

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 28

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

2134S.02I

ADRIANE D. CROUSE, Secretary

## 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 compensation of public officials.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the  
2 state of Missouri, on Tuesday next following the first Monday  
3 in November, 2022, or at a special election to be called by  
4 the governor for that purpose, there is hereby submitted to  
5 the qualified voters of this state, for adoption or  
6 rejection, the following amendment to article XIII of the  
7 Constitution of the state of Missouri:

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2 Missouri, is repealed and one new section adopted in lieu  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

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

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

11 officials established pursuant to the provisions of this  
12 section. The term "compensation" includes the salary rate  
13 established by law, [milage] **mileage** allowances, per diem  
14 expense allowances.

15 2. There is created a commission to be known as the  
16 "Missouri Citizens' Commission on Compensation for Elected  
17 Officials". The Commission shall be selected in the  
18 following manner:

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

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

33 (3) Twelve members shall be appointed by the governor,  
34 by and with the advice and consent of the senate. Not more  
35 than six of the appointees shall be members of the same  
36 political party. Of the persons appointed by the governor,  
37 one shall be a person who has had experience in the field of  
38 personnel management, one shall be a person who is  
39 representative of organized labor, one shall be a person  
40 representing small business in this state, one shall be the  
41 chief executive officer of a business doing an average gross  
42 annual business in excess of one million dollars, one shall

43 be a person representing the health care industry, one shall  
44 be a person representing agriculture, two shall be persons  
45 over the age of sixty years, four shall be citizens of a  
46 county of the third classification, two of such citizens  
47 selected from a county of the third classification shall be  
48 selected from north of the Missouri River and two shall be  
49 selected from south of the Missouri River. No two persons  
50 selected to represent a county of the third classification  
51 shall be from the same county nor shall such persons be  
52 appointed from any county represented by an appointment to  
53 the commission by the secretary of state pursuant to  
54 subdivision (1) of this subsection.

55 3. All members of the commission shall be residents  
56 and registered voters of the state of Missouri. Except as  
57 otherwise specifically provided in this section, no state  
58 official, no member of the general assembly, no active judge  
59 of any court, no employee of the state or any of its  
60 institutions, boards, commissions, agencies or other  
61 entities, no elected or appointed official or employee of  
62 any political subdivision of the state, and no lobbyist as  
63 defined by law shall serve as a member of the commission.  
64 No immediate family member of any person ineligible for  
65 service on the commission under the provisions of this  
66 subsection may serve on the commission. The phrase  
67 "immediate family" means the parents, spouse, siblings,  
68 children, or dependant relative of the person whether or not  
69 living in the same household.

70 4. Members of the commission shall hold office for a  
71 term of four years. No person may be appointed to the  
72 commission more than once. No member of the commission may  
73 be removed from office during the term for which appointed  
74 except for incapacity, incompetence, neglect of duty,

75 malfeasance in office, or for a disqualifying change of  
76 residence. Any action for removal shall be brought by the  
77 attorney general at the request of the governor and shall be  
78 heard in the circuit court for the county in which the  
79 accused commission member resides.

80         5. The first appointments to the commission shall be  
81 made not later than February 1, 1996, and not later than  
82 February first every four years thereafter. All  
83 appointments shall be filed with the secretary of state, who  
84 shall call the first meeting of the commission not later  
85 than March 1, 1996, and shall preside at the first meeting  
86 until the commission is organized. The members of the  
87 commission shall organize and elect a chairperson and such  
88 other officers as the commission finds necessary.

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

94         7. Members of the commission shall receive no  
95 compensation for their services but shall be reimbursed for  
96 their actual and necessary expenses incurred in the  
97 performance of their duties from appropriations made for  
98 that purpose.

99         8. The commission shall, beginning in 1996, and every  
100 two years thereafter, review and study the relationship of  
101 compensation to the duties of all elected state officials,  
102 all members of the general assembly, and all judges, except  
103 municipal judges, and shall fix the compensation for each  
104 respective position. The commission shall file its initial  
105 schedule of compensation with the secretary of state and the  
106 revisor of statutes no later than the first day of December,

107 1996, and by the first day of December each two years  
108 thereafter. The schedule of compensation shall become  
109 effective unless disapproved by concurrent resolution  
110 adopted by a two-thirds majority vote the general assembly  
111 before February 1 of the year following the filing of the  
112 schedule. Each schedule shall be published by the secretary  
113 of state as a part of the session laws of the general  
114 assembly and may also be published as a separate publication  
115 at the discretion of the secretary of state. The schedule  
116 shall also be published by the revisor of statutes as a part  
117 of the revised statutes of Missouri. The schedule shall  
118 apply and represent the compensation for each affected  
119 person beginning on the first day of July following the  
120 filing of the schedule. **Notwithstanding any schedule of**  
121 **compensation effective before January 1, 2023, beginning**  
122 **January 1, 2023, no affected person shall receive an**  
123 **increase in compensation based on a schedule of compensation**  
124 **beyond the two-year period in which such schedule is**  
125 **effective and no schedule of compensation shall provide for**  
126 **an increase in, or have the effect of increasing, the**  
127 **compensation of affected persons beyond the two-year period**  
128 **in which the schedule is effective.** In addition to any  
129 compensation established by the schedule, the general  
130 assembly may provide by appropriation for periodic uniform  
131 general cost-of-living increases or decreases for all  
132 employees of the state of Missouri and such cost-of-living  
133 increases or decreases may also be extended to those persons  
134 affected by the compensation schedule fixed by the  
135 commission. No cost-of-living increase or decrease granted  
136 to any person affected by the schedule shall exceed the  
137 uniform general increase or decrease provided for all other  
138 state employees by the general assembly.

139           9. Prior to the filing of any compensation schedule,  
140 the commission shall hold no less than four public hearings  
141 on such schedule, at different geographical locations within  
142 the state, within the four months immediately preceding the  
143 filing of the schedule. All meetings, actions, hearings,  
144 and business of the commission shall be open to the public,  
145 and all records of the commission shall be available for  
146 public inspection.

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

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

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

161           13. No compensation schedule filed by the commission  
162 after the effective date of this subsection shall take  
163 effect for members of the general assembly until January 1,  
164 2009.

          Section B. Pursuant to chapter 116, and other  
2 applicable constitutional provisions and laws of this state  
3 allowing the general assembly to adopt ballot language for  
4 the submission of this joint resolution to the voters of  
5 this state, the official summary statement of this  
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to  
8 prohibit statewide elected officials, members of  
9 the General Assembly, and judges from receiving  
10 increases in their compensation based on  
11 schedules that extend beyond two years?"

✓