

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 28

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3091S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to judicial salaries.

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
2 Tuesday next following the first Monday in November, 2010, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article XIII of the Constitution of the state of Missouri:

Section A. Section 3, article XIII, Constitution of Missouri, is repealed and
2 two new sections adopted in lieu thereof, to be known as sections 3 and 4, to read
3 as follows:

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

11 2. There is created a commission to be known as the "Missouri Citizens'
12 Commission on Compensation for Elected Officials". The Commission shall be

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

13 selected in the following manner:

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

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

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

41 3. All members of the commission shall be residents and registered voters
42 of the state of Missouri. Except as otherwise specifically provided in this section,
43 no state official, no member of the general assembly, no active judge of any court,
44 no employee of the state or any of its institutions, boards, commissions, agencies
45 or other entities, no elected or appointed official or employee of any political
46 subdivision of the state, and no lobbyist as defined by law shall serve as a
47 member of the commission. No immediate family member of any person ineligible
48 for service on the commission under the provisions of this subsection may serve

49 on the commission. The phrase "immediate family" means the parents, spouse,
50 siblings, children, or dependant relative of the person whether or not living in the
51 same household.

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

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

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

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

73 8. The commission shall, beginning in 1996, and every two years
74 thereafter, review and study the relationship of compensation to the duties of all
75 elected state officials[,] **and** all members of the general assembly, [and all judges,
76 except municipal judges,] and shall fix the compensation for each respective
77 position. The commission shall file its initial schedule of compensation with the
78 secretary of state and the revisor of statutes no later than the first day of
79 December, 1996, and by the first day of December each two years thereafter. The
80 schedule of compensation shall become effective unless disapproved by concurrent
81 resolution adopted by a two-thirds majority vote **of** the general assembly before
82 February 1 of the year following the filing of the schedule. Each schedule shall
83 be published by the secretary of state as a part of the session laws of the general
84 assembly and may also be published as a separate publication at the discretion

85 of the secretary of state. The schedule shall also be published by the revisor of
86 statutes as a part of the revised statutes of Missouri. The schedule shall apply
87 and represent the compensation for each affected person beginning on the first
88 day of July following the filing of the schedule. In addition to any compensation
89 established by the schedule, the general assembly may provide by appropriation
90 for periodic uniform general cost-of-living increases or decreases for all employees
91 of the state of Missouri and such cost-of-living increases or decreases may also be
92 extended to those persons affected by the compensation schedule fixed by the
93 commission. No cost-of-living increase or decrease granted to any person affected
94 by the schedule shall exceed the uniform general increase or decrease provided
95 for all other state employees by the general assembly.

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

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

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

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

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

**Section 4. Beginning January 1, 2011, a judge of the supreme
2 court shall receive a salary equivalent to seventy-five percent of the
3 salary of an associate justice of the United States Supreme Court, a
4 judge of the court of appeals shall receive a salary equivalent to
5 seventy-five percent of the salary of a United States circuit judge, and
6 a circuit judge and an associate circuit judge shall receive a salary**

7 **equivalent to seventy-five percent of the salary of a judge of the United**
8 **States District Court.**

✓

Unofficial

Bill

Copy