

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 87

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McCAHERTY (Sponsor) AND McNARY (Co-sponsor).

6237L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 2, 7, and 9 of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to legislative districts.

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Section A. Sections 2, 7, and 9, article III, Constitution of Missouri, are repealed and
2 three new sections adopted in lieu thereof, to be known as sections 2, 7, and 9, to read as follows:

Section 2. The house of representatives shall consist of one hundred sixty-three
2 members, **and, beginning with the ninety-eighth general assembly, one hundred one**
3 **members**, elected at each general election and apportioned in the following manner: Within
4 sixty days after the population of this state is reported to the President for each decennial census
5 of the United States and, in the event that a reapportionment has been invalidated by a court of
6 competent jurisdiction **or upon passage of an amendment altering the number of members**,
7 within sixty days after notification by the governor that such a ruling **or passage** has been made,
8 the congressional district committee of each of the two parties casting the highest vote for
9 governor at the last preceding election shall meet and the members of the committee shall
10 nominate, by a majority vote of the members of the committee present, provided that a majority
11 of the elected members is present, two members of their party **who are former members of the**

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.

12 **general assembly**, residents in that district, as nominees for reapportionment commissioners.
13 Neither party shall select more than one nominee from any one state legislative district. The
14 congressional committees shall each submit to the governor their list of elected nominees.
15 Within thirty 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 districts, **and**
17 **beginning with the ninety-eighth general assembly, one hundred one districts**, and to
18 establish the numbers and boundaries of said districts.

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

22 Members of the commission shall be disqualified from holding office as members of the
23 general assembly for four years following the date of the filing by the commission of its final
24 statement of apportionment.

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

34 The commissioners so selected shall on the fifteenth day, excluding Sundays and
35 holidays, after all members have been selected, meet in the capitol building and proceed to
36 organize by electing from their number a [chairman] **chair**, vice [chairman] **chair** and secretary
37 and shall adopt an agenda establishing at least three hearing dates on which hearings open to the
38 public shall be held. A copy of the agenda shall be filed with the clerk of the house of
39 representatives 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 representatives by dividing the population of the
42 state by the number one hundred sixty-three and shall establish each district so that the
43 population of that district shall, as nearly as possible, equal that figure.

44 Each district shall be composed of contiguous territory as compact as may be **and shall**
45 **follow existing county boundary lines as nearly as possible. In the event a county boundary**
46 **line must be crossed in order to meet the equal population and compactness requirements,**
47 **each remaining portion of such county shall be as nearly equal in population, utilizing a**

48 **horizontal and vertical measurement method, to insure as square-shaped a district, as may**
49 **be possible.**

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

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

58 After the statement is filed members of the house of representatives shall be elected
59 according to such districts until a reapportionment is made as herein provided, except that if the
60 statement is not filed within six months of the time fixed for the appointment of the commission,
61 it shall stand discharged and the house of representatives shall be apportioned by a commission
62 of six members appointed from among the judges of the appellate courts of the state of Missouri
63 by the state supreme court, a majority of whom shall sign and file its apportionment plan and
64 map with the secretary of state within ninety days of the date of the discharge of the
65 apportionment commission. Thereafter members of the house of representatives shall be elected
66 according to such districts until a reapportionment is made as herein provided. **Beginning with**
67 **the ninety-eighth general assembly, the compensation of each member shall be increased**
68 **proportionally based on the compensation budget for the house of representatives during**
69 **the ninety-seventh general assembly.**

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

74 No reapportionment shall be subject to the referendum.

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 **who**
7 **are former members of the general assembly**, and within thirty days thereafter the governor
8 shall appoint a commission of ten members, five from each list, to reapportion the thirty-four
9 senatorial districts and to establish the numbers and 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 the state by the number thirty-four and shall establish each district so that the population of that
24 district shall, as nearly as possible, equal that figure; no county lines shall be crossed except
25 when necessary to add sufficient population to a multi-district county or city to complete only
26 one district which lies partly within such multi-district county or city so as to be as nearly equal
27 as practicable in population. Any county with a population in excess of the quotient obtained
28 by dividing the population of the state by the number thirty-four is hereby declared to be a
29 multi-district county; **provided, however, that no county shall be divided into more than two**
30 **districts.**

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

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

39 After the statement is filed senators shall be elected according to such districts until a
40 reapportionment is made as herein provided, except that if the statement is not filed within six
41 months of the time fixed for the appointment of the commission, it shall stand discharged and
42 the senate shall be apportioned by a commission of six members appointed from among the
43 judges of the appellate courts of the state of Missouri by the state supreme court, a majority of
44 whom shall sign and file its apportionment plan and map with the secretary of state within ninety

45 days of the date of the discharge of the apportionment commission. Thereafter senators shall be
46 elected according to such districts until a reapportionment is made as herein provided.

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

51 No reapportionment shall be subject to the referendum.

Section 9. Until the convening of the [Seventy-fourth] **ninety-eighth** general assembly
2 the house of representatives shall consist of one hundred sixty-three members elected from the
3 one hundred sixty-three representative districts, as they existed [January 1, 1965] **during the**
4 **ninety-sixth general assembly. Beginning with the ninety-eighth general assembly, the**
5 **house of representatives shall consist of one hundred one members pursuant to section 2**
6 **of this article.**

✓