

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE JOINT RESOLUTION NO. 37

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CROWELL.

Pre-filed December 14, 2011, and ordered printed.

Read 2nd time January 5, 2012, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee February 23, 2012, with recommendation that the joint resolution do pass.

Taken up for Perfection March 6, 2012. Joint resolution declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

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## 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 apportionment commissions.

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*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, 2012, 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 and 7, article III, Constitution of Missouri, are  
2 repealed and two new sections adopted in lieu thereof, to be known as sections  
3 2 and 7, 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 apportioned in the  
3 following manner: Within sixty days after the population of this state is reported  
4 to the President for each decennial census of the United States and, in the event  
5 that a reapportionment has been invalidated by a court of competent jurisdiction,  
6 within sixty days after notification by the governor that such a ruling has been  
7 made, the congressional district committee of each of the two parties casting the  
8 highest vote for governor at the last preceding election shall meet and the  
9 members of the committee shall nominate, by a majority vote of the members of  
10 the committee present, provided that a majority of the elected members is

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

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

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

21 Members of the commission shall be disqualified from holding office as  
22 members of the general assembly for **[four] ten** years following the date of the  
23 filing by the commission of its final statement of apportionment **or the date by**  
24 **which the commission stands discharged because of its failure to file**  
25 **a final statement with the secretary of state.**

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, vice  
40 chairman and secretary and shall adopt an agenda establishing at least three  
41 hearing dates on which hearings open to the public shall be held. A copy of the  
42 agenda shall be filed with the clerk of the house of representatives within  
43 twenty-four hours after its adoption. Executive meetings may be scheduled and  
44 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 **All meetings of any commission created under this section,**  
76 **including executive meetings, shall be open to the public and such**  
77 **commissions shall be considered a public governmental body for**  
78 **purposes of, and subject to, any general law concerning public meetings**  
79 **and public records.**

80 No reapportionment shall be subject to the referendum.

Section 7. Within sixty days after the population of this state is reported  
2 to the President for each decennial census of the United States, and within sixty

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

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

14 Members of the commission shall be disqualified from holding office as  
15 members of the general assembly for **[four] ten** years following the date of the  
16 filing by the commission of its final statement of apportionment **or the date by**  
17 **which the commission stands discharged because of its failure to file**  
18 **a final statement with the secretary of state.**

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

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

36 Not later than five months after the appointment of the commission, the  
37 commission shall file with the secretary of state a tentative plan of apportionment  
38 and map of the proposed districts and during the ensuing fifteen days shall hold

39 such public hearings as may be necessary to hear objections or testimony of  
40 interested persons.

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

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

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

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

64 No reapportionment shall be subject to the referendum.

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