

HCS SJR 30 -- GUBERNATORIAL APPOINTMENTS

SPONSOR: Dixon (Haahr)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 9 to 1.

Upon voter approval, this proposed constitutional amendment modifies the gubernatorial appointment process.

The Governor must fill all vacancies in public offices unless otherwise provided by law, and his or her appointees for elective office must serve until their successors are duly elected and qualified. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the Office of Lieutenant Governor, the Governor must immediately appoint a qualified individual to serve as Acting Lieutenant Governor to fill the vacancy. In cases of impeachment, the office must remain vacant until the impeachment is determined. If acquitted, the Lieutenant Governor must be reinstated in office. If the vacancy in the Office of Lieutenant Governor occurs no later than 22 months from the start of the term, then the vacancy must be filled by a special election held at the same time as the next general election, otherwise the vacancy must not be filled by special election and the Acting Lieutenant Governor must serve the remainder of the term for the Office of Lieutenant Governor.

The Lieutenant Governor must have the same qualifications as the Governor and must be ex officio President of the Senate. In committee of the whole he may debate all questions, and must cast the deciding vote on joint vote of both houses and on equal division in the Senate, except on matters related to appointments of all members of administrative boards and commissions submitted to the Senate.

By and with the advice and consent of the Senate, the Governor must appoint the heads of all executive departments or divisions, unless this constitution or law provides otherwise. Notwithstanding any provision of Article IV, Section 4 of the Constitution of Missouri to the contrary, whenever a vacancy occurs in any office of department head, the Governor may appoint an acting or temporary department head in the manner and for the time as prescribed by law. In the event of a vacancy, no individual will serve as an acting or temporary department head for the office longer than 180 days from the date the vacancy first occurs without the advice and consent of the Senate. The Governor must not appoint an acting or temporary department head if the Governor previously appointed an acting or temporary department head for the same department or division within the last 360 days.

The authority to act of any individual whose appointment requires the advice and consent of the Senate must commence, if the Senate is in session, upon receiving the advice and consent of the Senate. If the Senate is not in session, the authority to act must commence immediately upon appointment by the Governor but must terminate if the advice and consent of the Senate is not given within 60 days after the Senate has convened in regular or special session. If the Senate fails to give its advice and consent to any appointee, he or she must not be reappointed by the Governor to the same office or position.

PROPOSERS: Supporters say that the bill makes clear limits on the Governor's appointment authority.

Testifying for the bill was Senator Dixon.

OPPOSERS: There was no opposition voiced to the committee.