

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 49

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COX (Sponsor), SCHAAF, RUESTMAN, SANDER,  
DUSENBERG, BIVINS, SCHARNHORST AND MUSCHANY (Co-sponsors).

Pre-filed December 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 25(d) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the appellate judicial commission.

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*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, 2008, 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 V of the Constitution of the state of Missouri:

Section A. Section 25(d), article V, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 25(d), to read as follows:

Section 25(d). Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there shall be one such commission, to be known as "The ..... Circuit Judicial Commission", for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g); the appellate

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 judicial commission shall consist of a judge of the supreme court selected by the members of the  
10 supreme court, and the remaining members shall be chosen in the following manner: The  
11 members of the bar of this state residing in each court of appeals district shall elect one of their  
12 number to serve as a member of said commission, and the governor shall appoint [one citizen]  
13 **five citizens**, not [a member] **members** of the bar, [from among the residents of each court of  
14 appeals district,] to serve as [a member] **members** of said commission, and the members of the  
15 commission shall select one of their number to serve as [chairman] **chair**. Each circuit judicial  
16 commission shall consist of five members, one of whom shall be the chief judge of the district  
17 of the court of appeals within which the judicial circuit of such commission, or the major portion  
18 of the population of said circuit is situated and the remaining four members shall be chosen in  
19 the following manner: The members of the bar of this state residing in the judicial circuit of such  
20 commission shall elect two of their number to serve as members of said commission, and the  
21 governor shall appoint two citizens, not members of the bar, from among the residents of said  
22 judicial circuit to serve as members of said commission, the members of the commission shall  
23 select one of their number to serve as [chairman] **chair**; and the terms of office of the members  
24 of such commission shall be fixed by law, but no law shall increase or diminish the term of any  
25 member then in office. No member of any such commission other than a judge shall hold any  
26 public office, and no member shall hold any official position in a political party. Every such  
27 commission may act only by the concurrence of a majority of its members. The members of such  
28 commission shall receive no salary or other compensation for their services but they shall receive  
29 their necessary traveling and other expenses incurred while actually engaged in the discharge of  
30 their official duties. All such commissions shall be administered, and all elections provided for  
31 under this section shall be held and regulated, under such rules as the supreme court shall  
32 promulgate.

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