

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 99

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PLOCHER.

6752H.011

D. ADAM CRUMBLISS, Chief Clerk

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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 four new sections in lieu thereof relating to the general assembly.

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*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, 2018, 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Section A. Sections 2, 5, and 7, article III, Constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as sections 2, 2(a), 5, and 7, to read as follows: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 nominees for reapportionment commissioners. Neither party shall select more than one nominee

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.

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  
38 **United States citizens in** the state by the number one hundred sixty-three and shall establish  
39 each district so that the population of that district shall, as nearly as possible, equal that figure.

40 Each district shall be composed of contiguous territory, **and under no circumstances**  
41 **shall this requirement be violated. Each district shall be** as compact as ~~may be~~ **possible**  
42 **after accounting for county and city lines and geographic boundaries.**

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

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

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

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

64 No reapportionment shall be subject to the referendum.

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

Section 5. The senate shall consist of thirty-four members elected by the qualified voters  
2 of the respective districts for four years. For the election of senators, the state shall be divided  
3 into convenient districts of contiguous territory, **and under no circumstances shall this  
4 requirement be violated. The districts shall be as compact and nearly equal in population as  
5 [may-be] possible after accounting for county and city lines and geographic boundaries.**

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

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.

50 No reapportionment shall be subject to the referendum.

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions  
2 and laws of this state allowing the general assembly to adopt ballot language for the submission  
3 of this joint resolution to the voters of this state, the official summary statement of this resolution  
4 shall be as follows:

5 "Shall the Missouri Constitution be amended to require that only citizens of the United  
6 States be counted for apportioning general assembly districts and state that such districts must  
7 be contiguous and follow county and certain city boundary lines while deviating in population  
8 no more than nine percent?"

Section C. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions  
2 and laws of this state allowing the general assembly to adopt ballot language for the submission  
3 of this joint resolution to the voters of this state, the official fiscal note summary of this  
4 resolution shall be as follows:

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

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