

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 40

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 17, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## JOINT RESOLUTION

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

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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, 2016, 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Section A. Section 3, article XIII, Constitution of Missouri, is repealed and  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 one new section adopted in lieu thereof, to be known as section 3, to read as  
3 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, member of the general assembly, or judge, except municipal judges, shall  
6 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 allowances, 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  
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, all members of the general assembly, and all judges, except  
76 municipal judges, and shall fix the compensation for each respective position **at**  
77 **a specific dollar amount**. The commission shall file its initial schedule of  
78 compensation with the secretary of state and the revisor of statutes no later than  
79 the first day of December, 1996, and by the first day of December each two years  
80 thereafter. The schedule of compensation shall become effective unless  
81 disapproved by concurrent resolution adopted by a two-thirds majority vote the  
82 general assembly before February 1 of the year following the filing of the  
83 schedule. Each schedule shall be published by the secretary of state as a part of  
84 the session laws of the general assembly and may also be published as a separate  
85 publication at the discretion of the secretary of state. The schedule shall also be

86 published by the revisor of statutes as a part of the revised statutes of  
87 Missouri. The schedule shall apply and represent the compensation for each  
88 affected person beginning on the first day of July following the filing of the  
89 schedule. **If the general assembly passes a concurrent resolution**  
90 **disapproving the schedule before February first, then each affected**  
91 **person shall continue to be paid the specific dollar amount established**  
92 **by the last schedule not disapproved by the general assembly.** In  
93 addition to any compensation established by the schedule, the general assembly  
94 may provide by appropriation for periodic uniform general cost-of-living increases  
95 or decreases for all employees of the state of Missouri and such cost-of-living  
96 increases or decreases may also be extended to those persons affected by the  
97 compensation schedule fixed by the commission. No cost-of-living increase or  
98 decrease granted to any person affected by the schedule shall exceed the uniform  
99 general increase or decrease provided for all other state employees by the general  
100 assembly.

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

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

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

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

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

          Section B. Pursuant to chapter 116, and other applicable constitutional  
2 provisions and laws of this state allowing the general assembly to adopt ballot

3 language for the submission of this joint resolution to the voters of this state, the  
4 official summary statement of this resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to provide that the  
6 Citizens' Commission on Compensation for Elected Officials shall  
7 fix the compensation of certain public officials at a specific dollar  
8 amount?"

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Unofficial

Bill

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