

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 69

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOUGHTON (Sponsor), RICHARDSON, FITZWATER,
HANSEN, ENGLER, STREAM, SCHATZ, DIEHL, SOLON AND JONES (50) (Co-sponsors).

5383H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 10 and 51 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to gubernatorial appointments.

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, 2014, 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Section A. Sections 10 and 51, article IV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 10 and 51, to read as follows:

Section 10. There shall be a lieutenant governor who shall have the same qualifications as the governor and shall be ex officio president of the senate. In committee of the whole he may debate all questions, and shall cast the deciding vote **on joint vote of both houses and** on equal division in the senate [and on joint vote of both houses] , **except on matters related to appointments of all members of administrative boards and commissions submitted to the senate.**

Section 51. [The appointment of all members of administrative boards and commissions and of all department and division heads, as provided by law, shall be made by the governor. All members of administrative boards and commissions, all department and division heads and all other officials appointed by the governor shall be made only by and with the advice and

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.

5 consent of the senate.] **By and with the advice and consent of the senate, the governor shall**
6 **appoint the heads of all executive departments or divisions established by this constitution**
7 **or by law. Notwithstanding any provision of section 4 of article IV of the Constitution of**
8 **Missouri to the contrary, whenever a vacancy shall occur in any office of department head,**
9 **the governor may appoint an acting or temporary department head in such manner and**
10 **for such time as prescribed by law. By and with the advice and consent of the senate, the**
11 **governor shall appoint all members of administrative boards and commissions and all**
12 **other officials as provided by law, except that if no person is so selected within ninety days**
13 **of the creation of a vacancy, the lieutenant governor shall make the appointment, by and**
14 **with the advice and consent of the senate.** The authority to act of any person whose
15 appointment requires the advice and consent of the senate shall commence, if the senate is in
16 session, upon receiving the advice and consent of the senate. If the senate is not in session, the
17 authority to act shall commence immediately upon appointment by the governor **or lieutenant**
18 **governor** but shall terminate if the advice and consent of the senate is not given within thirty
19 days after the senate has convened in regular or special session. If the senate fails to give its
20 advice and consent to any appointee, that person shall not be reappointed by the governor **or**
21 **lieutenant governor** to the same office or position.

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of referendum measures to the voters of this state, the official summary statement of the act
4 proposed in section A of this act shall be as follows:

5 "Shall the Missouri constitution be amended to:

- 6 • Require that the Governor appoint acting department heads only in the manner
7 provided by law; and
- 8 • Modify the process by which the Governor makes appointments to fill vacancies
9 in public offices, subject to Senate oversight?"

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