

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE JOINT RESOLUTION NO. 30

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2013, and ordered printed.

Read 2nd time January 9, 2014, and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Reported from the Committee January 27, 2014, with recommendation that the joint resolution do pass.

Taken up for Perfection February 4, 2014. Joint resolution declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4234S.02P

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 4, 10, and 51 of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to gubernatorial appointments.

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, 2014, 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 10 and 51, article IV, Constitution of Missouri, are
2 repealed and two new sections adopted in lieu thereof, to be known as sections
3 10 and 51, to read as follows:

Section 4. (1) The governor shall fill all vacancies in public offices unless
2 otherwise provided by law, and his appointees **for elective office** shall serve
3 until their successors are duly elected [or appointed] and qualified. **For any**
4 **vacancy in the office of lieutenant governor, the governor shall, within**
5 **thirty days, issue a writ of election to fill the vacancy for the remainder**
6 **of the term in which such vacancy occurred and until the successor is**
7 **elected, commissioned, and qualified. Such election shall be held at the**
8 **next general election.**

9 (2) All officers appointed by the governor for non-elective offices
10 shall hold office until their term ends and for up to sixty days after the

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

11 **expiration of the term of the office. If no successor is appointed, then**
12 **the non-elective office shall become vacant sixty days after the**
13 **expiration of the officer's term and remain vacant until such time as a**
14 **successor is appointed.**

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

Section 51. [The appointment of all members of administrative boards and
2 commissions and of all department and division heads, as provided by law, shall
3 be made by the governor. All members of administrative boards and
4 commissions, all department and division heads and all other officials appointed
5 by the governor shall be made only by and with the advice and consent of the
6 senate.] **By and with the advice and consent of the senate, the governor**
7 **shall appoint the heads of all executive departments or divisions**
8 **established by this constitution or by law, unless this constitution or**
9 **law provides otherwise. Notwithstanding any provision of section 4 of**
10 **article IV of the Constitution of Missouri to the contrary, whenever a**
11 **vacancy shall occur in any office of department head, the governor may**
12 **appoint an acting or temporary department head in such manner and**
13 **for such time as prescribed by law. By and with the advice and consent**
14 **of the senate, the governor shall appoint all members of administrative**
15 **boards and commissions and all other officials unless this constitution**
16 **or law provides otherwise, except that if no person is so selected within**
17 **ninety days of the creation of a vacancy or expiration of term of office,**
18 **the lieutenant governor shall make the appointment, by and with the**
19 **advice and consent of the senate.** The authority to act of any person whose
20 appointment requires the advice and consent of the senate shall commence, if the
21 senate is in session, upon receiving the advice and consent of the senate. If the
22 senate is not in session, the authority to act shall commence immediately upon
23 appointment by the governor **or lieutenant governor** but shall terminate if the
24 advice and consent of the senate is not given within [thirty] **forty-five** days after
25 the senate has convened in regular or special session. If the senate fails to give

26 its advice and consent to any appointee, that person shall not be reappointed by
27 the governor **or lieutenant governor** to the same office or position.

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

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

✓

Bill

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