

]FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 29

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE HOUGHTON.

1263H.021

D. ADAM CRUMBLISS, Chief Clerk

---

### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 11(a), 11(b), 12, 17, 18, and 35 of article IV of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to the secretary of agriculture.

---

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

That at the next general election to be held in the state of Missouri, on Tuesday next  
2 following the first Monday in November, 2016, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article IV of the Constitution of the state of  
5 Missouri:

Section A. Sections 11(a), 11(b), 12, 17, 18, and 35, article IV, Constitution of Missouri,  
2 are repealed and six new sections adopted in lieu thereof, to be known as sections 11(a), 11(b),  
3 12, 13(a), 17, and 18, to read as follows:

Section 11(a). If the governor-elect dies before taking office, the lieutenant  
2 governor-elect shall take the term of the governor-elect. On the death, conviction or  
3 impeachment, or resignation of the governor, the lieutenant governor shall become governor for  
4 the remainder of the term. If there be no lieutenant governor the president pro tempore of the  
5 senate, the speaker of the house, the secretary of state, the state auditor, **the secretary of**  
6 **agriculture**, the state treasurer or the attorney general in succession shall become governor. On  
7 the failure to qualify, absence from the state or other disability of the governor, the powers,  
8 duties and emoluments of the governor shall devolve upon the lieutenant governor for the  
9 remainder of the term or until the disability is removed. If there be no lieutenant governor, or  
10 for any of said causes the lieutenant governor is incapable of acting, the president pro tempore

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 of the senate, the speaker of the house, the secretary of state, the state auditor, **the secretary of**  
12 **agriculture**, the state treasurer, and the attorney general in succession shall act as governor until  
13 the disability is removed.

Section 11(b). Whenever the governor transmits to the president pro tempore of the  
2 senate and the speaker of the house of representatives his written declaration that he is unable  
3 to discharge the powers and duties of his office, and until he transmits to them a written  
4 declaration to the contrary, such powers and duties shall be discharged by the lieutenant  
5 governor, or if there be no lieutenant governor, by the president pro tempore of the senate, the  
6 speaker of the house, secretary of state, the state auditor, **the secretary of agriculture**, the state  
7 treasurer, or the attorney general in succession, as acting governor. Whenever a majority of a  
8 disability board comprised of the lieutenant governor, the secretary of state, the state auditor, **the**  
9 **secretary of agriculture**, the state treasurer, the attorney general, president pro tempore of the  
10 senate, the speaker of the house of representatives, the majority floor leader of the senate, and  
11 majority floor leader of the house, transmits to the president pro tempore of the senate and the  
12 speaker of the house of representatives their written declaration that the governor is unable to  
13 discharge the powers and duties of his office, the lieutenant governor, or if there be no lieutenant  
14 governor, the president pro tempore of the senate, the speaker of the house, the secretary of state,  
15 the state auditor, **the secretary of agriculture**, the state treasurer or the attorney general in  
16 succession, shall immediately assume the powers and duties of the office as acting governor.  
17 Thereafter when the governor transmits to the disability board his written declaration that no  
18 inability exists, he shall resume the powers and duties of his office on the fourth day after he  
19 transmits such declaration unless a majority of the disability board transmits their written  
20 declaration that the governor is unable to discharge the powers and duties of his office to the  
21 supreme court within that four day period, and the supreme court shall then convene to decide  
22 the issue. If the supreme court within twenty-one days after receipt of such declaration,  
23 determines by a majority vote of all members thereof that the governor is unable to discharge the  
24 powers and duties of his office, the acting governor shall continue to discharge the same as  
25 acting governor; otherwise, the governor shall resume the powers and duties of his office.

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

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

**Section 13(a). The secretary of agriculture shall have the same qualifications as the  
2 governor. He or she shall oversee all state agricultural programs as established by law.  
3 The general assembly shall provide the secretary of agriculture with funds adequate for  
4 administration of the functions of that office; and shall enact such laws and provide such  
5 other appropriations as may be required to protect, foster, and develop the agricultural  
6 resources of the state.**

Section 17. The governor, lieutenant governor, secretary of state, state treasurer and  
2 attorney general shall be elected at the presidential elections for terms of four years each. The  
3 state auditor shall be elected for a term of two years at the general election in the year 1948, and  
4 his or her successors shall be elected for terms of four years. **The secretary of agriculture  
5 shall be elected for a term of four years at the general election in 2018, and his or her  
6 successors shall be elected for terms of four years.** No person shall be elected governor or  
7 treasurer more than twice, and no person who has held the office of governor or treasurer, or  
8 acted as governor or treasurer, for more than two years of a term to which some other person was  
9 elected to the office of governor or treasurer shall be elected to the office of governor or treasurer  
10 more than once. The heads of all the executive departments shall be appointed by the governor,  
11 by and with the advice and consent of the senate. All appointive officers may be removed by the  
12 governor and shall possess the qualifications required by this constitution or by law.

Section 18. The returns of every election for governor, lieutenant governor, secretary of  
2 state, state auditor, **secretary of agriculture**, state treasurer and attorney general shall be sealed  
3 and transmitted by the returning officers to the secretary of state, who shall appoint two  
4 disinterested judges of a court of record of the state, and the three shall constitute a board of state  
5 canvassers. The board shall meet at the state capitol on, or at the call of the secretary of state  
6 before, the second Tuesday of December next after the election and forthwith open and canvass  
7 the returns of the votes cast and from the face thereof ascertain and proclaim the result of the  
8 election. The persons having the highest number of votes for the respective offices shall be

9 declared elected, and if two or more persons have an equal and the highest number of votes for  
10 the same office, at its next regular session the general assembly, by joint vote and without delay,  
11 shall choose one of such persons for the office.

2 [Section 35. The department of agriculture shall be in charge of a director  
3 appointed by the governor by and with the advice and consent of the senate. The  
4 general assembly shall provide the department of agriculture with funds adequate  
5 for administration of its functions; and shall enact such laws and provide such  
6 other appropriations as may be required to protect, foster and develop the  
agricultural resources of the state.]

✓