

SECOND REGULAR SESSION

[CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE JOINT RESOLUTION NO. 55

93RD GENERAL ASSEMBLY

5697L.01T

2006

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 and discipline of public officials.

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, 2006, 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Section A. Section 3, article XIII, Constitution of Missouri, is repealed and one new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 [citizen's] **citizens'** commission on compensation for
7 elected 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 [Citizen's] **Citizens'**
10 Commission on Compensation for Elected Officials". The Commission shall be selected in the
11 following 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.

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

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

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

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

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

81 schedule shall exceed the uniform general increase or decrease provided for all other state
82 employees by the general assembly.

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

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

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

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

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

2 Section B. Pursuant to Chapter 116, RSMo, and other applicable constitutional
3 provisions and laws of this state allowing the General Assembly to adopt ballot language for the
4 submission of a Joint Resolution for submission to the voters of this state, the official ballot title
5 of the amendment proposed in Section A of this Joint Resolution shall be as follows:

6 "Shall Article XIII, Section 3 of the Constitution be amended to require that legislators,
7 statewide elected officials, and judges forfeit state pensions upon felony conviction, removal
8 from office following impeachment or for misconduct, and to require that compensation for such
persons be set by a citizens' commission subject to voter referendum?"

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