

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 86

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KOLKMEYER.

6192H.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

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

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*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Section A. Section 51, article IV, Constitution of Missouri, is repealed and one new  
2 section adopted in lieu thereof, to be known as section 51, to read as follows:

Section 51. [The appointment of all members of administrative boards and commissions  
2 and of all department and division heads, as provided by law, shall be made by the governor.  
3 All members of administrative boards and commissions, all department and division heads and  
4 all other officials appointed by the governor shall be made only by and with the advice and  
5 consent of the senate.] **(1) By and with the advice and consent of the senate, the governor  
6 shall appoint the heads of all executive departments or divisions established by this  
7 constitution or by law. Notwithstanding any provision of article IV, section 4 of the  
8 Constitution of Missouri to the contrary, whenever a vacancy shall occur in any office of  
9 department head, the governor may appoint an acting or temporary department head in  
10 such manner and for such time as prescribed by law. By and with the advice and consent**

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 governor shall appoint all members of administrative boards and**  
12 **commissions and all other officials as provided by law, except that:**

13 **(a) If no person is so selected within sixty days of a member's expired term, the**  
14 **speaker of the house of representatives shall have the authority to make the appointment**  
15 **within the next sixty days, by and with the advice and consent of the senate; or**

16 **(b) If no person is so selected within one hundred twenty days of a vacancy during**  
17 **a member's term, the speaker of the house of representatives shall have the authority to**  
18 **make the appointment within the next sixty days, by and with the advice and consent of the**  
19 **senate;**

20 **(2) The authority to act of any person whose appointment requires the advice and consent**  
21 **of the senate shall commence, if the senate is in session, upon receiving the advice and consent**  
22 **of the senate. If the senate is not in session, the authority to act shall commence immediately**  
23 **upon appointment by the governor or speaker of the house of representatives but shall**  
24 **terminate if the advice and consent of the senate is not given within thirty days after the senate**  
25 **has convened in regular or special session. If the senate fails to give its advice and consent to**  
26 **any appointee, that person shall not be reappointed by the governor or speaker of the house of**  
27 **representatives to the same office or position;**

28 **(3) Unless provided by law, no more than two members from any one profession**  
29 **shall serve on any one administrative board or commission.**

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