

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 32

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SEIGFREID (Sponsor) AND DAVIS (122) (Co-sponsor).

Pre-filed December 8, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3096L.011

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 compensation of members of the general assembly.

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, 2004, 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Section A. Section 3, article XIII, Constitution of Missouri, is repealed and one new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] **members**
3 **of the general assembly** of this state is retained and exercised by the tax paying citizens of the
4 state, [after the effective date of this section] no [elected state official,] member of the general
5 assembly[, or judge, except municipal judges,] shall receive **additional** compensation for the
6 performance of [their] **his or her** duties [other than in the amount established for each office by
7 the Missouri citizen's commission on compensation for elected officials established pursuant to
8 the provisions of this section. The term "compensation" includes the salary rate established by

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

9 law, milage allowances, per diem expense allowances.

10 2. There is created a commission to be known as the "Missouri Citizen's Commission
11 on Compensation for Elected Officials". The Commission shall be selected in the following
12 manner:

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

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

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

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

45 4. Members of the commission shall hold office for a term of four years.
46 No person may be appointed to the commission more than once. No member of the commission
47 may be removed from office during the term for which appointed except for incapacity,
48 incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of residence.
49 Any action for removal shall be brought by the attorney general at the request of the governor
50 and shall be heard in the circuit court for the county in which the accused commission member
51 resides.

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

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

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

64 8. The commission shall, beginning in 1996, and every two years thereafter, review and
65 study the relationship of compensation to the duties of all elected state officials, all members of
66 the general assembly, and all judges, except municipal judges, and shall fix the compensation
67 for each respective position. The commission shall file its initial schedule of compensation with
68 the secretary of state and the revisor of statutes no later than the first day of December, 1996, and
69 by the first day of December each two years thereafter. The schedule of compensation shall
70 become effective unless disapproved by concurrent resolution adopted by the general assembly
71 before February 1 of the year following the filing of the schedule. Each schedule shall be
72 published by the secretary of state as a part of the session laws of the general assembly and may
73 also be published as a separate publication at the discretion of the secretary of state. The
74 schedule shall also be published by the revisor of statutes as a part of the revised statutes of
75 Missouri. The schedule shall, subject to appropriations, apply and represent the compensation
76 for each affected person beginning on the first day of July following the filing of the schedule.]
77 **in an amount greater than the amount of compensation on the effective date of this section**
78 **unless approved by the voters at a general election.** In addition to any **additional**
79 compensation established by [the schedule] **law and approved by the voters**, the general
80 assembly may provide by appropriation for periodic uniform general cost-of-living increases or

81 decreases for all employees of the state of Missouri and such cost-of-living increases or
82 decreases may also be extended to [those persons affected by the compensation schedule fixed
83 by the commission] **members of the general assembly**. No cost-of-living increase or decrease
84 granted to any person affected by [the schedule] **this section** shall exceed the uniform general
85 increase or decrease provided for all other state employees by the general assembly.

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

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

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