

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 39

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Pre-filed December 19, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3384S.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 8, and 11 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the general assembly.

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

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2008, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 2, 5, 8, and 11, article III, Constitution of Missouri,
2 are repealed and four new sections adopted in lieu thereof, to be known as
3 sections 2, 5, 8, and 11, to read as follows:

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

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

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

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

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

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

37 The commissioners so selected shall on the fifteenth day, excluding
38 Sundays and holidays, after all members have been selected, meet in the capitol
39 building and proceed to organize by electing from their number a [chairman]
40 **chair**, vice [chairman] **chair** and secretary and shall adopt an agenda
41 establishing at least three hearing dates on which hearings open to the public
42 shall be held. A copy of the agenda shall be filed with the clerk of the house of
43 representatives within twenty-four hours after its adoption. Executive meetings
44 may be scheduled and held as often as the commission deems advisable.

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

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

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

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

60 After the statement is filed members of the house of representatives shall
61 be elected according to such districts until a reapportionment is made as herein
62 provided, except that if the statement is not filed within six months of the time
63 fixed for the appointment of the commission, it shall stand discharged and the
64 house of representatives shall be apportioned by a commission of six members
65 appointed from among the judges of the appellate courts of the state of Missouri
66 by the state supreme court, a majority of whom shall sign and file its
67 apportionment plan and map with the secretary of state within ninety days of the
68 date of the discharge of the apportionment commission. Thereafter members of
69 the house of representatives shall be elected according to such districts until a
70 reapportionment is made as herein provided.

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

75 No reapportionment shall be subject to the referendum.

Section 5. The senate shall consist of thirty-four members elected by the
2 qualified voters of the respective districts for four years, **except that beginning**
3 **with the ninety-seventh General Assembly, the thirty-four members**
4 **shall be elected for a term of six years.** For the election of senators, the
5 state shall be divided into convenient districts of contiguous territory, as compact
6 and nearly equal in population as may be.

Section 8. No one shall be elected to serve more than eight years total in
2 any one house of the General Assembly nor more than sixteen years total in both
3 houses of the General Assembly. **Beginning with the ninety-seventh**

4 **General Assembly, no one shall be elected to serve more than twelve**
5 **years total in any one house of the General Assembly nor more than**
6 **twenty-four years total in both houses of the General Assembly,**
7 **disregarding any prior service.** In applying this section, service in the
8 General Assembly resulting from an election prior to December 3, 1992, or service
9 of less than one year, in the case of a member of the house of representatives, or
10 two years, in the case of a member of the senate, by a person elected after the
11 effective date of this section to complete the term of another person, shall not be
12 counted.

Section 11. The first election of senators and representatives under this
2 constitution, shall be held at the general election in the year one thousand nine
3 hundred and forty-six when the whole number of representatives and the senators
4 from the districts having even numbers, who shall compose the first class, shall
5 be elected, and two years thereafter the whole number of representatives and the
6 senators from districts having odd numbers, who shall compose the second class,
7 shall be elected, and so on at each succeeding general election. **Beginning with**
8 **the general election in 2012, the whole number of representatives shall**
9 **be elected and senators from the first, fourth, seventh, tenth,**
10 **thirteenth, sixteenth, nineteenth, twenty-second, twenty-fifth, twenty-**
11 **eighth, thirty-first, and thirty-fourth districts shall elected. At the**
12 **general election in 2014, senators from the second, fifth, eighth,**
13 **eleventh, fourteenth, seventeenth, twentieth, twenty-third, twenty-sixth,**
14 **twenty-ninth, and thirty-second districts shall be elected. At the**
15 **general election in 2016, senators from the third, sixth, ninth, twelfth,**
16 **fifteenth, eighteenth, twenty-first, twenty-fourth, twenty-seventh,**
17 **thirtieth, and thirty-third districts shall be elected.**

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