

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 18

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 11, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0849S.011

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.

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, 2014, 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2 repealed and two new sections adopted in lieu thereof, to be known as sections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 present,
11 two members of their party, residents in that district, as nominees for
12 reapportionment commissioners. Neither party shall select more than one

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

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] **six** years following [the date of the
23 filing by the commission of its final statement of apportionment] **their**
24 **appointment to the commission by the governor.**

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

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

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

48 Each district shall be composed of contiguous territory as compact as may

49 be.

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

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

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

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

76 **All meetings of any commission created under this section,**
77 **including executive meetings, shall be open to the public and such**
78 **commissions shall be considered a public governmental body for**
79 **purposes of, and subject to, any general law concerning public meetings**
80 **and public records.**

81 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 the
5 two political parties casting the highest vote for governor at the last preceding
6 election shall, at a committee meeting duly called, select by a vote of the
7 individual committee members, and thereafter submit to the governor a list of ten
8 persons, and within thirty days thereafter the governor shall appoint a commission
9 of ten members, five from each list, to reapportion the thirty-four senatorial
10 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] six** years following the date of **[the**
16 **filing by the commission of its final statement of apportionment] their**
17 **appointment to the commission by the governor.**

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

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

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

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

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

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

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

65 No reapportionment shall be subject to the referendum.

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