

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE JOINT RESOLUTION NO. 100

## 99TH GENERAL ASSEMBLY

6747H.04C

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 10 of article III of the Constitution of Missouri, and adopting three 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  
2 following the first Monday in November, 2018, 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Section A. Section 10, article III, Constitution of Missouri, is repealed and three new  
2 sections adopted in lieu thereof, to be known as sections 2(a), 10, and 10(a), to read as follows:

**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 this article. If the decennial  
4 census of the United States of America fails to provide an enumeration of the Missouri  
5 population of citizens, then a reliable estimate or estimated range provided by the United  
6 States Census Bureau or its successor or assigns, even if such estimate is not made as part  
7 of the decennial census, shall be used. If neither of these sources are available, the total  
8 population of the state as reported by the decennial census of the United States shall be the  
9 population of this state in making apportionments of the districts of the house of  
10 representatives and senate under sections 2, 5, 7, and 10 of this article.**

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.

Section 10. **Subject to the provisions of section 2(a) of this article**, the last decennial census of the United States shall be used in apportioning representatives and determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

**Section 10(a).** A reapportionment official shall accept no compensation or other thing of value for the performance of his or her official duties from any political committee, candidate, corporation, labor union, or private or public source other than the official compensation that is appropriated by the general assembly, as set forth in the remainder of this section. If funds are appropriated, all officials appointed as partisans shall be entitled to the compensation and expenses otherwise set forth in this constitution, and all officials appointed as nonpartisans, if any, shall be entitled to a compensation of double the rate for officials appointed as partisans, and expenses. If the general assembly has failed to make an appropriation of the full measure of funds allowed by this constitution, expressly identifying in the appropriation each reapportionment office to be funded and duties to be performed by each office, before the reapportionment start date, then the commissions for the reapportionment of the house of representatives and senate shall each meet and prepare plans of reapportionment in the manner and using the legal criteria set forth in the text of this article that was in effect on January 1, 2018, except as provided in sections 2(a) and 10 of this article, and the general assembly may make other provisions for compensation and costs of the members of each of the two commissions.

For purposes of this section, a reapportionment official is any person appointed under this article to reapportion districts in the senate or house of representatives, including but not limited to members of commissions and any other person whose official duty under this article requires that person to prepare a plan of reapportionment. A reapportionment office is each office held by a reapportionment official. The reapportionment start date is the date on which the population of this state is reported to the President for each decennial census of the United States, or in the event that a reapportionment has been invalidated by a court of competent jurisdiction, the date that such a ruling has been made. The provisions of this section and sections 2(a) and 10 of this article are self-executing. All of the provisions of this section, section 2(a), and section 10 are severable. If any provision of this section, section 2(a), and section 10 is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section, section 2(a), and section 10 shall be and remain valid.

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

3 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:

6       •     Require that only citizens of the United States of America be counted for  
7            apportioning general assembly districts;  
8       •     Control reapportionment officials' compensation; and  
9       •     Require officials to use certain reapportionment procedures and criteria in effect  
10           January 1, 2018, unless the legislature follows certain appropriations  
11           guidelines?".

Section C. Pursuant to section 116.155, and other applicable constitutional provisions  
2 and the laws of this state authorizing the general assembly to adopt a fiscal note summary for the  
3 submission of a 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 state  
6 and local governmental entities."

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