duties
61 from appropriations made for that purpose.

62 8. The commission shall, beginning in 1996, and every two years thereafter, review and
63 study the relationship of compensation to the duties of all elected state officials, all members of
64 the general assembly, and all judges, except municipal judges, and shall fix the compensation for
65 each respective position. The commission shall file its initial schedule of compensation with the
66 secretary of state and the revisor of statutes no later than the first day of December, 1996, and by
67 the first day of December each two years thereafter. The schedule of compensation shall become
68 effective unless disapproved by concurrent resolution adopted by a two-thirds majority vote the
69 general assembly before February 1 of the year following the filing of the schedule. Each
70 schedule shall be published by the secretary of state as a part of the session laws of the general
71 assembly and may also be published as a separate publication at the discretion of the secretary of
72 state. The schedule shall also be published by the revisor of statutes as a part of the revised
73 statutes of Missouri. The schedule shall apply and represent the compensation for each affected
74 person beginning on the first day of July following the filing of the schedule. In addition to any
75 compensation established by the schedule, the general assembly may provide by appropriation for
76 periodic uniform general cost-of-living increases or decreases for all employees of the state of
77 Missouri and such cost-of-living increases or decreases may also be extended to those persons
78 affected by the compensation schedule fixed by the commission. No cost-of-living increase or
79 decrease granted to any person affected by the schedule shall exceed the uniform general increase
80 or decrease provided for all other state employees by the general assembly.

81 9. Prior to the filing of any compensation schedule, the commission shall hold no less
82 than four public hearings on such schedule, at different geographical locations within the state,
83 within the four months immediately preceding the filing of the schedule. All meetings, actions,

84 hearings, and business of the commission shall be open to the public, and all records of the
85 commission shall be available for public inspection.

86 10. Until the first day of July next after the filing of the first schedule by the commission,
87 compensation of the persons affected by this section shall be that in effect on the effective date
88 of this amendment.

89 11. Schedules filed by the commission shall be subject to referendum upon petition of the
90 voters of this state in the same manner and under the same conditions as a bill enacted by the
91 general assembly.

92 12. Beginning January 1, 2007, any public official subject to this provision who is
93 convicted in any court of a felony which occurred while in office or who has been removed from
94 office for misconduct or following impeachment shall be disqualified from receiving any pension
95 from the state of Missouri.

96 13. No compensation schedule filed by the commission after the effective date of this
97 subsection shall take effect for members of the general assembly until January 1, 2009.

98 **14. Other provisions of this section to the contrary notwithstanding, the**
99 **commission's proposed compensation schedule due on the first day of December every two**
100 **years shall not include an increase in compensation for elected state officials or members**
101 **of the general assembly if any of the following conditions are satisfied:**

102 **(1) For the nearest fiscal year ending prior to the first day of December deadline,**
103 **there is an increase in the seasonally adjusted unemployment percentage, rounded to the**
104 **nearest one-tenth of one percent, of the state civilian job force, using the July-to-July**
105 **monthly data reported by the United States Bureau of Labor Statistics;**

106 **(2) The final state sales and use taxes collected as determined by the consensus**
107 **revenue figure for the fiscal year ending prior to the first day of December deadline is less**
108 **than the final state sales and use taxes collected as determined by the consensus revenue**
109 **figure for the immediately preceding fiscal year; or**

110 **(3) For the fiscal year ending prior to the first day of December deadline, seventy-**
111 **five percent or more of all state employees failed to receive a cost-of-living or a general pay**
112 **increase by appropriation of the general assembly that would be equal to or greater than**
113 **the commission's proposed percentage increase in compensation for elected officials or**
114 **members of the general assembly.**