

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 42

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KANDER (Sponsor), CALLOWAY, GRILL, STILL,  
TALBOY AND FLOOK (Co-sponsors).

1425L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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, 2010, 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Section A. Section 3, article XIII, Constitution of Missouri, is repealed and one new  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.

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.

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:

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  
65 for each respective position. The commission shall file its initial schedule of compensation with  
66 the secretary of state and the revisor of statutes no later than the first day of December, 1996, and  
67 by the first day of December each two years thereafter. **[The] Beginning no later than the first**  
68 **day of December, 2012, the commission shall file a schedule of compensation with a**  
69 **separate salary recommendation for all elected state officials, a separate salary**  
70 **recommendation for all judges, except municipal judges, and a separate salary**  
71 **recommendation for all members of the general assembly. Any salary recommendation of**  
72 **a schedule of compensation shall become effective unless the recommendation is** disapproved  
73 by concurrent resolution adopted by a two-thirds majority vote the general assembly before  
74 February 1 of the year following the filing of **[the] such** schedule. Each schedule **except for any**  
75 **disapproved salary recommendation or recommendations** shall be published by the secretary  
76 of state as a part of the session laws of the general assembly and may also be published as a  
77 separate publication at the discretion of the secretary of state. **[The] Each such** schedule shall  
78 also be published by the revisor of statutes as a part of the revised statutes of Missouri. **[The]**  
79 **Each such** schedule shall apply and represent the compensation for each affected person

80 beginning on the first day of July following the filing of the schedule. In addition to any  
81 compensation established by [the] a schedule, the general assembly may provide by  
82 appropriation for periodic uniform general cost-of-living increases or decreases for all employees  
83 of the state of Missouri and such cost-of-living increases or decreases may also be extended to  
84 those persons affected by the compensation schedule fixed by the commission. No cost-of-living  
85 increase or decrease granted to any person affected by [the] a schedule shall exceed the uniform  
86 general increase or decrease provided for all other state employees by the general assembly.

87 9. Prior to the filing of any compensation schedule, the commission shall hold no less  
88 than four public hearings on such schedule, at different geographical locations within the state,  
89 within the four months immediately preceding the filing of the schedule. All meetings, actions,  
90 hearings, and business of the commission shall be open to the public, and all records of the  
91 commission shall be available for public inspection.

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

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

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

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

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