

HB 1884 -- EXECUTIVE BRANCH ACCOUNTABILITY ACT OF 2014

SPONSOR: McGaugh

This bill changes the laws regarding vacancies in offices and establishes the Executive Branch Accountability Act of 2014. In its main provisions, the bill:

(1) Requires the Governor to issue a writ of election to fill vacancies in the House of Representative or Senate within 30 days of notification of the vacancy;

(2) Requires the Governor to issue a writ of election within 30 days to fill vacancies in the offices of Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and State Treasurer at the next general election. The person elected will serve the remainder of the term in office. The Governor may appoint a qualified person to fill these offices until the general election occurs. In cases of impeachment, the office remains vacant until the impeachment is resolved and either a vacancy is created or the official is reinstated to office;

(3) Requires the appointment of heads of executive departments or divisions and boards and commissions made under Article IV, Section 51 of the Missouri Constitution to be made with the advice and consent of the Senate. This is a general requirement and applies without regard to whether the statute creating the positions specifies the requirement of the advice and consent of the Senate;

(4) Requires the Secretary of State to make an abstract of all commissions and appointments made by the Governor or Lieutenant Governor available to the general public in an electronic format on its website;

(5) Allows the Division of Workers Compensation within the Department of Labor and Industrial Relations to nominate administrative law judges who are appointed by the Governor with the advice and consent of the Senate; and

(6) Creates a process for filling vacancies in the Office of Administration and the departments of Agriculture; Economic Development; Health and Senior Services; Insurance, Financial Institutions and Professional Registration; Labor and Industrial Relations; Natural Resources; Public Safety; Revenue; and Social Services. The process is as follows:

(a) The department head must designate, by written order, a deputy to serve in the position during his or her absence or vacation;

(b) The Governor will appoint a deputy as acting department head unless there is no deputy recommendation in which case the Governor may appoint an acting department head from among the division heads of the department;

(c) The deputy head will serve as acting director for no more than 120 days from the date the vacancy or absence first occurs. Upon completion of the 120 days, the authority of the acting director must expire. The Governor cannot appoint another acting director after the authority of the deputy head as acting director has expired;

(d) The 120-day limit will toll during any period of time when the Governor has appointed a department head and submitted the person to the Senate for its advice and consent;

(e) If the appointment of a director is returned to the Governor by the Senate or does not receive its advice and consent, the deputy director may serve as acting director for an additional 30 days provided that the 30 day limit must toll during any period of time in which the Governor has appointed a director and submitted him or her to the Senate for its advice and consent; and

(f) After a deputy director has served as acting director for more than 30 days, the deputy director must be compensated at the same rate as the director during the period when serving as acting director.

The bill contains a referendum clause.