

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 78

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), DAY, HOUGHTON, CONWAY (14),
LOEHNER, MARSHALL, COX, JONES (117), SCHARNHORST, BARNES, HINSON, FITZWATER,
BRATTIN AND SHUMAKE (Co-sponsors).

5766L.01I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 7 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to meetings of apportionment commissions.

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 following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 2 and 7, article III, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 2 and 7, to read as follows:

Section 2. The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned in the following manner: Within sixty days after the population of this state is reported to the President for each decennial census of the United States and, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as

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.

10 nominees for reapportionment commissioners. Neither party shall select more than one nominee
11 from any one state legislative district. The congressional committees shall each submit to the
12 governor their list of elected nominees. Within thirty days the governor shall appoint a
13 commission consisting of one name from each list to reapportion the state into one hundred and
14 sixty-three representative districts and to establish the numbers and boundaries of said districts.

15 If any of the congressional committees fails to submit a list within such time the governor
16 shall appoint a member of his own choice from that district and from the political party of the
17 committee failing to make the appointment.

18 Members of the commission shall be disqualified from holding office as members of the
19 general assembly for four years following the date of the filing by the commission of its final
20 statement of apportionment.

21 For the purposes of this article, the term congressional district committee or
22 congressional district refers to the congressional district committee or the congressional district
23 from which a congressman was last elected, or, in the event members of congress from this state
24 have been elected at large, the term congressional district committee refers to those persons who
25 last served as the congressional district committee for those districts from which congressmen
26 were last elected, and the term congressional district refers to those districts from which
27 congressmen were last elected. Any action pursuant to this section by the congressional district
28 committee shall take place only at duly called meetings, shall be recorded in their official
29 minutes and only members present in person shall be permitted to vote.

30 The commissioners so selected shall on the fifteenth day, excluding Sundays and
31 holidays, after all members have been selected, meet in the capitol building and proceed to
32 organize by electing from their number a chairman, vice chairman and secretary and shall adopt
33 an agenda establishing at least three hearing dates on which hearings open to the public shall be
34 held. A copy of the agenda shall be filed with the clerk of the house of representatives within
35 twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as
36 the commission deems advisable.

37 The commission shall reapportion the representatives by dividing the population of the
38 state by the number one hundred sixty-three and shall establish each district so that the
39 population of that district shall, as nearly as possible, equal that figure.

40 Each district shall be composed of contiguous territory as compact as may be.

41 Not later than five months after the appointment of the commission, the commission shall
42 file with the secretary of state a tentative plan of apportionment and map of the proposed districts
43 and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear
44 objections or testimony of interested persons.

45 Not later than six months after the appointment of the commission, the commission shall
46 file with the secretary of state a final statement of the numbers and the boundaries of the districts
47 together with a map of the districts, and no statement shall be valid unless approved by at least
48 seven-tenths of the members.

49 After the statement is filed members of the house of representatives shall be elected
50 according to such districts until a reapportionment is made as herein provided, except that if the
51 statement is not filed within six months of the time fixed for the appointment of the commission,
52 it shall stand discharged and the house of representatives shall be apportioned by a commission
53 of six members appointed from among the judges of the appellate courts of the state of Missouri
54 by the state supreme court, a majority of whom shall sign and file its apportionment plan and
55 map with the secretary of state within ninety days of the date of the discharge of the
56 apportionment commission. Thereafter members of the house of representatives shall be elected
57 according to such districts until a reapportionment is made as herein provided.

58 Each member of the commission shall receive as compensation fifteen dollars a day for
59 each day the commission is in session but not more than one thousand dollars, and, in addition,
60 shall be reimbursed for his actual and necessary expenses incurred while serving as a member
61 of the commission.

62 **All meetings of any commission created under this section, including executive**
63 **meetings, shall be open to the public and such commissions shall be considered a public**
64 **governmental body for purposes of, and subject to, any general law concerning public**
65 **meetings and public records.**

66 No reapportionment shall be subject to the referendum.

Section 7. Within sixty days after the population of this state is reported to the President
2 for each decennial census of the United States, and within sixty days after notification by the
3 governor that a reapportionment has been invalidated by a court of competent jurisdiction, the
4 state committee of each of the two political parties casting the highest vote for governor at the
5 last preceding election shall, at a committee meeting duly called, select by a vote of the
6 individual committee members, and thereafter submit to the governor a list of ten persons, and
7 within thirty days thereafter the governor shall appoint a commission of ten members, five from
8 each list, to reapportion the thirty-four senatorial districts and to establish the numbers and
9 boundaries of said districts.

10 If either of the party committees fails to submit a list within such time the governor shall
11 appoint five members of his own choice from the party of the committee so failing to act.

12 Members of the commission shall be disqualified from holding office as members of the
13 general assembly for four years following the date of the filing by the commission of its final
14 statement of apportionment.

15 The commissioners so selected shall on the fifteenth day, excluding Sundays and
16 holidays, after all members have been selected, meet in the capitol building and proceed to
17 organize by electing from their number a chairman, vice chairman and secretary and shall adopt
18 an agenda establishing at least three hearing dates on which hearings open to the public shall be
19 held. A copy of the agenda shall be filed with the secretary of the senate within twenty-four
20 hours after its adoption. Executive meetings may be scheduled and held as often as the
21 commission deems advisable.

22 The commission shall reapportion the senatorial districts by dividing the population of
23 the state by the number thirty-four and shall establish each district so that the population of that
24 district shall, as nearly as possible, equal that figure; no county lines shall be crossed except
25 when necessary to add sufficient population to a multi-district county or city to complete only
26 one district which lies partly within such multi-district county or city so as to be as nearly equal
27 as practicable in population. Any county with a population in excess of the quotient obtained
28 by dividing the population of the state by the number thirty-four is hereby declared to be a
29 multi-district county.

30 Not later than five months after the appointment of the commission, the commission shall
31 file with the secretary of state a tentative plan of apportionment and map of the proposed districts
32 and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear
33 objections or testimony of interested persons.

34 Not later than six months after the appointment of the commission, the commission shall
35 file with the secretary of state a final statement of the numbers and the boundaries of the districts
36 together with a map of the districts, and no statement shall be valid unless approved by at least
37 seven members.

38 After the statement is filed senators shall be elected according to such districts until a
39 reapportionment is made as herein provided, except that if the statement is not filed within six
40 months of the time fixed for the appointment of the commission, it shall stand discharged and
41 the senate shall be apportioned by a commission of six members appointed from among the
42 judges of the appellate courts of the state of Missouri by the state supreme court, a majority of
43 whom shall sign and file its apportionment plan and map with the secretary of state within ninety
44 days of the date of the discharge of the apportionment commission. Thereafter senators shall be
45 elected according to such districts until a reapportionment is made as herein provided.

46 Each member of the commission shall receive as compensation fifteen dollars a day for
47 each day the commission is in session, but not more than one thousand dollars, and, in addition,
48 shall be reimbursed for his actual and necessary expenses incurred while serving as a member
49 of the commission.

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51 **meetings, shall be open to the public and such commissions shall be considered a public**
52 **governmental body for purposes of, and subject to, any general law concerning public**
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54 No reapportionment shall be subject to the referendum.

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