

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE JOINT RESOLUTION NO. 48
96TH GENERAL ASSEMBLY

5476L.05C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, and 10, of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to apportionment commissions.

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
2 following the first Monday in November, 2012, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article III of the Constitution of the state of
5 Missouri:

Section A. Sections 2, 5, 7, and 10, article III, Constitution of Missouri, are repealed and
2 three new sections adopted in lieu thereof, to be known as sections 2, 7, and 10, to read as
3 follows:

Section 2. The house of representatives shall consist of one hundred sixty-three members
2 elected **by the qualified voters of the respective districts** at each general election [and
3 apportioned in the following manner:] . **For the election of representatives, a commission**
4 **shall reapportion the representative districts by dividing the population of the state by the**
5 **number one hundred sixty-three and shall establish each district so that the population of**
6 **that district shall, as nearly as possible, equal that figure. Each district shall be composed**
7 **of contiguous territory as compact as may be.**

8 **All meetings, executive meetings, actions, hearings, and business of any commission**
9 **created under this section shall be open to the public, and all records of such commissions**
10 **shall be available for periodic inspections. Such commissions shall be considered a public**

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 **governmental body for purposes of, and subject to, any general law concerning public**
12 **meetings and public records.**

13 Within sixty days after the population of this state is reported to the President for each
14 decennial census of the United States, and [, in the event that a reapportionment has been
15 invalidated by a court of competent jurisdiction,] within sixty days after notification by the
16 governor that [such a ruling has been made] **a reapportionment has been invalidated by a**
17 **court of competent jurisdiction**, the congressional district committee of each of the two parties
18 casting the highest vote for governor at the last preceding election shall meet and the members
19 of the committee shall nominate, by a majority vote of the members of the committee present,
20 provided that a majority of the elected members is present, two members of their party, residents
21 in that district, as nominees for reapportionment commissioners. Neither party shall select more
22 than one nominee from any one state legislative district. The congressional committees shall
23 each submit to the governor their list of elected nominees, **none of whom may be state public**
24 **employees or state officials at the time or during the tenure of appointment.** Within thirty
25 days the governor shall appoint a commission consisting of one name from each list to
26 reapportion the state into one hundred and sixty-three representative districts and to establish the
27 numbers and boundaries of said districts.

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

31 Members of the commission shall be disqualified from holding office as members of the
32 general assembly for [four] **six** years following the date of [the filing by the commission of its
33 final statement of apportionment] **their appointment to the commission by the governor.**

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

43 [The commissioners so selected shall] On the fifteenth day, excluding Sundays and
44 holidays, after all members have been selected, **the commissioners so selected shall** meet in the
45 capitol building and proceed to organize by electing from their number a [chairman] **chair**, vice
46 [chairman] **chair** and secretary and shall adopt an agenda establishing at least three hearing dates

47 on which hearings open to the public shall be held. A copy of the agenda shall be filed with the
48 clerk of the house of representatives within twenty-four hours after its adoption. Executive
49 meetings may be scheduled and held as often as the commission deems advisable.

50 [The commission shall reapportion the representatives by dividing the population of the
51 state by the number one hundred sixty-three and shall establish each district so that the
52 population of that district shall, as nearly as possible, equal that figure.

53 Each district shall be composed of contiguous territory as compact as may be.]

54 Not later than five months after the appointment of the commission, the commission shall
55 file with the secretary of state a tentative plan of apportionment and map of the proposed districts
56 and during the ensuing fifteen days shall hold [such] **no less than two** public hearings [as may
57 be necessary] to hear objections or testimony of interested persons.

58 Not later than six months after the appointment of the commission, the commission shall
59 file with the secretary of state a final statement of the numbers and the boundaries of the districts
60 together with a map of the districts, and no statement shall be valid unless approved by at least
61 seven-tenths of the members. **The reasons or grounds for the numbers and the boundaries
62 of the districts shall be reduced to writing and filed along with the final statement
63 submitted by the commission.**

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

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

79 No reapportionment shall be subject to the referendum.

2 [Section 5. The senate shall consist of thirty-four members elected by the
3 qualified voters of the respective districts for four years. For the election of
4 senators, the state shall be divided into convenient districts of contiguous
territory, as compact and nearly equal in population as may be.]

Section 7. **The senate shall consist of thirty-four members elected by the qualified voters of the respective districts for four years. For the election of senators, a commission shall reapportion the senatorial districts by dividing the population of the state by the number thirty-four and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure. Each district shall be composed of contiguous territory as compact as may be. No county lines shall be crossed except when necessary to add sufficient population to the remainder of a multidistrict county or city to complete only one district which lies partly within such multidistrict county or city so as to be as nearly equal as practicable in population. Any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multidistrict county.**

All meetings, executive meetings, actions, hearings, and business of any commission created under this section shall be open to the public, and all records of such commissions shall be available for periodic inspections. Such commissions shall be considered a public governmental body for purposes of, and subject to, any general law concerning public meetings and public records.

Within sixty days after the population of this state is reported to the President for each decennial census of the United States, and within sixty days after notification by the governor that a reapportionment has been invalidated by a court of competent jurisdiction, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, [and] **none of whom may be state public employees or state officials at the time or during the tenure of appointment. In making such nominations, each state committee shall give due consideration to the representation of the various geographical areas of that state.** Within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.

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

Members of the commission shall be disqualified from holding office as members of the general assembly for [four] **six** years following the date of [the filing by the commission of its final statement of apportionment] **their appointment to the commission by the governor.**

[The commissioners so selected shall] On the fifteenth day, excluding Sundays and holidays, after all members have been selected, **the commissioners so selected shall** meet in the capitol building and proceed to organize by electing from their number a [chairman] **chair**, vice

37 [chairman] **chair** and secretary and shall adopt an agenda establishing at least three hearing dates
38 on which hearings open to the public shall be held. A copy of the agenda shall be filed with the
39 secretary of the senate within twenty-four hours after its adoption. Executive meetings may be
40 scheduled and held as often as the commission deems advisable.

41 [The commission shall reapportion the senatorial districts by dividing the population of
42 the state by the number thirty-four and shall establish each district so that the population of that
43 district shall, as nearly as possible, equal that figure; no county lines shall be crossed except
44 when necessary to add sufficient population to a multi-district county or city to complete only
45 one district which lies partly within such multi-district county or city so as to be as nearly equal
46 as practicable in population. Any county with a population in excess of the quotient obtained
47 by dividing the population of the state by the number thirty-four is hereby declared to be a
48 multi-district county.]

49 Not later than five months after the appointment of the commission, the commission shall
50 file with the secretary of state a tentative plan of apportionment and map of the proposed districts
51 and during the ensuing fifteen days shall hold [such] **no less than two** public hearings [as may
52 be necessary] to hear objections or testimony of interested persons.

53 Not later than six months after the appointment of the commission, the commission shall
54 file with the secretary of state a final statement of the numbers and the boundaries of the districts
55 together with a map of the districts, and no statement shall be valid unless approved by at least
56 seven members. **The reasons or grounds for the numbers and the boundaries of the**
57 **districts shall be reduced to writing and filed along with the final statement submitted by**
58 **the commission.**

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

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

73 No reapportionment shall be subject to the referendum.

Section 10. The last decennial census of the United States shall be used in apportioning
2 representatives and determining the population of senatorial and representative districts. [Such
3 districts may be altered from time to time as public convenience may require.]

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