

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 32

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON (47).

Pre-filed December 6, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3263L.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 17, 18, and 36(b) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to director of insurance.

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, 2006, 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 IV of the Constitution of the state of Missouri:

Section A. Sections 17, 18, and 36(b), article IV, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as sections 17, 18, and 36(b), to read as follows:

Section 17. The governor, lieutenant governor, secretary of state, state treasurer and attorney general shall be elected at the presidential elections for terms of four years each. The state auditor shall be elected for a term of two years at the general election in the year 1948, and his or her successors shall be elected for terms of four years. **The director of insurance shall be elected for a term of two years at the general election in 2008, and his or her successors shall be elected for terms of four years.** No person shall be elected governor or treasurer more than twice, and no person who has held the office of governor or treasurer, or acted as governor or treasurer, for more than two years of a term to which some other person was elected to the

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 office of governor or treasurer shall be elected to the office of governor or treasurer more than
10 once. The heads of all the executive departments shall be appointed by the governor, by and with
11 the advice and consent of the senate. All appointive officers may be removed by the governor
12 and shall possess the qualifications required by this constitution or by law.

Section 18. The returns of every election for governor, lieutenant governor, secretary of
2 state, state auditor, state treasurer [and], attorney general, **and director of insurance** shall be
3 sealed and transmitted by the returning officers to the secretary of state, who shall appoint two
4 disinterested judges of a court of record of the state, and the three shall constitute a board of state
5 canvassers. The board shall meet at the state capitol on, or at the call of the secretary of state
6 before, the second Tuesday of December next after the election and forthwith open and canvass
7 the returns of the votes cast and from the face thereof ascertain and proclaim the result of the
8 election. The persons having the highest number of votes for the respective offices shall be
9 declared elected, and if two or more persons have an equal and the highest number of votes for
10 the same office, at its next regular session the general assembly, by joint vote and without delay,
11 shall choose one of such persons for the office

Section 36(b). The department of insurance shall be headed by a director of the
2 department of insurance who shall be [appointed by the governor with the advice and consent
3 of the senate] **elected as provided in section 17 of this article**. The organization and duties of
4 the department of insurance shall be determined by law. All references to the division of
5 insurance and the insurance division in this constitution and in the statutes shall mean the
6 department of insurance. There shall be an office of consumer affairs within the department of
7 insurance to investigate in conjunction with other personnel of the department all allegations of
8 unfair or unlawful acts by any person or entity whose activities are regulated by the department
9 of insurance.

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