

SECOND REGULAR SESSION

**SENATE JOINT RESOLUTION NO. 37**

**99TH GENERAL ASSEMBLY**

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INTRODUCED BY SENATOR KEHOE.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6744S.011

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**JOINT RESOLUTION**

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, and 7 of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the general assembly.

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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, 2018, 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, and 7, article III, Constitution of Missouri, are  
2 repealed and five new sections adopted in lieu thereof, to be known as sections  
3 2, 2(a), 5, 7, and 19(a), 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  
11 present, 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 years following the date of the filing by  
23 the commission of its final statement of apportionment.

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

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

43 The commission shall reapportion the representatives by dividing the  
44 population of the **United States citizens in the** state by the number one  
45 hundred sixty-three and shall establish each district so that the population of  
46 that district shall, as nearly as possible, equal that figure. **This figure shall be**  
47 **the "house district mean".**

48 Each district shall be composed of contiguous territory, **and under no**

49 **circumstances may this requirement be violated. Each district shall be**  
50 **as compact as may be after accounting for county and city lines and**  
51 **geographic boundaries.**

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

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

61 After the statement is filed members of the house of representatives shall  
62 be elected according to such districts until a reapportionment is made as herein  
63 provided, except that if the statement is not filed within six months of the time  
64 fixed for the appointment of the commission, it shall stand discharged and the  
65 house of representatives shall be apportioned by a commission of six members  
66 appointed from among the judges of the appellate courts of the state of Missouri  
67 by the state supreme court, a majority of whom shall sign and file its  
68 apportionment plan and map with the secretary of state within ninety days of the  
69 date of the discharge of the apportionment commission. Thereafter members of  
70 the 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 No reapportionment shall be subject to the referendum.

**Section 2(a). Only citizens of the United States of America shall**  
2 **be counted as part of the population of this state in making**  
3 **apportionments of the districts of the house of representatives and**  
4 **senate under sections 2, 5, 7, and 10.**

Section 5. The senate shall consist of thirty-four members elected by the  
2 qualified voters of the respective districts for four years. For the election of  
3 senators, the state shall be divided into convenient districts of contiguous  
4 territory, **and under no circumstances may this requirement be**

5 **violated. The districts shall be** as compact and nearly equal in population as  
6 may be **after accounting for county and city lines and geographic**  
7 **boundaries.**

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 years following the date of the filing by  
16 the commission of its final statement of apportionment.

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

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

34 **which shall be called the "senate district mean".**

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  
52 commission. Thereafter senators shall be elected according to such districts until  
53 a reapportionment is made as herein provided.

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

58 No reapportionment shall be subject to the referendum.

**Section 19(a). 1. All legislative records are open records  
2 accessible to the public.**

3 **2. All legislative proceedings, including committee hearings,  
4 shall be open meetings accessible to the public.**

5 **3. No member of the general assembly or candidate for the  
6 general assembly shall solicit contributions for any candidate  
7 committee while on or in any building or property owned, leased, or  
8 controlled by the state or any department, agency, or division  
9 thereof. Nothing in this subsection prohibits any member of the  
10 general assembly or candidate for the general assembly from engaging  
11 in political speech on public property.**

12           4. No person serving as a member of or employed by the general  
13 assembly shall:

14           (1) Act or serve as a paid lobbyist, register as a paid lobbyist, or  
15 solicit lobbyist principals during the time of such service until the  
16 expiration of two calendar years after the conclusion of the session of  
17 the general assembly in which the member or employee last served and  
18 where such service was after the effective date of this section;

19           (2) Accept directly or indirectly a gift of any tangible or  
20 intangible item, service, or thing of value from any paid lobbyist or  
21 lobbyist principal in excess of five dollars per occurrence, or one  
22 hundred dollars, per year, whichever is less, although this shall not  
23 apply to campaign contributions consistent with applicable law, or gifts  
24 from relatives within the fourth degree by blood or marriage, and these  
25 dollar limitations shall increase by four percent per year, rounded to  
26 the nearest dollar, or as may be provided by law.

27           5. The following provisions shall apply to candidates for the  
28 general assembly, to committees that make at least one contribution to  
29 a candidate for the general assembly, and to committees or persons who  
30 make at least one expenditure supporting a candidate for the general  
31 assembly:

32           (1) No person shall make, and no candidate shall accept, a  
33 contribution to a candidate committee or to a person exploring public  
34 office:

35           (a) For the office of state senator, that exceeds two thousand five  
36 hundred dollars.

37           (b) For the office of state representative, that exceeds two  
38 thousand five hundred dollars.

39 These dollar limitations shall increase by four percent per year,  
40 rounded to the nearest dollar, or as may be provided by law;

41           (2) No committee or candidate shall knowingly accept anything  
42 of value from any foreign government or any natural person who is not  
43 a United States citizen, national, or lawfully admitted permanent  
44 resident, as defined by federal law;

45           (3) A legislative leadership committee may be formed by any  
46 candidate for the general assembly.

Section B. Pursuant to chapter 116, and other applicable constitutional  
2 provisions and laws of this state allowing the general assembly to adopt ballot

3 language for the submission of this joint resolution to the voters of this state, the  
4 official summary statement of this resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to:

- 6 • Require that only citizens of the United States of America  
7 be counted for apportioning general assembly districts;  
8 • Restrict lobbyist gifts and legislators' service as lobbyists;  
9 • Open legislative records and meetings; and  
10 • Reduce contribution limits for legislators, ban certain  
11 foreign contributions, and allow for legislative leadership  
12 committees?"

Section C. Pursuant to section 116.155, and other applicable  
2 constitutional provisions and the laws of this state authorizing the general  
3 assembly to adopt a fiscal note summary for the submission of a joint resolution  
4 to the voters of this state, the official fiscal note summary of this resolution shall  
5 be as follows:

6 "It is estimated that this proposal will have no significant impact  
7 on revenues or costs for state and local governmental entities."

Bill ✓

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