

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 3 FOR
SENATE JOINT RESOLUTION NO. 35
90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODE.

Offered April 13, 2000.

Senate Substitute for Senate Substitute No. 3 adopted, April 13, 2000.

Taken up for Perfection April 13, 2000. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

2407S.12P

AN ACT

Submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives 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, 2000, 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 amendments to be presented as separate questions on the same election day to article XIII of the Constitution of the state of Missouri and the amendment receiving the greater majority of votes cast for adoption shall supercede:

Section A. Section 3, article XIII, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 3, to read as follows: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 order to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of the state, after the effective date of this section no elected state official, member of the general assembly, or judge, except municipal judges, shall, **subject to appropriations for each such position and in such amounts as**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

set by the general assembly, receive compensation for the performance of their duties [other than] in the amount **in excess of that** established for each office by the Missouri [citizen's] **citizens'** commission on compensation for elected officials established pursuant to the provisions of this section. The term "compensation" includes the [salary] **annual compensation** rate **heretofore** established by law[, mileage allowances, per diem expense allowances].

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

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

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

(3) [Twelve] **Eight** members shall be appointed by the governor, by and with the advice and consent of the senate. Not more than [six] **four** of the appointees shall be members of the same political party. [Of the persons appointed by the governor, one shall be a person who has had experience in the field of personnel management, one shall be a person who is representative of organized labor, one shall be a person representing small business in this state, one shall be the chief executive officer of a business doing an average gross annual business in excess of one million dollars, one shall be a person representing the health care industry, one shall be a person representing agriculture, two shall be persons over the age of sixty years, four shall be citizens of a county of the third classification, two of such citizens selected from a county of the third classification shall be selected from north of the Missouri River and two shall be selected from south of the Missouri River. No two persons selected to represent a county of the third classification shall be from the same county nor shall such persons be appointed from any county represented by an appointment to the commission by the secretary of state pursuant to subdivision (1) of this subsection] **The members selected shall be balanced by geography, occupation and age to reflect the perspectives of the citizenry on compensation issues.**

3. All members of the commission shall be residents and registered voters of the state of Missouri. [Except as otherwise specifically provided in this section,] No state official, no member of the general assembly, no active judge of any court, no employee of the state or any of its institutions, boards, commissions, agencies or other entities, no elected or appointed official or employee of any political subdivision of the state, and no lobbyist as defined by law shall serve as

a member of the commission. No immediate family member of any person ineligible for service on the commission under the provisions of this subsection may serve on the commission. The phrase "immediate family" means the parents, spouse, siblings, children, or dependant relative of the person [whether or not living in the same household].

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

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

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

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

8. The commission shall, beginning in 1996, and every two years thereafter, review and study the relationship of compensation to the duties of all elected state officials, all members of the general assembly, and all judges, except municipal judges, and shall fix the **proposed** compensation for each respective position. The commission shall file its initial schedule of compensation with the secretary of state and the revisor of statutes no later than the first day of December, 1996, and by the first day of December each two years thereafter. [The schedule of compensation shall become effective unless disapproved by concurrent resolution adopted by the general assembly before February 1 of the year following the filing of the schedule.] Each schedule shall be published [by the secretary of state as a part of the session laws of the general assembly and may also be published] as a separate publication [at the discretion of] **by** the secretary of state. [The schedule shall also be published by the revisor of statutes as a part of the revised statutes of Missouri.] The schedule shall[, subject to appropriations,] apply and represent the compensation for each affected [person] **position** beginning on the first day of July following the filing of the schedule **subject to an appropriation for each such position and in such amounts as set by the general assembly**. In addition to any compensation established by the

schedule, the general assembly may provide by appropriation for [periodic uniform general] cost-of-living increases or decreases **in the same proportion as the percent of increase in personal income for the preceding calendar year** for [all employees of the state of Missouri and such cost-of-living increases or decreases may also be extended to] those [persons] **positions** affected by the compensation schedule fixed by the commission. No cost-of-living increase or decrease granted to any [person] **position** affected by the schedule shall exceed the [uniform general] **average** increase or decrease provided for [all] other state employees by the general assembly.

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

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

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

Section B. Section 3, article XIII, Constitution of Missouri, is repealed, to read as follows:

[Section 3. 1. Other provisions of this constitution to the contrary notwithstanding, in order to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of the state, after the effective date of this section no elected state official, member of the general assembly, or judge, except municipal judges, shall receive compensation for the performance of their duties other than in the amount established for each office by the Missouri citizen's commission on compensation for elected officials established pursuant to the provisions of this section. The term "compensation" includes the salary rate established by law, mileage allowances, per diem expense allowances.

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

(1) One member of the commission shall be selected at random by the secretary of state from each congressional district from among those registered voters eligible to vote at the time of selection. The secretary of state shall establish policies and procedures for conducting the selection at random. In making the selections, the secretary of state shall establish a selection system to ensure that no more than five of the members shall be from

the same political party. The policies shall include, but not be limited to, the method of notifying persons selected and for providing for a new selection if any person declines appointment to the commission;

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

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

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

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

5. The first appointments to the commission shall be made not later than February

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

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

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

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

9. Prior to the filing of any compensation schedule, the commission shall hold no less than four public hearings on such schedule, at different geographical locations within the state, within the four months immediately preceding the filing of the schedule. All meetings, actions, hearings, and business of the commission shall be open to the public,

and all records of the commission shall be available for public inspection.

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

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

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