

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 42

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Pre-filed January 3, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4778S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to senate approval for gubernatorial appointments of judges.

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, 2012, 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 V of the Constitution of the state of Missouri:

Section A. Sections 25(a) and 25(d), article V, Constitution of Missouri,
2 are repealed and one new section adopted in lieu thereof, to be known as sections
3 25(a), to read as follows:

Section 25(a). Whenever a vacancy shall occur in the office of judge of any
2 of the following courts of this state, to wit: The supreme court, the court of
3 appeals, [or in] the office of circuit or associate circuit judge within the city of St.
4 Louis and Jackson County, **or any other judicial circuit which has elected**
5 **to have their circuit and associate circuit judges appointed by the**
6 **governor in the manner provided by this section**, the governor shall fill
7 such vacancy by appointing [one of three persons] **a person** possessing the
8 qualifications for such office, [who shall be nominated and whose names shall be
9 submitted to the governor by a nonpartisan judicial commission established and
10 organized as hereinafter provided. If the governor fails to appoint any of the
11 nominees within sixty days after the list of nominees is submitted, the

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

12 nonpartisan judicial commission making the nomination shall appoint one of the
13 nominees to fill the vacancy] **by and with the advice and consent of the**
14 **senate. If the senate is in regular session, and such appointment is**
15 **made more than sixty calendar days prior to the end of the regular**
16 **session, the senate shall vote on such appointment within sixty**
17 **calendar days. If the appointment is made in the last sixty days of the**
18 **regular session or prior to the session held beginning on the first**
19 **Wednesday following the second Monday in September, the senate shall**
20 **vote on such appointment at such September session. Any appointment**
21 **made after the September session shall be voted on at the next regular**
22 **legislative session. The appointee shall have no authority to act until**
23 **the appointee receives the advice and consent of the senate.**

[Section 25(d). Nonpartisan judicial commissions whose
2 duty it shall be to nominate and submit to the governor names of
3 persons for appointment as provided by sections 25(a)-(g) are
4 hereby established and shall be organized on the following basis:
5 For vacancies in the office of judge of the supreme court or of the
6 court of appeals, there shall be one such commission, to be known
7 as "The Appellate Judicial Commission"; for vacancies in the office
8 of circuit judge or associate circuit judge of any circuit court subject
9 to the provisions of sections 25(a)-(g) there shall be one such
10 commission, to be known as "The Circuit Judicial Commission",
11 for each judicial circuit which shall be subject to the provisions of
12 sections 25(a)-(g); the appellate judicial commission shall consist of
13 a judge of the supreme court selected by the members of the
14 supreme court, and the remaining members shall be chosen in the
15 following manner: The members of the bar of this state residing in
16 each court of appeals district shall elect one of their number to
17 serve as a member of said commission, and the governor shall
18 appoint one citizen, not a member of the bar, from among the
19 residents of each court of appeals district, to serve as a member of
20 said commission, and the members of the commission shall select
21 one of their number to serve as chairman. Each circuit judicial
22 commission shall consist of five members, one of whom shall be the
23 chief judge of the district of the court of appeals within which the
24 judicial circuit of such commission, or the major portion of the

25 population of said circuit is situated and the remaining four
26 members shall be chosen in the following manner: The members of
27 the bar of this state residing in the judicial circuit of such
28 commission shall elect two of their number to serve as members of
29 said commission, and the governor shall appoint two citizens, not
30 members of the bar, from among the residents of said judicial
31 circuit to serve as members of said commission, the members of the
32 commission shall select one of their number to serve as chairman;
33 and the terms of office of the members of such commission shall be
34 fixed by law, but no law shall increase or diminish the term of any
35 member then in office. No member of any such commission other
36 than a judge shall hold any public office, and no member shall hold
37 any official position in a political party. Every such commission
38 may act only by the concurrence of a majority of its members. The
39 members of such commission shall receive no salary or other
40 compensation for their services but they shall receive their
41 necessary traveling and other expenses incurred while actually
42 engaged in the discharge of their official duties. All such
43 commissions shall be administered, and all elections provided for
44 under this section shall be held and regulated, under such rules as
45 the supreme court shall promulgate.]

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