

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE FOR  
**SENATE JOINT RESOLUTION NO. 44**  
**95TH GENERAL ASSEMBLY**

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INTRODUCED BY SENATOR SHIELDS.

Offered April 20, 2010.

Senate Substitute adopted, April 20, 2010.

Taken up for Perfection April 20, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5296S.04P

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**JOINT RESOLUTION**

Submitting to the qualified voters of Missouri, an amendment repealing sections 12 and 52 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of education.

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*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 IV of the Constitution of the state of Missouri:

Section A. Sections 12 and 52, article IV, Constitution of Missouri, are  
2 repealed and one new section adopted in lieu thereof, to be known as section 12,  
3 to read as follows:

Section 12. The executive department shall consist of all state elective and  
2 appointive officials and employees except officials and employees of the legislative  
3 and judicial departments. In addition to the governor and lieutenant governor  
4 there shall be a state auditor, secretary of state, attorney general, a state  
5 treasurer, an office of administration, a department of agriculture, a department  
6 of conservation, a department of natural resources, a department of [elementary  
7 and secondary education, a department of higher] education, a department of  
8 highways and transportation, a department of insurance, a department of labor  
9 and industrial relations, a department of economic development, a department of

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

10 public safety, a department of revenue, a department of social services, and a  
11 department of mental health. In addition to the elected officers, there shall not  
12 be more than fifteen departments and the office of administration. The general  
13 assembly may create by law two departments, in addition to those named,  
14 provided that the departments shall be headed by a director or commission  
15 appointed by the governor on the advice and consent of the senate. The director  
16 or commission shall have administrative responsibility and authority for the  
17 department created by law. Unless discontinued all present or future boards,  
18 bureaus, commissions and other agencies of the state exercising administrative  
19 or executive authority shall be assigned by law or by the governor as provided by  
20 law to the office of administration or to one of the fifteen administrative  
21 departments to which their respective powers and duties are germane.

[Section 52. There shall be established a department of  
2 higher education. A "Coordinating Board for Higher Education"  
3 which shall consist of nine members appointed by the governor by  
4 and with the advice and consent of the senate shall be established  
5 within the department. The qualifications and terms of the  
6 members of the board shall be fixed by law, but not more than five  
7 of its members shall be of the same political party. The  
8 coordinating board shall succeed the commission on higher  
9 education with all its powers and duties and shall have such other  
10 powers and duties as may be prescribed by law.]

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