

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 74

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DOHRMAN (Sponsor), SCHARNHORST, RICHARDSON, FUNDERBURK, RHOADS, HANSEN, JONES (50), KOLKMEYER, MCGAUGH, SPENCER, NEELY, PIKE, LYNCH, BRATTIN, BAHR, ROSS, MILLER, HURST, MUNTZEL, REMOLE, HICKS, HOUGHTON, COX AND ANDERSON (Co-sponsors).

5366H.02I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the election of members to the state board of education.

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 following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IX of the Constitution of the state of Missouri:

Section A. Section 2(a), article IX, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 2(a), to read as follows:

Section 2(a). **1.** The supervision of instruction in the public schools shall be vested in a state board of education[, consisting of eight lay members appointed by the governor, by and with the advice and consent of the senate; provided, that at no time shall more than four members be of the same political party. The term of office of each member shall be eight years, except the terms of the first appointees shall be from one to eight years, respectively. While attending to the duties of their office, members shall be entitled to receive only actual expenses incurred, and a per diem fixed by law.] **elected by the voters of Missouri beginning with the general election in 2016 and based on residence in congressional districts as follows: for persons elected from congressional district 1, 2, 5, or 6, an initial term of two years; and for persons**

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.

10 elected from congressional district 3, 4, 7, or 8, an initial term of four years. No person
11 shall be eligible for such office who has not resided in the state for at least five years and
12 his or her congressional district for at least one year immediately preceding the election.
13 All subsequent terms of office shall be for a period of four years and no person shall serve
14 more than two full terms or a total of eight years. No member of the board shall be
15 connected, either as an official or as an employee, with any public, private, or
16 denominational school, college, or university, or be the holder of or a candidate for any
17 other public office.

18 2. In the event that the number of congressional districts in the state decreases, the
19 board member from the eliminated district or districts shall be elected on a statewide basis.
20 In the event that the number of congressional districts in the state increases, the number
21 of positions as members of the board shall increase in the same number.

22 3. The board shall elect one of its members president and one vice president and
23 may appoint any other officers it deems necessary. The president shall vote only in the case
24 of breaking a tie. The officers shall serve at the pleasure of the board. Duties of the board
25 and compensation of its members shall be as provided by law.

26 4. A member of the board shall be subject to a recall vote if a petition signed by at
27 least twenty-five percent of the total votes cast for governor at the last general election in
28 the congressional district which he or she represents is submitted and verified by the
29 secretary of state. If so verified, an election on recall shall be held no later than sixty days
30 after verification. If a majority of the votes cast in such election is for recall, the position
31 shall be deemed vacated and an election for that position shall be held no later than ninety
32 days after the recall vote is certified. Any vacancy occurring in the term of office of any
33 board member shall be filled by an election within ninety days.

Section B. Pursuant to section 116.155, RSMo, and other applicable constitutional
2 provisions and laws of this state authorizing the general assembly to adopt ballot language for
3 the submission of a joint resolution to the voters of this state, the official ballot title of the
4 amendment proposed in section A shall be as follows:

5 “Shall the Constitution of Missouri be amended to require that, beginning with the 2016
6 general election, the members of the state board of education be elected by the people rather than
7 appointed, that board members are subject to recall by petition and majority vote, and that
8 vacancies be filled by election within ninety days?”

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